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**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA**

WEDNESDAY, SEPTEMBER 2, 2020

Regular Meeting 6:00 p.m.

Town Council Chambers
14955 Dale Evans Parkway

PLANNING COMMISSION MEMBERS

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



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**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY SEPTEMBER 2 – 6:00 P.M.**

IMPORTANT COVID-19 NOTICE

IN AN EFFORT TO PROTECT PUBLIC HEALTH AND PREVENT THE SPREAD OF COVID-19 (CORONAVIRUS) AND TO ENABLE APPROPRIATE SOCIAL DISTANCING, THE PLANNING COMMISSION MEETING WILL NOT BE OPEN TO PUBLIC ATTENDANCE.

THE TOWN OF APPLE VALLEY ENCOURAGES THE PUBLIC TO VIEW THIS PLANNING COMMISSION MEETING ON TELEVISION OR ONLINE. THE MEETING IS BROADCAST LIVE ON FRONTIER CHANNEL 29 OR CHARTER SPECTRUM CHANNEL 186 AND LIVE STREAMED ONLINE AT APPLEVALLEY.ORG

MEMBERS OF THE PUBLIC WHO WISH TO COMMENT ON MATTERS BEFORE THE PLANNING COMMISSION MAY PARTICIPATE IN THE FOLLOWING WAYS:

- (1) COMMENTS AND CONTACT INFORMATION CAN BE EMAILED TO PUBLICCOMMENT@APPLEVALLEY.ORG BY 3:00 P.M. THE DAY OF THE SCHEDULED MEETING TO BE INCLUDED IN THE WRITTEN RECORD;
- (2) A REQUEST TO SPEAK CAN BE EMAILED TO PUBLICCOMMENT@APPLEVALLEY.ORG AND AT THE TIME OF THE REQUESTED AGENDA ITEM, THE PLANNING COMMISSION SECRETARY WILL PLACE A PHONE CALL TO THE COMMENTER AND ALLOW THEM TO SPEAK TO THE COMMISSION VIA SPEAKER PHONE DURING THE LIVE MEETING FOR UP TO THREE MINUTES. PLEASE INDICATE ON WHICH ITEM YOU WISH TO SPEAK.

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

Chairman Kallen _____; Vice-Chairman Harrison _____;
Commissioners: Tinsley _____; Arias _____;

INSTALLATION OF NEWLY APPOINTED COMMISSIONER

Yvonne Rivera, Deputy Town Clerk, will administer the Oath of Office to the newly appointed Planning Commissioners.

ROLL CALL

Chairman Kallen _____; Vice-Chairman Harrison _____
Commissioners: Tinsley _____; Arias _____; Lanyon _____

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 July 15, 2020.

PUBLIC HEARING ITEMS

2. **Tentative Parcel Map No. 20172.** A request to approve a Tentative Parcel Map to subdivide approximately 4.5 acres into three (3) single-family residential lots for future development. The project is located within the Equestrian Residential (R-EG) zoning designation.

APPLICANT: Altec Engineering representing Mr. Charles Wolf and Ms. Angela Wieland

LOCATION: Southeast corner of Choco Road and Roanoke Road; APN 0441-041-05.

ENVIRONMENTAL

DETERMINATION: Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15315 the proposed request is Exempt from further environmental review.

CASE PLANNER: Pam Cupp, Senior Planner

RECOMMENDATION: Approval

3. **Development Code Amendment No. 2020-007.** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code modifying Section 9.29.060 "Manufactured Housing Standards" as it relates to age requirements and clarification of design standards for consistency with State law.

APPLICANT: Town of Apple Valley

LOCATION: Single-family zoning designations, Town wide

ENVIRONMENTAL

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

CASE PLANNER: Pam Cupp, Senior Planner

RECOMMENDATION: Adopt Planning Commission Resolution No. 2020-005

4. **Development Code Amendment No. 2020-001.** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code modifying Chapter 9.72 "Off-Street Parking and Loading Regulations" relating to minimum parking space requirements, revisions necessary to provide implementation clarification and consistency with associated Development Code sections, and general clean-up which may include corrections to, or removal of, certain tables, diagrams or figures.

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 to the October 7, 2020 meeting.

OTHER BUSINESS

5. Daniel Alcayaga, Planning Manager, will present the annual review of Development Permit projects that have been administratively approved. This report is available for public review at the Planning Division located at 14955 Dale Evans Parkway, Apple Valley, CA. No action is required – to receive and file only.
6. Lori Lamson is requesting the Commission to appoint two members of the Planning Commission to serve on the Ad-Hoc Committee to review the Multi-Family Development Code standards.

PLANNING COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT

The Planning Commission will adjourn to the regular Planning Commission Meeting on October 7, 2020.

**MINUTES
TOWN OF APPLE VALLEY
PLANNING COMMISSION
REGULAR MEETING
July 15, 2020**

CALL TO ORDER

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

Roll Call

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

Absent: Commissioner Arias; Commissioner Lanyon

Staff Present

Carol Miller, Assistant Director of Community Development, Daniel Alcayaga, Planning Manager, Pam Cupp, Senior Planner, Albert Maldonado, Town Attorney, Maribel Hernandez, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice-Chairman Harrison.

PUBLIC COMMENTS

None

APPROVAL OF MINUTES

1. Minutes for the Regular Meeting of May 6, 2020.

Motion by, Vice-Chairman Harrison, second by Commissioner Tinsley to approve the minutes of May 6, 2020.

ROLL CALL VOTE

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

The motion carried a 3-0-0-2 vote

PUBLIC HEARINGS

2. **Conditional Use Permit No. 2018-011 and Deviation Permit No. 2018-002**(Continued from July 1st). A request for approval of a Conditional Use Permit to install a roof-top wireless telecommunications facility. Screening of the facility is designed to emulate a third floor to an existing two (2)-story, office building. The Deviation Permit is a request to allow the roof top equipment to occupy approximately twenty (20) percent of the roof area where ten (10) percent is allowed.

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

Courtney Standridge, Applicant was available by phone.

Chairman Kallen asked if there were any health concerns.

Ms. Cupp said the FCC has stated there is no health concerns.

Chairman Kallen asked Ms. Standridge if they agreed with the conditions of approval as presented by staff.

Ms. Standridge said they do agree with the conditions of approval.

Chairman Kallen closed the public hearing at 6:08p.m.

Planning Commission agreed that this tower was well designed.

Motion by, Vice-Chairman Harrison, Second by Commissioner Tinsley to approve Conditional Use Permit No. 2018-011 and Deviation Permit No. 2018-002.

ROLL CALL VOTE

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

The motion carried by a 3-0-0-2 vote

3. **Tentative Tract Map No. 20304** (Continued from July 1st). The proposal is to subdivide approximately fifty-five (55) acres into ninety-three (93) single-family lots. All lots are single-family residential and will range in size from 18,000 to 65,562 square feet with an average lot size of 21,217 square-feet.

