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**TOWN OF APPLE VALLEY  
PLANNING COMMISSION AGENDA**

**WEDNESDAY, JANUARY 16, 2019**

**Regular Meeting 6:00 p.m.**

***Town Council Chambers***  
**14955 Dale Evans Parkway**

\*\*\*\*\*

**PLANNING COMMISSION MEMBERS**

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

**PLANNING DIVISION OFFICE: (760) 240-7000 Ext. 7200**  
**[www.AVPlanning.org](http://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.***



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY  
PLANNING COMMISSION AGENDA  
REGULAR MEETING  
WEDNESDAY, JANUARY 16, 2019 – 6:00 P.M.**

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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](http://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**

**INSTALLATION OF NEWLY APPOINTED COMMISSIONER**

Yvonne Rivera, Planning Commission Secretary, will administer the Oath of Office to the newly appointed Planning Commissioners.

**ROLL CALL**

Commissioners: Kallen \_\_\_\_\_; Qualls \_\_\_\_\_; Arias \_\_\_\_\_  
Chairman Tinsley \_\_\_\_\_ and Vice-Chairman Lamoreaux \_\_\_\_\_

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

1. Minutes for the regular meeting of December 19, 2018.

## **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.

## **PUBLIC HEARING ITEMS**

- 2. Conditional Use Permit No. 2010-004 Amendment No. 1.** The applicant proposes a request to amend an approved Conditional Use Permit to allow a change in Alcohol Beverage and Control Board (ABC) License from a Type “42” (On-site Beer and Wine) to a Type “48” (On-site General for Public Premises). This amends Condition of Approval Nos. P12 and P13.

**APPLICANT:** Mr. Peter Wright

**LOCATION:** The site is located at 22120 Highway 18, Unit B (APN 3112-651-24).

**ENVIRONMENTAL**

**DETERMINATION:** The Project is Categorically Exempt from further environmental review under Section 15301 of the State Guidelines to Implement the California Environmental Quality Act (CEQA).

**CASE PLANNER:** Carol Miller, Assistant Director of Community Development

**RECOMMENDATION:** Approval

- 3. Conditional Use Permit No. 2018-012.** The applicant proposes a request to approve a Conditional Use Permit to operate an automobile collision repair facility within an existing 12,200-square foot warehouse building. The site is 0.75 acres in size and is located within the Service Commercial (C-S) zoning designation.

**APPLICANT:** Sindi Rodriguez, CARSTAR Apple Valley Central

**LOCATION:** 13399 Malaki Road; APN 3087-392-28

**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:** Denial

## **PLANNING COMMISSION COMMENTS**

## **STAFF COMMENTS**

## **OTHER BUSINESS**

## **ADJOURNMENT**

The Planning Commission will adjourn to its next regularly scheduled Planning Commission meeting on February 6, 2019.

**MINUTES**

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

**December 19, 2018**

**CALL TO ORDER**

Chairman Tinsley called to order the regular meeting of the Town of Apple Valley Planning Commission at 6:20 p.m.

Roll Call

Present: Commissioner Bruce Kallen; Vice-Chairman Jason Lamoreaux; Chairman B.R. "Bob" Tinsley

Absent: Commissioners Mike Arias; Doug Qualls.

Staff Present

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

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Commissioner Kallen.

**PRESENTATIONS: A presentation to Commissioner Mark Shoup from the Planning Commission.**

**APPROVAL OF MINUTES**

**1. Approval of Minutes**

1a. Regular Meeting of September 19, 2018.

**MOTION**

Motion by Commissioner Kallen, seconded by Vice-Chairman Lamoreaux, to approve the minutes for the Regular Meeting of September 19, 2018.

Vote: Motion carried 3-0-2-0

Yes: Commissioner Kallen; Vice-Chairman Lamoreaux; Chairman Tinsley.

Absent: Commissioners Arias; Qualls.

1b. Regular Meeting of October 17, 2018.

**MOTION**

Motion by Vice-Chairman Lamoreaux, seconded by Commissioner Kallen, to approve the minutes for the Regular Meeting of October 17, 2018.

Vote: Motion carried 3-0-2-0

Yes: Commissioner Kallen; Vice-Chairman Lamoreaux; Chairman Tinsley.

Absent: Commissioners Arias; Qualls.

**PUBLIC COMMENTS**

None.

**PUBLIC HEARINGS**

2. **Conditional Use Permit No. 2018-010.** A request for approval of a Conditional Use Permit to install three (3) 8,000-gallon above ground diesel fuel tanks as part of the upgrade to the hospital's emergency generator system. The project also includes the construction of a 310 square foot electrical building.

**Applicant:** Mr. Robert Martinez, representing St Mary Medical Center

Chairman Tinsley opened the public hearing at 6:23 p.m.

Pam Cupp, Associate Planner, presented the staff report as filed with the Planning Division. She informed the Commission that the Applicant is requesting that the ten (10)-foot screen wall that is required by the code, be lowered to eight (8)-foot. She also informed the Commission that staff is recommending Condition P10 requiring a twenty-four (24)-inch box tree be planted adjacent to the new electrical building.

Robert Martinez, representing St Mary Medical Center, is requesting that Condition P9 be modified to require an eight (8)-foot tall block wall, instead of ten (10)-foot wall. He explained the reasons why he believed an eight (8)-foot wall would be sufficient for this project.

Ms. Cupp stated that although the Development Code requires a ten (10)-foot tall wall, staff would be fine with reducing the wall height to eight (8)-feet. Ms. Cupp also informed the Commission that staff received one call from a member of the public requesting information regarding the project.

Chairman Kallen asked if the tanks posed any danger. Ms. Cupp stated the Fire District reviewed the plans and recommended the tanks be placard.

After a lengthy discussion regarding the decorative block wall, it was the consensus of the Commission that Condition P9 be modified to require that the block wall be a maximum height of eight (8)-feet.

Chairman Tinsley asked the Applicant if he agreed with all the Conditions of Approval.

Mr. Martinez stated that he is in agreement with all Conditions of Approval, as amended.

There being no one wishing to speak from the audience, Chairman Tinsley closed the public hearing at 6:30 p.m.

