



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, July 1, 2015 – 6:00 P.M.**

PUBLIC PARTICIPATION IS INVITED. Planning Commission meetings are held in the Town Council Chambers located at 14955 Dale Evans Parkway, Apple Valley, California. If you wish to be heard on any item on the agenda during the Commission's consideration of that item, or earlier if determined by the Commission, please so indicate by filling out a "REQUEST TO SPEAK" form at the Commission meeting. Place the request in the Speaker Request Box on the table near the Secretary, or hand it to the Secretary at the Commission meeting. (G.C. 54954.3 {a}).

Materials related to an item on this agenda, submitted to the Commission after distribution of the agenda packet, are available for public inspection in the Town Clerk's Office at 14955 Dale Evans Parkway, Apple Valley, CA during normal business hours. Such documents are also available on the Town of Apple Valley website at www.applevalley.org subject to staff's ability to post the documents before the meeting.

The Town of Apple Valley recognizes its obligation to provide equal access to those individuals with disabilities. Please contact the Town Clerk's Office, at (760) 240-7000, two working days prior to the scheduled meeting for any requests for reasonable accommodations.

REGULAR MEETING

The Regular meeting is open to the public and will begin at 6:00 p.m.

CALL TO ORDER

ROLL CALL

Commissioners: Lamoreaux _____; Shoup _____; Tinsley _____
Vice-Chairman Qualls _____; and Chairman Kallen _____

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. Minutes for the Regular Meeting of June 3, 2015.

PUBLIC HEARING ITEMS

2. **Conditional Use Permit No. 2008, Amendment No. 1.** A request to expand an existing 4,680 square foot pre-school facility with a 3,444 square foot classroom addition and an increase in enrollment from eighty (80) to 120 children. The property is zoned Estate Residential (R-E).
Applicant: Ms. Melissa Moon for Smart Start Academy
Location: The site is located at 21482 Yucca Loma Road; APN 3112-482-13.

Project Planner: Carol Miller, Principal Planner
Recommendation: Approval

3. **Development Code Amendment No. 2015-003.** An amendment to Chapter 9.35 "Commercial Districts" and Chapter 9.25 "Deviation Permits" of the Development Code as it pertains to reducing landscaping and setback requirements for the development of sub-standard commercial lots through a Deviation Permit.

Applicant: Town of Apple Valley
Location: Town-wide
Project Planner: Lori Lamson, Assistant Town Manager
Recommendation: Adopt Planning Commission Resolution No. 2015-006

4. **Development Code Amendment No. 2015-004.** An amendment to the Development Code as it pertains to fencing of vacant parcels.

Applicant: Town of Apple Valley
Location: Town-wide
Project Planner: Lori Lamson, Assistant Town Manager
Recommendation: Discuss and provide staff with direction

PUBLIC COMMENTS

Anyone wishing to address an item not on the agenda, or an item that is not scheduled for a public hearing at this meeting, may do so at this time. California State Law does not allow the Commission to act on items not on the agenda, except in very limited circumstances. Your concerns may be referred to staff or placed on a future agenda.

PLANNING COMMISSION COMMENTS

STAFF COMMENTS

OTHER BUSINESS

ADJOURNMENT

The Planning Commission will adjourn to its next regularly scheduled Planning Commission meeting on July 15, 2015.

MINUTES

TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, June 3, 2015

CALL TO ORDER

At 6:00 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for June 3, 2015, was called to order by Chairman Kallen.

ROLL CALL

Planning Commission

Roll call was taken with the following members present: Commissioner Mark Shoup, Commissioner B.R. "Bob" Tinsley, Vice-Chairman Doug Qualls and Chairman Bruce Kallen. Absent: Commissioner Jason Lamoreaux.

STAFF PRESENT

Carol Miller, Principal Planner; Doug Fenn, Senior Planner; Haviva Shane, Town Attorney; and Debra Thomas, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

Vice-Chairman Qualls led the Pledge of Allegiance.

1. APPROVAL OF MINUTES

Minutes for the Regular Meeting of May 6, 2015.

Motion by Vice-Chairman Qualls, and seconded by Commissioner Tinsley, to approve the Minutes for the Regular Meeting of May 6, 2015.

Motion Carried by the following vote: Ayes: Commissioner Shoup, Commissioner Tinsley, Vice-Chairman Qualls and Chairman Kallen. Noes: None. Absent: Commissioner Lamoreaux. Abstain: None.

PUBLIC HEARING ITEMS

- 2. Conditional Use Permit No. 2015-003.** The applicant is requesting a Conditional Use Permit to allow exterior modifications to three (3) existing non-conforming metal buildings. On-site parking and landscaping improvements are also proposed.

Applicant: HD Surplus, Inc.

Location: The project site is located at 13584 Central Road; 3087-382-08.

Chairman Kallen opened the public hearing at 6:02 p.m.

Mr. Doug Fenn, Senior Planner, presented the staff report as filed by the Planning Division.

Chairman Kallen asked the Applicant if he would be replacing the roof at the location.

Mr. Octavio Carrasco, Applicant, stated they would be resurfacing the roof.

Chairman Kallen asked the Applicant if he agreed to the Conditions of Approval.

Mr. Carrasco stated "Yes".

PUBLIC COMMENT

None.

Chairman Kallen closed the public hearing at 6:08 p.m.

MOTION

Motion by Commissioner Shoup, seconded by Commissioner, that the Planning Commission move to:

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section 15301, Class 1 (a), 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 Conditional Use Permit No. 2015-003, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption

ROLL CALL VOTE

Ayes: Commissioner Shoup
Commissioner Tinsley
Vice-Chairman Qualls
Chairman Kallen
Noes: None
Abstain: None
Absent: Commissioner Lamoreaux
The motion carried by a 4-0-0-1 vote.

3. **Development Code Amendment No. 2015-002.** *(Continued from May 6, 2015 meeting).* An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by amending Chapter 9.74 "Signs and Advertising Displays" as it relates to temporary political signs and digital advertising displays.
Applicant: Town of Apple Valley
Location: Town-wide

Chairman Kallen opened the public hearing at 6:09 p.m.

Ms. Carol Miller, Principal Planner, presented the staff report as filed by the Planning Division.

Ms. Miller commented on the fact that the Town Council overturned the Planning Commission's decision to deny Sign Program No. 2015-001 and the Planning Commission's recommendations were contrary to the comments that the Town Council made at its May 26, 2015 meeting.

Commissioner Shoup stated that the Planning Commission held a long discussion on the sign program and still believed that digital advertising should be limited and guidelines put in place.

Chairman Kallen agreed.

Commissioner Shoup did not want to give up on prohibiting political signs in the narrows. He would like to keep the area in a pristine state by designating it into a type of historical or scenic natural corridor.

Discussion ensued regarding the definition of "institutional uses" and any exclusions the Planning Commission wishes to add to "Definitions" of Section 9.08 "Digital Advertising Displays".

Ms. Haviva Shane, Town Attorney, stated she would look into what could be done to designate the Narrows as an historical or scenic area.

PUBLIC COMMENT

None.

Chairman Kallen closed the public hearing at 6:40 p.m.

MOTION

Motion by Vice-Chairman Qualls, seconded by Commissioner Shoup, that the Planning Commission move to:

1. Approve Planning Commission Resolution No. 2015-004, forwarding a recommendation that the Town Council amend Title 9 "Development Code" of the Town of Apple Valley Municipal Code as outlined within the staff report and as amended.

ROLL CALL VOTE

Ayes:	Commissioner Shoup Commissioner Tinsley Vice-Chairman Qualls Chairman Kallen
Noes:	None
Abstain:	None

Absent: Commissioner Lamoreaux
The motion carried by a 4-0-0-1 vote.

PUBLIC COMMENTS

A member of the public inquired whether a Conditional Use Permit would be required in order to assemble as a church on a residential property.

Chairman Kallen recommended he present his questions to the Planning Division during normal business hours.

PLANNING COMMISSION COMMENTS

None.

STAFF COMMENTS

Ms. Carol Miller, Principal Planner, informed the Planning Commission of the decision of Council to overturn the Commission's denial of Sign Program No. 2015-001.

