




**PLANNING COMMISSION HEARING DATE: NOVEMBER 14, 2019
AGENDA ITEM NO.: 4**

PROPOSED PROJECT

Case Numbers	P19-0491 (Conditional Use Permit) P19-0492 (Variance) P19-0493 (Variance) P19-0581 (Variance)	
Request	To consider the following entitlements for a 37-foot high freeway oriented digital sign: 1) Conditional Use Permit to allow a freeway oriented sign with an electronic message center sign; 2) Variance to allow a freeway oriented sign on a project site smaller than 9 acres in size; 3) Variance to allow an electronic message center sign on a commercial site smaller than 10 acres in size; and 4). Variance to increase the maximum sign area from 225 square feet to 272 square feet on an electronic reader board.	
Applicant	George Saelzler of Electra-Vision Advertising Corp. on behalf of Richardson RV	
Project Location	10717 Indiana Avenue, situated on the north side of Indiana Avenue, at the intersection of Indiana Avenue and Abbotsford Drive	
APN	138-040-007, 138-080-011, 138-080-014	
Project area	4.55 Acres	
Ward	5	
Neighborhood	La Sierra South	
General Plan Designation	C – Commercial	
Zoning Designation	CG-S-1-X-25; Commercial General, Building Story (one-story max.) and Building Setback (25 feet from Indiana); CR-S-1-X-10; Commercial Retail, Building Story (one-story max.) and Building Setback (10 feet from Indiana) Overlay Zones	
Staff Planner	Nizar Slim, Associate Planner 951-826-5932 nslim@riversideca.gov	

RECOMMENDATIONS

Staff recommends that the City Planning Commission:

1. **DETERMINE** that this project is exempt from the California Environmental Quality Act pursuant to Section 15311 Accessory Structures, as this project will not have a significant effect on the environment; and
2. **APPROVE** Planning Cases P19-0491 (Conditional Use Permit), P19-0492 (Variance), P19-0493 (Variance), P19-0581 (Variance), based on the findings outlined in the staff report and subject to the recommended conditions (Exhibits 1 and 2).

SITE BACKGROUND

The 4.55 acre project site consists of three contiguous parcels. The site consists of an irregular configuration with a 1,052-foot frontage along Indiana Avenue and a 1,247-foot frontage along the railway corridor adjacent to the SR-91. The project site is developed with an office building and surface parking lot for customers, employees, and the outdoor storage of recreational vehicles for Richardson RV, a recreational vehicle dealership established in 1985. Surrounding land uses include a bowling alley to the west, a small commercial center to the east, a single-family residential neighborhood and City of Riverside Fire Station #12 to the south, across Indiana Avenue, and the AT&SR rail corridor, Riverside County flood control canal, and the SR-91 to the north (Exhibit 3). The site is south of three existing freeway oriented billboard signs, outside the property boundaries.

Records show that in 1976 the existing 35-foot high illuminated pylon sign with a 96 square foot sign area was permitted to be installed adjacent to the rear property line, along the railway corridor. There are no other freestanding signs on site.

PROPOSAL

The applicant is requesting approval of a Conditional Use Permit and Variances to permit a 37-foot high freeway-oriented pylon sign with an electronic message center (EMC). The sign is proposed to be located approximately 20 feet east of the existing pylon sign (to be removed), 160 feet away from Indiana Avenue and 150 feet from the edge of the SR-91. On site, the sign is approximately fifteen feet from the northern most property line.

The proposed sign contains two display faces, each with a display area of 272 square feet. The base of the sign is proposed to be clad in stack stone and the upper portion of the sign will be finished with a black textured coating metal paneling system. The sign is equipped with a self-adjusting control so that that illuminated images do not exceed a set luminosity above ambient light range. The electronic display is proposed to be illuminated between the hours of 7:00 a.m. to 10:00 p.m.

In order to facilitate the sign approval, the applicant has requested variances: 1) to allow an electronic message center (EMC) sign on a commercial site smaller the 10 acres; 2) to allow a freeway oriented sign on a commercial site smaller than 9 acres in size; and 3) a variance to allow the sign area to be increased from 225 square feet to 272 square feet.

