

Revised Variance Findings

Variances Justification Findings Pursuant to Chapter 19.720.040

Variance A: To allow the proposed hotel building to encroach 14 feet into the required 15-foot front yard setback along Mission Inn Avenue; and

Variance B: To allow 144 parking spaces to serve the hotel use, where 226 parking spaces are required by the Code.

1. *The strict application of the provisions of the Zoning Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code.*

Variance A: The proposal **complies** with this finding. The Downtown Specific Plan ("Specific Plan") provides the zoning for the project site. Among other things, the purpose of the Specific Plan is to encourage, classify, designate, regulate, restrict and segregate the highest and best location and use of buildings, structures and land uses; to regulate and limit the height, number of stories and size of buildings and other structures hereafter erected or altered; to regulate and determine the size of yards and other open spaces; to regulate and limit the density of population; and to divide the City into zones of such number, shape and area as may be deemed best suited to carry out these regulations and provide for their enforcement. The Specific Plan is also intended to provide land use opportunities for Downtown that 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. (See Goal LU-1). Within the Raincross District (where the project site is located), the Specific Plan also envisions projects that emphasize new and infill construction that is compatible with the historic structures that give Downtown its unique identity. (See Policy LU 1.1). Collectively, the foregoing promote the public health, safety, and general welfare while also ensuring that development occurs in accordance with specified goals and standards.

The proposed project and location of the project site present very unique circumstances. The proposed project differs from a standard development project as a component of the project includes the adaptive reuse of the former Central Fire Station—which is an existing onsite structure that was built in 1957 and is listed in the California Register of Historic Resources. Because the project includes the adaptive reuse of a historic structure, the Specific Plan provides that the facades of new structures should maintain the setback of existing historic structures along the street front. (See Specific Plan, at § 15.8.1). Due to the adjacency of the historic fire station and the applicable Secretary of the Interior's Standards for the Treatment of Historic Properties, the new hotel building replicates the building placement in relationship to the public right of way along Mission Inn Avenue. The historic fire station actually encroaches into the public right of way in two locations; the first is at the corner of Lime Street and Mission Inn Avenue where the building wing wall encroaches approximately 18" into the right of way, and the second is the second floor overhang that encroaches approximately 5' into the Mission Inn Right of Way. The strict application of the provisions of the Zoning Code relating to setbacks would thus result in unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code as it would conflict with the Specific Plan's policy that new structures should maintain the setback of existing historic structures and comply with the applicable Secretary of the Interior's Standards for the Treatment of Historic Properties.

Moreover, surrounding properties do not all comply with the 15' setback as the 15' setback is contrary to the historical development pattern established in the area. For example, there are two existing parking lots where the proposed hotel footprint is envisioned. The first is the parking

for the fire station and the second is Lot 27, the City's former public parking lot. The development pattern of encroaching into the 15' setback was established long ago in this block by allowing parking spaces, curbs, asphalt, signage & striping, parking meters, lighting, fencing and other improvements within this area. Additionally, there are numerous other local and national historic landmarks in the Raincross District with zero or reduced front yard setbacks, including the Mission Inn Hotel and Spa, Fox Theater, Stalder Building, Post Office, and the Loring Building. The project's proposed front yard setback will be consistent with established reduced front yard setbacks and contribute to the District's unique sense of identity.

Given the unique nature of the project site and the project itself, a variety of unnecessary hardships would occur if the Code's 15-foot front yard setback applied. Along Mission Inn Avenue, the existing Central Fire Station sets the development pattern for the street. The Central Fire Station does not have a 15-foot front yard setback. Thus, in order for the project to comply with the Specific Plan, the hotel must encroach into the 15-foot front yard setback if it is to match the existing setback established by the historic fire station. Collectively, the foregoing demonstrates the unnecessary hardships that would result if the 15-foot front yard setback requirement applied to this project. Such unnecessary hardships are inconsistent with the purpose and intent of the Specific Plan for a variety of reasons, including:

- Imposing a 15-foot front yard setback on the proposed hotel would result in the hotel having a different front-yard setback than the historic fire station, thus conflicting with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- This would be inconsistent with Specific Plan section 15.8.1, which provides that the facades of new structures in commercial areas should maintain the setback of existing historic structures along the street front.
- Specific Plan Policy LU 1.1 envisions projects that emphasize new and infill construction that are compatible with the historic structures that give Downtown its unique identity. Imposing a 15 foot front-yard setback on the hotel when such a setback does not apply to the adjacent historic fire station is inconsistent with Policy LU 1.1's goal that new construction be compatible with existing historic structures.