### **MOTION**

Motion by Commissioner Kallen, and seconded by Vice-Chairman Lamoreaux, that the Planning Commission move to:

1. Determine that proposed Conditional Use Permit No. 2018-010 will not have a significant effect on the environment, with adherence to the Conditions of Approval recommended in this report.
2. Find that the facts presented in the staff report support the required Findings for approval and adopt those Findings.
3. Approve Conditional Use Permit No. 2018-010, subject to the attached Conditions of Approval, as amended.
4. Direct staff to file a Notice of Exemption.

Vote: Motion carried 3-0-2-0

Yes: Commissioner Kallen; Vice-Chairman Lamoreaux; Chairman Tinsley.

Absent: Commissioners Arias; Qualls.

3. **Tentative Parcel Map No. 19989.** A request for approval of a Tentative Parcel Map to subdivide approximately 2.3 acres into two (2) single-family residential lots for future residential development. The project is located within the Estate Residential (R-E) zoning district.

**Applicant:** Merrell Johnson representing Empire Construction Service

Chairman Tinsley opened the public hearing at 6:30 p.m.

Pam Cupp, Associate Planner, presented the staff report as filed with the Planning Division. She noted that there are no conditions from the Engineering Department or Public Works as it relates to sewer connection.

Ms. Cupp informed the Commission that the applicant is not present. However, staff felt that it would be appropriate to move forward with approving the item, should the Commission wished to do so.

There being no one wishing to speak from the audience, Chairman Tinsley closed the public hearing at 6:34p.m.

### **MOTION**

Motion by Vice-Chairman Lamoreaux, and seconded by Commissioner Kallen that the Planning Commission move to:

1. Find that pursuant to the California Environmental Quality Act (CEQA), Section No. 15315, the proposed request is Exempt from further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve Tentative Parcel Map No. 19989, subject to the attached Conditions of Approval
4. Direct staff to file a Notice of Exemption.

Vote: Motion carried 3-0-2-0

Yes: Commissioner Kallen; Vice-Chairman Lamoreaux; Chairman Tinsley.

Absent: Commissioners Arias; Qualls.

4. **Development Permit No. 2018-012.** A request to approve a Development Permit allowing the construction of ninety-six (96)-single-family tract homes within the Vista Del Sol gated community, Tract No. 14514. The proposal consists of four (4) floor plans ranging from 2,508 to 3,396 square feet of living area with three (3) different building elevations per floor plan.

**Applicant:** Evergreen Homes, LLC

Chairman Tinsley opened the public hearing at 6:34 p.m.

Carol Miller, Assistant Director of Community Development, presented the staff report as filed with the Planning Division. She commented on the homes' square footage that is proposed for each of the floor plans, which consist of a total of four (4). She noted that the Development Code requires that the garage doors have variety of patterns, and that they include windows. However, staff would ask for concurrence from Commission that there be decorative hardware in lieu of windows given that the existing homes do not have garage windows.

Vice-Chairman Lamoreaux asked if staff received any calls following the notices that were sent out to the homeowners.

Ms. Miller responded that the only one received by staff was a letter of support from a representative of the Home Owner Association (HOA).

Mr. David Faylor, Evergreen Homes, commented on various issues surrounding the architecture analysis of the proposed project, including the design of the front doors and windows. He also expressed concern regarding staff's requirement to have distinctly different landscape designs for the ninety-six (96)-lot project. He respectfully requested that the Commission make an exception to the landscape requirement. He would like Condition P5 to be removed in its entirety.

Commissioner Kallen asked a series of questions regarding the landscape plans. He also requested to know if the Applicant's request to remove the Condition P5 regarding the landscape plans is warranted. He also stated that he would support offering the Developer the ability to have a plant list to choose from, provided the designs are distinct from one another.

Ms. Miller explained that the Development Code requires that a licensed architect prepare the landscape plans; however, staff would generally accept plans not prepared by a landscape architect provided they are quality plans. She noted for the record, that if the plans submitted are not of good quality, then staff will encourage that the code be followed.

Discussion ensued regarding the design of the rocks, including color scheme, as part of the landscape requirements.

Ms. Miller noted for the record, that the Town does not require HOA approval, just that the applicant submit plans that are approvable.

Joseph Garcia, HOA Board Member, asked that the Commission consider the previous recommendations made by the HOA as part of the motion. He also expressed concern regarding square footage and designs addressed by the developer. He expressed concern about the ability to maintain common areas.

Commissioner Kallen requested to know if the common area falls under the preview of the HOA.

Mr. Faylor, Applicant, informed the Commission that the HOA requires a seventy-five percent (75%) build out. He also explained that the retention basin (common area) falls under the HOA preview once they take it over from the seller, to maintain as required. Mr. Faylor also noted that the landscaping and gated entrances are fully landscaped.

Chairman Tinsley asked the Applicant if he agreed with all the Conditions of Approval.

Mr. Faylor stated that he is in agreement with all Conditions of Approval.



There being no one wishing to speak from the audience, Chairman Tinsley closed the public hearing at 6:57 p.m.

Commissioner Kallen commented on the homes' total square footage. He believed that square footage will be acceptable in the market for any future development.

Vice-Chairman Lamoreaux stated that if the HOA supports the project, he too would support the project.

Mr. Garcia, HOA Board Member, clarified that the HOA did not submit the letter, and he was only a member of the HOA.

**MOTION**

Motion by Commissioner Lamoreaux, and seconded by Commissioner Kallen to:

1. Determine that the project is not anticipated to have any direct or indirect impact upon the environment; therefore, 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. 2018-012, subject to the Conditions of Approval
4. Direct staff to file a Notice of Exemption.

Vote: Motion carried 3-0-2-0

Yes: Commissioners Kallen; Vice-Chairman Lamoreaux; Chairman Tinsley.

Absent: Commissioners Arias; Qualls.

**OTHER BUSINESS**

None.

**PLANNING COMMISSION COMMENTS**

Chairman Tinsley, with the consensus of the Planning Commission, thanked staff for their work and wished them and the public a wonderful holiday season.

**STAFF COMMENTS**

None.