Carol Miller, Assistant Director of Community Development, presented the staff the report as filed with the Planning Division.

Thomas Hhubik, applicant, and Shane Shubert were available by phone.

Vice-Chairman Harrison asked if there was any additional communication from the public, other than what was provided in the agenda packet.

Ms. Miller said, no other correspondence was received.

Mr. Hhubik submitted some additions and changes to his conditions. He would like to insert a condition of CC&R's; remove Condition of Approval P.17, regarding the horse trails; and asked that Engineering condition to have a gate on Arcata Rd.

Chairman Kallen asked Ms. Miller if the request of the wall changes any other conditions.

Ms. Miller said there is no code requirement that requires communities to be gated.

Chairman Kallen about the points of access to allow for equestrian people to get out of the area.

Ms. Miller said there may be some conditions placed in the CC&Rs that prohibit large animal keeping. And the Town does not enforce the CC&Rs.

Mr. Hhubik said they are trying to maintain the integrity of the project and the size of the lots are ½ an acre and with the size of the homes will not allow room for large animal keeping.

Chairman Kallen asked Mr. Hhubik if he was in agreement with the rest of the conditions of approval as presented by staff

Mr. Hhubik said he agreed with the conditions of approval.

Chairman Kallen closed the public hearing at 6:25pm.

Motion by, Commissioner Tinsley, second by Vice-Chairman Harrison to approve Tentative Parcel No. 20304 Tinsley as amended.

Removal of condition P17.

Tentative Tract Map No. 20304 shall adhere to all Equestrian Residential (R-EQ) site development standards and all requirements of the Development Code. All local streets

shall be developed with a nine (9)-foot wide trail, and a three (3)-foot wide separation between curb face and trail, within the right-of-way (in lieu of sidewalk), on the north and west side.

And addition of.

P22. The Covenants, Conditions and Restrictions (CC&Rs) shall be reviewed by the Town prior to final approval of the Final Map. The CC&Rs shall include a Homeowner' Association and shall contain provisions for liability insurance and methods of maintaining open space, private roads, retention basin, gated entry areas, subdivision perimeter walls and decorative block walls, subject to approval by the Director of Economic and Community Development (or designee), the Town Engineer and the Town Attorney.

P23. Prior to recordation of the Final Map, the Developer/applicant shall submit detailed plans showing all proposed walls for this subdivision, including the gated entry areas, subdivision perimeter walls and decorative block walls. Subdivision walls shall be articulated by regularly spaced pilasters or landscape insets, decorative caps and landscaping, subject to approval by the. Director of Economic and Community Development (or designee).

P24. Prior to recordation of the Final Map, the Developer/applicant shall have the option to either proceed with the private gated community or convert back to a non-gated public assess community without further Planning Commission approvals.

EC28. Arcata Road on the east property boundary between Lot Nos. 22 and 23 shall have a security gate constructed at said east property boundary to allow ingress and egress to adjacent easterly properties of Tentative Tract Map No. 20304. Arcata Road shall be improved to Town standards with curb, gutter and street pavement.

ROLL CALL VOTE

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

The motion carried by a 3-0-0-2 vote

- 4. Conditional Use Permit No. 2020-002.** The proposal is to request to approve a Conditional Use Permit to expand an existing six (6) bed Residential Care Facility for Elderly (RCEF) to an eight (8) bed facility. The project site is 0.49 acres in size.

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

Kamal Ebadpour, Applicant and Hossein Zand were available by phone.

Vice-Chairman Harrison asked if any modifications were being made to the structure.

Ms. Cupp said not none were being made.

Commissioner Tinsley asked if the amount of traffic flow was looked at.

Ms. Cupp said the facility only allows one (1) visitor at a time and it is by appointment only so this should not affect the flow of traffic in the area.

Chairman Kallen asked how long this facility has been in operation with 6 beds.

Ms. Cupp said the facility has been in operation since March 6, 2014 and the CUP is non-transferable, so if applicant sells the property this permit is voided.

Chairman Kallen asked Mr. Ebadpour if they agree with the conditions of approval as presented by staff.

Mr. Ebadpour agrees with the conditions of approval.

Chairman Kallen closed the public hearing at 6:32pm.

Motion by, Commissioner Tinsley, second by Vice-Chairman Harrison to approve Conditional Use Permit No.2020-002.

ROLL CALL VOTE

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

The motion carried by a 3-0-0-2 vote

5. Development Code Amendment No. 2020-005 (Continued from July 1st).

An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying provisions relating to landscape setbacks regulations for commercial development

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

Vice-Chairman Harrison asked if there is any allowance for architectural decorations, such as rod iron, metal figures, and large boulders in lieu of something that has to be maintained.

Ms. Cupp said not at this time, but it could be considered through a landscape program and the commission would be able to approve these on the large-scale projects of 2+ acres.

Commissioner Tinsley asked where the 8ft wall idea came from.

Ms. Cupp said the suggestion came from Council, in lieu of a landscape buffer between commercial and residential.

Commissioner Tinsley said an 8ft wall will only be an eyesore.

Ms. Cupp said the 8ft wall is currently allowed but not required.

Chairman Kallen asked if someone came forward to Council with the recommendation, because this was not something that was discussed in the workshop.

Ms. Cupp said Landscape setback of gas stations was discussed at the November 12, 2019 and they expanded to all developments less than 2 acres.

Vice-Chairman Harrison asked how an 8ft wall on flat ground would compare to the same wall on top of a slope or to the same wall on a down slope and requested a way to word this to read, depending on how the property lays.

Commissioner Tinsley said staff should have the ability to review these walls on a case by case and approve accordingly.

Chairman Kallen asked if there could add at the "Planning Director discretion" to the code and would like for more specific information on the type of block wall as the recommendations appear vague.

Chairman Kallen called for a 5-minute recess to allow staff to reword the issues with the 8-foot wall.

Chairman Kallen reconvened the meeting of the Planning Commission 6:52pm.

Vice-Chairman Harrison asked if there should be a definition of what type of block walls are allowed.

Ms. Cupp said the development code has standards relating to block walls.

Ms. Cupp made the following changes to the resolution.

“The required setback between parking lots adjacent to residential uses or districts can be reduced with a deviation permit approved by the director. The setback reductions shall require the erection of a decorative block wall sub wall will be at a minimum 6ft up to maximum 8ft subject to surrounding topography and potential neighborhood impacts.”

Chairman Kallen closed the public hearing at 7:04 pm.

Motion by, Commissioner Tinsley, second Chairman Kallen, to approve Planning Commissions Resolution 2020-003 as amended.

ROLL CALL VOTE

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

The motion carried by a 3-0-0-2 vote

- 6. Development Code Amendment No. 2020-002.** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code that may remove Chapter 9.15 "Commercial/Industrial Revitalization Permits" as obsolete. All reductions to development standards afforded by Chapter 9.15 could remain as available options through the Deviation Permit process.

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

Vice-Chairman Harrison asked if making these changes make it easier for staff and better the developer.

