



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA**

WEDNESDAY, FEBRUARY 6, 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
Joel Harrison, Commissioner
Bruce Kallen, Commissioner
Mike Arias Jr., 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.



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 6, 2019 – 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: Kallen _____; Arias _____;
Chairman Tinsley____ and Vice-Chairman Lamoreaux _____

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 _____; Arias _____; Harrison _____
Chairman Tinsley____ and Vice-Chairman Lamoreaux _____

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. Minutes for the regular meeting of January 16, 2019.

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. **Development Permit No. 2018-010 and Variance No. 2018-002.** Applicant request to construct a 3,965 square foot addition to an existing 3,500 square foot commercial structure. The plan includes the use of metal roof and siding, parking and landscaping. The Variance is a request to encroach six (6) feet into the required ten (10)-foot front building setback and encroach fifteen (15) feet into the required fifty (50)-foot street side yard setback. The project site is two (2) acres in size and located within the Village Commercial (C-V) and Service Commercial (C-S) zoning designations.

APPLICANT: Chet Hitt, Townsend Stillhouse and Grill

LOCATION: 22020 Highway 18; APNs 3112-653-10, -11 and -13

ENVIRONMENTAL

DETERMINATION: The proposal involves 3,965 square foot addition to an existing 3,500 square foot commercial building. The project site is not environmentally sensitive and is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan. Therefore, 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

3. **Conditional Use Permit No. 2018-008.** The applicant proposes a request to approve a Conditional Use Permit to install and operate a Craft Distillery that will manufacture and bottle distilled spirits. The distillery will occupy 2,845 square feet and be an accessory use to a bar and grill located on a two (2)-acre site within the Village Commercial (C-V) and Service Commercial (C-S) zoning designation.

APPLICANT: Chet Hitt, Townsend Stillhouse and Grill

LOCATION: 22020 Highway 18; APNs 3112-653-10, -11 and -13.

ENVIRONMENTAL

DETERMINATION: The proposal involves minor alterations to 2,845 square feet of a 7,465 square foot building with a minor alteration to the land. The project site is not environmentally sensitive and is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan. Therefore, 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

4. **Conditional Use Permit No. 2018-009.** The applicant proposes a request operate an open-air Farmer's Market allowing the sale of farm produce and goods. The project will include the construction of small vendor kiosks and will be located on a portion of a developed, two (2)-acre site within the Service Commercial (C-S) zoning designation.

APPLICANT: Chet Hitt, Townsend Stillhouse and Grill

LOCATION: 22020 Highway 18; APNs 3112-653-10, -11 and -13.

ENVIRONMENTAL

DETERMINATION: The project is characterized as the new construction of a small structure with a minor alteration to the land. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303, the proposal is exempt from further environmental review.

CASE PLANNER: Ms. Pam Cupp, Associate Planner

RECOMMENDATION: Approval

5. **Development Code Amendment No. 2019-003.** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying provisions relating to accessory dwelling units and other accessory structures.

LOCATION: Residential Zoning Districts Town-wide

ENVIRONMENTAL

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

CASE PLANNER: Ms. 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 March 6, 2019.

MINUTES

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

January 16, 2019

CALL TO ORDER

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

Roll Call

Present: Commissioner Bruce Kallen, Vice-Chairman Lamoreaux, and Chairman Tinsley.
Absent: None.

Staff Present

Carol Miller, Assistant Director of Community Development, Pam Cupp, Associate Planner, Thomas Rice, Town Attorney, LaVonda M-Pearson, Town Clerk, Kiel Mangerino, Planning Commission Secretary.

INSTALLATION OF NEWLY APPOINTED COMMISSIONER

La Vonda M-Pearson, Town Clerk, administered the Oath of Office to Mike Arias, Jr.

Chairman Tinsley called for a Roll Call:

Roll Call

Present: Commissioner Mike Arias Jr., Bruce Kallen, Vice-Chairman Lamoreaux, and Chairman Tinsley.
Absent: None.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Mike Arias Jr.

APPROVAL OF MINUTES

1. **Approval of Minutes**
 1. Minutes of the Regular Meeting of December 19, 2018

MOTION

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

Vote: Motion carried 3-0-0-1

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

Abstain: Commissioner Arias Jr.

PUBLIC COMMENTS

None.

PUBLIC HEARINGS

2. **Conditional Use Permit No. 2010-004 Amendment No. 1.** A request to amend an approved Conditional Use Permit to allow a change in Alcohol Beverage and Control Board (ABC) License from 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).

Chairman Tinsley opened the public hearing at 6:05 p.m.

Carol Miller, Assistant Director of Community Development, presented the staff report as filed with the Planning Division. Ms. Miller noted changes to the wording of three Conditions in Conditional Use Permit 2010-004 including Conditions P-12 and P-13, which reflected the change in license from a Type "42" to a Type "48". Also, Condition P-19 was changed allowing periodic review of the operation for potential problems.

Chairman Tinsley asked the Applicant if he was in agreement with the Conditions of Approval as amended by staff.

Peter Wright, Applicant, stated that he was in agreement with all Conditions of Approval, as amended.

There being no requests to speak, Chairman Tinsley closed the public hearing at 6:10 p.m.

MOTION

Motion by Vice-Chairman Lamoreaux and seconded by Commissioner Arias Jr., 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 Permits No. 2010-004 Amendment No.1, subject to the attached Conditions of Approval.
4. Direct staff to file a Notice of Exemption.

Vote: Motion Carried 4-0-0-0
Yes: Commissioners Arias Jr., Kallen, Vice-Chairman Lamoreaux,
Chairman Tinsley
Absent: None.

3. **Conditional Use Permit No. 2018-012.** 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 commercial (C-S) zoning designation.

Applicant: Luis M. Partida, Carstar Apple Valley.

Location: 13399 Malaki Rd (APN 3087-392-28).

Chairman Tinsley opened the public hearing at 6:11 p.m.

Pam Cupp, Associate Planner, presented the staff report as filed with the Planning Division.

Vice-Chairman Lamoreaux enquired of Ms. Cupp about the square footage parking ratio for this type of building.

Ms. Cupp explained to the Commission that the buildings original parking ratio was for a warehouse. She also noted that if the Commission desired to recommend approval of this project, that the applicant would need to remove the loading dock as this area would be needed as a point of access.

Commissioner Kallen questioned if there would be adequate parking inside the building for this type of use, and if the Fire Department was aware of parking inside the building.

Ms. Cupp confirmed that there would be adequate parking, and that the Fire Department was aware of the interior parking issue.

Commissioner Tinsley asked if the applicant would demolish the loading dock, and if the Development Code required the removal of the loading dock.

Ms. Cupp confirmed that the applicant agreed to demolish the loading dock and create a driveway as a second point of access if needed. She explained that the Development Code did not require its demolition, but that the applicant shows the loading dock area as a point of access.

Luis M. Partida, Applicant, answered questions of the Commission and stated that he would install a straight access ramp on the property.

Richard Cambridge, property owner, presented a revised plan for the Commission's review. Mr. Cambridge commented regarding reduced parking allowances for service bays.

Commissioner Arias Jr. enquired of the applicant, if the square footage left after accounting for parking, would be adequate for the applicants use.

Mr. Partida confirmed that the remaining space would be adequate for use.

There being no requests to speak, Chairman Tinsley closed the public hearing at 6:29 p.m.

Discussion ensued regarding possible changes to the facility that could allow approval of the project. Staff commented on the need to state findings for approval for this project and add additional conditions of approval if needed.

Thomas Rice, Town Attorney, recommended the following amendments to the conditions as submitted:

1. That the negative wording be removed from the Conditional Use Permit Findings numbered 1, 9, 11, and 15.
2. That Condition FD5 be added requiring Fire Department approval prior to installation of a spray booth.
3. That a Condition P18 be added requiring the installation of a ramp to allow vehicular access to the building in place of the loading dock.

Chairman Tinsley asked the Applicant if he was in agreement with the Condition of Approval, as amended.

Mr. Partida confirmed that he was in agreement with the Conditions of Approval, as amended.

MOTION

Motion by Vice-Chairman Lamoreaux and seconded by Commissioner Kallen to:

1. Find that the addition of interior parking would suit the purposes of the Development Code.
2. Approve Conditional Use Permit No. 2018-012, as amended.
3. Direct staff to issue the Conditional Use Permit.

Vote: Motion Carried 4-0-0-0
Yes: Commissioners Arias Jr., Kallen, Vice-Chairman Lamoreaux,
Chairman Tinsley
Absent: None.

OTHER BUSINESS

None.

PLANNING COMMISSION COMMENTS

Chairman Tinsley commended staff for doing an excellent job on the above submitted agenda items. He also informed the Commission that he would not be in attendance at the next meeting.

Commissioner Kallen and Vice-Chairman Lamoreaux welcomed new Commissioner Mike Arias Jr. to the Planning Commission.

STAFF COMMENTS

None.

ADJOURNMENT

Motion by Commissioner Arias Jr. seconded by Vice-Chairman Lamoreaux, and unanimously carried, to adjourn the meeting of the Planning Commission at 6:34 p.m. to its next regularly scheduled meeting on February 6, 2019.

Respectfully Submitted by:

Kiel Mangerino
Planning Commission Secretary

Approved by:

Chairman B.R. "Bob" Tinsley



TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

Staff Report

AGENDA DATE:	February 6, 2019
CASE NUMBER:	Development Permit No. 2018-010 and Variance No. 2018-002
APPLICANT:	Chet Hitt, Townsend Stillhouse and Grill
PROPOSAL:	A request to construct a 3,965 square foot addition to an existing 3,500 square foot commercial structure. The plan includes the use of metal roof and siding, parking and landscaping. The Variance is a request to encroach six (6) feet into the required ten (10)-foot front building setback and encroach fifteen (15) feet into the required fifty (50)-foot street side yard setback. The project site is two (2) acres in size and located within the Village Commercial (C-V) and Service Commercial (C-S) zoning designations.
LOCATION:	22020 Highway 18; APNs 3112-653-10, -11 and -13.
ENVIRONMENTAL DETERMINATION:	The proposal involves 3,965 square foot addition to an existing 3,500 square foot commercial building. The project site is not environmentally sensitive and is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan. Therefore, 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

PROJECT SITE

- A. Project Size
The project site consists of three (3) parcels with a cumulative lot area of two (2) acres.

B. General Plan Designations:

Project Site - General Commercial (C-G) and Service Commercial (C-S)
 North - Medium Density Residential (R-M) and Single-Family Residential (R-SF)
 South - General Commercial (C-G)
 East - General Commercial (C-G)
 West - Medium Density Residential (R-M) and General Commercial (C-G)

C. Surrounding Zoning and Land Use:

Project Site- Village Commercial (C-V), and Service Commercial (C-S) Commercial Structure
 North - Multi-Family Residential (R-M), Single-Family Residence and Motel; Equestrian Residential (R-EQ), Single-Family Residences.
 South - Village Commercial (C-V), Commercial Office/Retail
 East - Village Commercial (C-V), Auto Collision Center and Vacant Commercial Structure.
 West - Village Commercial (C-V), Restaurant; and Multi-Family Residential (R-M) Single-Family Residence

D. Building Height: Proposed Maximum Permitted Maximum
 31 ft, 9 in 35 ft

E. Setback Analysis: Proposed Minimum Permitted Minimum
 Front (Highway 18) 4 feet* 10 ft
 Rear (Arapahoe) 50 feet 50 ft
 Rear (Northwest) 177 ft 25 ft
 Side (Southwest) 0 feet 0 ft
 Street Side (Quinnault) 35 feet* 50 ft
 Side (East) 42 ft, 10 in 0 ft

*Variance Requested

F. Landscaping: Proposed Minimum Permitted Minimum
 26% 5%

G. Parking Analysis:

Type of Use	Square Footage	Parking Ratio	Number of Spaces Required	Number of Spaces Provided
Restaurant				
Customer Area	2,617	1/45	58	58
Non-Customer Area	1,563	1/200	8	8
Distillery	2,845	1/500	6	6
Barber Shop	440	1/125	4	4
Farmers Market	8,500	1/500	17	17
Total			93	93

H. <u>F.A.R.:</u>	<u>Proposed</u>	<u>Permitted Maximum</u>
	8%	50%

ANALYSIS

A. General:

The applicant is requesting approval to construct a 3,965 square foot addition to an existing 3,500 square foot commercial building. A Development Permit is required for any addition, reconstruction or relocation totaling more than fifty (50) percent of the existing floor area, or 2,500 square feet, or exterior remodeling or construction altering the exterior appearance of a commercial, office or industrial building. The Development Permit process is intended to implement the General Plan by creating a built environment that is consistent and compatible with the desert environment and to preserve Apple Valley's unique character. The applicant is also requesting a Variance to allow a sixty (60) percent encroachment into the required front yard setback and a thirty (30) percent encroachment into the required street side yard setback.

B. Site Analysis:

The project site is two (2) acres in size and comprised of three (3) separate parcels. Two (2) parcels are located within the Village Commercial (C-V) zoning designation with the third parcel is within the Service Commercial (C-S) zoning designation. The project site will have 150 feet of frontage along Highway 18, 285 feet of frontage on Arapahoe Avenue and 230 feet of frontage along Quinnault Road. There will be access to the site from each street frontage with an enhanced point of entry along Outer Highway 18.

The northeasterly portion of the site will consist of parking, landscaping and is the location of the proposed Farmer's Market, which will be considered under Conditional Use Permit No. 2018-009. All three (3) parcels will be developed in an interdependent manner. The proposed addition will cross an existing parcel line and each parcel contains parking that is required for a restaurant use. Therefore, staff is recommending Condition P24 that requires a Lot Merger involving the three (3) parcels be approved and recorded prior to issuance of a building permit.

There are single-family residences located to the west and north, across Arapahoe Avenue. The proposal includes a drive aisle adjacent to a single-family residence which will include a six (6)-foot wide landscape strip. In accordance with Development Code Section 9.37.050 (A) (1), Condition P21 has been added requiring the construction of a block wall to serve as a buffer between the residential land use and commercial site.

1. Traffic and Circulation

The Engineering Division is requesting five (5) feet of road dedication along Quinnault Road and Arapahoe Avenue and ten (10) feet of road dedication along Outer Highway 18 North. Engineering is recommending half-width commercial street improvements along Arapahoe Avenue and that all streets abutting the development be improved with a minimum of curb, gutter and sidewalk along the development side. The requested dedication along Outer Highway 18 is based upon the outer highway being a local commercial road with a required minimum right-of-way of sixty-six (66) feet.

2. Drainage
The project will require the submittal of a final drainage plan showing provisions for receiving and conduction offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties.
3. Sewer Connection
The project will require a connection to the Town of Apple Valley sewer system.

C. Variance Analysis:

The site plan shows a minimum setback of fifty (50) feet from Quinnault Road and fifty (50) feet from Arapahoe Avenue. This is based upon the Ranchos Residential Overlay (RRO); however, commercial projects with zoning setbacks less than that those identified within the RRO Matrix may apply for a Deviation to allow an encroachment not to exceed the minimum setback identified for the zoning district. Based upon the residential uses on Arapahoe Avenue, a fifty (50)-foot setback is appropriate; however, staff is recommending that, as part of the Variance request, a minimum setback of thirty-five (35) feet be allowed along Quinnault Road.

There is an existing 3,500 square foot structure on the site, which is setback twelve (12) feet from the front property line along Highway 18. The site plan illustrates that the existing right-of way is located twelve (12) feet from back of curb. The minimum setback in the C-V zone is ten (10) feet. The applicant is requesting a Variance to allow an encroachment of six (6) feet into the required front yard setback for a minimum setback of four (4) feet. The encroachment will consist of an eighteen (18)-foot wide, glass panel vestibule providing access to the restaurant and an eighteen (18) foot wide glass panel pop-out display case to visibly house the distillation equipment.

The applicant has provided staff with a request for additional Variance requests that were not a part of the original application. The following are those requests with a comment addressing each one:

1. The applicant is requesting over size custom made neon signs – *Comment: Staff has not received any dimensioned plans or formal sign permit; therefore, it is recommended that, because the project is proposed as a multi-use site, a Sign Program application be submitted for staff review. If the Sign Program requests a Deviation from Town sign standards, the program will be brought to the Planning Commission for its review.*
2. Reduced front yard setback, as described within this report – *Comment: this request is analyzed within this report.*
3. Relief from the required ten (10)-foot road dedication – *Comment: Engineering has recommended the ten (10)-foot road dedication as a Condition of Approval. The Planning Commission may modify this to an irrevocable offer of dedication that would not be recorded unless the Town is prepared to move forward with the widening of the outer highway.*
4. Relief from the required twenty-five (25)-foot separation between parking and residential land uses – *Comment: Staff has worked with the draft person and a representative of the applicant to reach a design meeting the required parking and separation from residential use requirement.*

5. Installation of four (4) historical murals not to exceed 800 square feet depicting the Town of Apple Valley early years, including Roy Rogers and Dale Evans, Jess Ranch Turkeys and Fishing Trout Farm and Farmer's Market. *Comment: Staff has not received dimensioned renderings of the proposed murals for the Commission's consideration. It is recommended that the request for murals be submitted through a Design Merit sign permit, which would be brought forth for the Commission considerations at a future date.*

A Variance may be approved when, because of special circumstances applicable to the property in question, including size, shape, topography, location or surroundings, the strict application of the Development Code deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification. The applicant has provided the attached Justifications to Grant a Variance for the Commission's consideration. The applicant has also provided an attached site plan illustrating the existing setbacks of commercial buildings within the Village area. There are several existing structures that appear to encroach into the required setback. Due to the uniqueness of the Village and its ongoing pursuit of revitalization, staff supports and recommends the Planning Commission approve the applicant's request for a Variance.

D. Architecture Analysis:

The project includes a 3,965 square foot addition to an existing 3,500 square foot block building that was originally constructed in 1948. The existing structure will be converted to a bar and grill and will include a 680 square foot addition to the rear of the structure and a 150 square foot, decorative glass paneled vestibule at the front. The project includes a 2,995 square foot addition to the east elevation of the existing building that will include a 200 square foot, popped-out glass paneled display area that would be used as a focal point displaying items associated with any potential use. The glass vestibule and display case may encroach six (6) feet into the required front setback with the approval of Variance No. 2018-002.

