

DATE ISSUED: August 1, 2001

REPORT NO. 01-170

ATTENTION: Honorable Mayor and City Council
Docket of August 7, 2001

SUBJECT: APPEAL OF THE PLANNING COMMISSION'S DECISION TO DENY
A CLASSIFICATION OF USE FOR THE CYCLE VISIONS
MOTORCYCLE SHOP IN OLD TOWN SAN DIEGO.
Council District 2. Process Four.

REFERENCE: Report to the Planning Commission No. P-01-094.

OWNER/
APPLICANT: Randy Aron

SUMMARY

Issue(s) - Should the City Council uphold the Planning Commission's decision to deny a Classification of Use to allow the Cycle Visions Motorcycle Shop to operate within Old Town San Diego?

Manager's Recommendation - Uphold the Planning Commission's decision to deny the Classification of Use.

Planning Commission Recommendation - On June 7, 2001, the Planning Commission voted (4-0) to deny the Classification of Use.

Community Planning Group Recommendation - On January 10, 2001, the Old Town Community Planning Committee voted (7-3) to recommend approval of the proposal to operate the Cycle Visions Motorcycle Shop at 4263 Taylor Street.

Environmental Impact - This activity is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3).

Fiscal Impact - None with this action.

Code Enforcement Impact - None with this action.

Housing Affordability Impact - None with this action.

BACKGROUND

The owner of the Cycle Visions Motorcycle Shop filed this Classification of Use (CLU)

application to seek a Planning Commission determination as to whether the motorcycle shop is a use similar in character to the uses, including accessory uses, enumerated in the Old Town San Diego Planned District Ordinance (PDO). As described in the applicant's letter of March 26, 2001 (Attachment 1), the shop would sell Harley Davidson and other motorcycle-related clothing, jackets, Harley-Davidson parts and accessories along with books, magazines, and videos. Part of the facility would also include a motorcycle museum depicting the history of the motorcycle, with antique motorcycles on display. The applicant would limit to 25 percent of the facility, the sale, service, and repair of custom handcrafted motorcycles and parts.

The owner wishes to occupy an existing vacant commercial building (formerly Eric's Rib restaurant) at 4263 Taylor Street, located in the Core subarea of the Old Town San Diego Planned District. The existing vacant commercial building includes 5,500 square feet of floor area, and a 42-space parking lot. Existing uses surrounding the site include Taylor Street and I-8 freeway off-ramps to the west, Presidio Park's softball field and recreation center to the south and east, and an auto commercial building to the north (see pictures in Attachment 5).

DISCUSSION

The purpose and intent of the Permitted Uses Section of the Old Town San Diego PDO states that "it is the purpose of this section to specify certain groupings of uses to be encouraged or emphasized in Old Town based on the area's physical, historical, and functional conditions." This section then calls out the types of uses that are not considered compatible with the development goals of Old Town San Diego, and are therefore not permitted (Attachment 2). The relevant uses listed as not compatible and not permitted include: auto parts stores, auto repair garages, new or used auto sales, and auto service stations.

Additionally in the Old Town San Diego Community Plan Commercial Element, the plan recommends a long list of uses that should be encouraged and several that should be discouraged including: auto parts stores, auto repair garages, auto sales offices, unenclosed automobile service stations, and used car lots.

Section 103.0204C of the Old Town San Diego PDO gives the Planning Commission the authority to approve a CLU, which would allow any other use which the Commission finds to be similar in character to the permitted uses, and consistent with the purpose and intent of the Old Town San Diego Planned District. On June 7, 2001, the Planning Commission denied the CLU.

The applicant argues that 75 percent of the building will be utilized for uses consistent with those specifically spelled out in the Old Town San Diego Planned District Ordinance. The applicant claims that motorcycle repairs, assembly of custom motorcycles, and sale of motorcycles and parts can be found to be consistent with the other uses which are identified within the Old Town San Diego Planned District Ordinance, to wit: bicycle shops with incidental repairs, general and variety stores, gift shops, handicraft shops including woodcraft, leather craft and metal craft, import shops and museums. The applicant believes that with the limitation on the total amount of gross floor area of the existing structure to be allocated to the accessory motorcycle repairs, assembly, and sales, the CLU should be approved. Further, the applicant is requesting that this CLU apply only to 4263 Taylor Street, and that it not be applied to other portions of Old Town.

City staff recommended that the Planning Commission deny the CLU, determining that those uses proposed by the Cycle Visions Motorcycle Shop (sale of motorcycle parts, motorcycle repair, assembly of custom motorcycles, and motorcycle sales) are incompatible with the physical, historical, and functional conditions of the Core subarea of Old Town, and are similar to those uses specifically listed as not permitted in the community plan and not permitted within the PDO.

At the Planning Commission hearing of May 17, 2001, the Planning Commission continued the proposed project, requesting that City staff further research whether any options were available to allow approval of the project through alternative means. One option identified by staff included amending the Old Town PDO and Old Town Community Plan to allow the motorcycle shop to operate at the subject site.

On June 7, 2000, the Planning Commission denied the CLU by a vote of 4-0, but initiated amendments to the Old Town PDO and Old Town Community Plan to allow the motorcycle shop to operate at the subject site. Commissioners determined that although a combination motorcycle shop and museum facility at this particular location would be an appropriate use of the subject property, they could not support the requested CLU and make the necessary finding that the use would be similar in character to the permitted uses, and consistent with the purpose and intent of the Old Town San Diego Planned District.

City staff is currently in the process of preparing the amendments to the Old Town San Diego PDO and Old Town San Diego Community Plan, which will be submitted for a Planning Commission and City Council hearing within the next few months.

CONCLUSION

The applicant has requested that a determination be made to approve the proposal to limit the sales, service, and repair uses to only 25 percent of the gross floor area of the facility and that the determination only apply to this site. Staff does not believe that there is any authority granted to the Planning Commission or City Council to limit the uses that may be determined to be similar in character to those permitted by the PDO to merely 25 percent of the gross floor area.

In addition, when determinations are made that a particular use is similar in character to another permitted use, the new use will be allowed in all zones and locations where the existing permitted use is presently located. In this case, because the CLU is within the Old Town San Diego PDO, if the City Council were to approve the CLU, the new use would also be allowed in the Core subarea, as well as the Rosecrans and Jefferson subareas of the planned district (Attachment 4).

ALTERNATIVES

Approve the Classification of Use.

Respectfully submitted,

Tina P. Christiansen, A.I.A.
Development Services Director

Approved: George I. Loveland
Senior Deputy City Manager

CHRISTIANSEN/MJW

Note: The attachments are not available in electronic format. A copy is available for review in the Office of the City Clerk.

- ATTACHMENTS:
1. Applicants letter dated March 26, 2001.
 2. Section 103.0204 (Uses Not Permitted) of the Old Town PDO.
 3. Project location map.
 4. Subarea Maps - Old Town San Diego PDO.
 5. Pictures.
 6. Planning Commission Resolution Denying the Classification of Use.
 7. Letter of Appeal