



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA**

WEDNESDAY, OCTOBER 18, 2017

Regular Meeting 6:00 p.m.

Town Council Chambers
14955 Dale Evans Parkway

PLANNING COMMISSION MEMBERS

Mark Shoup, Chairman
B. R. "Bob" Tinsley, Vice-Chairman
Jason Lamoreaux, Commissioner
Doug Qualls, Commissioner
Bruce Kallen, 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, OCTOBER 18, 2017 – 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_____; Kallen _____; Qualls_____
Vice-Chairman Tinsley_____ and Chairman Shoup_____

PLEDGE OF ALLEGIANCE

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.

APPROVAL OF MINUTES

1. Minutes for the regular meeting of September 20, 2017.

PUBLIC HEARING ITEMS

2. **Development Permit No. 2017-007.** The applicant is requesting the approval to allow the construction of a detached garage/ recreational vehicle carport, that is seventeen (17)-feet, eight (8) inches in height and is 1,845 square feet in size.

APPLICANT: Mr. Idefonso Castaneda

LOCATION: The project is located at 19080 Bear Valley Road, APN 0444-451-15.

ENVIRONMENTAL

DETERMINATION: The Project is Categorically Exempt from further environmental review under Section 15303(e) of the State Guidelines to Implement the California Environmental Quality Act (CEQA).

CASE PLANNER: Pam Cupp, Associate Planner

RECOMMENDATION: Approval

3. **Conditional Use Permit 2017-007.** The applicant is requesting a Conditional Use to allow the operation of an automotive repair facility. The project will occupy 3,750 square-feet within an existing 7,500-square foot industrial building. The project site is two (2) acres in size and located within the Service Commercial (C-S) zoning designation.

APPLICANT: Mr. Kenneth Walker, representing Walker Automotive

LOCATION: 22448 Ottawa Road, Suites 1-2; APN 3087-392-03.

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: Pam Cupp, Associate Planner

RECOMMENDATION: Approval

PLANNING COMMISSION COMMENTS

STAFF COMMENTS

OTHER BUSINESS

ADJOURNMENT

The Planning Commission will adjourn to its next regularly scheduled Planning Commission meeting on November 1, 2017.

MINUTES

**TOWN OF APPLE VALLEY
PLANNING COMMISSION
REGULAR MEETING**

September 20, 2017

CALL TO ORDER

Chairman Shoup called to order the regular meeting of the Town of Apple Valley Planning Commission at 6:00 p.m.

Roll Call

Present: Commissioners Bruce Kallen; Doug Qualls; Vice-Chairman B. R. "Bob" Tinsley; Chairman Mark Shoup.

Absent: Commissioner Jason Lamoreaux.

Staff Present

Carol Miller, Assistant Director of Community Development, Pam Cupp, Associate Planner, Thomas Rice, Town Attorney, Yvonne Rivera, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Qualls.

APPROVAL OF MINUTES

1. **Approval of Minutes**
 - a. Regular Meeting of September 6, 2017

Commissioner Kallen commented on the need to modify the minutes for September 6, 2017 as follows:

Page 1-5; the second *line of Paragraph 5 should read:*

"He spoke of the hazards with wood storage and recommended it be handled as a seasonal permit for firewood business owners."

MOTION

Motion by Commissioner Qualls, seconded by Vice-Chairman Tinsley, to approve the minutes for the meeting of September 6, 2017, as amended.

Vote: Motion carried 4-1-0-0

Yes: Commissioners Kallen; Qualls; Vice-Chairman Tinsley; Chairman Shoup.

Absent: Commissioner Lamoreaux

PUBLIC COMMENTS

None.

PUBLIC HEARINGS

- 2. Conditional Use Permit No. 2017-004** – A request for approval to allow a helipad serving the St. Mary Medical Center to be relocated from the west side of Kasota Road to the northeasterly corner of the hospital campus adjacent to an existing parking area. The helipad is being relocated to reduce or shorten patient transfer times into the hospital.

Applicant: Dean Paradise representing St. Mary Medical Center

Chairman Shoup opened the public hearing at 6:03 p.m.

Carol Miller, Assistant Director of Community Development, presented the staff report as filed with the Planning Division. She explained that due to potential noise impacts during take-offs and landings of the helicopters, a noise assessment was prepared as part of the project. She noted that based on the results of the assessment, there would be no operational impacts associated with the relocation of the helipad.

Chairman Shoup asked questions regarding the Negative Declaration as it relates to CEQA. He questioned whether or not the requirement to be in compliance with CEQA was a result of potential issues with noise.

Ms. Miller explained that Caltrans was the permitting agency for the project and that the Town was the environmental clearinghouse for the project. She stated that the CEQA analysis was conducted as part of the Town's Conditional Use Permit process required for the relocation of the helipad. She also noted that as part of the environmental assessment, the Negative Declaration was prepared.

In response to questions regarding the merger of lots, Ms. Miller stated that merging the lots would guarantee that the helipad will remain with the hospital site as well as the parking that is on the parcel.

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

Dean Paradise, Applicant, stated that he was in agreement with the Conditions of Approval as recommended by staff.

There being no requests to speak, Chairman Shoup closed the public hearing at 6:08 p.m.

MOTION

Motion by Vice-Chairman Tinsley, seconded by Commissioner Kallen, to:

1. Adopt the Negative Declaration for Conditional Use Permit No. 2017-004, on the basis of the whole record before the Planning Commission, including the Initial Study and any comments

received, there is no substantial evidence that the project will have a significant effect on the environment.

2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approval Conditional Use Permit No. 2017-004; subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Determination.

Vote: Motion carried 4-1-0-0

Yes: Commissioners Kallen; Qualls; Vice-Chairman Tinsley; Chairman Shoup.

Absent: Commissioner Lamoreaux.

3. **Development Permit No. 2017-006.** The applicant is requesting the approval of a Development Permit to review the architectural appearance of fourteen (14) single-family residential homes on approximately ten (10) acres of land within the Single-Family Residential (R-SF) zoning designation.

Applicant: Mr. Jose Olmos, Olmos Design Company, Inc.

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

Pam Cupp, Associate Planner, presented the staff report as filed with the Planning Division. She noted that staff is recommending a condition that would require enhancements to the window treatments that would include the use of a wider window trim and/or contrast color. She also commented on the dimensions of the stone veneer and clapboard siding as described in Conditions P20 and P21.

Vice-Chairman Tinsley recommended that staff modify Condition P21 to better clarify the distance that the clapboard siding should wrap around.

Discussion ensued regarding the window treatments as illustrated in Elevation A. The Planning Commission recommended that staff modify the language for the condition that clarifies the dimension of the window surrounds.

Thomas Rice, Town Attorney, clarified that the conditions in discussion are P19, P20 and P21.

