



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA**

WEDNESDAY, MARCH 20, 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 MARCH 20, 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 _____; Harrison_____
Vice-Chairman Lamoreaux_____ and Chairman Tinsley _____

PLEDGE OF ALLEGIANCE

ELECTION OF NEW OFFICERS

1. Nomination for Chairperson
2. Nomination for Vice-Chairperson

RECESS FOR REORGANIZATION

APPROVAL OF MINUTES

1. Minutes for the Regular Meeting of February 6, 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. Appeal No. 2019-002** Appeal of the Planning Director's denial of Sign Permit No. 2019-003. The sign permit is a request to change the face of an existing, legal nonconforming, thirty-six (36)-square foot roof-mounted can sign to a digital advertising display.

APPELLANT: Mr. Ralph Dickinson
LOCATION: 21735 Highway 18; APN 3087-341-02
ENVIRONMENTAL DETERMINATION: The project is characterized as a minor alteration to an existing structure. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15301, the proposal is exempt from further environmental review.
CASE PLANNER: Pam Cupp, Associate Planner
RECOMMENDATION: Denial
- 3. Temporary Use Permit 2019-002.** The applicant is requesting approval of a Temporary Use Permit to allow the temporary use of an existing vacant commercial building (former Lowe's) by allowing the indoor storage of recreational vehicles and water craft and creating two mini-storage areas within the former garden center and rear staging/loading area. No outdoor storage is proposed.

APPLICANT: Joseph Michael
LOCATION: 15000 Dale Evans Parkway
ENVIRONMENTAL DETERMINATION: Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301 the project is Categorically Exempt from further environmental review per Section 15301, existing facilities.
CASE PLANNER: Carol Miller, Assistant Director of Community Development
RECOMMENDATION: Approval
- 4. Development Code Amendment No. 2019-002.** A request for an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code that will amend Chapters 9.35 "Commercial and Office Districts", and 9.37 "Commercial and Office Districts Design Standards" related to the use of exposed metal.

APPLICANT: Town of Apple Valley
LOCATION: Town-Wide
GENERAL PLAN DESIGNATION: Commercial land use designations Town-wide
EXISTING ZONING: Commercial land use designations 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: Carol Miller, Assistant Director of Community Development

RECOMMENDATION: Adopt Planning Commission Resolution No. 2019-002.

5. **Specific Plan 2005-001 Amd No. 7.** An amendment to the North Apple Valley Industrial Specific Plan (NAVISP) Section III "Development Standards and Guidelines" by amending the Pre-Fabricated/Metal Building standards.

Applicant: Town of Apple Valley

Location: Located at the northeast corner of Sitting Bull and Apple Valley Roads; APN 3087-021-09.

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: Carol Miller, Assistant Director of Community Development

RECOMMENDATION: Adopt Planning Commission Resolution No. 2019-001.

OTHER BUSINESS

PLANNING COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT

The Planning Commission will adjourn to its next regularly scheduled Planning Commission meeting on April 3, 2019.

MINUTES

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

February 6, 2019

CALL TO ORDER

INSTALLATION OF NEWLY APPOINTED COMMISSIONER

Yvonne Rivera, Planning Secretary, administered the Oath of Office to Joel Harrison.

Commissioner Kallen called to order the regular meeting of the Town of Apple Valley Planning Commission at 6:05 p.m.

Roll Call

Present: Commissioner Mike Arias Jr., Joel Harrison, Bruce Kallen.

Absent: Vice-Chairman Lamoreaux, Chairman Tinsley.

Staff Present

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

Thomas Rice, Town Attorney, announced there is a need for the Commission to appoint an acting Chairman in the absence of Vice-Chairman Lamoreaux and Chairman Tinsley.

MOTION

Motion by Commissioner Arias, seconded by Commissioner Harrison, to appoint Commissioner Kallen as acting Chairman for the Regular Meeting of February 6, 2019.

ROLL CALL VOTE

Vote: Motion carried 3-0-2-0

Yes: Commissioner Arias; Harrison; Kallen.

Absent: Vice-Chairman Lamoreaux; Chairman Tinsley.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Harrison.

APPROVAL OF MINUTES

1. Approval of Minutes

1. Regular Meeting of January 16, 2019.

MOTION

Motion by Commissioner Arias, seconded by Commissioner Harrison, to approve the minutes for the Regular Meeting of January 16, 2019.

Vote: Motion carried 3-0-2-0
Yes: Commissioner Arias; Harrison; Kallen.
Absent: Vice-Chairman Lamoreaux; Chairman Tinsley.

PUBLIC COMMENTS

None.

PUBLIC HEARINGS

- 2. Development Permit No. 2018-010 and Variance No. 2018-002.** The Applicant is requesting 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: Mr. Chet Hitt, Townsend Stillhouse and Grill

Commissioner Kallen opened the public hearing at 6:13 p.m.

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

Discussion ensued regarding the concerns surrounding metal particles that may get washed into the Town's storm drains. Also discussed was the Applicant's request for a Variance as it relates to minimum setback requirements.

Mr. Chet Hitt, Applicant, provided the Commission with an aerial photo that showed the lot lines of the buildings at the proposed site.

Mr. Chris Hitt, Apple Valley, commented on the removal of the drainage ditches, which would allow an extra twenty (20)-feet to add additional parking in front of the businesses, as well as extend the sidewalk an additional seven (7)-feet. He believed this will contribute to the Town's desire to widen Outer Highway 18.

Commissioner Kallen asked the Applicant if he was in agreement with the Conditions of Approval.

Mr. Chet Hitt stated that he was in agreement with all Conditions of Approval.

There being no one wishing to speak from the audience, Commissioner Kallen closed the public hearing at 6:18 p.m.

MOTION

Motion by Commissioner Arias, seconded by Commissioner Kallen, that 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 that the facts presented in the staff report support the required Findings for approval 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 a Notice of Exemption.

Vote: Motion carried 3-0-2-0

Yes: Commissioner Arias; Harrison; Kallen.

Absent: Vice-Chairman Lamoreaux; Chairman Tinsley.

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: Mr. Chet Hitt, Townsend Stillhouse and Grill

Commissioner Kallen opened the public hearing at 6:18 p.m.

Pam Cupp, Associate Planner, presented the staff report as filed with the Planning Division. She explained, for the benefit of the Commission, that the three (3) items for this project are being presented to the Commission separately because of the multiple structures, uses and Conditions of Approval. She also noted that a Conditional Use Permit (CUP) is required because manufacturing is not a permitted use in the Village area. However, due to it being operated in conjunction with the restaurant, it can be allowed with a CUP.

Ms. Cupp explained that the most important Condition is that Food and Beverage Service needs to be made available for this Distillery to continue producing due to the manufacturing aspect.

Commissioner Kallen asked questions regarding the hours of operation for the Distillery and Bar and Grill.

Ms. Cupp informed the Commission that the hours for the Bar and Grill have not been determined and is not part of the CUP. She also noted that the Distillery would only be open to the public during normal business hours of the bar and grill.

Commissioner Kallen asked the Applicant if he was in agreement with the Conditions of Approval.

Mr. Chet Hitt stated that he was in agreement with all Conditions of Approval.

There being no one wishing to speak from the audience, Commissioner Kallen closed the public hearing at 6:25 p.m.

MOTION

Motion by Commissioner Kallen, and seconded by Commissioner Arias, that 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 requires is Exempt from further environmental review.
2. Find that 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 a Notice of Exemption.

Vote: Motion carried 3-0-2-0

Yes: Commissioner Arias; Harrison; Kallen.

Absent: Vice-Chairman Lamoreaux; Chairman Tinsley.

4. **Conditional Use Permit No. 2018-009.** The Applicant proposes 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 a 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: Mr. Chet Hitt, Townsend Stillhouse and Grill

Commissioner Kallen opened the public hearing at 6:26 p.m.

Pam Cupp, Associate Planner, presented the staff report as filed with the Planning Division. She commented that the 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. She noted that staff is recommending Condition No. P29 that would require Sunday hours to be from 9:00 a.m. to 2:00 p.m.

Mr. Chet Hitt, Applicant, explained the reasons why there will be a need to allow vendors to set-up one hour before the events begin.

Mr. Thomas Rice, Town Attorney, recommended that Condition P29 be amended to clarify that vendors are permitted to set up one hour prior to the opening.

It was the consensus of the Commission to amend Condition P29 as recommended by the Town Attorney.

Commissioner Kallen asked the Applicant if he agreed with all the Conditions of Approval.

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

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

Commissioner Arias was pleased to learn that the Farmer's Market would operate on Sundays. He also believed that the flexible hours would benefit the community.

Commissioner Harrison asked questions regarding the types of businesses that are expected to participate in the Farmer's Market.

