



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY  
PLANNING COMMISSION AGENDA**

**WEDNESDAY, AUGUST 7, 2019**

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

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

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**PLANNING COMMISSION MEMBERS**

Jason Lamoreaux, Chairman  
Bruce Kallen, Vice-Chairman  
B. R. "Bob" Tinsley, Commissioner  
Joel Harrison, Commissioner  
Mike Arias Jr., Commissioner

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

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



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY  
PLANNING COMMISSION AGENDA  
REGULAR MEETING  
WEDNESDAY AUGUST 7, 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](http://www.applevalley.org) subject to staff's ability to post the documents before the meeting.

*The Town of Apple Valley recognizes its obligation to provide equal access to those individuals with disabilities. Please contact the Town Clerk's Office, at (760) 240-7000, two working days prior to the scheduled meeting for any requests for reasonable accommodations.*

**REGULAR MEETING**

The Regular meeting is open to the public and will begin at 6:00 p.m.

**CALL TO ORDER**

**ROLL CALL**

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

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

Anyone wishing to address an item not on the agenda, or an item that is not scheduled for a public hearing at this meeting, may do so at this time. California State Law does not allow the Commission to act on items not on the agenda, except in very limited circumstances. Your concerns may be referred to staff or placed on a future agenda.

**APPROVAL OF MINUTES**

1. Minutes for the regular meeting of May 15, 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. **Zone Change No. 2019-001.** A request to consider a zone change for two (2) parcels from Equestrian Residential (R-EQ) to Single Family Residential (R-SF).

**APPLICANT:** Christopher Connors  
High Desert Church

**LOCATION:** North side of Yucca Loma Road, east of Cree Road. APN 3112-241-70 and -71.

**ENVIRONMENTAL  
DETERMINATION:**

The zone change which is consistent with the General Plan 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, 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. 2019-010

3. **Development Code Amendment 2019-006.** An amendment to Section 9.08 "Definitions" adding a definition for "Assembly of Products" and amend Table 9.35.030-A "Permitted Uses" of Title 9 "Development Code" of the Town of Apple Valley Municipal Code to allow the Assembly of Products as an ancillary use to any permitted or conditionally permitted use, as long as it is conducted within an enclosed building. This ancillary use would be allowed in all commercial zones Town-wide.

**APPLICANT:** Town of Apple Valley

**LOCATION:** 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:** Lori Lamson, Assistant Town Manager

**RECOMMENDATION:** Adopt Planning Commission Resolution No. 2019-011

4. **Development Code Amendment No. 2019-007.** The Planning Commission will be considering an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying the entitlement process related to on-site sales of beer and wine only and adding provisions relating to artisan beverage makers that may include microbrews, craft distilleries and coffee roasters. Also recommended is a modification to allow food service establishments within the Public Facilities (P-Z) zoning designation.

**APPLICANT:** Town of Apple Valley

**LOCATION:** 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:** Pam Cupp, Senior Planner

**RECOMMENDATION:** Continuance

5. **Development Code Amendment No. 2019-008.** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying provisions relating to accessory dwelling units located on corner lots. Also, under consideration are modifications to the existing definition of front lot line.

**APPLICANT:** Town of Apple Valley

**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:** Pam Cupp, Senior Planner

**RECOMMENDATION:** Adopt Planning Commission Resolution No. 2019-008

**OTHER BUSINESS**

6. **General Plan Conformity Finding for a Right-of-Way Vacation VAC No. 2019-001.** To consider a General Plan Conformity Finding, pursuant to Government Code Section 65402(a), for the vacation of sixteen (16) feet of the forty-five (45)-foot South Outer Highway 18 for approximately 200 linear feet.

**APPLICANT:** Ash Pathi

**LOCATION:** Southwest corner of Highway 18 and Kasota Road. APNs 0473-112-10 and -11.

**ENVIRONMENTAL  
DETERMINATION:**

The General Plan conformity finding is not a project as defined by CEQA. The future transfer of excess right-of-way property to adjacent parcel owners is exempt from CEQA review, per Section 15061(b)(3), because the project has no potential for causing a significant effect on the environment.

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

**RECOMMENDATION:** Adopt Planning Commission Resolution No. 2019-009, which recommends to the Town Council that the requested right-of-way vacation is consistent with the goals and policies of the Town's General Plan.

**PLANNING COMMISSION COMMENTS**

**STAFF COMMENTS**

**ADJOURNMENT**

The Planning Commission will adjourn to its next regularly scheduled Planning Commission meeting on August 21, 2019.

**MINUTES**

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

**May 15, 2019**

**CALL TO ORDER**

Chairman Lamoreaux called to order the regular meeting of the Town of Apple Valley Planning Commission at 6:01 p.m.

Roll Call

Present: Commissioner Tinsley, Commissioner Arias, Commissioner Harrison, Chairman Lamoreaux.

Absent: Vice-Chairman Kallen.

Staff Present

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

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF MINUTES**

None.

**PUBLIC COMMENTS**

Al Rice – wanted to thank the Planning Commission for their time and asked about the status of the Traffic Committee and was concerned about the entrance at Tractor Supply and the need for more signage.

**PUBLIC HEARINGS**

- Variance No. 2019-001-** A request for approval of a Variance to allow a swimming pool to encroach thirty (30) feet into the required fifty (50)-foot front yard setback. The project site is 0.49-acre in size and is located within the Single-Family Residential (R-SF) zoning designation.

Applicant: Landau Pools, representing Mr. Douglas Verral.

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

Commissioner Tinsley asked if other applicants been denied for the similar request. Ms Cupp, responded that the Town had not previously processed a Variance for a pool in the front setback.

Commissioner Harrison asked for clarification that the wall was approved for the perimeter and the only issue was the setback. Ms. Cupp said yes, the only issue was the setback.

Commissioner Arias asked what would be allowed in the setback. Ms. Cupp said the only thing allowed would be a wall and landscaping, no other structures.

