



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY  
PLANNING COMMISSION AGENDA**

**WEDNESDAY, OCTOBER 7, 2020**

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

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

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**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](http://www.AVPlanning.org)**

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



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**TOWN OF APPLE VALLEY  
PLANNING COMMISSION AGENDA  
REGULAR MEETING  
WEDNESDAY OCTOBER 7, 2020 – 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](http://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](mailto: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](mailto: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](http://www.applevalley.org) subject to staff's ability to post the documents before the meeting.

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

## REGULAR MEETING

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

## CALL TO ORDER

## ROLL CALL

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 September 2, 2020.

## PUBLIC HEARING ITEMS

2. **Conditional Use Permit No. 2020-003.** A request for approval of a Conditional Use Permit to allow the operation of an equipment storage yard. The proposed storage yard will include four (4) parcels totaling 3.77 acres in size and contains a 5,797 square foot, two (2)-story commercial structure. The project is within the Service Commercial (C-S) zoning designation.

**APPLICANT:** Christensen Brothers General Engineering, Inc.

**LOCATION:** 21834 Bear Valley Road; APNs 3087-531-17, -18, -19 and -45

## ENVIRONMENTAL

**DETERMINATION:** Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is Exempt from further environmental review. The proposed site has been previously used for similar purposes and is considered an existing facility meeting the conditions set forth within Section 15301, Class 1 Categorical Exemption.

**CASE PLANNER:** Pam Cupp, Senior Planner

**RECOMMENDATION:** Approval

3. **Development Permit No. 2020-004 and Deviation Permit No. 2020-004.** A request for approval of a Development Permit to allow the construction of a three (3)-unit apartment building. The Deviation is a request for a reduction to the front

yard setback from fifty (50) feet, as required by the Ranchos Residential Overlay District, to forty (40) feet, which the Development Code allows as the minimum front setback for this site. The subject site is 0.40 acres in size and is located within the Multi-Family Residential (R-M) zoning designation.

**APPLICANT:** PA Design Associates representing Eileen G. Miskinyar

**LOCATION:** 20125 Zuni Road; APN 0441-251-02

**ENVIRONMENTAL**

**DETERMINATION:** Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is Exempt from further environmental review. The proposal is considered an in-fill development meeting the conditions set forth within Section 15332, Class 32 Categorical Exemption.

**CASE PLANNER:** Pam Cupp, Senior Planner

**RECOMMENDATION:** Approval

- 4. Development Permit No. 2020-007 and Variance No. 2020-001.** A request for approval of a Development Permit to allow the construction of an 11,914 square foot, fourteen (14)-unit apartment complex. The Variance is a request to reduce the required parking spaces from forty-nine (49) to forty-two (42) spaces. Also requested is a reduction to the side yard setback from fifteen (15) feet as required by Ranchos Residential Overlay District, to 13.5 feet. The subject site is 0.84 acres in size and located within the Multi-Family Residential (R-M) zoning designation.

**APPLICANT:** Town of Apple Valley

**LOCATION:** Town wide

**ENVIRONMENTAL**

**DETERMINATION:** Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is Exempt from further environmental review. The proposal is considered an in-fill development meeting the conditions set forth within Section 15332, Class 32 Categorical Exemption.

**CASE PLANNER:** Pam Cupp, Senior Planner

**RECOMMENDATION:** Continuance

- 5. Development Code Amendment No. 2020-001** *(Continued from September 2, 2020).* 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:** Adopt Planning Commission Resolution No. 2020-001

6. **Development Code Amendment No. 2020-008** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code modifying provisions related to large and small recycling collection facilities.

**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:** Adopt Planning Commission Resolution No. 2020-006

7. **Development Code Amendment No. 2020-009.** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code modifying Chapter 9.77 "Wireless Telecommunication Facilities" as it relates to general requirements, setback and separation distance reductions, and expanding on locations where towers can be placed with approval of a Conditional Use Permit.

**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, where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**CASE PLANNER:** Daniel Alcayaga, AICP, Planning Manager

**RECOMMENDATION:** Adopt Planning Commission Resolution No. 2020-007

**OTHER BUSINESS**

**PLANNING COMMISSION COMMENTS**

**STAFF COMMENTS**

**ADJOURNMENT**

The Planning Commission will adjourn to the regular Planning Commission Meeting on October 21, 2020.

**MINUTES**

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

**SEPTEMBER 2, 2020**

**CALL TO ORDER**

Vice-Chairman Kallen called to order the regular meeting of the Town of Apple Valley Planning Commission at 6:03 p.m.

Roll Call

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

**INSTALLATION OF NEWLY APPOINTED COMMISSIONER**

Yvonne Rivera, Deputy Town Clerk, administered the Oath of Office to the newly appointed Planning Commissioners Jared Lanyon.

Roll Call

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

Staff Present

Lori Lamson, Assistant Town Manager, Daniel Alcayaga, Planning Manager, Richard Pederson, Deputy Town Engineer, Pam Cupp, Senior Planner, Albert Maldonado, Town Attorney, Maribel Hernandez, Planning Commission Secretary.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Commissioner Lanyon.

**APPROVAL OF MINUTES**

1. Minutes for the Regular Meeting of July 15, 2020.

**MOTION**

Motion by Commissioner Tinsley seconded Chairman Kallen to approve the minutes of July 15, 2020.

**ROLL CALL VOTE**

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

The motion carried by a 3-0-1-1 vote.

**PUBLIC COMMENTS**

None

**PUBLIC HEARINGS**

- 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.

Chairman Kallen opens the public hearing at 6:07pm.

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

Randy Coleman, Applicant was available by phone.

Chairman Kallen asked if the zoning would remain RE-Q.

Ms. Cupp said the zoning will remain the same.

Chairman Kallen asked Mr. Coleman if he agreed with the conditions of approval as presented in the staff report.

Mr. Coleman agrees with the conditions of approval.

Chairman Kallen closed the public hearing at 6:11pm.

**MOTION**



Motion by Commissioner Tinsley seconded Commissioner Arias to approve Tentative Parcel Map No. 20172.

**ROLL CALL VOTE**

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

The motion carried by a 4-0-0-1 vote.

- 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.

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 Arias asked if these units would be required to have a garage.

Ms. Cupp responded, yes, they would be required to have a garage and follow the same design standards.

Commissioner Lanyon asked the reason for a 5:12 pitch roof instead of a 3:12 pitch roof.

Ms. Cupp said the 5:12 pitch is the standard that the county requires

Commissioner Arias asked if a variance would need to be requested if the mobile home did not meet the required pitch.

Ms. Cupp said they would have to show the pitch they are requesting is consistent with neighboring properties.

Commissioner Tinsley said the standard normal pitch is 4:12 and a 5:12 is also acceptable but a bit steeper than the norm and would not like to see the applicant have to apply for a variance for that.

