



A Better Way of Life

Agenda Item No. 2

TOWN OF APPLE VALLEY PLANNING DIVISION

Staff Report

- AGENDA DATE:** April 2, 2014
- CASE NUMBER:** Development Permit No. 2014-001
- APPLICANT:** Skyline Ranch Homes, for Ms. Darlene Ward
- PROPOSAL:** A request to review and approve a Development Permit to allow construction of a twenty-one (21)-foot eleven (11)-inch tall, 1,575 square-foot, detached garage. The proposed garage will reside on a 5.43 parcel located within the Equestrian Residential (R-EQ) zoning designation.
- LOCATION:** The project is located at 16753 Ta-Ki-Pi Road; APN 0441-032-03
- ENVIRONMENTAL DETERMINATION:** Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15303(e) which says, accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences are exempt from further environmental review.
- CASE PLANNER:** Ms. Mallory Snyder and Mr. Douglas Fenn
- RECOMMENDATION:** Approval

PROJECT AND SITE DESCRIPTION

- A. Project Size
The parcel is 5.43 acres (236,530 square feet) in size.
- B. General Plan Designations:
- | | |
|--------------|------------------------------------|
| Project Site | - Equestrian Residential (R-EQ) |
| North | - Equestrian Residential (R-EQ) |
| East | - Equestrian Residential (R-EQ) |
| South | - Equestrian Residential (R-EQ) |
| West | - Single-Family Residential (R-SF) |

C. Surrounding Zoning and Land Use:

- Project Site - Equestrian Residential (R-EQ); existing single family residence
- North - Equestrian Residential (R-EQ); vacant land
- South - Residential Single Family (R-SF); existing single family residence
- East - Equestrian Residential (R-EQ); existing single family residence
- West - Equestrian Residential (R-EQ); vacant land

D. Building Height:

- Permitted Maximum: Sixteen (16)-feet
- Proposed Maximum: Twenty-One-(21) feet and eleven (11)-inches

E. Setback Analysis:

	<u>Required:</u>	<u>Proposed Garage:</u>
Front:	50 feet	521 feet
Rear:	10 feet	152 feet
Side:	10 feet	15 feet

F. Lot Coverage:

- Permitted Maximum: 235,224 square feet (30%)
- Existing Maximum: 6,000 square feet (2.5%)
- Proposed Garage: 1,575 square feet (1.2%)
- Proposed Garage with existing: 7,575 square feet (3.7%)

Analysis:

A. General:

The applicant proposes to construct a detached garage, twenty-one (21)-feet, eleven-(11) inches in height and 1,575 square feet in size. Pursuant to the Development Code, a Development Permit, reviewed and approved by the Planning Commission, is required prior to the construction of an accessory structure that exceeds the maximum height allowed with the Equestrian Residential (RE-Q) zoning district. The Development code states the following:

“9.29.020 Accessory Uses and Structures

- D. *Height. The maximum height of an accessory structure shall not exceed the maximum height for the zoning district in which it is located, except that the maximum total height of antennas and their support structures shall be as specified in Chapter 9.77, Wireless Telecommunications Towers and Antennas, of this Code. Accessory structures in the single family residential, equestrian residential, and multi-family residential districts shall not exceed one-hundred percent (100%) of the height of the main structure on site, or sixteen (16) feet, whichever is lesser, if a one story structure, nor seventy-five (75) percent of the height of the main structure, if that main structure is two or more stories in height. A greater height may be approved by the Planning Commission upon review and approval of a Development Permit as provided in Chapter 9.17 “Development Permits.”*

B. Site Analysis:

The project site is developed with an existing 5,750 square-foot single family residence with an attached garage and covered porch. The terrain is relatively flat with no significant slopes. Within the immediate vicinity there are existing mature trees with heights exceeding that of the proposed garage. All surrounding properties are located within the Equestrian Residential (RE-Q) zoning designation, which are developed with single-family residences.