Chairman Lamoreaux asked if swing sets, dog runs would be allowed. Ms. Cupp said, yes, they would since those are not permanent structures.

Douglas Verral, applicant thanked his neighbors and contractor for being present to show their support. Mr. Varral said he disagreed with the report regarding being able to install the pool in his backyard. He stated his lot is a rectangular shape and the backyard was very narrow and the area by his garage there is a giant boulder making hard to do anything to that part of his yard.

Chairman Lamoreaux opened the meeting for public comments 6:15pm.

Susie Verral, Applicant provided some aerial pictures of their property showing the boulders that were buried by the builder of their home several years ago. Ms. Verral shared health history of Mr. Verral and explained how beneficial having a pool would be for him.

Mary Osborne, Apple Valley;  
Ken Walton, Apple Valley;and  
William Murray, Apple Valley, spoke in support of the building the pool.

Ginger Watkins, Apple Valley, lives across the street from Mr. and Ms. Verral. She provided a picture of her home showing the wall on her property that hides her pool. She also asked the Planning Commission to allow the pool to be build.

Chairman Lamoreaux closed the public hearing at 6:31pm.

Commissioner Tinsley explained to the audience the reason staff was recommending denial is that they were following the code. He stated he felt it was an asset to the property and the community.

Commissioner Harrison, drove around the neighborhood and felt the approved wall would fit right in the neighborhood and the pool would not be visible from the street.

Commissioner Arias also was in agreement to allow the construction of the pool.

Chairman Lamoreaux also agreed that the approved wall would hide the pool.

Based upon public comments and Planning Commission discussion, Thomas Rice, Town Attorney requested a brief recess to meet with staff to work on positive findings.

Chairman Lamoreaux called a recess at 6:39pm.

Chairman Lamoreaux reopened the meeting at 6:48pm.

Mr. Thomas Rice read into the record the following positive Findings:

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

Comment: The property is a corner lot. The property rear is narrow and sloped. In addition, there are underground boulders limiting the ability to develop a pool. There are neighboring properties that enjoy a twenty-five (25)-foot setback along Tude Road.

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 proposal will be consistent with the intent of the Development Code because there will be no visible permanent structures within the setback because the permitted wall will effectively screen the pool from view.

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: The ability for the residents to build a pool is a privilege enjoyed by numerous neighboring properties.

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: The Variance will not be detrimental to public health, safety, or welfare because no permanent structures will be visible from the public right-of-way as the permitted wall will effectively screen the pool.

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

Comment: Because the site poses unique conditions as stated in the above Findings, the granting the Variance will not constitute a special privilege

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



Comment: The proposed Variance is a request for a reduced front-yard setback for the construction of a swimming pool, which is a permitted use within the Single-family Residential (R-SF) zoning designation.

Commissioner Tinsley asked if the applicant agreed with the presented findings.

Motion by Commissioner Arias, seconded by Commissioner Harrison, that the Planning Commission move to grant Variance 2019-001 based on the findings.

**ROLL CALL VOTE**

Yes: Chairman Lamoreaux  
Commissioner Tinsley  
Commissioner Harrison  
Commissioner Arias  
Noes: None  
Abstain: None  
Absent: Vice-Chairman Kallen  
The motion carried by a 4-0-0-1 vote

**OTHER BUSINESS**

None.

**PLANNING COMMISSION COMMENTS**

Planning Commission thanked staff for their efforts.

**STAFF COMMENTS**

Ms. Miller said June 19<sup>th</sup> meeting will include two of the first Development Code Amendments.

**ADJOURNMENT**

Motion by Commissioner Arias Jr. seconded by Commissioner Harrison, and unanimously carried, to adjourn the meeting of the Planning Commission at 6:54 p.m. to its next regularly scheduled meeting on June 19, 2019.

Respectfully Submitted by:

\_\_\_\_\_  
Maribel Hernandez  
Planning Commission Secretary

Approved by:

\_\_\_\_\_  
Chairman, Jason Lamoreaux



## Planning Commission Agenda Report

<b>DATE:</b>	August 7, 2019	Item No. 2
<b>SUBJECT:</b>	ZONE CHANGE NO. 2019-001	
<b>APPLICANT:</b>	Christopher Connors High Desert Church	
<b>PROPOSAL:</b>	Zone Change No. 2019-001: A request to consider a zone change for two (2) parcels from Equestrian Residential (R-EQ) to Single Family Residential (R-SF).	
<b>LOCATION:</b>	North side of Yucca Loma Road, east of Cree Road. APN 3112-241-70 and -71.	
<b>GENERAL PLAN DESIGNATION:</b>	Single Family Residential (R-SF)	
<b>EXISTING ZONING:</b>	Equestrian Residential (R-EQ)	
<b>ENVIRONMENTAL DETERMINATION:</b>	The zone change which is consistent with the General Plan 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, may have a significant effect on the environment, the activity is not subject to CEQA.	
<b>PREPARED BY:</b>	Carol Miller, Assistant Director of Community Development	
<b>RECOMMENDATION:</b>	Adopt Planning Commission Resolution No. 2019-010	
<b><u>PROJECT SITE AND DESCRIPTION:</u></b>		
A.	<u>Project Size</u>	The subject area encompasses two (2) parcels consisting of approximately twelve (12) and thirty-five (35) acres.
B.	<u>Site Characteristics</u>	Both parcels are undeveloped and contain native vegetation. The subject area is surrounded by single family residential.

C. General Plan Designations

Project Site - Single Family Residential (R-SF)  
North - Single Family Residential (R-SF)  
South - Single Family Residential (R-SF)  
East - Estate Residential (R-E)  
West - Single Family Residential (R-SF)

D. Surrounding Zoning

Project Site - Equestrian Residential (R-EQ) and Single Family Residential (R-SF)  
North - Single Family Residential (R-SF)  
South - Single Family Residential (R-SF)  
East - Estate Residential (R-E)  
West - Single Family Residential (R-SF)

**DISCUSSION**

Both applicants have requested a zone change from Equestrian Residential (R-EQ) to Single Family Residential (R-SF). Both zoning designations fall under the Single Family Residential (R-SF) General Plan land use designation which makes the request consistent with the General Plan. The main distinction between the two designations is animal keeping.