Ms. Cupp said staff has not processed a revitalization permit.

Chairman Kallen closed the public hearing at 7:08pm.

Motion by, Commissioner Tinsley, second by Vice-Chairman Harrison to approve Planning Commission Resolution 2020-002

ROLL CALL VOTE

Yes: Chairman Kallen
Vice-Chairman Harrison
Commissioner Tinsley
Noes: None

Abstain: None
Absent: Commissioner Lanyon
Commissioner Arias

The motion carried by a 3-0-0-2 vote

7. **Development Code Amendment No. 2020-006.** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying provisions relating to the location regulations for gasoline/service stations and above ground petroleum tanks.

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

Commissioner Tinsley asked why not allow tanks larger than 200 gallons.

Ms. Cupp said applicants can have larger tanks with the approval of a Special Use Permit.

Chairman Kallen would like to have someone look at the correlation between size of the of the operation to the size tank. He further expanded upon the need to make that, although the gas station would need to be set back from the hard corner a minimum of 300 feet, the Resolution should also reflect that access to the gas station should be at least 300 feet from the corner as well.

Section 3. of PC Resolution was modified to read "No more than two gasoline/service stations can be located on the hard corners of an intersection of two or more streets. Additional gasoline/service stations, and access thereto, must be located a minimum of 300 feet from the intersection of two (2) or more streets, if more than two (2) gasoline/service stations have already been entitled or legally built at said intersection on the hard corners. The existing entitlement must be valid and not expired.

Chairman Kallen closed the public hearing at 7:21p.m.

Motion by, Chairman Kallen, Vice-Chairman Harrison, second to approve Planning Commissions Resolution 2020-004 as amended.

ROLL CALL VOTE

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

The motion carried by a 3-0-0-2 vote

OTHER BUSINESS

- 8. Development Permit No. 2020-003.** To consider a façade improvement to a portion of an existing inline retail building within the Rancherías Plaza.

Carol Miller, Assistant Director of Community Development, presented the staff the report as filed with the Planning Division.

Mark Lyons Applicant and Mr. Tom Steeno were available by phone.

Vice-Chairman Harrison asked if there was another center within town with similar deviations.

Ms. Miller said she was not aware of another centers this request.

Mr. Steeno said the building has been vacant for many years and this enhancement may encourage the rest of the center to change.

Commissioner Tinsley asked what inspired such a drastic change in the color.

Mr. Lyons said he has four other locations and that is their branding.

Vice-Chairman Harrison loves the project, but worried about what this may bring with future projects.

Mr. Steeno added that this improvement would help clean up the center and bring jobs to the Town.

Chairman Kallen asked if there was any public comment.

Mr. Miller said the only correspondence received was from the current property owner.

Planning Commission was presented an email from the current property owner in support of the project.

Commissioner Tinsley was not in support of the drastic change to the center and the colors will not fit in the rest of the center and take away from the desert appearance.

Chairman Kallen agreed with Commissioner Tinsley, but feels the center needs some change and appears tired.

Motion by, Vice-Chairman Harrison, second by Chairman Kallen to approve Development Permit No. 2020-003

ROLL CALL VOTE

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

The motion carried by a 2-1-0-2 vote

PLANNING COMMISSION COMMENTS

Chairman Kallen thanked Ms. Miller for her dedication to Apple Valley.

Commissioner Tinsley thanked Ms. Miller for all her hard work.

Vice-Chairman Harrison also thanked Ms. Miller for all her work.

STAFF COMMENTS

Ms. Miller introduced Daniel Alcayaga, Planning Manager.

Mr. Alcayaga shared his employment history with Planning Commissioners.

ADJOURNMENT

Motion by, Chairman Kallen, second by Commissioner Tinsley and unanimously carried, to adjourn the meeting in honor of Carol Miller to its next regularly scheduled Planning Commission meeting on September 2, 2020.

Respectfully Submitted by:

Maribel Hernandez
Planning Commission Secretary

Approved by:

Chairman, Bruce Kallen



Planning Commission Agenda Report

Date: September 2, 2020 Item No. 2

To: Planning Commission

Case Number: Tentative Parcel Map No. 20172

Applicant: Altec Engineering representing Mr. Charles Wolf and Ms. Angela Wieland

Proposal: A REQUEST TO APPROVE A TENTATIVE PARCEL MAP TO SUBDIVIDE APPROXIMATELY 4.5 ACRES INTO THREE (3) SINGLE-FAMILY RESIDENTIAL LOTS FOR FUTURE DEVELOPMENT. THE PROJECT IS LOCATED WITHIN THE EQUESTRIAN RESIDENTIAL (R-EQ) ZONING DESIGNATION.

Location: Southeast corner of Choco Road and Roanoke Road; APN 0441-041-05.

Environmental Determination: Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15315 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 existing parcel is approximately 4.5 acres in size.
- B. General Plan Designations:
- Project 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. Surrounding Zoning and Land Use:

- Project Site - Equestrian Residential (R-EQ), Vacant
- North - Equestrian Residential (R-EQ), Single-family residence
- South - Equestrian Residential (R-EQ) and Open Space Conservation, Vacant
- East - Equestrian Residential (R-EQ), Vacant
- West - Single Family Residential (R-SF), Single-family residence

D. Site Characteristics:

The existing site is vacant with a gentle slope downward from the east to the west with no apparent drainage courses. The property is mostly undisturbed and rich in native vegetation; however, no Joshua trees are present. The property exhibits evidence of prior off-road activity. There are existing single-family residences to the west and north. To the east and south are vacant properties.

ANALYSIS

A. General:

The applicant is requesting Planning Commission review and approval of a Tentative Parcel Map that will subdivide 4.5 acres into three (3) lots for future residential development. The project is located within the Equestrian Residential (R-EQ) zoning designation and proposes average lot sizes of 1.5 net acres each. The Equestrian Residential (R-EQ) zoning designation requires that each lot is a minimum of 0.4 net acres in size, with a minimum lot width of 100 feet and a minimum lot depth of 150 feet. The proposed parcels will be 110 feet wide with a depth of 627 feet. The proposed lots comply with minimum lot area requirements and are in conformance with the maximum density allowed under Measure "N".

The lot configuration proposed differs from the properties to the west which are smaller with a mean lot area of 0.75 acres. The adjacent parcels to the west along Roanoke range in lot width from 160 feet to 197 feet. The property to the east has the same lot depth of 630 feet and has a lot width is 168 feet and to the north, the property has a lot width of 290 feet. The area in question has been subject to previous parcel maps and has been recognized as a unique area. The surrounding areas to the north, east and south have no established design pattern that would typically require consistency in configuration. Therefore, staff supports the proposed lot configurations of the tentative parcel map.

A Development Permit is required for homes built within any residential subdivision development, except single-family residential homes built on individual lots or tracts conditioned for custom home development. The Commission should consider whether or not it would be appropriate to require a Development Permit for this three (3)-lot subdivision. Staff has included recommended Condition of Approval No. P9 requiring each single-family residence within this subdivision to have distinct elevations, subject to the review and approval of the Planning Division.