**ADJOURNMENT**

Motion by Vice-Chairman Lamoreaux, seconded by Commissioner Kallen, and unanimously carried, to adjourn the meeting of the Planning Commission at 7:01 p.m. to its next regularly scheduled meeting on January 16, 2019.

Respectfully Submitted by:

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Yvonne Rivera  
Planning Secretary

Approved by:

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Chairman B.R. "Bob" Tinsley



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Agenda Item No. 2

## TOWN OF APPLE VALLEY PLANNING COMMISSION

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# Staff Report

- AGENDA DATE:** January 16, 2019
- CASE NUMBER:** Conditional Use Permit No. 2010-004 Amendment No. 1
- APPLICANT:** Mr. Peter Wright
- PROPOSAL:** A request to amend an approved Conditional Use Permit to allow a change in Alcohol Beverage and Control Board (ABC) License from a Type "42" (On-site Beer and Wine) to a Type "48" (On-site General for Public Premises). This amends Condition of Approval Nos. P12 and P13.
- LOCATION:** The site is located at 22120 Highway 18, Unit B (APN 3112-651-24).
- ENVIRONMENTAL DETERMINATION:** The Project is Categorically Exempt from further environmental review under Section 15301 of the State Guidelines to Implement the California Environmental Quality Act (CEQA).
- CASE PLANNER:** Carol Miller, Assistant Director of Community Development.
- RECOMMENDATION:** Approval

### PROJECT AND SITE DESCRIPTION:

- A. Project Size  
The subject 2,616 square foot lease space is located within an existing, 24,526 square foot commercial retail center located on approximately two (2) acres.
- B. GENERAL PLAN DESIGNATIONS
- |               |                          |
|---------------|--------------------------|
| Project Site: | General Commercial (C-G) |
| North:        | General Commercial (C-G) |
| East:         | General Commercial (C-G) |
| South:        | Public Facility (PF)     |
| West:         | General Commercial (C-G) |

C. SURROUNDING ZONING AND LAND USE

Project Site: Village Commercial (C-V), Commercial Retail Center  
North: Village Commercial (C-V), Transportation Yard  
East: Village Commercial (C-V), Feed Store  
South: Public Facility (P-F), Post Office  
West: Village Commercial (C-V), Home Improvement Store

D. Site Characteristics

The subject lease space is within an approximately two (2)-acre shopping center located at the northeast corner of Highway 18 and Quinnault Road. The center has existing paved parking and lighting.

ANALYSIS:

A. Background

Pursuant to the Development Code, a Conditional Use Permit was approved in June of 2010 by the Planning Commission to allow a 2,616 square-foot tavern with a Type "42" (Beer and Wine) license. The applicant is now proposing an amendment to the CUP to allow a Type "48" ABC license for general on-site sales (beer, wine and distilled spirits).

B. General

The Conditions of Approval required that any modification to the ABC license type would require Planning Commission approval of an amendment to Conditional Use Permit No. 2010-004. The applicant is now requesting approval to modify its ABC license type.

The Apple Valley Police Department was sent a request to comment regarding the proposal to change ABC license types. Staff received no comments of concern that the change in license type would result in any negative impacts.

C. Environmental Assessment

Pursuant to Section 15301 of the California Environmental Quality Act (CEQA), this project is categorically exempt from further environmental review.

D. Noticing

The project was legally noticed in the Apple Valley News on January 4, 2019.

E. 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 the following Findings:

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 tavern is in compliance with the Development Code of the Town of Apple Valley and adopted General Plan, upon the review and approval of a Conditional Use Permit by the Planning Commission.

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 establishment is proposed within a shopping center approximately two (2) acres in size and is located within the Village Commercial (C-V) zoning district. The building is approximately 300 feet away from the northerly adjacent residential zone. With adherence to the Development Code and recommended Conditions of Approval, there will be no adverse affects to adjacent uses, residents, buildings, structures or natural resources.

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

Comment: The business is existing and located within a commercial building within an established retail center that. The proposal involves and change in license type only. No exterior modifications proposed. With adherence to Development Code standards and the proposed Conditions of Approval, the property will be compatible with adjacent commercial uses.

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 project is located within an existing commercial center with all utilities provided to serve the site. The project will not create a need for additional services.

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

Comment: The location, size, design and operating characteristics of the tavern, and the 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 provided that the tavern is required to adhere to all Development Code standards, Conditions of Approval and all other laws regulating such establishments.

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

Comment: The change in licenses will not generate additional traffic generated that would adversely impact the surrounding area.

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: The project site is located on the northeast corner of Highway 18 and Quinnault Roads, which can accommodate traffic generated from the project site. Traffic generated from the change in ABC license will not adversely impact the surrounding area.

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

Comment: A tavern will not have a significant effect upon the environment. Pursuant to Section 15301 of the California Environmental Quality Act (CEQA), the proposed request is categorically exempt from further environmental review.

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

Comment: A tavern will not have a significant effect upon the environment. Pursuant to Section 15301 of the California Environmental Quality Act (CEQA), the proposed request is categorically exempt from further environmental review.

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 a tavern, 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 with adherence to Town standards and the applicable Conditions of Approval.

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

Comment: The tavern 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 proposal does not include any exterior modifications to the existing structure.

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 proposal does not include any exterior modifications to the existing structure.

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 proposal does not include any exterior modifications to the existing structure.

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

Comment: The project site has existing on-site improvements that facilitate safe and convenient access for all modes of transportation.

F. 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 and pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301, the proposed request is exempt from further environmental review.
2. Find that the facts presented in the staff report support the required Findings for approval and adopt those Findings.
3. Approve Conditional Use Permit No. 2010-004 Amendment No. 1, subject to the attached Conditions of Approval.
4. Direct staff to file a Notice of Exemption.

