



PLANNING COMMISSION HEARING DATE: JULY 14, 2016

AGENDA ITEM NO.: 3

PROPOSED PROJECT

<i>Case Numbers</i>	P16-0183 (Conditional Use Permit) & P16-0343 (Variance)	
<i>Request</i>	To consider a Conditional Use Permit and Variance for a custom motorcycle specialty shop with retail sales of accessories with fewer parking spaces than allowed by Code.	
<i>Applicant</i>	Kathy Vercher / Dewitt Vercher III	
<i>Project Location</i>	6359 Magnolia Avenue	
<i>APN</i>	225-133-021	
<i>Project area</i>	0.15 acres	
<i>Ward</i>	3	
<i>Neighborhood</i>	Magnolia Center	
<i>Specific Plan</i>	Magnolia Avenue Specific Plan – Magnolia Center District	
<i>General Plan Designation</i>	Mixed Use - Village	
<i>Zoning Designation</i>	Commercial General (CG)	
<i>Staff Planner</i>	Vanessa Norwood, Contract Senior Planner 951-826-2393; vnorwood@riversideca.gov	

RECOMMENDATIONS

Staff Recommends that the City Planning Commission:

1. **RECOMMEND** that the City Council **DETERMINE** that Planning Cases P16-0183 (Conditional Use Permit) and P16-0343 (Variance) will not have a significant effect on the environment based on the findings set forth in the case record and recommend the City Council exempt this project subject to Section and 15301 (Existing Facilities – Class 1) of the California Environmental Quality Act (CEQA); and

2. **RECOMMEND APPROVAL** of Planning Cases P16-0183 (Conditional Use Permit) and P16-0343 (Variance) based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions.

SITE BACKGROUND

The approximately 0.15 acre property is located on the west side of Magnolia Avenue between Merrill Avenue and Beatty Drive. The property is developed with a commercial building fronting onto Magnolia Avenue with parking in the rear. It is surrounded by commercial buildings to the south and west, and a vacant building to the north. A 14 ½ -foot wide drive aisle separates the subject building from the building to the south. The building to the south of the site has no openings facing the drive aisle. This building was previously owned by the City's Redevelopment Agency and was sold in 2015. The building has been refurbished and renovated.

PROPOSAL

The applicant requests approval of a Conditional Use Permit to allow motorcycle service and repair as an ancillary use to a custom motorcycle specialty retail shop within an existing 2,725 square foot commercial building.

The floor plan identifies 2,315 square feet for retail sales of motorcycle accessories, including arts, helmets, clothing, shoes and jewelry, a breakroom, an office and restrooms. The applicant has indicated that the sales of motorcycles would be on a limited basis. The remaining 410 square feet of floor area will be used for minor motorcycle service and repair, which will be limited to tune-ups, lubrication, diagnostics, brake, wheel and electrical work. The applicant has indicated that engine work is not proposed at this location. Service and customization of motorcycles is proposed on an appointment basis.

Access to the service area will be through the rear door on the west side of the building. Plans show that the service area will not include a service bay typically found in a vehicle repair facility. An executed shared access agreement with the adjacent property owner allows for access to the site via Beatty Drive to the south and Merrill Avenue to the north. The drive aisle on the south side of the site allows for "exit only" of vehicles onto Magnolia Avenue.

As part of this request, a modification related to the development standards for vehicle repair facilities is requested to allow the proposed repair facility on a property less than one-half acre in size.

Additionally, a parking variance is requested to allow 10 parking spaces where 16 parking spaces are required. A total of 4 parking spaces are provided on site and 6 parking spaces are provided on the adjacent parcel to the west.

