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**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA**

WEDNESDAY, DECEMBER 4, 2019

Regular Meeting 6:00 p.m.

Town Council Chambers
14955 Dale Evans Parkway

PLANNING COMMISSION MEMBERS

Vacant, 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

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



**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY DECEMBER 4, 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: Tinsley _____; Arias _____; Harrison _____
Vice-Chairman Kallen _____

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 November 6, 2019

PUBLIC HEARING ITEMS

2. **Development Permit No. 2019-012.** A Request to approve a Development Permit to allow the construction of a 1,250 square-foot detached recreational vehicle garage that is twenty (20) feet in height.

APPLICANT: Mr. Pat Kelly Representing Troy and Tami Allender

LOCATION: 18585 Chapae Lane, APN# 0473-064-01

ENVIRONMENTAL

DETERMINATION: Staff has determined pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15303(e) which says, accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences are exempt from further environmental review.

CASE PLANNER: Ms. Carol Miller, Assistant Director of Community Development

RECOMMENDATION: Approval

3. **Conditional Use Permit No. 2019-001.** A request to operate a U-Haul moving truck and equipment rental facility that will include retail sales and an indoor, self-storage facility. The project will include the interior and exterior renovations of an existing 89,378-Square foot retail building.

APPLICANT: U-Haul Moving and Storage Rentals

LOCATION: 20777 Bear Valley Road: APN 0434-051-82 and 87

ENVIRONMENTAL

DETERMINATION: Staff has determined that pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301 Class 1, the proposed request is Exempt from further environmental review.

CASE PLANNER: Pam Cupp, Senior Planner

RECOMMENDATION: Approval

4. **Development Permit No. 2019-010 and Variance No. 2019-004.** A request for a development permit to construct a 2,847 square foot medical office building and related parking. The Variance is a request for relief from Development Code Section 9.72.060(B)(8) to allow a sixteen (16) inch landscape separation and a

four (4)-Foot sidewalk separation where a minimum five (5)-Foot separation distance between the parking lot curb and the side property lines is required.

APPLICANT: Mr. Albert Carlucci

LOCATION: 16139 Kamana Rd; 0473-384-05

ENVIRONMENTAL

DETERMINATION: Staff has determined that pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), Sections 15303 and 15305, the proposed Variance and Development Permit are Categorically Exempt from further environmental review per Sections 15303 and 15305, Minor Alteration in Land Use Limitations.

CASE PLANNER: Ms. Carol Miller, Assistant Director of Community Development

RECOMMENDATION: Approval

- 5. Development Code Amendment No. 2019-017.** A request to amend Title 9 “Development Code” of the Town of Apple Valley Municipal Code to modify development provisions relating to accessory dwelling units for compliance with recently approved State Legislation.

APPLICANT: Town of Apple Valley

LOCATION: Town-Wide

ENVIRONMENTAL

DETERMINATION: Staff has determined that pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301 Class 1, the proposed request is Exempt from further environmental review.

CASE PLANNER: Pam Cupp, Senior Planner

RECOMMENDATION: Continuance

OTHER BUSINESS

PLANNING COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT

The Planning Commission will adjourn to the regular Planning Commission Meeting on December 18, 2019.

MINUTES

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

NOVEMBER 6, 2019

CALL TO ORDER

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

Roll Call

Present: Commissioner Arias, Commissioner Tinsley, Vice-Chairman Kallen,
Commissioner Harrison

Absent:

Staff Present

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Arias.

APPROVAL OF MINUTES

1. Approval of Minutes for the regular meeting of September 18, 2019.

Motion by, Commissioner Tinsley, second by Commissioner Harrison to approve the minutes of September 18, 2019.

ROLL CALL VOTE

Yes: Vice-Chairman Kallen
Commissioner Tinsley
Commissioner Arias
Commissioner Harrison

Noes: None

Abstain: None

Absent: None

The motion carried by a 4-0-0-0 vote

PUBLIC COMMENTS

None

PUBLIC HEARINGS

2. Development Code Amendment No. 2019-012. An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code that would allow for administrative review of Amendments to approved projects.

Vice-Chairman Kallen opens the public hearing at 6:03pm.

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

Chairman Tinsley asked if the Planning Commission could get a report that lists amendments requested after Planning Commission has approved projects.

Ms. Carol Miller stated the report can be presented to Planning Commission on a quarterly basis under Other Business.

Vice-Chairman Kallen closed the public hearing at 6:07pm.

MOTION

Motion by Commissioner Tinsley seconded Commissioner Arias to approve Planning Commission Resolution No. 2019-016.

ROLL CALL VOTE

Yes: Vice-Chairman Kallen
Commissioner Arias
Commissioner Tinsley
Commissioner Harrison
Noes: None
Abstain: None
Absent: None

The motion carried by a 4-0-0-0 vote

3. Development Code Amendment No. 2019-013. An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code to include advisory information regarding Development Impact Fees.

Vice-Chairman Kallen opens the public hearing at 6:08pm.

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

Commissioner Harrison noted in section 3-2 under section A, it reads "*necessitates the recover the costs*" but should read "*necessitate the recovery of costs*"

Vice-Chairman asked if an index item could be added to refence DIF so people will know what the definition is.

Vice-Chairman Closed the public hearing at 6:11pm.

Motion by Commissioner Arias seconded Commissioner Harrison to approve Planning Commission Resolution No. 2019-017 with the correction made in section A and addition of index item referencing DIF.

ROLL CALL VOTE

Yes: Vice-Chairman Kallen
Commissioner Arias
Commissioner Tinsley
Commissioner Harrison

Noes: None

Abstain: None

Absent: None

The motion carried by a 4-0-0-0 vote

4. Development Code Amendment No. 2019-015. An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code to allow legal, nonconforming, multi-family projects consisting of two (2) to four (4) units located within the Single-Family Residential (R-SF) zoning designation to be fully repaired or replaced in the event of fire of another damaging event.

Vice-Chairman Kallen opens the public hearing at 6:12pm.

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

Commissioner Harrison asked why Council decided to table this item and discussion ensued regarding the Council's prior decision to table the prior Code Amendment that would have modified the multi-family development standards.

Ms. Cupp said the multi-family standards will be discussed at the next joint meeting.

Vice-Chairman Kallen closed public hearing at 6:21pm

Motion by Commissioner Harrison seconded Commissioner Tinsley to approve Planning Commission Resolution No. 2019-018.

ROLL CALL VOTE

Yes: Vice-Chairman Kallen
Commissioner Arias
Commissioner Tinsley
Commissioner Harrison
Noes: None
Abstain: None
Absent: None

The motion carried by a 4-0-0-0 vote

5. Development Code Amendment No. 2019-014. An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code to allow solid metal and vinyl as optional materials for solid fencing in commercial zones, allow cargo/shipping containers to be used in Service Commercial (C-S) zone in the Apple Valley Village, modify the definition and footnote related to screening material, and provide design criteria for cargo containers to be allowed in residential zones. In addition, an Amendment to the North Apple Valley Industrial Specific Plan is proposed to allow solid metal and vinyl as optional materials for solid fencing of storage areas.

Vice-Chairman Kallen opens the public hearing at 6:12pm.

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

Commissioner Tinsley asked what examples of vinyl staff has seen to feel this is now acceptable material.

Ms. Cupp said there are nice vinyl panels that could be used for screening instead of the vinyl slats.

Vice-Chairman Kallen said if, fencing does not require a permit, then if a resident builds a substandard fence, will they be asked to take it down.

Ms. Cupp rephrased her comment and added that anything fence over 6 feet in height requires a building permit and will be reviewed by staff.

Commissioner Arias said most of the time this vinyl paneling will be used is for interior fencing and most likely not be visible from the street.

Commissioner Harrison asked staff if they had different language to provide some clarity for vinyl paneling.

Ms. Miller thought rigid solid panels may be added and separate vinyl from the other materials.

Mr. Rice, made the following suggestion for both the Development Code:

Acceptable materials can include, masonry, stucco, solid metal, but shall not include corrugated metal. Rigid vinyl panels may also be approved by the Director, when consistent with the provisions of the Development Code.

Mr. Rice, made the following suggestion for the changes to the North Apple Valley Industrial Specific Plan:

Acceptable materials can include, masonry, stucco, solid metal, but shall not include corrugated metal. Rigid vinyl panels may also be approved by the Director, when consistent with the provisions of the Specific Plan and Development Code.

Commissioner Harrison asked if cargo containers had to have a roof that matches the house.

Ms. Cupp said not typically with sheds in the rear of the yard and staff will ask that color matches the primary home.

It was the consensus of the Commission that cargo containers in the residential districts should also match the roofline of the main house and that the language should be modified to read:

...unless said container and roofline/structure is covered or skinned with siding materials similar to the primary residence (i.e. wood, stucco, or masonry) and the design is compatible with the primary residence. All applicable building permits for alteration of prefabricated structure shall be required.

Vice-Chairman Kallen closed public hearing at 6:54pm.

Motion by Commissioner Harrison seconded Commissioner Tinsley to approve Planning Commission Resolution No. 2019-015 as amended.