The owner of APN 3112-241-71 initiated the request to eliminate the dual zoning that currently exists on the property in anticipation of subdividing the property. Eliminating the dual zoning negates the buffer area requirement between the two zoning districts. The smaller parcel has also been included and supported by the property owner to eliminate what would be a remaining small island of R-EQ or a spot zoning situation.

**FINDINGS:**

In considering any zone change, the Council and Commission are required by the Municipal Code to make special Findings. The following are the Findings for an amendment to the Zoning Districts Map as required under Section 9.06.060 and a comment to address each. If the Commission wishes to modify the offered comments, after considering input and public testimony at the public hearing, modifications to the Findings 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. To express this vision, a General Plan identifies a range of goals and policies that establish a basis by which public decisions are made. A component of the General Plan is the Land Use Element, which includes a map that illustrates the boundaries of existing and planned land uses in the Town. The land use map illustrates many different land use designations, which describe the types of uses and development densities/intensities that can be accommodated. In this instance the proposed Single Family Residential (R-SF) zoning is consistent with the underlying General Plan designation and is consistent with the predominant zoning within the area.

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

Comment: The proposed zoning is consistent with the underlying General Plan designation and is consistent with the predominant zoning within the area, and therefore will not be detrimental to the public health, safety or welfare of the Town or its residents.

**NOTICING**

Zone Change No. 2019-001 was advertised as a public hearing in the Apple Valley News newspaper on July 26, 2019.

**ENVIRONMENTAL REVIEW**

Staff finds the proposed zone change which is consistent with the General Plan 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. In this instance, the proposed Single Family Residential (R-SF) zoning is consistent with the General Plan designation and therefore, already analyzed within the certified General Plan EIR. Therefore, 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. 2019-010, forwarding a recommendation that the Town Council amend the Zoning District Map.

**Prepared by:**

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Carol Miller  
Assistant Director of Community Development

**ATTACHMENTS:**

1. Planning Commission Resolution No. 2019-010
2. Zoning Map -Existing
3. Zoning Map - Proposed

**PLANNING COMMISSION RESOLUTION NO. 2019-010**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL APPROVE ZONE CHANGE NO. 2019-001 AMENDING THE LAND USE DESIGNATION**

**WHEREAS**, the General Plan of the Town of Apple Valley was adopted by the Town Council on August 11, 2009; and

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

**WHEREAS**, Zone Change No. 2019-001 is consistent with the General Plan of the Town of Apple Valley;

**WHEREAS**, the proposed zone change is consistent with the goals, objectives and policies of the Apple Valley General Plan. The Single Family Residential (R-SF) zoning designation proposed will not significantly change the type or intensity of land use that could be proposed for the site in the future; and

**WHEREAS**, Zone Change No. 2019-001 is consistent with the Land Use Element goals and policies of the Town's General Plan and shall promote the health, safety, and general welfare of the citizens of the Town of Apple Valley; and

**WHEREAS**, On July 26, 2019, Zone Change No. 2019-001 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 Zone Change, may have a significant effect on the environment, the activity is not subject to CEQA; and

**WHEREAS**, On August 7, 2019, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Zone Change No. 2019-001, receiving testimony from the public and adopted Planning Commission Resolution No. 2019-010 recommending adoption; and

**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.** In consideration of the evidence received 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 that the change proposed under Zone Change No.

2019-001 is consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

**Section 2.** Based upon the facts presented within the staff analysis, public testimony and pursuant to Government Code Section 65863(b), the Planning Commission of the Town of Apple Valley, California, finds that the proposed land use designation is consistent with the General Plan goals and policies.

**Section 3.** Find that the changes proposed by Zone Change No. 2019-001 is consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

**Section 4.** Pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be determined that the Zone Change 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 Zone Change, that there is no possibility that the proposal will have a significant effect on the environment and, therefore, is EXEMPT from further environmental review.

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 7th day of August 2019.