The existing structure is twenty-two (22) feet tall with a flat roof. A trussed, gabled roof is proposed which will increase the roof height by approximately ten (10) feet for a maximum height of thirty-one (31) feet, nine (9) inches at the peak. The building to the west is approximately twenty (20)-foot tall and the commercial building to the east is twenty-five (25)-foot tall. The existing structures wall will remain the same. Although the proposal will result in a nine (9) feet, nine (9)-inch increase in height, the proposed gabled roof-line will provide a smooth transition in scale.

The exterior building materials proposed include corten steel and glass. The architecture includes a mix of flat and corrugated corten steel panels along with decorative steel webbing at the gabled roof ends. The applicant proposes a corrugated, corten steel roof and doorway awnings for the entire structure. The building elevations will incorporate metal lattice components used to frame primary focal points of the structure. Corten steel is intended to look weathered and rust. Staff is recommending Condition P23 requiring the property owner to treat the rusted corten steel in a manner that will prevent metal contaminants from entering any stormwater run-off and to ensure the adjacent sidewalk, curb or gutter remain rust-stain free.

The Development Code allows the use of metal exteriors when the Planning Commission determines that the proposed structure shall have an appearance emulating and simulating the color, texture and appearance of other structures within the surround area or where it

can be clearly demonstrated that the proposed structure shall be an enhancement to the surrounding area. The Code further states that said metal exterior must provide the same texture depth and other physical characteristics as the exterior of the main structure on the surrounding properties. Although there are no buildings with the exterior characteristics proposed by the applicant, the proposal is unique in design and will promote the revitalization effort within the Village.

E. Landscaping Analysis

The preliminary landscape plan demonstrates the use of a wide variety of drought tolerant plant and trees; however, the number and size of the plants does not meet the landscape requirements for commercial projects. The site has been designed in a manner that can accommodate the correct number of trees, shrubs and ground-cover as required by the Development Code. Condition of Approval No. P14 requires that a final landscape plan be submitted and approved prior to issuance of a building permit.

F. Environmental Assessment:

The proposal involves a 3,965 square foot addition to an existing 3,500 square foot commercial building. The project site is not environmentally sensitive and is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan. Therefore, 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.

G. Noticing:

This item was advertised as a public hearing in the Apple Valley News newspaper on January 25, 2019 and notices mailed to all property owners within a 300-foot radius.

H. Variance Findings:

As required under Section 9.24.070 of the Development Code, prior to approval/denial of a Variance, the Planning Commission must make the following Findings:

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

Comment: The subject site does not have unique topography nor is it considered substandard in any way. However, historical development patterns within the vicinity have permitted encroachments into the required front setback. Existing structures in the vicinity have setbacks ranging from two and one-half (2-1/2) feet to as much as twenty (20) feet. Strict adherence to the setbacks would deprive the property owner of privileges enjoyed by other properties within the vicinity that are also within the Village Commercial (C-V) zoning designation. Permitting a minimum setback of thirty-five (35) feet along Quinnault Road is consistent with the Development Standards for the Service Commercial (C-S) zone.

2. That granting the Variance will be consistent with the general intent and purpose of the Development Code provisions for the district in which the property is located;

Comment: The purpose of the development standards is to promote good quality design, improve and maintain a quality living environment and to provide basic standards that insure compatibility and consistency between new and existing development. The development proposal is consistent with the general intent and purpose of the Development Code provisions within the Village Commercial (C-V) and Service Commercial (C-S) zones.

3. That granting the Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and zoning district and denied to the property for which the Variance is sought;

Comment: There are existing commercial developments within vicinity that have been developed in conformance with the development standards; however, there are properties within the immediate vicinity that have encroached into the required front building setback line. Granting a Variance for this proposal would provide the property owner the opportunity to improve the site with minimum setbacks like others within the Apple Valley Village.

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

Comment: Permitting a reduction to the required front building setback will not cause a detriment to the surrounding neighborhood and will not be injurious to the development for which the variance is granted.

5. That granting the Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the zoning district and General Plan land use designation such property is located; and

Comment: Permitting a reduction to the required front and street side building setbacks will not constitute a special privilege because there are numerous other properties within the vicinity that enjoy reduced building setbacks. The neighboring property to the west enjoys a two and one-half (2-1/2)-foot front building setback. The property owner is requesting a minimum front building setback of four (4) feet. Permitting a minimum setback of thirty-five (35) feet along Quinnault Road is consistent with the Development Standards for the Service Commercial (C-S) zone.

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

Comment: The Variance request is a request for reductions to building setback lines. The request does not seek relief from any use or activity.

I. 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 positive findings to approve this proposal. These Findings, as well as a comment to address each, are presented below.

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 proposed remodel and 3,965 square foot addition to an existing 3,500 building is consistent with the General Commercial (C-G) Land Use and Village Commercial (C-V) zoning designation. The project meets most site development standard. A Variance approval is necessary to allow a reduction to the front building setback line.

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 project site is flat and surrounded by existing development. The proposed remodel and 3,965 square foot addition to an existing 3,500 building will be compatible with surrounding sites, structures and streetscape because the buildings within the vicinity range in age and incorporated a variety of architectural styles and designs.

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 remodel and 3,965 square foot addition to an existing 3,500 building will result with a structure that is transitional in scale and will be compatible in lot coverage and character with surrounding development.

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

Comment: The proposed remodel and 3,965 square foot addition to an existing 3,500 building will be completed in accordance with the Uniform Building Code and will be oriented in a manner that will optimize efficient energy resources. The project must also comply with requirements from the Building and Safety Division as well as UBC Title 24 requirements.

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 surrounding development is a mix the designs and architecture. The design, materials and details of the finished structure will be compatible with existing development in the area.

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 proposal is in conformance with Code requirements for building height and required side, street side and rear setbacks. The proposal will not block public or private views and is in scale to other 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 preliminary landscape plan illustrates drought tolerant plant materials compatible with the desert environment. The base of the structure will be softened with landscape planters. The site plan shows twenty-six (26) percent of the lot area will be landscaped, which exceeds the ten (10) percent required by the Development Code.

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 design, materials and details of the finished structure will be compatible with existing development in the area which consist of a blend of architectural styles and design.

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 site is not located on a hillside nor are there any natural landforms of vegetation on the property. All areas not covered in building or parking will be landscaped in accordance with the Town's water conservation and landscaping regulations.

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

Comment: The site is vacant and with no known historical structures on site or in the vicinity.

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 remodel and 3,965 square foot addition to an existing 3,500 building will be located on a commercial site that will have access points from three (3) separate improved roadways. 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 remodel and 3,965 square foot addition to an existing 3,500 building will be located on a commercial site with access from Outer Highway 18, Quinnault Road and Arapahoe Avenue, all which are improved roadways designed to accommodate traffic generated from this business. Therefore, 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: Traffic generated by the proposed remodel and 3,965 square foot addition to an existing 3,500 building will not adversely impact the surrounding area. The proposed development will be located along improved roadways that can accommodate traffic generated from the project site.

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 proposal is within a Village Commercial (C-V) and Service Commercial (C-S) zoning district, with minimal vegetation and is outside of any known environmentally unique or fragile areas. The site is void of any protected plants.

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.

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 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.

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 remodel and 3,965 square foot addition to an existing 3,500 building is anticipated to consist of a bar and grill, barber shop and possibly a craft distillery and outdoor farmer's market. The project has a unique design and will be compatible with existing structures within the vicinity. The project is consistent with the revitalization efforts underway within the Village and 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 project meets most site development standard. A Variance approval is necessary to allow a reduction to the minimum required front building setback and to allow the building setback along Quinnault Road to deviate from the setback of fifty (50) feet, as recorded on Tract Map No. 3032 and allow a thirty-five (35)-foot setback as permitted within the Service Commercial (C-S) zoning designation.

RECOMMENDATION

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

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section 15301, the proposed request is Exempt from further environmental review.
2. Find the facts presented in the staff report do not support the required Findings for Approval for Development Permit No. 2018-010 and Variance No. 2018-002.
3. Adopt the Findings as provided in the staff report and approve Development Permit No. 2018-010 and Variance No. 2018-002.
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. Applicant's additional Variance Requests
3. Applicant's Variance Findings
4. Site Plan
5. Floor Plan
6. Building Elevations
7. Zoning Map

Town of Apple Valley

Recommended Conditions of Approval
Development Permit No. 2018-010 and Variance 2018-002

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 or alleviate the applicant and/or property owner from full conformance and adherence to all requirements of the Municipal Code.*

Planning Division Conditions of Approval:

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval, if not exercised, shall expire 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 approval 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 approval of Development Permit No. 2018-010 and Variance No. 2018-002 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.
- P4. The site plan and rendering presented to and approved with Conditions by the Planning Commission at the public hearing shall be the anticipated and expected appearance of the structure upon completion.
- P5. The Community Development Director 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.
- P6. The filing of a Notice of Exemption requires the County Clerk to collect a fee of \$50.00. The fee must be paid in a timely manner in accordance with Town procedures. No permits, including Certificate of Occupancy, may be issued until such fee is paid. The check shall be made payable to the Clerk of the Board of Supervisors.

- P7. No deviation, modification, alteration, adjustment or revision to or from the appearance, location, fixtures, features or appurtenances thereto of any type or extent shall be approved without said changes being first submitted to the Planning Division for consideration and approval.
- P8. All outdoor mechanical and electrical equipment, whether rooftop, side of structure, or on the ground, shall be screen from view from the public street by architectural elements designed to be an integral part of the building.
- P9. Light standards shall blend architecturally with approved project design.
- P10. All lighting shall be scheduled so light rays emitted by the fixture are projected below the imaginary horizontal plane passing through the lowest point of the fixture and in such a manner that the light is directed away from streets and adjoining properties. Light poles in parking lot shall not exceed twenty (20) feet in height.
- P11. All front building setbacks and street right-of-way areas located between on-site improvements and the back of existing or future public sidewalks or street curbs, except needed access driveways, shall be fully landscaped.
- P12. All required and installed landscaping shall incorporate and maintain a functioning automatic sprinkler system, and said landscaping shall be maintained in a neat, orderly, disease and weed free manner at all times.
- P13. Landscaping shall be installed with appropriate combinations of drought tolerant trees, shrubs, and ground cover, consistent with Chapter 9.75, *Water Conservation Landscape Regulations*, of this Code.
- P14. Final landscape and irrigation plans shall be submitted prior to the issuance of Building Permits and installed prior to issuance of occupancy permits subject to approval by the Planning Division.
- P15. All identification signs shall have a separate permit and are subject to final approval by the Town Planning Division.
- P16. Access to roofs shall be from the interior of the building. If roof access is on the exterior of the building, the roof access ladder shall be screened from view from any public street or public parking area and security shall be provided to prevent unauthorized access.
- P17. Parking requirements shall be met and be in compliance with Town standards. All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines.
- P18. Required parking spaces shall 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.

- P19. Trash Enclosure shall be in accordance with Town Standards and include a solid or trellis cover reflecting the architectural design of approved project subject to the review and approval of the Planning Division.
- P20. If the project is adjacent to existing development, a fence/wall plan shall be submitted with the grading and landscape/irrigation plans to identify how new fencing or walls will relate to any existing fences or walls located around the perimeter of the tract/parcel map. The developer shall be required to connect to the existing fencing/walls or collaborate with the adjacent property owners to provide new fencing/walls and remove the existing fence/wall, both options at the developer's expense. Double fencing shall be avoided and review and approval of the fencing/wall plan is required prior to issuance of grading permits.
- P21. A six (6)-foot tall, decorative block shall be constructed along the property line separating the project site from the existing single-family residence located to the west with a maximum wall height of four (4) feet within the front setback.
- P22. Construction drawings shall comply with the Town's Climate Action Plan.
- P23. The corten steel shall be treated in a manner that will prevent metal contaminants from entering any stormwater runoff and to ensure the adjacent sidewalk, curb or gutter remain rust-stain free.
- P24. A lot merger combining APNs 3112-653-10, 3112-653-11 and 3112-653-13 shall be approved and recorded prior to issuance of a building permit.
- P25. Variance No. 2018-002 authorizes a minimum four (4)-foot building setback along Outer Highway 18 North and a minimum building setback of thirty-five (35) feet along Quinnault Road.
- P26. An Master Sign Program shall be submitted for review and approved prior to the installation of any signage.

Public Works Department Conditions of Approval

- PW1. Sewage disposal shall be by connection to the Town of Apple Valley sewer system. Financial arrangements, plans and improvement agreements must be approved by the Town of Apple Valley Public Works Department.
- PW2. Sewer connection fees required.

Environmental Services Conditions of Approval

- ER1. The project must provide adequate areas for collecting and loading recyclable materials in compliance with AB 341. The trash enclosure must comply with the newly adopted recycling standards. Trash enclosure must be large enough to accommodate the required number of bins necessary required for rubbish and recycling, including organics.

Public Resource Code Section 42910-42912

- ER2. Trash enclosure must be large enough to accommodate the required number of bins necessary required for rubbish and recycling, including organics.
- ER3. The developer shall complete and submit a Waste Management Plan (“WMP”), on a WMP form approved by the Town for this purpose as part of the application packet for the building or demolition permit. The completed WMP shall indicate all of the following:
- (1) The estimated volume or weight of project C&D debris to be generated;
 - (2) The estimated volume or weight of such materials that can feasibly be diverted via reuse or recycling;
 - (3) The vendor or facility that the Developer proposes to use to collect or receive that material; and
 - (4) The estimated volume or weight of C&D materials that will be landfilled.

Town of Apple Valley Municipal Code Section 8.19.020(a)

- ER4. Compliance with Condition of Approval No. ER2 shall be met by any of the following:
- (1) Contract for hauling services with Town’s franchise hauler, with all Project debris delivered to San Bernardino County self-haul landfill diversion program, provided the diversion program is currently operating; and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP
 - (2) Self-haul all Project debris to San Bernardino County self-haul landfill diversion program, provided the diversion program is currently operating; and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP
 - (3) Self-haul all Project debris to a construction materials recycling facility, and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP
 - (4) Contract with a construction site cleanup company to recycle at least 50% of the Project construction debris, and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP.

Town of Apple Valley Municipal Code Section 8.19.030

- ER5. Prior to issuance of Certificate of Occupancy, the developer shall submit to the WMP Compliance Official documentation proving that it has met the Diversion Requirement for the Project. The Diversion Requirement shall be that the developer has diverted at least fifty percent (50%) of the total C&D debris generated by the Project via reuse or recycling. This documentation shall include all of the following:
- (1) Receipts from the vendor or facility that collected or received each material showing the actual weight or volume of that material;
 - (2) A copy of the previously submitted WMP for the Project adding the actual volume or weight of each material diverted and landfilled;
 - (3) Any additional information the Developer believes is relevant to determining its efforts to comply in good faith with this Chapter 8.19.

Town of Apple Valley Municipal Code Section 8.19.050

- ER6. The developer shall make reasonable efforts to ensure that all C&D debris diverted or landfilled are measured and recorded using the most accurate method of measurement

available. To the extent practical, all C&D debris shall be weighed by measurement on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For C&D debris for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the developer shall use the Standardized Conversion Rates approved by the Town for this purpose.

Building and Safety Conditions of Approval

- BC1. Submit plans and obtain permits for all structures and retaining walls, signs.
- BC2. A pre-construction permit and inspection are required prior to any land disturbing activity to verify requirements for erosion control, flood hazard, native plant protection and desert tortoise habitat.
- BC3. A Notice of Intent (NOI) and Storm Water Prevention Plan (SWPP) must be submitted to and approved by the Engineering and Building Departments prior to issuance of a grading permit and or any land disturbance.
- BC4. Comply with the State of California Disability Access requirements.
- BC5. 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.
- BC6. A dust palliative or hydro seed will be required on those portions of the site graded but not constructed upon or landscaped.
- BC7. Page two (2) of the submitted building plans will be the Conditions of Approval.
- BC8. Construction must comply with the current California Building Codes and California Green Building Code.
- BC9. Provide Water Quality Management Plan (WQMP) or Alternative Compliance Plan.

Engineering Division Conditions of Approval

- EC1. Prior to issuance of a grading permit, a final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider reducing the post-development site-developed flow to 90 percent of the pre-development flow for a 100 year design storm.
- EC2. Street improvement plans shall be submitted to the Town Engineer for review and approval.

- EC3. All streets abutting the development shall be improved a minimum with curb and gutter and sidewalk on the development side.
- EC4. An additional 10-ft wide road dedication along Outer Highway 18 North shall be granted to the Town of Apple Valley prior to Issuance of the Grading Permit.
- EC5. An additional 5-ft wide road dedication along Quinnault Road shall be granted to the Town of Apple Valley prior to Issuance of the Grading Permit.
- EC6. An additional 5-ft wide road dedication along Arapahoe Road shall be granted to the Town of Apple Valley prior to Issuance of the Grading Permit.
- EC7. Arapahoe Road shall be improved to the Town's half-width Commercial Road standards with sidewalks and a handicap ramp at the corner of Arapahoe Road and Quinnault Road as approved by the Town Engineer.
- EC8. All sidewalks, and the driveway approach along Outer Highway 18 North shall be brought up to current Town standards.
- EC9. Traffic Impact fees shall be paid pursuant to the Town's Arterial Street System Development Fee Ordinance. (Municipal Code Section 3.28.050)
- EC10. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC11. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)
- EC12. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC13. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC14. A Storm Water Pollution Prevention Plan (SWPPP) in accordance with the National Pollutant Discharge Elimination System (NPDES) shall be required.

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

FD4. Prior to combustible construction, the development and each phase thereof, shall have two points of paved access for fire and other emergency equipment, and for routes of escape which will safely handle evacuations. Each of these points of access shall provide an independent route into the area in which the development is located.

FD5. Fire lanes shall be provided with a minimum width of twenty six (26) feet, maintained, and identified. Twenty six (26) feet access will start at both points of ingress and continue through the site.
Apple Valley Fire Protection District Ordinance 55

FD6. A turnaround shall be required at the end of each roadway one hundred fifty (150) feet or more in length and shall be approved by the Fire District. Cul-de-sac length shall not exceed one thousand (1,000) feet.

Turning radius on all roads within the facility shall not be less than 22 feet inside and minimum of 40 feet outside turning radius with no parking on street, or 47 feet with parking. Road grades shall not exceed twelve percent (12%) unless approved by the Chief.

Apple Valley Fire Protection District Ordinance 55

FD7. Approved numbers or addresses shall be placed on all new and existing 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.