OTHER BUSINESS

4. Appointment of two (2) Planning Commissioners to form an ad-hoc committee with two (2) members of the Town Council and staff to address the issues related to landscaping and residential design for single-family infill development.

Chairman Kallen offered to serve on the ad-hoc committee and nominated Commissioner Tinsley to serve as the second Commissioner.

MOTION

Motion by Commissioner Shoup, seconded by Vice-Chairman Qualls, that the Planning Commission move to:

1. Appoint Chairman Kallen and Commissioner Tinsley to form an ad-hoc committee with two (2) members of the Town Council and staff to address the issues related to landscaping and residential design for single-family infill development.

ROLL CALL VOTE

Ayes: Commissioner Shoup
Commissioner Tinsley
Vice-Chairman Qualls
Chairman Kallen
Noes: None
Abstain: None
Absent: Commissioner Lamoreaux
The motion carried by a 4-0-0-1 vote.

ADJOURNMENT

Motion by Chairman Kallen, seconded by Commissioner Tinsley, and unanimously carried to adjourn the meeting of the Planning Commission at 6:50 p.m. to the Regular Meeting on July 1, 2015.

Respectfully submitted by:

Debra Thomas
Planning Commission Secretary

Approved by:

Chairman Bruce Kallen



TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

Staff Report

- AGENDA DATE:** July 1, 2015
- CASE NUMBER:** Conditional Use Permit No. 2008-010, Amendment No. 1
Variance No. 2015-001
- APPLICANT:** Melissa & Chad Moon (Smart Start Academy)
- PROPOSAL:** A request for approval of a Conditional Use Permit to expand an existing 4,680 square foot pre-school facility with a 3,444 square foot addition and an increase in enrollment from eighty (80) children to 120 children. A Variance is also being requested to allow a thirty (30)-foot front setback where a forty-five (45)-foot front setback is required. The property is zoned Estate Residential (R-E).
- LOCATION:** The site is located at 21482 Yucca Loma Road; APN: 3112-482-13.
- ENVIRONMENTAL DETERMINATION:** Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301, Class 1, the proposed request is exempt from further environmental review since it is considered a minor addition to an existing facility.
- CASE PLANNER:** Ms. Carol Miller, Principal Planner
- RECOMMENDATION:** Approval

PROJECT AND SITE DESCRIPTION:

- A. General Plan Designations
Project Site: Estate Residential (R-E)
North: Estate Residential (R-E)
East: General Commercial (C-G)
South: Medium Density residential (R-M)
West: Estate Residential (R-E),
- B. Surrounding Land Use and Zoning
Project Site: Residential Estate (R-E), Pre-school facility
North: Residential Estate (R-E), Single Family Residential and Vacant Land
East: General Commercial (C-G), Vacant Land

South: Residential Multi-Family (R-M), Apartment Units
 West: Residential Estate (R-E), Single Family Residential

C. Building Height: Permitted Maximum: 35 ft.
 Proposed Maximum: 12 ft.

D. <u>Setback Analysis:</u>		<u>Required</u>	<u>Proposed</u>
Building	Front	45 ft.	*30 ft.
	Side	20 ft.	31 ft.
	Rear	30 ft.	90 ft.

* A Variance has been requested to allow this encroachment

Parking		10 ft.	20 ft.
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Landscape	Standard	10 ft.	20 ft (wide)
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E. Parking Analysis:

Total Parking Required:	26
Total Parking Provided:	32
Handicap Parking Required:	1
Handicap Parking Provided:	2

ANALYSIS:

A. General

The proposal will increase the enrollment from eighty (80) children to 120 children (ages 2 to 5 years old) and increase the staff level from eight (8) to twelve (12) staff members. The proposal also includes expanding the existing 4,680 square foot pre-school building by adding an additional 3,444 square feet of building area.

B. Site Analysis

The site is currently developed with a 4,680 square foot structure, parking, play area and landscaping. The proposed expansion does not impact the existing parking but does impact existing play area improvements. The site has sufficient parking to accommodate the required parking for the expansion in accordance with the Development Code.

The pre-school is located on Yucca Loma Road, a major roadway as shown on the Circulation Element of the General Plan. A minor expansion, approved in 2008, required the dedication of a fifty-two (52)-foot half-width street, in accordance with the General Plan and no road improvement was required at that time.

For the proposed expansion the Engineering Division is not recommending that the ultimate half-width street improvements, along the project's frontage, be constructed to the "Major Road" standards. Though it is consistent to require the construction of the ultimate half-width street improvements for development projects and expansion projects, Engineering staff is not confident that the design can be properly determined for this short segment, and, if constructed, would most likely be inconsistent with the final design of Yucca Loma Road. In this case the ultimate right-of-way has already been dedicated.

In consideration that this is a proposed expansion of an existing facility, and that ultimate half-street improvements would be difficult to design due to the uncertainty of the ultimate configuration of Yucca Loma Road, There are two (2) options that the Planning Commission may consider to address any future traffic impacts with the proposed expansion. The first option is recommended by the Engineering Division, and would require interim improvements to handle a worst case scenario, due to the cumulative increases of the facility, both in enrollment and square-footage. Partial road improvements would be required to include a parking lane, asphalt curb and asphalt sidewalk to be constructed along the frontage of the project, adjacent to the existing travel lanes. This would mitigate increased vehicular and pedestrian traffic. The parking lane will not only allow parents to either park along the street and utilize it and the sidewalk as a drop-off area to deliver children to the school, but will also be utilized as a right-turn/stacking lane for the existing driveway.

The second alternative is to not require any additional improvements, but as defined and allowed in our Traffic Impact Fee Ordinance, (Chap. 3.28.050), the applicant may pay Front Footage Fees in-lieu of installing the required improvements. The Engineering Department considers the Front Footage Fee alternative to be appropriate if it can be demonstrated by the applicant through an Engineering Traffic Study, that the increase in traffic impact, calculated to be forty-two (42) additional vehicles per peak hour and does not require traffic mitigation measures to be in place on opening day. To Town's staff's knowledge, there is not an existing traffic impact at the site, with the current enrollment of eighty (80) students and existing school staff size of approximately ten (10) employees. The operational hours of 6:00 a.m. to 6:00 p.m. allow parents to drop off children during time periods that do not overlap and add to traditional peak hour traffic for regular schools. Most students are at the school by 8:00 a.m. for the beginning of their morning programs. Yucca Loma School, which is directly west of the project, begins at 9:00 a.m. Picking up of students occurs anywhere from noon to 6:00 p.m.

Condition of Approval No. EC3 has been included recommending option one above. However, the Planning Commission has the ability to replace this condition with the second option if they determine that the project will not have a significant impact to traffic. The applicant is required to pay a Traffic Impact Fee regardless of the option selected, which mitigates the regional impacts by funding the construction of additional travel lanes on major arterials identified on the Town's Circulation Element.

The site is currently improved with a combination solid and decorative wrought iron fence along the street frontage which is currently located within the public right-of-way. This fence replaced an existing chain link fence after the additional right-of-way dedication was provided. Therefore, a Condition of Approval has been added to the Engineering recommended Conditions of Approval that requires the fence be relocated outside of the public right-of-way at the owner's expense at such time Yucca Loma Road is improved to its ultimate design.

Due to deficiencies in proper striping for parking, a Condition of Approval is recommended that requires the parking areas be re-striped.

C. Architectural Analysis

The existing structure is a single-story structure with stucco siding. The building siding and windows proposed for the classroom addition will be the same as the existing building. The floor plan indicates the addition will include two (2) new classrooms, the expansion of

an existing classroom, restroom facilities, remodeled kitchen and storage areas. The new patio cover, located on the east side of the building, will consist of wood posts and composition shingle roofing that is designed to complement the building.

D. Variance Analysis

As a Condition of Approval for the first minor expansion, the project was conditioned for twenty-two (22) feet of road dedication. This road dedication reduced the existing building's front setback from approximately fifty-two (52) feet to approximately thirty (30) feet. Although this created a nonconforming setback for the existing building, any new construction is required to meet the required setback. For the purposes of a logical floor plan between existing and proposed, the applicant is requesting a variance to encroach fifteen (15) feet into the required setback to match the existing setback line.

