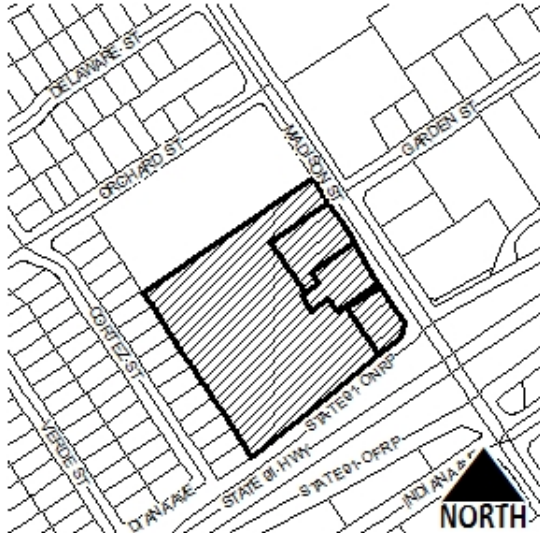




PLANNING COMMISSION HEARING DATE: SEPTEMBER 21, 2017

AGENDA ITEM NO.: 2

PROPOSED PROJECT

<i>Case Numbers</i>	P17-0552 (Minor Conditional Use Permit) and P17-0319 (Variance)	
<i>Request</i>	To consider a Minor Conditional Use Permit to allow the construction of a 60 foot high, 222 square foot freeway-oriented sign and a Variance to allow the proposed freeway-oriented sign to be located within 1,000 feet of an existing freeway-oriented sign (Mobil/Circle K) for Madison Plaza.	
<i>Applicant</i>	Greg Lukosky of HGC/PRP Madison , LLC	
<i>Project Location</i>	3500 Madison Street, on the northwest corner of Madison Street and State Route 91	
<i>APNs</i>	230-090-002, 230-090-003, 230-090-004, and 230-090-006	
<i>Project area</i>	9.07 acres	
<i>Ward</i>	3	
<i>Neighborhood</i>	Ramona	
<i>Specific Plan</i>	N/A	
<i>General Plan Designation</i>	MU-U – Mixed Use - Urban	
<i>Zoning Designation</i>	CR - Commercial Retail Zone and CR-S-2-X - Commercial Retail, Building Stories (2 stories), and Building Setback (Minimum 15 foot setback from Madison Street and 50 feet from adjacent residential properties) Overlay Zones	
<i>Staff Planner</i>	Candice Assadzadeh, Associate Planner; 951-826-5667; cassadzadeh@riversideca.gov	

RECOMMENDATIONS

Staff Recommends that the City Planning Commission:

1. **DETERMINE** that this proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15311 (Accessory Structures); and
2. **APPROVE** Planning Cases P17-0552 (Minor Conditional Use Permit) and P17-0319 (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 9.07-acre project site consists of four contiguous parcels, and is currently developed with a Denny's restaurant, a gas station, carwash and convenience store (Mobil/Circle K), and two freestanding pole signs, identifying Denny's Restaurant and Mobil/Circle K. On January 12, 2017 Planning Commission approved Planning Cases P15-0847 (CUP), P15-0848 (CUP), and P15-0850 (DR) to allow 7.74 acres of the project site to be developed with "Madison Plaza", consisting of a 37,879 square foot health and fitness club (24 Hour Fitness), a 1,950 square foot drive-thru restaurant (Starbucks), and a 41,117 square foot retail building. The fitness club and drive-thru restaurant are currently under construction.

The property is surrounded by multi-family residences to the north, State Route 91 (SR-91) to the south, single-family residences to the west, and commercial uses immediately to the east and across Madison Street. The Denny's restaurant and gas station, carwash and convenience store are under separate ownership.

PROPOSAL

The applicant requests approval of a Minor Conditional Use Permit to permit the construction of a 60 foot high, 222 square foot freeway-oriented sign for Madison Plaza, adjacent to State Route 91. A related Variance is also proposed to allow the proposed freeway-oriented sign to be located within 1,000 feet of an existing freeway-oriented sign (Mobil/Circle K).