Commissioner Kallen believed that the overall concept of the Farmer's Market would be a good asset to the Town and its residents.

MOTION

Motion by Commissioner Harrison, and seconded by Commissioner Arias, that based upon the information contained in 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 that 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, as amended.
4. Direct staff to file a Notice of Exemption.

Vote: Motion carried 3-0-2-0
Yes: Commissioner Arias; Harrison; Kallen.
Absent: Vice-Chairman Lamoreaux; Chairman Tinsley.

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.

Commissioner Kallen opened the public hearing at 6:38 p.m.

Pam Cupp, Associate Planner, presented the staff report as filed with the Planning Division. She informed the Commission that the Town Council had initiated a Development Code Amendment related to Accessory Dwelling Units (ADU) to consider allowing an increase to the maximum size of the unit.

Discussion ensued regarding accessory structures on various size lots.

Ms. Cupp responded to questions by the Commission as it relates to the use of Tiny Houses as accessory structures. She explained that the code only allows one accessory unit per property, and it must be built on a permanent foundation.

Commissioner Kallen expressed concern regarding accessory structure units that are built behind a front house for purposes of serving as the primary unit and recommended adding a provision to the code that clarifies that the ADU must be located behind the main house.

Mr. Thomas Rice, Town Attorney, read into the record the following language to add to 9.29.120, Section E – Detached Accessory Dwelling Units:

“For lots less than two and one-half (2-1/2) acres in size, the detached accessory dwelling units shall be located to the rear of the primary dwelling unit.”

There being no one wishing to speak from the audience, Commissioner Kallen closed the public hearing at 6:58 p.m.

Mr. Rice stated, for the benefit of the Commission, that he would review the added language with the attorneys who specialize in ADUs prior to making a recommendation to the Town Council.

MOTION

Motion by Commissioner Harrison, and seconded by Commissioner Kallen, that the Commission move to approve Planning Commission Resolution No. 2019-003, as amended, 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.

Vote: Motion carried 3-0-2-0
Yes: Commissioner Arias; Harrison; Kallen.
Absent: Vice-Chairman Lamoreaux; Chairman Tinsley.

OTHER BUSINESS

None.

PLANNING COMMISSION COMMENTS

Commissioners Kallen and Arias welcomed new Commissioner Joel Harrison to the Planning Commission.

Commissioner Harrison thanked the Planning Commission for the opportunity to serve in the community where he grew up.

STAFF COMMENTS

Carol Miller, Assistant Director of Community Development, recommended that the Commission adjourn the meeting of the Planning Commission to March 20, 2019 due to a quorum issue that arose as a result of the upcoming Planning Commissioners Academy.

ADJOURNMENT

Motion by Chairman Harrison, seconded by Commissioner Arias, and unanimously carried, to adjourn the meeting of the Planning Commission at 7:01 p.m. to its next regularly scheduled meeting on March 20, 2019.

Respectfully Submitted by:

Yvonne Rivera, Planning Secretary

Approved by:

Acting Chairman Bruce Kallen



Planning Commission Agenda Report

Date:	March 20, 2019	Item No. 2
Case Number:	APPEAL NO. 2019-002	
Appellant:	Mr. Ralph Dickinson	
Proposal:	Appeal of the Planning Director's denial of Sign Permit No. 2019-003. The sign permit is a request to change the face of an existing, legal nonconforming, thirty-six (36)-square foot roof-mounted can sign to a digital advertising display.	
Location:	21735 Highway 18; APN 3087-341-02	
Environmental Determination:	The project is characterized as a minor alteration to an existing structure. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15301, the proposal is exempt from further environmental review.	
Prepared By:	Pam Cupp, Associate Planner	
Recommendation:	Denial	

BACKGROUND AND ANALYSIS

On February 7, 2019, Sign Permit application No. 2019-003 was submitted to the Planning Division for review. The application requested to modify an existing, thirty-six (36) square foot can signs into a scrolling, digital advertising display. On February 12, 2019, the application was denied as not meeting the criteria of a change of face. It is the appellant's position that the proposed modification to the sign is a change of face to a legal nonconforming sign and should be approved as such. It should be noted that the legal nonconforming status of the sign has not been established by any permit records.

The project site is 10,000 square feet in size and located within the Village Commercial (C-V) zoning designation. The property has approximately seventy (70) feet of frontage along Highway 18. There is a 2,000 square foot commercial building on the site that is divided into two (2) separate suites. The structure has fifty-one (51) feet of building frontage, which under today's Sign Code, would permit fifty-one (51) square feet of wall signage. Today, there are two (2), thirty-six (36) square foot roof-top can signs for a total sign area along the building frontage of seventy-two (72) square feet. There is also one (1) thirty-six (36) square foot can sign located on the structures west side elevation.

Development Code Subsection B of Section 9.74.190 "Nonconforming Signs and Advertising Displays", states the following:

“Sign copy and sign faces may be changed and shall not be considered a structural change or alteration.

The appellant proposes to keep the same metal cabinet and replace the face and internal components, thus creating a digital advertising display. It is the appellant’s position that the proposal is a change of face and meets the standards of the Development Code as outlined above. Historically, staff’s interpretation of this section is that a legal nonconforming sign may be maintained and be permitted a change of sign copy which could include exterior paint and/or replacing the acrylic face of an existing metal cabinet sign. Staff contends that creating a digital advertising display from a can sign goes well beyond a change of face, since the internal components must also be modified to support the change.

Specific criteria for the placement, design and operating standards of digital signs is located within Development Code Section 9.74.110 (G) “Digital Advertising Displays”. Digital advertising displays are permitted within the Village Commercial (C-V) zone on developed properties with frontage along Highway 18, which is a Major Divided Arterial. However, the project site must have a minimum lot width of 100 feet. The appellant’s property has seventy (70) feet of frontage; therefore, would not be suitable for a digital sign. The maximum size for a digital sign is thirty (30) square feet. The appellant proposes a digital sign that is thirty-six (36) square feet in size, which does not comply with the Development Code. Additionally, the Code requires digital advertising displays to be architecturally integrated with non-digital signs and prohibits digital advertising displays from being added to legal, nonconforming signs.

To be considered a legal nonconforming sign, the structure must have conformed to applicable laws when constructed but no longer conforms to the provisions of the Development Code. Staff was able to find one (1) building permit issued in 1991 which was for a thirty-two (32)-square foot, single-face sign. There are no other records indicating when, or if the three (3) existing roof-top signs obtained building permits. Planning has no record of any sign permits approved for this location.

Environmental

The project is characterized as a minor alteration to an existing structure. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15301, the proposal is exempt from further environmental review.

Noticing:

The public hearing was noticed in the Apple Valley News on March 8, 2019.

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. Deny the appeal of Sign Permit No. 2019-003.

Prepared By:

Reviewed By:

Pam Cupp
Associate Planner

Carol Miller
Assistant Director of Community Development

ATTACHMENTS:

1. Appeal Applications
2. Sign Permit Application 2019-003
3. Denial Letter
4. Zoning/Location Map



A Better Way of Life

Town of Apple Valley Appeal Application



Rec #72

This request must be filed with the Planning Division within ten (10) calendar days following the date of action. An Appeal request received after this time *will not be accepted*. Appeals requiring Town Council consideration will be forwarded to the Town Clerk by the Director.

FOR TOWN USE ONLY

Date Submitted: 2/20/19 Case No.: Ap1 2019-002 Received By: S. Luenda
Planning Fee: 259.- Other Fees: 0 Case Planner: C. Miller

Type or print legibly in ink only

PROPERTY ADDRESS 21735 US HWY 18

FEE

	Initial Deposit	Actual Cost not to exceed
<input checked="" type="checkbox"/> Appeal Fee – To Planning Commission	\$259	\$259
<input type="checkbox"/> Appeal Fee – To Town Council	\$259	\$259

The Appeal Fee does not apply to permits the Planning Commission acted to revoke or amend.