It was the consensus of the Planning Commission that Condition P19 be modified to state the following:

P19. All models shall incorporate additional window treatments to the front elevation consisting of 6" window surrounds and/or shutters in a complementary, contrasting color.

Jose Olmos, Applicant, commented on the recommendations of staff regarding the window treatments. He discussed various solutions, indicating that the solutions could be completed at a low cost.

Chairman Shoup asked the Applicant if he agreed to the Conditions of Approval as amended.

Mr. Olmos stated that he was in agreement with the Conditions of Approval as amended.

There being no requests to speak, Chairman Shoup closed the public hearing at 6:20 p.m.

MOTION

Motion by Vice-Chairman Tinsley, seconded by Commissioner Qualls 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 requires is Exempt from further environmental review.
2. Find the facts presented in the staff report support the required findings for approval and adopt the Findings.
3. Approve Development Permit No. 2017-006, subject to the attached Conditions of Approval as amended.
4. Direct staff to file a Notice of Exemption.

Vote: Motion carried 4-1-0-0

Yes: Commissioners Kallen; Qualls; Vice-Chairman Tinsley; Chairman Shoup.

Absent: Commissioner Lamoreaux.

OTHER BUSINESS

None.

PLANNING COMMISSION COMMENTS

Vice-Chairman Tinsley commented on the ribbon cutting ceremony for the condominium exhibit in Hesperia. He stated that there was an error on the notice regarding the start time of the event and as a result, he and other members of the Town arrived late. He wanted to ensure that members of the public were aware that the Town of Apple Valley was in attendance.

Chairman Shoup commented on this year's State of the Town Address. He expressed concern that the Commissioners were not notified of the event, and respectfully requested that members be properly notified of Town events in the future.

STAFF COMMENTS

None.

ADJOURNMENT

Motion by Vice-Chairman Tinsley, seconded by Commissioner Qualls, and unanimously carried to adjourn the meeting of the Planning Commission at 6:50 p.m. to its next regularly scheduled meeting on October 18, 2017.

Respectfully Submitted by:

Yvonne Rivera
Planning Commission Secretary

Approved by:

Chairman Mark Shoup



TOWN OF APPLE VALLEY PLANNING DIVISION

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Staff Report

- AGENDA DATE:** October 18, 2017
- CASE NUMBER:** Development Permit No. 2017-007
- APPLICANT:** Mr. Ildfonso Castaneda
- PROPOSAL:** A request to allow the construction of a detached garage/recreational vehicle carport, that is seventeen (17)-feet, eight (8) inches in height and is 1,845 square feet in size.
- LOCATION:** The project is located at 19080 Bear Valley Road, APN 0444-451-15
- ENVIRONMENTAL DETERMINATION:** The Project is Categorically Exempt from further environmental review under Section 15303(e) of the State Guidelines to Implement the California Environmental Quality Act (CEQA).
- CASE PLANNER:** Pam Cupp, Associate Planner
- RECOMMENDATION:** Approval

PROJECT AND SITE DESCRIPTION

- A. Project Size
The property is 0.57 (24,400 square feet) acres in size.
- B. Surrounding General Plan Designations and Land Use:
- Project Site - Single-Family Residential (R-SF); existing single family residence
 - North - Single-Family Residential (R-SF); existing single family residence
 - South - Regional Commercial (C-R); existing commercial development
 - East - Single-Family Residential (R-SF); existing single-family residence
 - West - Single-Family Residential (R-SF); existing single-family residence

C. Surrounding Zoning and Land Use:

- Project Site - Equestrian Residential (R-EQ); existing single-family residence
- North - Equestrian Residential (R-EQ); existing single family residence
- South - Regional Commercial (C-R); existing commercial development
- East - Equestrian Residential (R-EQ); existing single-family residence
- West - Equestrian Residential (R-EQ); existing single family residence

D. Building Height:

- Permitted Maximum: Sixteen (16) feet
- Proposed Maximum: Seventeen (17) feet and eight (8) inches

E. Setback Analysis:

	<u>Required:</u>	<u>Proposed:</u>
Front:	50 feet	102 feet
Rear:	10 feet	46 feet
Side:	5/10 feet	5/ 55 feet
From Residence:	6 feet	52 feet

F. Lot Coverage:

- Permitted Maximum: 7,320 square feet (30%)
- Proposed Maximum: 4,246 square feet (17%)

G. Detached Accessory Structure:

- Permitted Maximum: 1,800 square feet (75% of principle structure)
- Proposed Maximum: 1,845 square feet (77% of principle structure)

Analysis:

A. General:

The applicant proposes to construct a detached garage with an attached recreational vehicle carport that is seventeen (17) feet, eight (8) inches in height and 1,845 square feet in size. According to Section 9.29.020D as specified below, requires Planning Commission review and approval for an accessory structure that exceeds the maximum height of sixteen (16) feet.

9.29.020 Accessory Uses and Structures

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

B. Site Analysis:

The project site has an existing 2,401 square-foot single-family residence with an attached garage, existing landscaping, and is relatively flat. Access to the proposed detached garage will be from the easterly paved, seventeen (17) foot wide driveway.

According to the Development Code **Section 9.29.020 Accessory Uses and Structures**

C. Size.

1. The cumulative total of square footage of accessory structures, combined with all other applicable structure footprints, shall not exceed the maximum lot coverage standard for the zoning district in which it is located.

2. Any single accessory structure shall not exceed seventy-five (75) percent of the square footage of the primary structure. The total of all accessory structures on a site shall not exceed one hundred (100) percent of the square footage of the primary structure.

The primary structure is 2,401 square feet in size, which will allow a 1,800 square foot accessory structure. Based upon the submitted plans, the proposed detached garage/recreational vehicle carport, is shown at 1,845 square feet, which exceeds the required 75% of the primary structure. Staff recommends Condition No. P10, that will require the applicant to submit plans with revisions to meet Code requirements of 1,800 square foot maximum size for the accessory structure.

The site plan shows the proposed structure with a five (5)-foot side yard setback from the west property line and fifty-five (55) feet from the east property line. The five (5)-foot side yard setback complies with the underlying side yard setback of 5'/10' for the tract map which differs from the underlying zoning of R-EQ which requires a 10'/15' for side yard setbacks. Based upon the size and height of the structure, a five (5)-foot side yard setback could appear rather massive in such close proximity to the side property line. Therefore, staff is recommending Condition No. P10, that requires a minimum side setback of ten (10) feet.

B. Architecture Analysis:

The Development Code establishes standards for detached garages in order to ensure the single-family residence remains the dominant land use and that a quality, aesthetic presentation of the property is maintained. The Development Code establishes standards for detached garages in order to ensure the single-family residence remains the dominant land use and that a quality, aesthetic presentation of the property is maintained. The design of an accessory building is required to be architecturally compatible with the primary structure through the use of compatible building materials, and walls/roof (Condition No. P7).