E. Environmental Assessment

Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301, Class 1, the proposed request is exempt from further environmental review since it is considered a minor addition to an existing facility.

F. Noticing

This item was advertised as a public hearing in the Apple Valley News newspaper on June 19, 2015.

G. Conditional Use Permit Findings

As required under Section 9.16.090 of the Development Code, prior to approval of a Conditional Use Permit, the Planning Commission must make specific Findings. The Findings, and a suggested comment to address each, are presented below:

1. That the proposed location, size, design and operating characteristics of the proposed use 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 existing pre-school facility is located within the Estate Residential (R-E) land use designation of the General Plan and zoning designation of Residential Estate. The expansion is in compliance with the General Plan Land Use and Zoning designation which allows expansion and new construction of pre-schools, subject to approval of a Conditional Use Permit. Therefore, the project is consistent with the goals, objectives and policies of the adopted General Plan and Development Code relative to permitted uses.

2. That the location, size, design and operating characteristics of the proposed use will be compatible with, and will not adversely affect, nor be materially detrimental to adjacent uses, residents, buildings, structures or natural resources;

Comment: The proposed expansion to the existing pre-school facility is considered compatible with the existing building and the surrounding area. The site and existing improvements can facilitate the proposed project and the expansion is permitted subject to approval of a Conditional Use Permit.

3. That the proposed use is compatible in scale, bulk, lot coverage, and density with adjacent uses;

Comment: The proposed expansion of the existing pre-school facility is compatible with the site and surrounding area that includes a public school.

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

Comment: There are existing improvements to serve the proposed site. The proposal, with adherence to the recommended Conditions of Approval, will not result in the need for additional facilities, services or utilities.

5. That there will not be a harmful effect upon desirable neighborhood characteristics;

Comment: The location, size, design and operating characteristics of the proposed expansion and the condition under which it will be operated and maintained, will not be harmful to the neighborhood characteristics.

6. That the generation of traffic will not adversely impact the capacity and physical character of surrounding streets;

Comment: The proposed expansion is to an existing pre-school located on a residential zoned site that fronts Yucca Loma Road, which can accommodate traffic generated from this proposal. In addition, with adherence to the Conditions of Approval, the proposal will not adversely impact the capacity and physical character of surrounding streets.

7. That traffic improvements and/or mitigation measures are provided in a manner adequate to maintain the existing service level or a Level of Service (LOS) C or better on arterial roads and are consistent with the Circulation Element of the General Plan;

Comment: Based on the recommended Conditions of Approval, traffic generated from the project will not adversely impact the surrounding area. Yucca Loma Road can accommodate traffic generated from the proposed expansion to an existing pre-school facility.

8. 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, adverse impact upon the environment based on the scope of the project.

9. That there are no other relevant negative impacts of the proposed use that cannot be reasonably 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, adverse impact upon the environment.

10. That the impacts, as described in paragraphs 1 through 9 above, and the proposed location, size, design and operating characteristics of the proposed use and the conditions under which it would be maintained will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity, nor be contrary to the adopted General Plan;

Comment: The location, size, design and operating characteristics of the proposed expansion, and the recommended conditions under which it will be operated and maintained, will not be detrimental to the public health, safety or welfare, nor will it be materially injurious to properties or improvements in the vicinity.

11. That the proposed conditional use will comply with all of the applicable provisions of this title.

Comment: The proposed expansion to an existing pre-school facility can be built in conformance to the Development Code, subject to approval of a Conditional Use Permit and adherence to the recommended Conditions of Approval.

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

Comment: The materials, textures and details of the proposed addition will match the existing pre-school building.

13. 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 building expansion will not block public views or dominate its surroundings. The classroom addition will enclose an existing covered patio while the new patio is an open patio located to the side of the building.

14. 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 materials, textures and details of the proposed addition will match the existing pre-school building. The materials, textures and

details of the proposed addition will match the existing pre-school building.

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

Comment: The on- and off-site circulation patterns of the development provide a safe and convenient manner for access.

H. Variance Findings

As required under Section 9.24.070 *Required Findings* of the Development Code, prior to approval 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 property in the vicinity and under identical zoning classification.

Comment: The Development Code requires a forty-five (45)-foot front yard setback. The ultimate widening of Yucca Loma Road, will reduce the front setbacks for all properties along this segment of Yucca Loma Road. However, due to the triangular shape of the parcel and existing floor plan, adds to the difficulty of meeting the required front setback.

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 general intent and purpose of the Development Code for the Residential Estate (R-E) District allows for the development of a school/day care facility with a Conditional Use Permit. The project site includes an existing school and the proposed variance for the front setback would match the existing setback of the school.

3. That granting 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.

Comment: Due to the odd, triangular shape of the lot, the required setbacks create a hardship that is not evident in the traditional rectangular shaped lots within the vicinity and in the same R-E district.

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: The proposed fifteen (15)-foot reduction in the front setback is consistent with the existing building and will appear consistent with the adjacent uses and therefore, will not negatively impact the surrounding neighborhood.

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.

Comment: When Yucca Loma Road is widened, all the development along this segment of Yucca Loma Road will encroach into the required front setback. Similarly to this proposal, any proposal matching an existing building is required to meet the required setback or request a variance.

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

Comment: The proposed Variance will not alter the allowable uses or permitted activity of the property.

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 15301, Class 1, 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 as provided for the CUP No. 2008-010 Amendment No. 1 and Variance No. 2015-001.
3. Approve Conditional Use Permit No. 2008-010 Amendment No. 1, subject to the attached Conditions of Approval.
4. Direct staff to file a Notice of Exemption.

Prepared By:

Reviewed By:

Carol Miller
Principal Planner

Lori Lamson
Assistant Town Manager

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Site Plan
3. Elevations
3. Floor Plan
4. Zoning Map
5. Applicant's Variance Findings

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Case No. Conditional Use Permit No. 2008-010 Amendment No. 1

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 three (3) 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 Conditional Use 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. 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 Commission. Any such plans, specifications and/or illustrations that are reviewed and approved by the Planning Commission at an advertised public hearing 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.
- P4. 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. No permits may be issued until such fee is paid. The check shall be made payable to the Clerk of the Board of Supervisors.
- P5. The approval of Conditional Use Permit No. 2008-010 Amendment No. 1 by the Planning Commission is recognized as acknowledgment 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.

- P6. Parking requirements must be met and be in compliance with Town standards. All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines.
- P7. Required parking spaces will be provided for the handicapped in accordance with Town standards and in accordance with Title 24 of the California Administrative Code. The handicapped spaces shall be located as close as practical to the entrance of the facility. Each space must be provided with access ramps and clearly marked in accordance with Title 24 of the California Administrative Code.
- P8. All front building setbacks and street right-of-way areas located between on-site improvements and the back of existing or future public sidewalks or street curbs, except needed access driveways, shall be fully landscaped and maintained in a disease and weed free manner at all times.
- P9. All required and installed landscaping shall incorporate and maintain a functioning automatic sprinkler system, and said landscaping shall be maintained in a neat, orderly, disease and weed free manner at all times.
- P10. All outdoor mechanical and electrical equipment, whether rooftop, side of structure, or on the ground, shall be screened from view from the public street by architectural elements designed to be an integral part of the building. All down spouts shall also not be mounted to the exterior of the building.
- P11. Access to roofs shall be from the interior of the building. If roof access is on the exterior of the building, the roof access ladder shall be screened from view from any public street or public parking area and security shall be provided to prevent unauthorized access.
- P12. All signs shall have a separate permit and are subject to final approval by the Town Planning Division.

Engineering Division Conditions of Approval

- EC1. Prior to issuance of a grading permit, a final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider retaining onsite drainage flows from a 100 year design storm.
- EC2. Street improvement plans shall be submitted to the Town Engineer for review and approval.
- EC3. Yucca Loma Road shall be widened to include a parking lane, asphalt concrete (A.C.) curb and A.C. sidewalks along the development side. Minimum thickness for the parkway paving shall be 4" inches.
- EC4. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC5. Final improvement plans and profiles shall indicate the location of any existing utility which would affect construction and shall provide for its relocation at no cost to the Town.

