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**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA**

WEDNESDAY, JANUARY 20, 2016

Regular Meeting 6:00 p.m.

Town Council Chambers
14955 Dale Evans Parkway

PLANNING COMMISSION MEMBERS

Bruce Kallen, Chairman
Doug Qualls, Vice-Chairman
Jason Lamoreaux, Commissioner
Mark Shoup, Commissioner
B. R. "Bob" Tinsley, Commissioner

PLANNING DIVISION OFFICE: (760) 240-7000 Ext. 7200
www.AVPlanning.org

Monday - Thursday 7:30 a.m. to 5:30 p.m.
Alternating Fridays 7:30 a.m. to 4:30 p.m.



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**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, January 20, 2016 – 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 December 2, 2015.

PUBLIC HEARING ITEMS

2. **Conditional Use Permit No. 2015-011.** A request to approve a Conditional Use Permit to operate automobile sales and repair business.

Applicant: Mr. Bill Martin, representing Lo-Cost Motors
Location: The site is located at 21870 Bear Valley Road, APN N0. (s): 3087-531-25 and 26

Project Planner: Mr. Douglas Fenn, Senior Planner
Recommendation: Approval

3. **Variance No. 2015-002.** A request to allow a ten (10)-foot side yard setback where a minimum fifteen (15)-foot side yard setback is required.

Applicant: Sharon and Keith Session
Location: 13418 Delaware Road; APN 3087-041-35
Project Planner: Carol Miller, Principal Planner
Recommendation: Approval

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

4. Heather Wylie, Housing and Community Development Specialist, will do a presentation on **Housing 101**. Planning Commission requested additional information regarding state mandates and the need for affordable housing units in Apple Valley.
5. Carol Miller, Principal Planner, to announce the upcoming Planning Commissioners Academy – March 2-4, 2016. No action is required – to receive and file only.

ADJOURNMENT

The Planning Commission will adjourn to its next regularly scheduled meeting on February 17, 2016.

MINUTES

TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, December 2, 2015

CALL TO ORDER

At 6:03 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for December 2, 2015, was called to order by Chairman Kallen.

ROLL CALL

Planning Commission

Roll call was taken with the following members present: Commissioner Jason Lamoreaux, Commissioner Mark Shoup, Commissioner B.R. "Bob" Tinsley, Vice-Chairman Doug Qualls and Chairman Bruce Kallen. Absent: None.

STAFF PRESENT

Lori Lamson, Assistant Town Manager; Carol Miller, Principal Planner; Pam Cupp, Associate Planner; Haviva Shane, Town Attorney and Yvonne Rivera, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

Commissioner Shoup led the Pledge of Allegiance.

Chairman Kallen offered a moment of silence for the victims in the City of San Bernardino.

1. APPROVAL OF MINUTES

Minutes for the Regular Meeting of November 4, 2015.

Motion by Vice-Chairman Qualls, and seconded by Commissioner Shoup, to approve the Minutes for the Regular Meeting of November 4, 2015.

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

PUBLIC HEARING ITEMS

- 2. Development Code Amendment No. 2015-007.** An amendment to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by amending Section 9.31.020 “Single Family Site Planning Design Standards” and Section 9.31.030 “Single Family Architectural Design Standards.” The proposal will add plotting and design criteria specific to single family infill development. Additionally, this amendment will add to the Development Code the provisions adopted through Planning Commission Policy No. 2004-001 "Plotting and Design Criteria for Single Family Homes.

Applicant: Town of Apple Valley

Location: Town-wide

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

Ms. Pam Cupp, Associate Planner, presented the report as filed by the Planning Division.

Ms. Cupp would like to make the following modification to the resolution as shown on page 2-53, item G3 read:

“It is encouraged that trim, including that with a stucco covering, be painted in a contrasting color. The contrasting color shall be compatible with the structure’s primary color.”

Discussion ensued regarding the Design Criteria Checklist outlined on Page 2-14. Ms. Cupp explained that the checklist would be brought back to the Commission for review as a Planning Commission Policy.

Commissioner Tinsley had concern regarding specifically identifying T1-11 as a product of concern. Discussion ensued regarding the use and durability of T1-11. It was the consensus of the Commission to modify the Resolution as shown on page 2-52, item D4 to read: ,

“The use of plywood products on any exterior will require Director review and approval. Approval shall be based upon product quality and proven durability.”

Commissioner Tinsley had concern regarding the requirement for a prefabricated block cap for block walls within subdivision. It was the consensus of the Commission to amend the Resolution as shown on page 2-54, item H14 to read:

“All block walls shall be capped with prefabricated block cap or molded top. Stucco walls must have a molded top.”

PUBLIC COMMENT

None.

Chairman Kallen closed the public hearing at 6:45 p.m.

Chairman Kallen thanked staff for creating the Design Criteria Checklist, which he believed would be helpful to builders.

Commissioner Shoup also thanked staff and the Infill Ad Hoc Committee for their work.

MOTION

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

1. Approve Planning Commission Resolution No. 2015-012, forwarding a recommendation that the Town Council amend Title 9 “Development Code” of the Town of Apple Valley Municipal Code, as amended.

ROLL CALL VOTE

Ayes: Commissioner Lamoreaux
Commissioner Shoup
Commissioner Tinsley
Vice-Chairman Qualls
Chairman Kallen

Noes: None

Abstain: None

Absent: None

The motion carried by a 5-0-0-0 vote.

3. **Development Code Amendment No. 2015-005.** A request to consider an amendment to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by amending Table 9.28.030-A(B)(8) as it relates to the keeping of Llama and Alpaca and amending Section 9.29.030 (D) as it relates to small domestic animals.

Applicant: Town of Apple Valley

Location: Town-wide

Chairman Kallen opened the public hearing at 6:46 p.m.

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

Discussion ensued regarding the keeping of Llamas and Alpacas.

Ms. Miller read into the record, the maximum number of animals allowed for R-EQ/R-E lots as outlined in the Development Code.

PUBLIC COMMENT

None.

Chairman Kallen closed the public hearing at 6:55 p.m.

MOTION

Motion by Chairman Kallen, seconded by Commissioner Tinsley that the Planning Commission move to:

1. Approve Planning Commission Resolution No. 2015-013, 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.

ROLL CALL VOTE

Ayes: Commissioner Lamoreaux
Commissioner Shoup
Commissioner Tinsley
Vice-Chairman Qualls
Chairman Kallen

Noes: None

Abstain: None

Absent: None

The motion carried by a 5-0-0-0 vote.

PLANNING COMMISSION COMMENTS

None.

STAFF COMMENTS

Ms. Lori Lamson, Assistant Town Manager, announced there is a Joint Meeting scheduled for February 8, 2016 between the Town Council and the Planning Commission. The Joint Meeting will be in the way of a bus trip to visit the Coachella Valley Housing Authority projects. She noted that the Town Council selected Coachella Valley Housing Authority Project to construct a low-income project on a 10-acre site just west of Navajo Road.

Chairman Kallen would like staff to come back to the Planning Commission with a report that shows the statistics of low income according to the state's average.

OTHER BUSINESS

- 4. **General Plan Conformity for the acquisition of the Apple Valley Water System** – The Planning Commission action consists of a General Plan Conformity finding for the acquisition of the Apple Valley Water System.
Applicant: Town of Apple Valley
Location: Town of Apple Valley

Commissioner Lamoreaux recused himself from this item, and left the dais at 7:04 p.m.

Haviva Shane, Town Attorney, reminded the Planning Commission of their jurisdiction as it relates to the General Plan Conformance finding for the Acquisition of the Apple Valley Water System.

Thomas Rice, Town Attorney, presented the staff report as filed with the Planning Division.

MOTION

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

- 1. Adopt Planning Commission Resolution No. 2015-014 finding that the acquisition of the Apple Valley Water System is consistent with the Town's General Plan.

ROLL CALL VOTE

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

The motion carried by a 4-0-1-0 vote.

Commissioner Lamoreaux returned to the dais at 7:07 p.m.

- 5. A discussion pertaining to the role, charge, and authority of the Planning Commission and whether consideration of financial matters falls within its jurisdiction.

Haviva Shane, Town Attorney, presented the staff report as filed with the Planning Division. She noted the jurisdiction of the Planning Commission excludes any consideration of financial matters.

Discussion ensued regarding the Planning Committee's functions and authority according to State Law.

Ms. Carol Miller, Principal Planner, answered questions by the Planning Commission regarding the Applicant's ability to appeal a project after receiving approval and agreeing to the Conditions of Approval.

Ms. Lori Lamson, Assistant Town Manager, explained another alternative available to the Applicant is to come back to the Planning Commission to request a modification to the Conditions of Approval.

Commissioner Lamoreaux thanked staff for their work on this report.

This is a discussion item only. There was no action taken.

PUBLIC COMMENTS

None.

PLANNING COMMISSION COMMENTS

None.

ADJOURNMENT

Motion by Chairman Kallen, seconded by Commissioner Shoup, and unanimously carried to adjourn the meeting of the Planning Commission at 8:00 p.m. to the Regular Meeting on January 20, 2016.