**Prepared By:**

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Carol Miller  
Assistant Director of Community Development

**ATTACHMENTS:**

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

TOWN OF APPLE VALLEY

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**RECOMMENDED CONDITIONS OF APPROVAL**

Case No. Conditional Permit No. 2010-004 Amendment No. 1

**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 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.
- P2. The applicant shall agree to defend at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgement, 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 within five (5) days of project approval and prior to the issuance of any building or occupancy permits.
- P4. The approval of Conditional Use Permit No. 2010-004 by the Planning Commission is recognized as acknowledgment of Conditions of Approval by the applicant, unless an appeal is filed in accordance with the Town's Development Code.
- P5. Parking requirements must be met and be in compliance with Town standards. All parking areas shall be paved and stalls 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 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 light and glare shall be directed onto the site and away from adjacent properties.
- P9. The applicant is responsible for obtaining all necessary permits, and payment of the appropriate fees, for the completed tenant improvements.



- P10. In accordance with the Noise Ordinance, operating for any purpose any amplifier similar device between the hours of 10:00 p.m. and 7:00 a.m., such that the sound there from creates a noise disturbance across a residential real property line, or at any time would be in violation of the Noise Ordinance.
- P11. The hours of operation shall be limited to Monday through Sunday 10:00 a.m. to 2:00 a.m..
- P12. Conditional Use Permit No. 2010-004 authorizes Alcohol Beverage and Control Board (ABC) License Type “42” “48”. The sale of alcoholic beverages for off-site consumption is prohibited.
- P13. Conditional Use Permit approval shall become null and void unless an ABC License Type “42” “48” is obtained.
- P15. Live entertainment and public dancing shall be located entirely within the interior of the establishment during normal business hours. No sexually oriented business shall be conducted on the premises.
- P16. “No Loitering” signs shall be posted at the entrance of the business.
- P17. All litter shall be removed from the exterior area around the premises including the adjacent public sidewalk areas and parking area no less frequently than once each day that the business is open.
- P18. Public telephones inside and adjacent to the establishment shall be modified to prevent incoming calls.
- P19. ~~Conditional Use Permit No. 2010-004 may be reviewed annually or more often, if deemed necessary by the Economic and Community Development Department, to ensure compliance with the Conditions of Approval contained herein. Additional conditions may be recommended to and imposed by the Planning Commission to mitigate any negative impacts resulting from the business operations not contained within the scope of the permit.~~
- P19. The Town reserves the right to periodically review the operation for potential problems. If problems (on-site or within the immediate area) including, but not limited to, public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, lewd and/or disorderly conduct, and disturbing the peace result from the proposed land use, etc., the conditional use permit may be subject to review and revocation by the Town of Apple Valley per the procedures in the Development Code.

#### **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.

#### **Building and Safety Division Conditions of Approval**

- BC1. Submit plans, engineering and obtain permits for all structures, retaining walls and signs.

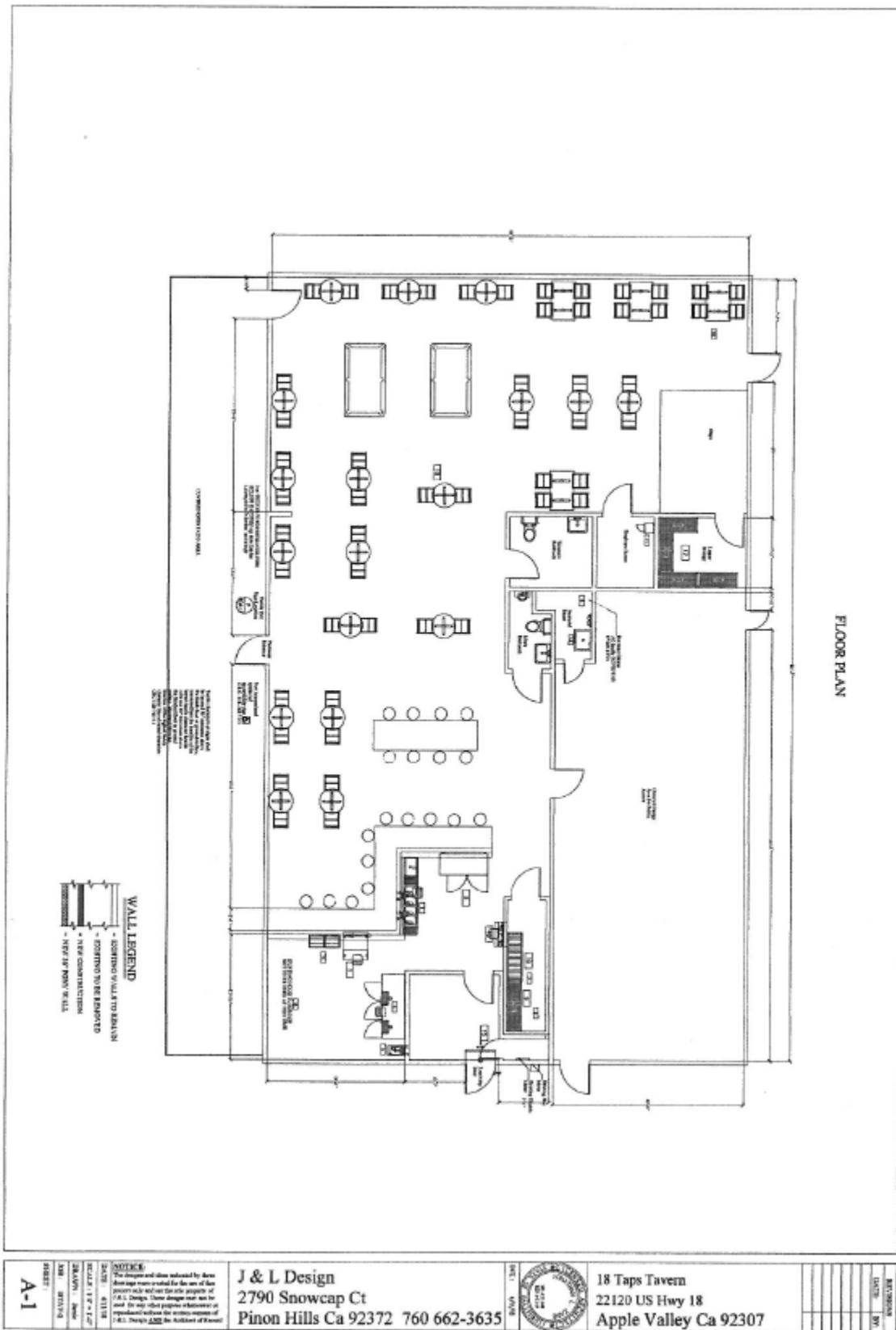
- BC2. Comply with state of California Disability Access requirements.
- BC3. Page two (2) of the submitted building plans will be the Conditions of Approval.
- BC4. Construction must comply with 2007 California Building Codes.