PROJECT ANALYSIS

AUTHORIZATION AND COMPLIANCE SUMMARY

	Consistent	Inconsistent
<p><i>General Plan 2025</i></p> <p>The General Plan 2025 Land Use Designation of C – Commercial (Exhibit 4) is consistent with the CG – Commercial General Zoning. The CG land use designation provides for the development of retail, sales, service and office uses.</p> <p>The project is consistent with General Plan 2025 Land Use and Urban Design Element Objectives, Goals and Policies for the La Sierra South Neighborhood and furthers the intent of the General Plan 2025 through consistency with the following objective:</p> <p><input type="checkbox"/> Objective LU-65: Improve the La Sierra South neighborhood, balancing the needs and interests of residents and businesses.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Zoning Code (Title 19)</i></p> <p>The proposed project site is zoned CG- Commercial General and is consistent with the C – Commercial, General Plan Land Use Designation (Exhibit 5). The CG Zone allows freeway oriented electronic message center signs subject to the approval of a Conditional Use Permit. With the exception of variances related to minimum lot size and sign area, the proposed sign complies with the applicable development standards prescribed by the Zoning Code.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Compliance with Citywide Design & Sign Guidelines</i></p> <p>The proposed sign meets the objectives of the Citywide Design Guidelines for new freeway oriented electronic message center sign related to location, orientation and lighting standards.</p> <p>The design of the sign incorporates stack stone and architectural details in the base of the sign and metal panels and a fine mesh screen around the electronic message center sign. The overall design is compatible with the exiting sales office. Further, the sign will promote economic vitality and is designed for the purposed of identifying the RV dealership in an attractive and functional manner; therefore, the proposed sign meets the objectives of the Citywide Design & Sign Guidelines.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

Chapter 19.620.080 Freeway Oriented Pylon Sign				
Standard		Proposed	Consistent	Inconsistent
Lot Size	9 acres	4.55 acres	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Maximum Height (as measured from adjacent freeway grade)	40 feet	37 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maximum Sign Area	225 square feet	272 square feet	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Distance to Municipal Boundary	Not within 500 feet	10,500 feet	<input checked="" type="checkbox"/>	
Distance from Freeway	No farther than 150 feet	150 feet	<input checked="" type="checkbox"/>	
Distance from Adjoining Street (Indiana Ave)	At least 150 feet	160 feet	<input checked="" type="checkbox"/>	
Distance from another Freeway oriented sign (on a parcel)	No closer than 1,000 feet	1,056 feet	<input checked="" type="checkbox"/>	
All other freestanding and/or roof business signs	Oriented toward the street or highway frontages	No other freestanding signs will remain on site	<input checked="" type="checkbox"/>	

Chapter 19.620.070 Electronic Message Center Sign				
Standard		Proposed	Consistent	Inconsistent
Lot Size	10 acres	4.55 acres	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Location	Frontage on an Arterial	Frontages: Indiana Avenue – 88-foot arterial and SR-91	<input checked="" type="checkbox"/>	<input type="checkbox"/>

FINDINGS SUMMARY

Conditional Use Permit and Freeway Oriented Sign

The proposed 37-foot high freeway oriented electronic message center sign is necessary because signage that would conform to the Code would be limited to a 6-foot-high monument sign with limited visibility at the edge of the freeway travel lane, given the 150-foot distance to the sign face. There are no significant natural or built features, identified in the General Plan, that could be obstructed by the proposed sign.

The proposed freeway oriented electronic message center sign is an appropriate use for the site and is consistent with established automotive-related uses including automobile sales and RV Sales along freeway corridors throughout the City. The design and operation of the freeway oriented electronic message center sign will function in a manner consistent with the conditions of approval. Additionally, the sign has been designed to operate between the hours of 7:00 a.m. and 10:00 p.m., restrict the change of messages to no more than once every eight seconds, and has automatic controls to allow for adjustment of brightness based on ambient lighting conditions, so that the luminance of the sign does not exceed 0.3 foot-candles more than the ambient light at a given distance. Based upon the location of the sign along the SR-91, the overall design, operational characteristics and distance separation to the closest sensitive receptor, staff supports the project.