The detached garage/recreational vehicle carport is generally rectangular in shape, with the longest sides being forty (40) feet wide and fifty-six (56) feet in in length. The maximum height will be seventeen (17) feet and eight (8) inches (Condition No. P8). The east elevation shows one double and one single garage door and a double pedestrian door. There will be a pedestrian door and three (3) windows that will be placed on the south building elevation. Along the west property line, which is adjacent to an existing single-family residence, there is an existing five (5) foot high chain link fence. There will be four separate windows along this elevation. The rear building elevation, that which faces the north property line and an open space area, will be stucco without any windows. In order to provide consistent architectural features between both the detached garage/recreational

vehicle carport and the principal residence, Condition No. P9 requires that all windows have window surrounds similar to the principal residence.

With the implementation of the Conditions of Approval, the proposed garage/recreational vehicle carport will be compatible with the main residence and the surrounding structures. The proposed height and size of the garage will not cause a visual obstruction and is in scale with the surrounding residential neighborhood.

C. Noticing:

This item was advertised as a public hearing in the Apple Valley News newspaper on October 6, 2017. Property owners within 300 feet of the project site were notified of the October 18,2017 Planning Commission meeting. No public comment has been received by staff regarding this proposal at the time this staff report was written.

D. Development Permit Findings:

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

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

Comment: The subject property is designated Equestrian Residential (R-EQ) which allows for detached accessory structures to exceed the height limit of sixteen (16) feet, subject to approval of a Development Permit (Section 9.29.020D). Upon the approval of the structures height by the Planning Commission, the proposed detached garage/recreational vehicle carport is in compliance with the General Plan Land Use and zoning designation.

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

Comment: The detached garage/recreational vehicle carport height is proposed is considered compatible with the surrounding area, and is consistent with previously reviewed and approved detached accessory structures by the Commission. To ensure the size and height of the structure is not considered massive in appearance in such close proximity to the side property line, an additional five (5)-foot side yard setback consistent with R-EQ standards will help minimize any impact to its surroundings.

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

Comment: The proposed detached garage/recreational vehicle carport is compatible with the site and surrounding area architecturally.

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

Comment: The proposed detached garage/recreational vehicle carport must be constructed in accordance with the Uniform Building. Unlike a new single family residence, detached garages are not required to be energy efficient.

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

Comment: The design, materials and details of the detached garage/recreational vehicle carport, with adherence to recommended Conditions of Approval, will be compatible with properties or improvements in the vicinity. The detached accessory structures may exceed the height limit of sixteen (16) feet and utilize a design that is architecturally compatible with the primary structure through the use of compatible building materials as approved under a Development Permit, prior to issuance of a Building Permit.

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

Comment: The proposed detached garage/recreational vehicle carport is located to the north of the existing primary residence and has the appropriate separation from the main structure and setbacks from property lines, with adherence to the recommended Conditions of Approval. The additional height of one (1) foot, eight (8) inches requested for the proposed detached garage/recreational vehicle carport will not block public views and is a compatible use because the structure is consistent in scale to other residential-related structures in the area.

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

Comment: The proposed detached garage/recreational vehicle carport is an accessory use to an existing single-family residence which does not trigger and open space or landscaping requirements.

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

Comment: The proposed detached garage/recreational vehicle carport is designed to be compatible with the existing residence and surrounding development. The project, with adherence to recommended Conditions of Approval, is permitted subject to approval of a Development Permit.

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

Comment: The topography of the lots is characterized as being flat. Any grading will be minor to accommodate the foundation and will not result in any unsightly grading on a hillside or impact any other natural landforms.

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

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

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

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

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

Comment: The proposed detached garage/recreational vehicle carport will be located to the rear of an existing residential site which fronts Bear Valley Road. Therefore, the proposal will not adversely impact access, circulation and the physical character of surrounding streets.

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

Comment: The proposed detached recreational vehicle garage will be located on a residential site, which fronts Bear Valley Road, designed to accommodate residential traffic. The proposal will not adversely impact the capacity and physical character of surrounding streets.

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

Comment: The proposed detached garage/recreational vehicle carport will be located on, and adjacent to, residentially designated properties, fronting Bear Valley Road, which can accommodate traffic generated from the project site. The addition of this accessory structure will not generate any additional traffic beyond that which already exists.

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

Comment: The proposed detached garage/recreational vehicle carport will be located on, and adjacent to, residentially designated properties which are not located within any fragile area.

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

Comment: Under the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is not anticipated to have any direct or indirect impact upon the environment and is Categorically Exempt under Section 15303(e).

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

Comment: Under the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is not anticipated have any direct or indirect impact upon the environment and is Categorically Exempt under Section 15303(e).

18. That the impacts which could result from the proposed development, and the proposed location, size, design and operating characteristics of the proposed development, and the conditions under which it would be operated or maintained, will not be detrimental to the public health, safety and welfare of the community or be materially injurious to properties or improvements in the vicinity, nor be contrary to the adopted General Plan; and

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

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

Comment: The proposed detached garage/recreational vehicle carport can be built in conformance to the Development Code, subject to approval of a Development Permit and adherence to the recommended Conditions of Approval.

RECOMMENDATION

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

1. Determine that the project is not anticipated to have any direct or indirect impact upon the environment, as it has been determined that the proposed request is Exempt from further environmental review.
2. Find the facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve Development Permit No. 2017-007 subject to the attached Conditions of Approval.
4. Direct staff to file a Notice of Exemption.

*Development Permit No.2017-007
October 18, 2017 Planning Commission Meeting*

Prepared By:

Reviewed By:

Pam Cupp
Associate Planner

Carol Miller
Assistant Director of Community Development

ATTACHMENTS:

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

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Development Permit No. 2017-007

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 General Plan and the Development Code. This conditional approval, if not exercised, shall expire two (2) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the expiration date. The Development Permit becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town’s Development Code.

- P2. The applicant shall defend, at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney’s fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.

- P3. The filing of a Notice of Exemption requires the County Clerk of the Board to collect a documentary handling fee of fifty dollars (\$50.00). The fee must be paid in a timely manner in accordance with Town procedures. No permits may be issued until such fee is paid.

- P4. The rendering presented to and approved by the Planning Commission at the public hearing shall be the anticipated and expected appearance of the structure upon completion.

- P5. It is the sole responsibility of the applicant on any Permit, or other appropriate discretionary review application for any structure, to submit plans, specifications and/or illustrations with the application that will fully and accurately represent and portray the structures, facilities and appurtenances thereto that are to be installed or erected if approved by the Director. Any such plans, specifications and/or illustrations that are reviewed and approved by the Director shall accurately reflect the structures, facilities and appurtenances expected and required to be installed at the approved location without substantive deviations, modifications, alterations, adjustments or revisions of any nature.