APPELLANT INFORMATION

Name RALPH DICKINSON Telephone 760 247 7990
Fax 760 961-2494 Email RALPH@TERMTTEAM.COM
Address 21735 US HWY 18
City APPLE VALLEY State CA Zip 92307

PROJECT INFORMATION

Project Number Being Appealed 2019-003
Project Description SIGN FACE CHANGE TO DIGITAL FORMAT
Assessor's Parcel No. (s) 3087-341020000 Tract _____ Lot _____

APPEAL STATEMENT

1. I am/We do hereby appeal the findings/conditions/interpretations of the Town of Apple Valley:
- (Check one)
- | | |
|---|-------------------------|
| <input checked="" type="checkbox"/> Planning Commission | _____ Planning Director |
| _____ Public Works Director | _____ Building Official |
| _____ Town Engineer | _____ Fire Chief |

The Town of Apple Valley

14955 Dale Evans Parkway, Apple Valley, CA 92307 • (760) 240-7000 • Fax: (760) 240-7399

Appeal Application (Effective July 1, 2018, Resolution 2018-31)

Page 1 of 2

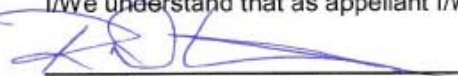
- 2. I/We appeal to the Town of Apple Valley:
(check one)
 Planning Commission _____ Town Council

- 3. I/We am/are appealing the project action taken to:
(Check those which apply)
_____ Deny the project _____ Adopt a Negative Declaration
_____ Approve the project
_____ *Approve the project condition of (specify):

Other: _____

- 4. Detail what is being appealed and what action or change you seek. Specifically address the findings, mitigation measures and/or policies with which you disagree. Also state exactly what action/changes you would seek.
SEE LETTER ATTACHED

I/We understand that as appellant I/We have the burden of proof in this matter:



Signature
Date 2/20/19

Signature



Ralph R. Dickinson
PO Box 2946 // 21735 US HWY 18
Apple Valley, CA 92307
Ph. 760-247-7990 Fax 760-961-2494

ATTN:
Planning Commission
Town of Apple Valley

LETTER OF APPEAL

To Planning Commission Members;

On February 7th we submitted a Sign Permit Application to replace our existing Can Sign plastic with a more attractive Digital Face. Our application was subsequently denied by Carol Miller on 2/12/19 based on interpretation of the Town's Development Code;

Section 9.74.190.B a "legal nonconforming sign copy and sign face may be changed and shall not be considered a structural change or alteration" Cited in denial letter;

- **That we were replacing the plastic with a different material than it was originally designed for.**
- **That it is new (as in Original) signage**
- **That we are making a : "Structural" change**

These citations in our determination are unfounded, To Whit;

- **The existing can was not "Designed" for any particular "Material" and is quite suited for "anything" that will fit into the frame. The only difference is that the plastic face is back-lit and the new face is self-lit. We could be putting a fabric face up instead of Lexan face which would defy the criteria you are citing but would on the other hand be acceptable in your eyes.**
- **This is redundant, as anything we replace the face with would be "New"**
- **We are removing the 40-year old inefficient transformer and the four 100 Watt florescent bulbs and replacing it with highly efficient LED lighting all which are "NON-STRUCTURAL" components of the existing sign. The sign is held by the structure and is not integral to the structure.**

Also, the Town Development Code allows for almost unrestricted digital use along the Caltrans controlled Hwy 15 corridor, but not on the Caltrans controlled SR-18 corridor which appears like an anomaly in your code, and wide open for legal interpretation.

The Town Code also allows for exactly what we are asking in the form of a Monument Sign which would be double sided if we had forty more foot of frontage. I would ask, what is the difference?.... as we only need a single sided replacement face. I asked Carol Miller what was the reasoning behind the Code for not allowing digital in place of plastic and she said, 'it's just the code". She also stated that our existing sign is a "wall sign" when it is in-fact a structurally supported "roof sign". If our sign was put on a pole and turned sideways on my roof it would then be a Monument Sign (as exemplified on Bank of America) as are in several places in our own Village. So I ask again, what is the difference, and to what disparagement is our "type" of sign causing to HWY 18, The Town of Apple Valley, or especially to the Village Merchants?

Taking a step back from the Code Interpretations, as a long term property owner in the Village section of The Town of Apple Valley we want to enhance, not take from, the appearance of our structure.

Our Financial Services business has served CSFA and Public Safety personnel for over 20-years. Our intention was also to dedicate a generous portion of time on this beautiful new face for Public Service, AV Village News, Fire, Police, Town, Weather, Schools, and Parks & Rec. announcements, Etc.

We are members of the AV Village Merchants Association and feel strongly that any enhancement or color that can be added to this district would be a plus. The whole purpose of the Merchants Association was to bring attention to the Village area to add Commerce and trade, so we are feeling very slighted by this hard-lined code interpretation.

I thank the Planning Commission in advance for your favorable interpretation of our request, and look forward to speaking with you all at your next available meeting in March.

Sincerely,

**Ralph R. Dickinson
Building Owner and Operator
Term Team EZLife
Financial and Advisory Services**



Town of Apple Valley Sign Application



FOR TOWN USE ONLY

Date Submitted: 2-7-19 Case No. SNP 2019-003 Received by: CM
 Planning Fee: \$122 Other Fees: _____ Case Planner CM

This application is not an application for a Building Permit. A separate Building Permit application must be submitted to the Building & Safety Division.

APPLICATION PROCESSING FEES:

	Initial Deposit	Actual Cost not to exceed
Temporary Signs	No charge	No charge
Temporary subdivision signs (plus \$616.00 cash bond to guarantee removal; \$98 refund charge)		
On-site sign	\$122	\$122
Each off-site (4' x 8')	\$122	\$122
Weekend directional sign	\$122	\$122
Cash bond to guarantee removal of all	\$648	\$648
Model home/subdivision signs (\$98 refund charge applies)		
Permanent signs		
* Change of Face Only (No increase or expansion)	\$122	\$122
Wall or Other (First sign)	\$122	\$122
Each additional concurrently at same location	\$14	\$14
Freestanding	\$291	\$291
Landmark sign review	\$291	\$291
Design Merit sign review	\$291	\$291

Please type or print legibly in ink

PROPERTY INFORMATION:

Project Address 21735 US HWY 18
 Assessor's Parcel No. (s) _____ Property Size: 144' X 60'
 General Plan Designation _____ Zoning COMMERCIAL

APPLICANT INFORMATION:

Business Owner RAZAH DICKINSON
 Address 21735 US HWY 18 City APPLE VALLEY State CA Zip 92307
 Representative SAME Contact Person _____
 Address _____ City _____ State _____ Zip _____
 Telephone 760 247-7990 Fax 760 961-2494 Email RAZAH@TEAMTEAM.COM
 Property Owner SAME Telephone _____
 Address _____ City _____ State _____ Zip _____

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

SIGN INFORMATION:

Permanent Signs:

Linear Feet of Property (Street 1) 60' Linear Feet of Property (Street 2) 144'
 Linear Feet of Building frontage (Street 1) 51' Linear Feet of Building frontage (Street 2) 42'
 Number of existing signs on site: 3 Square Footage of all signs (include new signs) 1084'

Wall Signs:

EXISTING
 1. 36' Sq. Ft. (Shown) _____ Sq. Ft. (Allowed) Sign Copy (Text) _____
 2. 36' Sq. Ft. (Shown) _____ Sq. Ft. (Allowed) Sign Copy (Text) _____
 3. _____ Sq. Ft. (Shown) _____ Sq. Ft. (Allowed) Sign Copy (Text) _____
 4. 36' Sq. Ft. (Shown) _____ Sq. Ft. (Allowed) Sign Copy (Text) _____

*SEE PICTURES
 SEE ATTACHED
 ON ANAHEIMO SIDE*

Free Standing /Monument

1. Sq. Ft. _____ Sign Copy (text) _____
 Height (above grade) _____ Width _____
 2. Sq. Ft. _____ Sign Copy (text) _____
 Height (above grade) _____ Width _____

*REPLACE WITH DIGITAL FACE ON
 SUBJECT SIGN (SEE PICTURE) ONLY*

Change of Sign Copy

1. Sign Copy (Text) SCROLLING DIGITAL

Temporary Signs/Grand Openings/Special Promotions:

Dates requested: _____

1. Sq. Ft. _____ Sign Copy (text) _____
 2. Sq. Ft. _____ Sign Copy (text) _____
 Banners: Sq. Ft. _____ Sign copy (text) _____

MATERIALS REQUIRED:

- Completed application form
- Three copies of a dimensioned site plan showing the location of existing and proposed signs. *SEE PICTURES + PLOT MAP*
 (See attached sample.)
- Three copies of detailed drawings depicting the size, shape, color, materials, electrical components, lighting and height of the proposed sign(s) and sign structures. (See attached sample.)

Note: Per Section 9.74.110(A)(3)(b) of the Town of Apple Valley Development Code, "Signs shall not obstruct vehicular sight distance, view of right-of-way, or pedestrian/bicycle circulation. In no case shall signs be allowed to interfere with the "Clear Sight Triangle."