- EC6. A final grading plan shall be submitted to the Town Engineer prior to issuance of a grading permit for review and approval. A grading permit shall not be issued until street improvement plans have been submitted to the Town Engineer for review and substantial completion of the street plans has been attained as determined by the Town Engineer.
- EC7. Traffic impact fees adopted by the Town (Ordinance No. 42) shall be paid by the developer.
- EC8. Any developer fees including but not limited to drainage fees shall be paid by the developer as per Town enactment.
- EC9. Any required street striping shall be thermoplastic as approved by the Town Engineer.
- EC10. At such time Yucca Loma Road is improved based on ultimate design, the existing combination solid wall and wrought iron fence shall be relocated at the property owners expense outside of the public right-of-way.

Public Works Division Conditions of Approval

- 1. Sewage disposal shall be by connection to the Town of Apple Valley sewer system. Financial arrangements, plans and improvement agreements must be approved by the Town of Apple Valley Public Works Department.
- 2. Sewer connection fees required.

Building and Safety Division Conditions of Approval

- B1. Submit plans and obtain permits for all structures and retaining walls, signs.
- B2. All utilities shall be placed underground in compliance with Town Ordinance No. 89.
- B3. Comply with the State of California Disability Access requirements.
- B4. Page Two (2) of the submitted building plans will be Conditions of Approval.
- B5. Construction must comply with 2007 California Building Codes.
- B6. Best Management Practices (BMP's) are required for the site during construction.

Environmental & Transit Services Conditions of Approval

- ER1. The project must provide trash enclosure with adequate areas for collecting and loading recyclable materials in compliance with AB 341. The trash enclosure must comply with the newly adopted recycling standards.

Public Resource Code Section 42910-42912

- ER2. The developer shall complete and submit a Waste Management Plan ("WMP"), on a WMP form approved by the Town for this purpose as part of the application packet for the building or demolition permit. The completed WMP shall indicate all of the following:
 - (1) The estimated volume or weight of project C&D debris to be generated;
 - (2) The estimated volume or weight of such materials that can feasibly be diverted via reuse or recycling;

- (3) The vendor or facility that the Developer proposes to use to collect or receive that material; and
- (4) The estimated volume or weight of C&D materials that will be landfilled.

Town of Apple Valley Municipal Code Section 8.19.020(a)

ER3. Compliance with Condition of Approval No. ER2 shall be met by any of the following:

- (1) Contract for hauling services with Town's franchise hauler, with all Project debris delivered to San Bernardino County self-haul landfill diversion program, provided the diversion program is currently operating; and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP
- (2) Self-haul all Project debris to San Bernardino County self-haul landfill diversion program, provided the diversion program is currently operating; and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP
- (3) Self-haul all Project debris to a construction materials recycling facility, and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP
- (4) Contract with a construction site cleanup company to recycle at least 50% of the Project construction debris, and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP.

Town of Apple Valley Municipal Code Section 8.19.030

ER4. Prior to issuance of Certificate of Occupancy, the developer shall submit to the WMP Compliance Official documentation proving that it has met the Diversion Requirement for the Project. The Diversion Requirement shall be that the developer has diverted at least fifty percent (50%) of the total C&D debris generated by the Project via reuse or recycling. This documentation shall include all of the following:

- (1) Receipts from the vendor or facility that collected or received each material showing the actual weight or volume of that material;
- (2) A copy of the previously submitted WMP for the Project adding the actual volume or weight of each material diverted and landfilled;
- (3) Any additional information the Developer believes is relevant to determining its efforts to comply in good faith with this Chapter 8.19.

Town of Apple Valley Municipal Code Section 8.19.050

The developer shall make reasonable efforts to ensure that all C&D debris diverted or landfilled are measured and recorded using the most accurate method of measurement available. To the extent practical, all C&D debris shall be weighed by measurement on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For C&D debris for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the developer shall use the Standardized Conversion Rates approved by the Town for this purpose.

Apple Valley Fire Protection District Conditions of Approval

- FD1. Fire lanes shall be provided with a minimum width of twenty six (26) feet, maintained, and identified. Twenty six (26) feet access will start at both points of ingress and continue throughout the site.
- FD2. Provide a strip sign above the main entrance door which reads: "This Door To Remain Unlocked When Building is Occupied."
- FD3. Every exit door with the exception of the main entrance shall be openable from the inside without the use of a key, tool or special knowledge or effort. Special locking devices shall be of an approved type.
- FD4. Install illuminated exit signs at exits. Exit signs shall be energized from separate circuits. Illumination shall normally be provided by the premises wiring system. In the event of failure of this system, illumination shall be automatically provided from an emergency system.
- FD5. An approved automatic fire alarm system shall be installed, and shall be supervised and connected to an approved alarm monitoring station and provide local alarm which shall be audible throughout the premises. Alarm work may not commence until approved plans and permit have been issued by the Fire District.
- FD6. Fire Extinguishers with a minimum rating of 2A40BC shall be provided, as per inspection, prior to Certificate of Occupancy.

END OF CONDITIONS

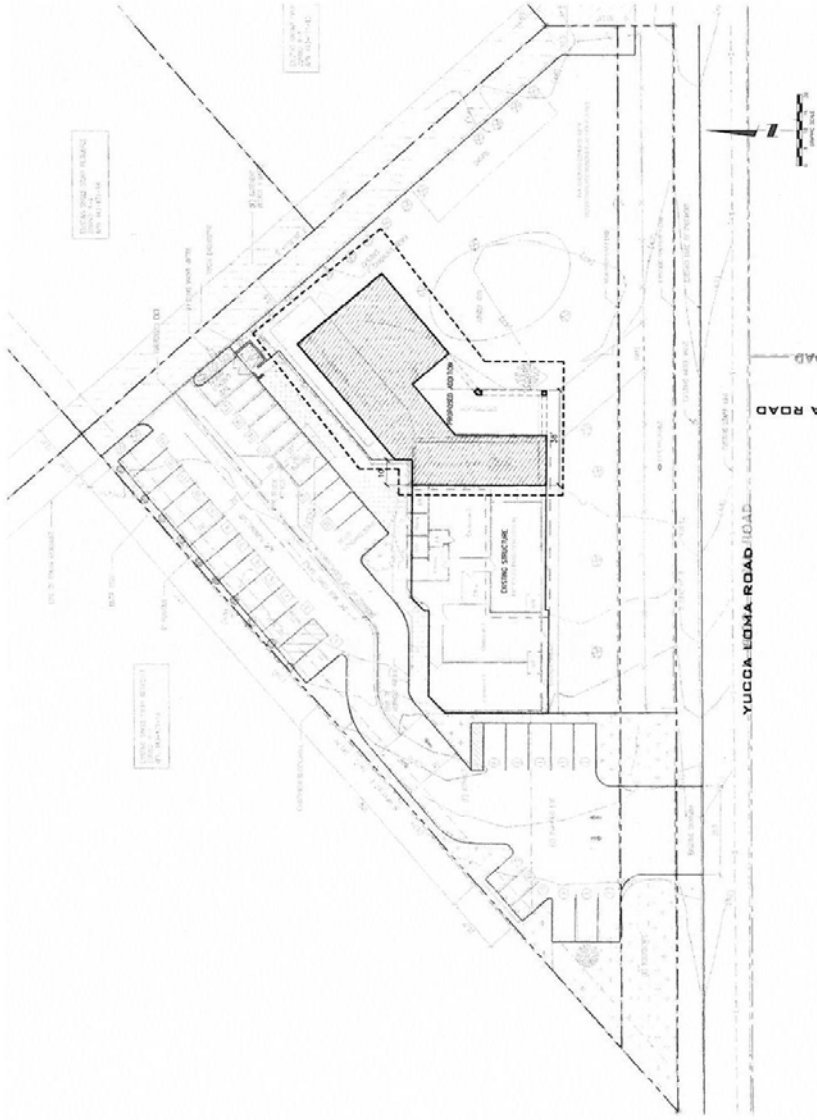


PROJECT FOR:
SMART START ACADEMY
 YUCCA LODGE ROAD, CA
 APPLE VALLEY, CA

DRAWING TITLE:
SITE PLAN

DATE:	10/12/2014
JOB NO.:	100100000
SHEET NO.:	

A-001
 SHEET NO.