ROLL CALL VOTE

Yes: Vice-Chairman Kallen
Commissioner Arias
Commissioner Tinsley
Commissioner Harrison
Noes: None
Abstain: None
Absent: None

The motion carried by a 4-0-0-0 vote

OTHER BUSINESS

None

PLANNING COMMISSION COMMENTS

None

STAFF COMMENTS

Ms. Miller extended the invitation to the ground-breaking ceremony for the new Starbucks.

ADJOURNMENT

Motion by Vice-Chairman Kallen, Second by Commissioner Harrison, and unanimously carried, to adjourn the meeting of the Planning Commission at 6:43p.m. to the Joint Meeting on November 20, 2019.

Respectfully Submitted by:

Maribel Hernandez
Planning Commission Secretary

Approved by:

Vice-Chairman, Bruce Kallen



Planning Commission Agenda Report

DATE: December 4, 2019 Item No. 2

CASE NUMBER: Development Permit No. 2019-012

APPLICANT: Mr. Pat Kelly representing Troy and Tami Allender

PROPOSAL: A REQUEST TO APPROVE A DEVELOPMENT PERMIT TO ALLOW THE CONSTRUCTION OF A 1,250 SQUARE-FOOT DETACHED RECREATIONAL VEHICLE GARAGE THAT IS TWENTY (20) FEET IN HEIGHT.

LOCATION: 18585 Chapae Lane, APN 0473-064-01

ENVIRONMENTAL DETERMINATION: Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15303(e) which says, accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences are exempt from further environmental review.

CASE PLANNER: Ms. Carol Miller, Assistant Director of Community Development

RECOMMENDATION: Approval

PROJECT AND SITE DESCRIPTION:

- A. Project Size:
The project site is .65 acres in size.
- B. General Plan Designations:
 - Site - Single-Family Residential (R-SF)
 - North - Single-Family Residential (R-SF)
 - South - Single-Family Residential (R-SF)
 - East - Single-Family Residential (R-SF)
 - West - Single-Family Residential (R-SF)
- C. Zoning/Existing Use:
 - Site - Residential Equestrian (R-EQ), Single-Family Residence
 - North - Residential Equestrian (R-EQ), Single-Family Residence
 - South - Residential Equestrian (R-EQ), Single-Family Residence
 - East - Residential Equestrian (R-EQ), Single-Family Residence
 - West - Residential Equestrian (R-EQ), Single-Family Residence
- D. Building Height:
Permitted Maximum: Sixteen (16)-feet

Proposed Maximum: Twenty (20) feet

E. Setback Analysis:

	<u>Required:</u>	<u>Proposed Garage:</u>
Front:	50 feet	140 feet
Rear:	10 feet	23.8 feet
Side:	10 feet	50.7 feet
Street Side	25 feet	49.2 feet

ANALYSIS:

A. General:

Pursuant to the Development Code, Planning Commission approval of a Development Permit is required for any detached structure over sixteen (16) feet in height within any residential zoning district. The Development Permit process provides the Planning Commission an opportunity to review the architecture/aesthetics and the proposed height of the accessory structure in relationship to its surroundings. The applicant is requesting the additional height to accommodate a recreational vehicle.

B. Development Review

The project site is developed with an existing 2,602 square-foot single family residence with a 776 square-foot attached garage. The terrain is relatively flat with no significant slopes. All surrounding properties are located within the Single-Family Residential (R-SF) zoning designation and developed with single-family residences.

The subject site is slightly lower in pad elevation than the property located to the rear and approximately the same grade as the adjacent property closest to the proposed RV garage.

The Development Code establishes standards for accessory structures to ensure the single-family residence remains the dominant land use and that a quality, aesthetic presentation of the property is maintained. The detached garage will measure twenty (20) feet in height with one RV roll-up door and one (1) man-door on the side elevation. As required by the Development Code, the proposed detach garage had been designed to be architecturally compatible with the primary structure through the use of matching colors, building materials and architectural elements. Therefore, the proposed garage is found to be compatible with the main residence and the surrounding structures. The proposed square footage is within the Development Code standards for an accessory structure and the additional four (4) feet in height is not considered substantial. Therefore, it has been determined that the proposed twenty (20)-foot height will not cause a visual obstruction and is in scale with the surrounding residential neighborhood.

C. Environmental:

Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15303(e) which says, accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences are exempt from further environmental review.

D. Noticing:

The project was legally noticed in the Apple Valley News on November 22, 2019 and notices were mailed to all property owners within 300-feet of the project site. No public

comment has been received by staff regarding this proposal at the time this staff report was written.

E. Development Permit Findings:

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

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

Comment: The proposed location, size, design of the detached garage is consistent with the General Plan Land Use and zoning designation which allows for detached garages to exceed the height limit of sixteen (16) feet, subject to approval of a Development Permit by the Planning Commission. The location, size and design meet the setback and size requirements of the Development Code.

2. That the location, size and design of the proposed structures and improvements are compatible with the site's natural landforms, surrounding sites, structures and streetscapes and does not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings;

Comment: The proposed location, size, design of the detached garage is compatible with the surrounding properties because the additional four (4) feet in height is not a substantial increase that would drastically alter the views within the area.

3. That the materials, textures and details of the proposed construction, to the extent feasible, are compatible with the adjacent and neighboring structures and that quality in architectural design is maintained in order to enhance the visual environment of the Town;

Comment: The proposed detached garage is designed to be architecturally compatible with the primary structure through the use of matching colors, building materials and architectural elements. These design features are also consistent with those in the surrounding area.

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

Comment: The project is not subject to open space and landscaping requirements.

5. That excessive and unsightly grading of hillsides does not occur, and the character of natural landforms such as knolls and the Mojave River and that existing vegetation and Joshua Trees are adequately protected and preserved where feasible as required by this Code;

Comment: The subject site is developed and is not within an area that possesses hillsides or natural landforms.

6. That the proposed development's generation of traffic will not adversely impact the capacity and physical character of surrounding streets and that traffic improvements and or mitigation measures are provided in a manner consistent with the Circulation Element of the Town General Plan;

Comment: A detached garage is a permitted structure as an accessory use to a single-family residence, and therefore would not generate additional traffic beyond what was anticipated for a single-family residence.

7. That there will be no negative impacts upon the environment from the proposed structure(s) that cannot be mitigated; and

Comment: The project is considered exempt under CEQA.

8. That the proposed development, and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety and welfare of the community or be materially injurious to properties or improvements in the vicinity nor be contrary to the adopted General Plan.

Comment: The proposed twenty (20)-foot height will not be detrimental to the public health, safety and welfare of the community or be materially injurious to properties or improvements in the vicinity nor be contrary to the adopted General Plan because the proposed square footage is within the Development Code standards for an accessory structure and the additional four (4) feet in height is not considered substantial to be detrimental to the neighborhood.

Recommendation:

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

1. Determine that the project is not anticipated to have any direct or indirect impact upon the environment, as it has been determined that the proposed request is Exempt from further environmental review.
2. Find the facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve Development Permit No. 2019-012.
4. Direct staff to file a Notice of Exemption.

ATTACHMENTS:

1. Site Plan
2. Building Elevations
3. Zoning/Location Map

Proposed RV Garage For
Troy and Tami Allender
 18585 Chapoe Lane
 Apple Valley, CA 92307

STREET ELEVATION

12/4/19 PC AREA TABULATIONS

DP 2019-012

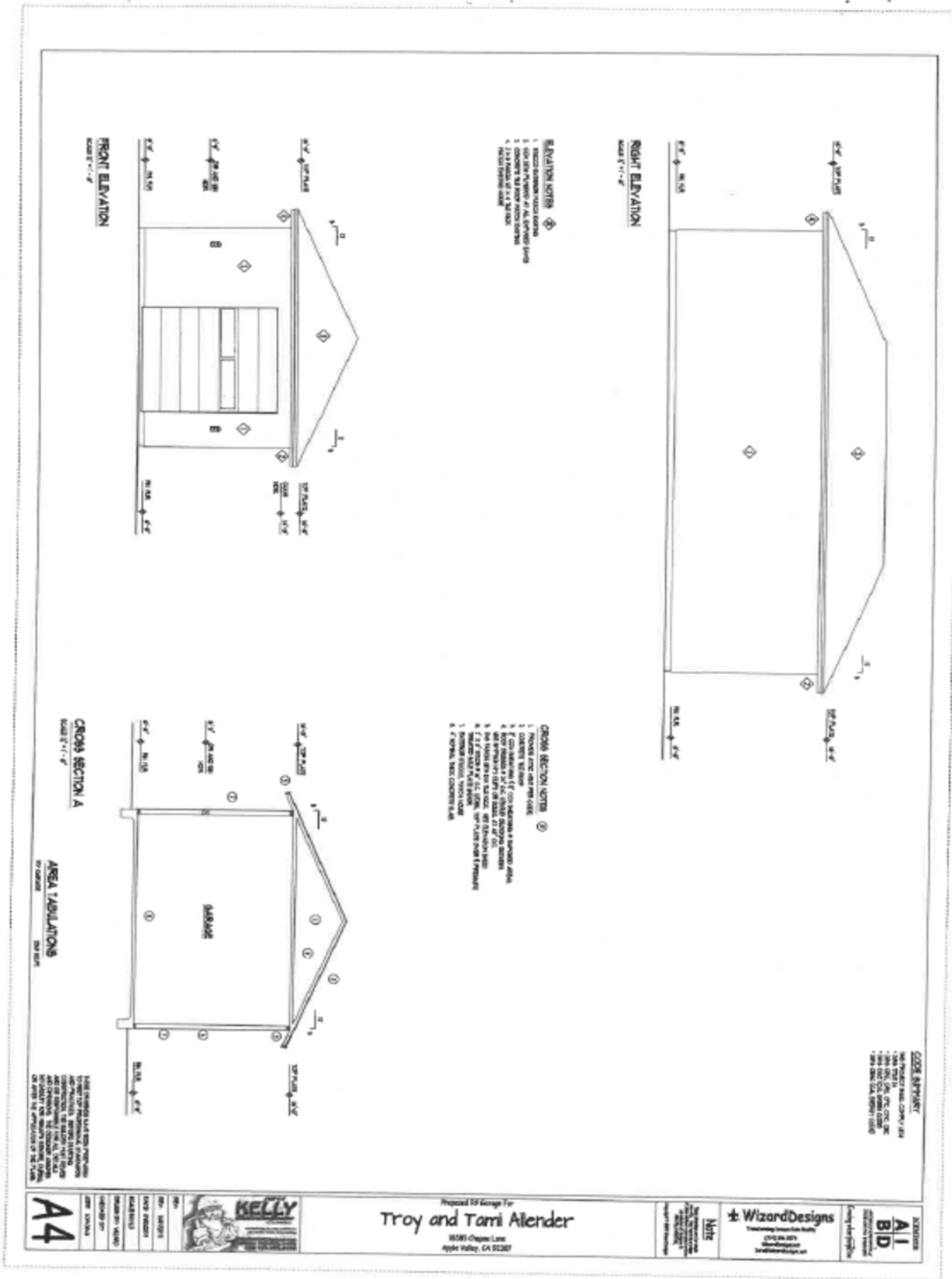
KELLY
 ARCHITECTURE
 18585 Chapoe Lane
 Apple Valley, CA 92307
 (951) 261-1111

