



Community and Economic Development Department

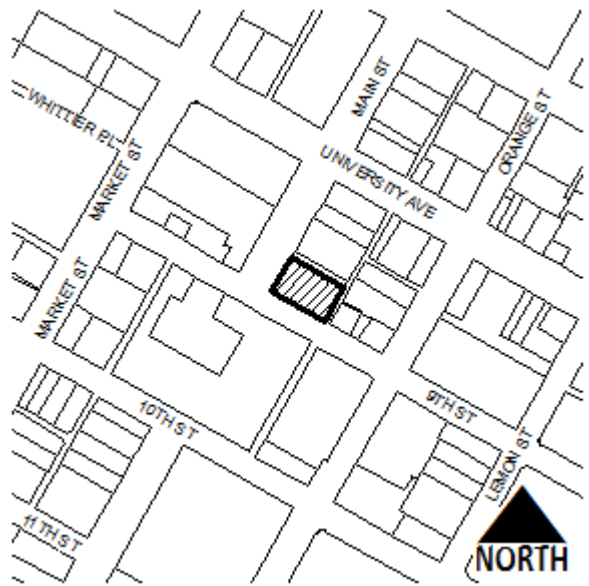
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Planning Division

PLANNING COMMISSION HEARING DATE: JULY 27, 2017

AGENDA ITEM NO.: 4

PROPOSED PROJECT

Case Numbers	P17-0452 (Amendment to Conditional Use Permit P16-0727)	
Request	To consider a modification of a previously-approved Conditional Use Permit (P16-0727) to permit a mixed-use development with a floor area ratio (FAR) greater than 3.0 in the Raincross District of the Downtown Specific Plan and the Mission Inn Historic District.	
Applicant	Rob Dodman, Ratkovich Properties	
Project Location	3870 Main Street, at the northeast corner of the Main Street Pedestrian Mall and Ninth Street.	
APN	213-301-009	
Project area	0.36 acres	
Ward	1	
Neighborhood	Downtown	
Specific Plan	Downtown Specific Plan – Raincross District	
General Plan Designation	DSP – Downtown Specific Plan	
Zoning Designation	DSP-RC-SP-CR – Downtown Specific Plan – Raincross District – Cultural Resources (Mission Inn Historic District) Overlay Zones	
Staff Planner	Matt Taylor, Assistant Planner; 951-826-5944; mtaylor@riversideca.gov	

RECOMMENDATIONS

Staff recommends that the City Planning Commission:

1. **DETERMINE** that this proposed project is exempt from the California Environmental Quality Act (CEQA) review pursuant to Section 15332, as the project constitutes in-fill development; and
2. **APPROVE** Planning Case: P17-0452 (Amendment to Conditional Use Permit P16-0727), based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions.

SITE BACKGROUND

The 0.36-acre project site is currently developed with a UC–Riverside-operated, 36-space surface parking lot with landscaping. The project site is bounded by the Main Street Pedestrian Mall on the west, Riverside City Hall across Ninth Street to the south, a public alley to the east, and a UC- Riverside-owned parcel containing underground utilities to the north.

On February 9, 2017, the Planning Commission approved this property to be developed with a mixed-use development consisting of 36 residential units, 6,795 square feet of commercial area, and 45 parking stalls, within a 5-story building. The approved entitlements include: a conditional use permit (P16-0727), to permit the construction of a mixed-use development with a residential density greater than 60 dwelling units per acre and a building height greater than 60 feet; and Variances (P16-0728 and P16-0729), to allow the building to encroach within the required side and rear yard setbacks and allow tandem parking spaces and fewer parking spaces than required by Code. A Certificate of Appropriateness (P16-0730) was approved by the Cultural Heritage Board on January 18, 2017 for the building elevations to ensure compatibility with the Mission Inn Historic District.

PROPOSAL

The applicant proposes to increase the gross floor area of a previously-approved mixed-use development by 1,402 square feet to allow the overall commercial space within the building to increase from 6,795 square feet to 8,197 square feet. The additional floor area is located primarily within a new second floor mezzanine area and is within the original building envelope, except for a 1 foot, 6 inch expansion of the building to the west along the Main Street Pedestrian Mall that results in a zero foot setback, as permitted by Code. The additional floor area will be used as additional leasable commercial space.

In conjunction with the increase in commercial area, the applicant proposes to reclassify 2,190 square feet of ground-floor commercial lease space, previously intended for future restaurant use, to office or retail use. All leasable commercial space within the modified project will thus be intended for future office or retail uses.

The applicant proposes no changes to the number of dwelling units, site design, number or configuration of on-site parking spaces or exterior building elevations, with the exception of the minor modification to the building setback along Main Street.