SITE PLAN
 SCALE: 1"=40'

NOTE:
 THESE PLANS ARE PREPARED FOR INFORMATION PURPOSES ONLY. NO PERMITS OR CONSTRUCTION SHALL BE Brought TO THE ATTENTION OF THE ARCHITECT AND/OR CIVIL ENGINEER BEFORE CONSTRUCTION BEGINS. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT AND/OR CIVIL ENGINEER BEFORE CONSTRUCTION BEGINS. THESE DRAWINGS CONTAIN GENERAL INFORMATION ABOUT THE CONFIGURATION OF THE PROJECT AND ARE NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT AND/OR CIVIL ENGINEER.

NOTE:
 ARCHITECTURAL AND ENGINEERING DRAWINGS ARE FOR REFERENCE ONLY. BEFORE ANY CONSTRUCTION SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT AND/OR CIVIL ENGINEER BEFORE CONSTRUCTION BEGINS. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT AND/OR CIVIL ENGINEER BEFORE CONSTRUCTION BEGINS. THESE DRAWINGS CONTAIN GENERAL INFORMATION ABOUT THE CONFIGURATION OF THE PROJECT AND ARE NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT AND/OR CIVIL ENGINEER.



VICINITY MAP
 SCALE: N.T.S.

PROJECT INFORMATION

LEGAL DESCRIPTION
 LOT 37, TRACT 7145, RECORDED ON MAP 29189-71, APPLE VALLEY, CALIFORNIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

ADDRESS
 7045 YUCCA LODGE ROAD
 APPLE VALLEY, CA 92308

PROJECT DATA
 USE: EDUCATIONAL EXPANSION
 EXISTING BUILDING: 4,480 SQ. FT.
 EXPANDED AREA: 3,444 SQ. FT.
 OCCUPANCY: 127 STUDENTS
 BUILDING TYPE: K-12
 ZONING: A-2
 LOT AREA: 15,818 SQ. FT.
 LOT WIDTH: 127'-4"
 LOT DEPTH: 127'-4"
 LOT AREA: 15,818 SQ. FT.
 LOT WIDTH: 127'-4"
 LOT DEPTH: 127'-4"
 EXISTING DUP: 2008-010

PROJECT DESCRIPTION
 PROPOSED ADDITION TO ONE STORY EXISTING FACILITY.

PARKING ANALYSIS
 TOTAL REQUIRED SPACES: 28 SPACES
 AVAILABLE SPACES: 28 SPACES
 SCHOOL ADMINISTRATION: 671 SPACES (0.5 SPACES/100 SF)
 PRE-SCHOOL (42 STUDENTS/17.5 STAFF (1 SPACES/STAFF): 14 SPACES
 K-12 (127 STUDENTS): 127 SPACES

APPLICABLE CODES
 2013 CALIFORNIA BUILDING CODE
 2013 CALIFORNIA ELECTRICAL CODE
 2013 CALIFORNIA MECHANICAL CODE
 2013 CALIFORNIA FIRE CODE
 2013 ENERGY CODE
 2013 CALIFORNIA ACCESSIBILITY STANDARDS
 TITLE 24-CALIFORNIA ACCESSIBILITY STANDARDS
 ALL CURRENT LOCAL BUILDING CODES AND ALL APPLICABLE ORDINANCES, UNADOPTED

DEFERRED SUBMITTAL ITEMS:
 1. THE ARCHITECT SHALL SUBMIT A SEPARATE PERMIT APPLICATION FOR THE INSTALLATION OF THE SIGNAGE.

CODE ANALYSIS (AS DEFINED BY 2013 CBC) (AREA JUSTIFICATION)
 BASIC ALLOWABLE AREA (CBC TABLE 503): 8,500 SQ. FT.
 SHEDDLE INCREASE (CBC SECT. 506.3): 28,300 SQ. FT.
 ALLOWABLE AREA / STORY (CBC SECT. 506.3-1): 4,170 SQ. FT.
 ALLOWABLE AREA / STORY (CBC SECT. 506.3-1): 8,340 SQ. FT.

UTILITIES
 ELECTRICAL: CALIFORNIA OVERSEAS ELECTRIC CO. (951) 711-1111, 15215 W. 15TH ST., APPLE VALLEY, CA 92308
 GAS: SOUTHWEST GAS CO. (760) 241-7831, 13711 MARICOLA ROAD, APPLE VALLEY, CA 92308
 TELEPHONE: VERIZON (800) 772-3131, 15215 W. 15TH ST., APPLE VALLEY, CA 92308
 WATER: RAINBOW WATER COMPANY (951) 711-1111, 15215 W. 15TH ST., APPLE VALLEY, CA 92308



PROJECT FOR:
SMART START ACADEMY
 YUCCA LODGE ROAD
 APPLE VALLEY, CA

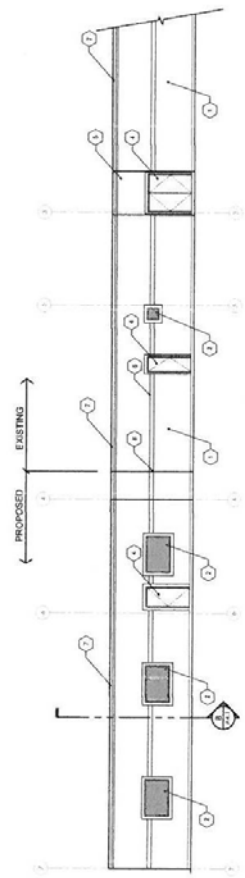
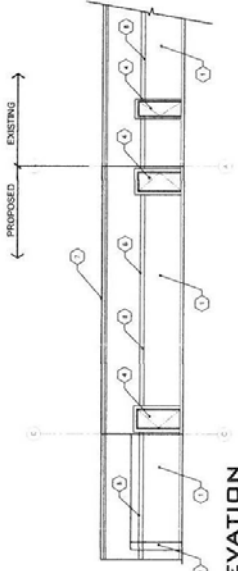
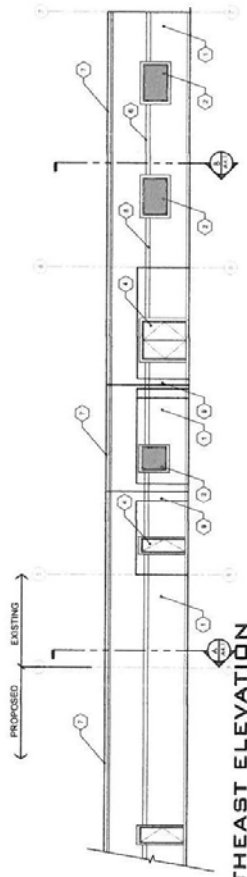
DRAWING TITLE:
EXTERIOR ELEVATIONS

DATE	REVISIONS
JAN 15, 2015	1
FEB 10, 2015	2
MAR 10, 2015	3
APR 10, 2015	4
MAY 10, 2015	5
JUN 10, 2015	6
JUL 10, 2015	7
AUG 10, 2015	8
SEP 10, 2015	9
OCT 10, 2015	10
NOV 10, 2015	11
DEC 10, 2015	12

SHEET NO:
A6.1

- KEYNOTES:**
1. TRISCO, "LADY FISH" (RED 168P1)
 2. SHS PAINT, "TRIO WINDOW" per WINDOW SCHEDULE
 3. SHS PAINT, "TRIO STORMDOOR SYSTEM" per COOR/WINDOW SCHEDULE
 4. MAIN DOOR per COOR SCHEDULE (PAINT TO MATCH ADJACENT SURFACES)
 5. NOT USED
 6. TRISCO BY RANDOM JOINT - PAINT TO MATCH ADJACENT SURFACES
 7. 24 GA. CR. PANEL CAP FLASHING PAINT TO MATCH ADJACENT SURFACE
 8. TRISCO BAND, MATCH EXISTING BUILDING
 9. TRISCO COLUMN

