



## TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

---

### Staff Report

- AGENDA DATE:** October 2, 2013
- CASE NUMBER:** Development Permit No. 2013-004 and Variance No. 2013-001
- APPLICANT:** R.A.M. Architecture, representing Dr. Liu
- PROPOSAL:** A request to approve a Development Permit to allow the construction of a 15,179 square foot, two (2)-story medical office building. The Variance is a request to allow a nine (9)-foot encroachment into the required front yard setback and an eleven (11)-foot encroachment into the required side yard (alley) setback. The project will include paved parking, lighting and landscaping.
- LOCATION:** 16008 Kamana Road (APNs 0473-412-11 and -12).
- ENVIRONMENTAL DETERMINATION:** Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15270 (b) – the project is statutorily exempt from further environmental review based upon the Lead Agency’s initial determination that the project cannot be approved.
- CASE PLANNER:** Pam Cupp, Associate Planner
- RECOMMENDATION:** Denial

#### PROJECT SITE AND DESCRIPTION (Arial 11)

- A. Project Size  
The project site consists of two (2) parcels totaling 1.05 acres.
- B. General Plan Designations
- Project Site - General Commercial (C-G)
  - North - Medium Density Residential (R-M)
  - East - General Commercial (C-G)
  - South - General Commercial (C-G) Across Kamana Road
  - West - General Commercial (C-G) Across Apple Valley Road

C. Surrounding Zoning and Land Use

Site-	General Commercial (C-G), Vacant
North	- Residential Multi-Family (R-M), vacant and multi-family residential
East	- General Commercial (C-G), medical office building
South	- General Commercial (C-G), bank and professional office building
West	- General Commercial (C-G), commercial business complex (Spirit River Center)

D. Site Characteristics

The project site is currently vacant with sloping topography that slopes approximately five (5) percent to the southwest. There is approximately a sixteen (16)-foot grade differential from the high and low point of the lot. The parcel contains natural desert vegetation; however, no protected plant species are evident.

E. Building/Unit Analysis:

The proposed medical building will be 15,179 square feet in size.

F. <u>Building Height:</u>	Permitted Maximum Adjacent to Residential:	25 feet
	Proposed Maximum Adjacent to Residential:	25 feet
	Permitted Maximum Adjacent to Nonresidential:	35 feet
	Proposed Maximum Adjacent to Nonresidential:	31 feet

G. <u>Setback Analysis:</u>	Required	Proposed	
	Front (Apple Valley Road)	25 ft.	16 ft.
	Street Side (Kamana Road)	70 ft.	70 ft.
	Side (alley)	25 ft.	16 ft.
	Rear	0 ft.	74 ft.

H. <u>Landscaping:</u>	Required:	10%
	Proposed:	22%

I. <u>Parking Analysis:</u>	Required:	76 Spaces
	Proposed:	76 Spaces

J. <u>F.A.R.:</u>	Permitted Maximum	50%
	Proposed	35%

ANALYSIS

A. General:

The applicant is requesting approval of a Development Permit to construct a 15,179 square foot, two (2)-story medical office building. The first floor will have 8,430 square feet of floor area and the second floor will contain an additional 6,749 square feet of floor area. Pursuant to the Development Code, a Development Permit is required for all new commercial/industrial construction to allow the Planning Commission and/or staff, together with the public, the opportunity to review the site planning and architectural/aesthetics of the proposal.

Although a 15,179 square foot office building can be reviewed administratively, the applicant is also requesting approval of a Variance to allow encroachments into the required front yard and recorded, side yard setback. The front yard encroachment

consists of a six (6) foot high wall which transitions to a retaining wall. The encroachment into the recorded, side yard setback consists of a second floor landing and a staircase.

B. Site Analysis:

The project site is comprised of two (2) parcels totaling 45,715 square feet (1.05 acres) in size. The properties to the north are within the Multi-family Residential (R-M) zone and consists a vacant parcel and a single-story apartment building. All other surrounding properties are within the General Commercial (C-G) zone and are developed with commercial buildings. There is a five (5) percent slope towards the south. The site contains native, desert vegetation and is void of any protected plant species.

The proposed medical building will occupy one parcel, and the remaining parcel will contain parking and additional landscaping. As presented, the site plan illustrates a wall within the required front yard setback, along Apple Valley Road. The purpose of the wall is to retain dirt away from the building in order to provide ingress/egress for the medical office. The site plan also indicates the presence of an electrical transformer in the front yard setback. While this is permitted, the site plan illustrates a forty-two (42)-inch high screen wall that will be three (3)-feet, nine (9) inches from the property line. The Development Code requires walls be a minimum of five (5) feet from the property line. Within the interior side yard, along the alley, a second floor landing is proposed. The landing provides ingress/egress to the second floor with access to the trash enclosure and a staircase leading to the rear parking area. The landing encroaches two (2) feet into the recorded side yard setback and the staircase will encroach eleven (11) feet into the side yard setback. The applicant is seeking approval of a Variance to allow these encroachments.