Tentative Parcel Map No. 20172 is within the Equestrian Residential (R-EQ) zoning designation which allows for large animal keeping. The adjacent properties to the west are within the Single Family Residential (R-SF) zone. Any animal keeping that may occur on Parcel 1 will be subject to the required twenty-five (25)-foot animal keeping buffer along the west property line. It should be further noted that, any roofed animal enclosures will be subject to a minimum setback of sixty-five (65) feet to the nearest, off-site, habitable structure.

Based upon the information provided, implementation of development standards and Conditions of Approval, the proposed subdivision of 4.5 acres into three (3) single-family lots for future residential development will not produce adverse impacts upon the site nor surrounding properties. The project site is designated for single-family development and is located within the Equestrian Residential (R-EQ) zoning designation and adjacent to the Single Family Residential (R-SF) zoning designation. Approval of Tentative Parcel Map 20172 will allow the property owner to develop the property in a manner that is consistent with the Town's goals and objectives to promote single-family residential development.

1. Traffic and Circulation

The project site has approximately 330 feet of frontage on Roanoke Road, which is a paved local street that provides two (2) points of paved access to the subdivision. Development Code Section 9.71.020 "General Subdivision Standards" states the following:

"D.1 Street layout and design shall be consistent with the Circulation Element of the General Plan and surrounding developments, except that curbs, gutters and sidewalks shall not be required for parcel map recordation unless specifically conditioned by the Commission for consistency with surrounding development at the time of Tentative Parcel Map approval."

The proposed subdivision is located mid-block and there is no curb, gutter or sidewalk along or adjacent to the proposed subdivision. Engineering is not recommending any additional street improvements for this subdivision.

2. Drainage

Prior to issuance of a grading permit, a final drainage plan shall be submitted for review and approval by the Town Engineer, showing provisions for receiving and conducting off-site and on-site tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. The proposal is required to retain onsite drainage flows from a 100-year design storm.

3. Sewer Connection

There is public sewer available to serve the project; therefore, the Public Works Division is recommending this development connect to the public sewer system. Plans for such connection shall be reviewed and approved by the Town's Public Works Division.

B. Environmental Assessment:

Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15315 the proposed request is Exempt from further environmental review.

C. Noticing:

The public hearing for proposed Tentative Parcel Map No. 20172 was legally noticed on August 21, 2020.

D. Findings:

In considering any Tentative Parcel Map, the Commission is required by the Development Code to make specific Findings. The following are the Findings for a Tentative Parcel Map required under Section 9.71.040 (A5) of the Development Code and a comment to address each:

1. The proposed Subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and any applicable Specific Plan. The proposed subdivision or land use is compatible with the objectives, policies, general land uses and programs specified in the General Plan and any applicable Specific Plan (Subdivision Map Act 66473.5).

Comment: The subject property has a General Plan land use designation of Single Family Residential (R-SF) and a zoning designation of Residential Equestrian (R-EQ) and, by its size, shape and configuration, the property has the ability to be used in a manner consistent with the General Plan Land Use Element and zoning designations. The project is a proposal to divide 4.5 acres into three (3) lots and, with adherence to the recommended conditions, will meet the minimum requirements for lot size, width and depth as prescribed by the Code.

2. The Planning Commission has considered the effects of its action upon the housing needs of the region and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources (Subdivision Map Act Section 66412.3).

Comment: The proposal consists of a land subdivision located on residentially designated land for the purpose of future residential development at the density allowed by the

underlying zoning. The proposed subdivision will allow the property owner to develop the property in a manner that is consistent with the Town's General Plan Goals and Objectives to promote single-family residential development.

3. The design of the subdivision provides, to the extent feasible, for the future passive or natural heating or cooling opportunities in the subdivision.

Comment: The lots created under this subdivision are appropriate in size to provide natural heating and cooling opportunities for development of the site. However, as development occurs, the individual lots are subject to the implementation of natural heating and cooling requirements pursuant to Title 24 energy requirements.

4. The Planning Commission shall determine whether the discharge of waste from the proposed subdivision into the existing sewer system would result in a violation of the requirements as set forth in Section 13000 et seq., of the California Water Code. If the Planning Commission finds that the proposed waste discharge would result, in or add to, a violation of said requirements; the Planning Commission may disapprove the subdivision (Subdivision Map Act Section 66474.6).

Comment: Public works has reviewed the proposal and has determined that the existing sewer can accommodate all wastewater discharged from proposed development.

RECOMMENDATION

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

1. Find that pursuant to the California Environmental Quality Act (CEQA), Section No. 15315, the proposed request is Exempt from further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve Tentative Parcel Map No. 20172, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Tentative Parcel Map
3. Zoning Map

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL
Tentative Parcel Map No. 20172

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 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 tentative subdivision shall comply with the provisions of the State Subdivision Map Act and the Town Development Code. This tentative approval shall expire three (3) years from the date of approval by the Planning Commission/Town Council. A time extension may be approved in accordance with the State Map Act and Town Ordinance, if an extension application is filed and the appropriate fees are paid thirty (30) days prior to the expiration date. The Tentative Parcel Map 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. Prior to approval of the Final Map, the following agencies shall provide written verification to the Planning Division that all pertinent conditions of approval and applicable regulations have been met:
- a. Apple Valley Fire Protection District
 - b. Liberty Utilities
 - c. Apple Valley Public Works Division
 - d. Apple Valley Engineering Division
 - e. Apple Valley Planning Division
- P3. The filing of a Notice of Exemption requires the County Clerk to collect a documentary handling fee of fifty dollars (\$50.00). The fee must be paid in a timely manner in accordance with Town procedures. All checks shall be delivered to the Planning Division and made payable to the Clerk of the Board of Supervisors, 385 North Arrowhead 2nd Floor, San Bernardino, CA 92415.
- P4. Tentative Parcel Map No. 20172 shall adhere to all requirements of the Development Code.
- P5. The applicant shall defend at his sole expense (with attorneys approved by the Town) and indemnify the Town against any action brought against the Town, its agents, officers or employees resulting from or relating to this approval. The applicant shall reimburse the Town, its agents, officers or employees for 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 at its own expense in the defense of any such action, but such participation shall not relieve the applicant of these obligations under this condition.