Ms. Cupp clarified that the applicant would not have to request a variance if they can show that the pitch, they are requesting, is consistent with neighboring properties.

Ms. Cupp asked if the commission was asking for a modification to 3:12.

Commissioner Tinsley said he is not suggesting keeping at 3:12 but if the change is made to a 4:12, then that is more common, and it still looks nice.

Commissioner Kallen asked what the minimum square footage would be.

Ms. Cupp said the minimum would be 1200 square ft and 1000 in Mountain Vista Community.

Chairman Kallen closed the public hearing at 6:18p.m.

### **MOTION**

Motion by Commissioner Arias seconded Commissioner Lanyon to approve Planning Commission Resolution No. 2020-005 as amended:

7. ~~All roofs shall have a minimum pitch of 3:12;~~ **The roof pitch shall be minimum of 4:12 and/or characteristic of conventional dwellings within the immediate area of where the manufactured home is to be located.**

### **ROLL CALL VOTE**

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

The motion carried by a 4-0-0-1 vote.

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.

Staff is requesting a continuance to the meeting of October 7, 2020.

Being that there is no one requesting to speak on this item, Chairman Kallen requested for a motion to continue Development Code Amendment No. 2020-001 to the October 7, 2020.

## **MOTION**

Motion by Chairman Kallen, second Commissioner Tinsley to continue Development Code Amendment No. 2020-001 to the October 7, 2020 meeting.

### **ROLL CALL VOTE**

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

The motion carried by a 4-0-0-1 vote.

## **OTHER BUSINESS**

5. Daniel Alcayaga, Planning Manager, presented 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.

Commissioner Tinsley asked if there were design guidelines that staff was following when approving over the counter projects.

Lori Lamson said there was no design standard for commercial buildings.

Commissioner Tinsley feels that some projects are being approved at staff level that do not follow the southwest design.

Chairman Kallen suggested changing the Development Code to reduce the square footage on staff approved projects on high profile streets such as Bear Valley Rd and Highway 18.

Commissioner Tinsley would like to revisit the code.

Ms. Lamson said she could have a conversation with council and see if they are interested in revisiting the code and reminded the Commission that reverting the changes would add anywhere to \$2000 - \$5000 in fees and add at a minimum of 2 months to the project.

6. Lori Lamson is requesting the Commission to appoint one member of the Planning Commission to serve on the Ad-Hoc Committee to review the Multi-Family Development Code standards.

Chairman Kallen made the recommendation to nominate Vice-Chairman Harrison to Ad-Hoc Committee to review the Multi-Family Development Code standards.

**PLANNING COMMISSION COMMENTS**

Chairman Kallen welcomed Commissioner Jarod Lanyon and expressed his condolences for the loss of his father Commissioner Lanyon.

Commissioner Arias said Commissioner Lanyon was a great man and will be greatly missed

Commissioner Tinsley also expressed his condolences.

**STAFF COMMENTS**

Mr. Alcayaga updated the Planning Commission on the Development Codes recently approved at the Council Meeting and mentioned an upcoming revision to the cell tower code.

**ADJOURNMENT**

Motion by Commissioner Arias, Second by Commissioner Tinsley, and unanimously carried, to adjourn the meeting in Honor of Commissioner Tom Lanyon of the Planning Commission at 6:37p.m. to the Regular Meeting on October 7, 2020.

Respectfully Submitted by:

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

Approved by:

\_\_\_\_\_  
Vice-Chairman, Bruce Kallen



## Planning Commission Agenda Report

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<b>DATE:</b>	October 7, 2020	<b>Item No. 2</b>
<b>CASE NUMBER:</b>	Conditional Use Permit No. 2020-003	
<b>APPLICANT:</b>	Christensen Brothers General Engineering, Inc.	
<b>PROPOSAL:</b>	A request for approval of a Conditional Use Permit to allow the operation of an equipment storage yard. The proposed storage yard will include four (4) parcels totaling 3.77 acres in size and contains a 5,797 square foot, two (2)-story commercial structure. The project is within the Service Commercial (C-S) zoning designation.	
<b>LOCATION:</b>	21834 Bear Valley Road; APNs 3087-531-17, -18, -19 and -45	
<b>ENVIRONMENTAL DETERMINATION:</b>	Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is Exempt from further environmental review. The proposed site has been previously used for similar purposes and is considered an existing facility meeting the conditions set forth within Section 15301, Class 1 Categorical Exemption.	
<b>CASE PLANNER:</b>	Pam Cupp, Senior Planner	
<b>RECOMMENDATION:</b>	Approval	

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### PROJECT SITE AND DESCRIPTION

- A. Project Size:  
The project site is 3.77 acres in size.
- B. General Plan Designations:
- |                |                                  |
|----------------|----------------------------------|
| Project Site - | Service Commercial (C-S)         |
| North -        | Single-family Residential (R-SF) |
| South -        | Public Facility (P-F)            |
| East -         | Service Commercial (C-S)         |
| West -         | Single-family Residential (R-SF) |

C. Surrounding Zoning and Land Use:

- Project Site - Service Commercial (C-S), Commercial building
- North - Single-family Residential (R-SF), Single-family residences and vacant
- South - Public Facility (P-F), Newton T. Bass Sports Stadium
- East - Service Commercial (C-S), Large recycling facility and contractor office and storage yard.
- West - Single-family Residential (R-SF), Single-family residences

D. Site Characteristics:

The project site is comprised of four (4) parcels which have been significantly disturbed with past commercial activities.

E. Building/Unit Analysis:

The site contains an existing, 5,797 square foot, two (2)-story commercial structure.

F. Building Height:

The existing structure is approximately twenty-one (21) foot tall.

G. Setback Analysis:

The existing building is setback approximately 100 feet from the front property line. The equipment storage area will be setback a minimum of twenty-five (25) feet from the north and west property lines, which are adjacent to residential districts.

H. Landscaping:

Existing: Approximately 4.5% (7,500 square feet)

I. Parking Analysis:

Use	Ratio	Parking Required	Parking Provided
General Office 3,847 sf	1/300	13	13
Repair Shop 1,950 sf	1/400	5	5
Total		18	18

ANALYSIS

A. General:

The applicant is requesting approval of a Conditional Use Permit to operate a construction vehicles, equipment, and supply storage yard. The site is currently vacant; however, the property has been previously used for similar purposes. Pursuant to the Development Code, an equipment storage yard is a permitted use, subject to the approval of a Conditional Use Permit. The Conditional Use Permit affords an opportunity for broad public review, to provide adequate mitigation of any potentially adverse impacts and to ensure that all site development regulations and design standards of the Development Code are adhered to.

The project description indicates the parking of trucks, equipment and building supplies. The applicant is also requesting approval to operate a maintenance/repair shop for its owned equipment. Administrative offices will also be located within the existing building.