The subject site is located at the northeasterly corner of Apple Valley Road and Kamana Road, both of which are improved roadways with existing curb and gutter. The project will require the installation of sidewalks along Apple Valley and Kamana Roads. Development of this project would require fourteen (14) feet of additional road dedication along Apple Valley Road; however, no road widening will be required. Vehicular access to the project site is from Kamana Road with alternate access available from the public alley. The site plan illustrates a free-standing sign within the area required for road dedication; however, this will not be permitted. The proposal will include two electric vehicle charging stations and bicycle parking.

The project will create impervious surfaces (such as the building, driveways and parking areas) that will create additional surface water runoff. The applicant proposes a "Storm Tech" subsurface retention system for storm water control. Public sewer is available to the location and connection would be required.

C. Architecture Analysis:

The applicant proposes to construct a two (2)-story medical office. The lower level consists of an 8,430 square foot medical office. The second floor is proposed with three (3) leasable suites ranging from 1,850 to 2,184 square feet in size. The project includes indoor staircases at each end of the building and an elevator to provide access to the second floor.

The front elevation illustrates an overall height of thirty-two (32) feet. The Code permits a maximum building height of twenty-five (25) feet when within 100 feet of any residentially zoned property or use. The architect has incorporated a subterranean ground floor, which gives the adjacent residential properties the view of a single-story structure. The rear elevation will have a maximum height of twenty-five (25) feet from natural grade, which perceptually, meets the maximum height requirement.

The first floor is semi-subterranean. To satisfy the requirement for The ingress/egress the applicant proposes to construct a retaining wall along Apple Valley Road. The wall will encroach nine (9) feet into the required twenty-five (25)-foot front yard setback. The wall begins as a six (6)-foot, freestanding wall and transitions to a seven (7)-foot retaining wall as measured from the lowest point of grade. The applicant is requesting a Variance to allow this encroachment.

The proposed architectural design is modernistic and reflective of the proposed, high-tech, medical facility. Materials selected for the structure include smooth stucco, limestone mason block, glass windscreens and metal, cantilevered window awnings. The project incorporates a bi-colored theme consisting of gray and blue. The front elevation, which faces Kamana, will have Reflectit "Tin Man" coating over a smooth stucco finish. A rectangular framed pop-out encloses the first floor vestibule and adds additional architectural interest building frontage. This architectural element is comprised of a smooth stucco with a Reflectit "Starry Night" blue coating. The second floor has a covered walkways along the front elevation facing Kamana and along the south elevation facing Apple Valley Road. The use of varying wall planes and parapet elevations, together with the one (1) inch metal reveals add visual interest to the front and side elevations.

The rear elevation, which faces residentially zoned land and uses, does not display the same level of design and is devoid of any architectural interest. The rear elevation incorporates a pedestrian landing providing access to the rear parking area and trash enclosure form the second floor. The applicant is requesting a Variance to allow the landing to encroach two (2) feet and to allow the staircase to encroach eleven (11) feet into the required twenty-five (25)-foot side yard setback along the alley.

The use of Reflectit coatings will create a metallic look to the building surface giving the structure a polished appearance. Staff has been working with the architect to "tone down" the metallic appearance; however the applicant is reluctant to do so. The Development Code requires Planning Commission review when metal exteriors are being proposed. Although the exterior of the proposed building is not metal, the finishes are emulating a metallic appearance, and based upon the submitted material board and elevations, appear to be light reflective.

The proposed design is modernistic, and staff does not believe it to be consistent with the intent of the Development Code, nor is it an appropriate design for the prominent location for which it is proposed. The Development Code states that, "Architecture should reflect the Town's desert setting and long term traditional values. Building design options should be compatible with existing development to the greatest extent possible." The Code additionally encourages the use of adobe, stucco, smooth plasters, earthen color block, natural stone, wood and terra cotta tiles as the dominant building material. The Alaska USA Federal Credit Union and the Spirit River Center, both adjacent to this proposal, are outstanding examples of desert compatible design and consistent with the intent of the Development Code.