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Jason Lamoreaux, Chairman

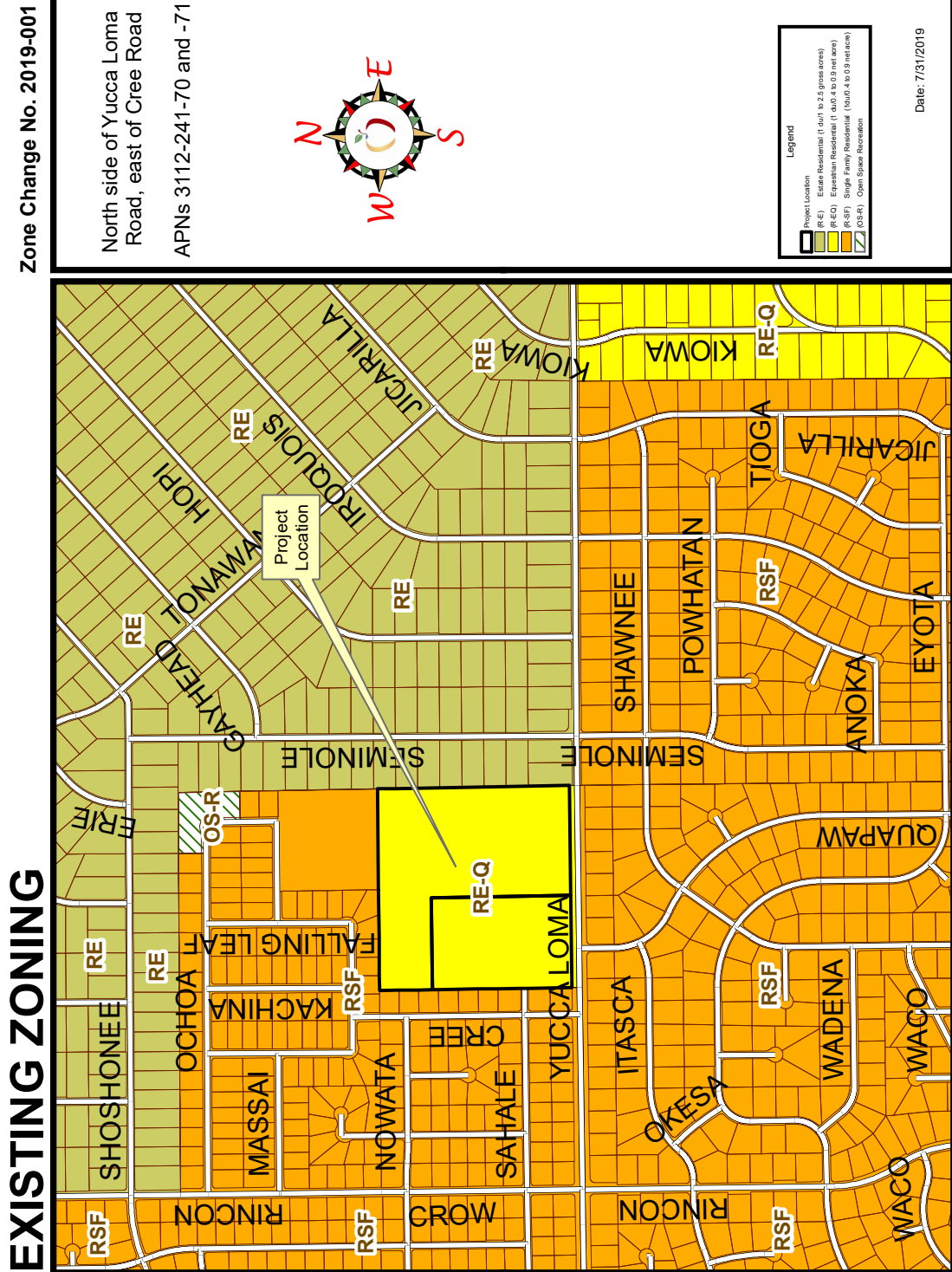
ATTEST:

I, Maribel Hernandez, 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 7th day of August 2019 by the following vote, to-wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Ms. Maribel Hernandez, Planning Commission Secretary