Based on the above findings, staff finds that the strict application of the provisions of the Downtown Specific Plan would result in unnecessary hardships inconsistent with the general purpose and intent of the Specific Plan.

Variance B: The proposal **complies** with this finding. The Downtown Specific Plan ("Specific Plan") provides the zoning for the project site. The purpose of the Specific Plan is to encourage, classify, designate, regulate, restrict and segregate the highest and best location and use of buildings, structures and land uses; to regulate and limit the height, number of stories and size of buildings and other structures hereafter erected or altered; to regulate and determine the size of yards and other open spaces; to regulate and limit the density of population; and to divide the City into zones of such number, shape and area as may be deemed best suited to carry out these regulations and provide for their enforcement. The Specific Plan is also intended to provide land use opportunities for Downtown that 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. (See Goal LU-1). In conjunction with Goal LU-1, the Specific Plan also is intended to promote the expansion of the convention center and related hotel uses to support increased convention and tourist activity. (See Policy LU-11).

Collectively, the foregoing promote the public health, safety, and general welfare while also ensuring that development occurs in accordance with specified goals and standards.

The proposed project and location of the project site present very unique circumstances. The project site is only 0.95 acres in size and is surrounded by public right-of-ways. An existing public alley separates the project site from the southern adjacent uses. The project site's frontage is on the southern side of Mission Inn Avenue, eastern side of Lemon Street and western side of Lime Street. The proposed project differs from a standard development project as a component of the project includes the adaptive reuse of former Central Fire Station—which is an existing onsite structure that was built in 1957 and is listed in the California Register of Historic Resources.

Given the unique nature of the project site and the project itself, a variety of practical difficulties and unnecessary hardships would occur if the Code's standard parking requirements applied—which would require a total of 226 parking spaces to serve the hotel use. Requiring 226 parking spaces would result in an additional 82 parking spaces being added to the project (226 [standard parking requirement] - 144 [proposed project's hotel parking] = 82). As an initial matter, application of the Code's standard parking requirements would result in the project being "over parked." A parking study prepared for the project establishes that a total of 106 parking spaces on a weekday and 117 parking spaces on a weekend would be the peak parking demand for the proposed hotel. (Trames Solutions Inc. Parking Study, at pp. 1-55.) The hardship imposed by application of the Code's standard parking requirements is therefore unnecessary. The hardships that would occur are exacerbated by the unique characteristics of the project site, which make digging an additional level to the subterranean parking structure infeasible. This is due to issues of excavating at greater depths in the proximity of fragile buildings, and historic ground water elevations.

Collectively, the foregoing demonstrates the practical difficulties and unnecessary hardships that would result if the standard parking requirements applied to this project. Such practical difficulties and unnecessary hardships are inconsistent with the purpose and intent of the Specific Plan. For example, Specific Plan Goal LU-1 seeks to provide land use opportunities for downtown that 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. The City has, for years, tried to find a user for the project site to facilitate its development as a component of a vibrant and diverse downtown core. Imposing the standard parking requirements threatens the viability of the project and would also result in fewer hotel guest rooms and a smaller hotel footprint—all of which would frustrate the project and would be inconsistent with developing a vibrant downtown core in accordance with Specific Plan Goal LU-1. Imposing the standard parking requirement would also be inconsistent with Policy LU-11, which seeks to promote the expansion of the convention center and related hotel uses to support increased convention and tourist activity.

Based on the above findings, staff finds that the strict application of the provisions of the Downtown Specific Plan would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Specific Plan.

2. *There are special circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the vicinity and under the identical zoning classification.*

Variance A: The proposal **complies** with this finding. Site-specific characteristics that differentiate the project site from other neighboring properties, include (1) the presence of the former Central Fire Station (a structure listed on the California Register of Historic Resources)

and (2) the site being surrounded on all sides by public right-of-ways (the project site abuts an alley in the rear and streets on the sides and front of the property). Within the context of the required 15-foot front yard setback, the foregoing implicates special circumstances that are unique to the project site as (1) the Specific Plan provides that the facades of new structures (i.e., the hotel) maintain the setback of existing historic structures (i.e., the former Central Fire Station) along the street front (for obvious reasons, the historic fire station cannot be moved back from the street); and (2) there is not an opportunity to acquire additional property to provide the required 15-foot front yard setback. For these reasons, there are special circumstances applicable to the project site and its intended use/development that do not apply generally to other neighboring properties under the identical zoning classification.