D. Variance

As submitted, Variance No. 2013-001, is a request to allow the following encroachments:

1. A nine (9)-foot encroachment into the required front yard setback along Apple Valley Road for a wall;
2. A two (2)-foot encroachment into the required side yard setback along the alley for a pedestrian landing;
3. An eleven (11)-foot encroachment into the required side yard setback along the alley for a staircase.

Pursuant to the Development Code, a Variance is defined as follows:

***“Variance***

*A departure from any provision of the zoning requirements except use, for a specific parcel without changing the zoning ordinance or the underlying zoning of the parcel. A variance usually is granted only upon demonstration of hardship based on the peculiarity of the property in relation to other properties in the same zoning district.”*

Development Code Section 9.24.090, *Burden of Proof*, states the following:

“The burden of proof to establish the evidence in support of the Findings, as required by Section 9.24.070 of this Code, is the responsibility of the applicant.”

The Planning Commission must make the Findings required within the Development Code in a positive manner before it may grant a Variance request. The applicant has provided for the Commission’s consideration, “Findings Required to Grant a Variance”, which are attached to this report. In summary, the applicant contends that the special topography, the fact that there are three (3) street frontages that surround the location, and that the property is a corner lot, inhibits the public’s safety and accessibility to the site. The applicant further believes that the other properties can provide walkways or sidewalks on grade without question. The applicants feels that, based upon these reasons, a deviation from Code requirements is justified.

The property is within recorded Tract Map No. 7802; therefore, all setbacks are determined by the recorded tract map and the Code’s Ranchos Residential Overlay District standards for that particular subdivision. The recorded front yard setback Along Apple Valley Road is twenty-five (25) feet. If this were not a Ranchos Tract, the minimum front yard setback along Apple Valley Road would be forty-five (45) feet. Kamana Road has a recorded setback of seventy (70) feet. If this site were not in the Ranchos Overlay, the setback along Kamana Road would be twenty-five (25) feet, which would provide for additionally creative in site planning.

The site has been designed so that the entire building is to be located on one parcel, with parking and landscaping on the adjacent parcel. Because the structure does not cross property lines, the applicant does not plan on completing a lot merger. It is the applicant’s desire to maintain this particular site configuration and floor plan; however, if the floor plan were reversed, or the structure moved to the zero (0) lot line, there would be no need for the retaining wall encroachment into the front yard setback.

The property contains a five (5) percent slope from the north to the south. Previous development along Kamana Road has dealt with a similar slope issues. The Glen Dental Building took advantage of the zero (0) side yard setbacks while also incorporating retaining walls into its site planning. The structure was designed a single-story medical building, which is better suited to this type of topography. No Variance was required. Based upon the two-(2) story design, the applicant needs additional points of egress, and in order to address the egress issue, proposes an encroachment into the front yard and side yard setbacks. It is the applicant's choice to construct a two (2) story building on this site. It is the second floor that requires the pedestrian landing and staircase to encroach into the side setback along the alley. The applicant is attempting to compress an oversized structure into the parameters of the Development Code.

In 2008, the Commission reviewed and approved an office building at the same location. The project occupied one of the parcels, was 12,038 square feet in size and was able to meet its parking and setback requirements without any Variance. In reviewing the information within this report, and the applicant's request, the information does not support the Findings necessary to support a Variance. The applicant's decision to design the site in this manner is an over intensification of the site and is a self-imposed hardship; therefore, this is not a special circumstance to warrant a deviation to the Code.

E. Environmental Assessment:

Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15270 (b) – the project is statutorily exempt from further environmental review based upon the Lead Agency's initial determination that the project cannot be approved.

F. Noticing:

This item was advertised as a public hearing in the Apple Valley News newspaper on September 20, 2013

G. Development Permit Findings:

As required under Section 9.16.090 of the Development Code, prior to approval of a Development Permit, the Planning Commission must make positive findings to approve this proposal. These Findings, as well as a comment to address each, are presented below.

1. That the location, size, design, density and intensity of the proposed development is consistent with the General Plan, the purpose of this Code, the purpose of the zoning district in which the site is located, and the development policies and standards of the Town;

Comment: Although the proposed 15,179 square foot, two-story medical office is within the General Commercial (C-G) zone and is in compliance with the General Plan Land Use, the proposal is inconsistent with the C-G Zoning District development standards related to design standards. The structure is too large for the intended site and cannot be built without an approved Variance.

2. That the location, size and design of the proposed structures and improvements are compatible with the site's natural landforms, surrounding sites, structures and streetscapes;

Comment: The site planning and proposed grading of the 15,179 square foot, two-story medical office has responded well to the site's natural landforms; however, the size and design of the proposed structure is not compatible with surrounding sites, structures or streetscapes. The scale and mass of the proposed structure will dominate the landscape as there are minimal two-story structures in the vicinity.