Commercial and industrial developments shall have street addresses and location approved by the Fire District. Where the building setback exceeds 200 feet from the roadway, additional non-illuminated contrasting (12) inch numbers shall be displayed at the property entrance. When these developments have rear doors of each unit, the unit number shall be a minimum of 6 inches and shall contrast with their background.

Apple Valley Fire Protection District, Ordinance 55

FD8. Plans for fire protection systems designed to meet the fire flow requirements specified in the Conditions of Approval for this project shall be submitted to and approved by the Apple Valley Fire Protection District and water purveyor prior to the installation of said systems.

A. Unless otherwise approved by the Fire Chief, on-site fire protection water systems shall be designed to be looped and fed from two (2) remote points.

B. System Standards:

*Fire Flow	1,500	GPM @ 20 psi Residual Pressure
Duration	2	Hour(s)
Hydrant Spacing	330	Feet

*If blank, flow to be determined by calculation when additional construction information is received.

Install per A.V.F.P.D. Standard Series #101

FD9. An approved fire sprinkler system shall be installed throughout any building:
➤ 5,000 square feet or greater, including garage and enclosed areas under roof.

- Two stories or greater.
- Existing building(s) with intensification of use, or
- Other per California Building Code requirements.

The system shall be supervised and connected to an approved alarm monitoring station and provide local alarm which will give an audible signal at a protected location. Supervision to be both water flow and tamper. Sprinkler work may not commence until approved plans and permits have been issued by the Fire District.

Apple Valley Fire Protection District, Ordinance 55

- FD10. Inspection of the hood grease duct enclosure is required prior to fire protection installation. The actuation of the fire extinguishing system shall automatically shut down the fuel and electrical power supply to the cooking equipment. CFC 904.11.2
- FD11. Construction and operational permits along with plans shall be required for the installation and use of liquid CO² systems in excess of 100 pounds or for compressed CO² gas systems exceeding 6,000 cubic feet.
- FD12. Submit quantities of alcohol and number of barrels in the storage area for distillery.
- FD13. A letter shall be furnished to the Fire District from the water purveyor stating that the required fire flow for the project can be met prior to the Formal Development Review Committee meeting.
- FD14. Prior to issuance of building permit, the developer shall pay all applicable fees as identified in the Apple Valley Fire Protection District Ordinance.
- FD15. A Knox Box Rapid Entry System shall be required for this project.

Apple Valley Fire Protection District Ordinance 55

End of Conditions

RECEIVED

JAN - 7 2019

December 20, 2018

Community Development

Attn: Pam Cupp
Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307

Re: Town's End Stillhouse - 22020 Highway 18, Apple Valley

Dear Pam:

I want to be perfectly clear of the revisions I am asking for when I meet with the Planning Commission:

Variance 1 - Because of the special use in The Village, I am asking for oversize custom made neon signs.

Variance 2 - The extension of the front of my building to meet the same distance from the sidewalk to the beginning of the buildings down the total corridor of Highway 18 between Navajo and Quinnault.

Variance 3 - Dedicate The Town's 10' easement at a future date.

Variance 4 - I would like to put additional parking along with a 6' block wall on the new parcel at Arapahoe and Quinnault to mitigate the 25' set back or "buffer zone". The residential lot is surrounded on 3 sides by commercial property.

Variance 5 - I would like to do 4 historical murals maximum 20' x 40' reflecting the Town of Apple Valley early years, Roy Rogers and Dale Evans, Farmer's Market and Jess Ranch Turkeys and Fishing Trout Farm.

Thank you very much,

Chet Hitt

SUPPLEMENTAL VARIANCE STATEMENT

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

1. Specific Development Code Section for which relief is being sought:

935.040

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

SURROUNDING BUILDINGS ARE BUILT WITHIN SETBACKS
ON BOTH SIDES OF HIGHWAY 18

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

LONG-TERM PLANS FOR HIGHWAY 18 WILL BE TO LOCATE
OUTER HIGHWAY SYSTEM. INTERMEDIATE PLANS ARE TO
PUT DRAINAGE CHANNEL BETWEEN HWY 18 & OUTER HWY
UNDERGROUND, ALLOWING OUTER HIGHWAY TO SHIFT SOUTH.

4. What are the special circumstances that apply only to the property to which the application pertains, and do not apply generally to the other properties in the vicinity?

EXISTING BUILDING, SURROUNDING PROPERTIES ARE NOW-
FORMING ON EITHER SIDE OF HWY.

5. Explain how, if the Variance is approved, it will not constitute a granting of special privilege which will not be available to other properties in the vicinity?

MANY OTHER SURROUNDING BUILDINGS ARE BUILT SIMILARLY

Signed



Date

10/9/18

Print Name

RYAN McQUINN

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

PROPOSED RESTAURANT, FARMER'S MARKET,
AND DISTILLERY CONFORM TO LAND USE REGULATIONS.

Please read and initial the following statement:

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

FINDING REQUIRED TO GRANT A DEVIATION

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

Signed  Date 10/9/18

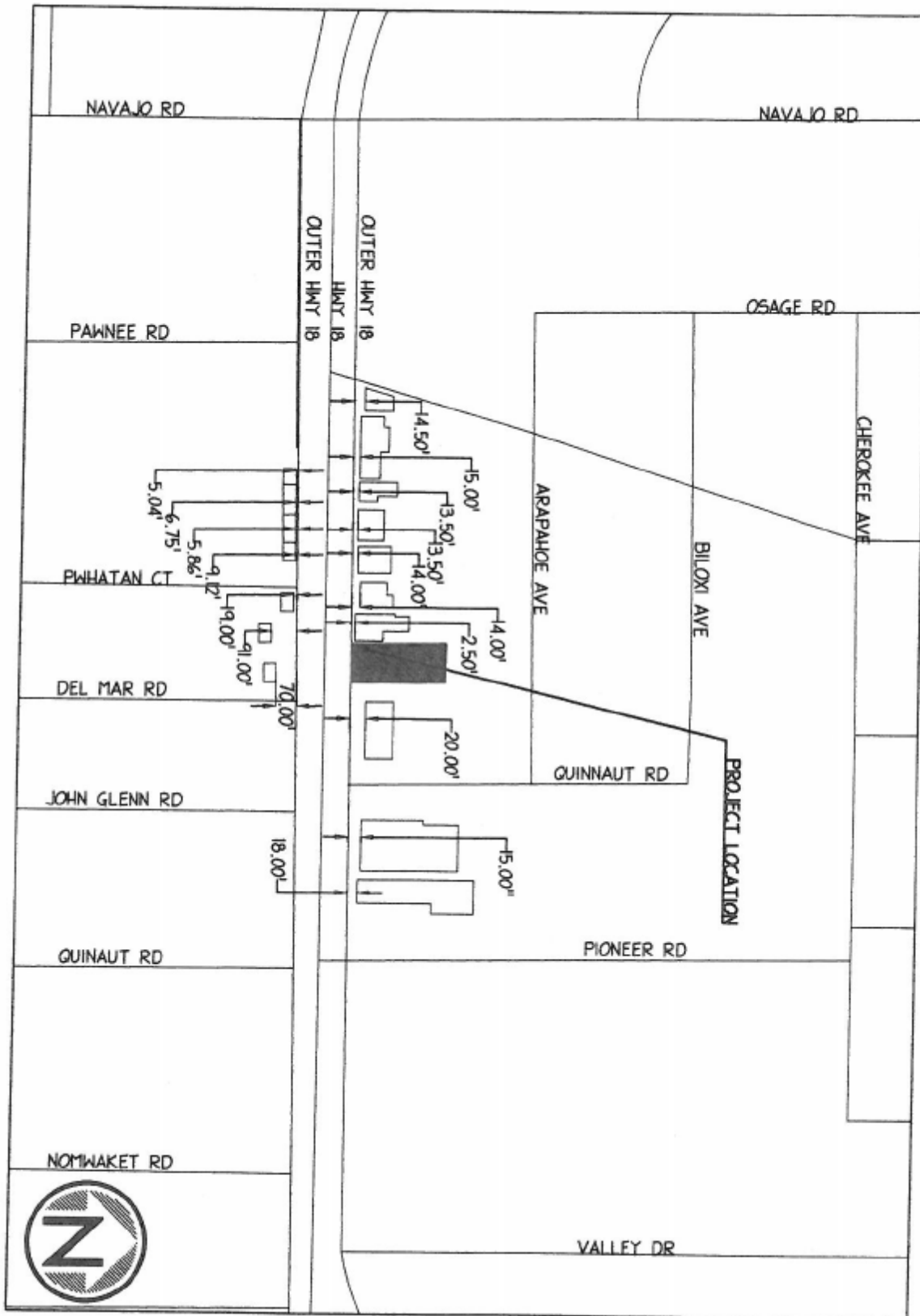
Print Name DAN MCGOWAN

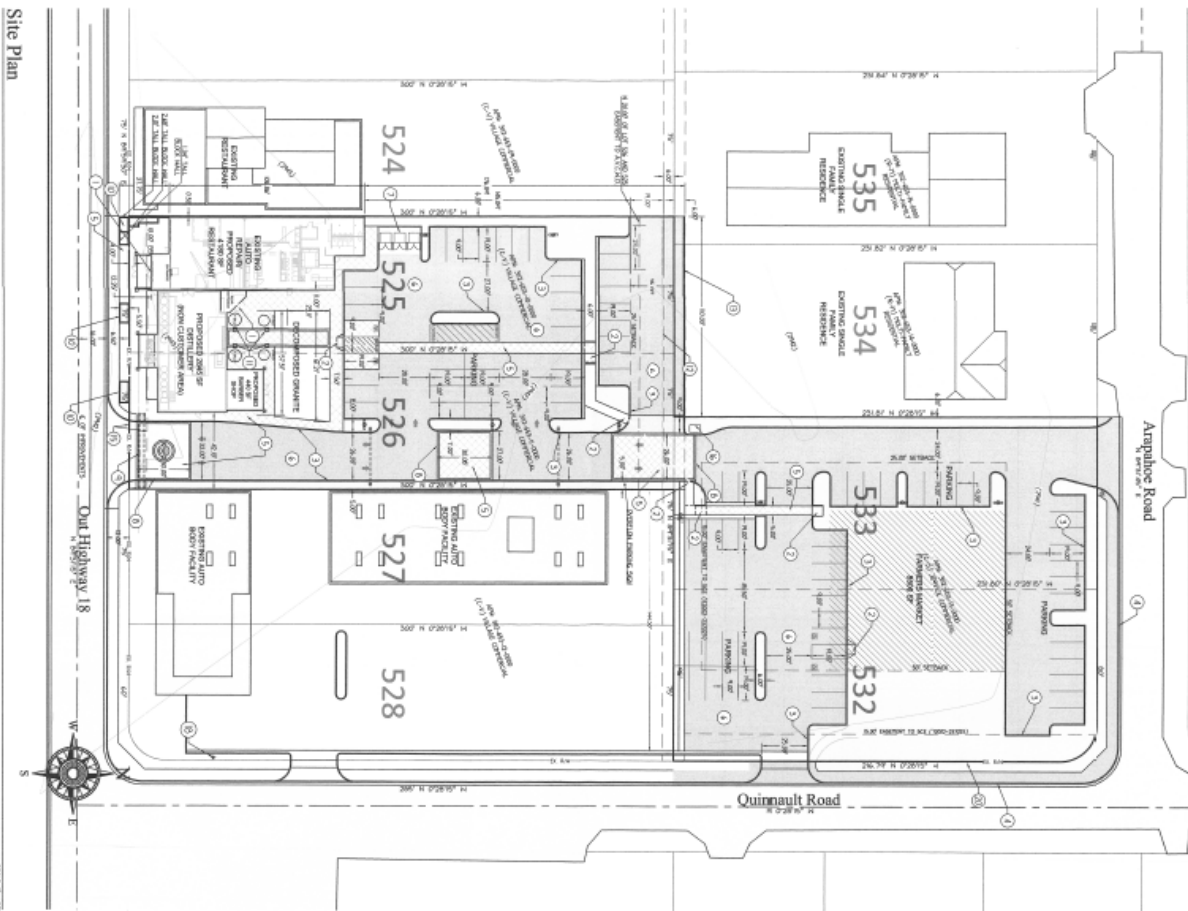
DEVIATION PERMIT FINDINGS FOR A WIRELESS TELECOMMUNICATION FACILITY

1. That the applicant has provided supporting documentation of the identified need that cannot be met in any other manner;

2. That there are unique circumstances associated with the proposed location necessitating the requested Deviations;

Vicinity Map





Project Description	Legal Description
<p>Legal Description</p> <p>TRACT 5023 (PT 2) OF S1/4 OF SW1/4 SEC. 16 T12N R14E W4E 1/4 1/2 AC. TRACT 5024 (PT 1) OF S1/4 OF SW1/4 SEC. 16 T12N R14E W4E 1/4 1/2 AC. TRACT 5025 (PT 2) OF S1/4 OF SW1/4 SEC. 16 T12N R14E W4E 1/4 1/2 AC. TRACT 5026 (PT 1) OF S1/4 OF SW1/4 SEC. 16 T12N R14E W4E 1/4 1/2 AC. TRACT 5027 (PT 2) OF S1/4 OF SW1/4 SEC. 16 T12N R14E W4E 1/4 1/2 AC. TRACT 5028 (PT 1) OF S1/4 OF SW1/4 SEC. 16 T12N R14E W4E 1/4 1/2 AC. TRACT 5029 (PT 2) OF S1/4 OF SW1/4 SEC. 16 T12N R14E W4E 1/4 1/2 AC. TRACT 5030 (PT 1) OF S1/4 OF SW1/4 SEC. 16 T12N R14E W4E 1/4 1/2 AC. TRACT 5031 (PT 2) OF S1/4 OF SW1/4 SEC. 16 T12N R14E W4E 1/4 1/2 AC. TRACT 5032 (PT 1) OF S1/4 OF SW1/4 SEC. 16 T12N R14E W4E 1/4 1/2 AC. TRACT 5033 (PT 2) OF S1/4 OF SW1/4 SEC. 16 T12N R14E W4E 1/4 1/2 AC.</p>	<p>Project Description</p> <p>RENEWAL OF EXISTING BUILDINGS AND RELATED UTILITIES AND TRAIL PROJECT AT SUNSET HILLS MEMORIAL PARK, 24000 WAALLEW RD, APPLE VALLEY, CA 92307.</p>

Lot Area Tabulation	Parking Tabulation
<p>Lot Area Tabulation</p> <p>LOT NO. LOT AREA (SQ. FT.) LOT AREA (SQ. FT.) TOTAL LOT AREA (SQ. FT.)</p> <p>1 524 10,800 10,800</p> <p>2 525 10,800 10,800</p> <p>3 526 10,800 10,800</p> <p>4 527 10,800 10,800</p> <p>5 528 10,800 10,800</p> <p>6 532 10,800 10,800</p> <p>7 533 10,800 10,800</p> <p>8 534 10,800 10,800</p> <p>9 535 10,800 10,800</p>	<p>Parking Tabulation</p> <p>TYPE OF PARKING SPACE SIZE (SQ. FT.) NUMBER OF SPACES</p> <p>STREET SIDE 50' x 10' 50</p> <p>BACKSIDE 50' x 10' 50</p> <p>STREET SIDE 50' x 10' 50</p> <p>BACKSIDE 50' x 10' 50</p>

Building Tabulation	Site Plan Keynotes
<p>Building Tabulation</p> <p>GENERAL USE TYPE CODE</p> <p>AREA (SQ. FT.) PERCENTAGE OF TOTAL AREA</p> <p>RESIDENTIAL 100% 100%</p>	<p>Site Plan Keynotes</p> <p>1. EXISTING BUILDING</p> <p>2. NEW BUILDING</p> <p>3. EXISTING PARKING</p> <p>4. NEW PARKING</p> <p>5. EXISTING DRIVEWAY</p> <p>6. NEW DRIVEWAY</p> <p>7. EXISTING SIDEWALK</p> <p>8. NEW SIDEWALK</p> <p>9. EXISTING CURB</p> <p>10. NEW CURB</p> <p>11. EXISTING LIGHT FIXTURE</p> <p>12. NEW LIGHT FIXTURE</p> <p>13. EXISTING SIGN</p> <p>14. NEW SIGN</p> <p>15. EXISTING LANDSCAPE</p> <p>16. NEW LANDSCAPE</p> <p>17. EXISTING UTILITY</p> <p>18. NEW UTILITY</p> <p>19. EXISTING FENCE</p> <p>20. NEW FENCE</p>

RECEIVED
Feb 10 2018
Community Development

Civic Design + Development
14286 California Avenue Suite 102 Modesto, CA 95302
Phone: (209) 836-6888
Email: Ryan@CivicDesignDevelopment.com

PROJECT INFORMATION
APN 3112-653-10
22020 US Highway 18
Apple Valley, CA 92307

OWNER
SUNSET HILLS MEMORIAL PARK INC / VICTOR VALLEY MEMORIAL PARK
24000 WAALLEW RD
APPLE VALLEY, CA 92307

Site Plan A.1
DRAWN BY: KIM KIM
CHECKED BY: KIM KIM
DATE: 1/18/2018
SHEET 1 OF 4 SHEETS

I:\2018\2018\010\Drawings\A.1 Site Plan.dwg 12/13/2018 1:41 PM

Floor Plan



SCALE: 1/8" = 1'-0"



NO.	DESCRIPTION	QUANTITY	UNIT	DATE
1	WATER TANK	1	EA	2017
2	HEATING TANK	1	EA	2017
3	FERMENTATION TANK	5	EA	2017
4	FERMENTATION TANK	5	EA	2017
5	FERMENTATION TANK	5	EA	2017
6	FERMENTATION TANK	5	EA	2017
7	STORAGE TANK	1	EA	2017
8	STORAGE TANK	1	EA	2017
9	WATER TANK	1	EA	2017