Also worth noting is the fact that the development standards for the Raincross District are designed to create a place of daytime, evening, and weekend activity by providing a high activity pedestrian environment with a storefront emphasis at the street level. The requirement for a 15-foot front yard setback is contrary to the desired character and unique sense of identity for this District. Within the Raincross District, there are numerous local and national historic landmarks with zero or reduced front yard setbacks, including the Mission Inn Hotel and Spa, Fox Theater, Stalder Building, Post Office, Loring Building, and the former Central Fire Station. The project's proposed front yard setback will be consistent with established reduced front yard setbacks and contribute to the District's unique sense of identity.

Based on the above findings, staff finds that there are special circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the vicinity and under the identical zoning classification.

Variance B: The proposal **complies** with this finding. Site-specific characteristics that differentiate the project site from other neighboring properties, include (1) the presence of the former Central Fire Station (a structure listed on the California Register of Historic Resources) and (2) the site being surrounded on all sides by public right-of-ways (the project site abuts an alley in the rear and streets on the sides and front of the property). Imposing the code's standard parking requirements in this case implicates special circumstances that do not apply to other properties in the vicinity because the City's parking code for hotels does not contemplate an urban mixed-use site which is significantly different than a suburban hotel. Indeed, a parking study prepared for the project demonstrates that imposing the code's standard parking requirement would result in the project being "over parked." The parking study's analysis indicates that a total of 106 parking spaces on a weekday and 117 parking spaces on a weekend would be the peak parking demand for the proposed project. (*Id.*, at pgs. 1-5). Of note, the intended use of the property is a business hotel and office development designed to complement the existing pattern of development and surrounding land uses by fostering a 24-hour environment with an emphasis on pedestrian activity. This type of development appeals to users that typically use mass transit or a shared vehicle mode of transportation, demonstrating a reduced need to park rental or personal vehicles. For those not wishing to park at the hotel, the project site is uniquely positioned in the Downtown core, proximate to public and private parking facilities that are available for employees, patrons and guests as part of the overall pool of available public parking. This is consistent with the "park once" concept whereby visitors can make use of available centralized parking facilities and conduct most of their business on foot. In sum, the foregoing demonstrates that there are special circumstances applicable to the project site and its intended use/development that do not apply generally to other neighboring properties under the identical zoning classification.

Also worth noting is a variance is appropriate here as it will preserve a right possessed by other property owners in the same district. Other buildings and uses within the vicinity generally have

limited or reduced parking and depend upon shared public parking, which is within walking distance to the hotel. An amenity of the hotel is valet parking, reducing the need for guests to self-park.

Based on the above findings, staff finds that there are special circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the vicinity and under the identical zoning classification.

3. *The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located.*

Variance A: The proposal **complies** with this finding. Granting the variance will effectuate a project that preserves and revitalizes the historic Central Fire Station façade and contributes to the historic fabric of Downtown Riverside. The project's overall site design, including building height, massing, and FAR are consistent with similar developments in the Raincross District of the Downtown Specific Plan. The site plan has also been designed to safely accommodate both hotel, office and fire personal traffic within an internal guest drop off area and subterranean parking structure. Additionally, when festivals close Mission Inn Avenue, the project will be able to safely direct vehicles to exit along the rear alley. The proposed project design, which includes hotel rooms and office space that face out onto the surrounding public right-of-way, including the alley, will enhance public safety by providing additional visual supervision. The project will provide an additional use within the Downtown, which is expected to substantially increase visitation and benefit surrounding properties and the public.

Based on the above findings, staff finds that granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located.

Variance B: The proposal **complies** with this finding. Granting the variance will not be materially detrimental to the public welfare or injurious to the property or zone in which the property is located. The intended use of the property is a business hotel and office development designed to complement the existing pattern of development and surrounding land uses by fostering a 24-hour environment with an emphasis on pedestrian activity. This type of development appeals to users that typically use mass transit or a shared vehicle mode of transportation, demonstrating a reduced need to park rental or personal vehicles. The project's location within the Downtown core creates efficiencies in access to services, employment, amenities, and transit which are within walking distance of the project. The hotel will provide valet parking as one of the amenities to improve the guest and visitor experience and reduce patrons from having to self-park or find alternative parking (which will significantly reduce extra vehicle trips in the Downtown area). For those not wishing to park at the hotel, the project site is uniquely positioned in the Downtown core, proximate to public and private parking facilities that are available for employees, patrons and guests as part of the overall pool of available public parking.