PROJECT ANALYSIS

Floor Area Ratio (FAR)

The proposed increase in commercial floor area results in an increase in total project floor area ratio (FAR) from 2.99 to 3.19. Mixed-use developments within the Mission Inn Historic District in the Raincross District of

the Downtown Specific Plan are allowed by-right with a maximum FAR of 3.0. Mixed-use projects with FAR above 3.0 are permitted with the granting of a Conditional Use Permit, provided that in no case a project's FAR exceed 4.5. For the purposes of calculating FAR, parking areas are not included in a project's total floor area.

The proposed FAR of 3.17 is consistent and compatible with development surrounding the project as well as recently approved projects within the Raincross District, ranging from 1.70 (Centerpointe at Market) to 4.47 (Stalder Plaza). Further, the additional commercial floor area is achieved without modifying the approved building design. Staff is therefore supportive of the proposed increased FAR as the project supports the purpose and intent of the Raincross District of the Downtown Specific Plan, and is consistent with the surrounding development.

Parking

The revised project would require 33 parking spaces for the commercial uses in accordance with the Downtown Specific Plan. This is a reduction from the 34 parking spaces required for the originally proposed mix of uses. As no parking spaces were originally proposed for the commercial uses, a Variance was granted to eliminate the requirement for on-site commercial parking. The proposed revision to the mix of commercial uses from office and restaurant to office-only or office and retail remains consistent with the factors analyzed in consideration of the approved variance and will in fact result in a lower overall parking demand for the project. Thus, although this revision increases the total commercial square footage within the project, the lower parking demand for office and retail uses as compared to restaurant uses offsets any need for additional commercial parking. Staff is therefore supportive of the proposed revised mix of uses.

<i>Authorization and Compliance Summary</i>			
	Consistent	Inconsistent	N/A
<i>General Plan 2025</i> The modified project will continue to be consistent with the underlying General Plan 2025 land use designation of DSP – Downtown Specific Plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Specific Plan</i> The project is located within the Raincross District of the Downtown Specific Plan and is consistent with the underlying General Plan Land use Designation. Within the Raincross District, mixed-use developments with a floor area ratio (FAR) above 3.0 and not greater than 4.5 are permitted subject to the approval of a Conditional Use Permit. The proposed FAR of 3.19 is consistent with similarly approved projects within the Raincross District as well as existing development in the area, and will contribute to a more active, 24-hour Downtown core. Staff supports the proposed FAR as modified project is consistent with the Goals and Policies of the Downtown Specific Plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Compliance with development standards for mixed use development in the Downtown Specific Plan – Raincross District</i> The modified project will continue to be consistent with the applicable mixed-use development standards in the Raincross District of the Downtown Specific Plan, and is consistent with the findings made in support of the previously approved parking and building setback variances.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<p>Compliance with Downtown Specific Plan General Design Standards and Guidelines and the Citywide Design & Sign Guidelines</p> <p>The revised project will continue to meet the objectives and guidelines of the Downtown Specific Plan General Design Standards and Guidelines (Chapter 15), Section 15.8 (Design Guidelines for Infill Construction in Commercial Historic Districts), the specific Design Standards and Guidelines for the Raincross District (Chapter 16, Section 16.6), and the Citywide Design & Sign Guidelines for new mixe-use development. The Cultural Heritage Board reviewed the project design and determined it is compatible with the Mission Inn Historic District on January 18, 2017.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS AND APPROVED PROJECT

Downtown Specific Plan – Raincross District – Mixed-Use Standards							
Standard		Proposed				Consistent	Inconsistent
FAR	3.0 (within Mission Inn Historic District); 4.5 with approval of CUP	3.19				<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Commercial					<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parking	Use	Original		Proposed			
	Restaurant 1 space/150 square feet	2,190 s.f. – 15 spaces	6,795 total s.f.	0 s.f.	8,197 total s.f.		
	Office 1 space/250 square feet*	4,605 s.f. – 19 spaces		8,197 s.f. – 33 spaces			
	Project Total	34 spaces required		33 spaces required			

*Ground-floor commercial lease area may alternatively be leased to retail uses as retail requires one parking space per 375 square feet of floor area, a lower parking requirement than office.

ENVIRONMENTAL REVIEW

The proposal is exempt from the California Environmental Quality Act (CEQA) review pursuant to Section 15332 of the CEQA Guidelines, as the project constitutes an in-fill development project.

NEIGHBORHOOD COMPATIBILITY

The modified project involves infill development and will continue to be compatible with surrounding commercial, office and residential land uses. The project in its revised form continues to demonstrate consistency with the goals and policies of the Downtown Specific Plan by providing development that supports existing retail, office and entertainment uses. The integration of commercial and residential uses in a pedestrian-friendly configuration is compatible with the surrounding development along the Main Street Pedestrian Mall. The proposed Floor Area Ratio is consistent with similar developments in the Raincross District of the Downtown Specific Plan.