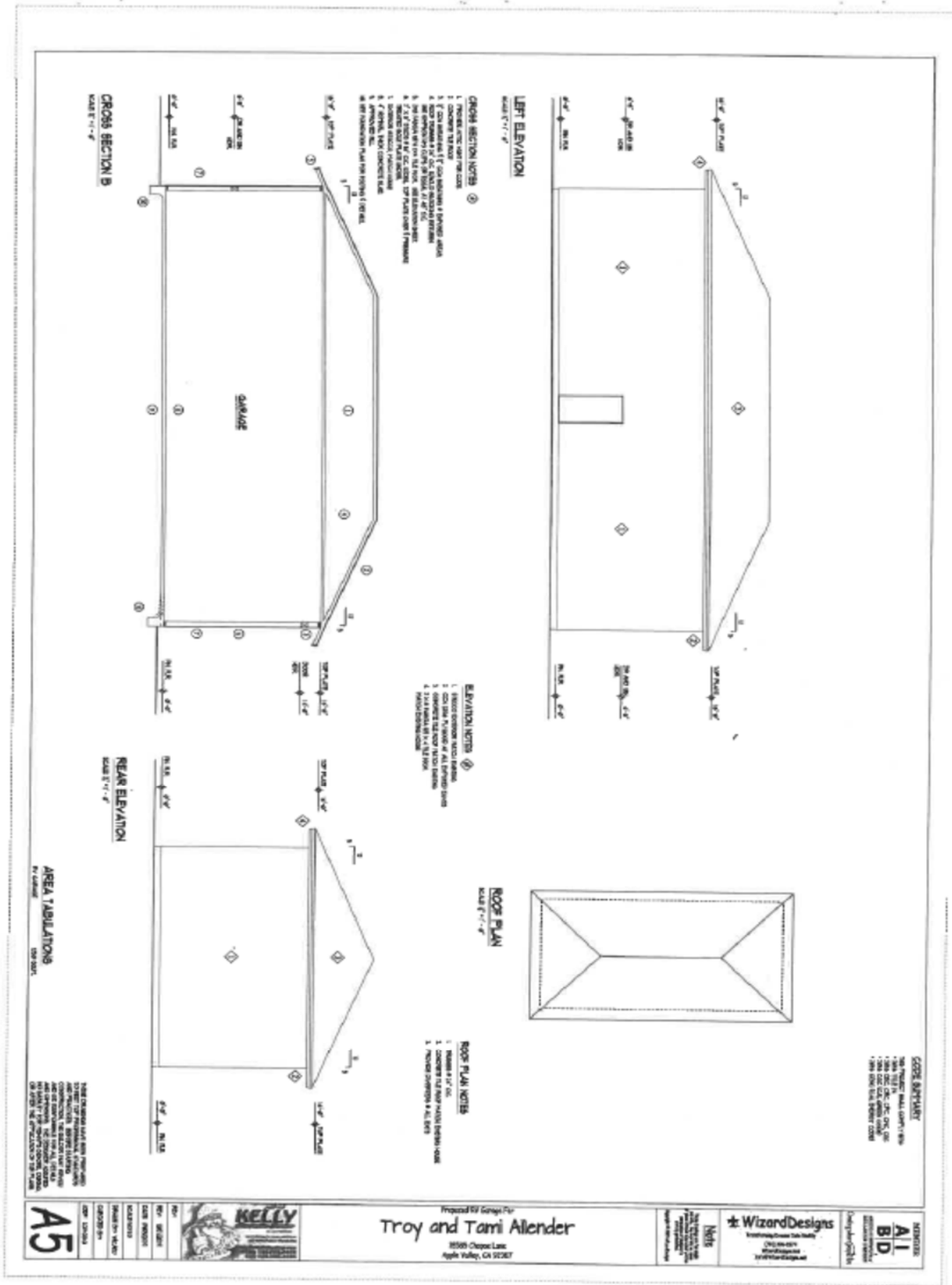
Troy and Tami Allender
 18585 Chapoe Lane
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 2710 W. 15th Street
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ALB
 ARCHITECTURAL
 DESIGN
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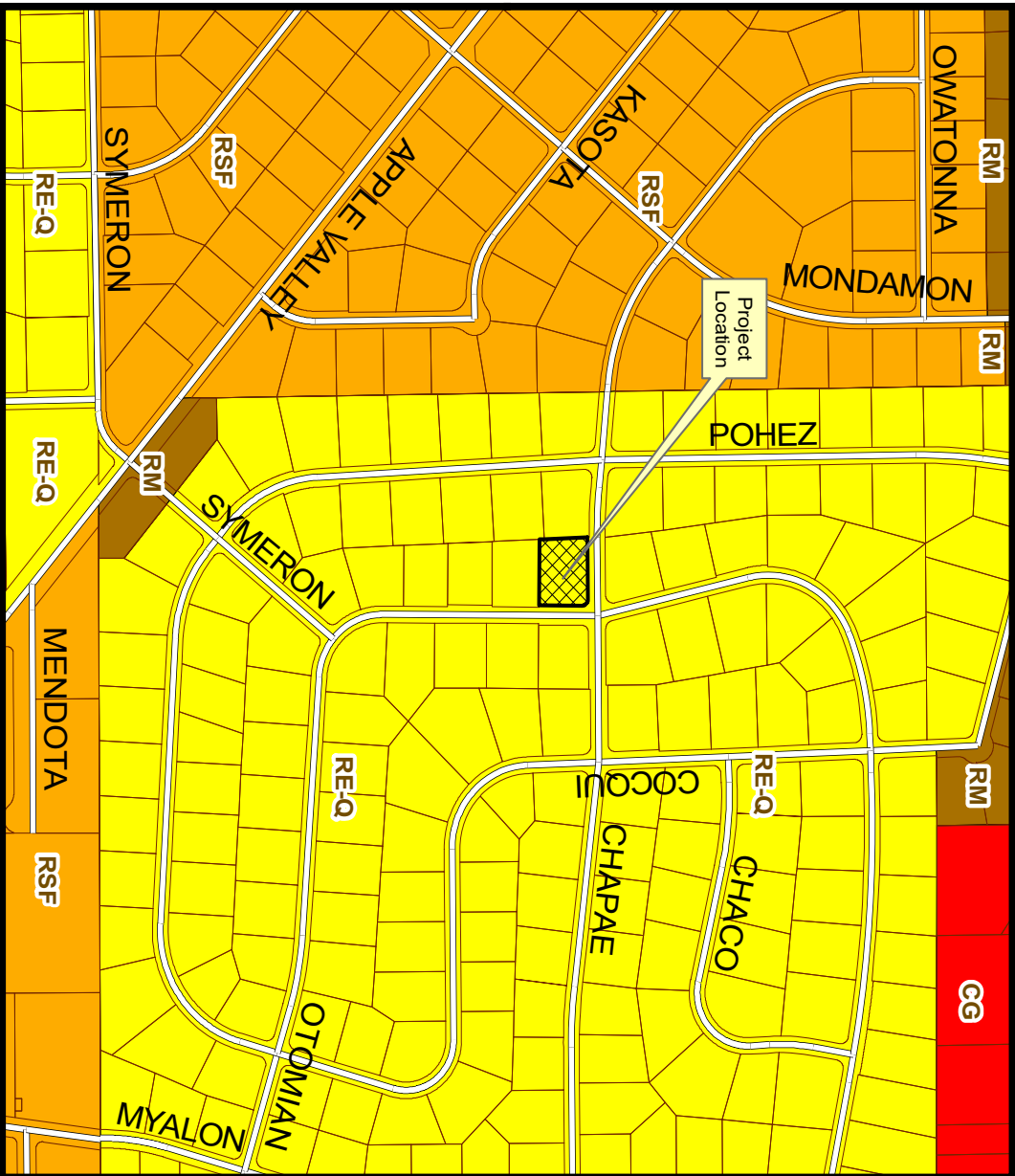
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ZONING/LOCATION MAP