**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 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. Clear weeds along alley on west side of patio area.

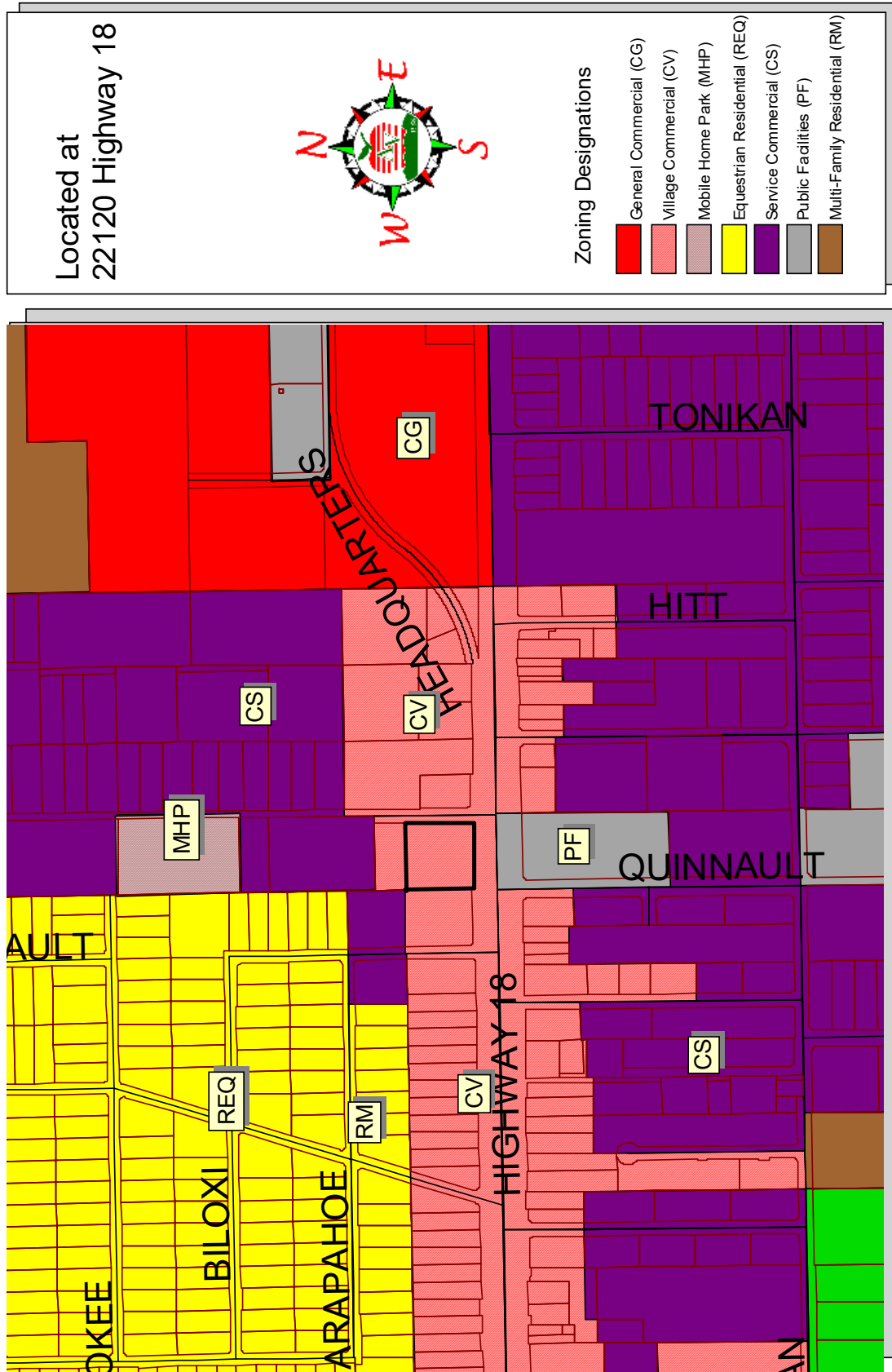
California Public Resources Code, Sec. 4291
- FD3. The Fire District will conduct a Certificate of Occupancy inspection and violations will be identified for correction prior to opening for business.

**End of Condition**



# ZONING MAP

Conditional Use Permit No. 2010-004





## TOWN OF APPLE VALLEY PLANNING COMMISSION

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# Staff Report

**AGENDA DATE:** January 16, 2019

**CASE NUMBER:** Conditional Use Permit No. 2018-012

**APPLICANT:** Sindi Rodriguez, CARSTAR Apple Valley Central

**PROPOSAL:** A request to approve a Conditional Use Permit to operate an automobile collision repair facility within an existing 12,200-square foot warehouse building. The site is 0.75 acres in size and is located within the Service Commercial (C-S) zoning designation.

**LOCATION:** 13399 Malaki Road; APN 3087-392-28

**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:** Denial

**PROJECT AND SITE DESCRIPTION:**

- A. Project Size:  
The project site is 0.75 acres in size and improved with a 12,000 square foot warehouse building.
- B. General Plan Designations:
- Site - C-S, Service Commercial
  - North - C-S, Service Commercial
  - South - C-S, Service Commercial
  - East - C-S, Service Commercial
  - West - C-S, Service Commercial

C. Zoning/Existing Use:

- Site - C-S, Service Commercial, Warehouse
- North - C-S, Service Commercial, Church
- South - C-S, Service Commercial, Vacant
- East - C-S, Service Commercial, Warehouse
- West - C-S, Service Commercial, Vacant

D. Site Characteristics:

The subject site is a level parcel that is developed with a 12,200-square foot warehouse. The site has existing paved parking, lighting and landscaping. The project site is within the Service Commercial (C-S) zoning designation. The surrounding properties are also within the C-S zoning designation.

