



**PLANNING COMMISSION HEARING DATE: OCTOBER 15, 2020  
AGENDA ITEM NO.: 5**

**PROPOSED PROJECT**

<i>Case Numbers</i>	<b>P20-0239</b> (Conditional Use Permit) <b>P20-0407</b> (Variance) <b>P20-0408</b> (Variance)	
<i>Request</i>	To consider the following entitlements: 1) Conditional Use Permit to permit the conversion of four existing office buildings into eight multi-family residential units; 2) Variance to allow a greater density than permitted in the Downtown Specific Plan; and 3) Variance to allow no private open space.	
<i>Applicant</i>	Xavier Design Group	
<i>Project Location</i>	4061 Mission Inn Avenue, situated on the north side of Mission Inn Avenue, between Chestnut Street and Brockton Avenue	
<i>APN</i>	214-211-006	
<i>Project area</i>	0.36-acre	
<i>Ward</i>	1	
<i>Neighborhood</i>	Downtown	
<i>Specific Plan</i>	Downtown Specific Plan	
<i>General Plan Designation</i>	Downtown Specific Plan	
<i>Zoning Designation</i>	DSP- NC-SP - Downtown Specific Plan - Neighborhood Commercial District	
<i>Staff Planner</i>	Danielle Harper-Scott, Assistant Planner 951-826-5933 dharper-scott@riversideca.gov	

## RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **DETERMINE** that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301 (Existing Facilities) and 15332 (In-Fill Development Projects) of the CEQA Guidelines, as the project will not have a significant effect on the environment; and
2. **APPROVE** Planning Cases P20-0239 (Conditional Use Permit), P20-0407 (Variance), and P20-0408 (Variance) based on the findings (Exhibit 1) outlined in the staff report and summarized in the attached findings and subject to the recommended conditions (Exhibit 2).

## SITE BACKGROUND

The 0.36-acre project site is currently developed with four single-story office buildings, two accessory structures, a surface parking lot and an approximately 2,800 square foot central garden courtyard. Surrounding land uses include a restaurant to the south across Mission Inn Avenue, a multi-family residence to the north, townhomes to the east, and a live-work development to the west (Exhibit 3).

The existing buildings were constructed in 1923 as an 8-unit residential bungalow development. In 1947, the residential units were converted into four office spaces and used until 2020. The buildings are currently vacant.

The project site is located within the Seventh Street Historic District. An Administrative Certificate of Appropriateness application (Planning Case P20-0240) has been submitted and reviewed by the Historic Preservation Officer for minor exterior modifications. The proposed exterior modifications include like-for-like window and door replacements, fence and wall materials, carport elevations, and the demolition of an existing 500 square-foot storage structure.

## PROPOSAL

The Applicant is requesting approval of a Conditional Use Permit (CUP) to convert four existing office buildings into eight multi-family residential units. The proposal consists of constructing a demising wall within each of the four buildings to create a total of eight residential units. The proposed unit's range in size from 535 to 552 square feet. Each unit will include a kitchen, dining area, living area, a bathroom, one bedroom, and a walk-in closet.

The proposed project will provide 1,566 square-feet of new common usable open space towards the northeast portion of the property. The common amenity area will include a new 942 square-foot outdoor gathering area, furnished with outdoor seating and BBQ grills. In addition, the applicant proposes to convert an existing 624 square-foot garage into a club house.

Vehicular access to the site will remain from an existing alley that extends from Chestnut Street to Brockton Avenue. Parking consists of 11 covered parking spaces under a carport and 1 uncovered parking space. Parking is proposed to be gated by a 6-foot high wrought iron fence and rolling gate along the alley.

Two Variances have been requested by the applicant: 1) to allow a residential density of 22.2 units per acre where the Neighborhood Commercial District allows 20 dwelling units an acre; and 2) to allow the proposed project to provide no private open space, where the Neighborhood Commercial District of the Downtown Specific Plan requires each unit to provide 50 square-feet.