Development Permit No. 2019-012



18585 Chapaë Lane

APN 0473-064-01



Legend

	AV Projects selection 3
	(R-EQ) Estates in Residential (1/4 to 0.9 acre)
	(R-SF) Single Family Residential (5,000 to 0.9 acre)
	(R-M) Multi-Family Residential (2 to 20 duplex units)
	(C-G) General Commercial

Date: 11/21/2019



Planning Commission Agenda Report

Date: December 4, 2019 Item No. 3

To: Planning Commission

Case Number: Conditional Use Permit No. 2019-001

Applicant: U-Haul Moving and Storage Rentals

Proposal: A REQUEST TO OPERATE A U-HAUL MOVING TRUCK AND EQUIPMENT RENTAL FACILITY THAT WILL INCLUDE RETAIL SALES AND AN INDOOR, SELF-STORAGE FACILITY. THE PROJECT WILL INCLUDE THE INTERIOR AND EXTERIOR REVOVATIONS OF AN EXISTING 89,378-SQUARE FOOT RETAIL BUILDING.

Location: 20777 Bear Valley Road; APN 0434-051-82 and -87

Environmental Determination: Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301 Class 1, the proposed request is Exempt from further environmental review.

Prepared By: Pam Cupp, Senior Planner

Recommendation: Approval

PROJECT SITE AND DESCRIPTION

- A. Project Size:
The project consists of nine (9) acres of an existing sixteen (16) acre shopping center.
- B. General Plan Designations:
- | | |
|----------------|---|
| Project Site - | General Commercial (C-G) |
| North - | General Commercial (C-G) and Single-family Residential (R-SF) |
| South - | Mixed Use (M-U) and Medium Density Residential (R-M) |
| East - | General Commercial (C-G) |
| West - | Mixed Use (M-U) |

C. Surrounding Zoning and Land Use:

Project Site-	General Commercial (C-G), Shopping Center
North -	Single-family Residential (R-SF), vacant; General Commercial (C-G), retail, auto servicing business, and vacant.
South -	Mixed Use (M-U) and Multi-family Residential, vacant
East -	General Commercial (C-G) Shopping Center
West -	Mixed Use (M-U) vacant

D. Parking Analysis:

The shopping center has reciprocal parking and access agreement as recorded on Parcel Map 11552. Currently, the site has 172,203 square feet of retail space, which requires 689 parking spaces. U-Haul will be removing 130 parking spaces in favor of outdoor equipment storage and converting 79,202 square feet of retail floor space into a mini-storage facility which results in a reduction of 306 required parking spaces. Required parking for the center will be reduced to 383 parking spaces; however, 560 spaces will remain available within the center.

ANALYSIS

A. General:

Pursuant to the Development Code, a Conditional Use Permit is required for registered vehicles or equipment rental facilities, and for mini-storage facilities to operate within the General Commercial (C-G), zoning designation. The Conditional Use Permit process allows the Commission an opportunity to consider certain uses which may have potential adverse impacts upon surrounding property or the general public. The applicant is requesting Planning Commission review and approval of a Conditional Use Permit to allow a mini-storage facility and a rental facility for truck, trailer and other moving equipment to operate within a former retail building.

B. Site Analysis:

The project site will occupy nine (9) acres of a sixteen (16)-acre shopping center that is located at the southwest corner of Bear Valley Road and Kiowa Road. The applicant proposes no changes to the existing circulation pattern and will not be expanding the existing building with any additional floor area. There will be fifteen parking spaces available for rental truck display within parking spaces at the north side of the building with visibility from Bear Valley Road. There will also be a truck and trailer storage lanes located in front of the building that will replace existing parking spaces. Parking spaces adjacent to existing shops, offices and restaurants will not be effected.

Access to the site is from Bear Valley Road, or through the shopping center, via Kiowa Road. There are no off-site improvements required for this project. The Fire District is requiring a maintained fire lane with a minimum width of twenty-six (26) feet for the project site. Final plan review by the Fire District will be required prior to any parking lot reconfiguration.

The site has existing landscape planters; however, the applicant will be required to rehabilitate the existing landscaping within the project boundaries and add two (2) new planter islands to each side of the truck and trailer storage lanes as indicated on the site plan. No further modifications to the site are proposed.

C. Use Analysis:

The U-Haul Center will offer moving equipment rentals consisting of trucks, trailers and other miscellaneous items. The project includes a retail store containing moving supplies and where rental transactions will be conducted. The center will be staffed with ten (10) to (15) employees, both full-time and part-time. Hours of operation for the retail and rental services will be Monday through Thursdays and Saturdays from 7:00 a.m. to 7:00 p.m. On Fridays the facility will be open 7:00 a.m. to 8:00 p.m. and on Sundays from 9:00 a.m. to 5:00 p.m.

The U-Haul Center also includes an indoor, self-storage facility. Customers will have access to the individual self-storage units 24-hours a day. Customers are issued a card-swipe style identification card that must be used to gain access to their storage room. There will be no outdoor storage associated with the self-storage facility. U-Haul stores are protected by video surveillance.

D. Floor Plan Analysis:

The existing building has 89,378 square feet of floor area. The applicant will convert 79,830 square feet into self-storage units. Access to these units will be via key card from the existing store front or through a overhead door that will be installed near the existing store front. There will be a 2,970 square foot retail showroom where moving supplies will be available for purchase and for rental transactions. The floor plan also identifies a hitch area. The existing garden center will be converted to a dispatch and receiving area which is used for shipping and receiving along with storage for the retail showroom.

E. Architecture Analysis:

The applicant proposes to install three (3) overhead doors along the front elevation. Two (2) overhead doors will provide access to the self-storage facility. The remaining overhead door will provide access to the hitch installation bay. In addition to the overhead doors, the applicant will be adding a second storefront to the front elevation for the retail showroom. The retail showroom storefront will be framed with a pop-out façade and covered entry. The stucco columns and wall of the existing garden center enclosure will be removed. Receiving doors will be added to the building's north elevation providing access to the dispatch and receiving area and several self-storage rooms.

The structure will be painted light grey with earth-tone accents. The storefronts will incorporate a diamond pattern design with orange accents. As proposed, the design maintains the architectural character of a retail structure and will not detract from the existing retail center.

F. Environmental Assessment:

The proposal is an adaptive reuse of a vacant big box, retail building involving minor alterations to the structures interior. The proposed U-Haul retail store, equipment rentals and self-storage facility is a use that will not create any expansion of use beyond that existing at the time of the initial approval of the shopping center. Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301 Class 1, the proposed request is Exempt from further environmental review.

G. Noticing:

This item was advertised as a public hearing in the Apple Valley News newspaper on November 22, 2019

H. Conditional Use Permit Findings:

As required under Section 9.16.090 of the Development Code, prior to approval of a Conditional Use Permit, the Planning Commission must make the following Findings:

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

Comment: Mini-storage facilities and equipment rentals are allowed in the General Commercial (C-G) land use district and zoning designation with the approval of a Conditional Use Permit. The project will not involve the expansion of floor area and will include a minor modification to the parking area. As proposed, the project is consistent with the General Plan.

2. That the proposed location, size, design and operating characteristics of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity, adjacent uses, residents, buildings, structures or natural resources.

Comment: Mini-storage facilities and equipment rentals are allowed in the General Commercial (C-G) land use district and zoning designation with the approval of a Conditional Use Permit. The intended use has been proven to create less traffic than the prior retail use. When operated in compliance with the Conditions of Approval, the project will not create any negative impacts to the surrounding vicinity nor will it be detrimental to the public health, safety or welfare.

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

Comment: There are existing public facilities, services and utilities available to serve the project.

4. That the generation of traffic will not adversely impact the capacity and physical character of surrounding streets and that the traffic improvements and/or mitigation measures are provided in a manner consistent with the Circulation Element of the General Plan;

Comment: The proposed adaptive reuse of the former big box retail building to a mini-storage and moving equipment rental facility will create less traffic than the former retailer. Therefore, there will not be any negative impacts to traffic or existing circulation patterns.

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

Comment: The project does not include any expansion in structure or use that would have any effect upon environmental quality.

6. That Use Permits requiring new construction also meet the Required Findings set forth with Chapter 9.17 "Development Permits".

Comment: The project does not require any new construction, only exterior paint and new signage which will be reviewed under a separate permit.

RECOMMENDED ACTION

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

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section 15301, the proposed request is Exempt from further environmental review.
2. Find the facts presented in the staff report support the required Findings for Approval for Conditional Use Permit No. 2019-001.
3. Approve Conditional Use Permit No. 2019-001, subject to the attached Conditions of Approval.
4. Direct staff to file the Notice of Exemption.