B. Site Analysis:

The project site is 3.77 acres in size and includes four (4) parcels. The site has an existing 5,797 square foot, two (2) story commercial building that will house the maintenance/repair shop and administrative offices. There is an existing thirty-two (32)-foot wide driveway that provides access from Bear Valley Road.

The project perimeter has an eight (8)-foot tall, block wall providing screening from the adjacent single-family residence located to the north and west. The wall continues along the east boundary providing screening from the adjacent commercial property to the east. There is a six (6)-foot tall chain link fence with barbed wire within the front setback along Bear Valley Road. Within the required front or street side setback, solid walls or fences are limited to forty-two (42) inches in height; open fences constructed of wrought iron incorporating decorative features, such as pilasters and spires or other embellishments may be six (6) feet in height. It is recommended Condition P21 requiring an eight (8)-foot tall, decorative block wall or fence be constructed to screen the outdoor storage from the public right-of-way along Bear Valley Road. Staff is recommending Condition P24 requiring removal of the existing fence within the front setback and Condition P22 requiring the applicant to remove all barbed wire from the site.

The Development Code requires a minimum landscape strip of ten (10) feet along street frontages. There is an existing landscape strip; however, it has been neglected. Staff is recommending Condition P10 requiring the existing landscape buffer along Bear Valley Road to be rehabilitated and brought into compliance with Development Code standards. Staff is further recommending that the parking lot be restriped (Condition P7) and that parking lot landscaping be installed as required by the Development Code. The project will also require the construction of a trash enclosure (Condition P14).

The storage of vehicles and machinery must be upon a paved surface; however, building materials may be stored any type of all-weather surface such as gravel or pavement. All storage areas must be completely screened from the public right-of-way and other adjacent properties. The continued use of chain link will require the installation of metal slatting that is maintained in such a manner so the material being stored behind the fencing cannot be seen directly or indirectly through the fence (Condition P24).

1. Traffic and Circulation

The Town Engineer is requested seventeen (17) feet of additional right-of-way; however, street improvements will not be required.

2. Sewer Connection

The site has an existing septic tank; however, public sewer is available to serve this project site. Therefore, should the existing system fail or it is determined to be sized inappropriately for the use, connection to the Town's sewer system would be required.

C. Environmental Assessment:

Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is Exempt from further environmental review. The proposed site has been previously used for similar purposes and is considered an existing facility meeting the conditions set forth within Section 15301, Class 1 Categorical Exemption.

D. Noticing:

This item was advertised as a COVID-19 compliant public hearing in the Apple Valley News newspaper and mailed to all property owners within a 300-foot radius of the project site on September 25, 2020.

E. 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: The proposed equipment storage yard is located within the Service Commercial (C-S) zoning designation and is in compliance with the General Plan Land Use and zoning district that allows storage yards for equipment and supplies subject to approval of a Conditional Use Permit on the subject property.

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: The proposed equipment storage yard, as conditioned, is in compliance with the Service Commercial (C-S) zoning district, which allows such facilities subject to a conditional use permit. There is an existing eight (8)-foot tall block wall adjacent to the residential uses. As Conditioned, all truck and equipment storage shall be



required to maintain a twenty-five (25)-foot setback from the residential districts and uses; therefore, the proposed facility is compatible with, and will not adversely affect nor be materially detrimental.

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: The proposed location has been previously developed and all public facilities, services and utilities are available to serve the site.

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 project site is within the Service Commercial (C-S) zone with frontage along Bear Valley Road, which is designated a major road that can accommodate all traffic generated by the facility.

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

Comment: The proposed storage yard will be located on a developed site previously used for similar purposes and is considered an existing facility meeting the conditions set forth within Section 15301, Class 1 Categorical Exemption.

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

Comment: Not applicable. No new construction is proposed.

Recommendation:

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

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section 15301, Class 1, 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. 2020-003 and adopt those findings.

3. Approve Conditional Use Permit No. 2020-003 subject to the attached Conditions of Approval.
4. Direct staff to file a Notice of Exemption.

ATTACHMENTS:

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

TOWN OF APPLE VALLEY

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**RECOMMENDED CONDITIONS OF APPROVAL**

Case No. Conditional Use Permit No. 2020-003

**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 project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval, if not exercised, shall expire three (3) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the expiration date. The 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 agree to defend at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P3. The approval of Conditional Use Permit No. 2020-003 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. 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.

- P5. 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 Commission for consideration and approval. Said review shall not rise to the level of a revision to the original Permit or other discretionary review, therefore necessitating a new public hearing, but shall, instead, constitute a clarification of the Planning Commission's original approval.
- P6. 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 delivered to the Town for processing and be made payable to the Clerk of the Board of Supervisors, 385 North Arrowhead, 2nd Floor, San Bernardino, CA 92415.
- P7. 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.
- P8. The parking lot shall be landscaped in accordance with Development Code Section 9.72.080.
- P9. 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.
- P10. The landscape buffer along Bear Valley Road shall be rehabilitated with an appropriate combinations of drought tolerant trees, shrubs, and ground cover, consistent with Development Code Chapter 9.75, Water Conservation Landscape Regulations.
- P11. Final landscape and irrigation plans shall be submitted to the Planning Division for review and approval and installed prior to the issuance of the Certificate of Occupancy.
- 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. All lighting shall be hooded and directed as to not shine towards adjacent properties and public streets. Light poles in parking lot shall not exceed twenty (20) feet in height.

- P14. A trash enclosure shall be constructed in accordance with Town Standards and include a solid roof. The enclosure shall reflect the architectural design of approved project subject to the review and approval of the Planning Division.
- P15. Rooftop and ground mounted mechanical and electrical equipment shall be screened from public view.
- P16. All identification signs shall have a separate permit and are subject to final approval by the Planning Division.
- P17. The parking and/or storage of construction related vehicles and equipment shall require a paved surface and shall be setback a minimum of twenty-five (25) feet from the property lines adjacent to residential uses and districts.
- P18. This approval authorizes the screened, outdoor storage of construction related trucks, equipment and new materials. Storage of construction or demolition debris shall be prohibited.
- P19. All vehicles stored at this location shall have current motor vehicle registrations.
- P20. Conditional Use Permit No. 2020-003 authorizes the on-site repair and maintenance of all occupant owned vehicles and equipment.
- P21. An eight (8)-foot high decorative solid wall or fence shall be constructed to shield/screen all outdoor storage areas from Bear Valley Road. A six (6)-foot high wall or fence may be permitted along the sides and rear boundary of the outdoor storage areas. Any fencing in the front yard shall comply the with Development Code.
- P22. Barbed or razor wire is prohibited and shall be removed from the site prior to issuance of a Certificate of Occupancy.
- P23. No outdoor storage shall be permitted in the front yard and all outdoor storage shall be completely screened from public view. Outdoor storage areas shall not deviate from the approved site plan and shall comply with the Development Code.
- P24. Chain link fencing is not permitted within the front yard setback. The continued use of chain link for screening outside of the front yard setback will require the installation of metal slatting that is maintained in such a manner so the material being stored behind the fencing cannot be seen directly or indirectly through the fence. All fencing and screening material shall be in conformance with Town Standards subject to approval by the Planning Division.
- P25. Modification to the exterior elevations of the building will require Director review and approval of a Minor Development Permit.
- P26. Conditional Use Permit No. 2020-003 may be reviewed annually or more often, if deemed necessary by the Community Development Department, to ensure

compliance with the conditions contained herein. Additional conditions may be recommended to and imposed by the Planning Commission to mitigate any negative impacts resulting from the business operations not contained within the scope of this permit.