Respectfully Submitted by:

Yvonne Rivera
Planning Commission Secretary

Approved by:

Chairman Bruce Kallen



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TOWN OF APPLE VALLEY PLANNING COMMISSION

Staff Report

- AGENDA DATE:** January 20, 2016
- CASE NUMBER:** Conditional Use Permit No. 2015-011
- APPLICANT:** Mr. Bill Martin, representing Lo-Cost Motors
- PROPOSAL:** The applicant is requesting an approval of a Conditional Use Permit to operate an automobile sales and repair business.
- LOCATION:** The site is located at 21870 Bear Valley Road, APN No.(s): 3087-531-25 and 26
- ENVIRONMENTAL DETERMINATION:** Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301 Class 1, 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:
The project site encompasses two (2) parcels totaling 1.4 acres.
- B. General Plan Designations:
Project Site - Service Commercial (C-S)
North - Service commercial (C-S)
South - Public Facilities (P-F)
East - Service Commercial (C-S)
West - Service Commercial (C-S)
- C. Surrounding Zoning and Land Use:
Project Site - Service Commercial (C-S); Industrial Buildings
North - Service Commercial (C-S); Industrial Building
South - Service Commercial (P-F); Apple Valley High School
East - Service Commercial (C-S); Vacant
West - Service Commercial (C-S); Industrial

D. Site Characteristics:

The subject site is a level parcel that contains three (3) existing buildings totaling 2,577 square feet in area. The site is also developed with substandard parking and landscaping. The site is secured with a perimeter six (6) foot high chain link and solid board wood fence on the west, east and north sides of the property. An existing seven (7) foot high wrought-iron fence is located along Bear Valley Road. An existing vinyl fence in front of building "A" is proposed to be demolished.

E. Parking Analysis:

Type of Use	Square Footage	Parking Ratio	Required Parking
Sales Office Bldg.	1,082 sq. ft.	1/400 sq. ft. Sales and Showroom	3
Auto Repair Bldg.	1,015 sq. ft.	1/400 sq. ft Floor Area and 1/200 for office	3
Credit / auto Repair Bay	Bay area credit	3 bays	1 space per 2 bays (1 credit)
Storage Bldg.	480	500 sq. ft.	1
Auto Sales display	6,400 sq. ft.	1/2,000 Outdoor display	3
Total			9

As indicated in the parking table, the project is required nine (9) parking spaces whereby the site plan indicates six (6) parking spaces being provided. With one parking space credit, the project is required eight (8) parking spaces; therefore, Condition of Approval No. P24 requires two (2) additional parking spaces.

ANALYSIS

A. General:

Pursuant to the Development Code, Planning Commission approval of a Conditional Use Permit is required for automobile sales and auto repair within any commercial zone. The Conditional Use Permit process allows the Commission an opportunity to consider certain uses, which could have an adverse impact on surrounding properties or the general public.

The subject site contains three (3) existing buildings totaling 2,577 square feet is area. Building "A" will contain the proposed 1,082 square foot sales office; Building "C" will contain the proposed 1,015 square-foot repair shop; and Building "B" will contain 480 square feet of storage area.

In accordance with the Development Code for automobile sales and display, a minimum lot size of 20,000 square feet is required. Although each parcel contains approximately 32,000 square feet of lot area, the site as developed and proposed functions as one site. Therefore, staff is recommending Condition No. P16 that the two (2) lots be merged prior to the issuance of a certificate of occupancy.

In accordance with the Development Code for automobile sales and display, test driving is not permitted on local streets, and that a designated test-driving route be submitted to the Town Engineer prior to obtaining a certificate of occupancy (Condition No. P17).

The auto repair building (Building "C") is designed with three (3) service bays and a storage area. There is a covered carport adjacent to the auto repair building which staff did not include in the parking stall count. Since there is no evidence that a building permit was ever issued for the carport, and it increases the likelihood it will be used for outdoor auto repair, staff is recommending Condition No. P10 which requires the removal of the carport. The condition of approval also requires that all auto repair be done within the auto repair building.

The site plan indicates a 128 square-foot shed within the street side yard setback (Pawnee Road). Since there is no evidence that a building permit was obtained and the structure is within the required building and landscape setback, staff is recommending Condition No. P19, which requires the removal of the shed prior to a Certificate of Occupancy.

The storage building (Building B) will be used for auto-related parts. The applicant has indicated that the business activities are limited to auto sales and repair. Staff is not recommending the allowance of outdoor overnight parking of automobiles. Any overnight parking of vehicles shall be parked within the auto repair building and is conditioned as such per Condition No. P9.

In accordance with the Development Code, landscaping will shall be installed within the new parking and the existing landscaping along the east property line will need to be modified to match the ten (10)-foot wide planter proposed along Bear Valley Road.

As previously mention, there is an existing wood and chainlink fencing along Pawnee. Since the fencing interferes with the required landscape setback and is not the type of fencing customarily allowed in the Town's commercial development, staff is recommending the wood and chainlink fencing be removed and any new fencing be limited to maximum six (6)-foot high wrought-iron style fence (Condition No. P25). The other perimeter areas will need to be landscaped per the Development Code.

The buildings have a weathered look and are in need of a minor cosmetic upkeep, such a repairing stress cracks in the stucco and new exterior paint that is earth-tone in nature (Condition No. P14).

As referenced above, the site has a substandard parking lot and landscaping. All-new landscaping must be drought-tolerant landscaping and landscape improvements is recommended per Condition No. P15, in conformance with the Development Code. Final landscape and irrigation plans are required to be submitted to the Planning Division for review and approval prior to the issuance of a Building Permit.

The proposed auto repair facility will include the use of oils, grease and disposal of waste products. For this type of business, the applicant is required to adhere to regulations and secure approval from the San Bernardino County Department of Environmental Health Services prior to obtaining a Certificate of Occupancy from the Town. Condition No. P11 requires the applicant to file a State of California Business

Contingency Plan with the San Bernardino County Department of Environmental Health Services prior to issuance of a Certificate of Occupancy.

The site contains no trash enclosure per Town Standard. The site plan indicates the use of an existing sand and gravel enclosure to be used as a trash enclosure. Condition of Approval No. P23 requires the construction of a trash enclosure per Town Standard. Also, the Development Code requires businesses that generate four (4) cubic yards of commercial solid waste per week; to also accommodate a recycle bin. Condition No. ER1 is recommending that the trash enclosure must comply with the current requirement for recycling.

The site plan indicates existing gravel areas adjacent to Bear Valley and Pawnee Roads. Vehicle parking or auto display is not permitted on an unimproved surface, Condition of Approval No. P20 prohibits the use of these areas.

- B. Environmental Assessment:
Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301, Class 1, the proposed request is Exempt from further environmental review.
- C. Noticing:
The project was legally noticed in the Apple Valley News on January 8, 2015 and notices were mailed to all property owners within 300-feet of the project site.

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: With the recommended cosmetic improvements to the existing buildings and onsite landscaping and parking improvements, the proposed auto sales/display and auto repair facility is in compliance with the Development Code and General Plan subject to approval of a Conditional Use Permit.

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 location, size, design and operating characteristics of the proposed auto sales and repair facility, and the conditions under which it will be operated will not be detrimental to the public health, safety or welfare, nor will it be materially injurious to properties or improvements in the vicinity because all activities associated with the auto repair facility are required

to occur within enclosed structures and the auto sales display will be enhanced with landscaping.

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

Comment: The proposed auto sales and repair facility is compatible with surrounding uses which consists of existing older commercial/industrial buildings and uses. The existing buildings are currently in conformance with all setbacks. The buildings are compatible with many buildings in the area that have similar front yard setbacks and, which have housed commercial/industrial business.

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: The proposed auto sales and repair facility is located on a site which has existing services and utilities available to serve the business.

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

Comment: All business activities associated with the auto repair have been conditioned to occur within an enclosed structure in order to not be a harmful to the surrounding development. In accordance with the Development Code, landscaping is required to soften the appearance of the auto display area.

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

Comment: Traffic generated from the project will not adversely impact the surrounding area because the proposed project is located along a major improved road which can accommodate traffic generated from the proposed use. Further, any traffic generated by the proposed use will not exceed traffic volumes generated by any previous commercial use.

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: Because the proposed auto sales and repair facility is located on Bear Valley Road, it can accommodate traffic generated from the project site, The traffic generated from the project will not adversely impact the existing level of service.

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

Comment: The proposed auto repair facility could include the storage auto parts and fluids. The use of other hazardous wastes will require compliance with the regulations set forth by the San Bernardino County Department of Environmental Health; therefore, there will not be any significant harmful effects on environmental quality and natural resources.

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

Comment: The proposed project will not produce adverse impacts upon the site, nor the surrounding properties because the site is located within an existing commercial/industrial area and all activities for the auto repair are required to be conducted within the auto repair building. The auto display of vehicles is not adjacent to any residential uses or district, and will not detrimental to other commercial/industrial buildings or uses in the area, with the added onsite improvements.

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 auto sales and repair facility, and under which it will be operated and maintained, with adherence to the conditions of approval will not be detrimental to the public health, safety or welfare, nor will it be materially injurious to properties or improvements in the vicinity, because activities associated with the auto repair will occur within an enclosed structure. The project is required to conform to the Noise Control Ordinance of the Development Code.

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

Comment: The proposed auto sales and repair facility can operate 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 proposed auto sales and repair facility will be located within an existing permitted building. Minor interior modifications are proposed to the sales office building, and none of the buildings will be expanded in square footage or height. The project is required to do minor cosmetic exterior improvements to Buildings A, B, and C.

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 proposed auto sales and repair facility will be located within existing buildings. Therefore the proposal does not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings because none of the buildings will be expanded in square footage or height.

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 proposed auto repair facility, auto sales and storage buildings will be will have minor cosmetic enhancements such as repairing cracked stucco and painting, which will protect the value of the existing structures and improve the appearance of the site.