3. That the proposed development produces compatible transitions in the scale, bulk, coverage, density and character of development between adjacent land uses;

Comment: The proposed 15,179 square foot, two-story medical office does not produce a compatible transition in the scale, bulk, coverage, density or character of development between adjacent land uses. The structure to the east, is a 2,000 square foot, single-story medical office. To the north, is a single-story multi-family structure. The proposed development will dominate the landscape relative to bulk and scale.

4. That the building, site and architectural design are accomplished in an energy efficient manner;

Comment: The proposed 15,179 square foot, two-story medical office will be constructed in accordance with the Uniform Building Code and will be oriented in a manner that will optimize efficient energy resources. The project must also comply with requirements from the Building and Safety Division as well as UBC Title 24 requirements.

5. That the materials, textures and details of the proposed construction, to the extent feasible, are compatible with the adjacent and neighboring structures;

Comment: The design, materials and details of the proposed 15,179 square foot, two-story medical office does not utilize an architectural design consistent with existing structures in the immediate area. The predominant building materials and colors within the vicinity are earthen tones consisting of shades of brown, red and beige. This proposal is for a metallic silver building with electric blue trim. The structure will be reflective and incompatible with adjacent and neighboring structures.

6. That the development proposal does not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings with respect to mass and scale to an extent unnecessary and inappropriate to the use;

Comment: Although the two-story structure height is consistent with the Development Code, due to the topography of the area, some public views will be block. However, the proposed building height

of thirty-two (32) feet will appear more massive in building height in comparison to the adjacent developments.

7. That the amount, location, and design of open space and landscaping conforms to the requirements of this Code, enhances the visual appeal and is compatible with the design and function of the structure(s), site and surrounding area;

Comment: The location, size and design of the proposed landscaping meets Development Code standards; however, based upon the requested encroachments, will not enhance the visual appeal of the surrounding area.

8. That quality in architectural design is maintained in order to enhance the visual environment of the Town and to protect the economic value of existing structures;

Comment: The design, materials and details of the proposed 15,179 square foot, two-story medical office does not utilize an architectural design consistent with existing structures in the immediate area. The predominant building materials and colors within the vicinity are earthen tones consisting of shades of brown, red and beige. This proposal is for a metallic silver building with electric blue trim. The structure will be reflective and incompatible with adjacent and neighboring structures.

9. That excessive and unsightly grading of hillsides does not occur, and the character of natural landforms and existing vegetation are preserved where feasible and as required by this Code;

Comment: The site planning and proposed grading of the 15,179 square foot, two-story medical office has responded well to the site's natural landforms; however, the size and design of the proposed structure is not compatible with surrounding sites, structures or streetscapes. The scale and mass of the proposed structure will dominate the landscape as there are minimal two-story structures in the vicinity. There are no Joshua Trees on the property.

10. That historically significant structures and sites are protected as much as possible in a manner consistent with their historic values;

Comment: The site is vacant and with no known historical structures on site or in the vicinity.

11. That there are public facilities, services and utilities available at the appropriate levels, or that these shall be installed at the appropriate time, to serve the project as they are needed;

Comment: There are existing improvements available to serve the site.

12. That access to the site and circulation on and off-site is safe and convenient for pedestrians, bicyclists, equestrians and motorists;

Comment: The proposed 15,179 square foot, two-story medical office will be located on a commercial site that fronts improved roadways. Therefore, the proposal will not adversely impact access, circulation and the physical character of surrounding streets.

13. That the proposed development's generation of traffic will not adversely impact the capacity and physical character of surrounding streets;

Comment: The proposed 15,179 square foot, two-story medical office will be located on a commercial site that fronts Apple Valley and Kamana Roads, improved roadways designed to accommodate commercial traffic. Therefore, the proposal will not adversely impact the capacity and physical character of surrounding streets.

14. That traffic improvements and or mitigation measures are provided in a manner adequate to maintain a Level of Service C or better on arterial roads and are consistent with the Circulation Element of the Town General Plan;

Comment: Traffic generated by 15,179 square foot, two-story medical office will not adversely impact the surrounding area. The proposed development will be located along improved roadways that can accommodate traffic generated from the project site.

15. That environmentally unique and fragile areas such as the knolls, areas of dense Joshua trees, and the Mojave River area shall remain adequately protected;

Comment: The proposal is within a General Commercial (C-G) zoning district, with minimal vegetation and is outside of any known environmentally unique or fragile areas. The site is void of any protected plants.