## PROJECT ANALYSIS

### Authorization and Compliance Summary

	Consistent	Inconsistent
<p><b>General Plan 2025</b></p> <p>The proposed project is consistent with the underlying General Plan 2025 land use designation of DSP – Downtown Specific Plan (Exhibit 4). The proposed project will further the intent of the General Plan by facilitating the diversification of housing options in the Downtown core (Policy LU-48.6):</p> <ul style="list-style-type: none"> <li>• <u>Policy LU-48.6</u>: Provide a variety of housing options, including medium- and high-density apartments and condominiums, live/work loft space and mixed-use buildings with significant residential components.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Downtown Specific Plan – Neighborhood Commercial District</b></p> <p>The proposed project site is located within the Neighborhood Commercial District of the Downtown Specific Plan which permits multi-family residential developments subject to the granting of a CUP (Exhibit 5). The proposed project is consistent with the goals and policies of the Downtown Specific Plan,</p> <ul style="list-style-type: none"> <li>• <u>Goal LU-1</u>: To provide land use opportunities for Downtown to serve as the region's cultural, governmental, arts, and entertainment center with unique and interrelated districts offering a wide range of opportunities for residential lifestyles, work environments, shopping, entertainment, learning, culture, and the arts.</li> <li>• <u>Policy LU-10</u>: Encourage the establishment of a vibrant mix of uses that will serve the needs of both residents and visitors and will help create a vibrant daytime, evening, and weekend environment.</li> <li>• <u>Policy H-1-1</u>: Provide a variety of housing options, including medium and high-density apartments and condominiums, live/work loft space, and mixed-use buildings.</li> </ul> <p>The Downtown Specific Plan allows for consideration of Variances to deviate from the development standards. The applicant requested two variances to allow for an increase in density and a reduction in the required private open space.</p> <p>If the proposed Variances are granted, the proposed project would meet all the development standards for a multi-family development in the Market Street Gateway District of the Downtown Specific Plan.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Zoning Code Land Use Consistency (Title 19)</b></p> <p>The Downtown Specific Plan defers to the Zoning Code for parking requirements for multiple-family development. The proposed project is providing 12 parking spaces, where 12 are required. Parking is consistent with the parking development standards of the Zoning Code.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

<i>Downtown Specific Plan – Neighborhood Commercial District Multiple-family Residential Standards</i>				
Standard		Proposed	Consistent	Inconsistent
<i>Maximum Density</i>	20 units per acre	22.2 units per acre	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Open Space</i>	Common: 20 percent of site area (developments with ≥ 10 dwelling units)	0 square-foot	4,366 square-feet (2,800SF Existing Courtyard, 1,566SF New Amenity Area)	<input checked="" type="checkbox"/>
	Private: 50 square-feet per unit	50 square-feet per unit	0 square-feet per unit	<input checked="" type="checkbox"/>

<i>Zoning Code Chapter 19.580 – Parking and Loading</i>					
Standard		Required	Proposed	Consistent	Inconsistent
<i>Parking</i>	1.5 spaces per 1-bedroom unit	8 units – 12 spaces	12 spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Covered Parking</i>	75 percent of the total required spaces	9 spaces	11 spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## FINDINGS SUMMARY

### *Conditional Use Permit*

The proposed project is surrounded by commercial, office and residential land uses. The proposed project is compatible with the surrounding neighborhood by providing additional housing opportunities with surrounding neighborhood serving commercial development. With the granting of the proposed variances, the proposal meets the development standards for the Neighborhood Commercial District as well as the provisions of the Zoning Code (Title 19). The proposed project will not be detrimental to the health, safety, or general welfare of the public or surrounding area, and will provide housing opportunities for residences of Riverside. For the reasons stated above, staff can support the proposed Conditional Use Permit.

### *Variance*

The Neighborhood Commercial District of the Downtown Specific Plan establishes a residential density of 20 dwelling units per acre for multi-family residential projects and a minimum 50 square-feet of private open space per unit. The proposed project is proposing 22.2 dwelling units an acre and no private open space for the units.

The applicant has prepared justification findings (Exhibit 6) in support of the Variance request. In addition, staff prepared supplemental justification findings in support of the Variances (Exhibit 1) based on the original number of units and the unique bungalow court design as constructed in 1923.