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

Comment: The proposed auto sales and repair facility will operate within an existing building. Although no major modifications are proposed to the structures or site; any new improvement will be designed to provide safe, on and off-site circulation.

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 No.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.
3. Approve Conditional Use Permit No. 2015-011, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

Prepared By:

Reviewed By:

Douglas Fenn
Senior Planner

Carol Miller
Principal Planner

ATTACHMENTS:

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

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Case No. Conditional Use Permit No. 2015-011

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, January 20, 2018, 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 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 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 approval of Conditional Use Permit No. 2015-011 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.
- P5. 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. The driveway and new and existing parking lot area shall be constructed (paved, resurfaced and painted) and redeveloped to Development Code standards.
- P6. 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.
- P7. All signs shall have a separate permit and are subject to final approval by the Town Planning Division.
- P8. Lighting fixtures shall be of a type and be located in such a manner that no light or reflected glare is directed off-site and shall provide that no light is directed above a

- horizontal plane passing through the bottom of the fixture. All glare shall be directed onto the site and away from adjacent properties.
- P9. Any overnight parking of vehicles for auto repair shall be inside the auto repair building.
- P10. All repairs must be done within an enclosed building. The existing carport adjacent to the auto repair building shall be removed prior to a Certificate of Occupancy.
- P12. If hazardous substances are used and/or stored, a technical report, identifying any hazards presented by project must be mitigated. This report shall be prepared by a qualified person, firm, or corporation and submitted to the Building and Safety Division. This report shall also explain the proposed facility's intended methods of operation and list all of the proposed materials, their quantities, classifications, and the effects of any chemical (material) inter-mixing in the event of an accident or spill.
- P13. There shall be no outdoor storage of any material associated with the auto repair business. The proposed trash enclosure may not be used for waste of automobile parts and similar items.
- P14. Prior to a Certificate of Occupancy the building shall be cosmetically repaired stucco and painted (earth tone color) as approved by the Planning Division.
- P15. Prior to a Certificate of Occupancy the site shall be developed with an landscape planter along the east property line to the match proposed ten (10)-foot wide landscaped along Bear Valley Road. The existing fence will need to be relocated back of the new planter along Pawnee Road and is recommended to match the existing wrought-iron style fence, but at a height of six (6) feet. All landscaping planters shall be improved with curb barriers, plantings, ground cover, and irrigation system.
- P16. Prior to a Certificate of Occupancy, a Lot Merger shall be approved and evidence of recordation be provided.
- P17. The project must comply with State and local health, safety and Fire regulations if there are storage tanks for gasoline; all noise generated equipment shall not exceed 65 decibels; and a test driving is not permitted on local streets, and a test-driving route must be submitted to the Town Engineer prior to obtaining a certificate of occupancy.
- P18. In accordance with section 9.36.070 (a), areas designated for employee and customer parking in accordance with parking regulations shall not be used for vehicle display or storage.
- P19. Prior to a Certificate of Occupancy, the 128 square-foot shed located within the street side yard setback shall be removed.
- P20. No uses shall be allowed to occur within the existing gravel areas adjacent to Bear Valley and Pawnee Roads.
- P21. Final landscape and irrigation plans shall be submitted prior to building permit issuance and installed prior to issuance of occupancy permits, subject to approval by the Planning Division.

- P22. Landscaping shall be installed with appropriate combinations of drought-tolerant trees, shrubs, and ground cover, consistent with Chapter 9.75, Water Conservation Landscape Regulations, of this Code.
- P23. Trash enclosure shall be provided for and constructed to Town Standard, subject to the review and approval of the Planning Division. The number of trash bins shall be in accordance with the Development Code.
- P24. The site plan submitted for plan check shall provide for a minimum of eight (8) parking spaces in accordance with the Development Code.
- P25. The existing wood and chainlink fencing along Pawnee Road shall be removed and any new fencing be limited to maximum six (6)-foot high wrought-iron style fence.

Environmental and Regulatory Compliance Conditions of Approval

- ET1. The project must provide 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

- ET2. 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)

- ET3. 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 material 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 fifty (50) percent 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

ET4. 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.

Building and Safety Division Conditions of Approval

- BC1. Submit plans, and obtain permits for all structures, retaining walls, tenant improvements and signs.
- BC2. Comply with State of California Disability Access requirements (2013 CBC, 11-B).

Public Works Conditions of Approval

- PW1. 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.
- PW2. Sewer connection fees are required.
- PW3. Buy-in fees are required.
- PW4. Sewer development impact fees are required.

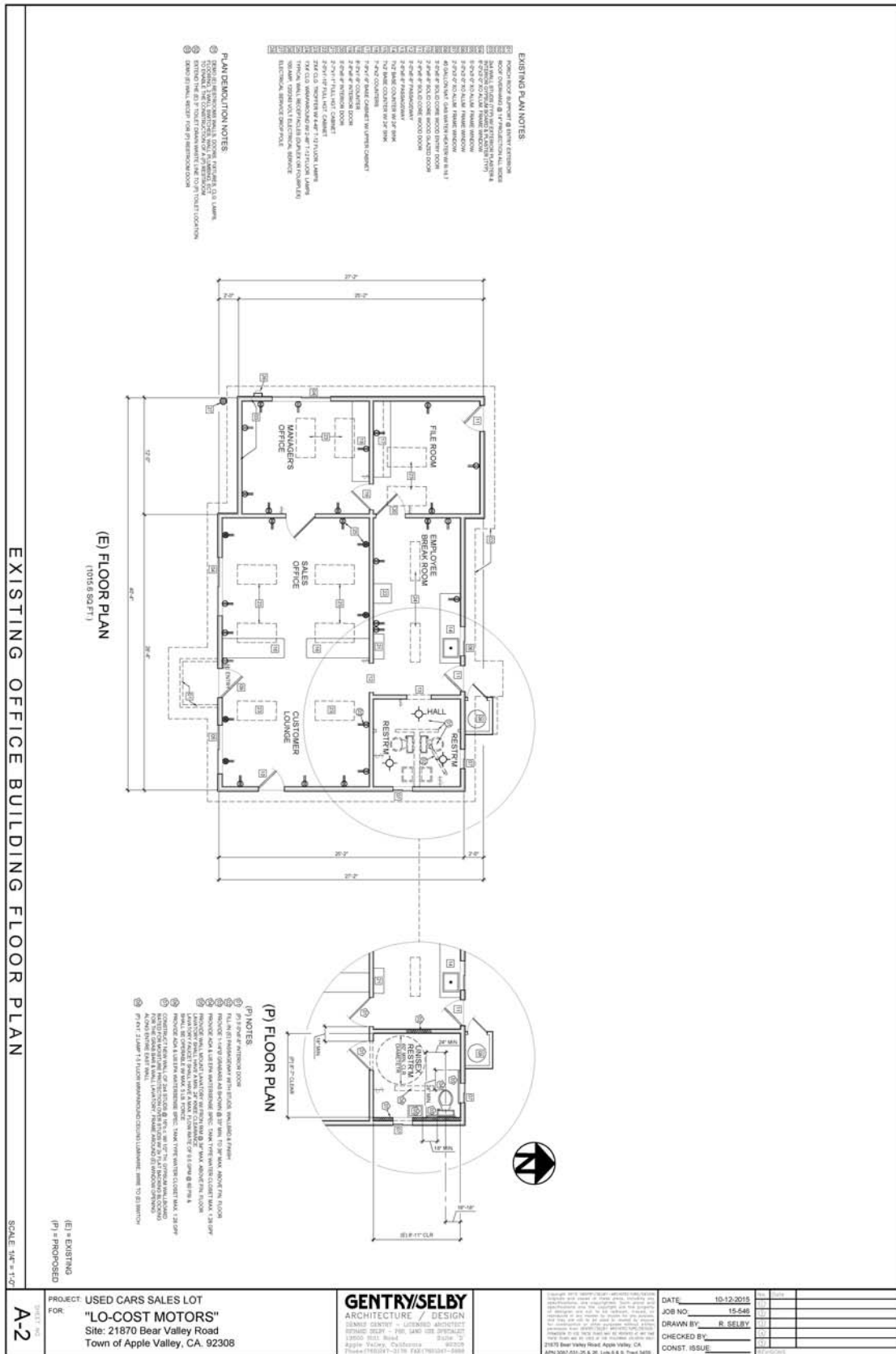
Apple Valley Fire Protection District Conditions of Approval