- EXTERIOR FINISH SCHEDULE**
- MAIN FIELD TRISCO COLOR
 - ACCENT PAINT COLOR (BAND)
 - STORMDOOR SYSTEM
 - MATCH EXISTING BUILDING
 - MATCH EXISTING BUILDING
 - UPPER STITCH Aluminum
 - ACCENTED Aluminum
 - per finish to existing



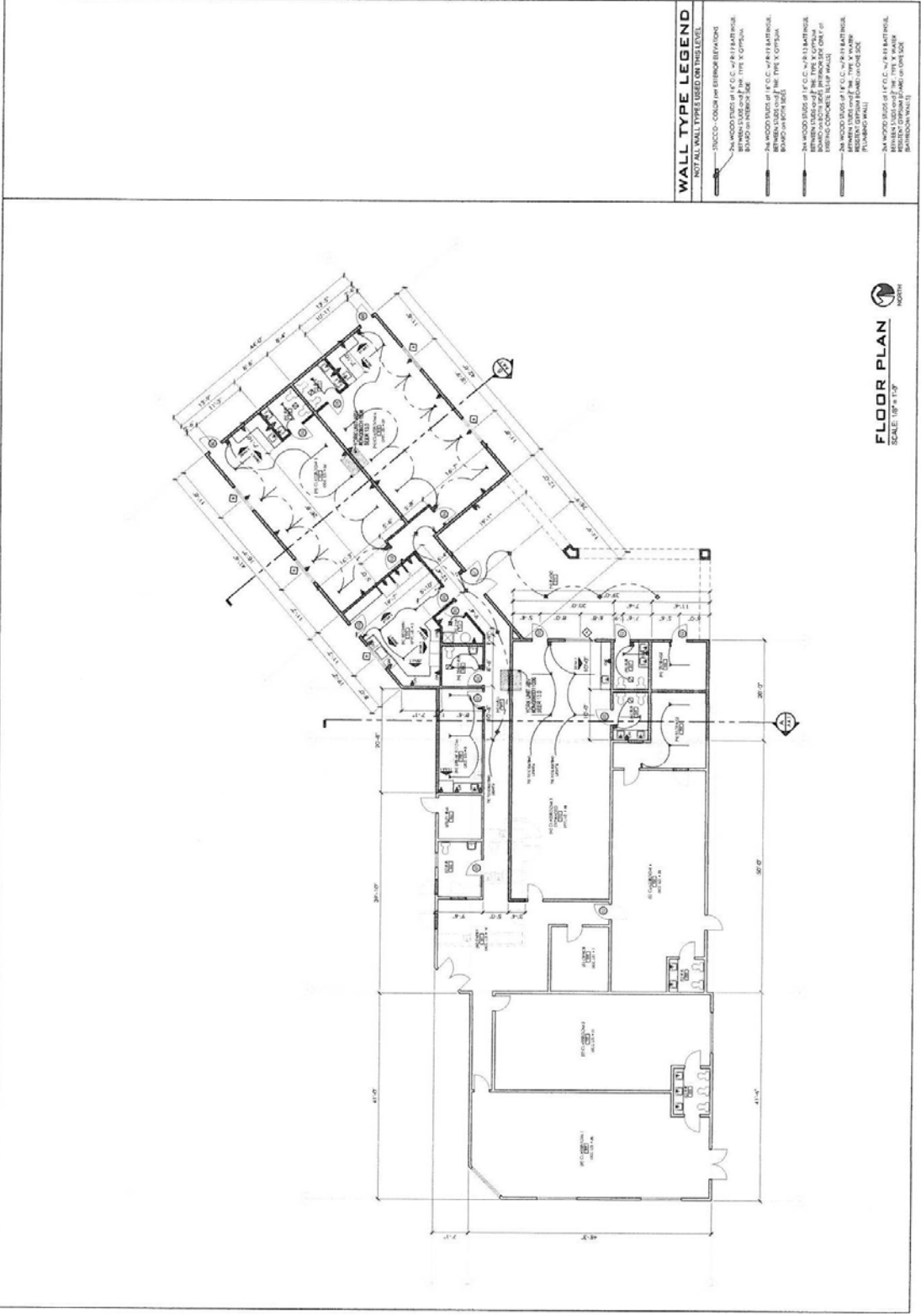


PROJECT FOR:
**SMART START
 ACADEMY**
 YUCCA LOMA ROAD
 APPLE VALLEY, CA

DRAWING TITLE:
FLOOR PLAN

DESIGNED BY:	REV:
DRAWN BY:	
CHECKED BY:	
DATE:	06/29/2015
JOB NO.:	00000000
PROJECT NO.:	