- P27. Any protected desert plants or Joshua trees impacted by development are subject to the regulations specified in Section 9.76.020 (Plant Protection and Management) of the Development Code.
- P28. Hazardous materials that are stored, used, or generated at this location, will require that a State of California mandated Business Contingency Plan be filed with the San Bernardino County Environmental Health Services Department and compliance with any other regulation relative to hazardous waste, as prescribed by that agency. This shall occur prior to Final Occupancy of the project.

**Building and Safety Conditions of Approval:**

- BC1. Submit plans, engineering and obtain permits for all structures and retaining walls, signs.
- BC2. Comply with the 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 current California Building Codes and green Building Code.

**Engineering Division Conditions of Approval:**

- EC1. A 67-ft wide half-width (and additional 17' width) road dedication along Bear Valley Road shall be granted to the Town of Apple Valley prior to Certificate of Occupancy.

**Public Works Conditions of Approval:**

- PW1. The current septic tank must be adequate to support this project. If the current septic system is not large enough, connection to the Town sewer will be required.
- PW2. The project is located within a sewer area. Sewer connection is required if the septic tank fails.

**Environmental and Regulatory Compliance Conditions of Approval**

- ER1. There shall be no storage of construction or demolition debris.
- ER2. 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).

- ER3. Pursuant to AVMC § 8.19.020(a) et seq., the developer or 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.
- ER4. Pursuant to AVMC § 8.19.050(a) and prior to the issuance of a Certificate of Occupancy, the developer or 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.
- ER5. Businesses that generate 4 cubic yards or more of commercial solid waste per week shall arrange for organic waste recycling services.

**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. Fire lanes and Fire Department access shall be provided with a minimum width of twenty-six (26) feet and maintained.

Apple Valley Fire Protection District Ordinance 57
- FD3. Provide one (1) 2A10BC minimum rating fire extinguisher and serviced by a certified company every seventy-five (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. Other conditions may come up during the C of O inspection.

**End of Conditions**





# Building Elevations

21834 Bear Valley Road, Apple Valley, CA 92307



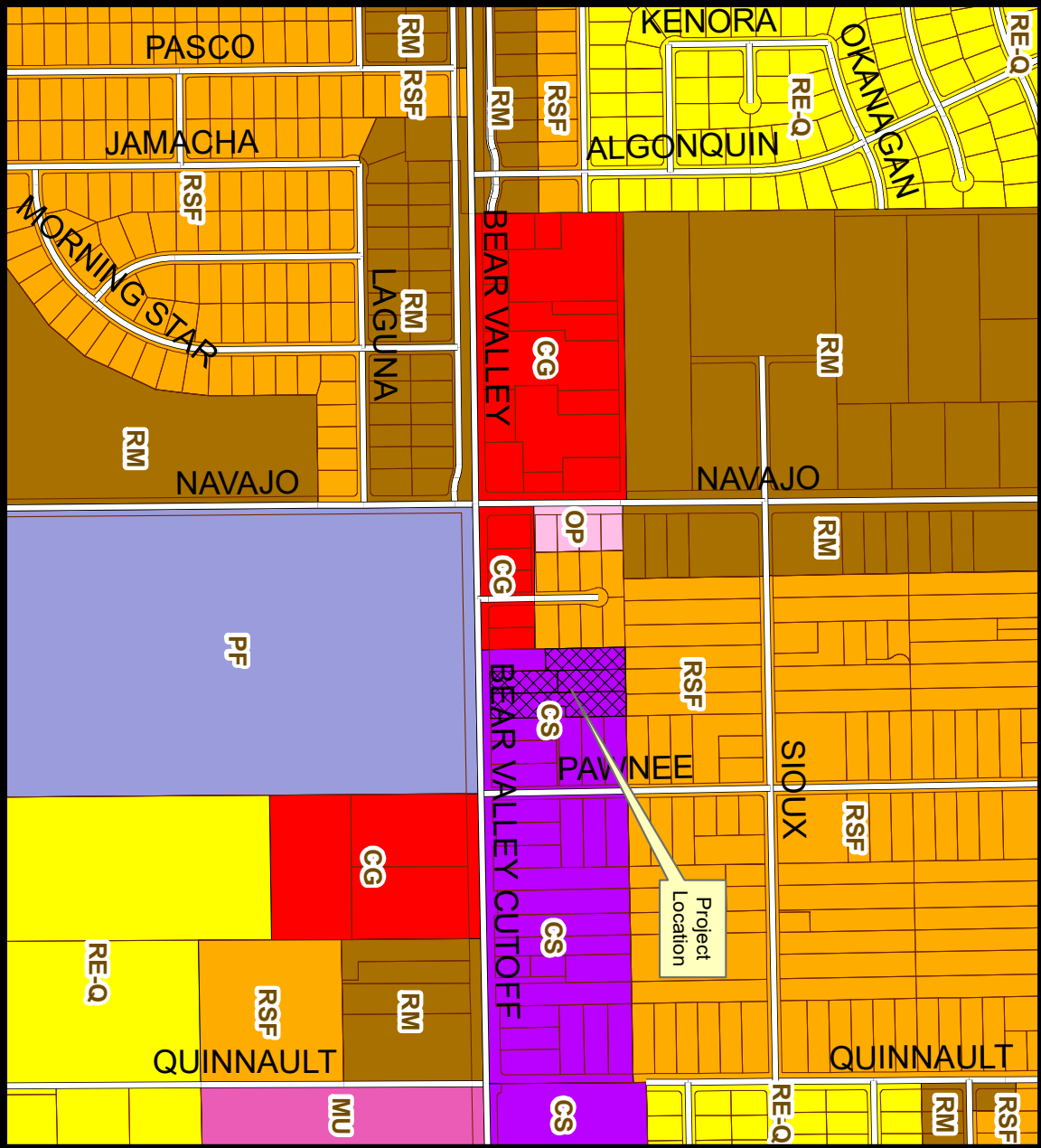
Exterior building view looking north-east



Exterior building looking to the west.