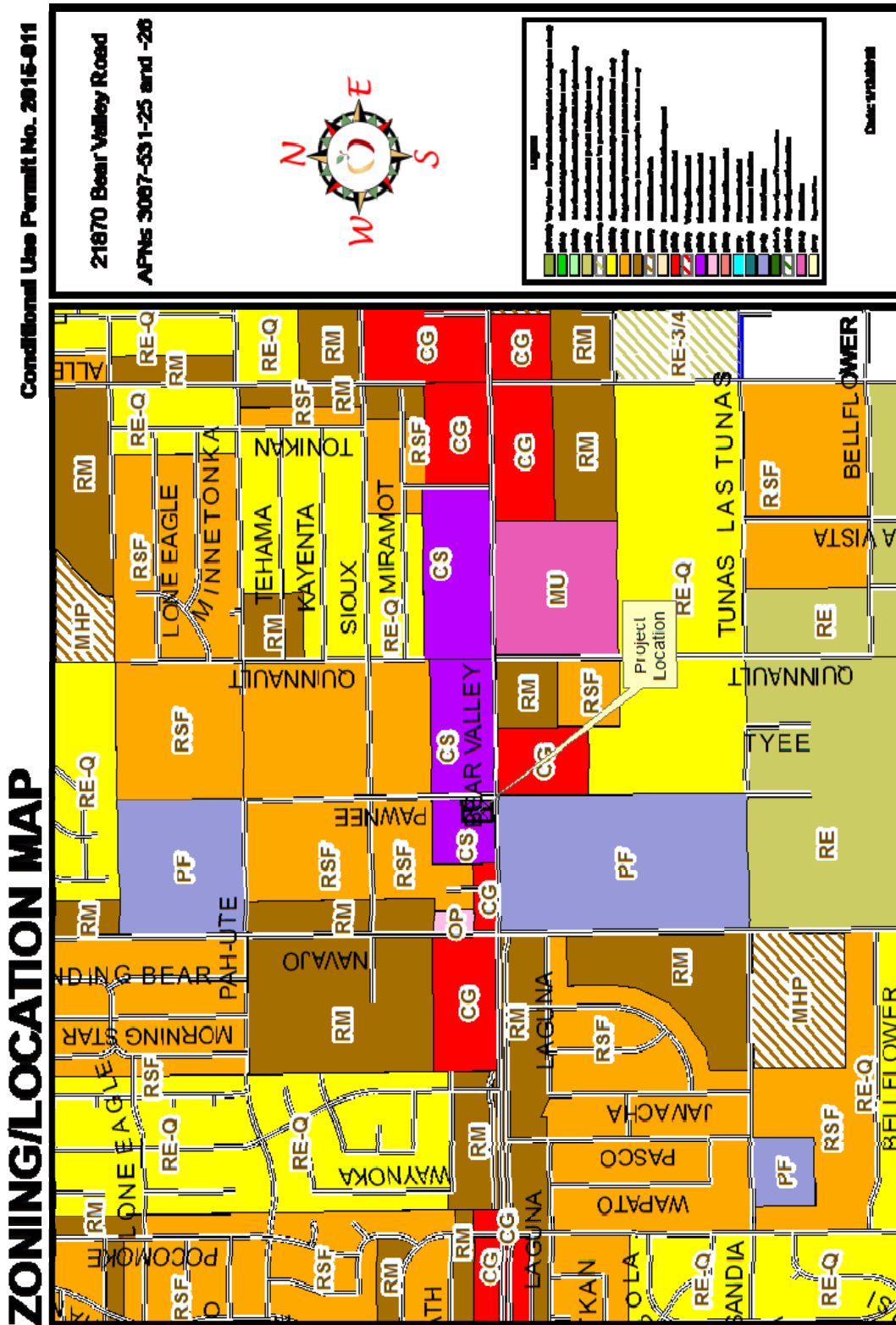
- FD1. Approved numbers or addresses shall be placed on all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background. Additional non-illuminated contrasting

eighteen (18)-inch numbers shall be displayed and the location will be determined by fire department prior to installation.

- 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. Fire Extinguishers with a minimum rating of 2A40BC shall be provided, as per inspection, prior to Certificate of Occupancy.

End of Conditions







A Better Way of Life

Agenda Item No. 3

TOWN OF APPLE VALLEY PLANNING DIVISION

Staff Report

AGENDA DATE: January 20, 2016

CASE NUMBER: Variance No. 2015-002

APPLICANT: Sharon and Keith Session

PROPOSAL: A request to allow a ten (10)-foot side yard setback where a minimum fifteen (15)-foot side yard setback is required.

LOCATION: 13418 Delaware Road; APN 3087-041-35.

ENVIRONMENTAL DETERMINATION: Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), the variance for side yard setback is exempt from further environmental review per Section 15305, Minor Alteration in Land Use Limitations.

CASE PLANNER: Ms. Carol Miller, Principal Planner

RECOMMENDATION: Approval

PROJECT AND SITE DESCRIPTION

- A. Project Size The subject lot is approximately 22,623 square feet in size.
- B. General Plan Designations:
- | | |
|---------------|----------------------------------|
| Project Site- | Residential Single Family (R-SF) |
| North - | Residential Single Family (R-SF) |
| East - | Residential Single Family (R-SF) |
| South - | Residential Single Family (R-SF) |
| West - | Residential Single Family (R-SF) |

C. Surrounding Zoning and Land Use:

Project Site - Residential Single Family (R-SF), Single family residence
North - Residential Single Family (R-SF), Single family residence
South - Residential Single Family (R-SF); Single family residence
East - Residential Single Family (R-SF), Vacant
West - Residential Single Family (R-SF), Single family residence

D. Setbacks:

Side Yard Setback Required: 15 feet
Proposed Side Yard Setback: 10 feet

Analysis:

A. General:

The Variance process allows an applicant the means by which they can request a deviation from a development standard provided the necessary findings can be made. In this instance, the applicant is requesting a Variance to the required side yard setback to allow a ten (10)-foot setback where a fifteen (15)-foot setback.

B. Site Characteristics

The subject site is developed with a single-family residence and pool located to the rear of the house. The rear portion of the property slopes downward with a drainage swale along the rear property line.

C. Analysis:

The purpose of the Variance, if granted, would enable the property owners to build a 950 square-foot RV garage as shown on the attached exhibit.

In accordance with the Development Code, the setback requirements for the Residential Single Family (R-SF) zoning district are ten (10) and fifteen (15)-foot. In a normal situation, the proposed ten (10)-foot setback would not require a variance to deviate from the side yard setback requirement. However, the subject site is within a Ranchos Residential Overlay District (TM 9096) which requires a fifteen (15)-foot side yard setback. The Ranchos Residential Overlay District establishes various building setbacks consistent with previously recorded residential subdivision tract maps and applicable Covenants, Conditions, and Restrictions (CC&Rs). In accordance with the Development Code, the Ranchos Residential Overlay District setbacks supersede the minimum setbacks specified in Section 9.28.040, *Site Development Standards*. Although the proposed side yard setback is consistent with the R-SF standards, it is not consistent with the Ranchos Residential Overlay District requirement and therefore, requires the variance.

Although this neighborhood (TM 9096) has a greater side yard setback requirement than the underlying zoning district, the proposed ten (10)-foot side yard setback is a very common setback requirement throughout the Town so the visual impact from a community standpoint will not appear out of character. Given the shape of the lot and the orientation of the house on the lot, the five (5)-foot encroachment will not be an impact to the character of the neighborhood.

The applicant provided a letter of support from the adjacent property owner most affected by the five (5)-foot encroachment (attached).

E. Noticing:

This item was advertised as a public hearing in the Apple Valley News newspaper on January 8, 2016 with notices sent to property owners within 300 feet of the subject property.

F. 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: In addition to the applicant's findings, due to the shape of the lot, orientation of the house on the lot, and topography of the lot, to require the strict application of the Ranchos Overlay requirements would preclude the property owners from constructing a RV garage that is consistent with the underlying R-SF setback requirements.

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: In addition to the applicant's findings, staff finds that although the proposal is inconsistent with the Ranchos Overlay requirements, the request is consistent with the underlying R-SF standards. Therefore, 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.

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: In addition to the applicant's findings, unless the variance is approved to allow the five (5)-foot encroachment, the adherence to the Ranchos Overlay setback requirement would preclude the applicant from constructing a detached RV garage. The granting of the variance would allow the property owner to construct the garage consistent with other properties within the R-SF land use 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: In addition to the applicant's findings, the subject property is located within a housing tract (TM No. 9096) that has greater side yard setback requirements than the underlying R-SF zoning. Because of the underlying zoning, the proposed ten (10)-foot side yard setback is a common setback found within the residential areas so the visual impact

from a community standpoint will not appear out of character or materially detrimental to the public health, safety or welfare, or injurious to the property or improvements. Given the shape of the lot and the orientation of the house on the lot, the five (5)-foot encroachment will not be an impact to the character of the 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: In addition to the applicant's findings, the granting of the variance would allow the property owner to construct a RV garage consistent with other properties within the R-SF land use district and therefore, will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the zoning district.

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. 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 Variance No. 2015-002 and direct staff to file a Notice of Exemption.