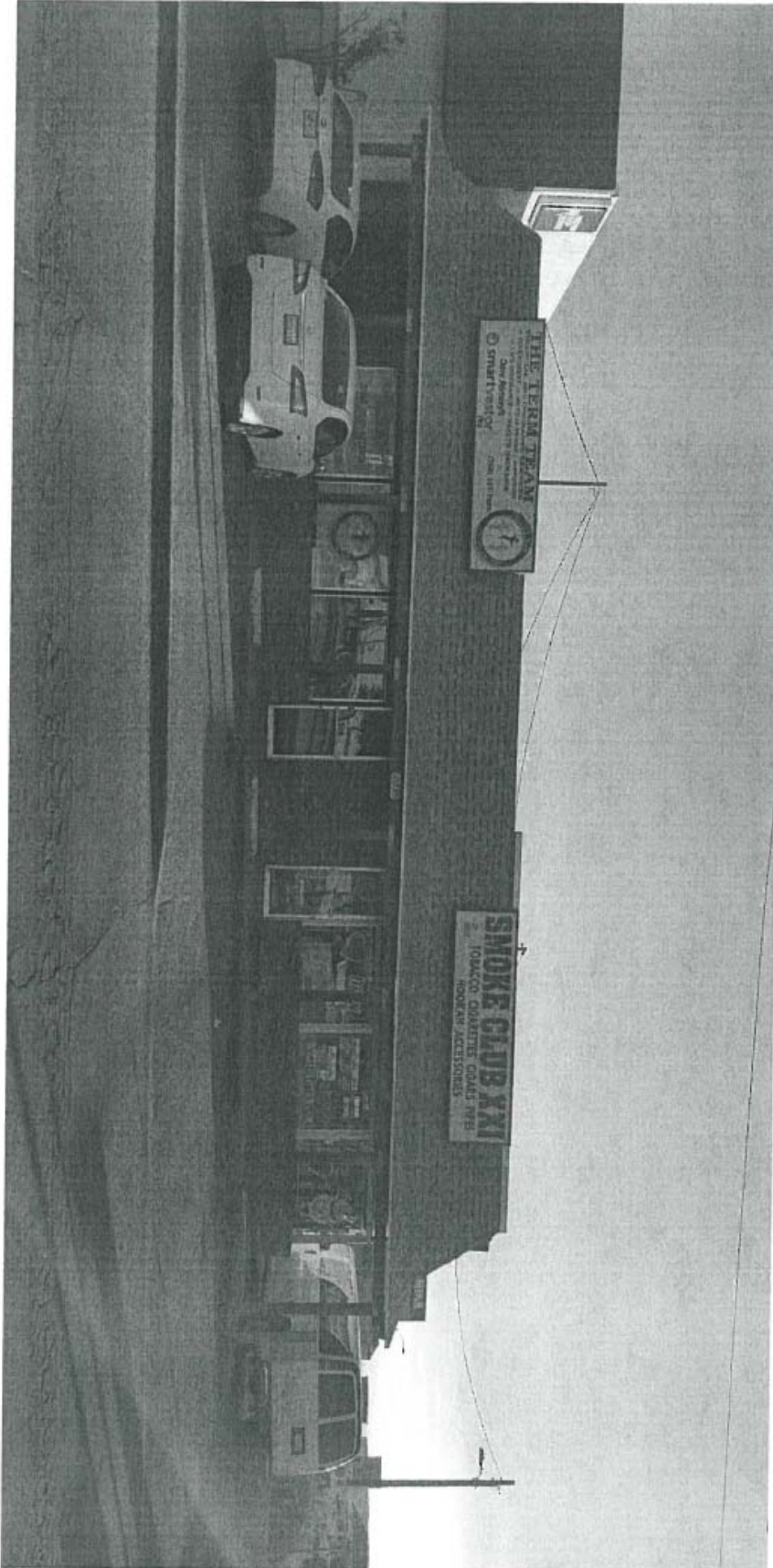
I certify that I have read this application and the information provided is correct. I agree to comply with all State, Town, and County laws and ordinances relating to this application and subsequent approval of permits.

Signature of Applicant/Agent  Date 2/6/19



SUBJECT SIGN TO BE UPDATED

FRONTAGE 60' 6"
BUILDING WIDTH 51' 0"



Buildings front Hwy 18



PROPERTY DEPTH 144' 0"
BUILDING DEPTH 40' 0"

NAVAJO FACING SIDE OF BUILDING



LED Miami Signs
 305-328-9557

Outdoor Display 3.14 x 3.14 AS 10mm®
Front Service



X 4 of THESE
 COMPONENTS
 GOING INTO EXISTING
 SIGN BOX

Characteristics Class A

- High Resolution P10mm RGB
- LEDs Screens are Fabricated with the Highest Level of Technology
- Cabinet 960x960x150mm
- Protection IP64(Rear)& IP65(Front)
- Cabinet Weight 100lbs
- Easy To Use Program for Distribution of Content
- Brightness 8,000 Nits
- **MAX** Consumption 550W per panel


1- 20A CIRCUIT WITH SHUT-OFF
 FEEDS THIS SIGN ALREADY AND
 IS COMPLIANT

Specifications Class A

Pixel Configuration	1 Red, 1 Green, 1 Blue
Pixel Density	10,000Pixel/m ²
Diode Density	15,624 Pixel/m ²
Brightness	8,000 Nits
Viewing Angel	120° (+/- 70°) Horizontal 60° (+/- 32.5°) Vertical
LED Life Span	100,000 Hours by 50% Brightness
Video Processing	16 Bit, 100% Digital
Processing Color	16 Bit Per Color
Colors	18 Quadrillion
Color Wavelength	Red: 1600nm, Green: 3300nm, Blue: 700nm

Color Temperature	6,000 - 12,000K (Adustable)
Module Configuration	24 x 24 Matrix 240 x 240 mm
Cabinet Configurations In Pixels	120 x 96
Voltage	120/240 Volts, 50/60 Hz
Cabinet Weight	100lbs
Software	NovaStar
Refresh Rate	1,920Hz
Warranty	3-Year
Working Temperature	(-34°C a 50°C)
Cabinet Materials	Steel
Degree of Protection	IP65 (Front) & IP64 (Rear)





OUTDOOR DAYLIGHT VISIBLE HIGH DEF LED DISPLAY

Introducing the newest and latest digital advancement in the outdoor LED industry. With more demand for Full Color solutions, we have been developing the supply end for the mainstream marketplace, keeping costs down that will surely change the scope of what is affordable for the average business owner. Explore the new path of providing high definition solutions for your community businesses.

We, as a manufacturer, focus on supporting the local sign companies in offering the best digital solutions for their clients while maximizing profits for the resale. After-service is also key in maintaining the longevity of the investment which is why we offer life-time Tech Support and an industry-leading 5 year Warranty.

Contact your regional manager for dealer-related tools and quotes, as well as our honest, professional advice on your projects.



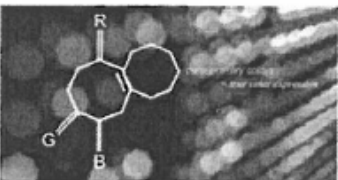
MULTIPLEX:

The current software allows for multiple screen divisions and can display various sources simultaneously including text, images, videos, live capture, presentations, events, etc (video processors may be required for some features).



STATIC WIRELESS:

Some models may add optional wireless kits that allows for powerful communication of up to 1.5 miles within line of sight to the sign's Antenna from the paired Antenna. This dedicated pairing uses its own static, encrypted signals without internet/wifi or can ride existing network signals.



PURE COLOR:

2016 Introduces New Technology of Elliptical LEDs maintaining ultra radiant color spectrum while efficiently controlling low power consumption. Vivid, true, and clear images go hand-in-hand with a longer-lasting life span of LED bulbs.



Town of Apple Valley
Community Development

A Better Way of Life

February 12, 2019

Ralph Dickinson
21735 Highway 18
Apple Valley, CA 92307

Subject: Sign Permit Application No. 2019-003 at 21735 Highway 18, Apple Valley

Dear Mr. Dickenson:

The Planning Division has completed its review of the Sign Application, which was received on February 7, 2019. The application is a request to modify the existing nonconforming wall "can" sign with a digital sign. In accordance with Development Code Sections 9.74.110 and 9.74.190, General Design Criteria and Standards and Nonconforming Signs and Advertising Displays, I am hereby denying Sign Permit Application No. 2019-003.

The application indicates all components of the existing sign will be removed except for the exterior metal box. In accordance with Development Code Section 9.74.190.B, a "legal nonconforming sign copy and sign face maybe changed and shall not be considered a structural change or alteration". The proposal does not constitute a reface but rather a retrofit to replace the sign face of the sign with a different material than it was originally design for. Any new signage as proposed would have to comply with the Sign Code. Therefore, any new signage would have to comply with Development Code Section 9.74.110.G, which prohibits the digital wall sign as proposed.

Any decision of the Planning Director may be appealed to the Planning Commission. The application for appeal must be received within ten (10) days of this notice. An application has been enclosed for your use should you wish to appeal. If you have any questions, please contact the Planning Division as (760) 240-7000, ext. 7200. Town offices are open Monday through Thursday 7:30 a.m. to 5:30 p.m. and Friday 7:30 to 4:30, closed subsequent Fridays.