ATTACHMENTS:

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

Town of Apple Valley

Recommended Conditions of Approval Conditional Use Permit No. 2019-001

Please note: *Many of the suggested Conditions of Approval presented herewith are provided for informational purposes and are otherwise required by the Municipal Code. Failure to provide a Condition of Approval herein that reflects a requirement of the Municipal Code does not relieve or alleviate the applicant and/or property owner from full conformance and adherence to all requirements of the Municipal Code.*

Planning Division Conditions of Approval

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval, if not exercised, shall expire three (3) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and Development Code Section 9.16.155. A request for a time extension must be received at least sixty (60) days prior to the expiration date. The Conditional Use Permit becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. The applicant shall 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. It is the sole responsibility of the applicant on any Permit, or other appropriate discretionary review application for any structure, to submit plans, specifications and/or illustrations with the application that will fully and accurately represent and portray the structures, facilities and appurtenances thereto that are to be installed or erected if approved by the Commission. Any such plans, specifications and/or illustrations that are reviewed and approved by the Planning Commission at an advertised public hearing shall accurately reflect the structures, facilities and appurtenances expected and required to be installed at the approved location without substantive deviations, modifications, alterations, adjustments or revisions of any nature.
- P4. The filing of a Notice of Exemption requires the County Clerk to collect a documentary handling fee of fifty dollars (\$50.00). The fee must be paid in a timely manner in accordance with Town procedures. No permits may be issued until

such fee is paid. The check shall be made payable to the Clerk of the Board of Supervisors.

- P5. The approval of Conditional Use Permit No. 2019-001 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.
- P6. Parking requirements shall be met and be in compliance with Development Code standards. All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines.
- P7. Required parking spaces shall be provided for the handicapped in accordance with Development Code standards and in accordance with Title 24 of the California Administrative Code. The handicapped spaces shall be located as close as practical to the entrance of the facility. Each space must be provided with access ramps and clearly marked in accordance with Title 24 of the California Administrative Code.
- P8. Landscaping shall be installed with appropriate combinations of drought tolerant trees, shrubs, and ground cover, consistent with Chapter 9.75, Water Conservation Landscape Regulations, of this Code.
- P9. Final landscape and irrigation plans shall be submitted prior to the issuance of Building permits and installed prior to issuance of occupancy permits subject to approval by the Planning Division. The landscape plans, in addition to overall site landscaping, shall show any retention basin with dense landscaping consisting of trees, shrubs and/or berms to provide vertical height.
- P10. All front building setbacks and street right-of-way areas located between on-site improvements and the back of existing or future public sidewalks or street curbs, except needed access driveways, shall be fully landscaped and maintained in a disease and weed free manner at all times.
- P11. All required and installed landscaping shall incorporate and maintain a functioning automatic sprinkler system, and said landscaping shall be maintained in a neat, orderly, disease and weed free manner at all times.
- P12. All signs shall have a separate permit and are subject to final approval by the Town of Apple Valley.
- P13. Painted on wall signs are prohibited.
- P14. Storing and staging of rental trucks and equipment is limited to those area shown on the approved site plan. No other outdoor storage shall be permitted.
- P15. Hazardous or flammable materials shall not be stored on-site.

- P16. Business activity, other than the rental of storage spaces for inactive storage use, shall not be conducted within the storage facility.
- P17. No repair or maintenance of rental equipment shall occur on the premises.
- P18. Conditional Use Permit No. 2019-001 may be reviewed annually or more often, if deemed necessary by the Economic and Community Development Department, to ensure compliance with the conditions contained herein. Additional conditions may be recommended to and imposed by the Planning Commission to mitigate any negative impacts resulting from the business operations not contained within the scope of this permit.

Environmental & Regulatory Compliance Conditions of Approval

- ER1. The project must provide adequate areas for collecting and loading recyclable materials in compliance with Assembly Bills 341 and 1826. The trash enclosure must comply with the newly adopted recycling standards as set forth in Public Resources Code § 42910-42912 and Town of Apple Valley Municipal Code (AVMC) § 6.20.023(b).
- ER2. Pursuant to AVMC § 8.19.020(a) et seq., the construction contractor shall complete and submit a Waste Management Plan (WMP), on a WMP form approved by the Town for this purpose as part of the application packet for the building or demolition permit.
- ER3. Pursuant to AVMC § 8.19.050 and prior to the issuance of a Certificate of Occupancy, the contractor shall submit documentation proving that the project has met the diversion requirement. The diversion requirement shall be at least fifty (50) percent of the total C&D debris generated by the project via reuse or recycling.
- ER4. As of January 1, 2019, businesses that generate four (4) cubic yards or more of commercial solid waste per week shall arrange for organic waste recycling services with limited exceptions. Contact Burrtec Waste Industries at (760) 245-8607 for further information.
- ER5. If waste tires are to be generated at the facility, the operator shall comply with all storage and disposal provisions within Chapter 16 of the Public Resources Code, commencing with section 42800.

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 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

FD3. Provide 2-A-10-BC minimum rating fire extinguisher, mounted and serviced by a certified company every 75 feet of travel.

FD4. Have 5-year certification completed on the sprinkler system

FD5. Perform annual testing and maintenance on the fire alarm system

FD6. Have a Fire Protection Engineer provide an analysis on the fire protection system in the area for the mini storage.

FD7. Additional requirements may be needed during the plan review of the building.

END OF CONDITIONS

ARCHITECTURAL INTEREST AT THE SKYLINE

SW 6149 Relaxed Khaki

SW 7040 Smokehouse

SW 2197 Yellow Stone

SW 2199 August Moon

Sierra Sunset

SW 7040 Smokehouse

Sierra Sunset

SW 7707 Copper Wire

SW 6195 Rock Garden

SW 6451 Nature Green

SW 6167 Aquarium

27'

Your Storage Place

climate controlled self-storage

boxes · moving supplies · self-storage

EAST ELEVATION / CONCEPTUAL IMAGING

COMMUNITY LIFESTYLE TO PROMOTE A SAFE AND WELCOMING ENVIRONMENT

SW 6195 Rock Garden

SW 6451 Nature Green

climate controlled self-storage

South Elevation / Conceptual Imaging

North Elevation / Conceptual Imaging

West Elevation / Conceptual Imaging

18'

Display Doors

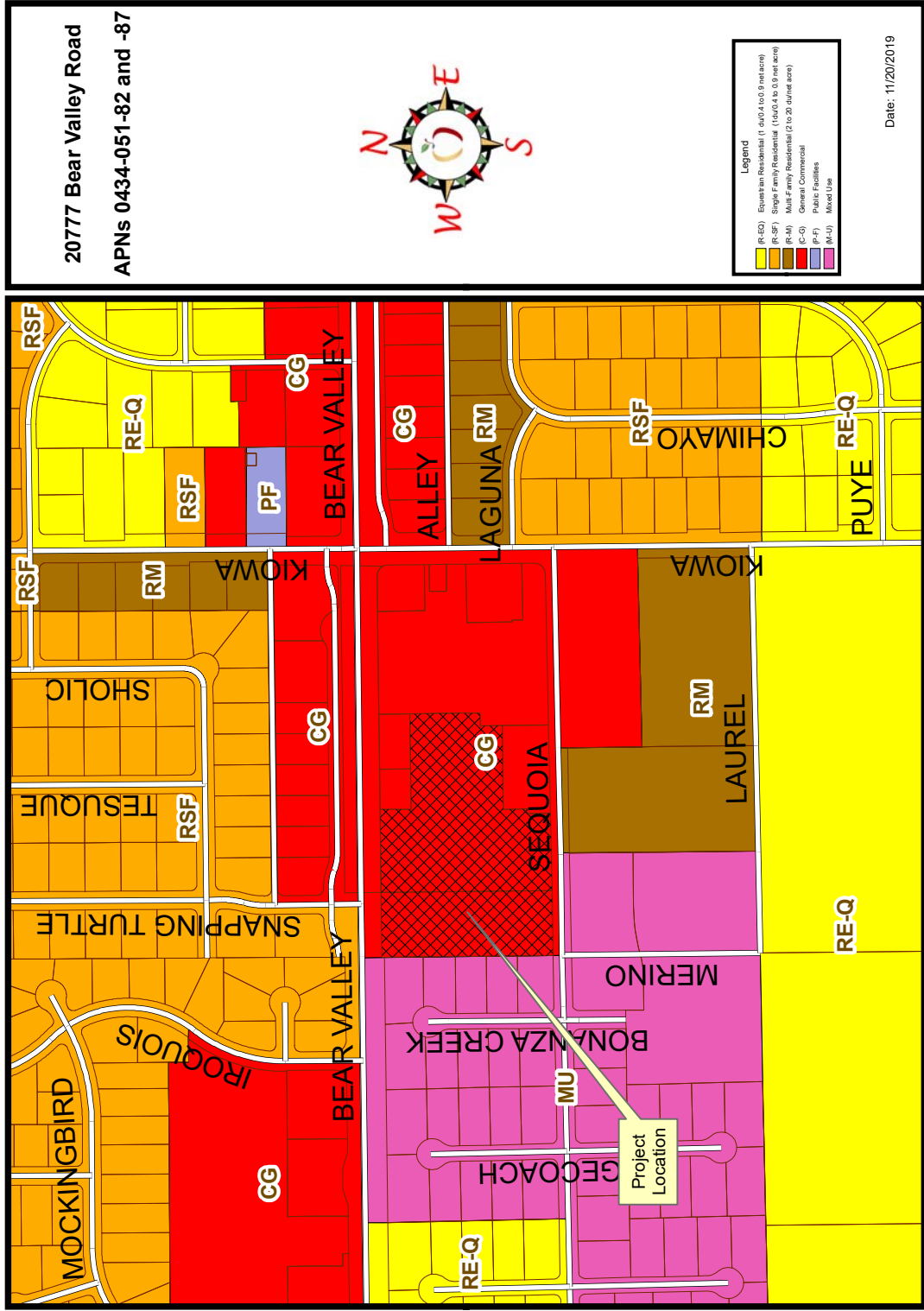
U-HAUL
20753 Bear Valley Rd, Suite A
Apple Valley, CA 92305