The proposed freeway-oriented sign is located south of the 24-Hour Fitness, adjacent to State Route 91. The proposed sign is 60 feet high and has a sign area of 222 square feet. The sign will provide identification for seven businesses within the Madison Plaza commercial development. The sign is designed to complement the approved architecture and colors of the 24 Hour Fitness and Starbucks drive thru restaurant.

The existing 45 foot high "Denny's" freeway-oriented sign, which was permitted and constructed in 1967, will be removed as part of this project.

PROJECT ANALYSIS

<i>Authorization and Compliance Summary</i>		
	Consistent	Inconsistent
<p><i>General Plan 2025</i></p> <p>The proposed project is consistent with General Plan 2025 Objectives for the Ramona Neighborhood in that the proposed freeway-oriented sign will help promote and broaden the visibility of future tenants within the Madison Plaza, recently approved to be developed with mixed uses.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Zoning Code Land Use Consistency (Title 19)</i></p> <p>The property is zoned CR - Commercial Retail Zone and CR-S-2-X - Commercial Retail, Building Stories (2 stories), and Building Setback (Minimum 15 foot setback from Madison Street and 50 feet from adjacent residential properties) Overlay Zones. A freeway-oriented signs is permitted in the CR Zone for sites consisting of 9 gross acres or more, subject to the approval of a Minor Conditional Use Permit by the Planning Commission and compliance with applicable standards in Table 19.620.080.C and requirements in Section 19.620.080.B.7. With the exception of a Variance for the minimum separation distance between freeway-oriented signs, this proposal is consistent with all applicable standards for freeway-oriented signs.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Compliance with Citywide Design & Sign Guidelines</i></p> <p>The proposed freeway-oriented sign, as proposed, is consistent with the applicable provisions of the Citywide Design and Sign Guidelines and will contribute to the future success of the commercial center.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Riverside County Airport Land Use Compatibility Plan</i></p> <p>The project site is located within Airport Compatibility Zone D of the Riverside Municipal Airport Influence Area. The City's General Plan has been found consistent with the Riverside Municipal Airport Land Use Compatibility Plan, and therefore Riverside County Airport Land Use Commission (ALUC) review. A condition of approval has been recommended, requiring FAA review for obstacle obstruction due to the height of the proposed freeway-oriented sign and the distance to the nearest runway.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

<i>Chapter 19.620 – Freeway-Oriented Signs</i>				
	Standard	Proposed	Consistent	Inconsistent
Minimum Gross Acres	9 acres	9.07 acres	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maximum Area	225 square feet	222 square feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maximum Height	40 feet from grade of adjacent freeway ¹	34 feet from grade of adjacent freeway ² ; 60 feet total	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Minimum Setbacks	The freeway-oriented sign shall not be located within 500 feet of a municipal boundary.	The proposed sign is located approximately 13,248 feet from the closest municipal boundary.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	The freeway-oriented sign must be located no farther than 150 feet from a freeway right-of-way, and only on a property that is immediately adjacent to and abutting a freeway right-of-way.	The proposed sign is located 32 feet, 2 inches from State Route 91.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	The freeway-oriented sign shall be setback at least 150 feet from any lot line adjoining a street or roadway other than a freeway, public frontage road, or similar feature.	The proposed sign is located 230 feet, 7 inches from Madison Street	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	The freeway-oriented sign shall be setback from a residential zone a distance that is equal to or exceeds the height of the sign, whichever is greater, and setback at least 5 feet from any other interior lot line.	The proposed sign is setback 411 feet, 3 inches from the closest adjacent residentially zoned property and 105 feet 7 inches from the closest interior lot line.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	The freeway-oriented sign shall be no closer than 1,000 feet to another freeway-oriented sign on the same or a different lot or parcel.	The proposed sign is located 107 feet, 6 inches from an existing freeway-oriented sign (Mobil/Circle K).	<input type="checkbox"/>	<input checked="" type="checkbox"/>

¹Section 19.620.080.B.7 of the Zoning Code measures the height of freeway-oriented signs from the freeway grade.

