



ATTACHMENT 7 – VARIANCE FINDINGS

PLANNING CASE: P16-0372 (Variance)

- Variance A - to allow the automated vehicle wash facility to encroach 8 feet into the 15-foot rear yard setback required when adjacent to residentially zoned property; and
- Variance B - to allow a business with off-sale of alcoholic beverages to be located less than 1,000 feet from another business that sells alcoholic beverages for off-site consumption.

Variance Findings pursuant to Chapter 19.720.040 of the Zoning Code:

- 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.*

Variance A - The proposal **complies** with this finding. The strict application of the Zoning Code would require a 15-foot rear yard setback with a minimum 5 feet of landscaping for commercial projects when adjacent to residentially zoned property. The setback requirement is intended to protect residential uses and avoid land use incompatibilities. In this instance, the site to the north is zoned R-1-7000 – Single Family Residential and is developed with the La Sierra Metrolink Station. The rear of the subject site is contiguous to the Metrolink Station parking lot. Thus, increasing the rear building setback to the minimum required 15 feet would create an unnecessary hardship, since the neighboring parking lot will not be impacted by the reduced rear yard setback on the project site. Further, the site has been designed to provide adequate on site circulation in compliance with the Zoning Code.

Variance B - The proposal **complies** with this finding. The strict application of the zoning code requires a minimum distance of 1,000 feet between establishments licensed for the off-sale of alcohol, as measured from the outside walls of the building from which off-sale will be conducted to the nearest property line of the other off-sale business location. The purpose of this separation requirement is to ensure compatibility with surrounding uses and avoid impacts associated with those uses. In this instance, the existing business licensed for the off sale alcohol is located at 3390 La Sierra Avenue, approximately 380 feet from the subject site when measured using the method prescribed by the Zoning Code. In order to meet the minimum required separation between off-sale licenses, the proposed off-sale establishment would need to be moved more than 600 feet to the northeast, thereby placing it in closer proximity to high-density residential development to the east, contrary to the purposes of the Zoning Code. Both the existing and proposed off-sale establishments are full-service convenience shops which offer a wide variety of food and goods for which alcohol sales account for only a small percentage of sales floor area, which is typical for this type of business. For these reasons, it would be an unnecessary hardship to strictly adhere to the Zoning Code separation regulation between the proposed establishment and another off-sale establishment.

- 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.*

Variance A - The proposal **complies** with this finding. The project site possesses physical constraints which are not experienced by nearby properties in the same zone and which necessitate encroachment into the 15 foot rear setback. Access to the site is limited to Indiana Avenue and only a short segment of La Sierra Avenue due to the elevation change associated with the La Sierra Avenue railroad and freeway grade separation on the project's western edge. Due to this configuration, internal circulation for customer parking, delivery vehicles and the automated car wash are limited to an internal "loop." Moving the building forward to meet the minimum 15 foot the rear yard setback would thus create conflicts between vehicles, trucks and pedestrians elsewhere on the project site.

Variance B - The proposal **complies** with this finding. When measured as required by Code, the separation between the existing off-sale license location and the subject site is approximately 380 feet. However, the establishments are located on opposite corners of the intersection of La Sierra and Indiana Avenues, each of which are fully improved major arterial roadways of 151 and 121 feet in width, respectively. The size and configuration of this intersection, street widths and the presence of raised medians on both sides of La Sierra and on Indiana to the west of the intersection provide ample separation and a physical barrier between the two uses. Moreover, when measured from door to door along a pedestrian path of travel, the physical separation between the existing and proposed off-sale establishments approaches 1,000 feet. By car, when accounting for the presence of raised medians and right-turn-only vehicle exit points on both the existing and proposed off-sale sites, a similarly large separation is experienced. The large discrepancy between straight-line and experienced physical separation between facilities constitutes a special circumstance which does not apply to nearby properties in the same zone.

- c. *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. The rear setback encroachment affects only the Metrolink parking lot, located to the rear of the project site, which will remain a train station parking lot for the foreseeable future. Thus, the encroachment of the car wash building into the 15-foot rear setback will have no materially harmful effects on the surrounding development or the general public.

Variance B - The proposal **complies** with this finding. As demonstrated by the case record, the Riverside Police Department does not object to the proposed off-sale of alcohol at this location, despite its proximity to the existing off-sale establishment. Moreover, the project has been conditioned to provide numerous enhanced security features including continuously monitored closed-circuit surveillance cameras, site lighting and maintenance requirements, mandatory employee and management training and an overall cap on the floor area dedicated to alcohol sales. The existing off-sale establishment operates under a Conditional Use Permit subject to similar requirements. These measures will sufficiently safeguard the value of nearby property and the general public welfare from any undesirable effects of the proximity of these establishments to one another.

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

The proposal **complies** with this finding. The proposed project, including the requested variances, is consistent with the following General Plan objectives:

Objective LU-9: Provide for continuing growth within the General Plan Area, with land uses and intensities appropriately designated to meet the needs of anticipated growth and to achieve the community's objectives.

Objective LU-66: Optimize development opportunities on underutilized and undeveloped parcels near the La Sierra Metrolink station to create appropriately scaled developments that enhance and protect nearby neighborhoods while benefitting the community at large.

Objective PS-8: Improve community safety and reduce opportunities for criminal activity through appropriate physical design.

Policy PS-8.2: Promote land use and design policies which encourage a mixture of compatible land uses to promote and increase the safety of public use areas and of pedestrian travel.