Variances

The proposed project generally meets the required site, location and development standards for a freeway-oriented electronic messaging center sign, with the exception of the minimum lot size and overall sign area square footage. The applicant has requested the following variances to allow for a freeway-oriented sign to be placed on a lot less than 9 acres in size, an electronic message center sign to be placed on a lot less than 10 acres in size, and to allow an increase in the sign area from 225 square feet to 272 square feet.

The applicant has prepared justification findings in support of the Variance request (Exhibit 7). In addition, Staff has prepared supplemental justification findings in support of the Variances based on the uniquely long property frontage along the railway and SR-91 corridors, as well as the distance at which the sign would be viewed from those traveling on the freeway.

ENVIRONMENTAL REVIEW

The proposed project is exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15301 (Existing Facilities), as the project will not have a significant effect on the environment.

PUBLIC NOTICE AND COMMENTS

Public hearing notices were mailed to property owners within 300 feet of the project site. As of the writing of this report, no responses have been received by staff regarding the proposed project.

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. Staff Recommended Findings
 2. Staff Recommended Conditions of Approval
 3. Aerial /Location Map
 4. General Plan Map
 5. Zoning Map
 6. Project Plans (Site Plan, Sign Elevations, Cross-section, Dimension Map, Photo Simulations, Light Measurements)
 7. Applicant Prepared Variance Justifications
 8. Existing Site Photos
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Prepared by: Nizar Slim, Associate Planner

Reviewed by: Patricia Brenes, Principal Planner

Approved by: Mary Kopaskie-Brown, City Planner

**EXHIBIT 1 – STAFF RECOMMENDED FINDINGS****PLANNING CASES: P19-0491 (Conditional Use Permit)**

P19-0492 (Variance)

P19-0493 (Variance)

P19-0581 (Variance)

Conditional Use Permit (CUP), pursuant to 19.720.040

- A. The proposed freeway oriented electronic message center sign 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;
- B. The proposed freeway oriented electronic message center 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; and
- C. The proposed freeway oriented electronic message center sign 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.

Freeway Oriented Signs, pursuant to 19.620.080.B.7

1. *A 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-of-sight distance of two-thirds' mile (3,520 feet), whichever is less.*

A six-foot high monument sign allowed by code would have limited visibility from the travel lanes along the SR-91. Therefore, a monument sign would not be visible to the travelling public for a line-of-sight distance of two-thirds' mile (3,520 feet). Thus, necessitating the proposed freeway-oriented EMC sign.

2. *The freeway-oriented sign will not interfere with the driving public's view of a significant feature of the natural or built environment.*

There are no significant natural or built features within proximity of the subject site, as identified in the General Plan, that could be obstructed by the proposed freeway-oriented EMC sign.

Variance Findings pursuant to 19.720.040

The following variances have been requested:

- A) To allow a commercial site of less than nine (9) acres to have a Freeway-oriented sign;

- B) To allow a commercial site of less than ten (10) acres to have an Electronic Messaging Center; and,
- C) To allow the maximum sign square footage to be increased from 225 square feet to 272 square feet.

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.*

Variances A and B: The proposal complies with this finding. The strict application of the minimum site size would preclude the proposed sign, even though the subject site has a suitable length of "freeway frontage" that would accommodate the type and size of sign proposed. Further, expanding the site to meet the minimum size requirement is not a feasible option as the adjacent properties are developed with viable businesses.

Variance C: The proposal complies with this finding. The maximum code limit on the sign face assumes most installations are directly adjacent to the freeway or within a short distance. As proposed the sign would be 150 feet to the edge of the freeway and separated by an operational railroad. This positioning adds a longer view perspective which diminishes the display effect of the sign. Allowing an additional 47 square feet of display area helps to bring the sign closer to the code intended visibility.

