



TOWN OF APPLE VALLEY PLANNING COMMISSION

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Staff Report

- AGENDA DATE:** June 4, 2014
- CASE NUMBER:** Tentative Parcel Map No. 19536
- APPLICANT:** Merrell-Johnson Engineering Inc., representing CDEP, LLC
- PROPOSAL:** A request for parcel map approval to convert an existing commercial development for condominium purposes. The project is 1.42-net acres in size and is located within the Service Commercial (C-S) zoning designation.
- LOCATION:** The subject site is located at 22355 Powhatan Road; APN 3087-392-38.
- ENVIRONMENTAL DETERMINATION:** Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301, Minor Land Divisions Categorical Exemption Class 1. (k), the proposed request is Exempt from further environmental review.
- CASE PLANNER:** Mr. Douglas Fenn, Senior Planner
- RECOMMENDATION:** Approval

PROJECT SITE AND DESCRIPTION

- A. Project Size/Characteristics
The 1.42-net acre site contains four (4) existing commercial buildings, including landscaping, parking and public street improvements along Powhatan Road.
- B. General Plan Designations
Project Site - Service Commercial
North - Service Commercial
South - Service Commercial
East - Service Commercial
West - Service Commercial
- C. Surrounding Zoning and Land Use
Project Site – Service Commercial (C-S), Office/Industrial Buildings
North - Service Commercial (C-S), Mobile Home Park and Vacant

- South - Service Commercial (C-S), Office/Industrial Building and Vacant
- East - Service Commercial (C-S), Vacant
- West - Service Commercial (C-S), Office/Industrial Buildings

ANALYSIS

A. General

The applicant proposes a Tentative Parcel Map No. 19536 for condominium purposes to convert the four (4) existing commercial buildings into four (4) condominium units and one common parcel containing the parking lot, landscaping and on site improvements. The existing buildings, which will become condominium units, range in size from 4,951 to 6,177 square feet. The buildings are located on a 1.42-net acre parcel within the Apple Valley Village area.

The site is currently developed, and no changes are proposed as a result of the map for condo purposes.

The common area includes the parking area, ingress/egress and landscaping. The common areas shall be owned by all of the owners, each of which shall have an undivided interest. An association to ensure the maintenance of the common areas shall be formed. Typically, this type of request is made for the ability to sell each individual unit independently.

B. Environmental Assessment

Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301, Minor Land Divisions Categorical Exemption Class 1, (k) ... *subdivision of existing commercial or industrial buildings, where no physical changes occur...*, the proposed request is Exempt from further environmental review.

C. Noticing

The public hearing for proposed Tentative Parcel Map was legally noticed on May 23, 2014.

D. Findings

In considering any Tentative Parcel Map, the Commission is required by the Development Code to make specific Findings. The following are the Findings for a Tentative Parcel Map required under Section 9.71.040 (A5) of the Development Code and a comment to address each:

1. The proposed Subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and any applicable Specific Plan. The proposed subdivision or land use is compatible with the objectives, policies, general land uses and programs specified in the General Plan and any applicable Specific Plan (Subdivision Map Act 66473.5).

Comment: The subject property has a General Plan land use designation of Service Commercial (C-S), and the existing size, shape and configuration are consistent with the General Plan Land Use Element and zoning designations.

2. The Planning Commission has considered the effects of its action upon the housing needs of the region and has balanced these needs against the public

service needs of its residents and available fiscal and environmental resources (Subdivision Map Act Section 66412.3).

Comment: The proposal consists of four (4) existing office/industrial buildings, into four (4) condominium units and one common parcel subdivision of an existing office/industrial building complex and will have no impact on housing needs for the community and High Desert region.

3. The design of the subdivision provides, to the extent feasible, for the future passive or natural heating or cooling opportunities in the subdivision.

Comment: The proposal consists of four (4) existing office/industrial buildings, into four (4) condominium units and one common parcel subdivision of an existing office/industrial building complex, and the existing complex is developed pursuant to Title 24 energy requirements.