## ENVIRONMENTAL REVIEW

This proposal is exempt from California Environmental Quality Act (CEQA) review pursuant to Sections 15332 and 15301, as the proposed project constitutes an in-fill development and an existing facility.

## 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, Staff has received one letter in support of the proposal to convert the existing offices to residential units (Exhibit 9)

## 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. Staff Recommended Findings
2. Staff Recommended Conditions of Approval
3. Location Map
4. General Plan Map
5. Zoning Map
6. Applicant Prepared Justifications
7. Project Plans (Site Plans, Landscape Plan, Floor Plans, and Building Elevations)
8. Existing Site Photos
9. Comment Letters

---

Prepared by: Danielle Harper-Scott, Assistant Planner

Reviewed by: Patricia Brenes, Principal Planner and Brian Norton, Senior Planner

Approved by: Mary Kopaskie-Brown, City Planner



**EXHIBIT 1 – STAFF RECOMMENDED FINDINGS**

**PLANNING CASES:** P19-0239 (Conditional Use Permit)  
P20-0407 (Variance)  
P20-0408 (Variance)

***Conditional Use Permit Findings pursuant to Chapter 19.760.040***

- A. The proposed multi-family development is substantially compatible with other existing and proposed uses in the area, including the nature of its location, operation, building design, site design, traffic characteristics and environmental impacts;
- B. The proposed multi-family development 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 proposed multi-family development 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.

***Variance Findings pursuant to Chapter 19.720.040***

**Variance A:** Variance to allow 22.2 dwelling units per acre where 20 units per acre is allowed in the Downtown Specific Plan – Neighborhood Commercial District; and

**Variance B:** To allow no private open space, where 50 square feet per unit is required in the Downtown Specific Plan – Neighborhood Commercial District.

- A. The strict application of the provisions of the Zoning Regulations would result in practical difficulties or unnecessary hardships in the development of this property.

**Variance A:** The proposed project **complies** with this finding. The strict application of the provisions of the Specific Plan restricts density to a maximum of 20 units per acre in the Neighborhood Commercial District. The project site was originally constructed in 1923 as an eight-unit multi-family bungalow development with a central garden courtyard. Strict application of the Neighborhood Commercial District would require the project to reduce the unit count to seven, resulting in a loss of housing opportunities. As proposed, staff supports the requested variance, as the proposed density is consistent with the original development and will facilitate additional housing opportunities for the residences of Riverside.

**Variance B:** The proposed project **complies** with this finding. Strict application of the Downtown Specific Plan would require the development to provide 50 square-feet of private open space per unit. Because the site is already developed, compliance with the strict application of the Downtown Specific Plan would require the applicant to make significant site modifications that would impact building access and pedestrian circulation within the established bungalow courtyard area. To compensate for the private open space requirement, the project proposes to incorporate 1,566 square-feet of additional common usable open space into the northeast portion of the site as a place for residence and visitors to gather. Staff supports the requested variance, as the project provides an ample amount of common open space in substitution of the required private open space.

- B. There are exceptional circumstances or conditions applicable to this property or to the intended use or development of this property, which do not apply generally to other property in the same zone or neighborhood.

**Variance A & B:** The proposed project complies with this finding. As previously mentioned, the project site was developed as an eight-unit multi-family bungalow court. While the project site was originally developed without private open space, the existing development provides a bungalow court and central garden area that serves as a scenic open space amenity that can be enjoyed by all residences. The project site was designed and constructed with adequate vehicular and pedestrian access and circulation. There are exceptional circumstances applicable to this property that do not generally apply to other properties in the same zone or neighborhood, as the applicant is proposing to convert the site back to its original intended 1923 use as residential.

- C. The granting of this request will not prove materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located.