E. Parking Calculations:

Type of Use	Square Footage	Parking Ratio	Number of Spaces Required	Number of Spaces Provided
Auto Repair	10,000	1/400	25	25
Office Area	2,200	1/200	11	11 Indoors
<b>Total</b>	<b>12,200</b>		<b>36</b>	<b>36</b>

As shown above, this building is deficient in parking based upon the proposed use. The applicant is requesting the Commission's approval for indoor parking as a method to achieve the required spaces.

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 may have potential adverse impacts upon surrounding property or the general public. The applicant, CARSTAR Apple Valley Central, is requesting Planning Commission review and approval of a Conditional Use Permit to operate an automobile collision repair facility.

The applicant proposes to occupy the entire structure which consists of 12,200 square feet of floor area. There is 2,200 square feet of office space and 10,000 square feet of shop area. The shop will include an MDAQMD approved paint booth, and other machinery and tools necessary to perform autobody repairs. The business is owner-operated and will have a total of five (5) employees at this time. The autobody repair shop will operate between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.

Due to the nature of the business, it may be necessary to store vehicles overnight. Because of the parking deficit, staff is including Condition of Approval No. P10, which requires that all vehicles awaiting or undergoing repairs be parked within the enclosed

building. In addition, staff is recommending Condition of Approval No. P11, which requires that all repairs be done within an enclosed building. Condition of Approval P17 limits exterior parking areas to employees and customers only.

The proposed auto collision repair facility will include the use and disposal of hazardous materials. 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. P12 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.

There are existing improvements that are in conformance with Town standards. Therefore, there are no recommended Conditions offered by the Engineering or Public Works Divisions. The Fire District did not provide formal comments prior to the publication of the agenda; however, all use, and improvements are required to comply with the Codes as adopted by the Apple Valley Fire Protection District (AVFPD). All plans will be reviewed for approval by the AVFPD, and completed, prior to issuance of a Certificate of Occupancy.

The 12,200 square foot building was constructed in 2001 as a warehouse and has twenty-five (25), exterior parking spaces, which is the minimum required for a warehouse use. The required parking for the proposed auto collision repair facility is thirty-six (36) spaces. The applicant proposes to provide an additional eleven (11) parking spaces inside the shop. The proposal is unconventional and may be problematic since the Town would not have the means to ensure that the indoor spaces remained open and available for customers. The Code does not address parking indoors, except for parking structures.

Staff is recommending denial based upon the applicant's lack of exterior parking. The Commission should consider whether or not the proposed indoor parking meets the intent of the Development Code. Should the Commission determine that, in this case, the proposed parking meets the intent of the Development Code, staff has included recommended Conditions of Approval for the Commission's consideration.

- C. 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.
- D. Noticing:  
The project was legally noticed in the Apple Valley News on January 4, 2019 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: The proposed auto collision repair business is in compliance with the Development Code of the Town of Apple Valley and adopted General Plan, upon the review and approval of a Conditional Use Permit by the Planning Commission. The parking is deficient and does not comply with the Development Code. The parking proposed will include indoor spaces, if left unmonitored, may have a negative impact based upon additional parking on the public street.

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

Comment: The proposed 12,200-square foot, auto collision repair business is within the Service Commercial (C-S) zoning designation. The use is compatible with other uses within the vicinity. With adherence to the recommended Conditions of Approval, there will be no adverse effects to adjacent uses, residents, buildings, structures or natural resources.

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

Comment: The proposed 12,200-square foot, auto collision repair business will be compatible with surrounding uses. The proposed location is within an existing building that has been developed with access points and setbacks that are consistent with the C-S, Service Commercial, zoning designation. No changes to the site 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 12,200-square foot, auto collision repair business is located within an existing building that has existing services and utilities available for this proposal. No changes to the site are proposed nor will additional services be required.

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

Comment: The location, size, design and operating characteristics of the proposed auto collision repair business, and the 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. All activities associated with the auto collision repair business will occur within an enclosed structure. In addition, the project is required to conform to the Noise Control Ordinance of the Development Code. The parking proposed will include indoor spaces, if left unmonitored,



may have a negative impact based upon additional parking on the public street.

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. The proposed auto collision repair business will be located within an existing building which is sited along an improved local commercial road, which can accommodate traffic generated from the proposed use without any negative impacts.

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: The proposed auto collision repair business will be located on the corner of Malaki and Eyota Roads, 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 collision 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. The paint booth has received its air quality permit from the Mojave Desert Air Quality District.

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

Comment: The proposed auto collision repair business will not produce adverse impacts upon the site, nor the surrounding properties. The parking proposed will include indoor spaces, if left unmonitored, may have a negative impact based upon additional parking on the public street.

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. All activities associated with the auto-repair

business will occur within an enclosed structure with limited outdoor vehicle storage. 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-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. The method used to comply with required parking is unconventional and not specifically allowed within the Development Code.

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 collision repair business will be located within an existing 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 auto collision repair business will be located within an existing building. No modifications are proposed to the structure or the site.

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 collision repair business will be located within an existing 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 auto collision repair business will be located within an existing building. No modifications are proposed to the exterior of the structure or the site. The existing site has been designed to provide safe, on- and off-site circulation. The parking proposed will include indoor spaces, if left unmonitored, may result with additional parking on the public street. The additional on-street parking may have a negative impact upon pedestrians, bicyclists, equestrians and motorists.

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 the required parking proposed is unconventional and does not meet the intent of the Development Code.

2. Deny Conditional Use Permit No. 2018-012

**Prepared By:**

**Reviewed By:**

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Pam Cupp  
Associate Planner

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Carol Miller  
Assistant Director of Community Development

**ATTACHMENTS:**

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

TOWN OF APPLE VALLEY

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**RECOMMENDED CONDITIONS OF APPROVAL**

Conditional Use Permit No. 2018-012

**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 16, 2022, of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the expiration date. The Conditional Use Permit becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. The applicant shall agree to defend at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P3. 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. 2018-012 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. Conditional Use Permit No. 2018-012 may be reviewed annually or more often, if deemed necessary by the Community Development Department, to ensure compliance with the conditions contained herein. Additional conditions may be recommended to and imposed by the Planning Commission to mitigate any negative impacts resulting from the business operations not contained within the scope of this permit.
- P6. Parking requirements must be met and be in compliance with Town standards. All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines.
- P7. Required parking spaces will be provided for the handicapped in accordance with Town standards and in accordance with Title 24 of the California Administrative Code. The handicapped spaces shall be located as close as practical to the entrance of the facility. Each space must be provided with access ramps and clearly marked in accordance with Title 24 of the California Administrative Code.