8th
ARCHITECTURE & IMAGING ASSOCIATES, INC.
10711 CENTRAL EXPRESS / TOWNES CENTER DRIVE / SUITE 100
716072 MSTR ART-AC01
04/24/2019
PRELIMINARY IMAGING
ANY CHANGES REQUIRE REBID OF PROJECT

Copper Wire (SW7707) Balance Beige (SW7037) Light Gray (SW) Aqueum Green (SW6767) Nature Green (SW6811) (SWB66-W300) Ultra White (SW7035) Rock Garden (SW6195) Smokehouse White (SW7040) Sierra Sunset (SW7707) Yellow Stone (SW2197) August Moon (SW2199) Amaretto (SW2199) Yellow Stone (SW2197) Amaretto (SW2199)

ZONING/LOCATION MAP

Conditional Use Permit No. 2019-001





Planning Commission Agenda Report

DATE: December 4, 2019 Item No. 4

CASE NUMBER: Development Permit No. 2019-010 and Variance No. 2019-004

APPLICANT: Mr. Albert Carlucci

PROPOSAL: A REQUEST FOR A DEVELOPMENT PERMIT TO CONSTRUCT A 2,847 SQUARE FOOT MEDICAL OFFICE BUILDING AND RELATED PARKING. THE VARIANCE IS A REQUEST FOR RELIEF FROM DEVELOPMENT CODE SECTION 9.72.060(B)(8) TO ALLOW A SIXTEEN (16) INCH LANDSCAPE SEPARATION AND A FOUR (4)-FOOT SIDEWALK SEPARATION WHERE A MINIMUM FIVE (5)-FOOT SEPARATION DISTANCE BETWEEN THE PARKING LOT CURB AND THE SIDE PROPERTY LINES IS REQUIRED.

LOCATION: 16139 Kamana Road; APN 0473-384-05

ENVIRONMENTAL DETERMINATION: Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), Sections 15303 and 15305, the proposed Variance and Development Permit are Categorically Exempt from further environmental review per Sections 15303 and 15305, Minor Alteration in Land Use Limitations.

CASE PLANNER: Ms. Carol Miller, Assistant Director of Community Development

RECOMMENDATION: Approval

PROJECT AND SITE DESCRIPTION:

- A. Project Size:
The project site is 0.25 acres in size.
- B. General Plan Designations:
Site - General Commercial (C-G)
Northerly - Medium Density Residential (R-M)
Southerly - Office Professional (O-P)
East - General Commercial (C-G)
West - General Commercial (C-G)
- C. Zoning/Existing Use:
Site - General Commercial (C-G), Vacant
North - Multi-Family residential (R-M), Vacant
South - Office Professional (O-P), Vacant and Retail

East - General Commercial (C-G), Office
 West - General Commercial (C-G), Office

D.	<u>Setback Analysis:</u>	Required	Proposed
	Front	70 ft.	91 ft.
	Side	0 ft.	6" to 2 ft.
	Rear (alley)	25 ft.	25 ft.
E.	<u>Landscaping:</u>	Required:	10%
		Proposed:	16%
F.	<u>Parking Analysis:</u>	Required:	14 Spaces
		Proposed:	14 Spaces
G.	<u>F.A.R.:</u>	Permitted Maximum	50%
		Proposed	26%

ANALYSIS:

A. General:

The applicant is requesting approval of a Development Permit to construct a 2,847 square foot, medical office building. Pursuant to the Development Code, a Development Permit is required for all new commercial/ office construction to allow the Planning Commission and/or staff, together with the public, the opportunity to review the site planning and architectural/aesthetics of the proposal. The applicant is also requesting approval of a Variance to allow sixteen (16) inch landscape separation and four (4)-foot sidewalk separation where a five (5)-foot separation distance between the parking lot curbing and the side property lines is required.

B. Site Analysis:

The project site is 10,800 square feet (0.25 acres) in size and located within the General Commercial (C-G) zoning designation. The minimum lot width within the General Commercial (C-G) zone is seventy-five (75) feet; however, the project site is considered substandard with a lot width of sixty (60) feet. The topography of the site is relatively flat with a gradual slope from east to west. The property line to the east has an existing landscaping planter and retaining wall. The property to the west has six-inch curbing with no landscaping. A retaining wall is proposed at the rear of the building. Parking along the back alley will be at natural grade and a retaining wall will separate the parking area from the structure. A staircase will provide access to the building from the rear parking area.

There are two (2) parallel parking spaces proposed along the easterly property line. The applicant proposes a sixteen (16)-inch landscape separation distance between the parking lot curb and the property line, which does not meet the separation distance of five (5) feet as required by the Development Code. On the westerly property line, a four (4)-foot wide, unobstructed sidewalk is proposed as required to provide an accessible path of travel from the public right-of-way. The parking lot curb together with the sidewalk will provide a total separation distance of four (4) feet, instead of the required five (5)-foot separation distance. The applicant has requested a Variance providing relief from Development Code Section 9.72.060 (B)(8), which states the following:

“a. Continuous concrete curbing shall be provided a minimum of five (5) feet from any wall, fence, property line, walkway, or structure where parking and/or drive

aisles are located adjacent thereto (Figure 9.72.060-G). Refer to Section 9.25.030 E for deviations to this requirement.

- b. The area between the curb and the wall, fence, property line, walkway, or structure shall be landscaped or constructed with a sidewalk providing connection to building entrance. Walkways adjacent to overhanging parked cars shall have a clear width of four (4) feet. Refer to Section 9.25.030 E for deviations to this requirement.”*

As submitted, the proposed building meets the required building setbacks, parking ratios and the minimum required landscape areas. However, to meet the five (5)-foot separation distance between the parking lot curb and the property line, the building would have to be reduced by a minimum 400 square-feet to eliminate the two parallel parking spaces. The applicant indicates that to reduce the size of the building further would not make the building square-footage a viable medical office building. The lot is substandard in lot width which makes development more difficult. As a matter of information, a similar Variance request was approved in the area and other properties have developed absent of the any landscaping. Based on these facts positive Variance Findings are recommended for the Commission’s consideration.

Primary access to the site is from Kamana Road with secondary access available from a public alley. There is existing curb and gutter along Kamana Road; however, the installation of sidewalks is required. The project will create impervious surfaces that will create additional surface water runoff. The applicant proposes a subsurface retention system for storm water control. Public sewer is available to the location and connection would be required.

C. Architecture Analysis:

The applicant proposes to construct a 2,847 square foot, eighteen (18)-foot tall, medical office building. The proposed architecture is contemporary in design and incorporates symmetrical pop-outs and recesses creating visual interest. The materials selected for the structure include stucco and stacked stone. The color palette is comprised of light and dark gray tones that are compatible with the stacked stone. The covered entry exhibits typical store front glass double doors. The window placement accentuates the structures modern design. The architectural appearance of the structure will be compatible with existing development within the vicinity.

D. Environmental:

Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), Sections 15303 and 15305, the proposed Variance and Development Permit are Categorically Exempt from further environmental review per Sections 15303 and 15305, Minor Alteration in Land Use Limitations.

E. Noticing:

The project was legally noticed in the Apple Valley News on November 22, 2019 and notices were mailed to all property owners within 300-feet of the project site. No public comment has been received by staff regarding this proposal at the time this staff report was written.

F. Variance Findings:

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

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

Comment: The property is a rectangular lot; however, its width is substandard by ten (10) feet which equates to twenty (20) percent. Many of the lots located on the southerly side of Kamana Road are also substandard in width. Strict application of this Code would result in a much smaller building requiring less parking spaces and would deprive the applicant from privileges enjoyed by other properties within the general vicinity.

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

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

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

Comment: There are existing commercial developments within vicinity that have been developed in conformance with the development standards and some have not on the substandard lot width parcels. Granting the Variance would allow this substandard parcel the opportunity to develop in a manner consistent with other properties within the vicinity.

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

Comment: Permitting a reduction to the required separation distance between the parking lot curb and property line will not cause a detriment to the surrounding neighborhood and will not be injurious to the development for which the variance is granted.

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

Comment: Permitting a reduction to the required separation distance between the parking lot curb and property line will not constitute a special privilege because the subject parcel is substandard in width and a similar variance request was approved in the same area. Also, other properties were developed with less landscaping that also have substandard lot width.

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

Comment: Medical offices are a permitted use within the General Commercial (C-G) subject to approval of a Development Permit.

G. Development Permit Findings:

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

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

Comment: The proposed 2,847 square-foot medical office building is consistent with the General Commercial (C-G) Land Use and zoning designation. Upon positive findings to support the Variance request to allow a reduction to the minimum required separation distance between a parking lot curb and property line, the project meets the site development standards.