16. That there will not be significant harmful effects upon environmental quality and natural resources;

Comment: Under the State guidelines to implement the California Environmental Quality Act (CEQA), the project is not anticipated to have any direct or indirect impact upon the environment.

17. That there are no other relevant negative impacts of the proposed use that cannot be mitigated;

Comment: Under the State guidelines to implement the California Environmental Quality Act (CEQA), the project is not anticipated to have any direct or indirect impact upon the environment, as it has been determined that the proposed request is Exempt from further environmental review.

18. That the impacts which could result from the proposed development, and the proposed location, size, design and operating characteristics of the proposed development, and the conditions under which it would be operated or maintained,

will not be detrimental to the public health, safety and welfare of the community or be materially injurious to properties or improvements in the vicinity, nor be contrary to the adopted General Plan; and

Comment: The design, materials and details of the proposed 15,179 square foot, two-story medical office does not utilize an architectural design consistent with existing structures in the immediate area. The predominant building materials and colors within the vicinity are earthen tones consisting of shades of brown, red and beige. This proposal is for a metallic silver building with electric blue trim. The structure will be reflective and incompatible with adjacent and neighboring structures.

19. That the proposed development will comply with each of the applicable provisions of this Code and applicable Town policies, except approved variances.

Comment: The design, materials and details of the proposed 15,179 square foot, two-story medical office does not utilize an architectural design consistent with existing structures in the immediate area. The predominant building materials and colors within the vicinity are earthen tones consisting of shades of brown, red and beige. This proposal is for a metallic silver building with electric blue trim. The structure will be reflective and incompatible with adjacent and neighboring structures.

H. Variance Findings:

As required under Section 9.24.070 of the Development Code, prior to approval/denial of a Variance, the Planning Commission must make the following Findings:

1. That, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Code deprives such property of privileges enjoyed by other properties in the vicinity and under the identical zoning classification;

Comment: The inability to meet the setbacks is a self-imposed hardship. The applicant's decision to design the site in this manner is an over intensification of the site given its configuration and not a special circumstance of the land to warrant a deviation to the Code. The proposed Variance is for a property that has no unique circumstances applicable to the property that deprive it from privileges enjoyed by other properties within the general vicinity.

2. That granting the Variance will be consistent with the general intent and purpose of the Development Code provisions for the district in which the property is located;

Comment: The purpose of the development standards is to promote good quality design, improve and maintain a quality living environment and to provide basic standards that insure compatibility and consistency between new and existing development. The request has the ability to impact the adjacent land uses and does not

provide consistency between the proposal and the existing development and, therefore, the request is considered to be inconsistent with the general intent and purpose of the Development Code.

3. That granting the Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and zoning district and denied to the property for which the Variance is sought;

Comment: There are existing commercial developments within vicinity that have been developed in conformance with the development standards. Achieving the maximum density allowed based on lot size is not a matter of right but based on the property's ability to meet Code requirements. Granting this request is not necessary to allow a development right, as no such property right as that requested is being enjoyed by others in the vicinity.

4. That granting the Variance will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located;

Comment: Granting this Variance may set a precedent that will allow property owners with similar circumstances to justify their own request for a Variance. The cumulative impact of additional Variance requests for encroachments into the building setbacks would nullify the intent and meaning of the Development Code and, therefore, have a negative impact upon adjoining properties.

5. That granting the Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the zoning district and General Plan land use designation such property is located; and

Comment: The property for which the Variance is sought is not being deprived an enjoyment of a property right possessed by other properties within the general vicinity. This is not the only sloped lot within the vicinity; however, it is the only development that has needed to request a Variance.

6. That granting the Variance does allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.

Comment: Medical offices are a permitted use within the General Commercial (C-G) subject to approval of a Development Permit.

### RECOMMENDATION

Based upon the information contained within this report, and any input received from the public at the hearing, it is recommended that the Planning Commission move to:

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section 15270 (b), the proposed request is Exempt from further environmental review.

2. Find the facts presented in the staff report do not support the required Findings for Approval for Development Permit No. 2013-004 and Variance No. 2013-001.
3. Adopt the negative Findings as provided in the staff report and deny Development Permit No. 2013-004 and Variance No. 2013-001

**Prepared By:**

**Reviewed By:**

---

Pam Cupp  
Associate Planner

---

Lori Lamson  
Community Development Director

**ATTACHMENTS:**

1. Applicant's Variance Findings
2. Site Plan
3. Floor Plan
4. Building Elevations
5. Zoning Map

The applicant must provide detailed answers to the questions listed below. You should include specific evidence, details and/or qualities of the proposed structure or other project. Additional pages or supporting documentation such as photographs, previous variance approval, etc., may be attached.