- P8. All signs shall have a separate permit and are subject to final approval by the Town of Apple Valley.
- P9. 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 vehicles awaiting or undergoing repairs shall be stored indoors.
- P11. All repairs must be done within an enclosed building.
- P12. The applicant shall 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.
- P13. The use of a spray paint booth shall require the business keep and maintain a current Air Quality Permit.
- P14. 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.
- P15. Outdoor storage of parts, tires, equipment, etc. is prohibited.
- P16. Outdoor display of vehicles intended for sale is prohibited.
- P17. Exterior parking areas shall be used for employee and customer parking only, not for the repair or finishing work or storage of vehicles. Vehicles to be repaired shall not be parked or stored in any street or alley.

**Building and Safety Division Conditions of Approval**

- BC.1 Comply with the State of California Disability Access requirements.
- BC.2 Page two (2) of the submitted building plans will be conditions of approval.
- BC.3 Construction must comply with current California Building Codes and green Building Code.
- BC.4 The structure shall have gas detection and ventilation compliant with California Building Code 406.8.
- BC.5 Submit a site analysis and site accessibility plan for review by the Building Official.

**Apple Valley Fire Protection District Conditions of Approval**

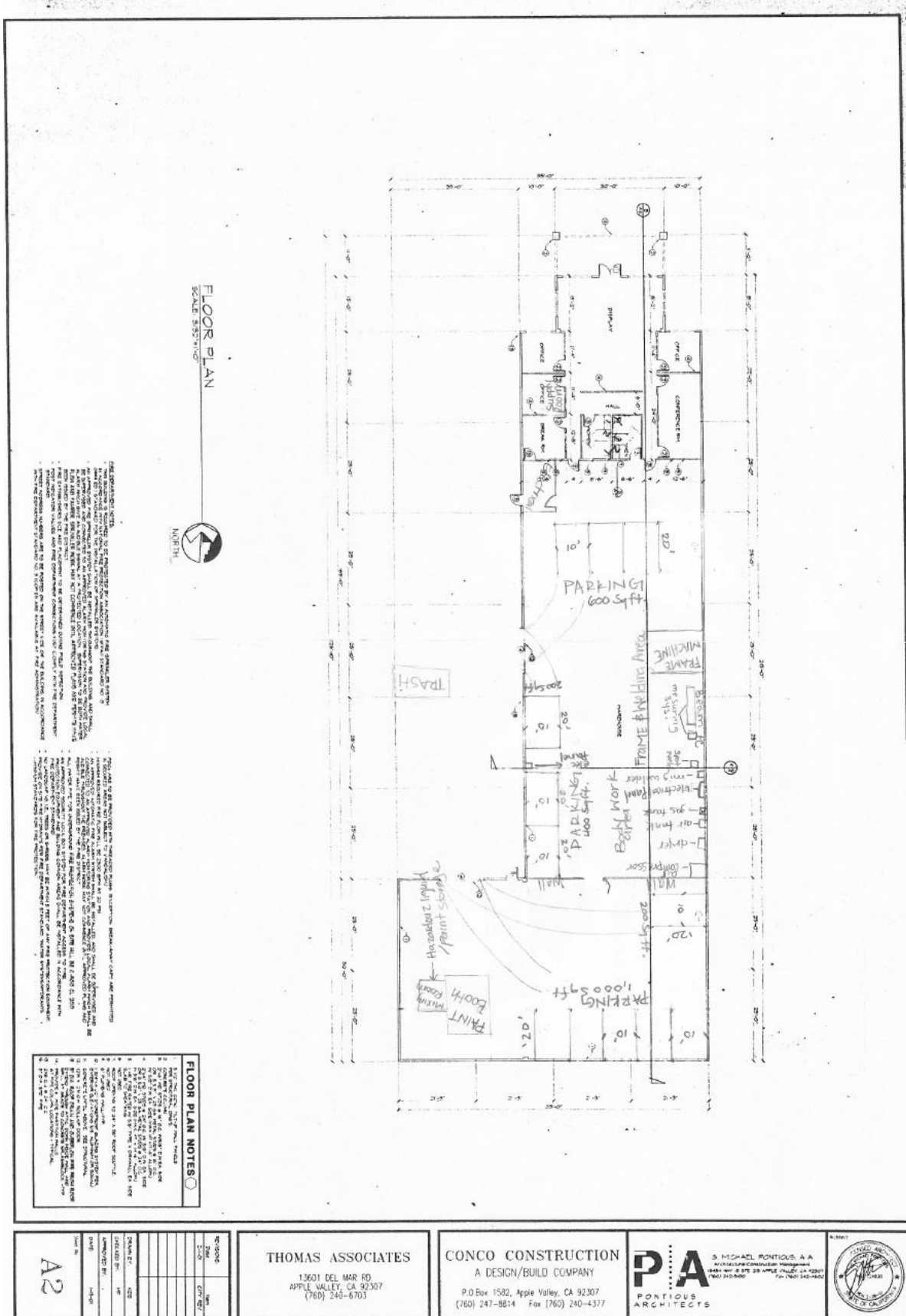
The following comments are based on the applicable edition of the California Codes and should be resolved before a permit is issued. This correction list is not a building permit. The approval

of plans and specifications does not permit the violation of any section of the California Codes, any Federal, State or local regulation.