- P6. Approval of the Tentative Parcel Map No. 20172 by the Planning Commission is understood as acknowledgement 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.
- P7. The project shall conform to the Equestrian Residential (R-EQ) development standards for front, side and rear yard-building setbacks, including animal keeping buffers.
- P8. If the tract/parcel map is adjacent to existing development, a fence/wall plan shall be submitted with the grading and landscape/irrigation plans to identify how new fencing or walls will relate to any existing fences or walls located around the perimeter of the tract/parcel map. The developer shall be required to connect to the existing fencing/walls or collaborate with the adjacent property owners to provide new fencing/walls and remove the existing fence/wall, both options at the developer's expense. Double fencing shall be avoided and review and approval of the fencing/wall plan is required prior to issuance of grading permits.
- P9. All new development of residential structures shall have distinct elevations and as required by the "Single Family Infill Plotting Criteria" subject to the review and approved by the Planning Division.
- P10. Landscape and irrigation plans shall be submitted prior to the issuance of Building Permits in accordance with Chapter 9.31 "Residential Design Standards" and Chapter 9.75 "Water Conservation/Landscape Regulations" of the Development Code and installed prior to issuance of occupancy permits subject to approval by the Planning Division.

Park District Conditions of Approval

- PR1. This project is subject to applicable Quimby Fees as determined by the Town. Quimby Fees shall be collected at time of issuance of building permit and shall be the fee adopted by the Town Council at the time of permit issuance.

Building and Safety Division Conditions of Approval

No Conditions

Engineering Division Conditions of Approval

- EC1. A final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner

which will not adversely affect adjacent or downstream properties. This plan shall consider reducing the post-development site-developed flow to 90 percent of the pre-development flow for a 100 year design storm.

- EC2. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC3. The developer shall present evidence to the Town Engineer that he has made a reasonable effort to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
- 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. A Storm Water Pollution Prevention Plan (SWPPP) in accordance with the National Pollutant Discharge Elimination System (NPDES) shall be required.

Public Works Division 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.
- PW2. Construct the sewer collector lines and laterals to each lot to connect to the trunk sewer system or other system as approved in advance by the Town.
- PW3. All existing manholes within project boundaries shall be brought to current County of San Bernardino sewer standards.
- PW4. Sewer connection fees required.
- PW5. Submit mylars along with three sets of approved plans upon completion of plan check. In addition, the plans must be provided in an electronic format of the Town's choosing. These requirements are the same for the approved plans and the As-Built plans.

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. 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. This shall be completed prior to any combustible construction.
- FD4. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.
- FD5. New dwelling addresses shall be posted with a minimum of 4-inch numbers visible from the street, and during the hours of darkness, the numbers shall be internally illuminated. Where building setbacks exceed 75 feet from the roadway, additional contrasting 4-inch numbers shall be displayed at the property entrance.
- FD6. Plans for fire protection systems designed to meet the fire flow requirements specified in the Conditions of Approval for this project shall be submitted to and approved by the Apple Valley Fire Protection District and water purveyor prior to the installation of said systems.
- FD7. Unless otherwise approved by the Fire Chief, on-site fire protection water systems shall be designed to be looped and fed from two (2) remote points.
- FD8. System Standards:
 - a. *Fire Flow 1500 GPM @ 20 psi Residual Pressure on 8" minimum water main size.
 - b. Duration 2 Hour
 - c. Hydrant Spacing 660 Feet

NFPA 13D (RESIDENTIAL AUTOMATIC FIRE SPRINKLER SYSTEM): REQUIRED

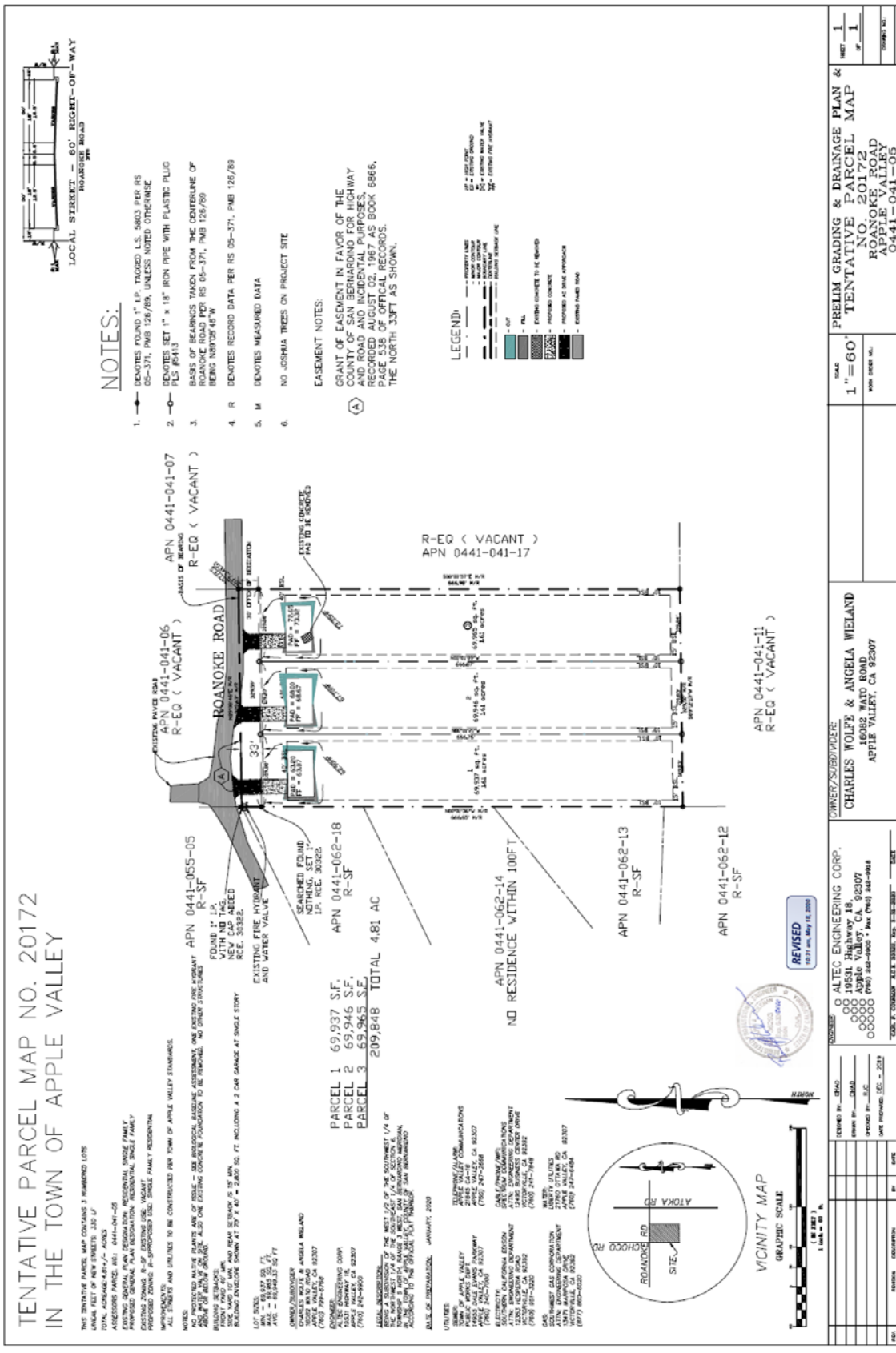
- FD9. This residence shall be constructed with an automatic fire sprinkler system (NFPA 13D) throughout the structure, including garage. Plans shall be submitted by a licensed C-16 contractor to the Fire District for review and approval along with plan review fees. Fire Sprinkler work shall not commence until plan approval and a job card have been issued. An approved fire alarm system shall be installed that will provide a local alarm for water flow to be audible throughout the

premises. **NOTE: The Fire District shall be notified a minimum of 24 hours prior to the desired final inspection date.**

- FD10. 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.
- FD11. Apple Valley Fire Protection District Final Subdivision/Tract/Development fees shall be paid to the Fire District prior to final map acceptance according to the current Apple Valley Fire Protection District Fee Ordinance.