A2.1



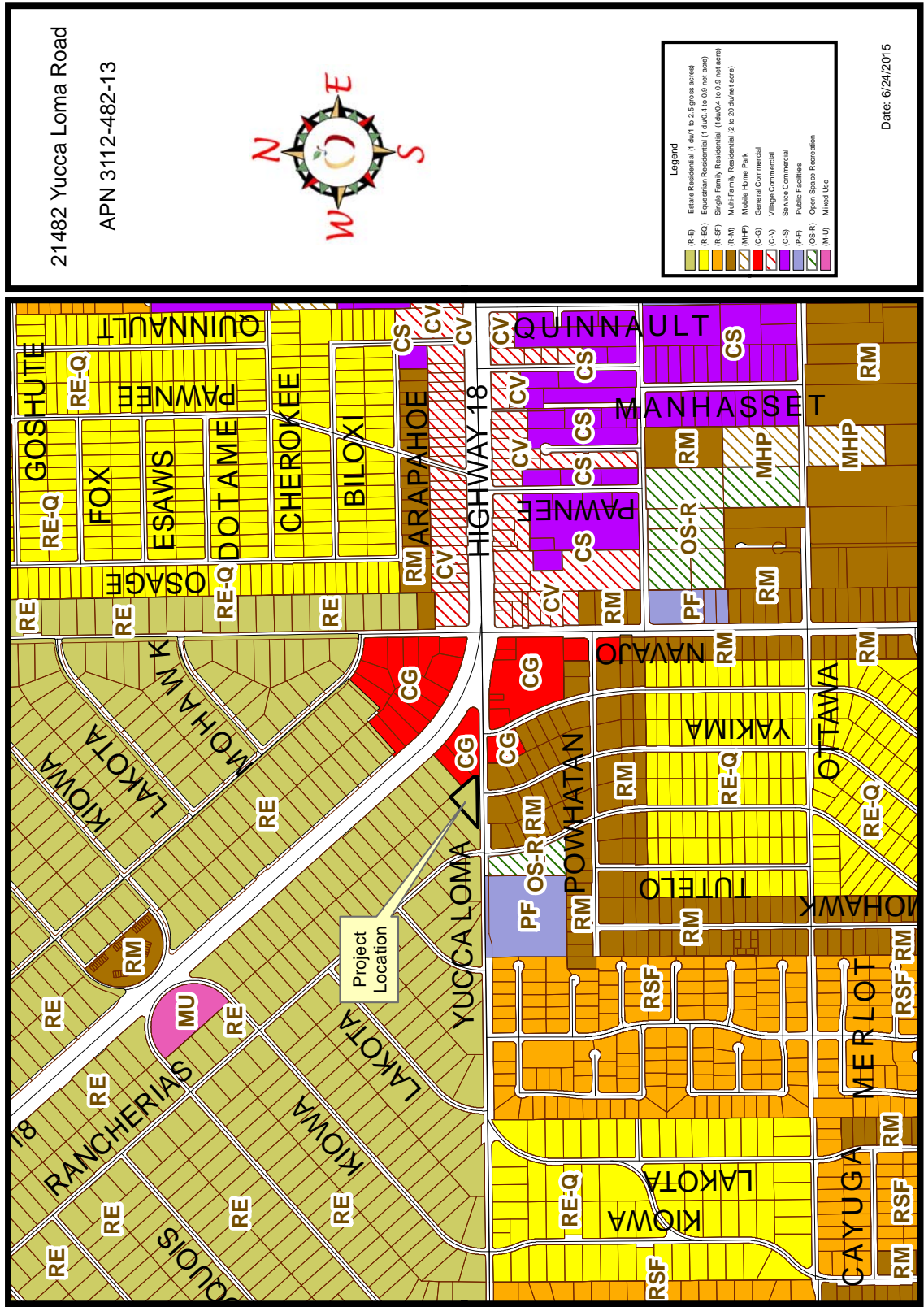
WALL TYPE LEGEND
 NOT ALL WALL TYPES USED ON THIS LEVEL

---	TRUSS - CONCRETE AND EXTERIOR FINISHES
---	2x4 WOOD STUDS w/ 1/2" G.C. AND 1/2" LATH AND PLASTER
---	2x4 WOOD STUDS w/ 1/2" G.C. AND 1/2" LATH AND PLASTER WITH INTERIOR FINISHES
---	2x4 WOOD STUDS w/ 1/2" G.C. AND 1/2" LATH AND PLASTER WITH INTERIOR FINISHES AND INTERIOR WALL
---	2x4 WOOD STUDS w/ 1/2" G.C. AND 1/2" LATH AND PLASTER WITH INTERIOR FINISHES AND INTERIOR WALL WITH INTERIOR FINISHES
---	2x4 WOOD STUDS w/ 1/2" G.C. AND 1/2" LATH AND PLASTER WITH INTERIOR FINISHES AND INTERIOR WALL WITH INTERIOR FINISHES AND INTERIOR WALL WITH INTERIOR FINISHES AND INTERIOR WALL WITH INTERIOR FINISHES
---	2x4 WOOD STUDS w/ 1/2" G.C. AND 1/2" LATH AND PLASTER WITH INTERIOR FINISHES AND INTERIOR WALL WITH INTERIOR FINISHES AND INTERIOR WALL WITH INTERIOR FINISHES AND INTERIOR WALL WITH INTERIOR FINISHES AND INTERIOR WALL WITH INTERIOR FINISHES

FLOOR PLAN
 SCALE: 1/8" = 1'-0"
 NORTH

Conditional Use Permit No. 2015-010, Amendment No. 1 and
 Variance No. 2015-001

ZONING/LOCATION MAP



21482 Yucca Loma Road
 APN 3112-482-13

Date: 6/24/2015

SUPPLEMENTAL VARIANCE STATEMENT

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:

FRONT YARD SETBACK OF 45'

2. Explain the hardship or practical difficulty that would result from the strict interpretation and enforcement of this Code.

THE SHAPE OF THE PROPERTY WOULD INHIBIT
THE EXPANSION OF NECESSARY CLASSROOM SPACE
REQUIRED TO MEET THE DEMANDS OF A
GROWING CHILD POPULATION.

3. What is the alternative means of compliance being proposed?

THERE IS NO ALTERNATE MEANS OF COMPLIANCE.
THE EXPANSION IS ONLY OUT OF CODE REQUIREMENTS
AS A RESULT OF A ROAD WIDENING DEVIATION
OF THE FRONT PROPERTY LINE.

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?

REFER TO ITEM #2 ABOVE

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?

THE EXPANSION IS "IN-LINE" WITH THE EXISTING
BUILDING CURRENTLY BEING ALLOWED TO FUNCTION
WITH A NON-CONFORMING SETBACK. REFER
ALSO TO APPROVED CUP #2008-010

Signed



Date

4/11/15

Print Name

MICHAEL PONTOUS, AIA ARCHITECT

FINDINGS REQUIRED TO GRANT A VARIANCE

The Town of Apple Valley Community Development Department
14955 Dale Evans Parkway, Apple Valley, CA 92307 • (760) 240-7000 • Fax: (760) 240-7399

Variance/Deviation (Effective July 1, 2014 - Resolution 2014-027)

Page 5 of 9

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.

REFER TO ITEM #2 ON PAGE 5.

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.

THE EXISTING BUILDING HAS ALREADY BEEN ALLOWED TO FUNCTION WITH THE SAME FRONT SETBACK REDUCTION.

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.

PROPERTIES ALONG THIS PORTION OF YUKA LOMA ROAD ENJOY SIMILAR RIGHTS.

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.

THERE APPEARS TO BE NO IMPACT TO OTHER PROPERTIES OR ANY DETRIMENT TO THE PUBLIC HEALTH, SAFETY OR WELFARE.

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.

SETBACK REDUCTION BASED ON THE RESULT OF ROADWAY DEDICATION IS NOT UNCOMMON IN THE COMMUNITY.



TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

Staff Report

AGENDA DATE:	July 1, 2015
CASE NUMBER:	Development Code Amendment No. 2015-003
APPLICANT:	Town of Apple Valley
PROPOSAL:	A request to consider an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code amending Chapter 9.25 "Deviation Permits" and Chapter 9.35 "Commercial Districts" as it pertains to allowing a reduction in landscaping and setback requirements for the development of substandard commercial lots.
LOCATION:	Town-wide
EXISTING GENERAL PLAN DESIGNATIONS:	All Commercial Land Use Designations
EXISTING ZONING:	All Commercial Land Use Designations
ENVIRONMENTAL DETERMINATION:	Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.
PROJECT PLANNER:	Ms. Lori Lamson, Assistant Town Manager
RECOMMENDATION:	Adopt Planning Commission Resolution No. 2015-006.

BACKGROUND & DISCUSSION

On June 9, 2015, the Town Council initiated a Development Code Amendment regarding providing relief of landscaping and setback standards for sub-standard commercial lots due to the development impacts related to the American Disabilities Act (ADA) requirements and Town landscape requirements.

Standard commercial lots have a minimum lot size of 7,500 square feet, a minimum lot width of seventy-five (75) feet and a minimum lot depth of 100 feet. There are several areas of the Town where there are existing subdivisions of sub-standard commercial lots. One of the areas impacted is the Desert Knolls area where the predominant type of new development is medical office. In Desert Knolls, in addition to the sub-standard lot size, there can be pre-recorded setbacks of up to seventy (70) feet for the front and twenty-five (25) feet in the rear. Typically these lots are 6,000 square feet in size.

ADA requirements necessitates a four (4)-foot wide pathway from the building entrance, to the street sidewalk, that is separated from the parking area. Driveway width and parking stall length limit the parking lot configuration. Due to the limited options in parking lot configuration, this typically puts the ADA pathway on one side of the lot. Five (5)-foot landscape setbacks are required on each side of the lot to provide a buffer from the property line. Parking can occur in the rear of the building provided that there is an alley for access.

Once all these requirements are considered, the building envelope for the footprint of the commercial structure can prove to be quite limiting. State regulations on the size and types of amenities within new medical offices can prove to be difficult to provide within the restricted building footprint. These requirements can include exam room size, room for equipment and sinks for every exam room, waiting room size etc.

The Town's economic development strategy for this area has been focused on the attraction of medical offices. This strategy is proving to be difficult due to the constraints provided by all the issues discussed.

A modification to the landscape requirements and setbacks through a Deviation Permit process could provide enough flexibility in the development of the lot. Deviation Permits are reviewed administratively and approved by the Director. Other alternatives could include the reduction of the interior side and rear building setbacks. These suggested alternatives could be done administratively, as long as findings and standards are included for the deviation of development standards for substandard commercial lots.

ANALYSIS

Staff is offering for the Commission's consideration the following amended language as identified by strike-through text for deletions and underlined text for additions.

CHAPTER 9.25 Deviation Permits ***9.25.030 Standards***

The Director may grant a Deviation Permit for only the following minor exceptions to the Development Code:

- A. A maximum twenty (20) percent reduction in lot area, lot dimensions or setbacks for Commercial and Industrial Districts.
- B. A maximum ten (10) percent reduction for interior side setbacks and a twenty (20) percent reduction for rear setbacks in Residential Districts.
- C. A maximum twenty (20) percent increase in the height of fences.
- D. In the Commercial and Industrial Districts, a porte-cochere open on three sides may encroach up to fifty (50) percent, but not less than twenty-five (25) feet from the front property line.
- E. For substandard commercial lots in all Commercial Districts, deviations to one or all of the following standards may be allowed:
 - 1. Reduction of landscape planter width in areas adjacent to parking areas or drive aisles up to a minimum of two (2) feet in width. (Section 9.72.060.B.8.a and b)
 - 2. Reduction in the minimum landscape area of the site from 10% to no less than 5%. (Section 9.35.040.A.14)
 - 3. Maximum ten (10) percent reduction for interior side setbacks and a twenty (20) percent reduction for rear setbacks.