Prepared By:

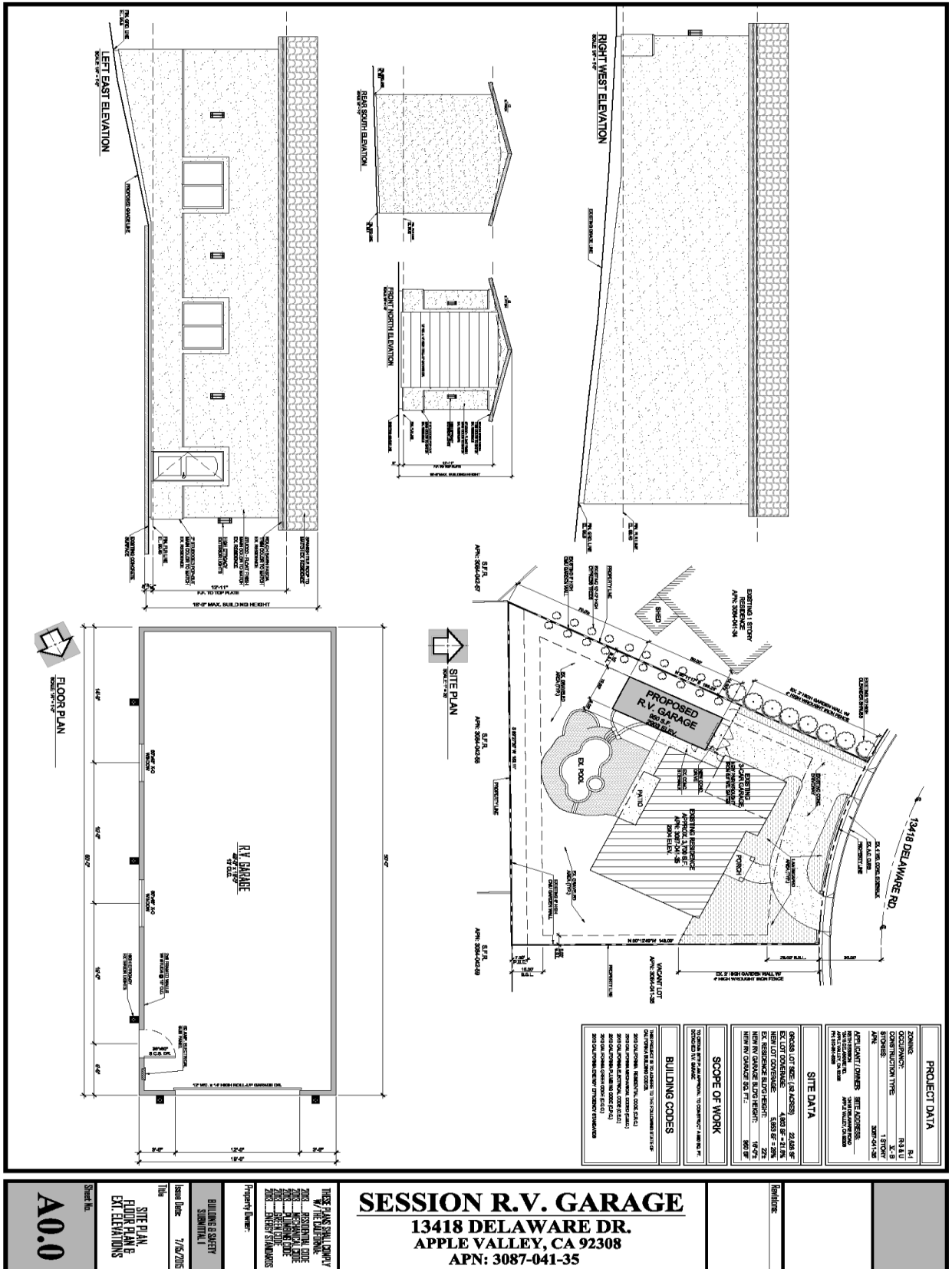
Reviewed By:

Carol Miller
Principal Planner

Lori Lamson
Assistant Town Manager

ATTACHMENTS:

1. Site Plan & Elevations
2. Grading Plan
3. Applicant's Variance Findings
4. Support Letter
5. Zoning Map



THESE PLANS SHALL COMPLY WITH THE FOLLOWING:

- 2015 CALIFORNIA BUILDING CODE (CBC) WITH 2013 CALIFORNIA BUILDING CODE CORRECTIONS (CBC-CORR)
- 2013 CALIFORNIA MECHANICAL CODE (CMC) WITH 2013 CALIFORNIA MECHANICAL CODE CORRECTIONS (CMC-CORR)
- 2015 CALIFORNIA ENERGY CODE (CEC) WITH 2013 CALIFORNIA ENERGY CODE CORRECTIONS (CEC-CORR)
- 2015 CALIFORNIA FIRE CODE (FC) WITH 2013 CALIFORNIA FIRE CODE CORRECTIONS (FC-CORR)
- 2015 CALIFORNIA PLUMBING CODE (CPC) WITH 2013 CALIFORNIA PLUMBING CODE CORRECTIONS (CPC-CORR)
- 2015 CALIFORNIA ELECTRICAL CODE (CEC) WITH 2013 CALIFORNIA ELECTRICAL CODE CORRECTIONS (CEC-CORR)
- 2015 CALIFORNIA GAS CODE (CGC) WITH 2013 CALIFORNIA GAS CODE CORRECTIONS (CGC-CORR)
- 2015 CALIFORNIA HAZARDOUS WASTE HANDLING AND STORAGE CODE (HWHSC) WITH 2013 CALIFORNIA HAZARDOUS WASTE HANDLING AND STORAGE CODE CORRECTIONS (HWHSC-CORR)
- 2015 CALIFORNIA ENVIRONMENTAL HEALTH AND SAFETY CODE (EHSC) WITH 2013 CALIFORNIA ENVIRONMENTAL HEALTH AND SAFETY CODE CORRECTIONS (EHSC-CORR)
- 2015 CALIFORNIA SOIL CONSERVATION AND DISTURBANCE PREVENTION ACT (SCDPA) WITH 2013 CALIFORNIA SOIL CONSERVATION AND DISTURBANCE PREVENTION ACT CORRECTIONS (SCDPA-CORR)
- 2015 CALIFORNIA WATER RESOURCES CONTROL CODE (WRCC) WITH 2013 CALIFORNIA WATER RESOURCES CONTROL CODE CORRECTIONS (WRCC-CORR)
- 2015 CALIFORNIA AIR RESOURCES BOARD (ARB) WITH 2013 CALIFORNIA AIR RESOURCES BOARD CORRECTIONS (ARB-CORR)
- 2015 CALIFORNIA CLIMATE CHANGE ACT (CCA) WITH 2013 CALIFORNIA CLIMATE CHANGE ACT CORRECTIONS (CCA-CORR)
- 2015 CALIFORNIA SUSTAINABLE DESIGN ACT (SDA) WITH 2013 CALIFORNIA SUSTAINABLE DESIGN ACT CORRECTIONS (SDA-CORR)
- 2015 CALIFORNIA GREEN BUILDING ACT (GBA) WITH 2013 CALIFORNIA GREEN BUILDING ACT CORRECTIONS (GBA-CORR)
- 2015 CALIFORNIA GREEN BUILDING ACT (GBA) WITH 2013 CALIFORNIA GREEN BUILDING ACT CORRECTIONS (GBA-CORR)

Project Name: **SESSION R.V. GARAGE**
 13418 DELAWARE DR.
 APPLE VALLEY, CA 92308
 APN: 3087-041-35

Issue Date: 7/16/2015

Scale: AS SHOWN

Sheet No. **A0.0**

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:

Chapter 9.28.040 – Site Development Standards

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

The single-family parcel in question is developed with a single-story, 3,700 square foot dwelling that provides an approximately 29' side setback on the east side and an approximately 12' side setback on the west side. A detached accessory structure, as permitted by-right in the zoning ordinance of the Town of Apple Valley, for recreational vehicle (RV) storage meeting the setbacks would not be feasible provided the width required for the RV storage and the side yard setback required. There are no alternative locations on the property to locate the accessory structure given the topography of the parcel, the narrow side yard on the opposite side of the structure and the pool in the rear yard.

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

The proposed accessory structure will provide a 10' side setback on the west side of the property instead of the required 15'. We are proposing to install and maintain landscaping matching the existing landscaping, in the 10' side setback in order to minimize any visual impacts on the adjacent residents/property owner.

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?

The way in which the property is currently developed hinders the development of an accessory structure that meets the requirements of the zoning ordinance. The side yard setback on the east of the property is not wide enough to accommodate the passage of an RV, thus eliminating that portion of the property as a perspective location for the accessory structure. On the west side of the property, providing the required 15' side setback would require the attachment to the existing dwelling and would not allow an

entrance wide enough to accommodate an RV. Building the accessory structure closer to the rear property line would compromise the existing pool.

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?

If the requested variance is approved, it will not constitute a granting of special privilege in that the request is minor and is necessitated by the way in which the property is currently developed and was originally developed in 2006. There are no alternative locations for the accessory structure on the property due to the location of other fixed structures (pool and single-family dwelling).

Signed  Date 14 Dec 15

Print Name Keith D. Session and Sharon K. Session

FINDINGS REQUIRED TO GRANT A VARIANCE

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

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

The way in which the property is currently developed hinders the development of an accessory structure that meets the requirements of the zoning ordinance. The side yard setback on the east side of the property is not wide enough to accommodate the passage of an RV, thus eliminating that portion of the property as a perspective location for the accessory structure. On the west side of the property, providing the required 15' side setback would require the attachment to the existing dwelling and would not allow an entrance wide enough to accommodate an RV. Building the accessory structure closer to the rear property line would compromise the existing pool.

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.

Granting of the variance will be consistent with the general intent of the Development Code in that an accessory structure will be added to a property (while still providing a substantial setback from the side property line) currently developed with a single-family dwelling, which does not intensify density beyond one dwelling unit per parcel.

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.

Granting of the variance is necessary in order to provide an accessory structure for the purpose of recreational vehicle security and storage of a personal recreational vehicle, and would permit the property owner to enjoy the right to storage of a personal recreational vehicle on a property that is otherwise large enough to accommodate such a vehicle. The irregular shape of the property limits the placement of the accessory structure and granting of the variance would allow for the construction of the structure, while still providing a substantial setback from the side property line.

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

The requested variance will not be materially detrimental to public health, safety or welfare. It will not be injurious to property improvement or other land owners. The adjacent land owner, located at 13430 Delaware Rd. has been notified, and the proposed plans discussed with her, and is in agreement with the project. (See attached signed letter).

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.