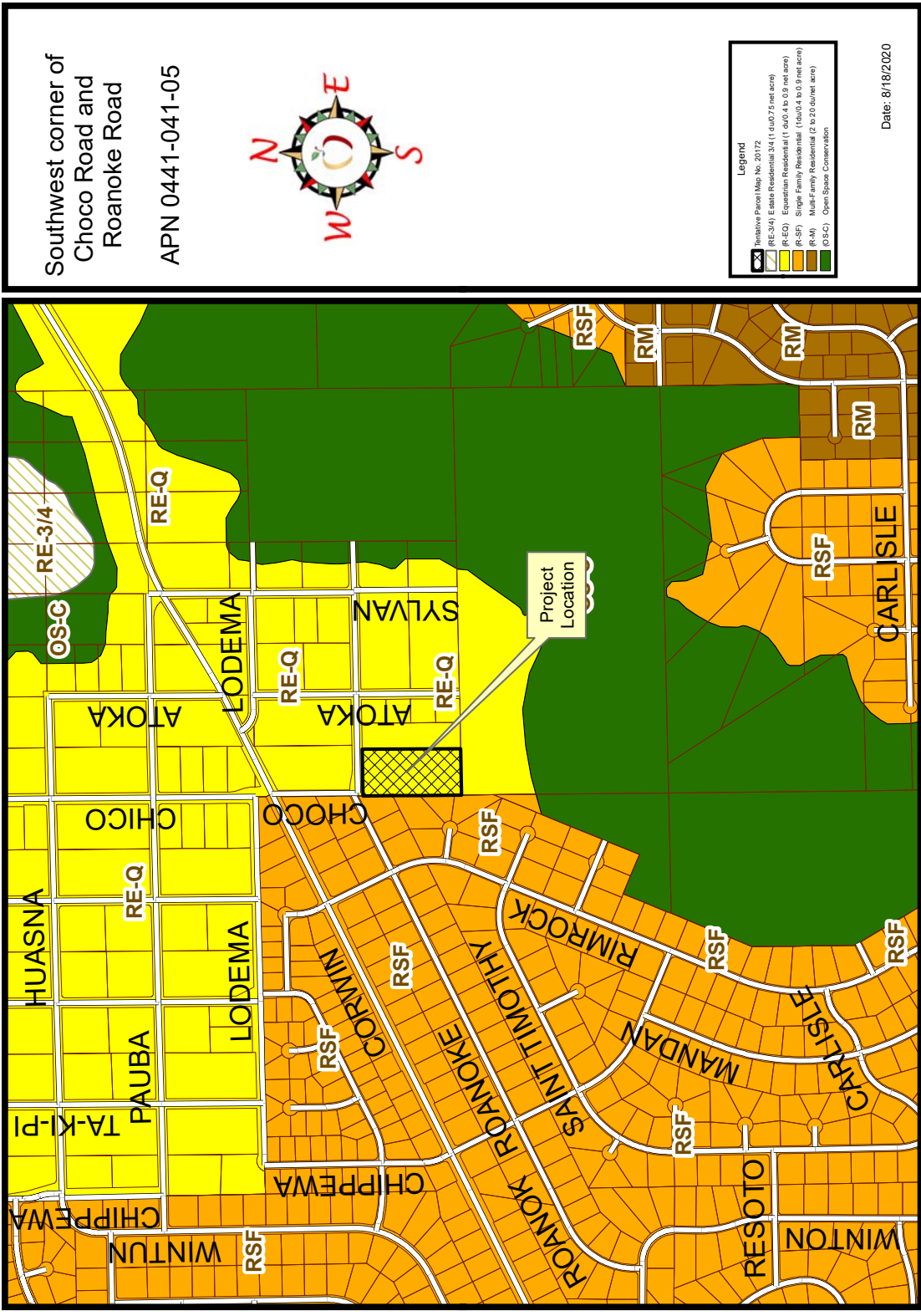
END OF CONDITIONS

Tentative Parcel Map No. 20172
September 2, 2020 Planning Commission Meeting



Tentative Parcel Map No. 20172

ZONING/LOCATION MAP





Planning Commission Agenda Report

DATE:	September 2, 2020	Item No. 3
CASE NUMBER:	Development Code Amendment No. 2020-007	
APPLICANT:	Town of Apple Valley	
PROPOSAL:	An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code modifying Section 9.29.060 "Manufactured Housing Standards" as it relates to age requirements and clarification of design standards for consistency with State law.	
LOCATION:	Single-family zoning designations, Town wide	
ENVIRONMENTAL DETERMINATION:	Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.	
CASE PLANNER:	Pam Cupp, Senior Planner	
RECOMMENDATION:	Adopt Planning Commission Resolution No. 2020-005	

BACKGROUND

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 revise the development standards relating to manufactured homes located outside of a mobile home park.

ANALYSIS

The Town’s current Development Code allows the installation of any manufactured home that was constructed after June 15, 1976 and certified under the National Mobile Home Construction and Safety Standards Act of 1974. This provision may have been carried over from the County’s Code upon incorporation, and left without modification, would allow the placement of a 46-year old manufacture home on any vacant residential property. San Bernardino County currently requires that manufactured homes within the Apple Valley sphere of influence be a maximum ten (10)-year of age to receive a permit. Additional research of neighboring jurisdictions found that applying a maximum ten (10)-year age restriction is common and would be staff’s recommended modification.

California Health and Safety Code section 19993 allows the Town authority of review and regulation of architectural and aesthetic requirements; however, these requirements shall not vary substantially from the requirements imposed on other residential buildings of similar size. The State limits the Town’s ability to control where manufactured homes can be placed. Further, health and local requirements imposed on manufactured homes may not differ substantially from requirements imposed on other residential buildings of the same size. As such, staff is recommending additional language to clarify the Town’s desire for neighborhood compatibility.