# ZONING/LOCATION MAP

Conditional Use Permit No. 2020-003



21834 Bear Valley Road  
 APNs 3087-531-17, -18,  
 -19 and -45



Legend	
	Project Location
	(RE-Q) Executive Residential (1.0 to 4.0 net acre)
	(RE-Q) Single-Family Residential (1.0 to 0.4 to 0.9 net acre)
	(RM) Multi-Family Residential (2 to 20 duplex units)
	(RSF) General Commercial
	(CS) Service Commercial
	(OP) Office Professional
	(PF) Public Facilities
	(MU) Mixed Use

Date: 9/28/2020



## Planning Commission Agenda Report

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<b>DATE:</b>	October 7, 2020	<b>Item No. 3</b>
<b>CASE NUMBER:</b>	Development Permit No. 2020-004 and Deviation Permit No. 2020-004	
<b>APPLICANT:</b>	PA Design Associates representing Eileen G. Miskinyar	
<b>PROPOSAL:</b>	A request for approval of a Development Permit to allow the construction of a three (3)-unit apartment building. The Deviation is a request for a reduction to the front yard setback from fifty (50) feet, as required by the Ranchos Residential Overlay District, to forty (40) feet, which the Development Code allows as the minimum front setback for this site. The subject site is 0.40 acres in size and is located within the Multi-Family Residential (R-M) zoning designation.	
<b>LOCATION:</b>	20125 Zuni Road; APN 0441-251-02	
<b>ENVIRONMENTAL DETERMINATION:</b>	Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is Exempt from further environmental review. The proposal is considered an in-fill development meeting the conditions set forth within Section 15332, Class 32 Categorical Exemption.	
<b>CASE PLANNER:</b>	Pam Cupp, Senior Planner	
<b>RECOMMENDATION:</b>	Approval	

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### PROJECT SITE AND DESCRIPTION

- A. Project Size:  
The subject site is 0.40 acres (17,619 sq ft) in size.
  
- B. General Plan Designations:
  - Project Site - Medium Density Residential (R-M)
  - North - Medium Density Residential (R-M)
  - South - Medium Density Residential (R-M)
  - East - Medium Density Residential (R-M)
  - West - Medium Density Residential (R-M)

C. Surrounding Zoning and Land Use:

Project Site- Multi-family Residential (R-M), Vacant  
 North - Multi-family Residential (R-M), 4-unit apartment complex  
 South - Multi-family Residential (R-M), 4-unit apartment complex  
 East - Multi-family Residential (R-M), Single-family residence  
 West - Multi-family Residential (R-M), Vacant

D. Site Characteristics:

The subject site is a cleared, level lot and is absent of any significant vegetation.

E. Unit Analysis:

Unit	Bedrooms	Bathrooms	Required Sq Ft	Proposed Sq Ft
A & B	3	3	1,200	1,410
C	3	3	1,200	1,296

F. Building Height:

Maximum Permitted 35 Feet  
 Proposed Maximum 17 Feet, 7 inches

G. Building Setback Analysis:

	Required	Proposed
Front	50 ft. (RRO)	40 ft. (Code)
West Side	10 ft.	10 ft.
East Side	10 ft.	10 ft, 6 in
Rear	10 ft.	22 ft., 6 in

H. Landscaping:

Required Minimum 15% (2,643 sq ft)  
 Proposed 23.6% (4,163 sq ft)

I. Parking Analysis:

Total Parking Required: 2-car enclosed per unit, plus 1 uncovered space per unit  
 Total Parking Provided: 2-car enclosed per unit, plus 1 uncovered space per unit

J. Lot Coverage:

Required Maximum 60% (10,571 sq ft)  
 Proposed 32.6% (5,752 sq ft)

ANALYSIS

A. General:

The applicant is requesting approval of a Development Permit to construct a three (3)-unit apartment building. Also, under consideration is a request to deviate from the minimum front setback of fifty (50) feet as required within the Rancho Residential

Overlay, to forty (40) feet, which is the minimum front setback permitted by the Development Code. The applicant has disputed a recommended a Condition of Approval; therefore, staff is referring this proposal to the Planning Commission for its consideration.

B. Site Analysis:

The project site is a 0.40-acre parcel located within the Multi-family Residential (R-M) zoning designation, and is within the Mountain Vista neighborhood. There is a single-family home to the east, four (4)-unit apartment projects to the north and south and a vacant parcel to west. The site fronts along Zuni Road and is located approximately 190 feet east of Rancheria Road.

Tract 4112, Lot 299 has a recorded front setback of 50 feet; however, new multi-family projects may be granted a reduction to the recorded setback through the Deviation Permit process. The applicant has requested a reduction to allow a minimum front setback of forty (40) feet, which is the minimum permitted by the Development Code. The site plan indicates a forty-five (45)-foot setback; however, the plan does not include the five (5) feet of additional road dedication being requested by Engineering. The single-family residence to the east has a forty-five (45)-foot setback and the property to the west is vacant. Allowing a forty (40)-foot front setback would not be detrimental to the existing development pattern; therefore, staff is in support of the Deviation request.

Access to the site is provided with a thirty (30) foot wide driveway. There is a fifteen (15)-foot landscape buffer along the project's frontage, consistent with the Code requirement. Within the Mountain Vista neighborhood, required parking is reduced from 3.5 spaces per unit to 3 spaces per unit. As proposed, the number of parking spaces provided is in compliance with the Code; however, the location of the guest parking spaces should be reconfigured. Staff is recommending two (2) space be located to each side of the security gate with at least one parallel space be located along the parking landscape buffer in the front. This would increase the vehicular maneuvering area for those guest spaces.

The Code requires triplexes to provide a minimum of 450 square feet per unit of private outdoor space. Each unit will be provided private outdoor space ranging from 1,152 to 830 square feet in area. The site plan indicates that a six (6)-foot tall, privacy wood fence will be provided separating each yard with a six (6)-foot tall block wall along the rear and side property lines. Within the front-yard setback of the wall will be reduced to two (2) feet in height.

The Code requires a ten (10)-foot wide, densely planted landscape buffer along the entire project perimeter, and a fifteen (15)-foot, densely planted landscape buffer where adjacent to single-family developments or zoning districts or nonresidential uses or zoning districts. There is a single-family residence located to the east; however, the Mountain Vista neighborhood is within the Residential Multi-family zone that allows single-family infill development. With the unique character of the

Mountain Vista neighborhood, staff considers the ten (10)-foot buffer applicable to this situation.

The applicant proposes to provide trash enclosures large enough for individual cans, rather than a dumpster. The enclosures will be located in a manner consistent with Code requirements. The Development Code allows a trash enclosure large enough for a single trash bin for projects having four (4) or fewer units; however, AB 341 and AB 1826 require adequate areas for collecting and loading recyclable materials. Staff is in support of the enclosures proposed, which would provide space for both refuse and recycling cans for each unit.