Sincerely,

A handwritten signature in cursive script that reads "Carol Miller".

Carol Miller
Assistant Director of Community Development

C: File
Encl

ZONING/LOCATION MAP

Appeal No. 2019-002

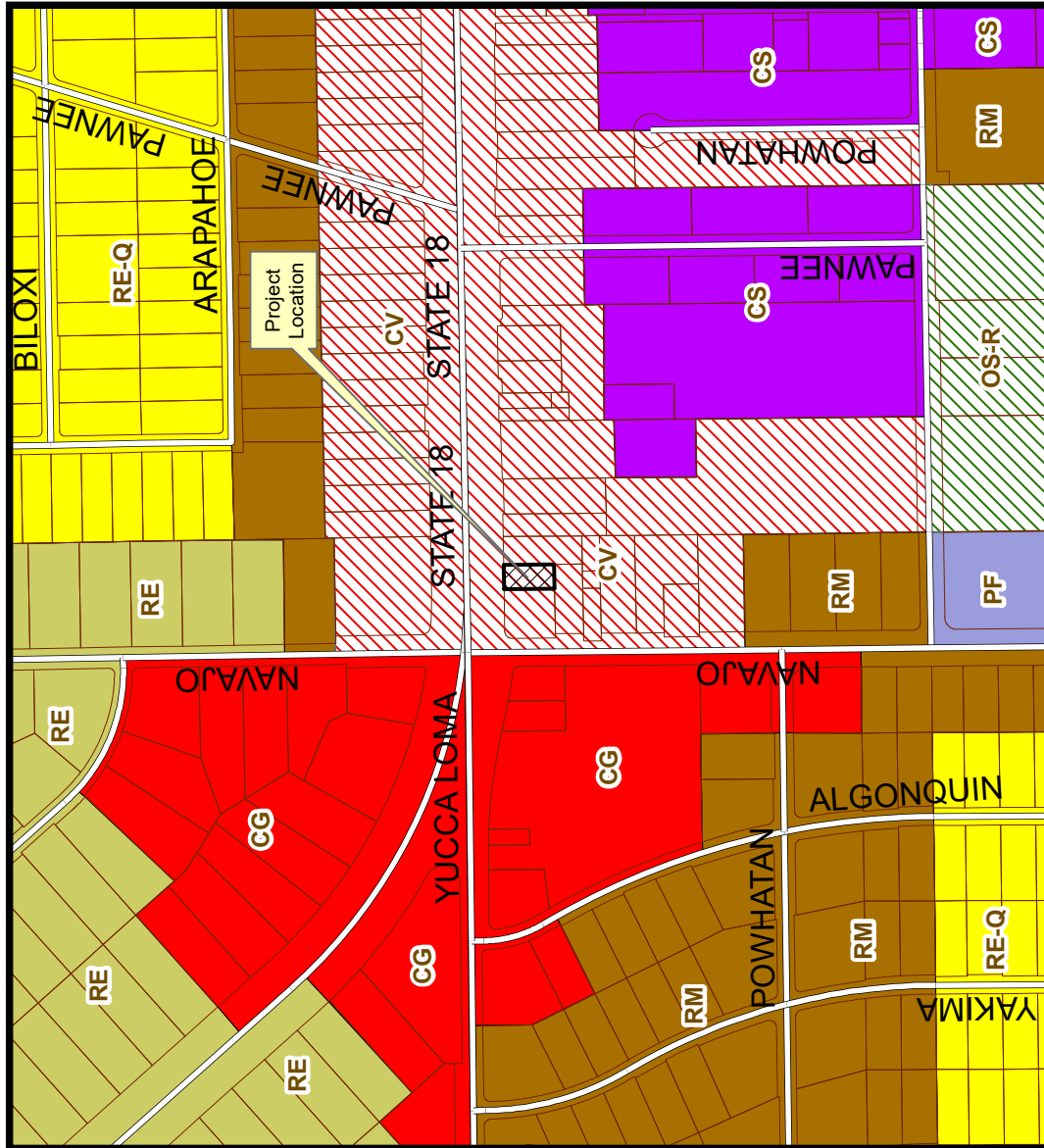
21735 Highway 18
 APN 3087-341-02



Legend

	Project Site
	Estate Residential (1.0 to 2.5 gross acres)
	Equation Residential (1.0 to 0.3 net acre)
	Multi-Family Residential (2 to 20 duplex acre)
	General Commercial
	Village Commercial
	Service Commercial
	Public Facilities
	Open Space Recreation

Date: 3/1/2019





Planning Commission Agenda Report

Date: March 20, 2019 Item No. 3

Subject: TEMPORARY USE PERMIT NO. 2019-002

Applicant: Joseph Michael

Proposal: A request for approval of a Temporary Use Permit to allow the temporary use of an existing vacant commercial building (former Lowe's) by allowing the indoor storage of recreational vehicles and water craft and creating two mini-storage areas within the former garden center and rear staging/loading area. No outdoor storage is proposed.

Location: 15000 Dale Evans Parkway

Environmental Determination: Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301 the project is Categorically Exempt from further environmental review per Section 15301, existing facilities.

Prepared By: Carol Miller, Assistant Director of Community Development

Recommendation: Approval

BACKGROUND

In 2014 the Town Council approved a Code Amendment that amended the Temporary Use Permit regulations to allow for light industrial uses in existing, vacant, large (40,000 s.f +) commercial buildings subject to Planning Commission approval. This allows the occupation of these large vacant buildings that does not permanently change the commercial nature of these buildings for a temporary period of time (ten years) and three (3) one-year extensions to this timeline.

PROJECT AND SITE DESCRIPTION

- A. **Project Size:** The project site is 2.9 acres in size.
- B. **General Plan Designations:**
Project Site - General Commercial
North - Medium Density Residential (R-M)
South - Specific Plan (SP)
East - Office Professional (O-P)
West - General Commercial (C-G)
- C. **Surrounding Zoning and Land Use:**
Project Site - General Commercial (C-G), Retail
North - Multi-Family Residential (R-M), Multi-family

- South - Specific Plan (SP) & Open Space Recreation (OS-R), Vacant, Civic Center Park
- East - Office Professional (O-P), Vacant
- West - General Commercial (C-G), Retail

D. Existing Site Characteristics

The subject site is currently developed with a 139,410 square-foot vacant commercial building (former Lowe's building) that also includes an approximately 30,000 square-foot garden area and related parking. The site is a part of the Apple Valley Commons retail center.

E. Parking Analysis: No change.

ANALYSIS:

A. General:

Pursuant to the Development Code, a Temporary Use Permit has been submitted for indoor storage to afford the Commission the opportunity to review the proposal to determine that there are no negative impacts to the surrounding area and no permanent changes to the center. The applicant is requesting Planning Commission review and approval of a Temporary Use Permit to operate an indoor storage facility. No outdoor storage is proposed, as it is not allowed.

The applicant proposes to occupy the entire structure which consists of 139,410 square feet of floor area and an approximately 30,000 garden area. The facility will allow customers access 24/7. Based on full time customer access it is assumed there will be personnel on-site full time, but no details were provided.

No exterior modifications are proposed at this time. The proposal includes the conversion of the garden area and rear loading area to mini-storage units. The units are a prefabricated building system with metal siding and roofing. These units would be screened from view in the rear building loading area by an existing block wall. The garden area is surrounded by wrought iron and decorative pilasters which makes the area visible to the outside. Therefore, staff is recommending a Condition of Approval that requires a metal mesh be installed on the rear loading area gate and mounted on the existing wrought iron surrounding the garden area to obscure the visibility of the metal units.

No removal or additional landscape areas are proposed, nor is any required. However, due to the amount of time the site has sat vacant, the existing landscape areas have deteriorated. Therefore, a Condition of Approval requires that prior to occupancy, all landscaped areas be brought up to the approved plan specifications. A Condition of Approval to address the weeds in the cracked asphalt within the parking lot be removed and asphalt repaired.

B. Noticing:

The project was legally noticed in the Apple Valley News on January 4, 2019 and notices were mailed to all property owners within 300-feet of the project site.

C. Required Findings

Before approving a Temporary Use Permit, the Director or the Planning Commission may approve, modify or conditionally approve a Temporary Use Permit application only when the following findings are met:

1. The operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger or otherwise constitute a risk to the public health, safety or welfare;

Comment: The proposed temporary storage use at this commercial location will occur within the existing building which will not endanger or otherwise constitute a risk to the public health and welfare.

2. The proposed site is adequate in size and shape to accommodate the temporary use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the site;

Comment: The storage of RV's, vehicles and water craft, including mini-storage units will occur within a 139,410 square-foot building on a 2.9-acre site. Therefore, the site is adequate in size and shape to accommodate the temporary use without being material detriment to other properties located adjacent to and in the vicinity of the site.