The following are the proposed modifications for the Commission’s consideration:

9.29.060 - Manufactured Housing Standards

- A. **Purpose.** The purpose of these regulations is to establish standards for the permanent installation of manufactured housing ~~and mobile homes~~ for occupancy as single-family dwellings when located outside of a mobile home park. Manufactured housing does not include mobile homes, recreational vehicles or commercial modular units. ~~It is intended that such manufactured housing be designed and located so as to be compatible with neighboring conventionally built dwellings. The standards provided in this Section are designed to ensure the compatibility of manufactured housing in single family districts with the aesthetic and architectural character of the surrounding neighborhood, in a manner similar to that used by the Town to approve other building permits for dwellings.~~ **Any manufactured home installed or constructed in accordance with the provisions of this section shall be allowed anywhere that permits the construction of detached, single-family residential structures.**
- B. **Permit Requirements.** The following requirements shall apply to manufactured homes:
 - 1. All applicable construction related permits and approvals including grading, sewage disposal, erosion control and encroachment permits shall be obtained.
 - 2. **A permit from the Building and Safety Division for the installation of a manufactured home not within an approved and properly licensed mobile home park shall not be issued, if more than ten (10) years have elapsed between the date of manufacture and the date of the application for the**

issuance of the permit to install such manufactured home. The requirements of this section shall not apply if the manufactured home is already in place on the lot for which the permit is sought and was approved pursuant to a permit previously issued by the Town.

3. The manufacturer shall permanently affixed a label or tag to the manufactured home certifying that the manufactured home complies with federal construction and safety standards (43 U.S.C. section 5415) of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401, et. seq.)

C. Development Standards

1. Any manufactured home occupied as a single-family dwelling in any residential district shall be installed upon a permanent foundation with the finished floor at grade with the site. All conduits, plumbing, electrical, mechanical, and/or other equipment installed below the finished floor shall be located below the finished grade of the site. Any manufactured home so used shall be a permanent fixture to the site, permanently affixed to a building foundation.
2. Each manufactured home shall comply with all the **site** development standards of the applicable zoning district **as outlined within Section 9.28.040 "Site Development Standards"**.
3. **Each manufactured home shall comply with the standards outlined within Section 9.31.030 "Single Family Architectural Design Standards"**.
—Double wide or multi-sectional at a minimum of 1,200 square feet in size;
4. **Exterior walls shall be finished with materials and trim customarily associated with conventional single-family dwellings. This would include horizontal wood siding, stucco or stucco-like finishes, masonry and board and batten siding. Corrugated metal walls, vertical rib siding or other such materials are not acceptable under this guideline, unless it can be found characteristic of conventional dwellings** All siding shall be non-reflective, shall be installed from the ground up to the roof, and The exterior siding, trim and roof shall be similar to that used in other single family dwellings within the immediate area of where the manufactured home is to be located;
5. The roofing shall be **asphalt or tile shingles or other** material **characteristic of** similar to that utilized in conventional site built single family dwellings, similar to that used within the immediate area of where the manufactured home is to be located.
6. The roof shall overhang the exterior wall by at least sixteen (16) inches **unless a lesser overhang can be shown to be characteristic of conventional dwellings within the immediate area of where the manufactured home is to be located. Except when associated with an identifiable architectural design,** fascia boards shall be used on all edges of the roof to screen exposed rafters, vents, etc., and to give the roof a finished appearance.

- 7. ~~All roofs shall have a minimum pitch of 3:12;~~ The roof pitch shall be minimum of 5:12 and/or characteristic of conventional dwellings within the immediate area of where the manufactured home is to be located.
- 8. An enclosed two (2)-car garage shall be provided ~~which is similar to that provided for single family dwellings~~ and with exterior siding, roof line and materials matching that of the manufactured home.
- 4. Trailers, campers, fifth-wheels, recreational vehicles, buses, or similar vehicles shall not be used or occupied for any residential purpose, and any such residential use of such vehicle(s) is expressly prohibited except as defined herein. A trailer, camper, fifth-wheel, recreational vehicles, bus, or similar vehicle may be placed, for a residential purpose, on a site for up to fifteen (15) days within any one (1) calendar year. Upon approval of a Temporary Use Permit, a trailer, fifth-wheel, bus, or similar vehicle may be placed, for a residential purpose, on a site for up to sixty (60) days within any one (1) calendar year.

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. Many of these stated Goals and Objectives address the community’s desire to establish and maintain high standards for the quality, aesthetic appearance and safety for all new and existing development. The proposed Development Code Amendment establishes new standards and criteria addressing development of manufactured housing. This change is consistent with the Goals and Objectives of the adopted General Plan.

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

Comment: The proposed Development Code Amendment will establish new standards and criteria relating to the development of Manufactured Homes within the Town of Apple Valley. These standards and criteria are proposed with the specific intent of creating requirements that will

assure that current and future construction will result in structures that will provide for the health and safety of individuals occupying said structures and, thus, the Amendment shall not be detrimental to the health, safety or general welfare of the citizens or visitors of the Town of Apple Valley.

NOTICING

Development Code Amendment No. 2020-007 was advertised as a public hearing in the Apple Valley News newspaper on August 21, 2020.

ENVIRONMENTAL REVIEW

Development Code Amendment No. 2020-007 will place an age requirement and design standards for the future placement of manufactured homes. As proposed, this amendment will not promote development beyond that anticipated within the Environmental Impact Report prepared for the Town’s General Plan.

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. 2020-005 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. 2020-005

PLANNING COMMISSION RESOLUTION NO. 2020-005

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2020-007 AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING SECTION 9.29.060 “MANUFACTURED HOUSING STANDARDS” RELATING TO AGE AND DESIGN REQUIREMENTS.

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, On May 1, 2019, the Town Council initiated a Development Code Amendment, directing staff to work with the Planning Commission to modify the development standards relating to manufactured housing located outside of a mobile home park;

WHEREAS, Specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by modifying Section 9.29.060 “Manufactured Housing Standards” relative to age and design requirements; and

WHEREAS, on August 21, 2020, Development Code Amendment No. 2020-007 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 September 2, 2020 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2020-007 receiving testimony from the public; and

WHEREAS, Development Code Amendment No. 2020-007 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, 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. 2020-007 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan and Title 9 "Development Code" of the Municipal Code of the Town of Apple Valley.

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

Section 3. Amend Section 9.29.060 "Manufactured Housing Standards" of the Town of Apple Valley Development Code to read as follows:

"9.29.060 - Manufactured Housing Standards

- A. ***Purpose.*** The purpose of these regulations is to establish standards for the permanent installation of manufactured housing for occupancy as single-family dwellings when located outside of a mobile home park. Manufactured housing does not include mobile homes, recreational vehicles or commercial modular units. Any manufactured home installed or constructed in accordance with the provisions of this section shall be allowed anywhere that permits the construction of detached, single-family residential structures.
- B. ***Permit Requirements.*** The following requirements shall apply to manufactured homes:
1. All applicable construction related permits and approvals including grading, sewage disposal, erosion control and encroachment permits shall be obtained.
 2. A permit from the Building and Safety Division for the installation of a manufactured home not within an approved and properly licensed mobile home park shall not be issued, if more than ten (10) years have elapsed between the date of manufacture and the date of the application for the issuance of the permit to install such manufactured home. The requirements of this section shall not apply if the manufactured home is already in place on the lot for which

the permit is sought and was approved pursuant to a permit previously issued by the Town.