- P6. The Assistant Director of Community Development or his/her designee, shall have the authority for minor architectural changes focusing around items such as window treatments, color combinations, façade treatments, and architectural relief. Questions on

the interpretation of this provision or changes not clearly within the scope of this provision shall be submitted to the Planning Commission for consideration under a Revision to the Development Permit.

- P7. The detached garage/recreational vehicle carport shall match the existing residence in color and building materials.
- P8. The maximum height of the detached garage/recreational vehicle carport shall be seventeen (17) feet and eight (8) inches.
- P9. All windows on the detached garage/recreational vehicle carport shall have window surrounds similar to those of the principal residence.
- P10. The applicant shall submit plans that show the detached garage/recreational vehicle carport with minimum side building setbacks of ten (10) feet and the structure shall not exceed 1,800 square feet or seventy-five (75) percent of the footprint of the primary structure.

Building and Safety Division Conditions of Approval:

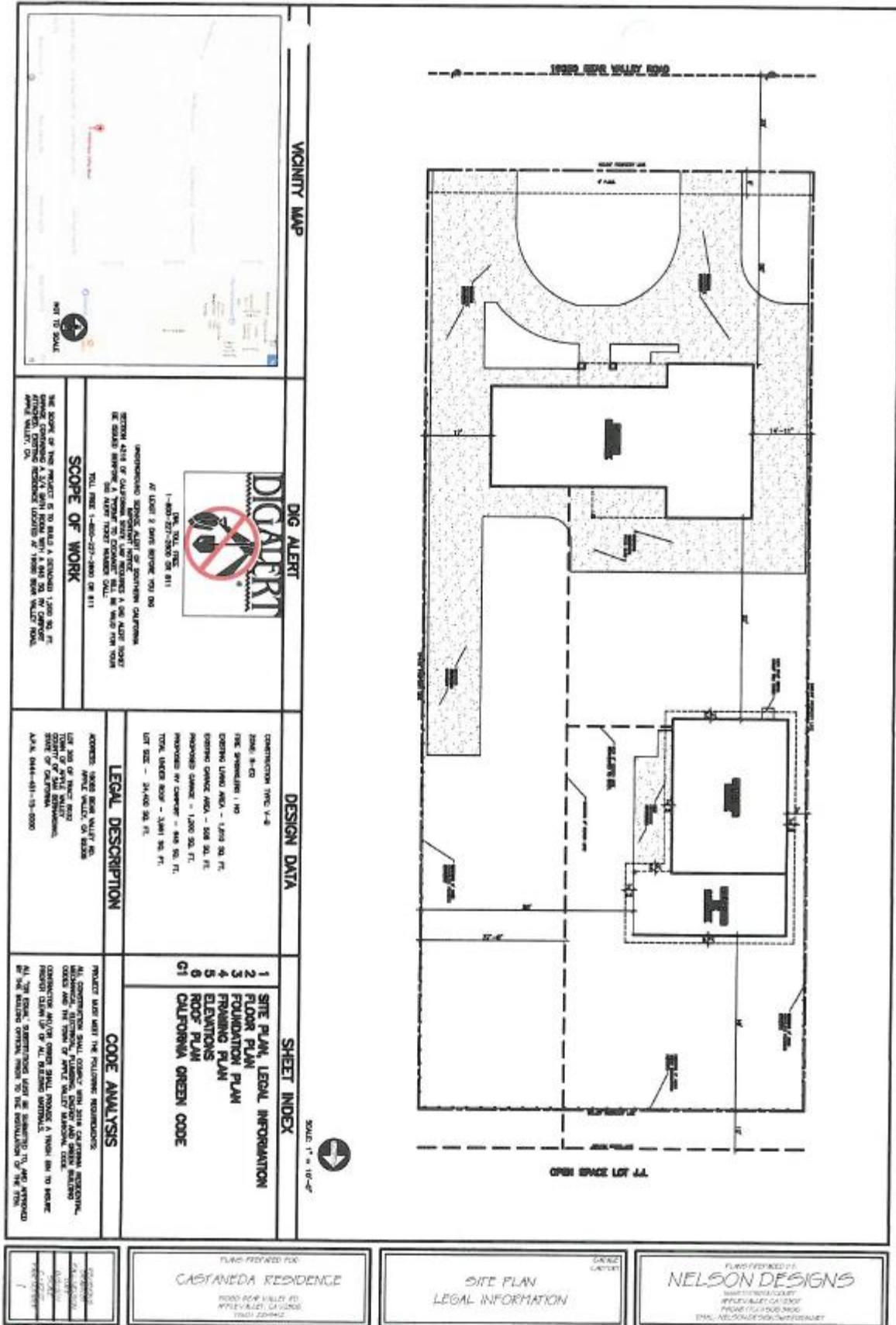
- B1. Submit plans, engineering and obtain permits for all structures, retaining walls, and signs.
- B2. All utilities shall be placed underground in compliance with Town Ordinance No. 89.
- B3. Dust palliative or hydro seed will be required on those portions of the site graded but not constructed (phased construction).
- B4. Construction must comply with 2016 California Building Codes.
- B5. Best Managements Practices (BMPs) are required for the site during construction.