4. The Planning Commission shall determine whether the discharge of waste from the proposed subdivision into the existing sewer system would result in a violation of the requirements as set forth in Section 13000 et seq., of the California Water Code. If the Planning Commission finds that the proposed waste discharge would result in or add to a violation of said requirements; the Planning Commission may disapprove the subdivision (Subdivision Map Act Section 66474.6).

Comment: The proposal consists of four (4) existing office/industrial buildings, into four (4) condominium units and one common parcel subdivision of an existing office/industrial building complex which is connected to the Town of Apple Valleys' sewer system.

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 the State Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301, Minor Land Divisions Categorical Exemption Class 1, (k) ... *subdivision of existing commercial or industrial buildings, where no physical changes occur...*, 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 Tentative Parcel Map No. 19536, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

Prepared By:

Reviewed By:

Douglas Fenn
Senior Planner

Lori Lamson
Assistant Town Manager

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Tentative Parcel Map No. 19536 (Separate attachment)
3. Zoning Map

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Case No. Tentative Parcel Map No. 19536

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 tentative subdivision shall comply with the provisions of the State Subdivision Map Act and the Town Development Code. This tentative approval shall expire three (3) years from the date of approval by the Planning Commission/Town Council. A time extension may be approved in accordance with the State Map Act and Town Ordinance, if an extension application is filed and the appropriate fees are paid thirty (30) days prior to the expiration date. The Parcel Map 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. Prior to approval of the Final Map, the following agencies shall provide written verification to the Planning Division that all pertinent conditions of approval and applicable regulations have been met:
- Apple Valley Fire Protection District
Apple Valley Ranchos Water Company
Apple Valley Public Services Division
Apple Valley Engineering Division
Apple Valley Planning Division
- P3. The filing of a Notice of Exemption requires the County Clerk 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. All checks shall be made payable to the Clerk of the Board of Supervisors.
- P4. The applicant shall agree to defend at his sole expense (with attorneys approved by the Town), and indemnify the Town against any action brought against the Town, its agents, officers or employees resulting from or relating to this approval. The applicant shall reimburse the Town, its agents, officers or employees for 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 at its own expense in the defense of any such action, but such participation shall not relieve the applicant of these obligations under this condition.
- P5. Tentative Parcel Map TPM No. 19536 shall adhere to all requirements of the Development Code.
- P6. Approval of the Tentative Parcel Map No. 19536 by the Planning Commission is understood as acknowledgement of Conditions of Approval by the applicant, unless an

appeal is filed in accordance with Section 9.12.250, Appeals, of the Town of Apple Valley Development Code.

- P7. Prior to recordation the applicant shall provide the Planning Division with a copy of the subdivision in an electronic format compatible with the Town's current technology.
- P8. At the time of recordation adequate evidence of title to the real property within the subdivision and one or more of the following:
- a. Evidence of the consent of all the owners of any interest in the property; or
 - b. Evidence that none of the improvements required to be made have been made within two (2) years from the date the Final Map was recorded, or within the time allowed by the Improvement Agreement, whichever is later; or
 - c. Evidence that no lots shown on the Final Map have been sold within five (5) years from the date the Final Map was recorded.
- P9. A Final Map shall be provided with the petition, prepared in accordance with Chapter 9.71 which delineates the dedications which are not proposed to be vacated, as well as any dedications which are required as a condition to the proposed reversion to acreage.
- P10. An association or similar shall be formed to ensure that all common areas are maintained.
- P11. The Covenants, Conditions and Restrictions (CC&Rs) shall be reviewed and approved by the Planning Division prior to final approval of the Parcel Map. The CC&Rs shall include liability insurance and methods of maintaining the common area for the life of the project. The CC&Rs may not be cancelled or revised with respect to these conditions without prior written consent of the Town.

Engineering Division Conditions of Approval

None

Public Works Division Conditions of Approval:

None

Fire Protection District Conditions of Approval:

None

Apple Valley Ranchos Water Company Conditions of Approval:

None

End of Conditions