3. The manufacturer shall permanently affixed a label or tag to the manufactured home certifying that the manufactured home complies with federal construction and safety standards (43 U.S.C. section 5415) of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401, et. seq.)

C. Development Standards

1. Any manufactured home occupied as a single-family dwelling in any residential district shall be installed upon a permanent foundation with the finished floor at grade with the site. All conduits, plumbing, electrical, mechanical, and/or other equipment installed below the finished floor shall be located below the finished grade of the site. Any manufactured home so used shall be a permanent fixture to the site, permanently affixed to a building foundation.
2. Each manufactured home shall comply with all the site development standards of the applicable zoning district as outlined within Section 9.28.040 "Site Development Standards".
3. Each manufactured home shall comply with the standards outlined within Section 9.31.030 "Single Family Architectural Design Standards".
4. Exterior walls shall be finished with materials and trim customarily associated with conventional single-family dwellings. This would include horizontal wood siding, stucco or stucco-like finishes, masonry and board and batten siding. Corrugated metal walls, vertical rib siding or other such materials are not acceptable under this guideline, unless it can be found characteristic of conventional dwellings within the immediate area of where the manufactured home is to be located.
5. The roofing shall be asphalt or tile shingles or other material characteristic of dwellings within the immediate area of where the manufactured home is to be located.
6. The roof shall overhang the exterior wall by at least sixteen (16) inches unless a lesser overhang can be shown to be characteristic of conventional dwellings within the immediate area of where the manufactured home is to be located. Except when associated with an identifiable architectural design, fascia boards shall be used on all edges of the roof to screen exposed rafters, vents, etc., and to give the roof a finished appearance.
7. The roof pitch shall be minimum of 5:12 and/or characteristic of conventional dwellings within the immediate area of where the manufactured home is to be located.
8. An enclosed two (2)-car garage shall be provided with exterior siding, roof line and materials matching that of the manufactured home.
9. Trailers, campers, fifth-wheels, recreational vehicles, buses, or similar vehicles shall not be used or occupied for any residential purpose, and any such

residential use of such vehicle(s) is expressly prohibited except as defined herein. A trailer, camper, fifth-wheel, recreational vehicles, bus, or similar vehicle may be placed, for a residential purpose, on a site for up to fifteen (15) days within any one (1) calendar year. Upon approval of a Temporary Use Permit, a trailer, fifth-wheel, bus, or similar vehicle may be placed, for a residential purpose, on a site for up to sixty (60) days within any one (1) calendar year.”

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 2nd day of September 2020.

Chairman Bruce Kallen

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 2nd day of August 2020, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ms. Maribel Hernandez, Planning Commission Secretary



Planning Commission Agenda Report

DATE:	September 2, 2020	Item No. 4
CASE NUMBER:	Development Code Amendment No. 2020-001	
APPLICANT:	Town of Apple Valley	
PROPOSAL:	An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code modifying Chapter 9.72 "Off-Street Parking and Loading Regulations" relating to minimum parking space requirements, revisions necessary to provide implementation clarification and consistency with associated Development Code sections, and general clean-up which may include corrections to, or removal of, certain tables, diagrams or figures.	
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:	Continue Public Hearing to October 7, 2020	

BACKGROUND

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 review the current parking regulations to make sure the Town remains current with existing trends and to recommend modifications that could create flexibility to the minimum standards. Due to the extensive number of changes, staff requires additional time to work through these modifications and provide a complete report and recommendation to the Planning Commission.



TOWN OF APPLE VALLEY MEMORANDUM

Get a Slice of the Apple.

TO: Planning Commission
FROM: Daniel Alcayaga, Planning Manager
SUBJECT: Development Permit Annual Review
DATE: September 2, 2020

Attached is the annual review of Development Permits that have been administratively approved from August 1, 2019 through July 31, 2020.

This summary is for the Planning Commission's information only; no action is required. Staff is providing this information without the Conditions of Approval and associated site plans, per the Planning Commission's direction at the August 20, 2008 meeting. The annual review consists only of the attached spreadsheet. Should any Commissioner wish to review the supporting documentation, please let me know if a CD or hard copy is the preferred media.

Attachments: Development Permit Annual Review

DEVELOPMENT PERMIT ADMINISTRATIVE APPROVALS

8/01/2019 - 7/31/2020

B&S Status	Date Submitted	Planning Approval Date	Project Address	Applicant	Case I.D.	Project Description	Planner
Permit pulled	03/26/2019	12/04/2019	16148 Muni Rd	Mehdi Mostead	DP 2019-004	Construction of 2 - 4plex 2 story apartment complex.	Miller
Permit pulled	03/26/2019	12/4/2019	16164 Muni Rd	Mehdi Mostead	DP 2019-011	Construction of 2 - 4plex 2 story apartment complex.	Miller
Permit pulled	06/11/2019	12/19/2019	18856 Highway 18	Tory Stephen	DP 2019-008	10,642 square ft medical office building.	Miller
Job Complete	11/25/2019	01/13/2020	12218 Apple Valley Rd Ste 201 & 202	Bros Pollo Inc	DP 2019-015	Exterior façade modification	Miller
Job Complete	12/03/2019	01/17/2020	14922 Dale Evans Parkway	Promotion Plush	DP 2019-014	Install fascia on the canopy of an existing 76 branded gas station.	Miller
Job Complete	02/04/2020	03/17/2020	21680 Bear Valley Rd	Dutch Brothers Coffee	DP 2020-001 SUP 2020-002	Drive Thru Coffee Shop	Miller
Permit pulled	04/22/2020	05/11/2020	15500 Tuscola Rd	Miller Architectural Corp	DP 2020-005	Construct an 1,800 square foot patio cover.	Miller



Planning Commission Agenda Report

Date: September 2, 2020 Item No. 6

To: Planning Commission

Subject: FORMATION OF AN AD-HOC COMMITTEE TO REVIEW MULTI-FAMILY RESIDENTIAL DEVELOPMENT STANDARDS

Submitted by: Lori Lamson, Assistant Town Manager

RECOMMENDED ACTION:

The Commission should appoint two members of the Planning Commission to serve on the Ad-Hoc Committee to review the Multi-Family Development Code standards.

SUMMARY:

On November 20, 2019, at the Joint Planning Commission and Town Council meeting, regarding multi-family development regulations, direction was given by the Council to formulate an Ad-Hoc committee of 2 Council members and 2 Planning Commissioners. These Ad-Hoc members along with staff and members of the public, that are professionals in the apartment and townhouse development community, will review current standards and recommend possible changes.

The Town Council appointed Council Members Larry Cusack and Kari Leon to the Ad-Hoc Committee at the January 14, 2020 Town Council meeting. Meetings will commence in early October and may go through November of 2020. Once the Ad-Hoc Committee has provided recommendations, they will be forwarded to the Town Council for discussion prior to initiating a Development Code Amendment. Once a Development Code Amendment is initiated, the item will be brought to the entire Planning Commission for discussion, review and recommendation.