2. That the location, size and design of the proposed structures and improvements are compatible with the site's natural landforms, surrounding sites, structures and streetscapes and does not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings;

Comment: The site planning and proposed grading of the 2,847 square-foot medical office building is compatible with the site's natural topography and situated on the lot similar in design as offices within the area. Because the proposed building is similar in building height as surrounding development, the proposal will not unnecessarily block public views or from public ways.

3. That the materials, textures and details of the proposed construction, to the extent feasible, are compatible with the adjacent and neighboring structures and that quality in architectural design is maintained in order to enhance the visual environment of the Town;

Comment: The design, materials and details of the finished structure will blend well with existing development in the area with the use of complementary colors and design features.

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

Comment: The preliminary landscape plan illustrates drought tolerant plant materials compatible with the desert environment. The base of the

structure will be softened with landscape planters. Sixteen (16) percent of the lot area will be landscaped, which exceeds the ten (10) percent required by the Development Code.

5. That excessive and unsightly grading of hillsides does not occur, and the character of natural landforms such as knolls and the Mojave River and that existing vegetation and Joshua Trees are adequately protected and preserved where feasible as required by this Code;

Comment: No unsightly grading of hillsides or on other natural landforms will occur because the site is relatively level and not located near any natural landforms. The site is also void of any native vegetation, including Joshua Trees.

6. That the proposed development's generation of traffic will not adversely impact the capacity and physical character of surrounding streets and that traffic improvements and or mitigation measures are provided in a manner consistent with the Circulation Element of the Town General Plan;

Comment: The proposed 2,847 square-foot medical office building will be located on a commercial site that fronts Kamana Road, an improved roadway. Therefore, the proposal will not adversely impact access, circulation and the physical character of surrounding streets.

7. That there will be no negative impacts upon the environment from the proposed structure(s) that cannot be mitigated; and

Comment: The project is considered exempt under CEQA.

8. That the proposed development, and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety and welfare of the community or be materially injurious to properties or improvements in the vicinity nor be contrary to the adopted General Plan.

Comment: The office building is a low impact, permitted use within the General Commercial (C-G) zoning designation. The project has been designed to blend with existing structures within the vicinity. Site plan design includes setbacks, parking and landscaped areas greater than the minimum required and will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity.

Recommendation:

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

1. Determine that the project is not anticipated to have any direct or indirect impact upon the environment, as it has been determined that the proposed request is Exempt from further environmental review.

2. Find the facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve Development Permit No. 2019-010 and Variance No. 2019-004, subject to the Conditions of Approval.
4. Direct staff to file a Notice of Exemption.

ATTACHMENTS:

1. Site Plan
2. Building Elevations (Separate Cover)
3. Applicant's Variance Findings
4. Zoning/Location Map

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Case No. Development Permit No. 2019-010 and Variance No. 2019-004

Please note: *Many of the suggested Conditions of Approval presented herewith are provided for informational purposes and are otherwise required by the Municipal Code. Failure to provide a Condition of Approval herein that reflects a requirement of the Municipal Code does not relieve or alleviate the applicant and/or property owner from full conformance and adherence to all requirements of the Municipal Code.*

Planning Division Conditions of Approval:

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval, if not exercised, shall expire two (2) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the expiration date. The approval becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. The applicant shall defend, at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P3. The approval of Development Permit No. 2019-010 and Variance No. 2019-004 by the Planning Commission is recognized as acknowledgment of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, *Appeals*, of the Town of Apple Valley Development Code.
- P4. The site plan and rendering presented to and approved with Conditions by the Planning Commission at the public hearing shall be the anticipated and expected appearance of the structure upon completion.
- P5. The Planning Director or his/her designee shall have the authority for minor architectural changes focusing around items such as window treatments, color combinations, façade treatments and architectural relief. Questions on the interpretation of this provision or changes not clearly within the scope of this provision shall be submitted to the Planning Commission for consideration under a Revision to the Development Permit.
- P6. The filing of a Notice of Exemption requires the County Clerk to collect a fee of \$50.00. The fee must be paid in a timely manner in accordance with Town procedures. No permits, including Certificate of Occupancy, may be issued until such fee is paid. The check shall be made payable to the Clerk of the Board of Supervisors.

- P7. No deviation, modification, alteration, adjustment or revision to or from the appearance, location, fixtures, features or appurtenances thereto of any type or extent shall be approved without said changes being first submitted to the Planning Division for consideration and approval.
- P8. All outdoor mechanical and electrical equipment, whether rooftop, side of structure, or on the ground, shall be screen from view from the public street by architectural elements designed to be an integral part of the building.
- P9. Light standards shall blend architecturally with approved project design.
- P10. All lighting shall be scheduled so light rays emitted by the fixture are projected below the imaginary horizontal plane passing through the lowest point of the fixture and in such a manner that the light is directed away from streets and adjoining properties. Light poles in parking lot shall not exceed twenty (20) feet in height.
- P11. All front building setbacks and street right-of-way areas located between on-site improvements and the back of existing or future public sidewalks or street curbs, except needed access driveways, shall be fully landscaped.
- P12. All required and installed landscaping shall incorporate and maintain a functioning automatic sprinkler system, and said landscaping shall be maintained in a neat, orderly, disease and weed free manner at all times.
- P13. Landscaping shall be installed with appropriate combinations of drought tolerant trees, shrubs, and ground cover, consistent with Chapter 9.75, *Water Conservation Landscape Regulations*, of this Code. Twenty (20) percent of the trees shall be a minimum of twenty-four (24) inch box size.
- P14. Final landscape and irrigation plans shall be submitted prior to the issuance of Building Permits and installed prior to issuance of occupancy permits subject to approval by the Planning Division.
- P15. All identification signs shall have a separate permit and are subject to final approval by the Town Planning Division.
- P16. Access to roofs shall be from the interior of the building. If roof access is on the exterior of the building, the roof access ladder shall be screened from view from any public street or public parking area and security shall be provided to prevent unauthorized access.
- P17. Parking requirements shall be met and be in compliance with Town standards. All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines.
- P18. Required parking spaces shall be provided for the handicapped in accordance with Town standards and in accordance with Title 24 of the California Administrative Code. The handicapped spaces shall be located as close as practical to the entrance of the facility. Each space must be provided with access ramps and clearly marked in accordance with Title 24 of the California Administrative Code.

- P19. Trash Enclosure shall be in accordance with Town Standards and is recommended to reflect the architectural design of approved project subject to the review and approval of the Planning Division.
- P20. Any walls/fencing shall be in conformance with the Development Code subject to approval by the Planning Division. If applicable, double fencing shall be avoided and review and approval of the fencing/wall plan is required prior to issuance of grading permits.
- P21. A thirty-six (36) to forty-two (42)-inch high decorative masonry wall, hedge or landscaped berm, as measured from the finished grade of the parking area, shall be used adjacent to public rights-of-way to screen the parking area.
- P22. Variance approval allows a sixteen (16)-inch landscape separation along of the easterly property line and a four (4)-foot sidewalk separation along the westerly property line.
- P23. Maximum slope ratio for retention areas is 4:1.

Public Works Department Conditions of Approval

- PW1. Sewage disposal shall be by connection to the Town of Apple Valley sewer system. Plans must be approved by the Town of Apple Valley Public Works Department. A six (6) inch sewer lateral is required.
- PW2. Sewer connection fees required.

Environmental and Transit Services Conditions of Approval

- EC1. The project must provide adequate areas for collecting and loading recyclable materials in compliance with Assembly Bills 341 and 1826. The trash enclosure must comply with the newly adopted recycling standards as set forth in Public Resources Code § 42910-42912 and Town of Apple Valley Municipal Code (AVMC) § 6.20.023(b).
- EC2. Pursuant to AVMC § 8.19.020(a) et seq., the construction contractor shall complete and submit a Waste Management Plan (WMP), on a WMP form approved by the Town for this purpose as part of the application packet for the building or demolition permit.
- EC3. Pursuant to AVMC § 8.19.050 and prior to the issuance of a Certificate of Occupancy, the contractor shall submit documentation proving that the project has met the diversion requirement. The diversion requirement shall be at least fifty (50) percent of the total C&D debris generated by the project via reuse or recycling.
- EC4. As of January 1, 2019, businesses that generate four (4) cubic yards or more of commercial solid waste per week shall arrange for organic waste recycling services with limited exceptions. Contact Burrtec Waste Industries at (760) 245-8607 for further information.

Building and Safety Conditions of Approval

- BC1. Grading and drainage plans must be submitted to and approved by the Building Official, Planning Department and Town Engineer prior to permit issuance.

- BC2. Submit plans and obtain permits for all structures and retaining walls, signs.
- BC3. A pre-construction permit and inspection are required prior to any land disturbing activity to verify requirements for erosion control, flood hazard, native plant protection and desert tortoise habitat.
- BC4. All utilities shall be placed underground in compliance with Town Ordinance No. 89.
- BC5. All cross-lot drainage requires easements and may require improvements at the time of development.
- BC6. Comply with the State of California Disability Access requirements.
- BC7. A pre-grading meeting is required prior to beginning any land disturbance. This meeting will include the Building Inspector, General Contractor, Grading Contractor, soils technician and any other parties required to be present during the grading process such as a Biologist and/or Paleontologist.
- BC8. A dust palliative or hydro seed will be required on those portions of the site graded but not constructed upon or landscaped.
- BC9. Page two (2) of the submitted building plans will be the Conditions of Approval.
- BC10. Construction must comply with the California Building Codes and California Green Building Code effective at the time of submittal.
- BC11. Best Management Practices (BMP's) are required for the site during construction.
- BC12. Provide Water Quality Management Plan (WQMP) or Alternative Compliance Plan.