**Variance A:** The proposed project **complies** with this finding. The eight-unit residential development is compatible with surrounding commercial, office and residential land uses. In addition, the project demonstrates consistency with the goals and policies of the Downtown Specific Plan by providing a development that supports existing commercial, office, and entertainment uses. Staff supports the requested variance, as the multi-family development is similar in nature to existing developments in the Downtown and will not prove materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

**Variance B:** The proposed project **complies** with this finding. Allowing the project site to provide no private open space will not prove materially detrimental to the public welfare or injurious to the property. Compliance with the private open space requirement could significantly alter the historic nature of the existing buildings and the central garden courtyard. To compensate for the private open space requirement, an additional 1,566 square feet of common open space amenities have been designed into the project to provide gathering spaces so the original central garden design and pedestrian access and circulation throughout the site is not disrupted. The proposed common open space allows the project site to maintain the intended level of privacy for the residences and does not require any alterations to the historic buildings. As proposed, staff supports the requested variance as the proposal will allow for an open space area with functional amenities, while ensuring a safe recreation area for the enjoyment of the residence.

- D. The granting of this request will not be contrary to the objectives of the General Plan.

**Variance A & B:** The proposed project **complies** with this finding. The granting of the proposed variances will facilitate a multi-family development which furthers Objective H-2 of the Housing Element - to provide adequate diversity in housing types and affordability levels to accommodate housing needs of Riverside residents, encourage economic development and sustainability, and promote an inclusive community.



*EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL*

**RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES**

**PLANNING CASES:** P19-0239 (Conditional Use Permit)  
P20-0407 (Variance)  
P20-0408 (Variance)

**Case Specific**

• **Planning**

1. All applicable conditions of related Planning Case P19-0240 (Certificate of Appropriateness) shall apply.
2. The subject property shall be developed and operated substantially as described in the text of this report and as shown on the plot plan and floor plan on file with this case except for any specific modifications that may be required by these conditions of approval. Changes to the approved design will require further review by the Planning Division; a new application and filing fee may be required.
3. Advisory: Signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. A separate sign application and fees will be required prior to permit issuance.

Prior to Building Permit Issuance:

4. Landscaping and Irrigation plans shall be submitted for Planning Staff review if new landscaping exceeds 2,500 square feet. Design modifications may be required as deemed necessary. Separate applications and filing fees may be required.
5. Plans submitted for staff review should specify the location, design and color of all domestic water meters, backflow preventers and utility cabinets subject to the Planning and Public Utilities review and approval. The visibility of such facilities shall be minimized to Planning Division review and approval through means including but not limited to relocation, berms, landscaping, and/or installation of a screen wall.
6. Ground mounted utility and mechanical equipment shall be fully screened from the public right-of-way.
7. Photometric/Lighting Plan: An exterior lighting plan shall be submitted to staff for review and approval. A photometric study and manufacturer's cut sheets of all exterior lighting on the building, in the landscaped areas and in the parking lot shall be submitted with the exterior lighting plan. All on-site lighting shall provide a minimum intensity of one foot-candle and a maximum of ten foot-candles at ground level throughout the areas serving the public and used for parking, with a ratio of average light to minimum light of four to one (4:1). The light sources shall be shielded to minimize off-site glare, shall not direct light skyward and shall be directed away from adjacent properties and public rights-of-ways. If lights are proposed to be mounted on buildings, down-lights shall be utilized. Light poles shall not exceed fourteen (14) feet in height, including the height of any concrete or other base material.
8. All walls shall consist of decorative material and shall be finished with a decorative cap.



*Prior to Release of Utilities and/or Occupancy:*

9. The project shall participate in the Crime Free Multi-Housing Program, or its successor equivalent, by contacting the Riverside Police Department.
10. Install the landscape and irrigation per the approved plans and submit the completed "Certificate of Substantial Completion" (Appendix C of the water Efficient Landscaping and Irrigation Ordinance Summary and Design Manual) signed by the Designer/auditor responsible for the project. Contact the case planner to schedule the final inspection at least one week prior to needing the release of utilities.

*Operational Conditions*

11. The applicant shall be responsible for maintaining free of litter, the area adjacent to the premises over which they have control.
12. A copy of the Conditional Use Permit and the final Conditions of Approval shall be available at the site and presented to City staff, including the Police Department and Code Enforcement, upon request. Failure to have the latest approved conditions available upon request will be grounds for revocation.
13. The owner and/or occupant shall be liable for the cost of excessive police service or response in accordance with Chapter 9.60 of the Riverside Municipal Code.
14. Provisions shall be made for regular on-site maintenance and clean-up of the property.