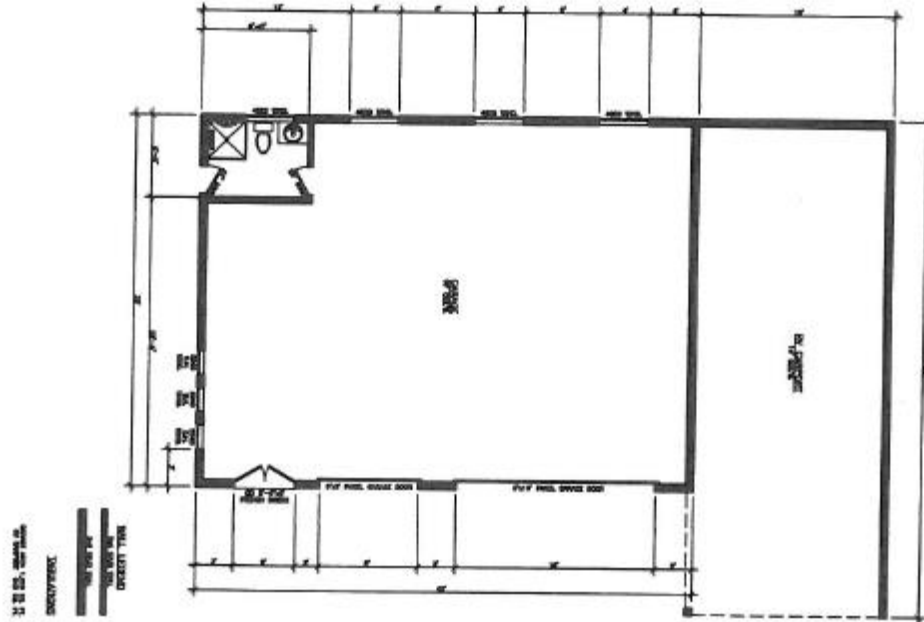
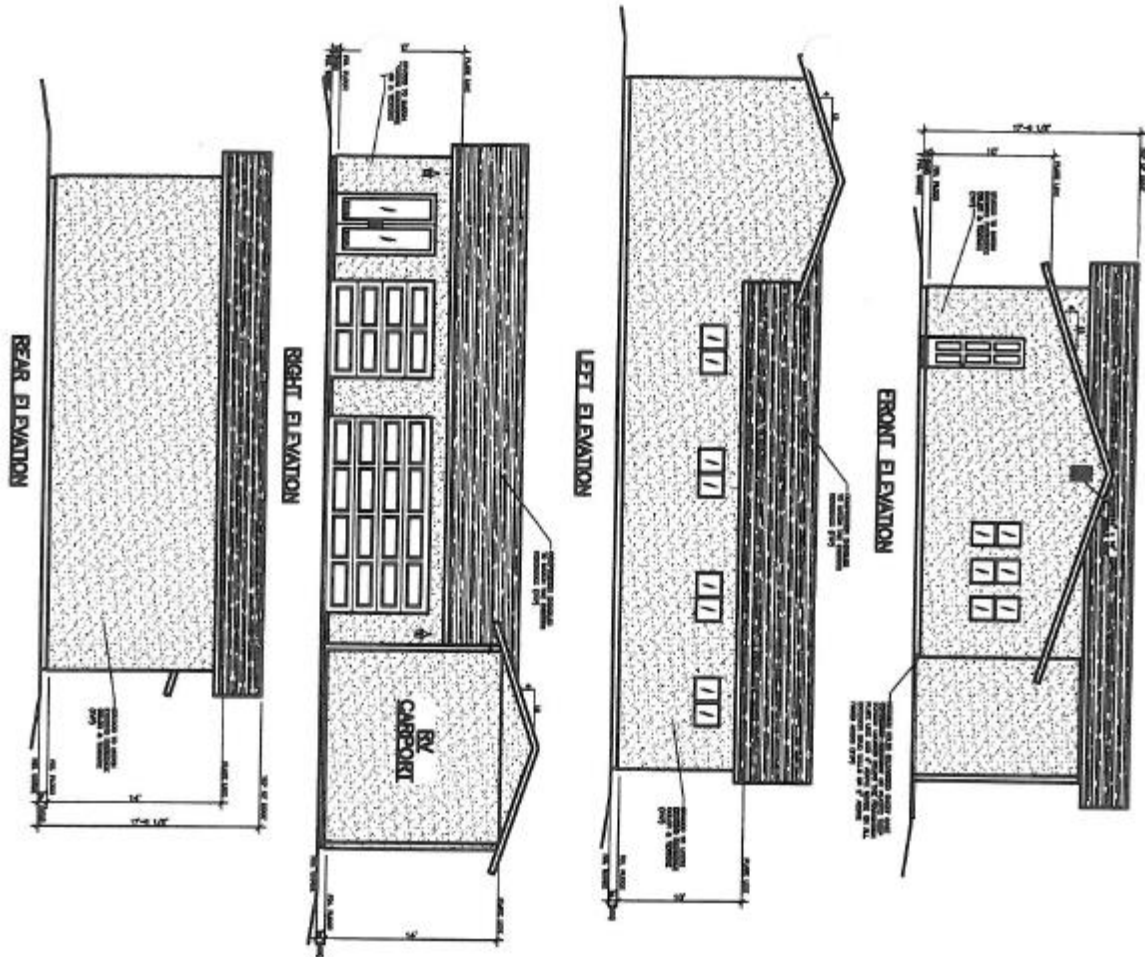
Apple Valley Fire Protection District Conditions of Approval:

- FD1. The above referenced project is protected by the Apple Valley Fire Protection District. Prior to construction occurring on any parcel, the owner shall contact the Fire District for verification of current fire protection development requirements.
- FD2. All new construction shall comply with applicable sections of the California Fire Code, California Building Code, and other statutes, ordinances, rules, and regulations regarding fires and fire prevention adopted by the State, County, or Apple Valley Fire Protection District.
- FD3. All combustible vegetation, such as dead shrubbery and dry grasses, shall be removed from each building site a minimum distance of thirty (30) feet from any combustible building material, including the finished structure. This does not apply to single specimens of trees, ornamental shrubbery, or similar plants, which are used as ground cover if they do not form a means of transmitting fire.

California Public Resources Code, Sec. 4291

End of Conditions





2	REVISIONS
1	DATE
1	DESCRIPTION
1	BY
1	DATE

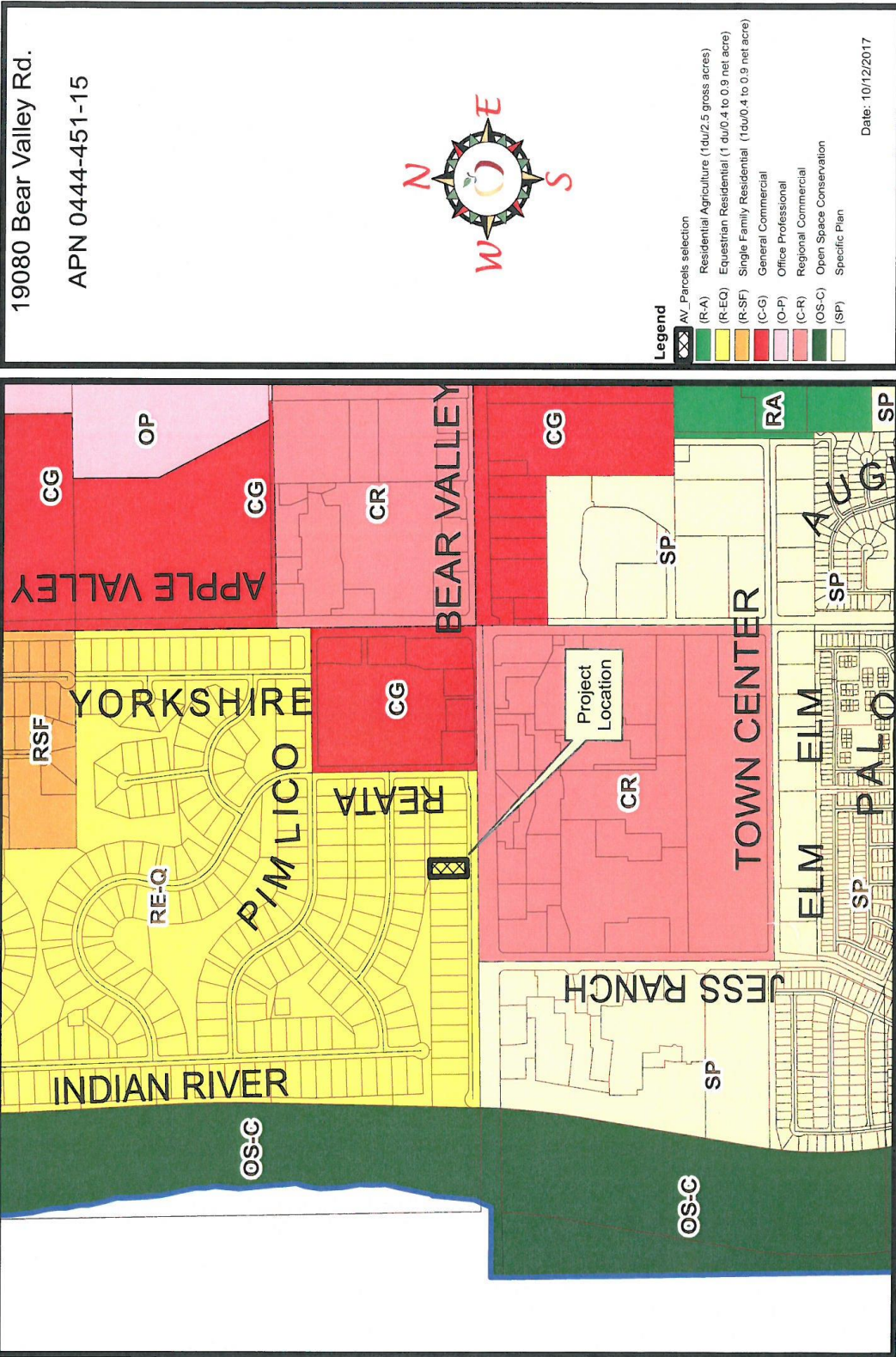
PLANS PREPARED FOR
CASTANEDA RESIDENCE
 18000 PINE VALLEY RD
 APPLE VALLEY, CA 95951
 (916) 233-1942