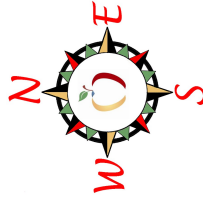


# PROPOSED ZONING

Zone Change No. 2019-001

North side of Yucca Loma Road, east of Cree Road

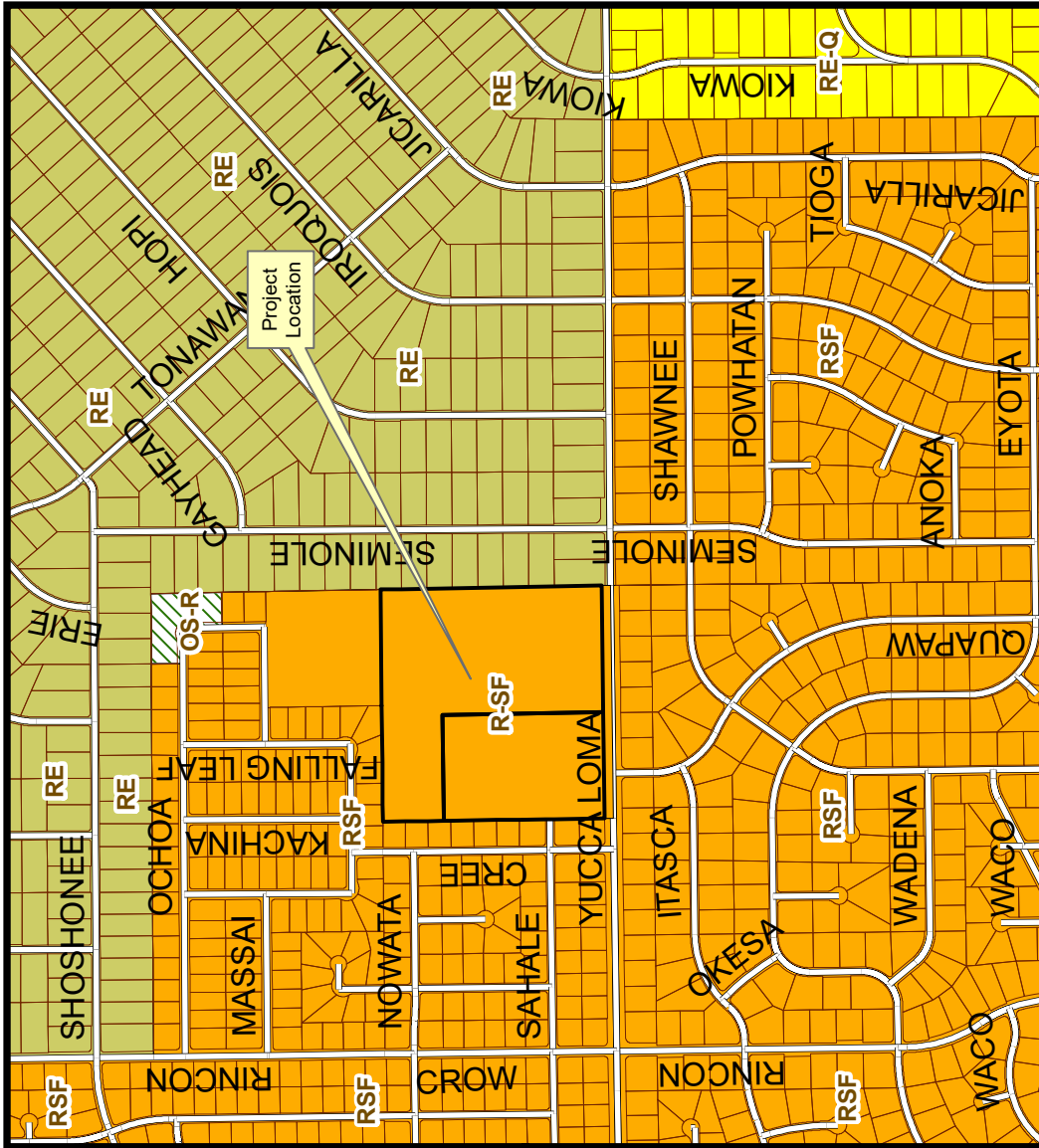
APNs 3112-241-70 and -71



Legend

	Project Location
	Zoning Selection
	RE (E) Estate Residential (1,441 to 2.5 gross acres)
	RE (EO) Establisment Residential (1,440 to 2.5 gross acres)
	R-SF Single Family Residential (170x104 to 0.9 net acre)
	O-SR Open Space Recreation

Date: 7/31/2019







## Planning Commission Agenda Report

<b>DATE:</b>	August 7, 2019	Item No. 3
<b>SUBJECT:</b>	DEVELOPMENT CODE AMENDMENT NO. 2019-006	
<b>APPLICANT:</b>	Town of Apple Valley	
<b>PROPOSAL:</b>	An amendment to Section 9.08 "Definitions" adding a definition for "Assembly of Products" and amend Table 9.35.030-A "Permitted Uses" of Title 9 "Development Code" of the Town of Apple Valley Municipal Code to allow the Assembly of Products as an ancillary use to any permitted or conditionally permitted use, as long as it is conducted within an enclosed building. This ancillary use would be allowed in all commercial zones Town-wide.	
<b>LOCATION:</b>	Town-wide	
<b>GENERAL PLAN DESIGNATION:</b>	All Commercial Land Use Designations	
<b>EXISTING ZONING:</b>	All Commercial Zoning Designations	
<b>ENVIRONMENTAL DETERMINATION:</b>	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.	
<b>PREPARED BY:</b>	Lori Lamson, Assistant Town Manager	
<b>RECOMMENDATION:</b>	Adopt Planning Commission Resolution No. 2019-011.	

### **BACKGROUND**

At the direction of the Town Council, on May 1, 2019 at the joint Planning Commission and Town Council workshop, the Town Council initiated an amendment to the Development Code regarding the ability to assemble products on-site of an approved commercial use. Staff was directed by the Council, to work with the Planning Commission to add specific language to the Development Code that would allow for assembly of products as an ancillary use to an approved commercial use.

Presently, assembly of all goods is only identified and included in the definition of manufacturing, which has limited approved commercial zones.

**DISCUSSION**

The types of businesses that this amendment may affect includes any business that might install products that need to be assembled prior to installation. These products could include, but are not limited to; solar panels, plumbing fixtures, computer or electronic devices. These types of businesses typically do not manufacture parts, but assemble parts manufactured off-site for the purpose of selling or providing a service of installation. This ancillary use would be complimentary to the approved commercial uses found at a fixed store front, office or place of business. This type of assembly does not fit the current definition of manufacturing and is silent regarding an ancillary use within the language of the Development Code.

In order to differentiate that the assembly of the product is not the sole purpose of the business, the language presented, requires that the assembly be an ancillary use to an approved commercial use. In addition, to ensure there are no impacts to the surrounding properties, the assembly must take place within an enclosed building. Assembly of products outside of a building would fall under the traditional manufacturing definition of the Development Code.

Staff is offering for the Commission's consideration the following additional language as identified below.

**CHAPTER 9.08 “DEFINITIONS”**

**Assembly of Products** – Ancillary to an approved commercial use, production or putting together products, for the purpose of installation or sale of goods or service as allowed by an approved commercial activity.

**TABLE 9.35.030-A “PERMITTED USES”**

**F. Manufacturing/Production/Wholesale Uses**

STANDARDS <sup>(1)</sup>	DISTRICT					
	O-P	C-G	C-S	C-R	C-V	M-U
2. Assembly of Products, as an ancillary use to any approved commercial use described above in Table 9.35.030.A, that is conducted within a completely enclosed building.	P	P	P	P	P	P

**FINDINGS:**

In considering any Development Code Amendment, the Council and Commission are required by the Municipal Code to make special Findings. The following are the Findings for an amendment to the Development Code as required under Section 9.06.060 and a comment to address each:

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 would clarify the ability of an approved commercial use to assemble products for sale or for service installation. The proposed ancillary use is required to be conducted within an enclosed building in order to reduce any impacts to surrounding properties. The proposed amendment would encourage new businesses and development and would not negatively impact existing development within the Town. The amendment will eliminate the current ambiguity of the Development Code and further clarify the difference between assembly of products and the manufacturing of goods.

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 require assembly of products to be entirely within an enclosed building and will still 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. 2019-006 was advertised as a public hearing in the Apple Valley News newspaper on July 26, 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. 2019-00\_\_, forwarding a recommendation that the Town Council amends the Development Code as described above.