The nature of the requested variance is minor in nature (five feet of the required fifteen feet required) and does not allow a use or type of development that is outside of what is normally allowed in the zoning district.

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

An accessory structure for the storage of a recreational vehicle is expressly authorized as a use in single-family residential zones. The granting of the variance will only pertain to the accessory structure and required setbacks.

Please read and initial the following statement:

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

*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, 2015 - Resolution No. 2015-15)

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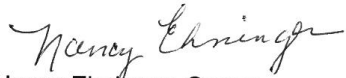
*Variance No. 2015-002
January 20, 2016 Planning Commission Meeting*

November 19, 2015

From: Nancy Ehninger, Owner

Nancy Ehninger, Owner
Property Address: 13430 Delaware Rd.
Apple Valley, Ca. 92308
Parcel: 3087 041 34 0000

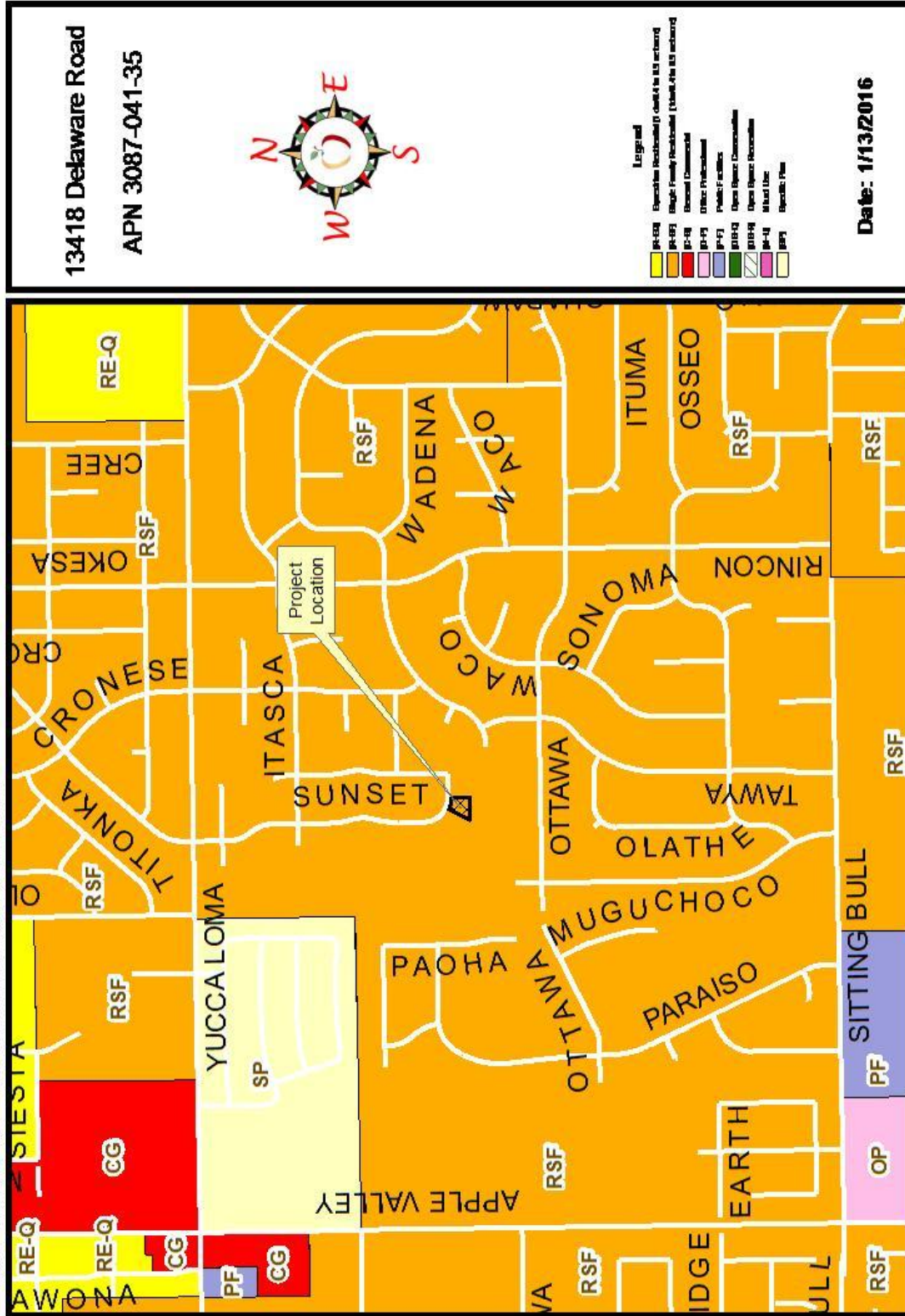
I am the property owner of 13430 Delaware Rd. Apple Valley, Ca. 92308, next door to 13418 Delaware Rd. Apple Valley, Ca. 92308. I have no objections to Keith and Sharon Session building a RV Garage on their property.



Nancy Ehninger, Owner

Variance No. 2015-002

ZONING/LOCATION MAP





Town of Apple Valley

A Better Way of Life

Memorandum

TO: Planning Commission

FROM: Heather Wylie, Housing and Community Development Specialist

SUBJECT: Housing Program Requirements

DATE: January 20, 2016

The Planning Commission requested information regarding the state mandates that require the Town to plan for the creation of affordable housing units, and the need for such affordable housing units in Apple Valley.

Housing Element

California's Housing and Community Development Department (HCD) is required to allocate the region's share of the statewide housing need to Southern California Association of Governments (SCAG) based on Department of Finance (DOF) population projections and regional population forecasts used in preparing regional transportation and sustainable community plans. SCAG develops a Regional Housing Need Allocation Plan (RHNA-Plan) allocating the region's share of the statewide need to cities and counties within the region. The RHNA-Plan aims to promote the following objectives:

- increase the housing supply and the mix of housing types, tenure and affordability in all cities and counties within the region in an equitable manner;
- promote infill development and socioeconomic equity, the protection of environmental and agricultural resources, and the encouragement of efficient development patterns; and
- promote an improved intraregional relationship between jobs and housing.

Housing Element law recognizes the most critical decisions regarding housing development occur at the local level within the context of the periodically updated General Plan. The RHNA-Plan (Housing Element) component of the general plan requires local governments to balance the need for growth, including the need for additional housing, against other competing local interests.

The RHNA-Plan process requires local governments to be accountable for ensuring that projected housing needs can be accommodated and provides a benchmark for evaluating the adequacy of local zoning and regulatory actions. Local government are required to provide sufficient and appropriately designated land use and opportunities for housing development to address population growth and job generation; the goal being to ensure housing affordability across all income categories.

The Town’s Housing Element was certified by HCD on October 8, 2013 and covers the time period of 2014-2021. To meet the need for affordable housing in this planning period, the opportunity exists for 1,309 affordable units to be built. The task of building these units has become significantly more difficult due to the demise of redevelopment in 2011. Nonetheless, the Town has planned to develop seventeen (17) acres of Town owned land for the creation of a minimum of affordable units.

In order for a unit to count towards the RHNA goals, a covenant must be in place on the unit that designates them as affordable for a designated period of time. Depending on the funding source(s) used to finance the project, this time period could be in place for as little ten (10) years or as high as (55) years. When the covenant expires, the unit(s) will also no longer qualify as a RHNA unit. The level of affordability will be fully disclosed in the covenant which will restrict the maximum income of all households in a given development to a predetermined income threshold (typically 80% of the Area Median Income).

2015 Household Income Distribution

The July 1, 2014 Census Bureau population estimate for Apple Valley is 71,595 persons. Though local level income distribution information is not available from the Census Bureau, below is an income distribution that can be considered closely applicable from a reliable data resource. Though not also broken down by household size, when combining the four (4) lowest income categories, there is potential for over half (53.5%) of all Apple Valley households to be considered low-income.

Apple Valley Households by Income - 2015 Estimates	
Income	% of Population
<\$15,000	15.20%
\$15,000 - \$24,999	11.40%
\$25,000 - \$34,999	12.00%
\$35,000 - \$49,999	14.90%
\$50,000 - \$74,999	15.50%
\$75,000 - \$99,999	11.40%
\$100,000 - \$149,999	12.80%
\$150,000 - \$199,999	4.70%
\$200,000+	2.10%
<i>Source: Esri 2015</i>	

Area Median Incomes (AMI) vs. Home Ownership Overpayment

According to the Census Bureau estimates, the ownership rate for Apple Valley residents is 67.1% and the median value of those owner-occupied housing units is \$167,100. Of those same units, the median monthly ownership cost for residents with a mortgage is \$1,468.

Housing affordability is widely based on a mortgage and housing related expense cap of thirty (30) percent of household income. Affordability is considered lacking when that threshold is broken. When considering the table below, this means that a low-income (eighty percent of AMI) household of four (4), making \$49,700 annually, cannot afford the costs associated with owning a median valued home in the Town of Apple Valley (see Example A).