**FLOOR PLAN
 ELEVATIONS**

PLANS PREPARED BY
NELSON DESIGNS
 1800 PINE VALLEY COURT
 APPLE VALLEY, CA 95951
 PHONE (916) 233-1942
 FAX (916) 233-1943

ZONING/LOCATION MAP

Development Permit No. 2017-007





TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

Staff Report

AGENDA DATE:	October 18, 2017
CASE NUMBER:	Conditional Use Permit No. 2017-007
APPLICANT:	Mr. Kenneth Walker, representing Walker Automotive
PROPOSAL:	A request for approval of a Conditional Use Permit to allow the operation of an automotive repair facility. The project will occupy 3,750 square-feet within an existing 7,500-square foot industrial building. The project site is two (2) acres in size and located within the Service Commercial (C-S) zoning designation.
LOCATION:	22448 Ottawa Road, Suites 1-2; APN 3087-392-03.
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:	Ms. Pam Cupp, Associate Planner
RECOMMENDATION:	Approval

PROJECT SITE AND DESCRIPTION

- A. Project Size:
The project site is two (2) acres in size and contains one (1) industrial buildings totaling 7,500 square feet of floor area.
- B. General Plan Designations:
- | | |
|----------------|--------------------------|
| Project Site - | Service Commercial (C-S) |
| North - | Service Commercial (C-S) |
| South - | Service Commercial (C-S) |
| East - | Service Commercial (C-S) |
| West - | Service Commercial (C-S) |

C. Surrounding Zoning and Land Use:

Project Site- Service Commercial (C-S); Industrial Building
 North - Service Commercial (C-S); Vacant
 South - Service Commercial (C-S); Single Family Residence
 East - Service Commercial (C-S); Vacant
 West - Service Commercial (C-S); Vacant

D. Site Characteristics:

The subject site is a level parcel that contains a 7,500-square foot industrial building. The site is completely fenced and is void of any landscaping. The proposal is located within the Service Commercial (C-S) zoning designation. There is an existing single-family residence to the south that is within the Service Commercial zoning designation. The adjacent properties to the north, east and west are vacant and within the Service Commercial zoning designation.

E. Parking Analysis:

Type of Use	Square Footage	Parking Ratio	Number of Spaces Required	Number of Spaces Provided
Automotive Repair	3,480	1/400 sq ft	9	9
Office	270	1/200 sq ft	1	1
Service Bay Credit (1 sp per 2 bays)			-1	-1
Industrial Uses not Specified	3,750	3/1,000 sq ft	12	0
Total	7,500		21	10

Required parking for this location is twenty-one (21) spaces. Records indicate the building was built in 1985. Based upon property condition, it is unclear whether or not parking improvements were ever installed; therefore, the parking is considered legal nonconforming. The Code requires that new development or use be required to provide parking as required by the current Code. Staff is recommending Condition of Approval No. P15 that requires the applicant provide paved and striped parking for a minimum of nine (9) vehicles.

ANALYSIS

A. General:

Pursuant to the Development Code, Planning Commission approval of a Conditional Use Permit is required for all vehicle repair facilities within any commercial zone. The Conditional Use Permit process allows the Commission an opportunity to consider certain uses which have the potential to adversely impact surrounding properties or the general public. The applicant, Walker Automotive, is requesting Planning Commission review and approval of a Conditional Use Permit to operate an automotive repair facility.

The automotive repair business would occupy 3,750 square feet of the 7,500 square foot metal, industrial building. The floor plan includes two (2) bay doors and two (2) man-doors,

office area, and three (3) vehicle lifts. The business provides bumper to bumper automotive repairs. Currently, the business is owner operated with business Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. and Saturdays by appointment.

Due to the nature of the business, it may be necessary to occasionally store vehicles overnight. The applicant has indicated that vehicles awaiting repair will be stored indoors overnight. Condition No. P13 prohibits the outdoor storage of inoperative vehicles. Staff is recommending Condition No. P10, which requires all repairs activities to occur within the enclosed building and Condition No. P14 which prohibits vehicle from being displayed for sale upon the premises.

The proposed auto repair facility will include the use of oils, grease and disposal of waste products. Due to the nature of 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. In this respect, Condition No. P11 requires the applicant to file a State of California Business Contingency Plan with the San Bernardino County Fire Department Hazardous Materials Division prior to issuance of a Certificate of Occupancy.

The site is entirely fences with six (6)-foot chain link with barbed wire across the top. Development Code Section 9.35.080 states "Barbed wire, razor wire, electrification or similar barriers are only permitted for law enforcement agency vehicle impound yards. Staff is recommending Condition No. P16 requiring all barbed wire to be removed.

The project location appears to be used as an outdoor storage facility; however, there is no Certificate of Occupancy or Business License associated with the outdoor storage. Development Code Section 9.35.080 states "Outdoor storage of materials and equipment is permitted in the C-S, C-V and M-U districts when it is clearly incidental to the permitted use on the site and is in compliance with the provisions of this Chapter. Such storage shall be located in the rear on-half of the site and screened completely from view from any adjoining property or roadway by a solid wall or fence at least six (6) feet in height, but not to exceed ten (10) feet in height." The applicant has indicated that the existing outside storage belongs to the co-owner of the property.