### **ATTACHMENTS:**

1. Planning Commission Resolution No. 2019-011

**PLANNING COMMISSION RESOLUTION NO. 2019- 011**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL AMEND SECTION 9.08 "DEFINITIONS" ADDING A DEFINITION FOR "ASSEMBLY OF PRODUCTS" AND AMEND TABLE 9.35.030-A "PERMITTED USES" OF TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE TO ALLOW THE ASSEMBLY OF PRODUCTS AS AN ANCILLARY USE TO ANY PERMITTED OR CONDITIONALLY PERMITTED USE, AS LONG AS IT IS CONDUCTED WITHIN A COMPLETELY ENCLOSED BUILDING. THIS ANCILLARY USE WOULD BE ALLOWED IN ALL COMMERCIAL ZONES TOWN-WIDE.**

**WHEREAS**, The General Plan of the Town of Apple Valley was adopted by the Town Council on August 11, 2009; and

**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. 2019-006 is consistent with the General Plan and Municipal Code of the Town of Apple Valley;

**WHEREAS**, On May 1, 2019, the Town Council initiated a Development Code Amendment, directing staff to draft language that would clarify the ability of an approved commercial use to allow assembly of products for sale or installation;

**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", Table 9.35.030-A "Permitted Uses" by adding F.2 "Assembly of Products" and adding a definition of Assembly of Products to Chapter 9.08 "Definitions":

**WHEREAS**, On July 26, 2019, Development Code Amendment No. 2019-006 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 August 7, 2019, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code

Amendment No. 2019-006, receiving testimony from the public and adopted Planning Commission Resolution No. 2019-011 recommending adoption of an Ordinance; and

**WHEREAS**, Development Code Amendment No. 2019-006 is consistent with the Land Use Element goals and policies of 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. 2019-006 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 9.08 “Definitions” to include the following definition placed in alphabetical order:

**Assembly of Products** – Ancillary to an approved commercial use, production or putting together products, for the purpose of installation or sale of goods or service as allowed by an approved commercial activity.

**Section 4.** Amend Section F. of Table 9.35.030-A “Permitted Uses” to read as follows:

**TABLE 9.35.030-A PERMITTED USES**

**F. Manufacturing/Production/Wholesale Uses**

STANDARDS <sup>(1)</sup>	DISTRICT					
	O-P	C-G	C-S	C-R	C-V	M-U
2. Assembly of Products, as an ancillary use to any approved commercial use described above in Table 9.35.030.A, that is conducted within a completely enclosed building.	P	P	P	P	P	P

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 7th day of August 2019.

\_\_\_\_\_  
Jason Lamoreaux, Chairman

ATTEST:

I, Maribel Hernandez, 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 7th day of August 2019 by the following vote, to-wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Ms. Maribel Hernandez, Planning Commission Secretary



## Planning Commission Agenda Report

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**DATE:** August 7, 2019 Item No. 4

**CASE NUMBER:** Development Code Amendment No. 2019-007

**APPLICANT:** Town of Apple Valley

**PROPOSAL:** The Planning Commission will be considering an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying the entitlement process related to on-site sales of beer and wine only and adding provisions relating to artisan beverage makers that may include microbrews, craft distilleries and coffee roasters. Also recommended is a modification to allow food service establishments within the Public Facilities (P-F) zoning designation.

**LOCATION:** 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:** Pam Cupp, Senior Planner

**RECOMMENDATION:** Continuance

**BACKGROUND & DISCUSSION**

Staff is recommending that this public hearing item be continued to the August 21, 2019 Planning Commission meeting.



## Planning Commission Agenda Report

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<b>DATE:</b>	August 7, 2019	Item No. 5
<b>CASE NUMBER:</b>	Development Code Amendment No. 2019-008	
<b>APPLICANT:</b>	Town of Apple Valley	
<b>PROPOSAL:</b>	An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying provisions relating to accessory dwelling units located on corner lots. Also under consideration are modifications to the existing definition of front lot line.	
<b>LOCATION:</b>	Residential Zoning Districts Town-wide	
<b>ENVIRONMENTAL DETERMINATION:</b>	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.	
<b>PREPARED BY:</b>	Ms. Pam Cupp, Senior Planner	
<b>RECOMMENDATION:</b>	Adopt Planning Commission Resolution No. 2019-008.	

### **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. On March 26, 2019, the Town Council adopted Ordinance No. 504 which modified the site development standards for accessory structures and accessory dwelling units. The Ordinance included provisions that accessory dwelling units must be located to the rear of the primary structure. The subject of accessory dwelling units was again raised during the public comments at the May 1, 2019 joint meeting of the Town Council and Planning Commission. Staff was directed by the Council to work with the Planning Commission to add specific language to the Development Code to establish standards for accessory dwelling units on corner lots. Staff is also proposing a



modification to the formal definition of a front lot line based upon an existing discrepancy within the Code.

## **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 states that accessory dwelling units located on lots less than two and one-half (2-1/2) acres in size must be located to the rear of the primary dwelling unit. Depending upon orientation of the primary dwelling, this development standard may preclude the construction of an accessory dwelling unit on a corner lot. Previous analysis and discussion did not include corner lot scenarios. There are several possible plotting variations that should be given consideration.



ADU to rear of primary with opposing street access.



ADU to the rear of primary with shared access.

ADU to side of primary within the rear half of the lot with same street access.





ADU to side within the front half of the lot with opposing street access.

Staff is offering for the Commission’s consideration a modification to Section 9.29.120 “Accessory Dwelling Units” by amending subsection E “Detached Accessory Dwelling Units” Item 2, which as proposed, would permit all of the above scenarios:

“ 2. For lots less than two and one-half (2-1/2) acres in size, the accessory dwelling unit shall **comply with the following:**

- a. **Shall** be located to the rear of the primary dwelling unit;
- b. **On corner lots, the minimum front or street side yard setback of the accessory dwelling unit shall be at least ten (10) feet greater than the primary dwelling or have its access from the street opposite that of the primary dwelling.**
- c. **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.**

As part of the overall cleanup of the Development Code, the Commission should examine the existing definitions relating to “lots”. There is a discrepancy between the definition of “lot frontage” and “front lot line” when both should have similar definitions.

### Lot Frontage

The portion of the lot contiguous to the street. *On corner lots the narrowest frontage*

*shall be considered the front of the lot.* On a lot located on a cul-de-sac, curved street, or dead-end street with a curved turn-around, the frontage shall be measured as the chord drawn between the terminuses of the side property lines at their intersection with the street right-of-way (Figure 9.08-3).