PROJECT ANALYSIS

<i>Authorization and Compliance Summary</i>			
	Consistent	Inconsistent	N/A
<p><i>General Plan 2025</i> The proposed project is consistent with the underlying General Plan 2025 land use designation of Mixed Use – Village, which will further the intent of the General Plan. This use would further the Objectives and Policies of the General Plan to revitalize Magnolia Center neighborhood by allowing a supportive retail use in a vacant building.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><i>Specific Plan</i> The project is located within the Magnolia Center District of the Magnolia Avenue Specific Plan, which allows vehicle related uses when the use is not readily visible from the Magnolia Avenue corridor. This project proposes the motorcycle service area in the rear of the building, not readily visible from Magnolia Avenue. The existing building would screen the view and presence of motorcycles being serviced from Magnolia Avenue, while allowing the retail component of the use to front onto the street. Because vehicular uses will not be visible from Magnolia Avenue, this request can be supported, subject to the recommended conditions of approval.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><i>Zoning Code Land Use Consistency (Title 19)</i> The Magnolia Avenue Specific Plan defers to the Zoning Code for permitted uses of the base zone, except that uses permitted in the CG – General Commercial Zone must be in accordance with the uses permitted in the CR – Commercial Retail Zone. The retail sales of motorcycles without outdoor display are permitted in the CR Zone and minor vehicle repair facilities are permitted subject to the granting of a Conditional Use Permit.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><i>Compliance with Citywide Design & Sign Guidelines</i> Proposed improvements are limited to restriping of the parking spaces in the rear of the site, in compliance with the Code. The building was recently renovated and repainted. The proposed project meets the objectives of the City's design guidance document, subject to the recommended conditions of approval detailed below.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

Development Standards

Standard			Existing	Consistent	Inconsistent
<i>Lot Area</i>	0.50 acre (Vehicle Repair Facilities)		0.15 acre	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Max. Lot Coverage</i>	0.50 (FAR)		0.42 (FAR)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Landscape Setback</i>	10 feet (adjacent to public streets)		0 feet	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Min. Building Setbacks</i>	0 feet (Front)		4 to 6 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	0 feet (Interior Sides)		1 to 6 feet (north Side) 14 ½ feet (south Side)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	0 feet (Rear)		44 ½ feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Min. Parking</i>	6 spaces plus 2 additional spaces/service bay and 1 space/250 sq. ft. of retail floor area	16 spaces 6 spaces (vehicle repair facility) 10 spaces (retail area)	10 spaces (4 spaces on site) 6 shared spaces)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Modification of Development Standard

As part of the recently adopted "Streamline Riverside" code amendment, certain development standards for specific land uses may be modified in conjunction with the consideration of a conditional use permit. The development standards for vehicle repair facilities in Chapter 19.420 of the Zoning Code require a minimum lot size of 0.50 acres. The property is approximately 0.15 acres in size. This requirement was established primarily to ensure the compatibility of a vehicle repair facility with surrounding uses, and ensure safe circulation and maneuvering areas could be provided on-site. The area proposed to be used for the incidental repair of motorcycles is approximately 410 square feet, which constitutes 15 percent of the overall building area. The remainder 85 percent of the building area will be used for the retail component of the project. Additionally, motorcycle repair is proposed in the rear of the building and will not be visible from Magnolia Avenue. Staff supports the modification of the minimum lot area requirement because of the limited nature of the repair operation and primary use of the building for retail purposes.

In addition to the analysis provided above, staff analyzed the project for compliance with the remainder of the development standards applicable to vehicle repair facilities. Specifically, the project will have direct access to Magnolia Avenue; the area proposed for motorcycle repair will not be visible from any of the surrounding streets; the use will not conflict with residential uses as it is not adjacent to residences or parcels zoned for residential use; all repair work, which is limited to minor repair as describe above, will be conducted indoors; and, no outdoor storage or display is proposed on site. The Code also requires a 10 foot landscape planter adjacent to the public street for vehicle repair facilities. There is currently no landscaping within the 4 to 6 foot wide setback in front of the existing building. A condition of approval has been added to require the installation and maintenance of decorative potted plants within the existing setback area. Noise impacts are anticipated to be minimal because engine work is not proposed at the facility.

Variance

The parking requirements for vehicle repair facilities and retail sales in Chapter 19.580 of the Zoning Code would require a total of 16 parking spaces for the proposed motorcycle specialty retail shop. A total of 10 parking spaces are proposed to serve the use; 4 parking spaces will be provided on-site and 6 parking spaces off-site through a shared parking agreement with the owner of the property immediately to the west of the site.