1. Traffic and Circulation  
Access to the site is from Zuni Road. The Town Engineer is requiring five (5) feet of road dedication and half-width street improvement, including curb, gutter and sidewalk. The applicant has disputed this request since infill development is only required to match adjacent improvements. Historically, all multi-family projects have been required to provide half-width street improvements. Development Code Section 9.28.060(K) states “Roadway improvements for infill homes or parcel maps in existing neighborhoods are allowed to match roadway improvements of the two adjacent lots.” There have been instances where a multi-family project has been located between two developed lots, and half-width street improvements were not required. In this instance, there is a vacant property to the west that is on a hard corner. Should this be developed with a multi-family project, curb, gutter and sidewalk will be required along Rancherias and Zuni Roads. Staff’s recommendation is that half-width street improvements be required for this proposal; however, should the Commission have an alternate viewpoint, Condition EC3 could be removed.
  
2. Drainage  
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.
  
3. Sewer Connection  
Connection to the Town’s sewer system will be required.

- C. Floor Plan Analysis:  
Each unit will have a covered front entryway, three (3) bedrooms, three (3) bathrooms and private laundry facilities. Each unit is provided with a sliding glass door for access to the private outdoor patio space. Units A and B each have 1,410 square feet of livable space with an attached 445 square foot, two (2) car garage.

Unit C has 1,296 square feet of livable space and two (2) separate 377 square foot one (1) care garages without access from the living unit.

D. Architecture Analysis:

The triplex will be a single-story, ranch style structure with a maximum height of seventeen (17) feet, seven (7) inches. The roof will be concrete “S” tiles and walls will be stucco. A stacked stone wainscot will serve as a secondary material providing additional contrast and relief. Staff is recommending Condition of Approval P16 requiring the wainscot to wrap a minimum of three (3) feet around the corners. Four (4) garage doors will face the street with the appearance of two (2), three (3) car garages. The garage doors will have windows in a sunburst pattern. The front elevation included an iron rail security fence. The applicant proposes a wooden fence and gates along the front elevation for access to the trash enclosures. Staff is recommending Condition of Approval P13 requiring the block wall to continue with an iron gate matching that of the security fence.

E. Landscaping Analysis

The applicant proposes a mix of drought tolerant trees, shrubs and ground cover. The site plan does not indicate any landscaping within the private outdoor space. A ten (10)-foot wide densely planted landscape buffer is required along the side property lines. Given the installation of the six (6)-foot tall block wall, staff is only recommending the addition of a five (5)-foot, landscape planter consisting of trees and shrubs along the side property lines. Trees shall also be planted within the front courtyard to provide shade and cooling for the residence as required in common open space (Condition P10).

F. Environmental Assessment:

Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is Exempt from further environmental review. The proposal is considered an in-fill development meeting the conditions set forth within Section 15332, Class 32 Categorical Exemption.

G. Noticing:

This item was advertised as a COVID-19 compliant public hearing in the Apple Valley News newspaper and mailed to all property owners within a 300-foot radius of the project site on September 25, 2020.

H. Development Permit Findings:

As required under Section 9.17.080 of the Development Code, prior to approval of a Development Permit, the Director 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 eight-plex development is located within the Multi-Family Residential zoning designation and in compliance with the General Plan Land Use and Zoning District that allows new construction of multi-family subject to approval of a Development Permit and consistent with all Development Code requirements.

- 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 building height of 17-feet, 7-inches will not create an imposing appearance. Many of the existing complexes in the area are of similar height and therefore will appear in scale to other residential developments in 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 design, materials and details of the proposed multi-family residential development will complement the structures within in the immediate area and any future development.

- 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 amount, location, and design of common open space and landscaping proposed conforms to the requirements of the Code. With adherence to the Conditions of Approval for perimeter landscaping, the architectural design and landscaping enhances the visual appeal of the neighborhood.

- 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 site is not located on a hillside but does slope down towards the rear of the site which will result in retaining walls. The site is essentially void of any native vegetation.



- 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 building fronts on Zuni Road, which is a public street designed to accommodate all traffic generated by the building. Traffic generated from the project will not adversely impact the surrounding area.

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

Comment: Under the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is not anticipated to have any direct or indirect impact upon the environment as it has been determined that the proposed request is Exempt from further environmental review.

- 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.

Comments: The proposal is for a triplex within an area zoned appropriately for the use. The location and scale of the proposal will blend with other similar projects and structures within the vicinity. Therefore, 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.

I. Deviation Permit Findings:

As required under Section 9.25.050 of the Development Code, prior to approval of a Development Permit, the Director must make the following Findings:

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

Comment: A forty (40)-foot minimum front yard setback is permitted by the Development Code for multi-family properties outside of the Ranchos Residential Overlay District. Approval of Deviation

Permit No. 2020-004 will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in the vicinity and land use district in which the property is located.

### 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. 2020-004 and Deviation Permit No. 2020-004.
4. Direct staff to file a Notice of Exemption.

### ATTACHMENTS:

1. Recommended Conditions of Approval
2. Site Plan
3. Floor Plan
4. Elevations
5. Zoning/Location Map

**TOWN OF APPLE VALLEY**

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**RECOMMENDED CONDITIONS OF APPROVAL**  
**Development Permit No. 2020-004 and Deviation Permit No. 2020-004**

**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 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 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 Development 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 Director. Any such plans, specifications and/or illustrations that are reviewed and approved by the Director 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. 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.

- P5. 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. The check shall be made payable to the Clerk of the Board of Supervisors, 385 North Arrowhead, 2nd Floor, San Bernardino, CA 92415 and delivered to the Town for processing.
- P6. All lighting shall be hooded and directed downward as to not shine towards adjacent properties and public streets. Maximum light standard height shall not exceed 20 feet.
- P7. 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.
- P8. 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.
- 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.
- P10. In addition to the fifteen (15)-foot, parking landscape buffer, a minimum five (5)-foot wide planter shall be installed along project perimeter in compliance with Section 9.75.060(A) and 9.75.060(B) of the Development Code. Twenty (20) percent of all trees shall be twenty-four (24)-inch box.
- P11. 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.
- P12. All fencing and screening material shall be in conformance with the Development Code subject to approval by the Planning Division. Maximum wall height within the front setback is four (4) feet.
- P13. 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. Access to the enclosure shall consist of a continued block wall and iron gate, matching the security gate.
- P16. The stacked stone wainscot shall wrap a minimum of three (3) feet on all corners.

### **Environmental and Regulatory Compliance 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 developer or 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(a) and prior to the issuance of a Certificate of Occupancy, the developer or 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 and multi-family residences that generate four (4) cubic yards or more of 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.