- 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~





FLOOR PLAN  
 SCALE 3/8"=1'-0"



NOTES:  
 1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
 2. ALL WALLS ARE 12" THICK UNLESS NOTED OTHERWISE.  
 3. ALL DOORS ARE 36" WIDE UNLESS NOTED OTHERWISE.  
 4. ALL WINDOWS ARE 48" WIDE UNLESS NOTED OTHERWISE.  
 5. ALL CEILING HEIGHTS ARE 10' UNLESS NOTED OTHERWISE.  
 6. ALL FLOOR FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.  
 7. ALL WALL FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.  
 8. ALL CEILING FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.  
 9. ALL MECHANICAL, ELECTRICAL, AND PLUMBING ARE TO BE DETERMINED BY THE ARCHITECT.  
 10. ALL MATERIALS AND METHODS OF CONSTRUCTION ARE TO BE DETERMINED BY THE ARCHITECT.  
 11. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND REGULATIONS.  
 12. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MECHANICAL, ELECTRICAL, AND PLUMBING CODES AND REGULATIONS.  
 13. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ARCHITECTURAL STANDARDS AND SPECIFICATIONS.  
 14. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CONSTRUCTION SPECIFICATIONS INSTITUTE (CSI) DIVISION 5 AND 6.

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NO.	DATE	BY	CHKD.
1	1/16/19	THOMAS	CONCO
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7			
8			
9			
10			

**THOMAS ASSOCIATES**  
 13601 DEL MAR RD  
 APPLE VALLEY, CA 92307  
 (760) 240-6703

**CONCO CONSTRUCTION**  
 A DESIGN/BUILD COMPANY  
 P.O. Box 1582, Apple Valley, CA 92307  
 (760) 247-8814 Fax (760) 240-4377

**PA**  
 PONTIUS ARCHITECTS  
 3 MICHAEL PONTIUS, A.A.  
 ARCHITECT/CONSTRUCTION MANAGEMENT  
 1800 W. 4th St. Ste. 200, Apple Valley, CA 92307  
 (760) 242-8000 Fax: (760) 242-4802

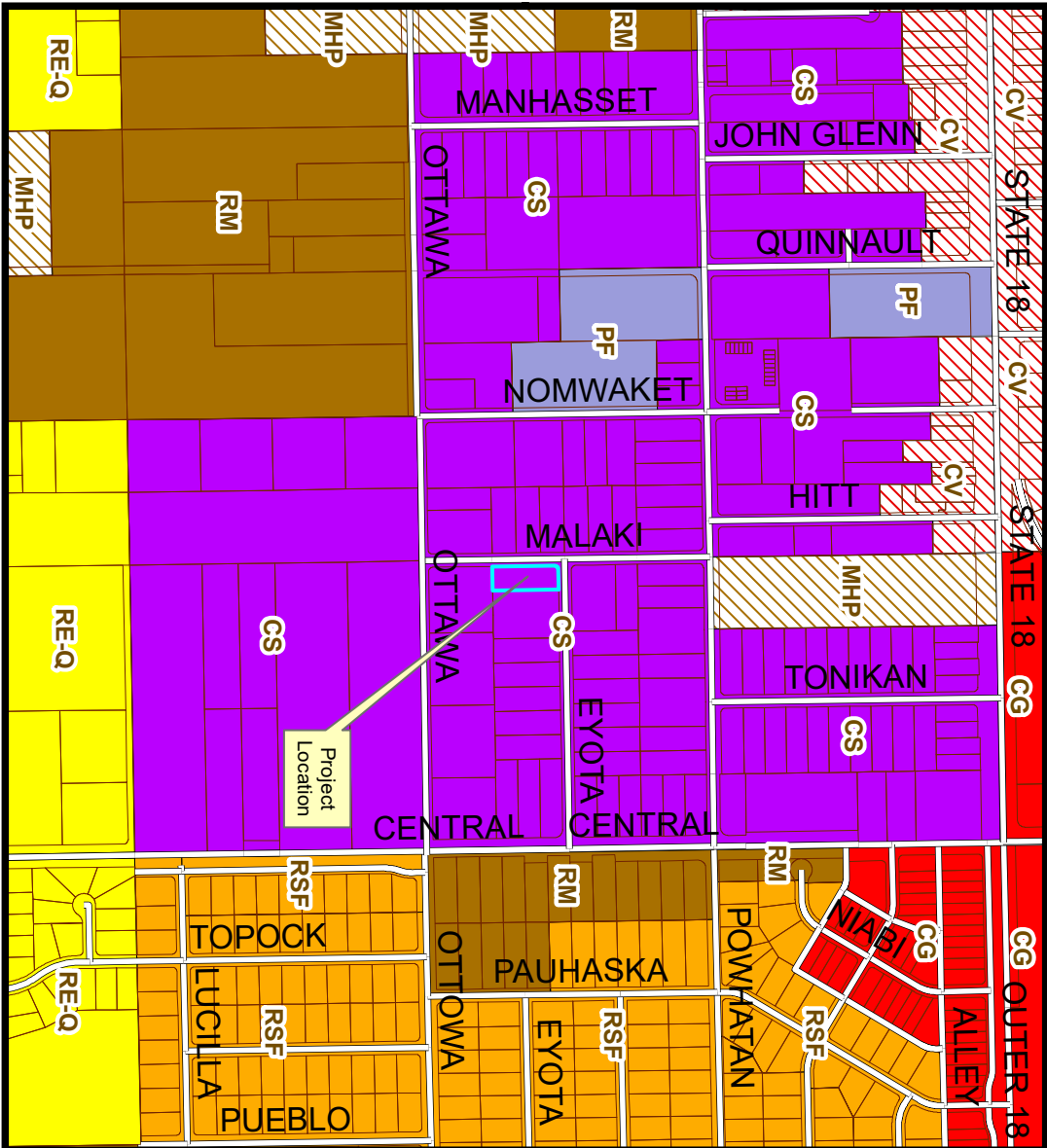






# ZONING/LOCATION MAP

Conditional Use Permit No. 2018-012



13399 Malaki Road  
 APN 3087-392-28



**Legend**

(RE-Q)	Expansion Residential (1 and 0.4 to 0.9 net acre)
(R-SF)	Single-Family Residential (1.5 and 0.4 to 0.9 net acre)
(R-4)	Multi-Family Residential (1.5 and 0.4 to 0.9 net acre)
(MHP)	Mobile Home Park
(C-G)	General Commercial
(C-V)	Village Commercial
(CS)	Services Commercial
(PF)	Public Facilities
(RSF)	Rural Single-Family Residential

Date: 1/8/2019