The Specific Plan recognizes that the code's parking standards can, at times, require more parking than is needed. In relevant part, the Specific Plan notes that "[o]ff-street parking demand in the downtown area is generally below capacity..." (Specific Plan, at p. 16-3). As demonstrated in the applicant's parking study, all hotels are not created equal. For example, a resort/family hotel may require more parking spaces than a downtown business hotel (as in the proposed project) since renting a passenger vehicle may be more economical/convenient for a family on vacation than using a ride hailing service. (Trames Solutions Inc. Parking Study, at p. 5.) With regard to the proposed project, the parking study demonstrates that imposing the code's standard parking requirement would result in the

project being “over parked.” The parking study’s analysis indicates that a total of 106 parking spaces on a weekday and 117 parking spaces on a weekend would be the peak parking demand for the proposed hotel. (*Id.*, at pgs. 1-5). Granting the variance (to allow the hotel to be served by 144 spaces) will not create a scenario whereby the hotel cannot meet peak parking demands.

Of note, granting the parking variance will effectuate a project that will revitalize an underutilized parcel within the core of downtown. The project will provide new pedestrian activity at the street level and better enable the downtown region to accommodate visitors for large conventions, festivals, and conferences (by, among other things, increasing the stock of downtown hotel rooms). Granting the parking variance will not be materially detrimental to the public welfare or injurious to the property or neighboring properties as the project provides sufficient parking to meet peak weekday and weekend parking demands.

In sum, for the reasons set forth above, staff finds that granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located.

4. The granting of the variance will not be contrary to the objectives of any part of the General Plan.

Variance A: The proposal **complies** with this finding. Granting the variance will not be contrary to the objectives of any part of the General Plan. To the contrary, granting the variance will effectuate a project that is consistent with and promotes several General Plan policies and objectives, including:

- Policy LU-8.3: *“Allow for mixed-use development at varying intensities at selected areas as a means of revitalizing underutilized urban parcels.”* Currently, the 0.95 project site houses the former Central Fire Station and a surface parking lot. For years, the City has tried to find a user for the project site to facilitate its development as a component of a vibrant and diverse downtown core. This project will revitalize the project site by adaptively reusing the former Central Fire Station (into office space) and constructing a dual-brand AC Marriott and Residence Inn Hotel as well as a subterranean parking structure. Collectively, this development will revitalize an underutilized urban parcel. For this reason, granting the variance will effectuate a project that is consistent with Policy LU 8.3.
- Objective LU-48: *“Strengthen the identity and character of Downtown using the existing historic and architectural urban character of the community, while allowing for new structures that are architecturally compatible with and complementary to the existing architectural and historic fabric.”* The project site was designed to create an urban-scale project consistent with the purpose and design policies of the Raincross District. The project is an infill development project that is compatible with surrounding commercial, office, residential and civic land uses. The project incorporates the existing historic and urban architectural character of the community through, among other things, its adaptive reuse of the former Central Fire Station. The Mission Inn Avenue frontage of the hotel takes inspiration from elements of the former Central Fire Station, including the second story building projection, a pedestrian entrance, and wide sidewalks to directly engage pedestrians and create an active and vibrant streetscape. For these reasons, granting the variance will effectuate a project that is consistent with Objective LU-48.

- Policy LU-48.4: *"Encourage appropriate public art to further establish a sense of place, history and pride within the community."* The proposed project supports public art as it will include the following: (1) three concrete pads along the east side of the former Central Fire Station for future installation of freestanding artwork, (2) panels for art displays located along the Mission Inn Avenue frontage, (3) panels located along the alley for murals and (4) the installation of vintage structure on the roof of the historical fire station that reads: "Riverside Arts District." For these reasons, granting the variance will effectuate a project that is consistent with Policy LU-48.4.

Based on the above findings, staff finds that granting the variance will not be contrary to the objectives of any part of the General Plan. To the contrary, staff finds that granting the variance will effectuate a project that is consistent with and promotes several General Plan policies and objectives as set forth above.