#### **Engineering Division Conditions of Approval**

- EC1. Prior to issuance of a grading permit, a final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider reducing the post-development site-developed flow to 90 percent of the pre-development flow for a 100 year design storm.
- EC2. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC3. Zuni Road shall be constructed to the Town's Half-Width Local Road Standards along the frontage of the property.
- EC4. An 30-foot half-width road dedication along Zuni Road adjacent to the property shall be granted to the Town of Apple Valley.
- EC5. Street improvement plans shall be submitted to the Town Engineer for review and approval.
- EC6. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC7. 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.

- EC8. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)
- EC9. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC10. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC11. A Storm Water Pollution Prevention Plan (SWPPP) in accordance with the National Pollutant Discharge Elimination System (NPDES) shall be required.

### **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 for multi-family residential.
- PW2. Sewer connection fees required.

### **Building and Safety Conditions of Approval**

- BC.1 Grading and drainage plans including a soils report must be submitted to and approved by the Building Department and Engineering Department prior to grading permit issuance.
- BC.2 Submit plans, engineering and obtain permits for all structures, retaining walls, signs
- BC.3 A Notice of Intent (NOI) and a Storm Water Prevention Plan (SWPP) must be submitted to and approved by the Engineering and Building Departments prior to issuance of a grading permit and or any land disturbance.
- BC.4 All utilities shall be placed underground in compliance with Town Ordinance No.89.
- BC.5 Comply with State of California Disability Access requirements
- BC.6 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 Biologist, Paleontologist.
- BC.7 Dust palliative or hydro seed will be required on those portions of the site graded but not constructed (phased construction)

- BC.8 Page two of the submitted building plans will be the conditions of approval
- BC.9 Construction must comply with 2019 California Building Codes
- BC.10 Best Managements Practices (BMP's) are required for the site during construction
- BC.11 Provide Water Quality Management Plan (WQMP) or Alternative Compliance Plan

**Apple Valley Fire Protection District Conditions of Approval**

- FD1. The above referenced project is protected by the Apple Valley Fire Protection District. Prior to construction occurring on any parcel, the owner shall contact the Fire District for verification of current fire protection development requirements.
- FD2. All new construction shall comply with applicable sections of the California Fire Code, California Building Code, and other statutes, ordinances, rules, and regulations regarding fires and fire prevention adopted by the State, County, or Apple Valley Fire Protection District.
- FD3. All combustible vegetation, such as dead shrubbery and dry grasses, shall be removed from each building site a minimum distance of thirty (30) feet from any combustible building material, including the finished structure. This does not apply to single specimens of trees, ornamental shrubbery, or similar plants, which are used as ground cover if they do not form a means of transmitting fire.  
California Public Resources Code, Sec. 4291
- FD4. Prior to combustible construction, the development and each phase thereof, shall have two points of paved access for fire and other emergency equipment, and for routes of escape which will safely handle evacuations. Each of these points of access shall provide an independent route into the area in which the development is located.
- FD5. Fire lanes shall be provided with a minimum width of twenty-six (26) feet, maintained, and identified. Twenty-six (26) feet access will start at both points of ingress and continue through the site.
- 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 be internally illuminated by premises wiring. Where building setbacks exceed 75 feet from the roadway, additional contrasting 4-inch numbers shall be displayed at the property entrance.  
Apple Valley Fire Protection District, Ordinance 57
- FD7. Plans for fire protection systems designed to meet the fire flow requirements specified in the Conditions of Approval for this project shall be submitted to and approved by the Apple Valley Fire Protection District and water purveyor prior to the installation of said systems.

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

B. System Standards:

*Fire Flow	1500	GPM @ 20 psi Residual Pressure
Duration	2	Hour(s)
Hydrant Spacing	660	Feet

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

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

**FD8. NFPA 13D (RESIDENTIAL AUTOMATIC FIRE SPRINKLER SYSTEM): REQUIRED**

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.

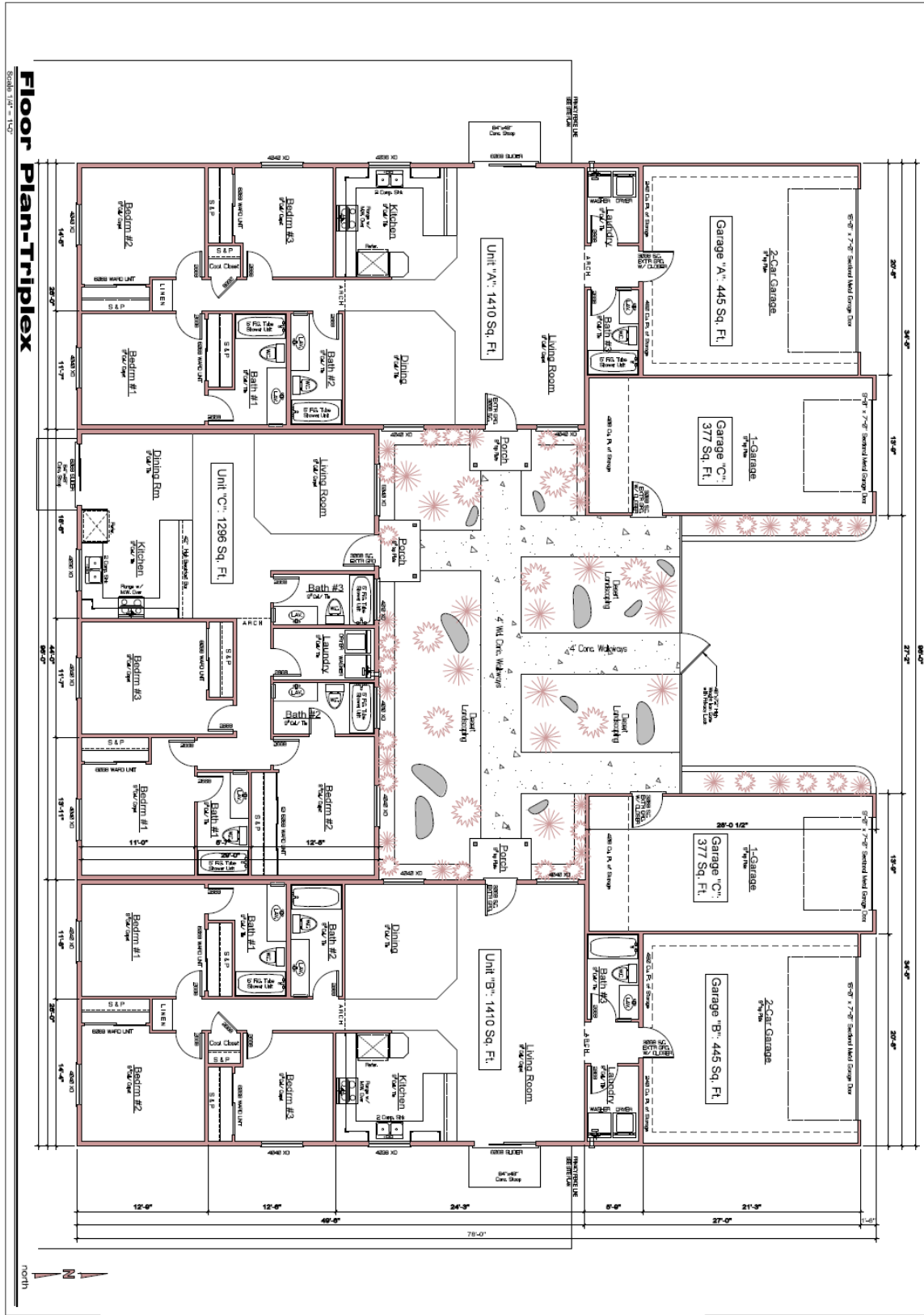
Apple Valley Fire Protection District, Ordinance 57

FD9. 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.