² At the location of the proposed freeway-oriented sign, the State Route 91 freeway grade is 26 feet above the site elevation. The overall height of the proposed freeway-oriented sign is 60 feet, however only the portion above the freeway grade is applied to the maximum height of the freeway-oriented sign.

VARIANCE

The project is consistent with all development standards for freeway-oriented freestanding signs, with the exception of the 1,000 foot separation requirement between freeway-oriented freestanding signs. The adjacent parcel to the east, under separate ownership, is developed with an existing 45 foot high freeway-oriented sign (Mobil/Circle K), which was permitted and constructed in 1967. The proposed freeway-oriented sign will be located 107 feet, 6 inches from the existing Mobil/Circle K freeway-oriented sign.

The applicant has prepared justification findings in support of the Variance request. In addition, staff has prepared supplemental justification findings in support of the Variance. Visibility of the tenants in the rear of the site is limited from Madison Street. A center of the size of this site usually has more than one street frontage, which would provide greater visibility of businesses. The existing pole sign is on a separate parcel, which although functions as part of the center, is under different ownership and cannot be removed. Based on these reasons, staff is able to make the required findings, attached to this report, to support the variance request.

NEIGHBORHOOD COMPATIBILITY

The proposed freeway-oriented sign replaces the existing Denny's Restaurant freeway pole sign. As a matter of information, a revised Historic Impacts Assessment was prepared to analyze the removal of the existing Denny's pole sign. The Assessment concludes that the Denny's restaurant qualifies as a "historical resource"; and the removal of the Denny's pole sign will not result in a substantial adverse change to the historical resource.

The sign is designed to be aesthetically compatible with surrounding commercial development along Madison Street and the businesses within the Madison Plaza. The freeway-oriented sign is located close to Madison Street, and 411 feet 3 inches away from the existing residential neighborhood to the west, to avoid impacts to the residences. Overall, the sign, as conditioned, will not prove detrimental to the surrounding neighborhood or the general public, as it will contribute to the success of future and existing tenants, broaden the businesses visibility without adding to the proliferation of signs along the 91 Freeway.

ENVIRONMENTAL REVIEW

This proposal is exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15311 (Accessory Structures).

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 Community & Economic Development Department, Public Information Section, 3rd Floor, City Hall.

EXHIBITS LIST

1. Findings
2. Staff Recommended Conditions of Approval
3. Aerial Photo/Location
4. General Plan Map
5. Zoning Map
6. Project Plans (Site Plan, Photo Simulations, and Sign Elevations)
7. Applicant Provided Variance Justifications
8. Existing Site Photos

Prepared by: Candice Assadzadeh, Associate Planner

Reviewed by: Ted White, Deputy Director

Approved by: Rafael Guzman, Community & Economic Development Director



EXHIBIT 1 – FINDINGS

PLANNING CASES: P17-0552 (Minor Conditional Use Permit)
 P17-0319 (Variance)

Minor Conditional Use Permit Findings pursuant to Chapter 19.730.040

- a. The proposed freeway-oriented sign is substantially compatible with other uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics and environmental impacts;
- b. The proposed freeway-oriented sign 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;
- c. The proposed freeway-oriented sign will be consistent with the purposes of the Zoning Code; and
- d. The proposed freeway-oriented sign is generally in conformance with specific site location, development and operation standards as may be established in the Zoning Code for the particular use, except for the Variance requested for proximity to another freestanding pole sign. The necessary findings to justify the requested Variances can be made, based on the facts contained in the attached Variance justifications.

Findings for Freeway Oriented Signs Pursuant to Section 19.620.080.B.7.a

- a. The proposed freeway-oriented sign is necessary because signage that conforms to the area and height standards otherwise applicable to the site would not be visible to the travelling public for a distance on the freeway of one-third mile (1,760 feet) preceding the freeway exit providing access to said premises; or for a line-off sight distance of two-thirds' mile (3,520 feet), whichever is less.
- b. The proposed freeway-oriented sign will not interfere with the driving public's view of a significant feature of the natural or built environment.