It is anticipated that two parking spaces would be utilized for employee parking, leaving the remainder 8 parking spaces available for customers. No parking would be needed for motorcycles being serviced, since repair services are offered on an appointment-only basis and motorcycles would be stored inside the building. Customers visiting the retail component of the use are anticipated to be brief and staggered throughout the day; thus, the retail component of the use would not result in high parking demand. It should be noted that if the building is used in its entirety for retail sales, 11 parking spaces would be required. Staff is supportive of the proposed parking variance based on the justification findings submitted by the applicant and supplemented by staff concluding that the unique nature of the business will not result in a shortage of parking spaces available for the use or impacts on the availability of parking on surrounding properties and streets.

ENVIRONMENTAL REVIEW

This proposal is exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15301 (Existing Facilities - Class 1), as the proposed use is proposed in an existing commercial building.

NEIGHBORHOOD COMPATIBILITY

The proposed motorcycle specialty retail shop and repair facility will be located within an established commercial center along the Magnolia Avenue Corridor. The use is proposed at a location where adequate parking, ingress and egress are available for the use and where the use can be operated in a manner that will not be detrimental to surrounding land uses. With the exception of the modification and variance requests, the development is in compliance with the City's Zoning Code and the Magnolia Avenue Specific Plan. For these reasons, neighborhood compatibility impacts are not anticipated in conjunction with this use. The proposal will not be detrimental to the surrounding neighborhood or the general public.

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 have been received by 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. General Plan Map
5. Specific Plan/Zoning Map
6. Site Plan
7. Floor Plan
8. Applicant Prepared Variance Findings
9. Existing Site Photographs
10. Project Description (Applicant)

Prepared by:	Vanessa Norwood, Contract Senior Planner
Reviewed by:	Ted White, City Planner
Approved by:	Rafael Guzman, Community & Economic Development Director



EXHIBIT 1 – FINDINGS

PLANNING CASES: P16-0183 (Conditional Use Permit)
P16-0343 (Variance)

FINDINGS

Conditional Use Permit Findings pursuant to Chapter 19.760

- a. The proposed custom motorcycle specialty shop and retail sales 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. The modifications to reduce the lot area and landscape setback requirements are also compatible with existing uses in the area because the operational characteristics of the proposed use do not warrant a one-half acre lot. Further, given the existing building location, it would not be practical to provide a front landscape setback. Additionally, the service area will be in the rear of the building and would not need the front landscape setback to screen it from the street.
- b. The proposed custom motorcycle specialty shop and retail sales 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 because this use would be consistent with existing uses and this business does not have operational characteristics that would prove detrimental or injurious to the environment or to the property or improvements within the area.
- c. The proposed custom motorcycle specialty shop and retail sales 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. The modifications to reduce the lot area and landscape setback serve to be the least restrictive means of furthering governmental interest because the scale of this business does not warrant a one-half acre lot and the existing zero front landscape setback is a current condition that cannot be increased or altered without significantly reducing the size of the building.

Variance Findings pursuant to Chapter 19.720:

To permit 10 parking spaces for a custom motorcycle specialty shop with retail sales of accessories, where 16 parking spaces would be required.

- a. 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;

The proposal complies with this finding. The Zoning Code requires two parking spaces for each service bay and six spaces for the repair area in addition to one parking space for every 250 square feet of retail sales. Based on these parking ratios, the proposed 2,735 square foot, custom motorcycle specialty shop requires 16 parking spaces. The 410 square foot motorcycle

service area would not generate a parking demand of 6 parking spaces. Further, the remainder of the building would be utilized for retail sales of motorcycle accessories where customer visits would be brief and dispersed throughout the day. This specific use does not include the typical retail sales use that could potentially generate a high demand in parking. This use is specifically intended for a distinctive customer group and therefore is not expected to generate a high parking demand. Based on the operational characteristics of the business, 10 parking spaces would be adequate for this proposal. Therefore, an unnecessary hardship would result from compliance with this provision.