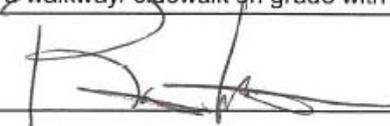
1. Specific Development Code Section for which relief is being sought: Table 9.35.050-A Projections into yards allowed. 3 ft projection for stairs over setback. Table 9.35.040-A 42" maximum height for solid walls within front or street side setbacks.

2. Explain the hardship or practical difficulty that would result from the strict interpretation and enforcement of this Code.  
A 42" maximum high wall will not allow for retaining of native soil due to site topography and will not allow for exit doors on the rear side of the 2nd floor of building.

3. What is the alternative means of compliance being proposed?  
A 6 ft. height retaining wall will allow to properly retain soil and allow for required exit doors from the rear of the second floor providing stairs between alley parking will limit pedestrians from having to walk around site to 1st floor and access stairs or elevator to go back up to 2nd floor.

4. What are the special circumstances that apply only to the property to which the application pertains, and do not apply generally to the other properties in the vicinity?  
Property is a corner lot on Apple Valley Rd and Kamana Rd. This site has three streets surrounding property when including the alley and has a 16' differential from the southwest corner of the lot to the north property corner of lot. Other properties in the vicinity have two street setbacks and a less challenging topography.

5. Explain how, if the Variance is approved, it will not constitute a granting of special privilege which will not be available to other properties in the vicinity?  
This variance will only enhance the safety and accessibility of the public. This variance is being requested only because of the special topography and three (3) street restrictions inhibiting the safety and accessibility of the public. Other properties with no topography issue could just provide a walkway/ sidewalk on grade with out question.

Signed  Date 9/10/13

Print Name Robert A. Martinez AIA.

#### FINDINGS REQUIRED TO GRANT A VARIANCE

The applicant must provide specific justification for each of the findings listed below. You should include specific evidence, details and/or qualities of the proposed structure or other project. Additional pages or supporting documentation such as photographs, previous variance approval, etc., may be attached.

1. Special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Town Development Code deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

Property is a corner lot on Apple Valley Road and Kamana Rd. This site has three street frontage setbacks including the alley on north side of property. The site has a 16 ft.

height differentiation from the southwest property line to the north corner property line.

Other surrounding properties only have two street setback and a less challenging topography.

2. Granting the variance will be consistent with the general intent and purpose of the Development Code provisions for the district in which the property is located.

Variance is to allow for retaining walls and stairs to encroach inot a building setback at a taller height than town allows for soil retention purposes and pedestrian accessibility and

safety. Variance is not for any special use or purpose inconsistent with the intent

of the development code.

3. Granting of the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zoning district and denied to the property for which the Variance is sought.

Due to topography differential and set backs imposed on 3 sides of property unduly restricts

ability of 2 stories and footprint of a single story as compared to other adjacent

properties.

4. Granting of the variance will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located.

The variance will enhance the safety and accessibility of the public by providing needed paths of travel with guardrails, handrails and stairs to expand the public accessibility.

5. Granting of the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the zoning district and General Plan land use designation such property is located.

Granting of the variance does not constitute as a special priviledge as it does not do anything to upgrade the building or site but to enhance the safety and accessibility of the public.

6. Granting of the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.

Variance is to provide enhanced accessibility and safety to the building for all that work or visit the property.

---

---

---

Please read and initial the following statement:

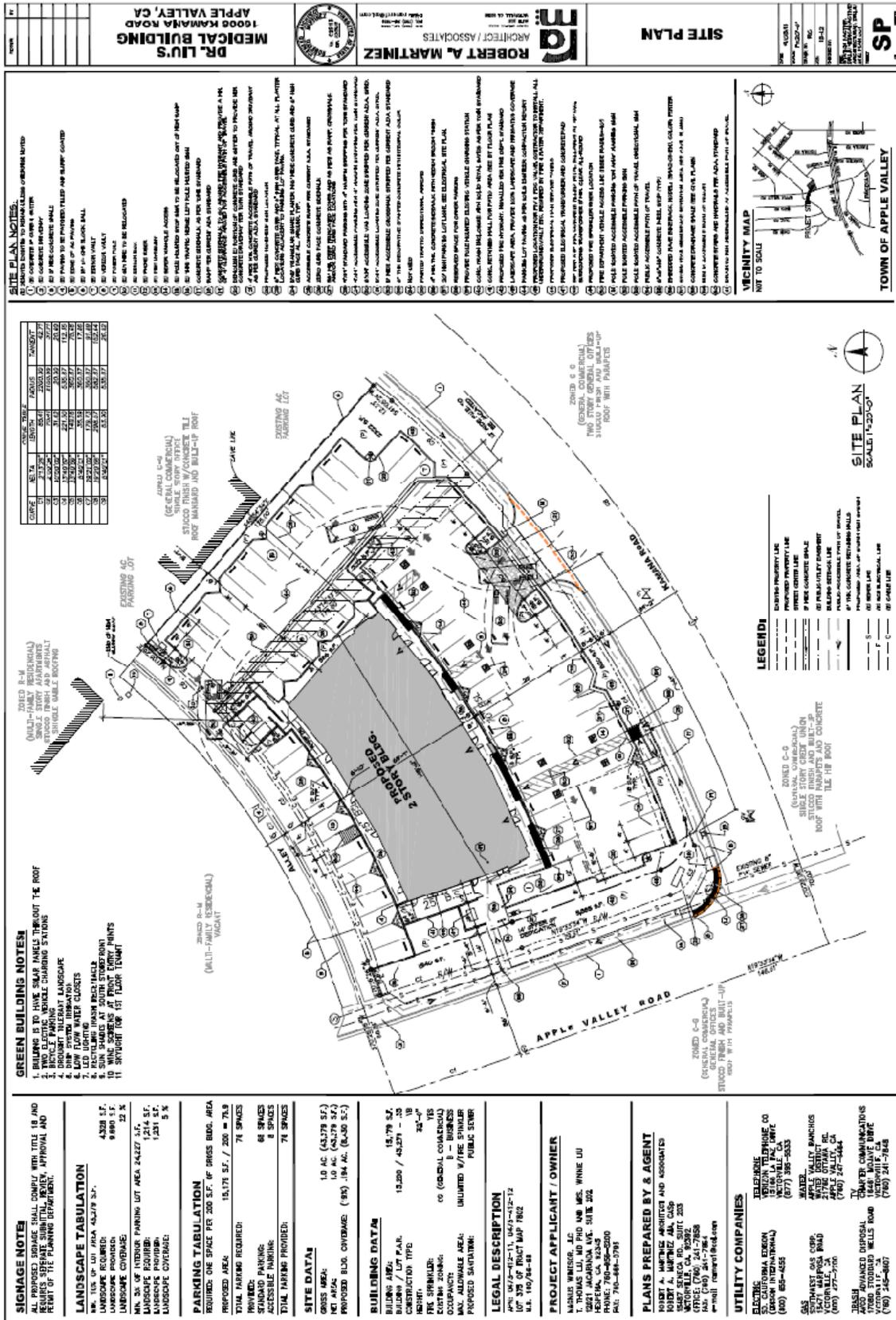
I understand that in lieu of a Variance I have the option of altering my plan and requesting a Deviation Permit in conformance with Section 9.03.0500 of the Town of Apple Valley Development Code. \_\_\_\_\_