- ### Floor Plan General Notes
1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 2. ALL FINISHES TO BE AS NOTED OR PER LOCAL CUSTOMERS' REQUIREMENTS.
 3. ALL INTERIORS TO BE FINISHED TO THE CENTERLINE OF ALL OPENINGS. THE EXTERIOR FINISHES SHALL BE NOTED FOR CONSTRUCTION.
 4. CONSTRUCTION SHALL VERIFY ALL SERVICES PROVIDED AND EXISTING CONDITIONS PRIOR TO CONSTRUCTION.
- ### Floor Plan Keynotes
1. ROOF SHALL BE CONCRETE ON GIRDS.
 2. WALL FINISHES TO BE AS NOTED OR PER LOCAL CUSTOMERS' REQUIREMENTS.
 3. FLOOR FINISHES TO BE AS NOTED OR PER LOCAL CUSTOMERS' REQUIREMENTS.
 4. ALL INTERIORS TO BE FINISHED TO THE CENTERLINE OF ALL OPENINGS.
 5. ALL EXTERIORS TO BE FINISHED TO THE CENTERLINE OF ALL OPENINGS.
 6. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 7. ALL SERVICES PROVIDED AND EXISTING CONDITIONS SHALL BE NOTED FOR CONSTRUCTION.
- ### Wall Legend
- 1. 1/2" GYPSUM BOARD ON STUD WALL
 - 2. 1/2" GYPSUM BOARD ON STUD WALL
 - 3. 1/2" GYPSUM BOARD ON STUD WALL
 - 4. 1/2" GYPSUM BOARD ON STUD WALL
 - 5. 1/2" GYPSUM BOARD ON STUD WALL
 - 6. 1/2" GYPSUM BOARD ON STUD WALL
 - 7. 1/2" GYPSUM BOARD ON STUD WALL
 - 8. 1/2" GYPSUM BOARD ON STUD WALL
 - 9. 1/2" GYPSUM BOARD ON STUD WALL
 - 10. 1/2" GYPSUM BOARD ON STUD WALL
 - 11. 1/2" GYPSUM BOARD ON STUD WALL
 - 12. 1/2" GYPSUM BOARD ON STUD WALL
 - 13. 1/2" GYPSUM BOARD ON STUD WALL
 - 14. 1/2" GYPSUM BOARD ON STUD WALL
 - 15. 1/2" GYPSUM BOARD ON STUD WALL
 - 16. 1/2" GYPSUM BOARD ON STUD WALL
 - 17. 1/2" GYPSUM BOARD ON STUD WALL
 - 18. 1/2" GYPSUM BOARD ON STUD WALL
 - 19. 1/2" GYPSUM BOARD ON STUD WALL
 - 20. 1/2" GYPSUM BOARD ON STUD WALL

OWNER
 SUNSET HILLS MEMORIAL PARK
 1820 VICTOR VALLEY
 MEMORIAL PARK
 24000 WAALEW RD
 APPLE VALLEY, CA 92307

PROJECT INFORMATION
 APN 3112-653-10
 22020 US Highway 18
 Apple Valley, CA 92307

DESIGNER
 CIVIC DESIGN + DEVELOPMENT
 14280 CALIFORNIA AVENUE SUITE 102 VICTORVILLE CA 92380
 (761) 955-4842

DATE
 02/15/19

REVISIONS
 1. 02/15/19

DESIGNED BY
 EAM

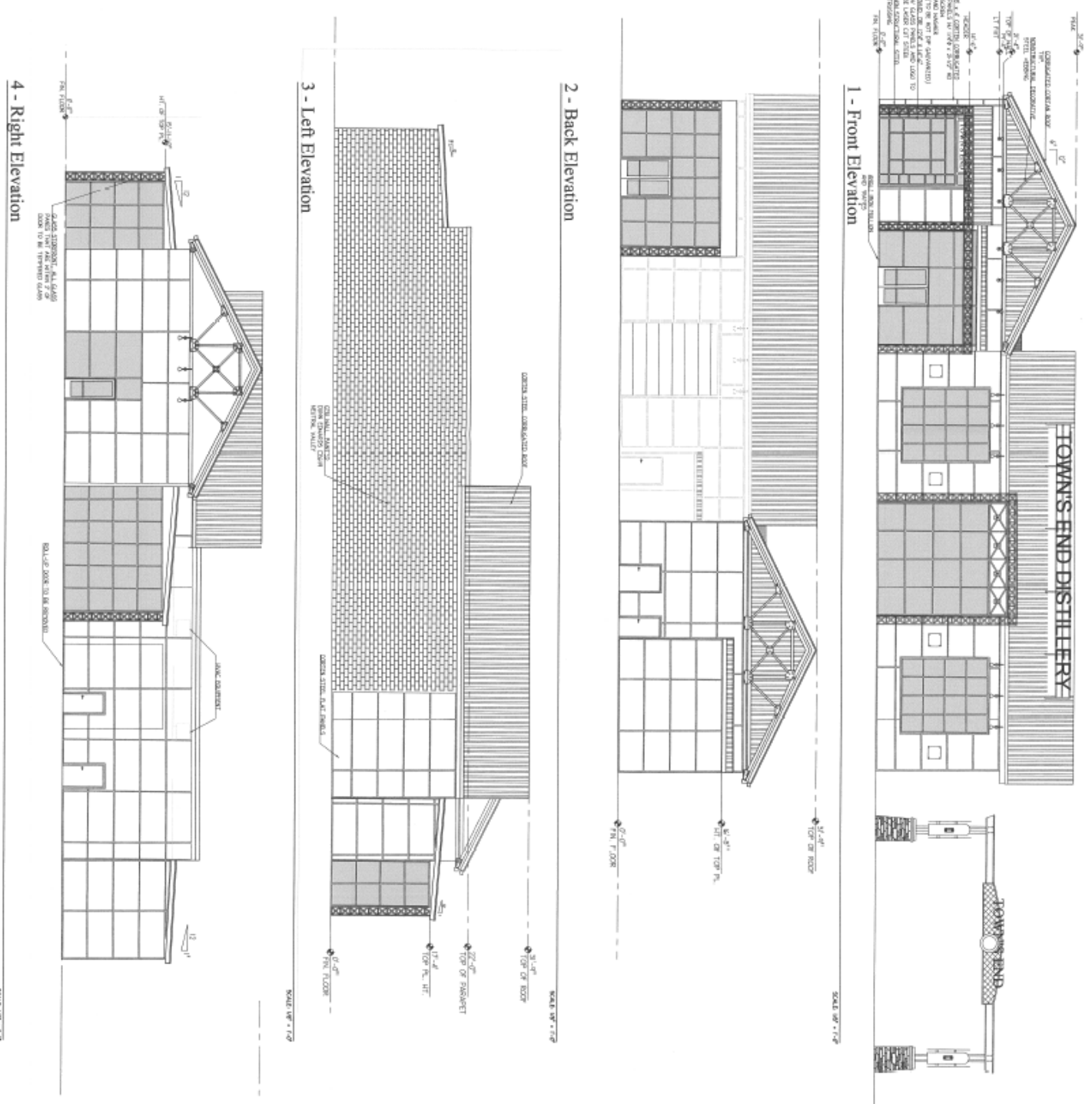
DRAWN BY
 EAM

CHECKED BY
 EAM

Floor Plan

A.2

SHEET 2 OF 4 SHEETS



OWNER
SUNSET HILLS MEMORIAL PARK INC / VICTOR VALLEY MEMORIAL PARK
24000 WAALEW RD
APPLE VALLEY, CA 92307

PROJECT INFORMATION
APN 3112-653-10
22020 US Highway 18
Apple Valley, CA 92307

DRAWN BY RIM
CHECKED BY RIM
DATE

RYAN THORNTON DATE

RYAN THORNTON DATE

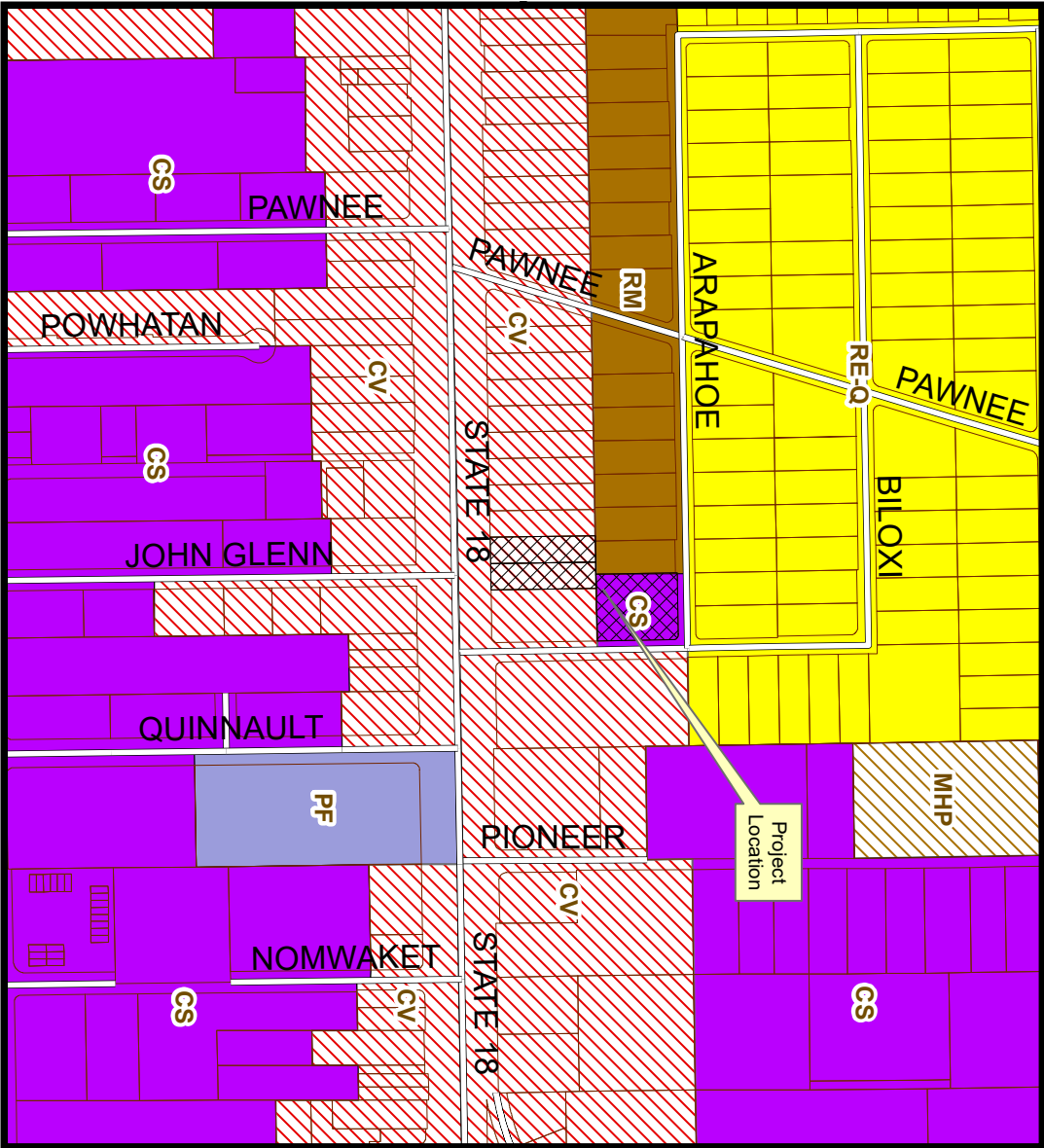
Civic Design +Development
14295 California Avenue SUITE 102 Victorville, CA 92382
Ryan@CivicDesignDevelopment.com (760) 955-8842

A.3
SHEET 3 OF 4 SHEETS

Elevations

ZONING/LOCATION MAP

Development Permit No. 2018-010, Variance No. 2018-002



22020 Highway 18
 APN 3112-653-10, -11
 and -13



Legend

	Project Location
	RE(O) - Executive Residential (1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100)
	RM - Medium Density Residential (2 to 20 dwellers acre)
	MHP - Mobile Home Park
	CV - Village Commercial
	CS - Service Commercial
	PF - Public Facilities

Date: 1/21/2019



TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

Staff Report

- AGENDA DATE:** February 6, 2019
- CASE NUMBER:** Conditional Use Permit No. 2018-008
- APPLICANT:** Chet Hitt, Townsend Stillhouse
- PROPOSAL:** A request to install and operate a Craft Distillery that will manufacture and bottle distilled spirits. The distillery will occupy 2,845 square feet and be an accessory use to a bar and grill located on a two (2)-acre site within the Village Commercial (C-V) and Service Commercial (C-S) zoning designation.
- LOCATION:** 22020 Highway 18; APNs 3112-653-10, -11 and -13.
- ENVIRONMENTAL DETERMINATION:** The proposal involves minor alterations to 2,845 square feet of a 7,465 square foot building with a minor alteration to the land. The project site is not environmentally sensitive and is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan. Therefore, 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

PROJECT SITE

- A. Project Size
The project will be located on a developed, two (2)-acre commercial site.
- B. General Plan Designations:
Project Site - General Commercial (C-G) and Service Commercial (C-S)
North - Medium Density Residential (R-M) and Single-Family Residential (R-SF)

- South - General Commercial (C-G)
- East - General Commercial (C-G)
- West - Medium Density Residential (R-M) and General Commercial (C-G)

C. Surrounding Zoning and Land Use:

- Project Site- Village Commercial (C-V), and Service Commercial (C-S) Bar and Grill, and craft distillery.
- North - Multi-Family Residential (R-M), Single-Family Residence and Motel; Equestrian Residential (R-EQ), Single-Family Residences.
- South - Village Commercial (C-V), Commercial Office/Retail
- East - Village Commercial (C-V), Auto Collision Center and Vacant Commercial Structure.
- West - Village Commercial (C-V), Restaurant; and Multi-Family Residential (R-M) Single-Family Residence

D. Setback Analysis:

	<u>Proposed Minimum</u>	<u>Permitted Minimum</u>
Front (Highway 18)	4 feet*	10 ft
Rear (Arapahoe)	50 feet	50 ft
Rear (Northwest)	177 ft	25 ft
Side (Southwest)	0 feet	0 ft
Street Side (Quinnault)	35 feet*	50 ft
Side (East)	42 ft, 10 in	0 ft

E. Parking Analysis:

Type of Use	Square Footage	<u>Parking Ratio</u>	Number of Spaces Required	Number of Spaces Provided
Restaurant				
Customer Area	2,617	1/45	58	58
Non-Customer Area	1,563	1/200	8	8
Distillery	2,845	1/500	6	6
Barber Shop	440	1/125	4	4
Farmers Market (swap meet)	8,500	1/500	17	17
Total			93	93

ANALYSIS

A. General:

The applicant is requesting approval to operate a craft distillery together with a bar and grill. The Development Code does not specify criteria or entitlement procedures for a craft distillery; therefore, the Director has determined that, based upon the prohibition of manufacturing within the Village Commercial (C-V) zone, the craft distillery could operate as an accessory use to the bar and grill, subject to the approval of a Conditional Use Permit. The Conditional Use Permit process allows the Town to evaluate whether the permit should be approved by weighing the proposed use, the public need, and the benefits to be derived from the use against the impacts it may cause.

B. Analysis:

The proposed distillery will occupy 2,845 square feet of a 7,465 square foot commercial building approved under Development Permit No. 2018-010. Other uses on the property include a bar and grill, barber shop and a Farmer's Market two (2) days per week (Conditional Use Permit No. 2018-009). The distillery operation will include the installation of four (4) outdoor grain storage silos. The silos will be located to the rear of the building for ease of accessible for distillery operations. The silos will be seven (7)-feet in diameter, twenty-one (21) feet tall and constructed of corrugated metal.

The applicant has applied for an ABC License Types of "6" and "74". A License Type 6 allows the operation of a still for the purposes of making alcoholic beverages, and the Type 74 is specific to a Craft Distillery. License Type 74 permits production of up to 10,000 gallons per year of distilled spirits, which equates to the maximum production of approximately 38,787 bottles of distilled spirits annually. The applicant proposes to produce, barrel age as needed and hand-bottle vodka, rum, bourbon and whiskey. It is anticipated that roughly eighty (80) percent of the production will be exported to off-site retailers.

The distillery will employ two (2) full-time workers with tours and tastings available to the public between the hours of 12:00 p.m. and 5:00 p.m. The distillery will be operated as an extension of the bar and grill. ABC License Type 74, when operated with a restaurant, also allows for full alcoholic beverage service at the restaurant.

A distillery is classified as a manufacturing use and is not permitted within the Village Commercial (C-V) zone. The Director has determined that a distillery could be permitted as an accessory use to the restaurant with the approval of a Conditional Use Permit. Therefore, staff is recommending Condition No. P23 that requires the manufacturing of distilled spirits be contingent upon the continued food and beverage service at this location.

The submitted floor plan specifies the areas intended for distillation tanks, chiller and barrel storage. The precise location of the bottling table or tasting table is yet to be determined. The floor plan indicates that the "still" will be located within a glass display case fronting Highway 18. Shipping and receiving will be located to the rear of the building. Grain trucks will have access for deliveries directly to the silos. Other deliveries and shipments will be handled with a fork truck to or from the designated loading space located in the parking area.

C. Environmental Assessment:

The proposal involves minor alterations to 2,845 square feet of a 7,465 square foot building with a minor alteration to the land. The project site is not environmentally sensitive and is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan. Therefore, 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:

This item was advertised as a public hearing in the Apple Valley News newspaper on January 25, 2019 and notices mailed to all property owners within a 300-foot radius.

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 positive findings to approve this proposal. These Findings, as well as a 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 manufacturing and bottling of distilled spirits will be affiliated with a bar and grill located within the same structure. With the approval of a Conditional Use Permit, the project 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 proposed manufacturing and bottling of distilled spirits will be affiliated with a bar and grill located within the same structure. With continued compliance with the rules and regulations of the ABC, Fire District, and other recommended conditions of approval, the project will not be detrimental to adjacent uses.

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

Comment: The proposed manufacturing and bottling of distilled spirits will be affiliated with a bar and grill located within the same structure. The building height will be thirty-one (31) feet, nine (9) inches tall. The proposed outdoor placement of four, twenty-one (21)-foot tall grain silos will not appear out of scale and will be compatible with adjacent structures on the site.

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

Comment: There are existing utilities and public facilities available to service the project site.

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

Comment: The proposed manufacturing and bottling of distilled spirits will be affiliated with a bar and grill located within the same structure. With continued compliance with the rules and regulations of the ABC, Fire District, and other recommended conditions of approval, there will not be a harmful effect upon the neighborhood characteristics.

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

Comment: The proposed manufacturing and bottling of distilled spirits will be affiliated with a bar and grill located within the same structure. The commercial site has been designed with access from Outer Highway 18, Quinnault Road and Arapahoe Avenue, all which are improved roadways designed to accommodate traffic generated from this business. Therefore, the proposal will not adversely impact the capacity and physical character of surrounding streets.