C. Architecture Analysis:

The Development Code establishes standards for accessory structures, to ensure the single-family residence remains the dominant land use and that a quality, aesthetic presentation of the property is maintained. The detached garage will measure thirty-five (35) feet deep and forty-five (45) wide with three (3) roll-up doors along the front elevation. The interior has an open floor area measuring thirty-three (33)-feet by forty-three (43)-feet. As requested by the Development Code, the proposed detach garage had been designed to be architecturally compatible with the primary structure through the use of matching colors, building materials and architectural elements. With the implementation of the Conditions of Approval, P7. The detached garage shall match existing residence in color and building material. The proposed garage will be compatible with the main residence and the surrounding structures. P.8 the maximum height of the detached garage shall be twenty-one (21)-feet and eleven (11)-inches. The proposed height and size of the garage will not cause a visual obstruction and is in scale with the surrounding residential neighborhood.

E. Noticing:

This item was advertised as a public hearing in the Valley Wide newspaper on March 21, 2014 .Property owners within 300 feet of the project site were notified of the April 2, 2014 Planning Commission meeting. No public comment has been received by staff regarding this proposal at the time this staff report was written.

F. Development Permit Findings:

As required under Section 9.17.080 of the Development Code, prior to approval of a Development Permit, the Planning Commission must make the following Findings:

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: The proposed detach garage is in compliance with the General Plan Land Use and zoning designation. The subject property has a zoning designation of Equestrian Residential (R-EQ) which allows for detach garages to exceed the height limit of sixteen (16)-feet, subject to approval of a Development Permit.

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 proposed detach garage will be compatible with existing structures within the vicinity. Although the proposed height is greater than that of the existing residence, the building footprint is significantly less. In addition, there are mature trees adjacent to the proposed site that will minimize any potential impact caused by the additional building height.

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 detach garage is compatible with the site and surrounding area and has been designed with adequate landscaping and circulation. The use is not anticipated to generate excessive noise, vibration, traffic or other disturbances.

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

Comment: The proposed detach garage must be constructed in accordance with the Uniform Building Code and the proposed construction must comply with Building and Safety Division and 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 detached garage will be compatible with properties or improvements in the vicinity. The property is within the R-EQ zoning designation and accessory structures may exceed the height limit of sixteen-(16) feet, with the approval of a Development Permit.

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: The proposed detached garage is located behind the existing primary residence and has the appropriate separation from the main structure and setbacks from property lines. The additional height of five (5)-feet and one (1)-inch requested for the proposed detached garage will not block public views and is a compatible use because the structure is consistent in scale to other residential-related structures in the area.

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 proposed detached garage is located on property that contains established landscaping and is compatible with adjacent residential uses within the general area. The location and size of the proposed garage complies with the Code, subject to a Development Permit. The design of the proposed garage will be compatible with the existing residence and the garage function is appropriate for the area, which is zoned Equestrian Residential (R-EQ).

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 proposed detached garage is designed to be compatible with the existing residence and surrounding development, and is permitted subject to approval of a Development Permit.

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 project site is relatively flat with no significant slopes or natural landforms.

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

Comment: The project is proposed on a lot with an existing single-family residential home and there are no known historical structures on the site.

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. In addition, the proposal will be compatible with the surrounding neighborhood.

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 accessory structure will be located on an existing residential site which fronts Ta-Ki-Pi Road and must adhere to Conditions of Approval required in the Development Permit. 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 detached garage will be located on a residential site, which fronts Ta-Ki-Pi Road, a roadway designed to accommodate residential traffic. In addition, the proposed project must adhere to the Conditions of Approval required in the Development Permit. 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: The proposal is not anticipated to result in any traffic increase. The proposed detached garage will be located on, and adjacent to, residentially designated properties fronting Ta-Ki-Pi Road, which 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 R-EQ zoning designation and not within any significant environmentally unique or fragile areas.

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 and is Categorically Exempt under Section 15303(e)

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 proposed detached garage, by its design and operating characteristics, and with adherence to the conditions under which it will be operated and maintained, will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity.