2015 Income Limits for Riverside-San Bernardino-Ontario, CA						
# of people	30% Extremely Low	50 % Very Low Income	60% Limits	80% Low Income	100% Median Income	120% Moderate Income
1	\$13,100	\$21,750	\$26,100	\$34,800	\$43,500	\$52,200
2	\$14,950	\$24,850	\$29,820	\$39,800	\$49,750	\$59,700
3	\$16,800	\$27,950	\$33,540	\$44,750	\$55,938	\$67,125
4	\$18,650	\$31,050	\$37,260	\$49,700	\$62,125	\$74,550
5	\$20,150	\$33,550	\$40,260	\$53,700	\$67,125	\$80,550
6	\$21,650	\$36,050	\$43,260	\$57,700	\$72,125	\$86,550
7	\$23,150	\$38,550	\$46,260	\$61,650	\$77,063	\$92,475
8	\$24,650	\$41,000	\$49,200	\$65,650	\$82,063	\$98,475

*Example A. Ownership for household of four (4) at eighty (80) percent AMI:
 $\$49,700 \times 30\% = \$14,910$ housing cost allowance / 12 months = $\$1,242.50$ / month affordability
 $\$1,242.50 < \$1,468$*

*$\$1,468 \times 12$ months = $\$17,616$ / $\$49,700 = 35.44\%$ of income toward housing costs
 $35.44\% > 30\%$*

Ownership is not considered affordable for the majority of household sizes in the low income category, and no households in all income groups below that level. Additionally, estimates for 2015 show nearly one (1) in five (5) Apple Valley residents (19.2%) are living at or below the poverty level (thirty percent AMI).

In seeking affordability, homes below the median value are also sought out by moderate 120 percent AMI) and higher income categories to reduce their own housing expenses. Therefore, lower income persons must also compete for home ownership opportunities with those who could afford higher valued properties, but choose to purchase below their means. Within the restriction of their lending institution, this can force lower income persons to spend more for their housing purchase than is actually affordable to them; placing them at a higher risk of foreclosure.

Area Median Incomes vs. Rental Overpayment

According to HUD, 2016 fair market rental rates for the Riverside-San Bernardino-Ontario Metropolitan Statistical Area (MSA) are as follows:

Final FY 2016 Fair Market Rent (FMR) by Unit Bedrooms					
	Efficiency	One-bedroom	Two-bedroom	Three-bedroom	Four-bedroom
Final 2016 FMR	\$ 798	\$ 945	\$ 1,187	\$ 1,672	\$ 2,056
Source: HUD - https://www.huduser.gov/portal/datasets/fmr/fmrs/FY2016_code/2016summary.odn?&year=2016&fmrtype=Final &cbsasub=METRO40140M40140					

A low-income household of four (4) can afford fair market rent for a two (2) bedroom, but not a three (3) bedroom home or apartment unit. However, when looking at households of four (4) in the very low income group or (fifty percent AMI), the need becomes substantially greater:

Example B. Rental costs for household of four (4) at fifty (50) percent AMI and two (2) bedroom rental:

$$\$31,050 \times 30\% = \$9,315 \text{ housing cost allowance} / 12 \text{ months} = \$776.25$$

$$\$776.25 < \$1,187$$

$$\$1,187 \times 12 \text{ months} = \$14,244 / \$31,050 = 45.87\%$$

$$45.87\% > 30\%$$

A very low-income household of four (4) is paying nearly half again as much as they should of their available household income towards a two (2) bedroom rental.

Overcrowding

When there is a lack of affordability in a community, there is a trend for more than one (1) family or multiple generations to share an undersized home or apartment unit. This can lead to issues of overcrowding. From the standpoint of allowable occupancy, two (2) persons per bedroom, plus one (1) additional person, is acceptable since the living space can also be considered a sleeping area. However, overcrowding is defined in the Housing Element as one and one-hundredth (1.01) persons per room. The 2010 Census identified 334 owner-occupied units and 563 renter-occupied units that were defined as overcrowded between the zip codes of 92307 and 92308, respectively.

Town Acquired Properties

At ten (10) acres, the largest Town-owned site was purchased with federal grant funds from the Neighborhood Stabilization Program (NSP). The Town's commitment to purchase the land for future development mandates the Town to follow through with an affordable rental housing project in a timely manner, or risk having to pay back the grant funds to the federal government.

Other Town-owned parcels include:

- five (5)-acre parcel purchased for future development with Redevelopment funds;
- two-and-a-half (2.5) acres of former park land that is required to be redeveloped into affordable housing per state law;
- and several properties that are in the works to be purchased via tax lien sales.

Typically the funding source for a land banking purchase dictates what level of affordability requirements need to be met for future development of the site (i.e. up to 120 percent of the AMI for the Metropolitan Statistical Area of San Bernardino and Riverside Counties for NSP). However, in the case where a financing source applied for by a development entity has more restrictive requirements, such as with Low Income Housing Tax Credits (LIHTCs), the regulations must incorporate those limitations instead.

Low Income Housing Tax Credits (LIHTCs)

LIHTCs are a primary source to finance an affordable rental project. Having always played an integral role, LIHTCs are now essential after the dissolution of Redevelopment and subsequently the Low-Mod Income Set-Aside Funds that formerly secured cities with more adequate resources to pursue the creation of RHNA units. Though the funds that made it easier to successfully fulfill the required allotment of affordable housing units per planning period are gone, 1,309 affordable units are nonetheless expected for the 2014-2021 timeframe.

In order to successfully compete for 4 (four) or 9 (nine) percent tax credit categories, the majority of projects that apply are 100 (one-hundred) percent affordable developments, meaning 100 (one-hundred) percent of the units are affordable to households at, or below, 80 (eighty) percent of the Area Median Income. If they are not, then a credit won't be provided for the units that do not meet the criteria, if the project is awarded at all. A tight financing climate demands that the projects pursued by the Town move forward with 100 (one-hundred) percent affordability.

Special Housing Needs

There are numerous financing resources available to special housing need categories, any number of which will carry their own mandates and requirements on a project in order for the application to be successfully awarded.

- Veterans account for over nine (9) percent of the population, or 6,642 persons, in Apple Valley; higher than any other city or Census Designated Place (CDP) in our region.
- Seniors (over fifty-five) are also a substantially significant part of the Town, accounting for over thirty (30) percent of the population.
- At nearly twice the percentage rate statewide, twelve (12) percent of Apple Valley residents, under age sixty-five (65) years, have a disability.

Any mix of these special need categories could be considered for future affordable housing projects in Apple Valley, as dictated by greatest areas of need and available funding. With these efforts the Town can begin to address the statewide goals of providing safe, affordable, quality housing opportunities across all income categories, as required by the Housing Element and necessary for many residents who already call Apple Valley home.



1400 K Street, Suite 400
Sacramento, CA 95814

Join us for the 2016 Planning Commissioners Academy

For speaker information, go to www.cacities.org/plannersed



Planning

Commissioners Academy

Wednesday, March 2 – Friday, March 4

2016

SAN RAMON MARRIOTT

*Registration and Housing Deadline:
Tuesday, February 2, 2016*

www.cacities.org/events

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 Follow @CaCitiesLearn



Wednesday, March 2

► Registration Open

9:00 a.m. – 5:30 p.m.

PRE-CONFERENCE WORKSHOP

10:00 a.m. – Noon

AB 1234 Ethics Training

State law requires elected and appointed officials to receive training in specified ethics laws and principles every two years. Newly elected and appointed officials must receive this training within one year of becoming a public servant. This lively, example laden, two-hours will make this mandatory training more tolerable — if not outright enjoyable. Sign-in begins at 9:30 a.m. and you must be pre-registered online and present for the full two hours to receive the certification of attendance at noon.

OPENING GENERAL SESSION – KEYNOTE SPEAKER



1:00 – 2:30 p.m.

Corridors, Centers and Edges; California's New Growth Paradigm

The form of growth in California is changing. New demographics, environmental pressures and economic needs have added force to the transformation. This talk will look at

these forces and quantitatively assess the impacts of alternative forms of growth. Using software analysis tools developed to implement SB375 (California's land use regulation tied to climate change) a series of future scenarios for the state and local land use policies will be presented. Case studies of new development patterns will also be documented, and the political forces around the massive shift from low density sprawl to infill and mixed use building discussed.

SPEAKER: *Peter Calthorpe, Principal, Calthorpe Associates*

2:45 – 4:00 p.m. | **FUNDAMENTALS**

Planning Fun-da-mentals

This session will help demystify some of the planning field by explaining terms, process and meaning behind the actions of planning staff. We'll explain General Plans, ordinances, policies, staff reports, notices, and the nitty gritty of getting items before you to consider. We will have plenty of time for questions like "How do I apply a general plan goal to a specific project?" or "Why are findings so important?" We will also provide a small glimpse of the thought process of a planner before making a recommendation, and what the City Attorney hopes won't be said on the record during a public meeting.

For speaker information, go to www.cacities.org/plannersed

2:45 – 4:00 p.m. | **EMERGING ISSUES**

Streamline Your Development Review and Permitting Process

Are developers having trouble getting through your development review and approval process? Learn from one city that had the same struggle, and what they did to turn it around. Hear from perspectives ranging from how you manage culture change, technology and metrics to turn the problem around.

4:15 – 5:30 p.m. | **FUNDAMENTALS**

Iron Clad Findings and Effective Conditions of Approval

The approval of any project lies in the ability to make the required findings, and the imposition of conditions to mitigate the project's impacts. Learn ways to make your findings withstand a legal challenge, and ensure that your conditions of approval can be implemented.

4:15 – 5:30 p.m. | **EMERGING ISSUES**

The Future of Water

Last year, Gov. Jerry Brown ordered unprecedented water conservation in response to the drought. With the state's population set to top 44 million by 2030, and the uncertainty of climate change, communities must make the most of the water available to them. Doing so begins with smart planning. Hear experts discuss conservation tools available to cities and developers – including: stormwater capture and reuse, building design, storage, landscaping, greywater, and direct and indirect potable reuse – and what a water-wise city of the future may look like.