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.*

Variances A and B: The proposal complies with this finding. Although, the site is smaller than the code requires, it has an expansive length of frontage parallel to the freeway. The lot is rather unique in that lots with a similar length of lot lines are usually bigger in acreage and would easily meet the code requirements.

Variance C: The proposal complies with this finding. As discussed above, the sign is at the maximum distance to the edge of the freeway due to the intervening railway corridor. This distance requires an increase in display area to compensate for the reduced visibility of the sign from travel lanes of the SR-91 freeway.

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.*

Variances A and B: The proposal complies with this finding. Approval of the requested variances would only allow a sign that would otherwise be permitted in a similar situation but on a larger site. This allowance would not be detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located.

Variance C: The proposal complies with this finding. The small increase in sign area is offset by the maximum distance (by code) at which it would be viewed. In addition, the sign's operation includes built-in technology which calibrates the light emitted so it does not go beyond a certain percentage of the ambient light, thus minimizing the overall light effect.

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

Variances A, B and C: The proposal complies with this finding. Approval of the requested variances would permit the proposed sign to further promote the business it advertises. The subject business is located in the Commercial designation of the General Plan. The associated sign would therefore be consistent with the objectives of the Commercial designation.



EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

PLANNING CASES: P19-0491 (Conditional Use Permit)

P19-0492 (Variance)

P19-0493 (Variance)

P19-0581 (Variance)

Case-Specific

• **Planning Division**

1. Plans shall conform to the exhibits attached to this report. Proposed modifications to the approved design shall be submitted to the Planning Division and shall include revised Exhibits and a narrative description of any proposed modifications. The Applicant is advised that an additional application and fee may be required.
2. The proposed project shall be developed and operated substantially as described in the text of this Staff 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.
3. 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.

• *Prior to the Issuance of a Building Permit*

4. A separate sign application shall be submitted to the Planning Division. Separate applications and filing fees are required.

• *Prior to the Release of Utilities*

5. The existing 35-foot high pylon sign shall be removed from the site. An issued demolition permit and proof of final inspection is required as part of the removal process.

• *Prior to the Beginning of Advertising*

6. A light analysis report prepared by a licensed lighting engineer (PE) shall be submitted to the Planning Division for review and approval. The report shall verify compliance with the following requirements:
 - a. The light measurements shall be taken between dusk and dawn;
 - b. The luminance of an EMC shall not exceed 0.3 foot-candles more than ambient lighting conditions when measured at the recommended distance in Table 19.620.080.D based on the area of the EMC;

- c. The luminance of an EMC shall be measured with a luminance meter set to measure foot-candles accurate to at least two decimals. Luminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full color capable EMC, or a solid message for a single-color EMC. All measurements shall be taken perpendicular to the face of the EMC at the distance specified in Table 19.620.080.D based on the total square footage of the area of the EMC.
7. The proposed sign shall not be used for general advertising for hire.
8. The copy of electronically displayed messages shall not change no more frequently than once every eight seconds. A minimum of 0.3 second of time with no message displayed shall be provided between each message displayed on the sign.
9. The electronic display shall not be illuminated between the hours of 10:00 p.m. and 7:00 a.m.
10. All electronic message displays shall be equipped with automatic controls to allow for adjustment of brightness based on ambient lighting conditions.
11. Displays shall contain static messages only, and shall not have movement, or the appearance of optical illusion or movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination, or the flashing, scintillating or varying of light intensity.
12. All electronic message displays shall be equipped with a sensor or other device that automatically determines ambient illumination and is programmed to automatically dim consistent with the standards of the Zoning Code.
- *Standard Conditions*
13. There shall be a one-year time limit in which to commence operation of the project beginning the day following approval by the Planning Commission.
14. The Conditional Use Permit and associated Variances 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.
15. 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.

16. The Conditional 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.
17. This permit is issued based upon the plans 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 this permit. Failure to notify the city of any change in operations is material grounds for revocation of this conditional use permit.
18. The Applicant 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.
19. Failure to abide by all conditions of this Conditional Use Permit shall be cause for revocation.