The site contains a trash enclosure which is not accessible to the trash collector. Staff is recommending Condition No. ER1 requiring the property owner to provide a trash enclosure adequate for collecting and loading of trash and recyclables. The applicant may construct a new enclosure in compliance with Town standards at an alternate location on the property.

The Engineering Division is requesting a four (4)-foot road dedication along Ottawa Road, adjacent to the property (Condition No. EC1) and that a driveway approach be constructed prior to final occupancy (Condition No. EC2). Building and Safety will be confirming the applicant's compliance with California Disability Access, which will require a paved path of travel from the public right-of-way (Condition No. BC2)

Based upon the recommended conditions of approval, the automotive repair facility will be required to complete numerous site improvements. The Commission has waived similar Conditions for other automotive repair facilities; however, those applicants were tenants. This application is being brought forth by one of the property owners. The improvements recommended by staff will bring the property into compliance with current Development

Code standards relating to parking, outside storage, trash enclosures, fencing and the requirement for a paved driveway approach.

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 October 6, 2017 and notices were mailed to all property owners within 300-feet of the project site.

D. Conditional Use Permit Required 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 proposed automotive repair business is allowed with the review and approval of a Conditional Use Permit by the Planning Commission. With adherence to the Conditions of Approval, the proposal is in compliance with the Development Code of the Town of Apple Valley and adopted General Plan.

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 repair facility and the conditions under which it will be operated and site improvements will ensure the project is not 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 shall occur within an enclosed structure.

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

Comment: The proposed automotive repair business will be compatible with surrounding uses. The proposed location is within an existing commercial building that is compatible with other buildings and uses within the area. No changes to the structure are proposed.

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 automotive repair business is located within an existing commercial building that has existing services and utilities available for this proposal.

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

Comment: The proposal will not be harmful to the neighborhood characteristics because all activities associated with the automotive repair business will occur within an enclosed structure.

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 project site is located along an improved local commercial road, which can accommodate traffic generated from the proposed 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: Primary access to the proposed automotive repair business is located from Ottawa Road, which can accommodate traffic generated from the project site. Traffic generated from the project will not adversely impact the surrounding area.

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

Comment: The proposed auto repair facility will include the use of oils, grease and disposal of waste products. Due to the nature of this type of business, the applicant is required to adhere to regulations and secure approval from the San Bernardino County Fire Department Hazardous Materials Division.

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 that require mitigation because all of the activities associated with the business will occur within an enclosed structure.

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 auto repair business, 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 because all activities associated with the auto repair business 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 automotive repair business 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 automotive repair business will be located within an existing, permitted industrial building. No modifications are proposed to the structure or the site.

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 automotive repair business will be located within an existing, permitted industrial building; therefore, the use will not block public views or dominate its surroundings.

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 automotive repair business will be located within an existing, permitted industrial building. No modifications are proposed to the structure or 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 automotive repair business will operate within an existing, permitted industrial building. With the addition of a paved driveway approach and paved accessibility from the public right-of-way, the circulation on- and off-site will be convenient and safe.

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. 2017-007, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

Prepared By:

Reviewed By:

Pam Cupp
Associate Planner

Carol Miller
Assistant Director of Community Development

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Site Plan
3. Floor Plans
4. Site Photo
5. Zoning/Location Map

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Case No. Conditional Use Permit No. 2017-007

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 agrees to defend at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney’s fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P3. The filing of a Notice of Determination 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. 2017-007 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, as shown on the approved site plan, shall be clearly striped and permanently maintained with double or hairpin lines.
- 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 of Apple Valley.
- 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.

- P10. All repairs must be done within an enclosed building.
- P11. The applicant shall file a State of California Business Contingency Plan with the San Bernardino County Fire Department Hazardous Materials Division prior to issuance of 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. The outdoor storage of junk or permanently disabled or wrecked automobiles shall not be permitted. Used or discarded automotive parts or equipment shall not be located outside of the structure except within the designated trash storage area. No inoperative vehicles shall be permitted to be parked or stored on the site outside the building, including marked parking spaces.
- P14. The display of vehicles intended for sale is prohibited.
- P15. Paved and striped parking shall be provided for a minimum of nine (9) vehicles.
- P16. Barbed wire shall be removed for the existing perimeter fence prior to issuance of a Certificate of Occupancy.

Environmental and Regulatory Compliance Conditions of Approval

- ER1. The project must provide trash enclosures 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.

Engineering Division Conditions of Approval

- EC1. An additional 4' road dedication along Ottawa adjacent to the property shall be granted to the Town of Apple Valley.
- EC2. A new standard commercial A.C. driveway approach shall be constructed prior to final occupancy.
- EC3. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC4. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC5. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.

Building and Safety Division Conditions of Approval

- BC1. Submit plans and obtain permits for all structures and retaining walls, signs.
- BC2. Comply with the State of California Disability Access requirements.
- BC3. A pre-grading meeting is required prior to beginning any land disturbance. This meeting will include the Building Inspector, General Contractor, Grading Contractor, soils technician and any other parties required to be present during the grading process such as a Biologist and/or Paleontologist.
- BC4. A dust palliative or hydro seed will be required on those portions of the site graded but not constructed (phased construction)
- BC5. Page two (2) of the submitted building plans will be conditions of approval.
- BC6. Construction must comply with 2016 California Building Codes and green Building Code.
- BC7. Best Management Practices (BMP's) are required for the site during construction.
- BC8. Provide Water Quality Management Plan (WQMP) or Alternative Compliance Plan.