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

Comment: The proposed manufacturing and bottling of distilled spirits will be affiliated with a bar and grill located within the same structure. The commercial site has been designed with access from Outer Highway 18, Quinnault Road and Arapahoe Avenue, all which are improved roadways designed to accommodate traffic generated from this business. Therefore, the proposal will not adversely impact the capacity and physical character of surrounding streets.

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

Comment: The proposed manufacturing and bottling of distilled spirits will be affiliated with a bar and grill located within the same structure. The site is void of any significant vegetation and is outside of any known environmentally unique or fragile areas.

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

Comment: The proposal involves minor alterations to 2,845 square feet of a 7,465 square foot building with a minor alteration to the land. The project site is not environmentally sensitive and is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan. Therefore, 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.

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 proposed manufacturing and bottling of distilled spirits will be affiliated with a bar and grill located within the same structure. With continued compliance with the rules and regulations of the ABC, Fire District, and other recommended conditions of approval, the project will not be

detrimental to the public health, safety or welfare and will not be materially injurious to properties or improvements in the vicinity.

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

Comment: Subject to the recommended Conditions of Approval, the proposed manufacturing and bottling of distilled spirits will comply with all applicable provisions of 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 manufacturing and bottling of distilled spirits will be affiliated with a bar and grill located within the same structure. The proposed outdoor placement of four (4), seven (7)-feet in diameter, twenty-one (21) feet tall grain silos will not appear out of scale and will be compatible with adjacent structures on the site and blends with the existing neighborhood characteristics.

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 manufacturing and bottling of distilled spirits will be affiliated with a bar and grill located within the same structure. The proposed outdoor placement of four (4), seven (7)-feet in diameter, twenty-one (21) feet tall grain silos will not visually 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 Farmers Market will operate two (2) days per week. The proposed vendor kiosks are designed to be architecturally compatible with the other structure on 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 manufacturing and bottling of distilled spirits will be affiliated with a bar and grill located within the same structure. The site has been designed with three (3) points of access and will install sidewalks, curb and gutter where required. The site will remain safe for 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, pursuant to the California Environmental Quality Act (CEQA), Section 15301, the proposed request is Exempt from further environmental review.
2. Find the facts presented in the staff report support the required Findings for Approval for Conditional Use Permit No. 2018-008.
3. Adopt the Findings as provided in the staff report and Conditional Use Permit No. 2018-008.
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 Plan
4. Zoning Map

Town of Apple Valley

Recommended Conditions of Approval
Conditional Use Permit No. 2018-008

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 or alleviate the applicant and/or property owner from full conformance and adherence to all requirements of the Municipal Code.*

Planning Division Conditions of Approval:

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval, if not exercised, shall expire three (3) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the expiration date. The approval 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 approval of Conditional Use Permit No. 2018-008 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.
- P4. The site plan and floor plan presented to and approved with Conditions by the Planning Commission at the public hearing shall be the anticipated and expected appearance of the structure upon completion.
- P5. The Community Development Director 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.
- P6. The filing of a Notice of Exemption requires the County Clerk to collect a fee of \$50.00. The fee must be paid in a timely manner in accordance with Town procedures. No permits, including Certificate of Occupancy, may be issued until such fee is paid. The check shall be made payable to the Clerk of the Board of Supervisors.

- P7. Conditional Use Permit No. 2018-008 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.
- P8. No deviation, modification, alteration, adjustment or revision to or from the appearance, location, fixtures, features or appurtenances thereto of any type or extent shall be approved without said changes being first submitted to the Planning Division for consideration and approval.
- P9. Light standards shall blend architecturally with approved project design.
- P10. All lighting shall be scheduled so light rays emitted by the fixture are projected below the imaginary horizontal plane passing through the lowest point of the fixture and in such a manner that the light is directed away from streets and adjoining properties. Light poles in parking lot shall not exceed twenty (20) feet in height.
- P11. All front building setbacks and street right-of-way areas located between on-site improvements and the back of existing or future public sidewalks or street curbs, except needed access driveways, shall be fully landscaped.
- P12. All required and installed landscaping shall incorporate and maintain a functioning automatic sprinkler system, and said landscaping shall be maintained in a neat, orderly, disease and weed free manner at all times.
- P13. Landscaping shall be installed with appropriate combinations of drought tolerant trees, shrubs, and ground cover, consistent with Chapter 9.75, *Water Conservation Landscape Regulations*, of this Code.
- P14. Final landscape and irrigation plans shall be submitted prior to the issuance of Building Permits and installed prior to issuance of occupancy permits subject to approval by the Planning Division.
- P15. All signage shall be subject to the review and approval of a Sign Program.
- P16. Parking requirements shall be met and be in compliance with Town standards. All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines.
- P17. Required parking spaces shall 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.
- P18. Trash Enclosure shall be in accordance with Town Standards and include a solid or trellis cover reflecting the architectural design of approved project subject to the review and approval of the Planning Division.

- P19. If the project is adjacent to existing development, a fence/wall plan shall be submitted with the grading and landscape/irrigation plans to identify how new fencing or walls will relate to any existing fences or walls located around the perimeter of the tract/parcel map. The developer shall be required to connect to the existing fencing/walls or collaborate with the adjacent property owners to provide new fencing/walls and remove the existing fence/wall, both options at the developer's expense. Double fencing shall be avoided and review and approval of the fencing/wall plan is required prior to issuance of grading permits.
- P20. A six (6)-foot tall, decorative block shall be constructed along the property line separating the project site from the existing single-family residence located to the west, subject to the review and approval of the Planning Division.
- P21. The corten steel shall be treated in a manner that will ensure the adjacent sidewalk, curb or gutter remain rust-stain free.
- P22. A lot merger combining APNs 3112-653-10, 3112-653-11 and 3112-653-13 shall be approved and recorded prior to issuance of a building permit.
- P23. Manufacturing and bottling of distilled spirits is permitted under Conditional Use Permit No. 2018-008 as an accessory use only. Manufacturing may not occur unless on-site food and beverage service is available to the public.
- P24. The distillery operator is responsible for maintaining and ABC License Type "6" and Type "74".
- P25. Tastings are limited to distilled spirits produced on-site, subject to the rules set forth by the California Department of Alcoholic Beverage Control.
- P26. Tours of the distillery may only occur during restaurant hours of operation.

Public Works Department Conditions of Approval

- PW1. Sewage disposal shall be by connection to the Town of Apple Valley sewer system. Financial arrangements, plans and improvement agreements must be approved by the Town of Apple Valley Public Works Department.
- PW2. Sewer connection fees required.

Environmental Services Conditions of Approval

- ER1. The project must provide adequate areas for collecting and loading recyclable materials in compliance with AB 341. The trash enclosure must comply with the newly adopted recycling standards. Trash enclosure must be large enough to accommodate the required number of bins necessary required for rubbish and recycling, including organics.
Public Resource Code Section 42910-42912
- ER2. Trash enclosure must be large enough to accommodate the required number of bins necessary required for rubbish and recycling, including organics.

ER3. The developer shall complete and submit a Waste Management Plan (“WMP”), on a WMP form approved by the Town for this purpose as part of the application packet for the building or demolition permit. The completed WMP shall indicate all of the following:

- (1) The estimated volume or weight of project C&D debris to be generated;
- (2) The estimated volume or weight of such materials that can feasibly be diverted via reuse or recycling;
- (3) The vendor or facility that the Developer proposes to use to collect or receive that material; and
- (4) The estimated volume or weight of C&D materials that will be landfilled.

Town of Apple Valley Municipal Code Section 8.19.020(a)

ER4. Compliance with Condition of Approval No. ER2 shall be met by any of the following:

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

Town of Apple Valley Municipal Code Section 8.19.030

ER5. Prior to issuance of Certificate of Occupancy, the developer shall submit to the WMP Compliance Official documentation proving that it has met the Diversion Requirement for the Project. The Diversion Requirement shall be that the developer has diverted at least fifty percent (50%) of the total C&D debris generated by the Project via reuse or recycling. This documentation shall include all of the following:

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

Town of Apple Valley Municipal Code Section 8.19.050

ER6. The developer shall make reasonable efforts to ensure that all C&D debris diverted or landfilled are measured and recorded using the most accurate method of measurement available. To the extent practical, all C&D debris shall be weighed by measurement on scales. Such scales shall be in compliance with all regulatory requirements for accuracy

and maintenance. For C&D debris for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the developer shall use the Standardized Conversion Rates approved by the Town for this purpose.

Building and Safety Conditions of Approval

- BC1. Submit plans and obtain permits for all structures and retaining walls, signs.
- BC2. A pre-construction permit and inspection are required prior to any land disturbing activity to verify requirements for erosion control, flood hazard, native plant protection and desert tortoise habitat.
- BC3. A Notice of Intent (NOI) and Storm Water Prevention Plan (SWPP) must be submitted to and approved by the Engineering and Building Departments prior to issuance of a grading permit and or any land disturbance.
- BC4. Comply with the State of California Disability Access requirements.
- BC5. 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.
- BC6. A dust palliative or hydro seed will be required on those portions of the site graded but not constructed upon or landscaped.
- BC7. Page two (2) of the submitted building plans will be the Conditions of Approval.
- BC8. Construction must comply with the current California Building Codes and California Green Building Code.
- BC9. Provide Water Quality Management Plan (WQMP) or Alternative Compliance Plan.

Engineering Division Conditions of Approval

- EC1. Prior to issuance of a grading permit, a final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider reducing the post-development site-developed flow to 90 percent of the pre-development flow for a 100 year design storm.
- EC2. Street improvement plans shall be submitted to the Town Engineer for review and approval.
- EC3. All streets abutting the development shall be improved a minimum with curb and gutter and sidewalk on the development side.

- EC4. An additional 10-ft wide road dedication along Outer Highway 18 North shall be granted to the Town of Apple Valley prior to Issuance of the Grading Permit.
- EC5. An additional 5-ft wide road dedication along Quinnault Road shall be granted to the Town of Apple Valley prior to Issuance of the Grading Permit.
- EC6. An additional 5-ft wide road dedication along Arapahoe Road shall be granted to the Town of Apple Valley prior to Issuance of the Grading Permit.
- EC7. Arapahoe Road shall be improved to the Town's half-width Commercial Road standards with sidewalks and a handicap ramp at the corner of Arapahoe Road and Quinnault Road as approved by the Town Engineer.
- EC8. All sidewalks, and the driveway approach along Outer Highway 18 North shall be brought up to current Town standards.
- EC9. Traffic Impact fees shall be paid pursuant to the Town's Arterial Street System Development Fee Ordinance. (Municipal Code Section 3.28.050)
- EC10. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC11. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)
- EC12. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC13. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC14. A Storm Water Pollution Prevention Plan (SWPPP) in accordance with the National Pollutant Discharge Elimination System (NPDES) shall be required.

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

FD4. Prior to combustible construction, the development and each phase thereof, shall have two points of paved access for fire and other emergency equipment, and for routes of escape which will safely handle evacuations. Each of these points of access shall provide an independent route into the area in which the development is located.

FD5. Fire lanes shall be provided with a minimum width of twenty six (26) feet, maintained, and identified. Twenty six (26) feet access will start at both points of ingress and continue through the site.
Apple Valley Fire Protection District Ordinance 55

FD6. A turnaround shall be required at the end of each roadway one hundred fifty (150) feet or more in length and shall be approved by the Fire District. Cul-de-sac length shall not exceed one thousand (1,000) feet.

Turning radius on all roads within the facility shall not be less than 22 feet inside and minimum of 40 feet outside turning radius with no parking on street, or 47 feet with parking. Road grades shall not exceed twelve percent (12%) unless approved by the Chief.

Apple Valley Fire Protection District Ordinance 55

FD7. Approved numbers or addresses shall be placed on all new and existing 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.

Commercial and industrial developments shall have street addresses and location approved by the Fire District. Where the building setback exceeds 200 feet from the roadway, additional non-illuminated contrasting (12) inch numbers shall be displayed at the property entrance. When these developments have rear doors of each unit, the unit number shall be a minimum of 6 inches and shall contrast with their background.

Apple Valley Fire Protection District, Ordinance 55

FD8. Plans for fire protection systems designed to meet the fire flow requirements specified in the Conditions of Approval for this project shall be submitted to and approved by the Apple Valley Fire Protection District and water purveyor prior to the installation of said systems.

A. Unless otherwise approved by the Fire Chief, on-site fire protection water systems shall be designed to be looped and fed from two (2) remote points.

B. System Standards:

*Fire Flow	1,500	GPM @ 20 psi Residual Pressure
Duration	2	Hour(s)
Hydrant Spacing	330	Feet

*If blank, flow to be determined by calculation when additional construction information is received.

Install per A.V.F.P.D. Standard Series #101

FD9. An approved fire sprinkler system shall be installed throughout any building:

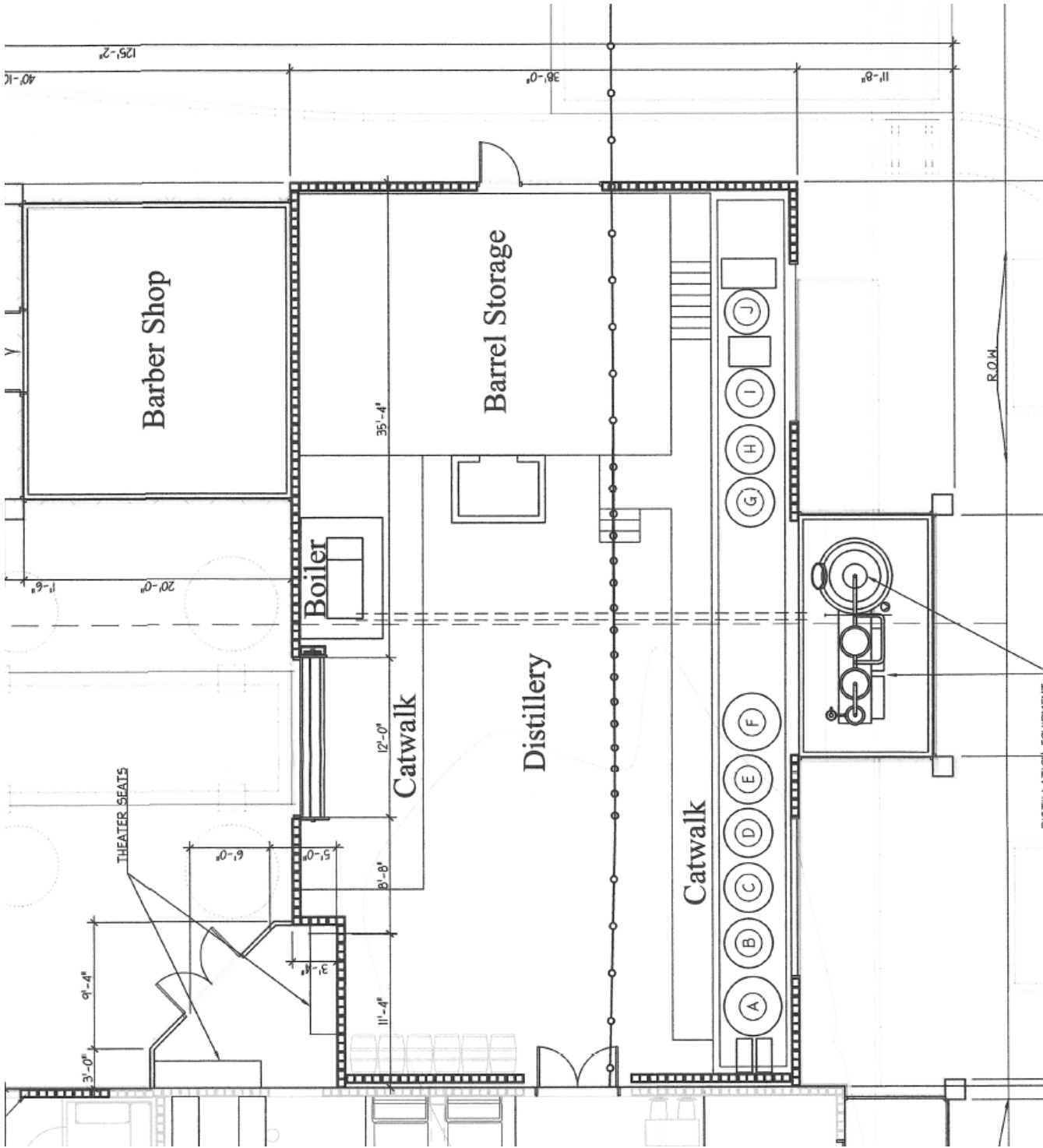
- 5,000 square feet or greater, including garage and enclosed areas under roof.
- Two stories or greater.
- Existing building(s) with intensification of use, or
- Other per California Building Code requirements.

The system shall be supervised and connected to an approved alarm monitoring station and provide local alarm which will give an audible signal at a protected location. Supervision to be both water flow and tamper. Sprinkler work may not commence until approved plans and permits have been issued by the Fire District.