Engineering Division Conditions of Approval

- EC1. Prior to issuance of a grading permit, a final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider reducing the post-development site-developed flow to 90 percent of the pre-development flow for a 100 year design storm. (Development Code 9.28.050.C, 9.28.100)
- EC2. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC3. Final improvement plans and profiles shall indicate the location of any existing utility which would affect construction and shall provide for its relocation at no cost to the Town.
- EC4. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)
- EC5. Traffic impact fees adopted by the Town shall be paid by the developer.

- EC6. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC7. Sidewalk shall be constructed to Town standards on Kamana Road adjacent to the property.
- EC8. An easement for the portion of the sidewalk behind the driveway approach on private property shall be dedicated to the Town of Apple Valley.
- EC9. The alley abutting the development shall be resurfaced with a Slurry Seal coat or A.C. pavement overlay as approved by the Town Engineer.
- EC10. A Storm Water Pollution Prevention Plan (SWPPP) in accordance with the National Pollutant Discharge Elimination System (NPDES) shall be required.

Apple Valley Fire Protection District Conditions of Approval

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

California Public Resources Code, Sec. 4291
- FD4. Prior to combustible construction, the development and each phase thereof, shall have two points of paved access for fire and other emergency equipment, and for routes of escape which will safely handle evacuations. Each of these points of access shall provide an independent route into the area in which the development is located.
- FD5. Fire lanes are approved as submitted.
- FD6. Approved numbers or addresses shall be placed on all existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.
- FD7. A letter shall be furnished to the Fire District from the water purveyor stating that the required fire flow for the project can be met prior to the Formal Development Review Committee meeting.
- FD8. Prior to issuance of building permit, the developer shall pay all applicable fees as identified in the Apple Valley Fire Protection District Ordinance.

END OF CONDITIONS

SUPPLEMENTAL VARIANCE STATEMENT

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

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

9.72.060.B.8a

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

COMMERCIAL LOTS IN THIS TRACT ARE VERY NARROW
60 FEET WIDE FOR COMMERCIAL DEVELOPMENT.
REQUIRED PARKING PER TOWN STANDARDS & ADA
HANDICAP ACCESSIBILITY PATH PER FED/STATE STANDARDS

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

REDUCTION OF PLANTERS WIDTH TO ACCOMMODATE
COMMERCIAL STANDARDS. ELIMINATION OF FIVE
FOOT SEPARATION BETWEEN PARKING & SIDE
PROPERTY LINES WITH PLANTERS.

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

OLDER PROPERTY DEVELOPMENT ON BOTH SIDES
CONFORMED TO OLDER TOWN STANDARDS.
CURRENT STANDARDS ARE MORE RESTRICTIVE
FOR NARROW LOTS.

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

THIS DEVELOPMENT CONFORMS TO EXISTING AREA.
IT WILL NOT BE NOTICABLE OR A DETRACTION.
SMALLER PLANTER ON EASTERN PROPERTY LINE
IS ADJACENT TO NEIGHBORS 4 FOOT PLANTER
THAT GIVES AN APPEARANCE OF A 5 FOOT PLANTER.

Signed Gregory Benson Date 10/19/2019

Print Name Gregory Benson

FINDINGS REQUIRED TO GRANT A VARIANCE

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

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

THE PROPERTY IS ONLY 600 FEET WIDE. TOWN STANDARDS FOR BOUNDARY PLANTERS ARE MORE ALIGNED TO WIDER PROPERTIES.

2. 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.

GENERAL INTENT IS CONSISTENT.

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

OWNER SEEKS COMMON DEVELOPMENT PRACTICED BY SURROUNDING DEVELOPMENT.

4. Granting of 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.

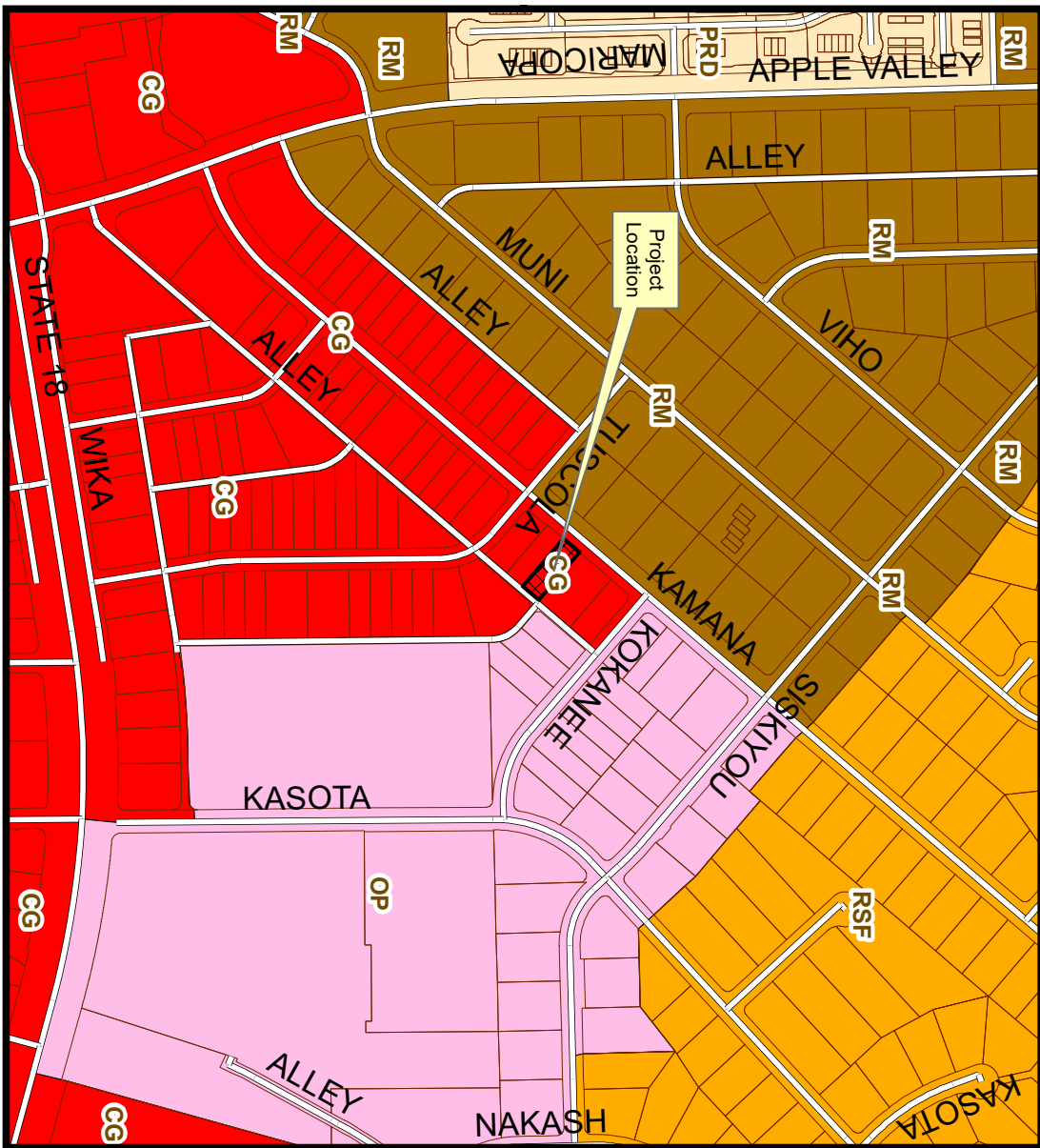
GRANT OF VARIANCE WILL NOT BE DETRIMENTAL.

5. 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.

GRANT OF VARIANCE DOES NOT CONSTITUTE SPECIAL PRIVILEGE UPON OTHER PROPERTIES.

ZONING/LOCATION MAP

Development Permit No. 2019-010 and
 Variance No. 2019-004



16139 Kamana Road
 APN 0473-384-05



Legend

RSF	Single Family Residential (150,000 to 0.9 net acre)
RSM	Multi-Family Residential (2 to 20 duplex units)
PRD	Planned Residential Development
C-G	General Commercial
OP	Office Professional

Date: 11/21/2019



Planning Commission Agenda Report

Date: December 4, 2019 Item No. 5

To: Planning Commission

Case Number: Development Code Amendment No. 2019-017

Applicant: Town of Apple Valley

Proposal: A REQUEST TO AMEND TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE TO MODIFY DEVELOPMENT PROVISIONS RELATING TO ACCESSORY DWELLING UNITS FOR COMPLIANCE WITH RECENTLY APPROVED STATE LEGISLATION.

Location: Townwide

Environmental Determination: Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301 Class 1, the proposed request is Exempt from further environmental review.

Prepared By: Pam Cupp, Senior Planner

Recommendation: Continuance

Staff is requesting a continuance of this item to allow additional time for legal and agency review of the proposed modifications.