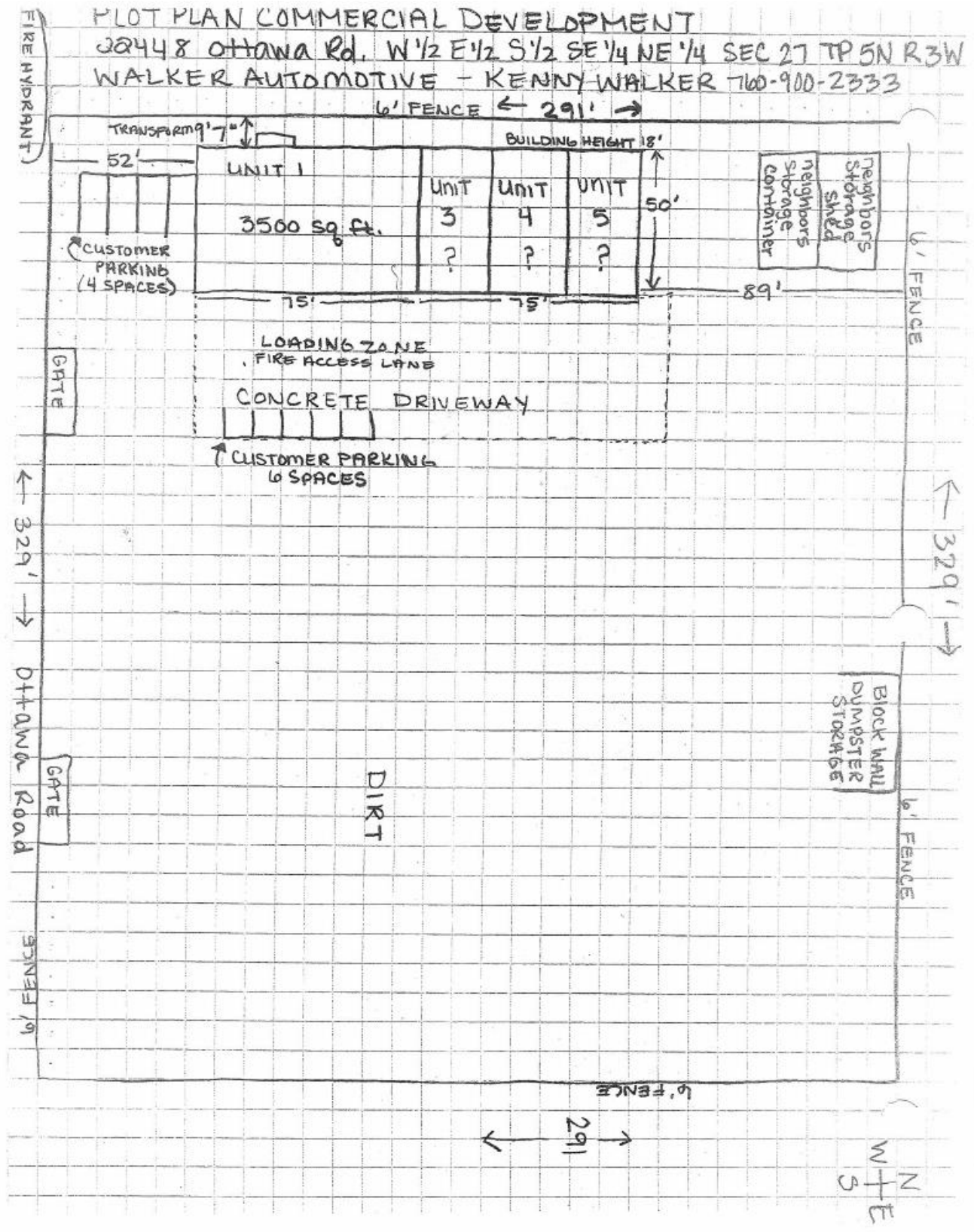
Public Works Conditions of Approval

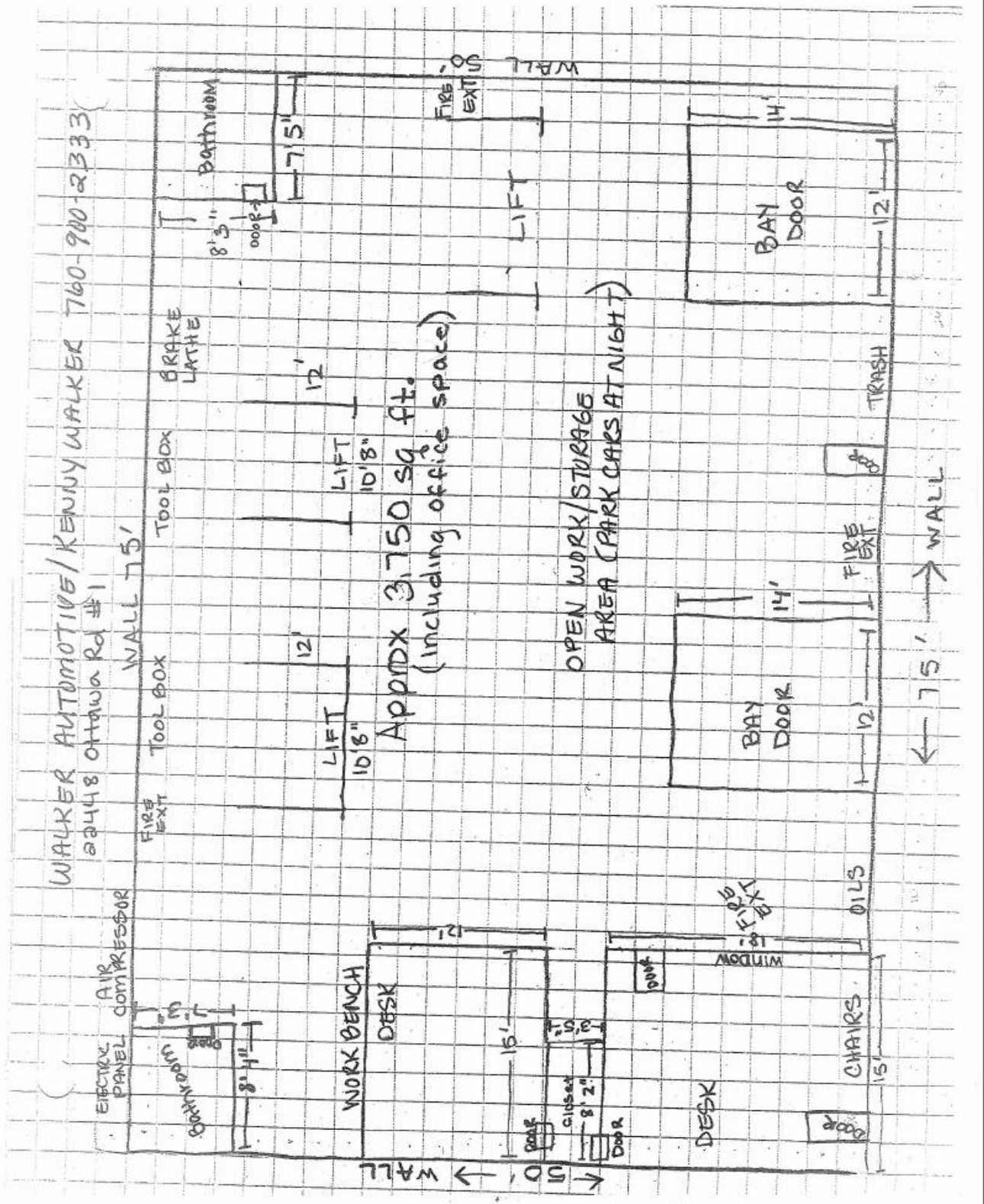
- PW1. This project is connected to the Town Sewer System. Sewer connection fees are required if any new plumbing fixtures are being installed or if any existing fixtures were not previously permitted. Plans must be approved by the Town of Apple Valley Public Works Department.

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 (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~







ZONING/LOCATION MAP

Conditional Use Permit No. 2017-007