Apple Valley Fire Protection District, Ordinance 55

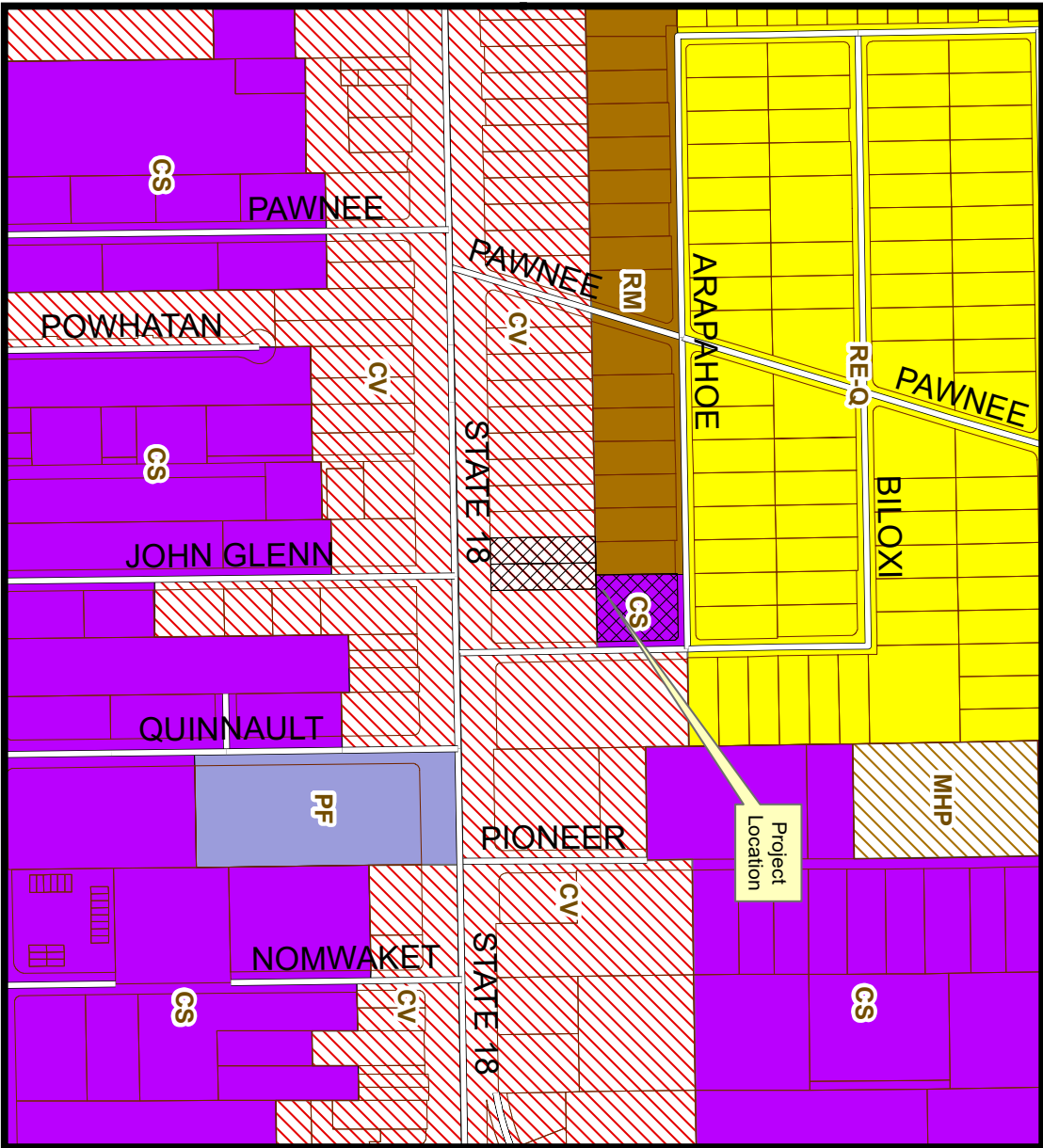
- FD10. Inspection of the hood grease duct enclosure is required prior to fire protection installation. The actuation of the fire extinguishing system shall automatically shut down the fuel and electrical power supply to the cooking equipment. CFC 904.11.2
- FD11. Construction and operational permits along with plans shall be required for the installation and use of liquid CO² systems in excess of 100 pounds or for compressed CO² gas systems exceeding 6,000 cubic feet.
- FD12. Submit quantities of alcohol and number of barrels in the storage area for distillery.
- FD13. A letter shall be furnished to the Fire District from the water purveyor stating that the required fire flow for the project can be met prior to the Formal Development Review Committee meeting.
- FD14. Prior to issuance of building permit, the developer shall pay all applicable fees as identified in the Apple Valley Fire Protection District Ordinance.
- FD15. A Knox Box Rapid Entry System shall be required for this project.
Apple Valley Fire Protection District Ordinance 55

End of Conditions



ZONING/LOCATION MAP

Conditional Use Permit No. 2018-008



22020 Highway 18

APN 3112-653-10, -11
 and -13



Legend

	Project Location
	RE-01 Equine Residential (1/400' to 0.9 net acre)
	RE-01 Multi-Family Residential (210-250 driver acre)
	MHP Multi-Family Residential (210-250 driver acre)
	CV Village Commercial
	CS Service Commercial
	PF Public Facility

Date: 1/21/2019



TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

Staff Report

- AGENDA DATE:** February 6, 2019
- CASE NUMBER:** Conditional Use Permit No. 2018-009
- APPLICANT:** Chet Hitt, Farmer's Market
- PROPOSAL:** A request to operate an open-air Farmer's Market allowing the sale of farm produce and goods. The project will include the construction of small vendor kiosks and will be located on a portion of a developed, two (2)-acre site within the Service Commercial (C-S) zoning designation.
- LOCATION:** 22020 Highway 18; APNs 3112-653-10, -11 and -13.
- ENVIRONMENTAL DETERMINATION:** The project is characterized as the new construction of a small structure with a minor alteration to the land. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303, the proposal is exempt from further environmental review.
- CASE PLANNER:** Pam Cupp, Associate Planner
- RECOMMENDATION:** Approval

PROJECT SITE

- A. Project Size
The project site consists of 8,500 square feet of a developed, two (2)-acre commercial site.
- B. General Plan Designations:
- | | |
|----------------|---|
| Project Site - | General Commercial (C-G) and Service Commercial (C-S) |
| North - | Medium Density Residential (R-M) and Single-Family Residential (R-SF) |
| South - | General Commercial (C-G) |
| East - | General Commercial (C-G) |
| West - | Medium Density Residential (R-M) and General Commercial (C-G) |

C. Surrounding Zoning and Land Use:

- Project Site- Village Commercial (C-V), and Service Commercial (C-S) Bar and Grill, and craft distillery.
- North - Multi-Family Residential (R-M), Single-Family Residence and Motel; Equestrian Residential (R-EQ), Single-Family Residences.
- South - Village Commercial (C-V), Commercial Office/Retail
- East - Village Commercial (C-V), Auto Collision Center and Vacant Commercial Structure.
- West - Village Commercial (C-V), Restaurant; and Multi-Family Residential (R-M) Single-Family Residence

D. Setback Analysis:

	<u>Proposed Minimum</u>	<u>Permitted Minimum</u>
Front (Quinnault)	35 feet	35 ft
Side (South)	95 feet	0 ft
Street Side (Arapahoe)	50 feet	50 ft
Rear (Interior)	50 ft	25 ft

E. Parking Analysis:

Type of Use	Square Footage	<u>Parking Ratio</u>	Number of Spaces Required	Number of Spaces Provided
Restaurant				
Customer Area	2,617	1/45	58	58
Non-Customer Area	1,563	1/200	8	8
Distillery	2,845	1/500	6	6
Barber Shop	440	1/125	4	4
Farmers Market (swap meet)	8,500	1/500	17	17
Total			93	93

ANALYSIS

A. General:

The applicant is requesting approval to operate an open-air farmers market. The Development Code does not specify criteria or entitlement procedures for a Farmer’s Market; therefore, the Director has determined a farmers market is like and similar to an outdoor swap meet and would require a Conditional Use Permit. The Conditional Use Permit process allows the Town to evaluate whether the permit should be approved by weighing the proposed use, the public need, and the benefits to be derived from the use against the impacts it may cause.

B. Analysis:

The project site will occupy 8,500 square feet of a two (2) acre, developed site. The site will have paved parking, lighting and landscaping. The Farmer’s Market will share parking with the other users of the site. Access to the farmer’s market is available from Highway 18, Quinnault Road or Arapahoe Avenue.

The Farmer's Markets will provide the local community with options for farm fresh fruits and vegetables. The applicant is anticipating available items ranging from honey to soaps and lotions. The Farmer's Market proposed hours of operation are Sundays from 7:00 a.m. to 12:00 p.m. and Wednesday evenings from 4:00 p.m. to 9:00 p.m. Based upon the re-occurring nature of market and its proximate to residential uses, staff is recommending Condition No. P29 that would require Sunday hours be 9:00 a.m. to 2:00 p.m.

The property owner proposes to install permanent, metal kiosks for use by the vendors. Each kiosk will be 100 square feet in size and installed within the 8,500 square foot area set aside for the Farmer's Market. Constructed of corten steel, the kiosks will complement the existing building on the site and create a uniform and unique appearance for the market. Staff is recommending Condition of Approval P28 requiring all vendor displays to comply with the required building setbacks. Additionally, there shall be no sales activities permitted within the public right-of-way during the Farmer's Market. This condition would apply to Farmer's Market vendors or other street vendors.

Future success of the Farmer's Market may require expansion into required parking areas. Staff would recommend Condition P30 that would require a shared parking agreement be submitted for staff's review and approval should the applicant request such an expansion. At no time, may the Farmer's Market encroach into the seventy (70) parking spaces required for the bar and grill and distillery during normal business hours.

The Farmer's Market will be located to the north of an automotive collision facility and will not have direct visibility from Highway 18. Staff is recommending Condition P17 allowing the placement of temporary signage during market hours. The temporary signage must be contained to the property on which the market is located, subject to the approval of a master sign program for the entire site.

C. Environmental Assessment:

The project is characterized as the new construction of a small structure with a minor alteration to the land. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303, the proposal is exempt from further environmental review.

D. Noticing:

This item was advertised as a public hearing in the Apple Valley News newspaper on January 25, 2019 and notices mailed to all property owners within a 300-foot radius.

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 positive findings to approve this proposal. These Findings, as well as a 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 Farmer's Market will be located within the Service Commercial (C-S) zoning designation on a property with frontage on Quinnault Road and Arapahoe Avenue. With the approval of a Conditional

Use Permit, the project 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 proposed Farmer's Market is located at the northeast corner of a developed, two (2)-acre parcel. There are residential uses to the north and west with commercial uses to the south and east. The project has been designed with adequate setbacks and with adherence to the recommended conditions, the project will not be detrimental to adjacent uses.

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

Comment: The propose Farmer's Market will contain several permanent small metal kiosks. The kiosks will be compatible in design with the future commercial structure on the site. The kiosks will comply with all applicable building codes, setbacks and lot coverage requirements and will be compatible with adjacent 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: There are existing utilities and public facilities available to service the project site.

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

Comment: The propose Farmer's Market will operate two (2) days per week. Sunday mornings and Wednesday evenings. With compliance with the recommended Conditions of Approval, there will not be a harmful effect upon the neighborhood characteristics.

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

Comment: The proposed Farmers Market will be located on a commercial site with access from Outer Highway 18, Quinnault Road and Arapahoe Avenue, all which are improved roadways designed to accommodate traffic generated from this business. Therefore, the proposal will not adversely impact the capacity and physical character of surrounding streets.

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

Comment: The proposed Farmers Market is not anticipated to generate excessive traffic. The project will be located along improved roadways that can accommodate traffic generated from the project site.

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

Comment: The proposed Farmer's Market is located within the Village Commercial (C-V) and Service Commercial (C-S) zoning district. The site is void of any significant vegetation and is outside of any known environmentally unique or fragile areas. The site is void of any protected plants.

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

Comment: The project is characterized as the new construction of a small structure with a minor alteration to the land. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303, the proposal is 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 operation of a Farmers Market is an allowed use with the Planning Commission's approval of a Conditional Use Permit. As proposed and with adherence to the recommended Conditions of approval, the project will not be detrimental to the public health, safety or welfare and will not be materially injurious to properties or improvements in the vicinity.

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

Comment: Subject to the recommended Conditions of Approval, the proposed Farmers Market will comply with all applicable provisions of 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 propose Farmer's Market will contain several permanent small metal kiosks. The kiosks will be compatible in design with the future commercial structure on the site. The kiosks will comply with all applicable building codes, setbacks and lot coverage requirements and will be compatible with adjacent uses.

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 Farmers Market and its vendor kiosks will not block views or dominate the 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 Farmers Market will operate two (2) days per week. The proposed vendor kiosks are designed to be architecturally compatible with the other structure on 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 Farmers Market will be located on a commercial site that will have access points from three (3) separate improved roadways. Therefore, the proposal will not adversely impact access, circulation and the physical character of surrounding streets.

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 15303, the proposed request is Exempt from further environmental review.
2. Find the facts presented in the staff report support the required Findings for Approval for Conditional Use Permit No. 2018-009.
3. Adopt the Findings as provided in the staff report and Conditional Use Permit No. 2018-009.
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. Kiosk Elevations
4. Zoning Map

Town of Apple Valley

Recommended Conditions of Approval
Conditional Use Permit No. 2018-009

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 or alleviate the applicant and/or property owner from full conformance and adherence to all requirements of the Municipal Code.*

Planning Division Conditions of Approval:

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval, if not exercised, shall expire three (3) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the expiration date. The approval 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 approval of Conditional Use Permit No. 2018-009 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.
- P4. The site plan and rendering presented to and approved with Conditions by the Planning Commission at the public hearing shall be the anticipated and expected appearance of the structure upon completion.
- P5. The Community Development Director 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.
- P6. The filing of a Notice of Exemption requires the County Clerk to collect a fee of \$50.00. The fee must be paid in a timely manner in accordance with Town procedures. No permits, including Certificate of Occupancy, may be issued until such fee is paid. The check shall be made payable to the Clerk of the Board of Supervisors.

- P7. Conditional Use Permit No. 2018-009 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.
- P8. No deviation, modification, alteration, adjustment or revision to or from the appearance, location, fixtures, features or appurtenances thereto of any type or extent shall be approved without said changes being first submitted to the Planning Division for consideration and approval.
- P9. Sanitary facilities shall be provided. Any temporary sanitary facilities must be located outside of any required building setback.
- P10. Noise generated from the site shall not exceed fifty (50) dBA as measured from the north and west property lines.
- P11. Light standards shall blend architecturally with approved project design.
- P12. All lighting shall be scheduled so light rays emitted by the fixture are projected below the imaginary horizontal plane passing through the lowest point of the fixture and in such a manner that the light is directed away from streets and adjoining properties. Light poles in parking lot shall not exceed twenty (20) feet in height.
- P13. All front building setbacks and street right-of-way areas located between on-site improvements and the back of existing or future public sidewalks or street curbs, except needed access driveways, shall be fully landscaped.
- P14. All required and installed landscaping shall incorporate and maintain a functioning automatic sprinkler system, and said landscaping shall be maintained in a neat, orderly, disease and weed free manner at all times.
- P15. Landscaping shall be installed with appropriate combinations of drought tolerant trees, shrubs, and ground cover, consistent with Chapter 9.75, *Water Conservation Landscape Regulations*, of this Code.
- P16. Final landscape and irrigation plans shall be submitted prior to the issuance of Building Permits and installed prior to issuance of occupancy permits subject to approval by the Planning Division.
- P17. Temporary signage shall be permitted during the hours of operation, subject to the review and approval of a Sign Program.
- P18. Parking requirements shall be met and be in compliance with Town standards. All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines.
- P19. Required parking spaces shall 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.

- P20. Trash Enclosure shall be in accordance with Town Standards and is recommended to reflect the architectural design of approved project subject to the review and approval of the Planning Division.
- P21. If the project is adjacent to existing development, a fence/wall plan shall be submitted with the grading and landscape/irrigation plans to identify how new fencing or walls will relate to any existing fences or walls located around the perimeter of the tract/parcel map. The developer shall be required to connect to the existing fencing/walls or collaborate with the adjacent property owners to provide new fencing/walls and remove the existing fence/wall, both options at the developer's expense. Double fencing shall be avoided and review and approval of the fencing/wall plan is required prior to issuance of grading permits.
- P22. A six (6)-foot tall, decorative block shall be constructed along the property line separating the project site from the existing single-family residence located to the west with a maximum wall height of four (4) feet within the front setback.
- P23. The steel shall be treated in a manner that will prevent metal contaminants from entering any stormwater runoff and to ensure the adjacent sidewalk, curb or gutter remain rust-stain free.
- P24. A lot merger combining APNs 3112-653-10, 3112-653-11 and 3112-653-13 shall be approved and recorded prior to issuance of a building permit.
- P25. Sales of food items shall comply with the requirements of the Health Department and Agricultural Commissioner. The operator shall ensure that all vendors have obtained any required permits.
- P26. The site shall be kept clear of any litter or debris and shall be returned to its original condition upon completion of each event.
- P27. Trash receptacles shall be provided for rubbish and recyclable materials. The site shall be cleared of all trash immediately following each day of sale.
- P28. All vendor displays shall comply with the required building setbacks. Sales activities shall not be permitted within the public right-of-way during the Farmer's Market.
- P29. The Farmers Market hours of operation shall be limited to two (2) days per week, Sundays 9:00 a.m. to 2:00 p.m. and Wednesdays 4:00 p.m. to 9:00 p.m. Removal of temporary displays and booths must be completed within two (2) hours of closing.
- P30. Prior to expanding into any improved parking area, a shared parking agreement shall be obtained and presented to the Planning Division for its review and approval.

Environmental Services Conditions of Approval

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

Public Resource Code Section 42910-42912

ER2. The developer shall complete and submit a Waste Management Plan (“WMP”), on a WMP form approved by the Town for this purpose as part of the application packet for the building or demolition permit. The completed WMP shall indicate all of the following:

- (1) The estimated volume or weight of project C&D debris to be generated;
- (2) The estimated volume or weight of such materials that can feasibly be diverted via reuse or recycling;
- (3) The vendor or facility that the Developer proposes to use to collect or receive that material; and
- (4) The estimated volume or weight of C&D materials that will be landfilled.

Town of Apple Valley Municipal Code Section 8.19.020(a)

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

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

Town of Apple Valley Municipal Code Section 8.19.030

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

- (1) Receipts from the vendor or facility that collected or received each material showing the actual weight or volume of that material;
- (2) A copy of the previously submitted WMP for the Project adding the actual volume or weight of each material diverted and landfilled;

- (3) Any additional information the Developer believes is relevant to determining its efforts to comply in good faith with this Chapter 8.19.

Town of Apple Valley Municipal Code Section 8.19.050

- ER5. The developer shall make reasonable efforts to ensure that all C&D debris diverted or landfilled are measured and recorded using the most accurate method of measurement available. To the extent practical, all C&D debris shall be weighed by measurement on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For C&D debris for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the developer shall use the Standardized Conversion Rates approved by the Town for this purpose.

Building and Safety Conditions of Approval

- BC1. Submit plans and obtain permits for all structures and retaining walls, signs.
- BC2. A pre-construction permit and inspection are required prior to any land disturbing activity to verify requirements for erosion control, flood hazard, native plant protection and desert tortoise habitat.
- BC3. A Notice of Intent (NOI) and Storm Water Prevention Plan (SWPP) must be submitted to and approved by the Engineering and Building Departments prior to issuance of a grading permit and or any land disturbance.
- BC4. Comply with the State of California Disability Access requirements.
- BC5. 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.
- BC6. A dust palliative or hydro seed will be required on those portions of the site graded but not constructed upon or landscaped.
- BC7. Page two (2) of the submitted building plans will be the Conditions of Approval.
- BC8. Construction must comply with the current California Building Codes and California Green Building Code.
- BC9. Provide Water Quality Management Plan (WQMP) or Alternative Compliance Plan.