3. The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary use will or could reasonably be expected to generate;

Comment: The subject site is adjacent to Dale Evans Parkway and Bass Hill Road which are fully improved major roadways of sufficient width to accommodate the temporary use. Further, the use will generate less traffic than the anticipated commercial use of the zoning district.

4. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site or at alternate locations acceptable to the Director;

Comment: The subject site was developed as a home improvement retail store with related parking. The parking demand of a storage facility is substantially less than required for retail. Therefore, the existing parking is more than sufficient to accommodate the use.

5. The location of the Temporary Use is compatible with the surrounding uses and there are no negative impacts to the surrounding area.

Comment: The proposed temporary indoor storage and mini-storage will occur within an existing building and outdoor enclosed space with required screening which will result in no known or anticipated negative impacts to the surrounding area. Occupancy of a large vacant commercial building that is subject to constant vandalism will improve the locations blighted appearance as seen from the surrounding area.

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 Temporary Use Permit No. 2019-002.

Temporary Use Permit No. 2019-002
March 20, 2019 Planning Commission Meeting

3. Adopt the Findings as provided in the staff report and Temporary Use Permit No. 2019-002.
4. Direct staff to file the Notice of Exemption.

Prepared By:

Carol Miller
Assistant Director of Community Development

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Site Plan (separate attachments)
3. Zoning Map

Town of Apple Valley

Recommended Conditions of Approval
Temporary Use Permit No. 2019-002

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

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This Temporary Use Permit if not exercised, shall not exceed one (1) year with three (3) one (1) year extension subject to the Directors approval. The temporary use shall not exceed ten (10) years from the approval date of final occupancy with the possibility of three (3) one-year extensions to this timeline subject to the Directors approval. The extension application must be filed, and the appropriate fees paid at least thirty (30) days prior to the expiration date.
- 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 Temporary Use Permit No. 2019-002 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. All signs shall have a separate permit and are subject to final approval by the Town of Apple Valley.
- P5. Metal mesh shall be installed on the rear loading area gate and on the existing wrought iron fencing that surrounds the garden area to the approval of the Planning Division.
- P6. Prior to occupancy, all landscaped areas shall be brought up to the approved landscape plan specifications.
- P7. Prior to occupancy, the parking area and drive aisles shall be weed free and asphalt repaired.
- P8. Outdoor storage of any kind is prohibited. Failure to comply with this requirement will begin the revocation of the permit process.
- P9. If applicable, any on-site managers quarters shall be located within the existing building and shown on the building plans.

- P10. No repair or maintenance of the stored vehicles or vessels shall occur on the premises.
- P11. This approval does not include a dump station for RV space renters. Any connection to the public sewer system shall be approved by the Public Works Department.
- P12. Prior to any modifications to the exterior of the building, Planning Division approval is required.
- P13. Any perimeter fencing of the site for added security shall be decorative in nature and allowed for the duration of this TUP.

Building and Safety Division Conditions of Approval

- BC1. Submit plans, engineering and obtain permits for all structures, retaining walls and signs.
- BC2. Comply with State of California Disability Access requirements.
- BC3. Page two (2) of the submitted building plans will be conditions of approval.
- BC4. Construction must comply with the current California Building Codes.
- BC5. Best Management Practices (BMPs) are required for the site during construction.

Public Works Division Conditions of Approval

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

Apple Valley Fire 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. Fire lanes shall be provided with a minimum width of twenty-six (26) feet and maintained.
Apple Valley Fire Protection District Ordinance
55
Install per A.V.F.P.D. Standard Series #202
- FD3. Provide 2-A-10-BC minimum rating fire extinguisher, mounted and serviced by a certified company every 75 feet of travel.
- FD4. A 5-year certification shall be completed on the sprinkler system.
- FD5. Perform annual testing and maintenance on the fire alarm system
- FD6. Plans are required for Smoke and Heat removal prior to the building being occupied.

- FD7. A Fire Protection Engineer shall provide an analysis on the fire protection system in the garden area for the mini storage. The current system is dry and needs to be corrected prior to the building being occupied.
- FD8. Additional requirements may come up during the plan review of the building.

END OF CONDITIONS

ZONING/LOCATION MAP

Temporary Use Permit No. 2019-002

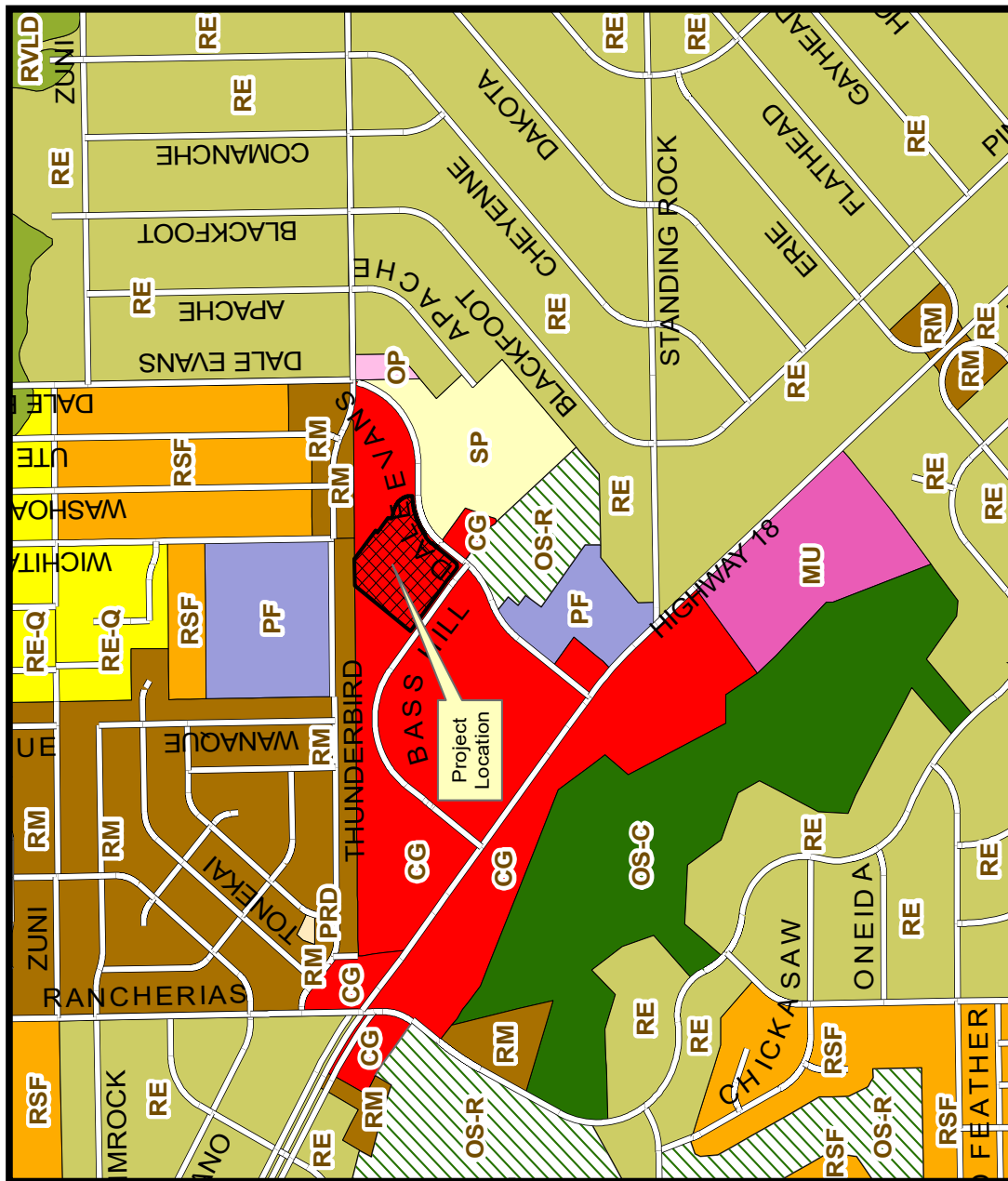
15000 Dale Evans Parkway
 APN 3112-251-62



Legend

	Project Location
	RVLD) Very Low Density Residential (1005 or more gross acres)
	RE) Estate Residential (1001 to 2.5 gross acres)
	RE-2) Estate Residential (1001 to 0.9 gross acres)
	RSF) Single Family Residential (10004 to 0.9 gross acres)
	RM) Multi-Family Residential (2 to 20 duplex units)
	PRD) Planned Residential Development
	CG) General Commercial
	OS-R) Office Professional
	OS-C) Office Professional
	PF) Public Facilities
	OSC) Open Space Conservation
	OSR) Open Space Recreation
	MU) Mixed Use
	SP) Specific Plan

Date: 3/14/2019





Planning Commission Agenda Report

Date:	March 20, 2019	Item No. 4
Subject:	DEVELOPMENT CODE AMENDMENT NO. 2019-002	
Applicant:	Town of Apple Valley	
Proposal:	An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code that will amend Chapters 9.35 "Commercial and Office Districts", and 9.37 "Commercial and Office Districts Design Standards" related to the use of exposed metal.	
Location:	Town-wide	
General Plan Designation:	Commercial land use designations Town-wide	
Existing Zoning:	Commercial land use designations 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.	
Prepared By:	Carol Miller, Assistant Director of Community Development	
Recommendation:	Adopt Planning Commission Resolution No. 2019-002.	