PUBLIC NOTICE AND COMMENTS

Public hearing notices were mailed to property owners within 300 feet of the site. As of the writing of this report, no responses regarding this project have been received by Planning Staff

APPEAL INFORMATION

Actions by the City Planning Commission, including any environmental finding, may be appealed to the City Council within ten calendar days after the decision. Appeal filing and processing information may be obtained from the Planning Department Public Information Section, 3rd Floor, City Hall.

EXHIBITS LIST

1. Findings
2. Recommended Conditions of Approval
3. Aerial Photo/Location
4. Specific Plan/Zoning Map
5. Revised Project Plans (Floor Plans and Square Footage Comparison Tables)
6. Original Project Plans (For Reference)

Prepared by: Matthew Taylor, Assistant Planner

Reviewed by: Ted White, City Planner

Approved by: Rafael Guzman, Community & Economic Development Director



CITY OF RIVERSIDE

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

PLANNING DIVISION

EXHIBIT 1 –FINDINGS

PLANNING CASES: **P17-0452** (Amendment to Conditional Use Permit P16-0727)

STAFF RECOMMENDED FINDINGS

Conditional Use Permit

- a. The modified project is substantially compatible with other existing and proposed uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics and environmental impacts;
- b. The modified project will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area; and
- c. The modified project will be consistent with the purposes of the Zoning Code and the application of any required development standards is in the furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest. (Ord. 7331 §111, 2016; Ord. 6966 §1, 2007)



EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

Meeting Date: July 27, 2017

Case Number: **P17-0452** (Amendment to Conditional Use Permit P16-0727)

CONDITIONS

The applicant is advised that the business or use for which this conditional use permit is granted cannot be legally conducted on the subject property until all conditions of approval have been met to the approval of the Community Development Department, Planning Division.

Case Specific

• **Planning**

1. All applicable conditions of related Planning Cases P16-0727 (Conditional Use Permit), P16-0728 (Variance), P16-0729 (Variance) and P16-0730 (Certificate of Appropriateness) shall apply.
2. Plans shall conform to the exhibits attached to this report. Proposed modifications to the approved design shall be submitted to the Planning Division and shall include revised exhibits and a narrative description of the proposed modifications. The applicant is advised that an additional application and fee may be required. Additional review by Historic Preservation staff and/or the Cultural Heritage Board may also be required.

Standard Conditions

Planning

1. There shall be a two-year time limit in which to commence construction of the project beginning the day following approval by the Planning Commission unless a public hearing is held by City Council; in that event the time limit begins the day following City Council approval.
2. Within 30 days of approval of this case by the City, the developer shall execute an agreement approved by the City Attorney's Office to defend, indemnify, including reimbursement, and hold harmless the City of Riverside, its agents, officers and employees from any claim, action, or proceeding against the City of Riverside, its agents, officers, or employees to attack, set aside, void, or annul, an approval by the City's advisory agency, appeal board, or legislative body concerning this approval, which action is brought within the time period provided for in Section 66499.37 of the Government Code. The City will promptly notify the developer of any such claim; action or proceeding and the City will cooperate in the defense of the proceeding.

3. This project shall fully and continually comply with all applicable conditions of approval, State, Federal and local laws in effect at the time the permit is approved and exercised and which may become effective and applicable thereafter, and in accordance with the terms contained within the staff report and all testimony regarding this case. Failure to do so will be grounds for Code Enforcement action, revocation or further legal action.
4. This use permit may be modified or revoked by the City Planning Commission or the City Council should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to public safety, property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
5. The applicant shall cooperate with the Riverside Police Department (RPD) in the enforcement of all laws relating to this permit. Material violation, as determined by the City Planning Commission, of any laws in connection with this use or failure to cooperate with RPD will be cause for revocation of this permit.
6. This permit is issued based upon the plans and information submitted by the applicant, which has been used as the basis for evaluation of the proposed use in this staff report and for the conditions of approval herein. Permittee shall notify Community Development Department, Planning Division, of any change in operations and such change may require a revision to this permit. Failure to notify the city of any change in operations is material grounds for revocation of this conditional use permit.
7. The applicant herein of the project subject to this conditional use permit acknowledges all of the conditions imposed and accepts this permit subject to those conditions and with the full awareness of the provisions of Title 19 of the Riverside Municipal Code. The applicant shall inform all its employees and future operators of the business subject to this permit of the restrictions and conditions of this permit as they apply to the business operations.
8. Failure to abide by all conditions of this permit shall be cause for revocation.
9. The subject property shall be developed and operated substantially as described in the text of this report and as shown on the plot plan on file with this case except for any specific modifications that may be required by these conditions of approval.
10. Enumeration of the conditions herein shall not exclude or excuse compliance with all applicable rules and regulations in effect at the time this permit is exercised.