Engineering Division Conditions of Approval

- EC1. Prior to issuance of a grading permit, a final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties.

- This plan shall consider reducing the post-development site-developed flow to 90 percent of the pre-development flow for a 100 year design storm.
- EC2. Street improvement plans shall be submitted to the Town Engineer for review and approval.
 - EC3. All streets abutting the development shall be improved a minimum with curb and gutter and sidewalk on the development side.
 - EC4. An additional 10-ft wide road dedication along Outer Highway 18 North shall be granted to the Town of Apple Valley prior to Issuance of the Grading Permit.
 - EC5. An additional 5-ft wide road dedication along Quinnault Road shall be granted to the Town of Apple Valley prior to Issuance of the Grading Permit.
 - EC6. An additional 5-ft wide road dedication along Arapahoe Road shall be granted to the Town of Apple Valley prior to Issuance of the Grading Permit.
 - EC7. Arapahoe Road shall be improved to the Town's half-width Commercial Road standards with sidewalks and a handicap ramp at the corner of Arapahoe Road and Quinnault Road as approved by the Town Engineer.
 - EC8. All sidewalks, and the driveway approach along Outer Highway 18 North shall be brought up to current Town standards.
 - EC9. Traffic Impact fees shall be paid pursuant to the Town's Arterial Street System Development Fee Ordinance. (Municipal Code Section 3.28.050)
 - EC10. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
 - EC11. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)
 - EC12. Traffic impact fees adopted by the Town shall be paid by the developer.
 - EC13. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
 - EC14. A Storm Water Pollution Prevention Plan (SWPPP) in accordance with the National Pollutant Discharge Elimination System (NPDES) shall be required.

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

- FD4. Prior to combustible construction, the development and each phase thereof, shall have two points of paved access for fire and other emergency equipment, and for routes of escape which will safely handle evacuations. Each of these points of access shall provide an independent route into the area in which the development is located.

- FD5. Fire lanes shall be provided with a minimum width of twenty six (26) feet, maintained, and identified. Twenty six (26) feet access will start at both points of ingress and continue through the site.

Apple Valley Fire Protection District Ordinance 55

- FD6. A turnaround shall be required at the end of each roadway one hundred fifty (150) feet or more in length and shall be approved by the Fire District. Cul-de-sac length shall not exceed one thousand (1,000) feet.

Turning radius on all roads within the facility shall not be less than 22 feet inside and minimum of 40 feet outside turning radius with no parking on street, or 47 feet with parking. Road grades shall not exceed twelve percent (12%) unless approved by the Chief.

Apple Valley Fire Protection District Ordinance 55

- FD7. Approved numbers or addresses shall be placed on all new and existing 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.

Commercial and industrial developments shall have street addresses and location approved by the Fire District. Where the building setback exceeds 200 feet from the roadway, additional non-illuminated contrasting (12) inch numbers shall be displayed at the property entrance. When these developments have rear doors of each unit, the unit number shall be a minimum of 6 inches and shall contrast with their background.

Apple Valley Fire Protection District, Ordinance 55

- FD8. Plans for fire protection systems designed to meet the fire flow requirements specified in the Conditions of Approval for this project shall be submitted to and approved by the Apple Valley Fire Protection District and water purveyor prior to the installation of said systems.

A. Unless otherwise approved by the Fire Chief, on-site fire protection water systems shall be designed to be looped and fed from two (2) remote points.

B. System Standards:

*Fire Flow	1,500	GPM @ 20 psi Residual Pressure
Duration	2	Hour(s)
Hydrant Spacing	330	Feet

*If blank, flow to be determined by calculation when additional construction information is received.

Install per A.V.F.P.D. Standard Series #101

- FD9. An approved fire sprinkler system shall be installed throughout any building:
- 5,000 square feet or greater, including garage and enclosed areas under roof.
 - Two stories or greater.
 - Existing building(s) with intensification of use, or
 - Other per California Building Code requirements.

The system shall be supervised and connected to an approved alarm monitoring station and provide local alarm which will give an audible signal at a protected location. Supervision to be both water flow and tamper. Sprinkler work may not commence until approved plans and permits have been issued by the Fire District.

Apple Valley Fire Protection District, Ordinance 55

- FD10. Inspection of the hood grease duct enclosure is required prior to fire protection installation. The actuation of the fire extinguishing system shall automatically shut down the fuel and electrical power supply to the cooking equipment. CFC 904.11.2

- FD11. Construction and operational permits along with plans shall be required for the installation and use of liquid CO² systems in excess of 100 pounds or for compressed CO² gas systems exceeding 6,000 cubic feet.

- FD12. Submit quantities of alcohol and number of barrels in the storage area for distillery.

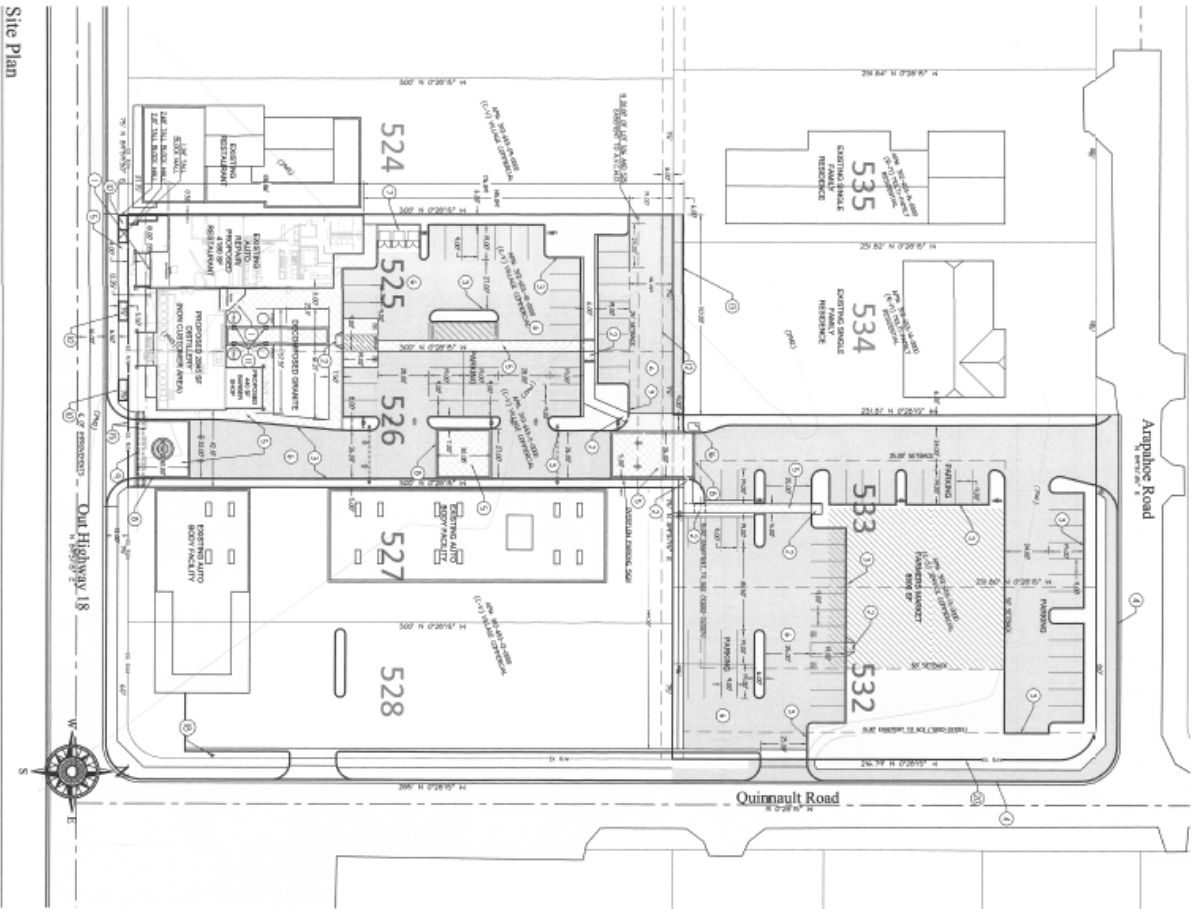
- FD13. A letter shall be furnished to the Fire District from the water purveyor stating that the required fire flow for the project can be met prior to the Formal Development Review Committee meeting.

- FD14. Prior to issuance of building permit, the developer shall pay all applicable fees as identified in the Apple Valley Fire Protection District Ordinance.

- FD15. A Knox Box Rapid Entry System shall be required for this project.

Apple Valley Fire Protection District Ordinance 55

End of Conditions



Legal Description	Project Description																																																																																								
<p>Legal Description</p> <p>TRACT 3051, LOT 250 TO 303, ADJACENT TO TRACT 3048, MAP 101, 1987, 1/4 SECTION 16, T12N, R12E, S1E, SAN JOAQUIN COUNTY, CALIFORNIA. TRACT 3051, LOT 250 TO 303, ADJACENT TO TRACT 3048, MAP 101, 1987, 1/4 SECTION 16, T12N, R12E, S1E, SAN JOAQUIN COUNTY, CALIFORNIA. TRACT 3051, LOT 250 TO 303, ADJACENT TO TRACT 3048, MAP 101, 1987, 1/4 SECTION 16, T12N, R12E, S1E, SAN JOAQUIN COUNTY, CALIFORNIA. TRACT 3051, LOT 250 TO 303, ADJACENT TO TRACT 3048, MAP 101, 1987, 1/4 SECTION 16, T12N, R12E, S1E, SAN JOAQUIN COUNTY, CALIFORNIA.</p>	<p>Project Description</p> <p>REDEVELOPMENT OF EXISTING COMMERCIAL AND RESIDENTIAL TRACT 3051, LOT 250 TO 303, ADJACENT TO TRACT 3048, MAP 101, 1987, 1/4 SECTION 16, T12N, R12E, S1E, SAN JOAQUIN COUNTY, CALIFORNIA. PROJECT AREA: 10.0 ACRES. PROJECT AREA: 10.0 ACRES. PROJECT AREA: 10.0 ACRES. PROJECT AREA: 10.0 ACRES.</p>																																																																																								
<p>Utilities</p> <p>WATER: CALIFORNIA STATE WATER PROJECTS SEWER: SAN JOAQUIN COUNTY SEWER TREATMENT PLANT GAS: CALIFORNIA GAS COMPANY ELECTRICITY: CALIFORNIA ELECTRICITY TRANSMISSION AND DISTRIBUTION COMPANY TELEPHONE: CALIFORNIA TELEPHONE COMPANY CABLE: COMCAST</p>	<p>Lot Area Tabulation</p> <table border="1"> <tr> <th>Lot No.</th> <th>Area (sq. ft.)</th> <th>Area (sq. ft.)</th> <th>Area (sq. ft.)</th> </tr> <tr> <td>1</td> <td>10,000</td> <td>10,000</td> <td>10,000</td> </tr> <tr> <td>2</td> <td>10,000</td> <td>10,000</td> <td>10,000</td> </tr> <tr> <td>3</td> <td>10,000</td> <td>10,000</td> <td>10,000</td> </tr> <tr> <td>4</td> <td>10,000</td> <td>10,000</td> <td>10,000</td> </tr> <tr> <td>5</td> <td>10,000</td> <td>10,000</td> <td>10,000</td> </tr> <tr> <td>6</td> <td>10,000</td> <td>10,000</td> <td>10,000</td> </tr> <tr> <td>7</td> <td>10,000</td> <td>10,000</td> <td>10,000</td> </tr> <tr> <td>8</td> <td>10,000</td> <td>10,000</td> <td>10,000</td> </tr> <tr> <td>9</td> <td>10,000</td> <td>10,000</td> <td>10,000</td> </tr> <tr> <td>10</td> <td>10,000</td> <td>10,000</td> <td>10,000</td> </tr> </table>	Lot No.	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)	1	10,000	10,000	10,000	2	10,000	10,000	10,000	3	10,000	10,000	10,000	4	10,000	10,000	10,000	5	10,000	10,000	10,000	6	10,000	10,000	10,000	7	10,000	10,000	10,000	8	10,000	10,000	10,000	9	10,000	10,000	10,000	10	10,000	10,000	10,000																																												
Lot No.	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)																																																																																						
1	10,000	10,000	10,000																																																																																						
2	10,000	10,000	10,000																																																																																						
3	10,000	10,000	10,000																																																																																						
4	10,000	10,000	10,000																																																																																						
5	10,000	10,000	10,000																																																																																						
6	10,000	10,000	10,000																																																																																						
7	10,000	10,000	10,000																																																																																						
8	10,000	10,000	10,000																																																																																						
9	10,000	10,000	10,000																																																																																						
10	10,000	10,000	10,000																																																																																						
<p>Parking Tabulation</p> <table border="1"> <tr> <th>Lot No.</th> <th>Area (sq. ft.)</th> <th>Area (sq. ft.)</th> <th>Area (sq. ft.)</th> </tr> <tr> <td>1</td> <td>100</td> <td>100</td> <td>100</td> </tr> <tr> <td>2</td> <td>100</td> <td>100</td> <td>100</td> </tr> <tr> <td>3</td> <td>100</td> <td>100</td> <td>100</td> </tr> <tr> <td>4</td> <td>100</td> <td>100</td> <td>100</td> </tr> <tr> <td>5</td> <td>100</td> <td>100</td> <td>100</td> </tr> <tr> <td>6</td> <td>100</td> <td>100</td> <td>100</td> </tr> <tr> <td>7</td> <td>100</td> <td>100</td> <td>100</td> </tr> <tr> <td>8</td> <td>100</td> <td>100</td> <td>100</td> </tr> <tr> <td>9</td> <td>100</td> <td>100</td> <td>100</td> </tr> <tr> <td>10</td> <td>100</td> <td>100</td> <td>100</td> </tr> </table>	Lot No.	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)	1	100	100	100	2	100	100	100	3	100	100	100	4	100	100	100	5	100	100	100	6	100	100	100	7	100	100	100	8	100	100	100	9	100	100	100	10	100	100	100	<p>Building Tabulation</p> <table border="1"> <tr> <th>Lot No.</th> <th>Area (sq. ft.)</th> <th>Area (sq. ft.)</th> <th>Area (sq. ft.)</th> </tr> <tr> <td>1</td> <td>100</td> <td>100</td> <td>100</td> </tr> <tr> <td>2</td> <td>100</td> <td>100</td> <td>100</td> </tr> <tr> <td>3</td> <td>100</td> <td>100</td> <td>100</td> </tr> <tr> <td>4</td> <td>100</td> <td>100</td> <td>100</td> </tr> <tr> <td>5</td> <td>100</td> <td>100</td> <td>100</td> </tr> <tr> <td>6</td> <td>100</td> <td>100</td> <td>100</td> </tr> <tr> <td>7</td> <td>100</td> <td>100</td> <td>100</td> </tr> <tr> <td>8</td> <td>100</td> <td>100</td> <td>100</td> </tr> <tr> <td>9</td> <td>100</td> <td>100</td> <td>100</td> </tr> <tr> <td>10</td> <td>100</td> <td>100</td> <td>100</td> </tr> </table>	Lot No.	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)	1	100	100	100	2	100	100	100	3	100	100	100	4	100	100	100	5	100	100	100	6	100	100	100	7	100	100	100	8	100	100	100	9	100	100	100	10	100	100	100
Lot No.	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)																																																																																						
1	100	100	100																																																																																						
2	100	100	100																																																																																						
3	100	100	100																																																																																						
4	100	100	100																																																																																						
5	100	100	100																																																																																						
6	100	100	100																																																																																						
7	100	100	100																																																																																						
8	100	100	100																																																																																						
9	100	100	100																																																																																						
10	100	100	100																																																																																						
Lot No.	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)																																																																																						
1	100	100	100																																																																																						
2	100	100	100																																																																																						
3	100	100	100																																																																																						
4	100	100	100																																																																																						
5	100	100	100																																																																																						
6	100	100	100																																																																																						
7	100	100	100																																																																																						
8	100	100	100																																																																																						
9	100	100	100																																																																																						
10	100	100	100																																																																																						
<p>Site Plan Keynotes</p> <ol style="list-style-type: none"> 1. EXISTING BUILDING FOOTPRINT 2. NEW BUILDING FOOTPRINT 3. EXISTING DRIVEWAY 4. NEW DRIVEWAY 5. EXISTING PARKING SPACE 6. NEW PARKING SPACE 7. EXISTING LANDSCAPE 8. NEW LANDSCAPE 9. EXISTING UTILITY 10. NEW UTILITY 11. EXISTING FENCE 12. NEW FENCE 13. EXISTING SIGNAGE 14. NEW SIGNAGE 15. EXISTING SITE LIGHTING 16. NEW SITE LIGHTING 17. EXISTING SITE FURNITURE 18. NEW SITE FURNITURE 19. EXISTING SITE MATERIALS 20. NEW SITE MATERIALS 	<p>Vicinity Map</p>																																																																																								

OWNER

SUNSET HILLS MEMORIAL PARK, INC. / VICTOR VALLEY MEMORIAL PARK
24000 WAALLEW RD
APPLE VALLEY, CA 92307

PROJECT INFORMATION

APN 3112-653-10
22020 US Highway 18
Apple Valley, CA 92307

RECEIVED

EBT 10 2018

Community Development

OWNER

SUNSET HILLS MEMORIAL PARK, INC. / VICTOR VALLEY MEMORIAL PARK
24000 WAALLEW RD
APPLE VALLEY, CA 92307

PROJECT INFORMATION

APN 3112-653-10
22020 US Highway 18
Apple Valley, CA 92307

RECEIVED

EBT 10 2018

Community Development

Civic Design + Development
14306 California Avenue, Suite 102, Malibu, CA 90262
Phone: (760) 896-6868
Email: info@civicedesign.com