- b. *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.*

The proposal complies with this finding. Special circumstances to the intended use and location of the property exist. The subject use does not generate a high volume of parking because the repair portion of the business is conducted on an appointment basis and the retail portion of the business is dispersed throughout the day and is intended for a very specific customer group, consisting of motorcycle enthusiasts. Therefore, existing and allocated parking spaces would be adequate for the proposed use.

- c. *The granting of this request 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.*

The proposal complies with this finding. This specialty use is not anticipated to generate a high parking demand as it consists of specialty retail sales and repair services targeted especially to the motorcycle enthusiasts; therefore, the request will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood. The site has adequate parking for the proposed business because it is not anticipated that more than 10 spaces would be needed for this business at any given time because parking demand for a specialty motorcycle repair facility that provides service on an appointment basis is not equivalent to a typical vehicular repair facility.

- d. *The granting of this request will not be contrary to the objectives of any part of the General Plan.*

The proposal complies with this finding. The granting of this parking variance does not conflict with the objectives of the General Plan or the Magnolia Avenue Specific Plan. In fact, the proposed use would further the objectives of the General Plan by serving to revitalize Magnolia Center retail uses.



EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

Case Numbers: **P16-0183** (Conditional Use Permit)
P16-0343 (Variance)

Meeting Date: July 14, 2016

CONDITIONS

Case Specific

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 and Economic Development Department, Planning Division.

• **Planning**

1. The subject property shall be 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.
2. Construction and operation activities on the property shall be subject to the City's Noise Code (Title 7), which limits construction noise to 7:00 a.m. to 7:00 p.m. weekdays, and 8:00 a.m. to 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or federal holidays.
3. All proposed roof mounted equipment shall be screened from public view on all sides by architectural features that are compatible in color and design with the primary structure. Screening material shall be at least as high as the equipment being screened in compliance with Chapter 19.555 of the Zoning Code.
4. Decorative potted plants shall be installed and maintained within the existing front setback area.

Operational Conditions:

5. Any graffiti on the facility shall be removed within 24 hours of notification.
6. 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 permit of the restrictions and conditions of this permit as they apply to the business operations.
7. A shared parking agreement shall be maintained with the property to west to allow the subject site the unlimited use of six (6) parking stalls.

Standard Conditions:

8. There shall be a two-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.
9. The applicant is advised that the business or use for which this conditional use permit is granted cannot be legally conducted until all conditions of approval have been completed to the satisfaction of the Community & Economic Development Department, Planning Division and as approved by the Planning Commission. Upon completion of the Project, a Staff inspection must be requested, and UTILITIES will not be released until it is confirmed that the approved plans and all conditions have been implemented.
10. This 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 & Economic Development Department, Planning Division of any change in operations and such change, if determined to be substantial to the Project, must be approved by the Planning Commission or minor modifications by Staff. Failure to notify the Community & Economic Development Department, Planning Division of any change in operations is material grounds for revocation of this Conditional Use Permit.
11. 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.
12. 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.
13. The applicant shall comply with all federal, state and local laws and 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.
14. This 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.
15. Failure to abide by all conditions of this permit shall be cause for revocation.
16. Plans shall be submitted for plan check review to assure that all required conditions have been met prior to exercising of this permit.
17. The applicant shall continually comply with all applicable rules and regulations in effect at the time permit is approved and exercised and which may become effective and applicable thereafter.

18. 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.

Appeal Information

- **Fire Department**

CONTACT MARGARET ALBANESE AT 951-826-5455 FOR QUESTIONS REGARDING FIRE CONDITIONS OR CORRECTIONS.

The Following to Be Met Prior To Construction Permit Issuance:

19. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.

20. Any use, storage or handling of any hazardous materials or flammable/combustible liquids shall not exceed the maximum allowable quantities per the 2013 California Fire Code.

21. Construction plans shall be submitted and permitted prior to construction.

- **Public Works**

22. No Requirement

- **Public Utilities Electric**

23. No Requirement

- **Public Utilities Water**

24. No Requirement