Variance Findings pursuant to Chapter 19.720.040

Requested Variance: To allow the proposed freeway-oriented sign to be located within 1,000 feet of an existing freeway-oriented sign (Mobil/Circle K).

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

The proposal **complies** with this finding. Strict application of the Zoning Code would limit the Madison Plaza, a 9 acre commercial center, to one freestanding freeway oriented

sign. The commercial center, consisting of multiple contiguous parcels, currently has two freestanding freeway oriented signs, identifying Denny's Restaurant and Mobil/Circle K. While the Denny's freestanding sign is proposed to be removed, the Mobil/Circle K freeway oriented sign cannot be removed to allow for the construction of the proposed freeway oriented sign because it is on a different parcel under separate ownership. The construction of a second freeway sign oriented toward the 91 Freeway can be justified because this type of sign would broaden the visibility of major current and future tenants in the Madison Plaza, a center with one street frontage (Madison Street) and surrounded by relatively dense landscaping. Based on these reasons, Staff believes compliance with this requirement would result in unnecessary hardships and a variance to support two pole signs is appropriate.

- 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.

The proposal **complies** with this finding. The subject site consists of 9 acres with one major street frontage (Madison Street). Development in the rear of the site has limited visibility from the vehicular access drive to the center. Most commercial centers of this size typically have two or more street frontages. These are exceptional circumstances that justify the allowance of two freeway oriented signs at this location.

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

The proposal **complies** with this finding. The proposed freeway-oriented sign is compatible with surrounding commercial development along Madison Street and, recently approved development, within the Madison Plaza. The freeway-oriented sign has been strategically located close to Madison Street, and away from the existing residential neighborhood to the west to avoid any potential impacts. Therefore, the granting of the Variance is not anticipated to have a detrimental impact on the neighborhood.

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

The proposal **complies** with this finding. Based on the scope of the requested Variance, the granting of this request will not be contrary to the objectives of the General Plan 2025.



EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

PLANNING CASE: P17-0552 (Minor Conditional Use Permit) Meeting Date: September 21, 2017
P17-0319 (Variance)

CONDITIONS

• **Planning**

1. The freeway-oriented sign shall be developed and operated substantially as described in the text of this report and as shown on the exhibits on file with this case, except for any specific modifications that may be required by these conditions of approval.
2. A separate sign application and fees shall be submitted to the Planning Division for staff review and approval.

Prior to permit issuance:

3. FAA review for obstacle obstruction is required for the proposed freeway-oriented sign. A FAA Determination Letter shall be provided to the Planning Division.
4. The approved Sign Program for Madison Plaza, Planning Case P16-0039, shall be revised to include the freeway-oriented sign.

Prior to final building permit inspection:

5. The applicant shall obtain a demolition permit and remove the Denny's freeway-oriented sign.

Standard Conditions:

6. All decisions of the Planning Commission shall be final and effective ten days following the notice of decision unless a member of the City Council requests the item be reviewed or a written appeal is filed by the applicant or an interested person.
7. Any Minor Conditional Use Permit not exercised within one year of its effective date shall become void provided, however, the Community & Economic Development Director may extend the time limit no more than twice and nor more than one year per extension, if a written application for such an extension showing good cause and the fee for a time extension is submitted to the Planning Division prior to the expiration date.

8. A Minor Conditional Use Permit shall become void if any of the conditions listed below apply:
 - a. The construction or use authorized by the Minor Conditional Use Permit is not commenced and diligently pursued to completion within one year of the effective date of the conditional use permit or within the time period granted by the time extension granted in accordance with Section 19.690 of the Municipal Code.
 - b. The use of which the Minor Conditional Use Permit was granted has ceased to exist or has been suspended for one year or more; or
 - c. The owner or owner's authorized representative of the property for which the Minor Conditional Use Permit was granted requests, in writing, that the permit be voided and the Community & Economic Development Director or designee approves the request.
9. 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.
10. 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 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.
11. 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.
12. If a Minor Conditional is denied, no reapplication for the same type of use on the same property shall be allowed for at least one year following the date of final denial by either the Planning Commission or City Council.