### **Lot Line**

Any boundary of a lot. The classifications of lot lines are (Figure 9.08-14):

A. **Front.** On an interior lot, the line separating the parcel from the street right-of-way. On a corner or through lot, the lot line abutting the street providing the primary access to the lot. On a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained;

Staff is recommending a modification to the definition of a front lot line as follows:

A. **Front.** On an interior lot, the line separating the parcel from the street right-of-way. On a corner lot, the lot line along the narrowest street frontage. On a ~~or~~ through lot, the lot line abutting the street providing the primary access to the lot. On a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained;

### **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. 2019-008 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. Development Code Amendment will further provide definition consistency as related to the front of a lot.

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. 2019-008 will provide additional opportunity for the development of accessory dwelling units on a corner lot and will clear any discrepancies relating to front lot lines.

### **NOTICING**

Development Code Amendment No. 2019-008 was advertised as a public hearing in the Apple Valley News newspaper on August 2, 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.

Attachment:

Draft Planning Commission Resolution No. 2019-008

**PLANNING COMMISSION RESOLUTION NO. 2019-008**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2019-008 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 DETACHED ACCESSORY STRUCTURES ON CORNER LOTS AND CHAPTER 9.08 “DEFINITIONS” AS IT RELATES TO FRONT LOT LINE.**

**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 detached accessory structures on corner lots and Chapter 9.08 “Definitions” as it relates to front lot lines; and,

**WHEREAS**, on August 2, 2019, Development Code Amendment No. 2019-008 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 August 7, 2019 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2019-008 receiving testimony from the public; and

**WHEREAS**, Development Code Amendment No. 2019-008 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. 2019-008 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.** Section 9.29.120 “Accessory Dwelling Units” by amending subsection E “Detached Accessory Dwelling Units” Item 2 as follows:

“2. For lots less than two and one-half (2-1/2) acres in size, the accessory dwelling unit shall comply with the following:

- a. Shall be located to the rear of the primary dwelling unit;
- b. On corner lots, the minimum front or street side yard setback of the accessory dwelling unit shall be at least ten (10) feet greater than the primary dwelling or have its access from the street opposite that of the primary dwelling;
- c. 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.”

**Section 4.** Amend the definition for Lot Line, Front of Chapter 9.08 “Definitions” as follows:

“A. **Front.** On an interior lot, the line separating the parcel from the street right-of-way. On a corner lot, the lot line along the narrowest street frontage. On a through lot, the lot line abutting the street providing the primary access to the lot. On a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained;”

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 7th day of August 2019.

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Vice Chairman Jason Lamoreaux

ATTEST:

I, Maribel Hernandez, 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 7th day of August 2019, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Ms. Maribel Hernandez, Planning Commission Secretary





## Planning Commission Agenda Report

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<b>DATE:</b>	August 7 2019	Item No. 6
<b>CASE NUMBER:</b>	General Plan Conformity Finding for a Right-of-Way Vacation VAC No. 2019-001	
<b>APPLICANT:</b>	Ash Pathi	
<b>PROPOSAL:</b>	To consider a General Plan Conformity Finding, pursuant to Government Code Section 65402(a), for the vacation of sixteen (16) feet of the forty-five (45)-foot South Outer Highway 18 for approximately 200 linear feet.	
<b>LOCATION:</b>	Southwest corner of Highway 18 and Kasota Road. APNs 0473-112-10 and -11.	
<b>ENVIRONMENTAL DETERMINATION:</b>	The General Plan conformity finding is not a project as defined by CEQA. The future transfer of excess right-of-way property to adjacent parcel owners is exempt from CEQA review, per Section 15061(b)(3), because the project has no potential for causing a significant effect on the environment.	
<b>STAFF PERSON:</b>	Carol Miller, Assistant Director of Community Development	
<b>RECOMMENDATION:</b>	Adopt Planning Commission Resolution No. 2019-009, which recommends to the Town Council that the requested right-of-way vacation is consistent with the goals and policies of the Town's General Plan.	

- A. Project Summary: The proposed Planning Commission action consists of a General Plan conformity finding that the vacation of sixteen (16)-feet of a forty-five (45)-foot wide right-of-way be forwarded and reviewed by the Town Council. Government Code Sections 65402(a) and (c) require that, prior to street vacation or acquiring/selling real property for any purpose, the planning agency of any city (Town of Apple Valley) or county, with an adopted General Plan, must report that the street vacation or acquisition/sale conforms to the General Plan. As described in this staff report, the proposed right-of-way vacation conforms to the Town's General Plan.

### ANALYSIS

- A. General Plan Conformance: As described, Government Code Sections 65402(a) and (c) require that, prior to a street vacation the planning agency with an adopted General Plan must report that the street vacation conforms to their General Plan. Although the General Plan does not address street vacations specifically, the General Plan does indicate maintaining and expand a safe and efficient circulation and transportation system.

Therefore, in accordance with Resolution No. 98-06 whose purpose is to "...enhance the traffic safety along the outer highway the applicant proposes to vacate a 200-foot, improved section of South Outer Highway as required by Development Permit No. 2018-004 and Special Use Permit No. 2018-001 (Nico Plaza). This section of right-of-way is forty-five (45) feet wide. Sixteen (16) feet of this right-of-way will be vacated and the remainder incorporated into the State Highway.

To replace this segment of South Outer Highway, a new parallel roadway will be constructed approximately 400' south of the current outer highway to create a new connection between Kasota Road and Tuscola Road. Currently this project is in the design and environmental phase.

Based on the above analysis, staff finds that the proposal is consistent with the General Plan.

- B. Environmental Assessment: The General Plan conformity finding is not a project as defined by CEQA. The future transfer of excess right-of-way property to adjacent parcel owners is exempt from CEQA review, per Section 15061(b) (3), because the project has no potential for causing a significant effect on the environment.