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 proposed detached garage can be built in conformance to the Development Code, subject to approval of a Development Permit and adherence to the recommended Conditions of Approval.

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. Determine that 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.
2. Find the facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve Development Permit No. 2014-001, subject to the attached Conditions of Approval.
4. Direct staff to file a Notice of Exemption.

Prepared By:

Reviewed By:

Mallory Snyder
Planning Intern

Lori Lamson
Director of Community Development

Douglas Fenn
Senior Planner

*Development Permit No. 2014-001
April 2, 2014 Planning Commission Meeting*

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Site Plan
3. Zoning Map

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Case No. 2008-013

Please note: *Many of the suggested Conditions of Approval presented herewith are provided for informational purposes and are otherwise required by the Municipal Code. Failure to provide a Condition of Approval herein that reflects a requirement of the Municipal Code does not relieve the applicant and/or property owner from full conformance and adherence to all requirements of the Municipal Code.*

Planning Division Conditions of Approval:

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval, if not exercised, shall expire two (2) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the expiration date. The Development Permit becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. The applicant shall agree to defend, at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P3. The filing of a Notice of Exemption requires the County Clerk of the Board to collect a documentary handling fee of fifty dollars (\$50.00). The fee must be paid in a timely manner in accordance with Town procedures. No permits may be issued until such fee is paid.
- P4. The rendering approved by the Community Development Director shall be the anticipated and expected appearance of the structure upon completion.
- P5. It is the sole responsibility of the applicant on any Permit, or other appropriate discretionary review application for any structure, to submit plans, specifications and/or illustrations with the application that will fully and accurately represent and portray the structures, facilities and appurtenances thereto that are to be installed or erected if approved by the Director. Any such plans, specifications and/or illustrations that are reviewed and approved by the Director shall accurately reflect the structures, facilities and appurtenances expected and required to be installed at the approved location without substantive deviations, modifications, alterations, adjustments or revisions of any nature.

- P6. The Community Development Director or his/her designee, shall have the authority for minor architectural changes focusing around items such as window treatments, color combinations, façade treatments, and architectural relief. Questions on the interpretation of this provision or changes not clearly within the scope of this provision shall be submitted to the Planning Commission for consideration under a Revision to the Development Permit.
- P7. The detached garage shall match existing residence in color and building materials.
- P8. The maximum height of the detached garage shall be twenty-one (21) feet and eleven (11) inches.