BACKGROUND

At the direction of the Town Council, on September 25, 2018, the Town Council initiated an amendment to the Development Code regarding the use of exposed metal construction. Staff was directed by the Council, to work with the Planning Commission to review the existing standards and consider some revisions.

Presently, the Development Code addresses the use of building materials for the exterior of new construction in Code Chapters 9.35 "Commercial and Office Districts", and 9.37 "Commercial and Office Districts Design Standards" related to the use of exposed metal.

DISCUSSION

The Town could benefit from a change to the Development Code allowing a broader use of metal as an exterior treatment on new construction by expanding the alternatives available to those individuals considering new construction within the Town. However, any use of metal on the exterior of a building must not be allowed to negatively impact existing development either physically or aesthetically. Any new standards must preserve the community's existing high quality of design and aesthetic integrity.

Metal materials have improved over time and the market now has materials that simulate other traditional materials, such as wood siding, brick, and stucco. Also, modern, contemporary design that includes exposed metal architectural elements has become more popular and trend setting. The Development Code Sections references may not accurately reflect changes in the quality of the material or availability of design.

Over the past several years, the Planning Commission and staff have reviewed and approved different uses of metal throughout Town. Metal accents on commercial and industrial buildings have been considered appropriate and contributing toward the high architectural standards we require in the Town. In addition, the Planning Commission may wish to discuss the use of metal as a roofing material.

The Development Permit process can be administratively approved for buildings under 50,000 square feet or façade improvements. Buildings larger than this require approval by the Planning Commission. Because of the subjectivity in determining the appropriate use of exposed metal, staff has historically been very conservative in interpreting the appropriate use of metal, and in some cases where a project could have been administratively approved, was referred to the Planning Commission. A Conditional Use Permit automatically requires the review and approval of the Planning Commission.

The modified language would allow new construction under a Development Permit to be considered at staff level even if exposed metal is shown provided its used as an architectural feature or design element, or replicates other material, such as embossed stucco, wood, stone, or tile. A building that has exposed metal as the primary siding would be referred to the Planning Commission. The language specifically prohibits the use of corrugated or metal seam.

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

9.35.120 Pre-Fabricated Structures

B. Metal Buildings

1. ~~Buildings constructed on site, or structures assembled from modular or similar units on site, or structures assembled off site and moved on site as one unit, may~~ The use of metal exteriors when staff or the Planning Commission determines, during a project's Development Permit or Conditional Use Permit review, may include exposed metal when used as an architectural feature or design element which provides a varying material to the buildings design. Metal siding that replicates other material, such as embossed stucco, wood, stone, tile, or replicates the appearance of traditional shiplap or board and batten may also be used. A structure which proposes an exposed metal exterior as the primarily building siding shall require the application to be approved by the Planning Commission. Textured panels may not be corrugated or metal seam.

~~that the proposed structure shall have an appearance emulating and simulating the color, texture and appearance of other structures within the surrounding area or where it can be clearly demonstrated that the proposed structure shall be an enhancement to the surrounding area. Said metal exterior must provide the same texture depth and other physical characteristics as the exterior of the main structure on the surrounding properties.~~

9.37.080 Architecture

F. Building Materials

2. New development shall be encouraged to utilize adobe, stucco, smooth plasters, earthen color block, natural stone, wood and terra cotta tile as the dominant building materials in response to the Town's desert environment. The use of metal on the exterior of any portion of a structure ~~constructed on site, or structures assembled from modular or similar units on site, or structures assembled off site and moved on site as one unit,~~ may use include exposed metal exteriors when used as an architectural feature or design element which provides a varying material to the building. Metal siding that replicates other material, such as embossed stucco finish, wood, stone, tile, or replicates the appearance of traditional shiplap or board and batten may be used. A structure which proposes a exposed metal exterior as the primarily building siding shall require the application to be approved by the Planning Commission. Textured panels may not be corrugated or metal seam. ~~the Planning Commission determines, during a project's Development Permit or Conditional Use Permit review, that the proposed structure shall have an appearance emulating and simulating the color, texture and appearance of other structures within the surrounding area or where it can be clearly demonstrated that the proposed structure shall be an enhancement to the surrounding area. Said metal exterior must provide the same texture depth and other physical characteristics as the exterior of the main structure on the surrounding properties~~

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, it may be adopted and forward its recommendation to the Council for consideration of the Development Code Amendment. If the Commission wishes to modify 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.

1. 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 proposed Amendment will amend the development requirements for the use of exposed metal within the Commercial zoning designations. The standards and review process with ensure that the community's existing high quality of design and aesthetic integrity will be preserved.

2. The proposed Amendment will not be detrimental to the public health, safety or welfare of the Town or its residents.

Comment: The proposed Amendment will amend the development requirements for the use of exposed metal within the Commercial zoning designations. The standards and review process will ensure that the community's existing high quality of design and aesthetic integrity will be preserved and will not be detrimental to the public health, safety or welfare of the community.

NOTICING

Development Code Amendment No. 2019-002 was advertised as a public hearing in the Apple Valley News newspaper on March 8, 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. 2019-002, forwarding a recommendation that the Town Council amends the North Apple Valley Industrial Specific Plan, as outlined within the staff report.

Prepared by:

Carol Miller
Assistant Director of Community Development

ATTACHMENTS:

1. Planning Commission Resolution No. 2019-002

PLANNING COMMISSION RESOLUTION NO. 2019- 002

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL AMEND TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING CHAPTERS 9.35 “COMMERCIAL AND OFFICE DISTRICTS”, 9.37 “COMMERCIAL AND OFFICE DISTRICTS DESIGN STANDARDS” REGARDING THE STANDARDS FOR THE USE OF METAL ON EXPOSED EXTERIOR BUILDING SURFACES COMMERCIAL ZONED PROPERTIES ANYWHERE WITHIN THE TOWN OF APPLE VALLEY.

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, Development Code Amendment No. 2019-002 is consistent with the General Plan and Municipal Code of the Town of Apple Valley; and

WHEREAS, Specific changes are proposed to the Development Code of the Town of Apple Valley Municipal Code by amending Chapter 9.35 “Commercial and Office Districts” and 9.37 “Commercial and Office Districts Design Standards” as it relates to amending the development standards for metal buildings.

WHEREAS, On March 8, 2019, Development Code Amendment No. 2019-002 was duly noticed in the Apple valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, 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 March 20, 2019, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2019-002, receiving testimony from the public and adopted Planning Commission Resolution No. 2019-002 recommending adoption of this Ordinance; and

WHEREAS, Development Code Amendment No. 2019-002 is consistent with the Town’s General Plan and 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, finds and determines 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. 2019-002 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 2. Pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be determined that the Code amendment 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, as with the proposed Code Amendment, that there is no possibility that the proposal will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

Section 3. Amend Section 9.35.120.B “Pre-Fabricated Structures” of the Code by amending Subsection “B.1” to read as follows:

1. The use of metal exteriors when staff or the Planning Commission determines, during a project’s Development Permit or Conditional Use Permit review, may include exposed metal when used as an architectural feature or design element which provides a varying material to the buildings design. Metal siding that replicates other material, such as embossed stucco, wood, stone, tile, or replicates the appearance of traditional shiplap or board and batten may also be used. A structure which proposes an exposed metal exterior as the primarily building siding shall require the application to be approved by the Planning Commission. Textured panels may not be corrugated or metal seam.

Section 4. Amend Section 9.37.080.F “Architecture” of the Code by amending Subsection “F.2” to read as follows:

2. New development shall be encouraged to utilize adobe, stucco, smooth plasters, earthen color block, natural stone, wood and terra cotta tile as the dominant building materials in response to the Town's desert environment. The use of metal on the exterior of any portion of a structure may include exposed metal when used as an architectural feature or design element which provides a varying material to the building. Metal siding that replicates other material, such as embossed stucco finish, wood, stone, tile, or replicates the appearance of traditional shiplap or board and batten may be used. A structure which proposes an exposed metal exterior as the primarily building siding shall require the application to be approved by the Planning Commission. Textured panels may not be corrugated or metal seam.