#### RECOMMENDATION

Adopt Planning Commission Resolution No. 2019-009, finding and reporting that the right-of-way vacation as described herewith is in conformance with the Town's General Plan.

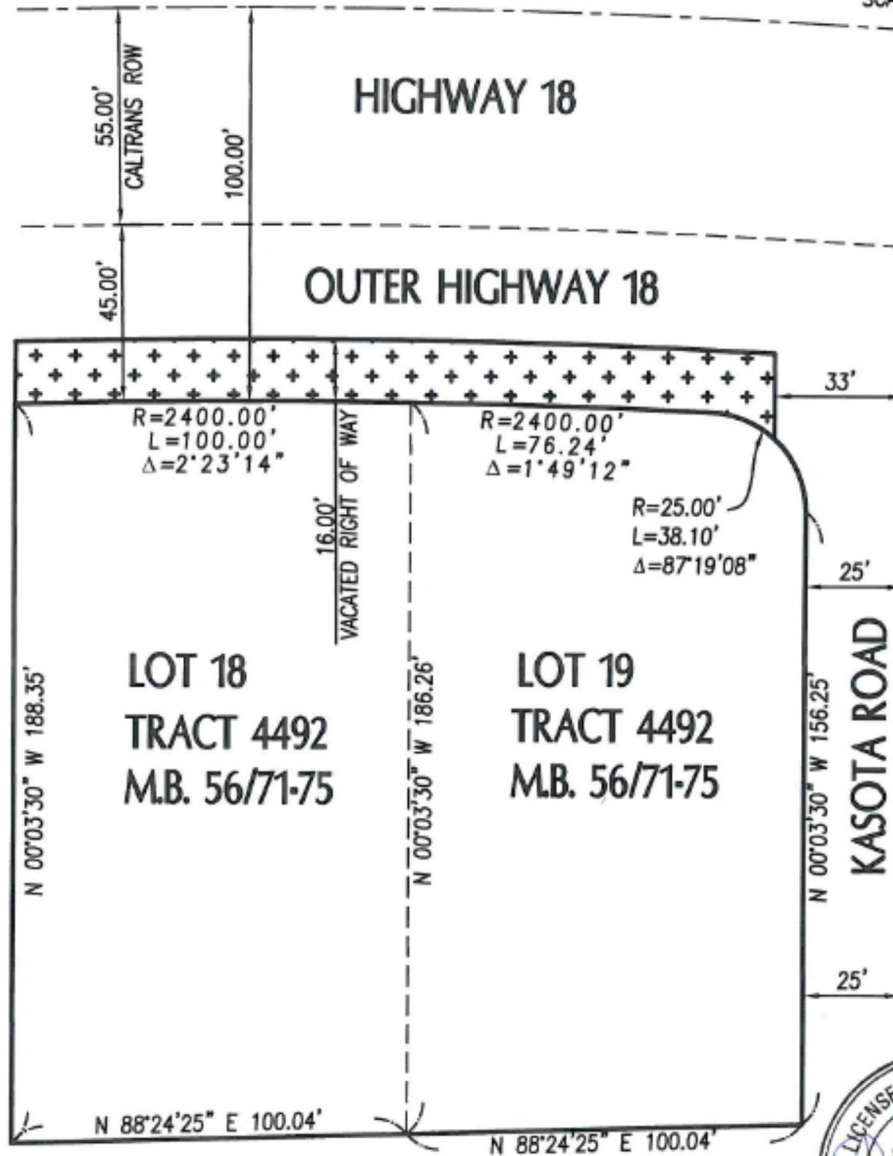
#### ATTACHMENTS:


1. Vacation Exhibit
2. Planning Commission Resolution No. 2019-009

# VACATION EXHIBIT



SCALE: 1"=40'



 VACATION FROM TOWN OF APPLE VALLEY  
 CONTAINS: 3,102 SQ. FT.



**PLANNING COMMISSION RESOLUTION NO. 2019-009**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, FINDING THE PROPOSED STREET VACATION OF A 200 FOOT SEGMENT OF SOUTH OUTER HIGHWAY 18 AT KASOTA ROAD, TO BE IN CONFORMANCE WITH THE GENERAL PLAN.**

**WHEREAS**, on August 11, 2009 the Town Council adopted a Comprehensive General Plan Update for the Town of Apple Valley; and

**WHEREAS**, on February 10th, 1998, the Town Council approved and adopted Resolution No. 98-06 to "... enhance the traffic safety along the outer highways..."; and

**WHEREAS**, consideration is being given to the possible street vacation of a 200-foot segment of the Outer Highway 18 at Kasota Road; and

**WHEREAS**, a sixteen (16)-foot wide portion of the forty-five (45)-foot public right-of-way is being considered for possible vacation; and

**WHEREAS**, the proposal is consistent with the Town's General Plan because it has been determined that where feasible the Outer Highway 18 shall be eliminated to enhance traffic safety, which is consistent with the intent of Resolution 98-06; and

**WHEREAS**, the proposal will not impact connectivity between land uses or impact circulation or transportation systems; and

**WHEREAS**, Government Code Sections 65402(a) and (c) of the State of California requires that, prior to an agency taking action to vacate any street segment, an assessment must be made by the Planning Commission as to the conformity with their General Plan.

**NOW, THEREFORE BE IT RESOLVED**, that the Planning Commission hereby reports that the street vacation, as shown on Vacation Exhibit, attached hereto and made a part hereof is in conformance with the Town of Apple Valley General Plan.

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 7th day of August 2019.

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Jason Lamoreaux, Chairman

ATTEST:

I, Maribel Hernandez, 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 7th day of August 2019 by the following vote, to-wit:

*Street Vacation No. 2019-001*  
*August 7, 2019 Planning Commission Meeting*

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Ms. Maribel Hernandez, Planning Commission Secretary

AYES:

NOES:

ABSENT:

ABSTAIN