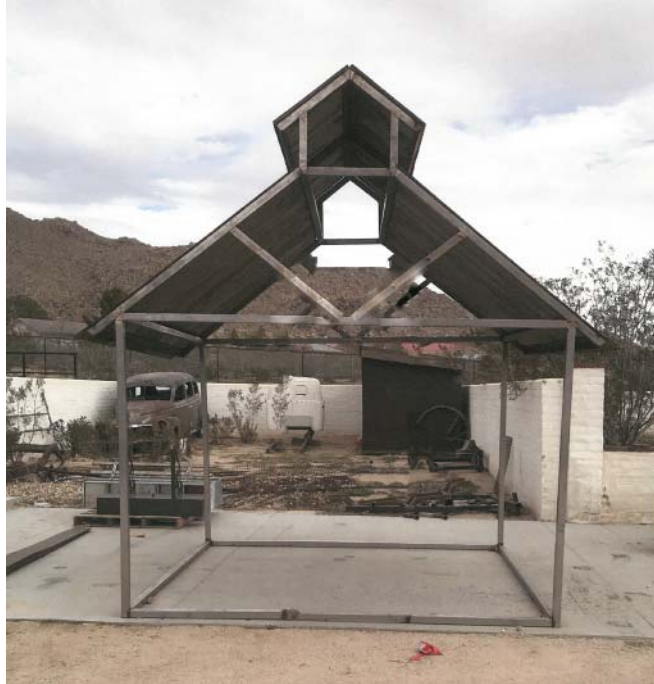
OWNER: SUNSET HILLS MEMORIAL PARK, INC. / VICTOR VALLEY MEMORIAL PARK
24000 WAALLEW RD, APPLE VALLEY, CA 92307

DESIGNED BY: KIM KIM ARCHITECTS
DRAWN BY: KIM KIM ARCHITECTS

A.1

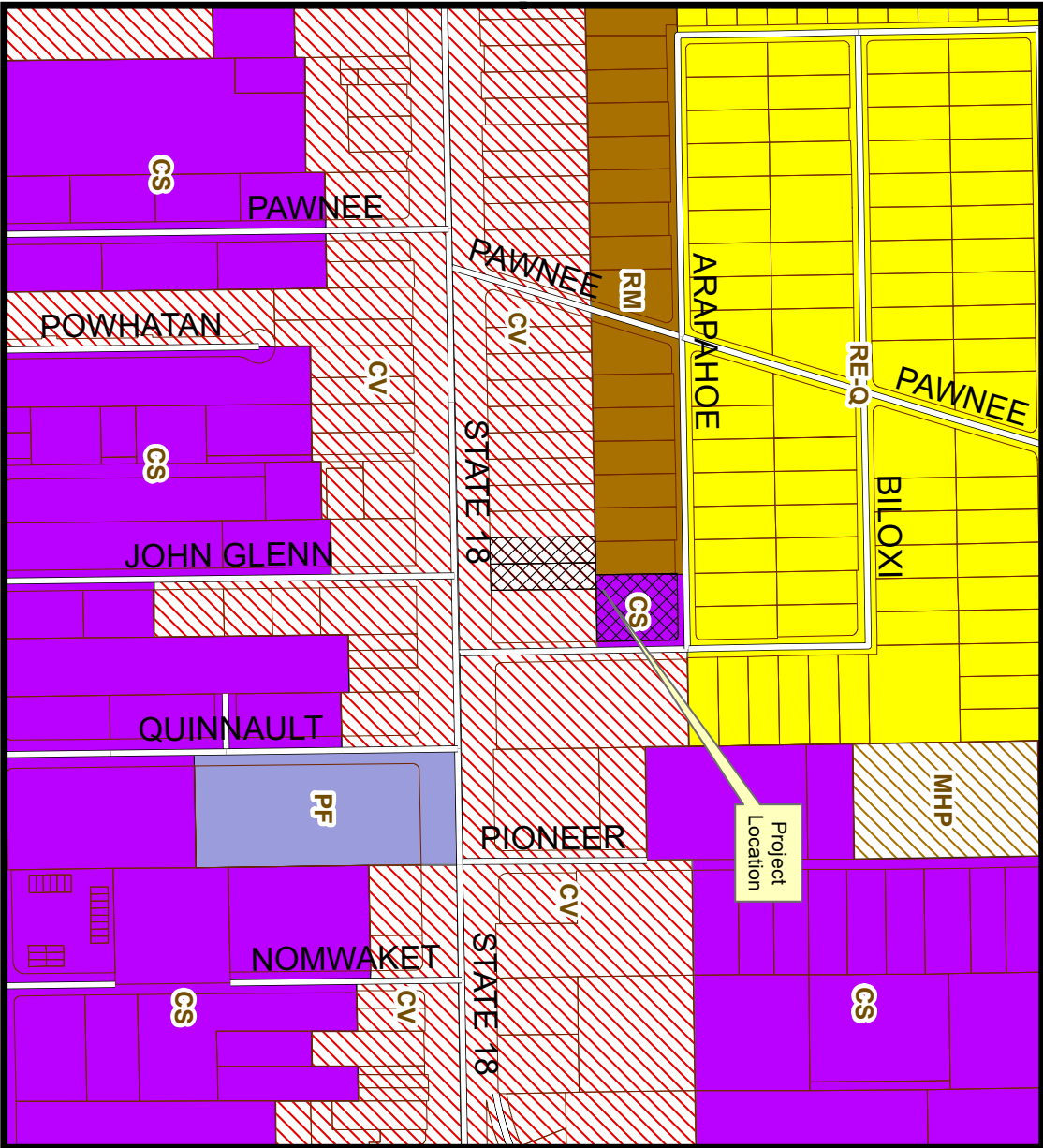
Site Plan

SHEET 1 OF 4 SHEETS



ZONING/LOCATION MAP

Conditional Use Permit No. 2018-009



22020 Highway 18
 APN 3112-653-10, -11
 and -13



Legend	
	Project Location
	(R-EQ) Equine Residential (1 adult, 4 to 0.9 net acre)
	(R-M) Multi-Family Residential (2 to 20 units/zone)
	(MHP) Mobile Home Park
	(C-V) Village Commercial
	(CS) Service Commercial
	(PF) Public Facilities

Date: 1/21/2019



Get a Slice of the Apple.

TOWN OF APPLE VALLEY PLANNING COMMISSION

Staff Report

- AGENDA DATE:** February 6, 2019
- CASE NUMBER:** Development Code Amendment No. 2019-003
- APPLICANT:** Town of Apple Valley
- PROPOSAL:** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying provisions relating to accessory dwelling units and other accessory structures.
- LOCATION:** Residential Zoning Districts Town-wide
- ENVIRONMENTAL DETERMINATION:** Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.
- PROJECT PLANNER:** Ms. Pam Cupp, Associate Planner
- RECOMMENDATION:** Adopt Planning Commission Resolution No. 2019-003.

BACKGROUND

On May 8, 2018, Town Council adopted Ordinance No. 502 establishing development standards for accessory dwelling units. This was necessary to comply with new State law requirements. The Town Council is now requesting that staff bring forth a Development Code Amendment for Planning Commission review that will increase the maximum size of an accessory dwelling unit dependent upon the total footprint of the primary residence and give additional consideration

based upon lot size and maximum lot coverage.

ANALYSIS

Government Code Section 65852.2 allows local governments to apply development standards and may designate where accessory dwelling units are permitted. Accessory dwelling units located within existing structure must be allowed in all single family residential zones. For accessory dwelling units consisting of new additions or construction of a detached accessory structure, development standards can be established with certain limitations. However, standards and allowable areas must not be designed or applied in a manner that burdens the development of accessory dwelling units and should maximize the potential for accessory unit development.

The Town's current Code permits an accessory dwelling unit on any residentially zoned lot containing a single-family residence connected to the sewer. If a property is not connected to sewer, the minimum lot size for an accessory structure is one (1) acre. The maximum size of an accessory dwelling unit is limited to fifty (50) percent of the habitable floor area of the main house, or 1,200 square feet, whichever is less. Other factors that impact the size of an accessory dwelling unit include any existing accessory structures such as detached garages and shed; compliance with the maximum lot coverage based upon the zoning designation; and design standards.

The Town Council has expressed its concern relating to the maximum size permitted for an accessory dwelling unit. Because accessory dwelling units are in fact accessory structures, it is equally important to review the development constraints placed upon all accessory structures. The Commission should consider whether or not it is reasonable to have accessory structures treated uniformly across all lot sizes and zoning designations. What may be appropriate for an 18,000 square foot lot may be considered too restrictive when applied to larger parcels.

Development Code Section 9.29.020 Accessory Uses and Structures" states the following:

"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."

Attached to this report are examples demonstrating various zoning designations with typical lot sizes. The purpose is to illustrate what is permitted under the current Code and what would be allowed should lot coverage become the new formula for calculating the size of allowable accessory structures. Showing the adjacent properties gives an idea of the potential impact created with maximum lot coverage.

The public has expressed interest related to the use of manufactured homes or "tiny homes" as accessory dwelling units. Staff is not opposed; however, the development standards are written in a manner directed towards permanent structures. The Code requires accessory dwelling units be architecturally compatible with the design of the main dwelling and match with the same colors and materials of the primary unit. Staff has been unable to approve the use of manufactured homes or "tiny homes" due to this constraint. Staff is recommending modifications to the Code that could allow these types of units as accessory dwellings.

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

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. On residential lots less than two and one-half (2-1/2) acres in size, any single accessory structure shall not exceed seventy-five (75) percent of the total area under roof square footage of the primary structure. The total of all accessory structures on a site shall not exceed 100 percent of the total area under roof square footage of the primary structure.

9.29.120 Accessory Dwelling Units

E. Detached Accessory Dwelling Units

Along with the general standards prescribed by subsection C, the following development standards apply to detached accessory dwelling units:

1. Detached accessory dwelling units are subject to all provision within Section 9.29.020 "Accessory Uses and Structures".
- ~~2. The maximum floor area of an accessory dwelling unit is fifty (50) percent of the existing habitable floor area of the primary dwelling, not to exceed 1,200 square feet.~~
2. For Lots less than two and one-half (2-1/2) acres in size, the maximum habitable floor area shall be fifty (50) percent of the total area under roof of the primary dwelling, except that lots of one (1) acre or more in size may be permitted a larger accessory dwelling unit with the approval of a Minor Development Permit.
3. For lots two and one-half (2-1/2) acres or more in size, the maximum habitable floor area of an accessory dwelling unit shall be based upon lot coverage, not based upon the size of the primary dwelling unit.
3. An accessory dwelling unit may occupy all, or a portion, of an existing detached accessory structure meeting the architectural guidelines set forth in this chapter.
4. Sewer connection is required unless the lot is one (1)-acre or more in size and located outside of any sewer service area
5. The driveway serving the primary dwelling shall be used to serve the accessory dwelling unit whenever feasible.
6. The accessory dwelling unit may be metered separately from the main dwelling for gas, electricity and water/sewer services.
8. The accessory dwelling unit shall be located upon a permanent foundation and architecturally compatible with the main dwelling which could include the use of similar

~~colors, materials and architectural style and shall match with the same colors and materials~~ of the primary dwelling unit.

8. No setback shall be required for an existing garage that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

FINDINGS

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

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

Comment: The General Plan is the blueprint for the community's future growth. Specific Goals and Objectives are provided within each of the adopted General Plan's State-mandated Elements. The Housing Element encourages housing for special needs households, including the elderly, single parent households, large households, the disabled and the homeless. Additionally, the Housing Element encourages the development of second units. Development Code Amendment No. 2019-003 will provide standards for accessory dwelling units that will encourage additional development while providing quality site planning and design that enhances the aesthetics and economy of the Town.

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

Comment: Amending the Code as proposed under Development Code Amendment No. 2019-003 will allow for greater flexibility relating to size and design of accessory structures and accessory dwelling units, and will not be detrimental to the public health, safety or welfare of the community

NOTICING

Development Code Amendment No. 2019-003 was advertised as a public hearing in the Apple Valley News newspaper on January 25, 2019.

ENVIRONMENTAL REVIEW

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

RECOMMENDATION

Following receipt of public input and discussion by the Commission, it is recommended that the Commission move to approve Planning Commission Resolution No. 2019-003 forwarding a recommendation that the Town Council amend Title 9 “Development Code” of the Town of Apple Valley Municipal Code as outlined within the staff report.

Prepared By:

Reviewed By:

Pam Cupp
Associate Planner

Carol Miller
Assistant Director of Community Development

Attachment:

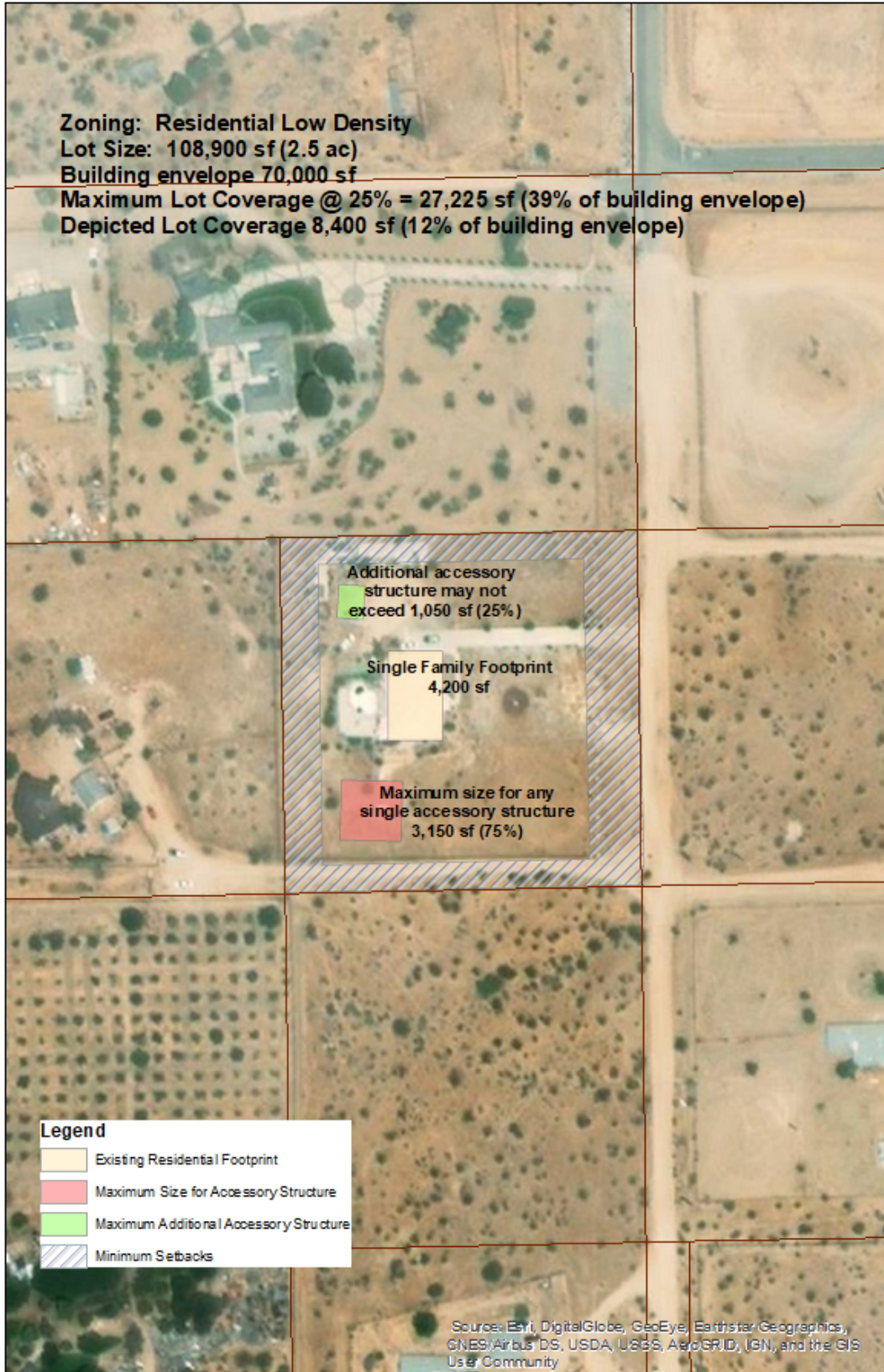
Lot Coverage Exhibits

Draft Planning Commission Resolution No. 2019-003









PLANNING COMMISSION RESOLUTION NO. 2019-003

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2019-003 AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING CHAPTER 9.29 “SPECIFIC USE REGULATIONS” AS IT PERTAINS TO ACCESSORY STRUCTURES AND ACCESSORY DWELLING UNITS.

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

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

WHEREAS, specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by amending Chapter 9.29 “Specific Use Regulations” as it pertains to accessory structures and accessory dwelling units; and,

WHEREAS, on January 25, 2019, Development Code Amendment No. 2019-003 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

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

WHEREAS, on February 6, 2019 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2019-003 receiving testimony from the public; and

WHEREAS, Development Code Amendment No. 2019-003 is consistent with Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

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

Section 1. Find that the changes proposed by Development Code Amendment No. 2019-003 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

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

Section 3. Amend Chapter 9.29.020 "Accessory Uses and Structures" as follows:

"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. On residential lots less than two and one-half (2-1/2) acres in size, any single accessory structure shall not exceed seventy-five (75) percent of the total area under roof of the primary structure. The total of all accessory structures on a site shall not exceed 100 percent of the total area under roof of the primary structure."

Section 4. Amend Chapter 9.29.120 "Accessory Dwelling Units" as follows:

"E. Detached Accessory Dwelling Units

Along with the general standards prescribed by subsection C, the following development standards apply to detached accessory dwelling units:

1. Detached accessory dwelling units are subject to all provision within Section 9.29.020 "Accessory Uses and Structures".
2. For Lots less than two and one-half (2-1/2) acres in size, the maximum habitable floor area shall be fifty (50) percent of the total area under roof of the primary dwelling, except that lots of one (1) acre or more in size may be permitted a larger accessory dwelling unit with the approval of a Minor Development Permit.
3. For lots two and one-half (2-1/2) acres or more in size, the maximum habitable floor area of an accessory dwelling unit shall be based upon lot coverage, not based upon the size of the primary dwelling unit.
4. An accessory dwelling unit may occupy all, or a portion, of an existing detached accessory structure meeting the architectural guidelines set forth in this chapter.
5. Sewer connection is required unless the lot is one (1)-acre or more in size and located outside of any sewer service area
6. The driveway serving the primary dwelling shall be used to serve the accessory dwelling unit whenever feasible.
7. The accessory dwelling unit may be metered separately from the main dwelling for gas, electricity and water/sewer services.
8. The accessory dwelling unit shall be located upon a permanent foundation and architecturally compatible with the main dwelling which could include the use of similar colors, materials and architectural style of the primary dwelling unit.

9. No setback shall be required for an existing garage that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage. “

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 6th day of February, 2019.

Vice Chairman Jason Lamoreaux

ATTEST:

I, Kiel Mangerino, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 6th day of February 2019, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mr. Kiel Mangerino, Planning Commission Secretary