*Standard Conditions:*

15. There shall be a one-year time limit in which to commence 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.
16. The Conditional Use Permit may be granted time extensions by the Community & Economic Development Director, or their designee, up to a total of five years beyond the original approval expiration date prior to issuance of any building permits. At the exhaustion of Community & Economic Development Director approved extensions, the original Approving or Appeal Authority may grant one final permit extension of up to two years following a public hearing noticed pursuant to Section 19.670.030 (Notice of Hearing for Discretionary Actions Requiring a Public Hearing). A public hearing notification fee is required of the applicant in such case in addition to a time extension fee. Once a building permit has been issued, the development will be considered vested and time extensions are no longer needed.
17. Prior to October 15, 2021, if building permits have not been obtained, a time extension request shall be submitted to the Planning Division. The request shall include a letter stating the reasons for the extension of time and associated fee shall be submitted to the Planning Division. PLEASE BE ADVISED THAT THE APPLICANT WILL NOT BE NOTIFIED BY THE PLANNING DIVISION ABOUT THE PENDING EXPIRATION OF THE SUBJECT ENTITLEMENT.
18. Enumeration of the conditions herein shall not exclude or excuse compliance with all applicable rules and regulations in effect at the time this Conditional Use Permit is exercised.
19. The project must be completed per the Conditional Use Permit approved by the Planning Commission, including all conditions listed in this report. Any substantial changes to the project must be approved by the Planning Commission or minor modifications by the Community & Economic Development Director or designee. Upon completion of the project, an inspection must be requested, and UTILITIES will not be released until it is confirmed that the approved plans and all conditions have been implemented.

20. 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.
21. 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 satisfaction of the Planning Division.
22. The 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.
23. The use permit may be modified or revoked by the City Planning Commission or the City Council should they determine that the proposed use 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.
24. This Conditional Use Permit is issued based upon the business operations plan 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 the Conditional Use Permit. Failure to notify the city of any change in operations is material grounds for revocation of this Conditional Use Permit.
25. The applicant herein of the business 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 Conditional Use Permit of the restrictions and conditions of this permit as they apply to the business operations.
26. Failure to abide by all conditions of this Conditional Use Permit shall be cause for revocation.
27. The plans shall be submitted for plan check review to assure that all required conditions have been met prior to exercising of this Conditional Use Permit.

- **Public Works**

28. Deed for widening adjacent alley along project frontage to 10' from monument centerline to Public Works specifications. Offer of dedication is acceptable for portion of project frontage which is adjacent to existing building.
29. Paving of adjacent alley to Public Works standards and specifications.
30. On all plans, provide linear footage labels along all parcel lines. 24" box size Celtis sinensis required in the PUBLIC RIGHT-OF-WAY. Tree inspector to determine precise location at time

of site inspection after fine grading and hardscape installation complete. Planting, staking, irrigation, root barriers to Landscape & Forestry specifications

31. Provide Trash Enclosure per Public Works standards and specifications. One bin for recycling and one for solid waste. No Tandem enclosures allowed.
32. Installation of sewer lateral to serve this project to Public Works specifications. If existing lateral to be utilized, a video inspection will be required to be approved by Public Works prior to connection.

- **Fire Department**

33. If the building is equipped with an existing fire sprinkler, fire alarm, fixed extinguishing system, standpipes or any other type of fire protection systems that are required by the California Fire Code, California Building Code or City Ordinance, these systems shall be maintained and extended if necessary to provide proper coverage of structures. Plans shall be submitted by a California Licensed contractor, under separate cover to the fire department and obtain approvals prior to any work on such systems.

Note - All existing fire alarm systems and fire sprinkler water flow monitoring systems that are currently certificated UL, FM placard or ETL shall be maintained for the life of the system. The fire alarm contractor shall be UL, FM or ETL to maintain the certification or placard of the system.

34. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
35. Construction plans shall be submitted and permitted prior to construction.
36. Fire Department access shall be maintained during all phases of construction.

- **Parks, Recreation & Community Services**

37. Developer shall make payment of all applicable Park Development Impact Fees (local, aquatic, regional/reserve and trail fees) for privately developed area