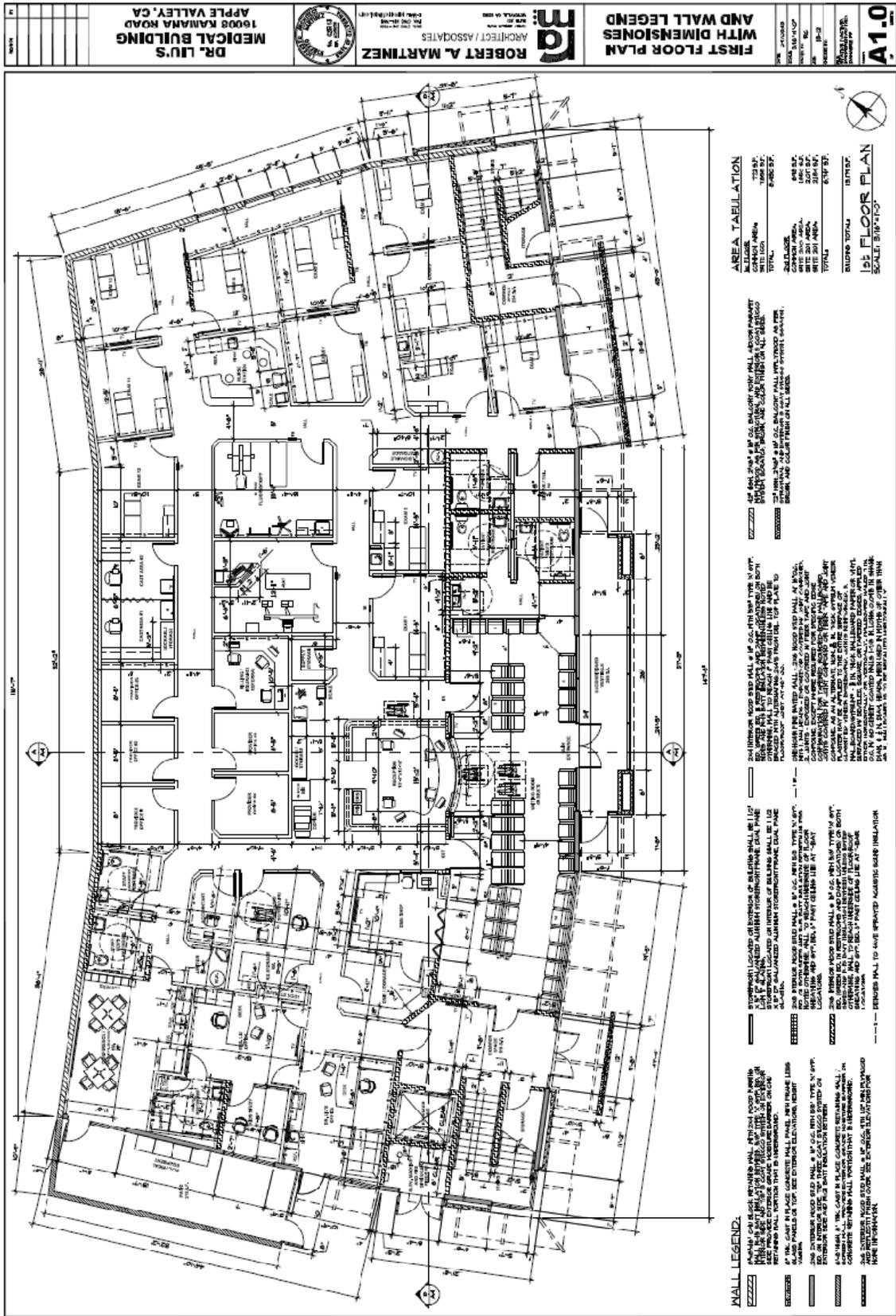
**FINDING REQUIRED TO GRANT A DEVIATION**

1. Granting the deviation will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in the vicinity and land use district in which the property is located.
- 
- 
- 
- 

Signed   |   Date \_\_\_\_\_

Print Name \_\_\_\_\_





DR. LU'S  
 MEDICAL BUILDING  
 1908 KAMANA ROAD  
 APPLE VALLEY, CA



**ROBERT A. MARTINEZ**  
 ARCHITECT / ASSOCIATES  
 1908 KAMANA ROAD  
 APPLE VALLEY, CA 91752  
 TEL: 909.941.1111  
 FAX: 909.941.1112  
 WWW: WWW.RAMARTINEZ.COM

**FIRST FLOOR PLAN  
 WITH DIMENSIONS  
 AND WALL LEGEND**

DATE: 10/20/13  
 DRAWN BY: JLM  
 CHECKED BY: JLM  
 SCALE: 1/8\"/>

**A1.0**

**AREA TABULATION**

DESCRIPTION	AREA (SQ. FT.)
GRAND AREA WITH LOBBY	10,800 SF
TOTAL	10,800 SF
RECEIVING AREA	400 SF
RECEPTION AREA	100 SF
WAITING AREA	200 SF
STAFF AREA	600 SF
TOTAL	1,300 SF
<b>BUILDING TOTAL</b>	<b>12,100 SF</b>

**1/8\"/>**

201 INTERIOR WOOD SPOKE HALL, 2\"/>





## KAMANA ROAD ELEVATION VIEW



**ROBERT A. MARTINEZ**  
ARCHITECT / ASSOCIATES

BUS. (760) 241-7858  
FAX (760) 241-7954  
E-MAIL: ramarc1@aol.com

15487 SENECA ROAD  
SUITE 203  
VICTORVILLE, CA 92392



**NORTH ELEVATION VIEW**





**EAST ELEVATION VIEW**



**APPLE VALLEY RD.  
ELEVATION VIEW**



**ROBERT A. MARTINEZ**  
ARCHITECT / ASSOCIATES

15407 SENECA ROAD  
SUITE 203  
VICTORVILLE, CA 92382

BUS: (760) 241-7858  
FAX: (760) 241-7854  
E-MAIL: ramarc1@aol.com

Development Permit No. 2013-004 and  
 Variance No. 2013-001

ZONING/LOCATION MAP