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 20th day of March 2019.

Chairman

ATTEST:

I, Yvonne Rivera, 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 20th day of March 2019 by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ms. Yvonne Rivera, Planning Commission Secretary



Planning Commission Agenda Report

Date:	March 20, 2019	Item No. 5
Subject:	SPECIFIC PLAN NO. 2005-001 AMENDMENT NO. 7	
Applicant:	Town of Apple Valley	
Proposal:	An amendment to the North Apple Valley Industrial Specific Plan (NAVISP) Section III “Development Standards and Guidelines” by amending the Pre-Fabricated/Metal Building standards.	
Location:	North Apple Valley Industrial Specific Plan	
General Plan Designation:	Specific Plan	
Existing Zoning:	Specific Plan	
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.	
Prepared By:	Carol Miller, Assistant Director of Community Development	
Recommendation:	Adopt Planning Commission Resolution No. 2019-001.	

BACKGROUND

At the direction of the Town Council, on September 25, 2018, the Town Council initiated an amendment regarding the use of exposed metal construction. Staff was directed by the Council, to work with the Planning Commission to review the existing standards and consider some revisions.

Presently, the North Apple Valley Industrial Specific Plan addresses the use of metal as a building material in Section III “Development Standards and Guidelines” as it related to new and existing development.

DISCUSSION

The North Apple Valley Industrial Specific Plan currently addresses the use of metal as an exterior treatment on new construction and existing development. However, given the exposed metal discussion as it relates to the Development Code for commercial development, it was considered appropriate to consider some language change as well that could benefit the development standards within the North Apple Valley Industrial Specific Plan by expanding the alternatives available for new construction.

For new development, the specific plan currently allows the use of metal when used as an architectural treatment. This is proposed to remain unchanged. The proposed language is the same as in the Development Code amendment for commercial development which expands how metal siding can be used.

Metal materials have improved, and the market now has materials that simulate other traditional materials, such as wood siding, brick, and stucco. Also, modern, contemporary design that includes exposed metal architectural elements has become more popular and trend setting.

Any use of metal on the exterior of a building must not be allowed to negatively impact existing development either physically or aesthetically. Any new standards must preserve the community's existing high quality of design and aesthetic integrity.

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

Section III -Development Standards and Guidelines

E. Land Use Regulations

7. Pre-Fabricated Structures/Metal Buildings

Buildings with exposed metal are discouraged in the Specific Plan Area, with the exception of airplane hangers located on the airport property, in the Industrial-Airport District. Buildings proposing to use exposed metal siding as the primary siding shall require the approval of a ~~Conditional Use Permit~~ Site Plan Review subject to Planning Commission approval.

Existing prefabricated structures/exposed metal buildings may remain within the Specific Plan Area, if they are improved to meet the following standards:

- a. The design of the structure is compatible with the design of surrounding structures.
- b. The outside finishes of the pre-fabricated structure create the appearance of a permanent, conventional construction building.
- c. Roofs of pre-fabricated buildings shall be standing seam, tile or shingle.
- d. Pre-fabricated buildings shall be erected on permanent foundations.

F. Design Standards and Guidelines

1. Architecture

e. Building Material and Colors

2. New development shall be encouraged to utilize adobe, stucco, smooth plasters, earthen color block, natural stone, wood and terra cotta tile as the dominant building materials in response to the Town's desert environment. The use of ~~decorative metal features on the exterior of any portion of a structure is allowed.~~ metal on the exterior of any portion of a

structure may be used as an architectural feature or design element that provides a varying material to the building. Metal siding that replicates other material, such as embossed stucco finish, wood, stone, tile, or replicates the appearance of traditional shiplap or board and batten may be used. A structure which proposes an exposed metal exterior as the primarily building siding shall require the application to be approved by the Planning Commission. Textured panels may not be corrugated or metal seam.

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, it may be adopted and forward its recommendation to the Council for consideration of the Development Code Amendment. If the Commission wishes to modify 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.

1. 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 proposed Amendment will amend the development requirements for the use of exposed metal within the North Apple Valley Specific Plan. The standards and review process with ensure that the community's existing high quality of design and aesthetic integrity will be preserved.

2. The proposed Amendment will not be detrimental to the public health, safety or welfare of the Town or its residents.

Comment: The proposed Amendment will amend the development requirements for the use of exposed metal within the North Apple Valley Specific Plan. The standards and review process will ensure that the community's existing high quality of design and aesthetic integrity will be preserved and will not be detrimental to the public health, safety or welfare of the community.

NOTICING

Specific Plan Amendment No. 2005-001 Amendment No. 7 was advertised as a public hearing in the Apple Valley News newspaper on March 8, 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. 2019-001, forwarding a recommendation that the Town Council amend the North Apple Valley Industrial Specific Plan, as outlined within the staff report.

Prepared by:

Carol Miller
Assistant Director of Community Development

ATTACHMENTS:

1. Planning Commission Resolution No. 2019-001

PLANNING COMMISSION RESOLUTION NO. 2019- 001

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT SPECIFIC PLAN NO. 2005-001 AMENDMENT NO. 7 THE NORTH APPLE VALLEY INDUSTRIAL SPECIFIC PLAN BY AMENDING SECTION III “DEVELOPMENT STANDARDS AND GUIDELINES” AS THEY RELATE TO PREFABRICTED BUILDINGS AND METAL BUILDINGS.

WHEREAS, a Specific Plan of Land Use was approved on October 10, 2006 by the Town Council on the recommendation of the Planning Commission for lands generally located east of Dale Evans Parkway, south of Quarry Road, west of Central Road and north of Waalew Road, known as the North Apple Valley Industrial Specific Plan; and

WHEREAS, the North Apple Valley Industrial Specific Plan has been previously modified by the Town Council on the recommendation of the Planning Commission; and

WHEREAS, Specific Plan No. 2005-001 Amendment No. 7 is consistent with the General Plan and Municipal Code of the Town of Apple Valley; and

WHEREAS, Specific changes are proposed to the North Apple Valley Industrial Specific Plan by amending Section III “Development Standards and Guidelines” as it relates to amending the development standards for metal buildings.

WHEREAS, On March 8, 2019, Specific Plan No. 2005-001 Amendment No. 7 was duly noticed in the Apple valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, 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 March 20, 2019, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Specific Plan No. 2005-001 Amendment No. 7, receiving testimony from the public and adopted Planning Commission Resolution No. 2019-001 recommending adoption of this Ordinance; and

WHEREAS, Specific Plan No. 2005-001 Amendment No. 7 is consistent with the Town’s General Plan and 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, finds and determines 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 Specific Plan No. 2005-001 Amendment No. 7 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 2. Pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be determined that the Code amendment 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, as with the proposed Code Amendment, that there is no possibility that the proposal approved under Specific Plan No. 2005-001 Amendment No. 7 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

Section 3. Amend Section III “Development Standards and Guidelines” of the North Apple Valley Industrial Specific Plan by amending Subsection “E.7” to read as follows:

E. Land Use Regulations

7. Pre-Fabricated Structures/Metal Buildings

Buildings with exposed metal are discouraged in the Specific Plan Area, with the exception of airplane hangers located on the airport property, in the Industrial-Airport District. Buildings proposing to use exposed metal siding as the primary siding shall require the approval of a ~~Conditional Use Permit~~ Site Plan Review subject to Planning Commission approval.

Existing prefabricated structures/exposed metal buildings may remain within the Specific Plan Area, if they are improved to meet the following standards:

- a. The design of the structure is compatible with the design of surrounding structures.
- b. The outside finishes of the pre-fabricated structure create the appearance of a permanent, conventional construction building.
- c. Roofs of pre-fabricated buildings shall be standing seam, tile or shingle.
- d. Pre-fabricated buildings shall be erected on permanent foundations.

Section 4. Amend Section III “Development Standards and Guidelines” of the North Apple Valley Industrial Specific Plan by amending Subsection “F.1.e.2” to read as follows:

F. Design Standards and Guidelines

1. Architecture

e. Building Material and Colors

2. New development shall be encouraged to utilize adobe, stucco, smooth plasters, earthen color block, natural stone, wood and terra cotta tile as the dominant building materials in response to the Town's desert environment. The use of metal on the exterior of any portion of a structure may be used as an architectural feature or design element that provides a varying material to the building. Metal siding that replicates other material, such as embossed stucco finish, wood, stone, tile, or replicates the appearance of traditional shiplap or board and batten may be used. A structure which proposes an exposed metal exterior as the primarily building siding shall require the application to be approved by the Planning Commission. Textured panels may not be corrugated or metal seam.

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 20th day of March 2019.

Chairman

ATTEST:

I, Yvonne Rivera, 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 20th day of March 2019 by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ms. Yvonne Rivera, Planning Commission Secretary