► Networking Reception

5:30 – 6:30 p.m.

Take this opportunity to network with your peers from throughout the state after a full afternoon of education sessions.

Thursday, March 3

► Registration Open

7:30 a.m. – Noon

► Networking Breakfast

7:30 a.m. – 8:30 a.m.

8:45 – 10:00 a.m. | **FUNDAMENTALS**

Social Media: A Survival Guide for Public Officials

Social media in the public workplace continues to raise questions more rapidly than courts can provide answers. Presented by a specialist in social media and the law, this cutting edge session will cover: social media and hiring practices; concerted activity, free speech, and employee discipline; use of social media in workplace investigations; use of social media as evidence in litigation; Public Records and Brown Act concerns; case studies; and social media policies and practices for public entities.

Thursday, March 3, Continued

8:45 – 10:00 a.m. | EMERGING ISSUES

When Public Engagement Efforts Derail the Public Process

Learn how the best of intentions can result in a public engagement process that is no longer representative of your community interests, preempts the normal planning process, or simply skews the results. Examples of Citizen Advisory Committee, Interactive Public Meetings and public hearings gone wrong will be provided. Learn how to avoid these outcomes through thoughtful planning, different meeting procedures, and a more adaptive and nimble process.

10:15 – 11:30 a.m. | FUNDAMENTALS

Civic Engagement – What's Worked?

Do you want younger generation involvement in your public process? Learn from experts that can talk about the tools and strategies to engage citizens using civic technologies.

10:15 – 11:30 a.m. | EMERGING ISSUES

Infill Projects: Ensuring Neighborhood Compatibility

Many cities have, or are, experiencing the transition from large developments to small infill projects. In many cases, new proposed infill projects can dramatically change the compatibility with, and character of, the neighborhood. Learn about some of the things planners are doing to ensure developers' rights to build, while protecting the community.

LUNCH SESSION – THURSDAY

11:45 a.m. – 1:00 p.m.

Data: Your Secret Weapon

In this short and fun talk, Dr. Jonathan Reichental will discuss ways you can use data, a resource you already have, to help with your agency objectives. He will describe how data is being used to build solutions, make decisions, and create more trust with stakeholders and the people we all serve.

1:15 – 2:30 p.m. | FUNDAMENTALS

Demystifying CEQA

CEQA, MMRP, Statement of Overriding Considerations, NEPA, LOS, vernal pools... terms that can make your head swim. Experts translate the California Environmental Quality Act into simple and easy to understand language, explain its purpose and provide handy tips on using CEQA to make projects better. A great session for new and seasoned commissioners alike!

1:15 – 2:30 p.m. | EMERGING ISSUES

Redefining Mobility: Connected/Autonomous Vehicles

With the incorporation of technology into nearly every aspect of our lives, the way we think about mobility has undergone a radical shift. This session will explore how connected and autonomous vehicles will transform the transportation landscape and the opportunities and challenges this new frontier in innovation presents.

Walking Tour | 2:00 – 4:30 p.m.

The tour by advance registration is \$25, limited to a maximum of 35 attendees, will be on a first-come, first-served basis. Once a tour is filled, it will be marked "Not Available." There will be no refunds.

PUBLIC/PRIVATE PARTNERSHIP THAT WORKS

The City of San Ramon and Sunset Development Company have a strong history of working collaboratively on projects that enhance the quality of life for our residents and businesses. The development of our new downtown City Center, City Hall, and rebranding the Bishop Ranch Business Park is the culmination of this long standing public/private partnership. The tour will begin at BR 2600, a 2 million square foot office building that has been renovated as a state of art workplace, and a presentation on Phase 1 of our new 300,000 square foot City Center, designed by International architectural firm Renzo Piano Building Workshop. The walking tour will take us to the City Center construction site, and end with a tour of the new City Hall.

2:45 – 4:00 p.m. | FUNDAMENTALS

Design Adds Value

This session will provide examples of good design, explain the link between good design and economic vitality, and provide a basis for discussion of design issues.

2:45 – 4:00 p.m. | EMERGING ISSUES

Complete Streets

Complete Streets are designed and operated to enable safe access for all users, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities. Complete Streets make it easy to cross the street, walk to shops, and bicycle to work. Find out from industry experts how this can be a game changer, and learn how your community can benefit.

4:15 – 5:30 p.m. | JOINT SESSION

Burning Questions, No Judgment

Have a question that you are afraid to ask in a public meeting or feel that after a few years on the Commission you should already know the answer to? Join us in a "safe" environment to receive answers to your most burning questions, and hear questions from your colleagues.

**For additional information & speakers,
go to www.cacities.org/plannersed**

****Sessions/Speakers are subject to change****

Friday, March 4

► Networking Breakfast

7:00 a.m. – 8:00 a.m.

8:15 a.m. – 9:30 a.m.

City of Dysfunction Junction: How to Conduct an Effective and Respectful Planning Commission Meeting

Enjoy the ever-popular and hilarious mock planning meeting skit, where you will learn some do's and don'ts for when you are seated on the dais.

9:45 – 10:45 a.m.

What Planners Need to Know about Municipal Finance and Budgets

A good understanding of municipal finance is important for effective city planning. In this lively session learn: essential concepts and current issues concerning key city revenues and costs; the latest on California city financial health and municipal bankruptcy; important legislative and legal developments in finance; and the inextricable relationship between land use development and city finances.

CLOSING GENERAL SESSION – KEYNOTE SPEAKER



11:00 a.m. – 12:15 p.m.

Leading with Innovation – How to Future-Proof Yourself, Fearlessly Innovate and Succeed in the New Normal

Just as the world's most successful organizations must continually reinvent

their products and brands to remain market leaders in an age of growing change and disruption, so too must we continuously rethink, reimagine, and reinvent the value we provide to our citizens. In this eye-opening presentation, bestselling author and futurist Scott Steinberg reveals how to thrive in the new operating reality, unlock creativity, and successfully leverage new leadership strategies to adapt to changing times and audiences. From more powerful ways to unleash innovation to solutions for better capitalizing on emerging trends and cutting-edge advancements, discover how you and your colleagues can flourish in tomorrow's world – and effectively apply its most crucial success strategies and skills in context.

SPEAKER: Scott Steinberg, CEO, TechSavvy Global

PLEASE NOTE: The information you provide to the League when registering for a League conference or meeting may be shared with the conference or meeting hotel(s). The hotel(s) will also share with the League the information you provide to the hotel(s) when you make your hotel reservation for the conference or meeting. The information shared between the League and the hotel(s) will be limited to your first name, last name and dates/length of stay in the hotel.

GENERAL INFORMATION

All attendees must register for the conference prior to reserving a hotel room. Registration is not complete until full payment is received. The League is unable to accept purchase orders. Once registration is complete, you will be directed to the housing reservations page.

- For online registration, go to www.cacities.org/events and select "Planning Commissioners Academy". To request a mail-in registration form, contact mdunn@cacities.org.

Registration must be received by Tuesday, February 2.

After this date, please register onsite if available.

Costs/Fees

Full registration includes electronic access to all program materials, admission to all sessions, two breakfasts, one lunch, and a Wednesday evening reception.

Full Conference

City Planning Commissioners/City Planning Directors/Staff.....	\$575
All Others – company, consultant, League Partners.....	\$700
Non-Member City Planning Commissioners/Directors/Staff.....	\$1,575

One Day Registration

City Planning Commissioners/City Planning Directors/Staff.....	\$300
All Others – company, consultant, League Partners.....	\$475
Non-Member City Planning Commissioners/Directors/Staff.....	\$1,300
Spouse Reception Only Registration (Wednesday).....	\$40

The spouse fee is restricted to persons who are not city or public officials, are not related to any Partner or sponsor, and would have no professional reason to attend the conference. It includes admission to reception only. There is no refund for the cancellation of a spouse registration. It is not advisable to use city funds to register a spouse.

AB 1234 Ethics Training Workshop Registration

Workshop registration available only after conference registration is complete – No additional cost

Optional Tours

Pre-registration and payment for the tours is required (first-come, first-served – limited to a maximum of 35 participants. Guest/Spouses are not eligible due to limited space. Walking Tour of City Center & City Hall @ Bishop Ranch\$25

Cancellations

Refunds of rate paid, minus \$75 processing charge, will be made for cancellations submitted in writing to mdunn@cacities.org and received by **Tuesday, February 2**. There are no refunds for cancellations after this date. Substitutions can be made onsite.



If you require special accommodations related to facility access, transportation, communication and/or diet, please contact our Conference Registrar by Tuesday, February 2 at mdunn@cacities.org.

Hotel Information & Reservations

Hotel reservation changes, date modifications, early check-out, or cancellations made prior to **Tuesday, February 2** must be done through the online reservation link you received when registering for the conference. Use your confirmation/ acknowledgement number to access your reservation to make changes. Once the February 2 deadline has passed, please contact the hotel directly with any changes or cancellations. Please note that hotel cancellations after the housing deadline has passed may incur a financial penalty or a minimum one-night room charge or attrition fees.

San Ramon Marriott | 2600 Bishop Drive, San Ramon CA 94583
Hotel Rate (per night): \$189 – Single/Double Occupancy (plus tax and fees)
Parking: \$18 overnight/\$18 per day (subject to change without notice)

**Please DO NOT book outside of the League hotel block. This will cause an increase in event costs, liabilities and higher registration rates.*