Variance B: The proposal **complies** with this finding. The variance will not be contrary to the objectives of any part of the General Plan. To the contrary, granting the variance will effectuate a project that is consistent with and promotes several General Plan policies and objectives, including:

- Objective CCM-13: *"Ensure that adequate on- and off- street parking is provided throughout Riverside."* The applicant's parking study demonstrates that the proposed project, with the parking variance, provides sufficient parking to meet anticipated parking demands. (Trames Solutions Inc. Parking Study, at pgs. 3-5). The project proposes 144 parking spaces for the hotel. The parking study indicates that 144 spaces is more than necessary to meet peak parking demands, which are 106 parking spaces on a weekday and 117 parking spaces on a weekend. (*Id.*) For these reasons, granting the variance will effectuate a project that is consistent with Objective CCM-13.
- Policy CCM-13.1: *"Ensure that new development provides adequate parking."* As explained in the discussion regarding Objective CCM-13 above, the proposed project will provide adequate parking to meet anticipated demand. Consequently, granting the variance will effectuate a project that is consistent with Policy CCM-13.1.
- Policy CCM-13.5: *"Develop a parking plan for Downtown to reduce vehicle trips and encourage the use of transit service."* As discussed in the applicant's parking study, the proposed project is located in the "highest quality public transportation corridor" in the City. (Trames Solutions Inc. Parking Study, at p. 3). Hotel patrons can travel throughout downtown via utilizing one or more Riverside Transit Authority ("RTA") bus routes (specifically, routes: 1,10,12,13,14,15, 22, 29, 49, 50, 200, 204, and 208). Hotel patrons also have the option of traveling from the Ontario Airport to downtown via Omnitrans Route 61 and RTA route 204. (*Id.*) The proposed project's proximity to the above mentioned public transportation services facilities Policy CCM-13.5's goal of promoting use of the same. For these reasons, granting the variance will effectuate a project that is consistent with Policy CCM-13.5.
- Policy LU-8.3: *"Allow for mixed-use development at varying intensities at selected areas as a means of revitalizing underutilized urban parcels."* Currently, the 0.95 project site

houses the former Central Fire Station and a surface parking lot. For years, the City has tried to find a user for the project site to facilitate its development as a component of a vibrant and diverse downtown core. This project will revitalize the project site by adaptively reusing the former Central Fire Station (into office space) and constructing a dual-brand AC Marriott and Residence Inn Hotel as well as a subterranean parking structure. The parking structure will provide 144 spaces for the hotel, 21 spaces for the office use, and 8 spaces for fire department personnel. (See Trames Solutions Inc. Parking Study, at p. 5). Collectively, this development will revitalize an underutilized urban parcel and provide adequate parking for a diverse mix of uses (i.e., the hotel, office spaces, and fire department). For these reasons, granting the variance will effectuate a project that is consistent with Policy LU 8.3.

In addition to the foregoing, the proposed project is also consistent with the Downtown Specific Plan, including Policy LU-1.1, which seeks to maintain the integrity of the Raincross District as *"the pedestrian-oriented center of Downtown, with an emphasis on an intense mixture of residential, specialty commercial, tourist, restaurant, cultural, arts, and civic uses. Design philosophy emphasizes new and infill construction that is compatible with the historic structures that give Downtown its unique identity."* The proposed project is a mixed-use project that promotes tourist, artistic, and civic uses. Tourist uses are promoted by the addition of a new hotel to the City's downtown core, which will benefit local tourism by adding to the City's hotel room stock. The project promotes civic uses by adaptively reusing a local historical landmark, the Former Central Fire Station, into office spaces. The project promotes the arts as it will include the following: (1) three concrete pads along the east side of the former Central Fire Station for future installation of freestanding artwork, (2) panels for art displays located along the Mission Inn Avenue frontage, (3) panels located along the alley for murals and (4) the installation of vintage structure on the roof of the historical fire station that reads: "Riverside Arts District." For these reasons, granting the variance will effectuate a project that is consistent with Specific Plan Policy LU-1.1.

Based on the above findings, staff finds that granting the variance will not be contrary to the objectives of any part of the General Plan. To the contrary, staff finds that granting the variance will effectuate a project that is consistent with and promotes several General Plan policies and objectives as set forth above.