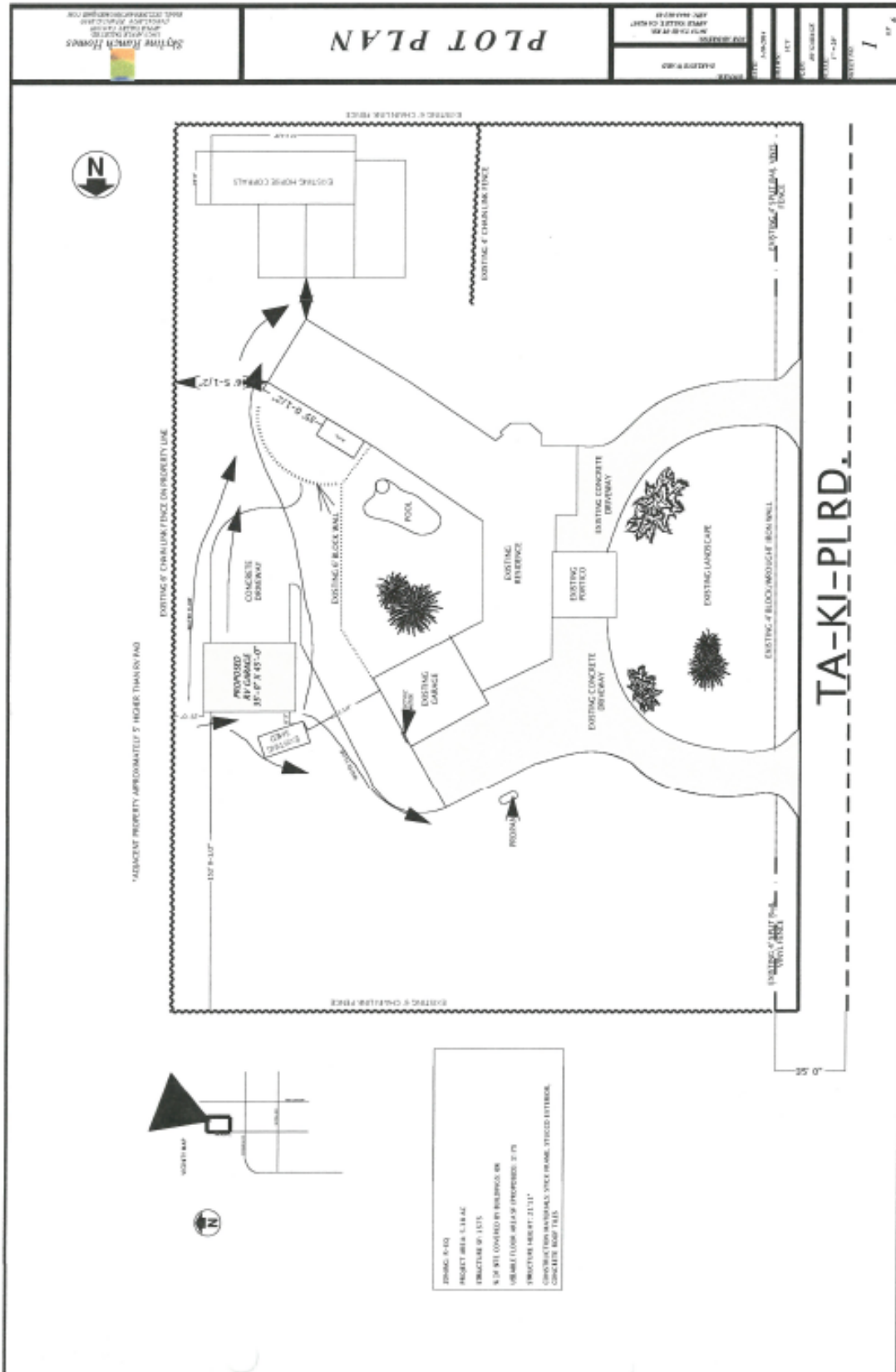
Building and Safety Division Conditions of Approval:

- B1. Submit plans and obtain permits for all structures and retaining walls.
- B2. A pre-construction permit and inspection are required prior to any land disturbing activity to verify requirements for erosion control, flood hazard native plant protection and desert tortoise habitat.
- B3. All utilities shall be placed underground in compliance with Town Ordinance No. 89.
- B4. Page two (2) of the submitted building plans will be the Conditions of Approval.
- B5. Construction must comply with current California Building Codes.
- B6. Best managements Practices (BMP's) are required for the site during construction

Apple Valley Fire Protection District Conditions of Approval:

- FD1. The above referenced project is protected by the Apple Valley Fire Protection District. Prior to construction occurring on any parcel, the owner shall contact the Fire District for verification of current fire protection development requirements.
- FD2. Prior to issuance of Building Permit, the developer shall pay all applicable fees as identified in the Apple Valley Fire Protection District Ordinance.

- End of Conditions -



ZONING/LOCATION MAP

Development Permit No. 2014-001

Project Location:
 16753 Ta-Ki-Pi Road
 APN 0441-032-03



Legend

(R-LD)	Low Density Residential (1 du/2.5 to 5 gross acres)
(R-E)	Estate Residential (1 du/1 to 2.5 gross acres)
(RE-3/4)	Estate Residential 3/4 (1 du/0.75 net acre)
(R-EC)	Equestrian Residential (1 du/0.4 to 0.9 net acre)
(R-SF)	Single Family Residential (1 du/0.4 to 0.9 net acre)
(R-M)	Multi-Family Residential (2 to 20 du/net acre)
(OS-C)	Open Space Conservation
(SP)	Specific Plan

Date: 3/26/2014