FINDINGS

An amendment to the Development Code requires that the Planning Commission address two (2) required "Findings", as listed within Development Code Section 9.06.060. For Commission consideration, the required Findings are listed below, along with a comment addressing each. If the Commission concurs with these comments, they may be adopted and forwarded to the Council for its consideration of the Development Code Amendment. If the Commission wishes modifications to the offered comments, after considering input and public testimony at the public hearing, modifications to the Findings and Code Amendment recommendations can be included into the information forwarded to the Council for consideration.

- A. The proposed amendment is consistent with the General Plan; and

Comment: The General Plan is the blueprint for the community's future growth. Specific Goals and Objectives are provided within each of the adopted General Plan's State-mandated Elements. Many of these stated Goals and Objectives address the community's ability to promote and strengthen the commercial development to improve the local economy, while enhancing the quality of life. Providing some flexibility in the development standards of commercial development on substandard lots, enables development to meet required standards of the American Disabilities Act and provisions within the Building Code, while providing quality development that enhances the economy and the Town.

- B. The proposed amendment will not be detrimental to the public health, safety or welfare of the Town or its residents.

Comment: Amending the Code as proposed under Development Code Amendment No. 2015-003 will modify the Town's provisions relative to the ability to administratively modify the required landscape buffers and setbacks on substandard commercial lots through the implementation of a Deviation Permit. Findings to approve the Deviation Permit require that the proposed

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

NOTICING

Development Code Amendment No. 2015-003 was advertised as a public hearing in the Apple Valley News newspaper on June 19, 2015.

ENVIRONMENTAL REVIEW

Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

RECOMMENDATION

Following receipt of public input and discussion by the Commission, it is recommended that the Commission move to approve Planning Commission Resolution No. 2015-006 forwarding a recommendation that the Town Council amend Title 9 "Development Code" of the Town of Apple Valley Municipal Code as outlined within the staff report.

Prepared By:

Reviewed By:

Lori Lamson
Assistant Town Manager

Carol Miller
Principal Planner

Attachment:
Draft Planning Commission Resolution No. 2015-006

PLANNING COMMISSION RESOLUTION NO. 2015-006

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2015-003 AMENDING TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING CHAPTER 9.25 "DEVIATION PERMITS" AND CHAPTER 9.35 "COMMERCIAL DISTRICTS" AS IT PERTAINS TO REDUCING LANDSCAPING AND SETBACK REQUIREMENTS FOR THE DEVELOPMENT OF SUBSTANDARD COMMERCIAL LOTS THROUGH APPROVAL OF A DEVIATION PERMIT

WHEREAS, Title 9 "Development Code" of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; and

WHEREAS, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

WHEREAS, specific changes are proposed to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by comprehensively amending Chapter 9.25 "Deviation Permits" and 9.35 "Commercial Districts"; and,

WHEREAS, on June 19, 2015, Development Code Amendment No. 2015-003 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, on July 1, 2015 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2015-003, receiving testimony from the public; and

WHEREAS, Development Code Amendment No. 2015-003 is consistent with Title 9 "Development Code" of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

NOW, THEREFORE, BE IT RESOLVED that in consideration of the evidence presented at the public hearing, and for the reasons discussed by the Commissioners at said hearing, the Planning Commission of the Town of Apple Valley, California, does hereby resolve, order and determine as follows and recommends that the Town Council make the following findings and take the following actions:

Section 1. Find that the changes proposed by Development Code Amendment No. 2015-003 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 2. The project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

Section 3. Amend Section 9.25.030 "Standards" of Chapter 9.25 "Deviation Permits" of the Development Code to add subsection E. as follows:

E. For substandard commercial lots in all Commercial Districts, deviations to one or all of the following standards may be considered:

1. Reduction of landscape planter width in areas adjacent to parking areas or drive aisles up to a minimum of two (2) feet in width. (Section 9.72.060.B.8.a and b)
2. Reduction in the minimum landscape area of the site from 10% to no less than 5%. (Section 9.35.040.A.14)
3. Maximum ten (10) percent reduction for interior side setbacks and a twenty (20) percent reduction for rear setbacks.

Section 4. Amend Section 9.72.060.B by amending paragraphs a and b of subsection 8 to include references at the end of the paragraph that state the following:

- a. ...Refer to Section 9.25.030.E for deviations to this requirement.
- b. ...Refer to Section 9.25.030. E for deviations to this requirement.

Section 5. Amend Section 9.35.040 A by amending footnote (11) to include a reference at the end of the footnote that states the following:

- (11) ... Refer to Section 9.25.030. E for deviations to this requirement.

Section 6. Amend Section 9.35.040 A by amending footnote (3) to include a reference at the end of the footnote that states the following:

- (3) ... Refer to Section 9.25.030. E for deviations to this requirement.

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 1st day of July, 2015.

Chairman Bruce Kallen

ATTEST:

I, Debra Thomas, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 1st day of July, 2015 by the following vote, to-wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ms. Debra Thomas, Planning Commission Secretary



TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

Staff Report

AGENDA DATE:	July 1, 2015
CASE NUMBER:	Development Code Amendment No. 2015-04
APPLICANT:	Town of Apple Valley
PROPOSAL:	A Development Code Amendment regarding a modification to the Development Code Regulation for fencing to allow chain link around vacant development and undeveloped properties.
LOCATION:	Town-wide
EXISTING GENERAL PLAN DESIGNATIONS:	All Land Use Designations
EXISTING ZONING:	All Land Use Designations
ENVIRONMENTAL DETERMINATION:	Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.
PROJECT PLANNER:	Ms. Lori Lamson, Assistant Town Manager
RECOMMENDATION:	Discuss and provide staff with direction

BACKGROUND & DISCUSSION

On May 26, 2015, the Town Council initiated a Development Code Amendment to address the regulations for fencing vacant lots. The current regulations of the Development Code prohibit fencing of an undeveloped lot. The Council has heard from concerned residents regarding illegal dumping, trespassing, and the use of unauthorized vehicles on vacant lots causing dust issues. In consideration of these issues, the Town Council has requested that the Planning Commission discuss the issue and provide direction to the Town Council if modifications to the current regulations are warranted.

To see how other cities handle this issue, staff conducted a survey through the League of California Cities Listserve and had three cities respond, which do not regulate fencing on vacant lots. In fact, two of the three cities responding felt it was a right of land ownership and protection from illegal dumping and trespassing. However, these cities don't have the wide open expansive desert to consider when determining appropriate regulations. So, staff determined that comparison at a local level may provide better insight of similar desert communities with the similar issues. Hesperia does not regulate fencing on vacant lots. However, Victorville does not allow chain link fencing on commercial lots, but does allow wrought iron. Victorville does not allow fencing on vacant residential property, but has a provision in the Code that provides an exception. The exception applies to the following...

Section 16-3.24.090...

(4) On vacant property, a fence is needed to fulfill environmental mitigation or security requirements imposed by the City, State and/or Federal Government;

(5) It can be demonstrated that a continued security problem exists which exceeds those same problems incurred by similar properties in the vicinity. In such cases, the fence height, location and materials shall be subject to the review and approval of the Zoning Administrator;

Victorville and Hesperia allow for the fencing of vacant developed property for the purpose of protecting the structure or securing it from vandals.

Different types of barricades could be utilized, if the intent is to keep unauthorized vehicles from trespassing. There are areas of the Town that have been successful using large boulders or logs (similar to utility poles) around the perimeter to keep vehicles from trespassing. This type of barricade, in addition to chain link, could be considered with an exception, similar to the intent of Victorville's Code.

This report is intended to facilitate discussion, resulting in the Planning Commission providing staff with direction. Language in a Development Code Amendment will be presented to the Planning Commission at a future meeting.

RECOMMENDATION

Provide Staff with direction and consider continuing the item to the July 15, 2015 Planning Commission meeting for review of language in a draft Development Code Amendment.

Prepared By:

Reviewed By:

Lori Lamson
Assistant Town Manager

Carol Miller
Principal Planner