FD10. 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**





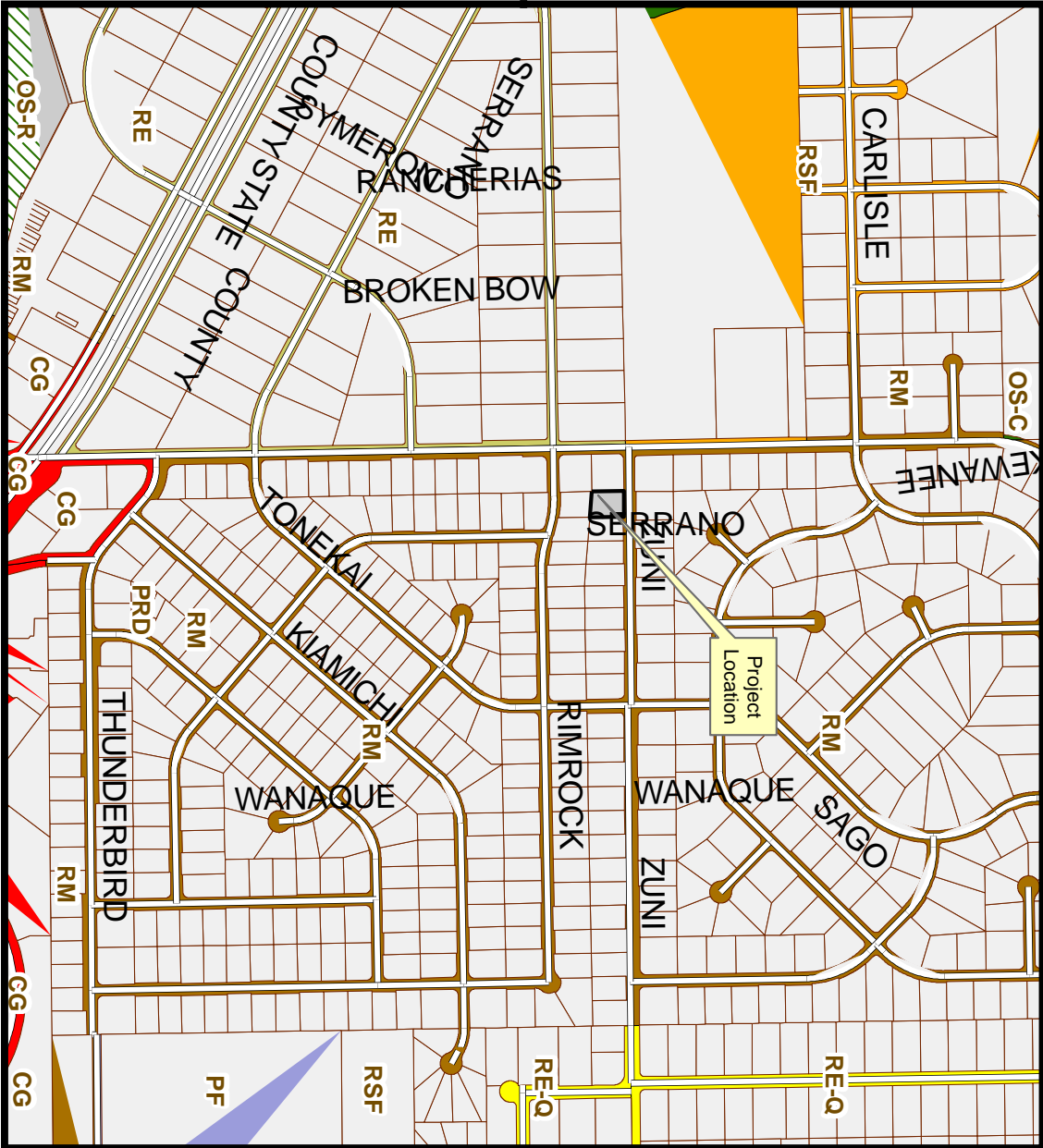
<b>A1</b>	<b>DRAWING CONTENTS</b> Floor Plan - 3-Bedroom/ 3 Bath	<b>CUSTOM PROJECT FOR:</b> Max Miskinyar Triplex APN: 0441-251-02 Apple Valley, Ca. 92392 (949) 278-8201	 PA design associates <small>Architectural • Landscaping • Engineering</small> 949-278-8201	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 5%;">NO.</th> <th style="width: 5%;">BY</th> <th style="width: 15%;">DATE</th> <th style="width: 75%;">DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	BY	DATE	DESCRIPTION								
	NO.	BY	DATE	DESCRIPTION												
DRAWING TITLE: FLOOR PLAN DRAWING NUMBER: A1 SCALE: AS SHOWN DATE: 10/20/2020 DRAWN BY: J. HARRIS CHECKED BY: J. HARRIS			REVISION <input type="radio"/> PRINTS ISSUED <input type="radio"/>													



**Front Elevation - Color and Materials**  
 SCALE: 1/4" = 1'-0"

<b>C&amp;M</b>	DRAWING CONTENTS	CUSTOM PROJECT FOR:	<b>PA</b> <b>design associates</b> Planning • Building Design • Development PL 785-887-1192 FAX 785-887-1193 2210 S. UNIVERSITY AVENUE SUITE 200 TULSA, OKLAHOMA 74106	<input type="checkbox"/> REVISION NO. BY DATE	<input type="checkbox"/> PRINTS ISSUED DESCRIPTION
	Color and Materials Board Max Miskinyar APN: 0441-251-02 Apple Valley, Ca. 92392 (949) 278-8201	Max Miskinyar APN: 0441-251-02 Apple Valley, Ca. 92392 (949) 278-8201		NO. BY DATE NO. BY DATE NO. BY DATE NO. BY DATE NO. BY DATE	DESCRIPTION DESCRIPTION DESCRIPTION DESCRIPTION DESCRIPTION

# ZONING/LOCATION MAP



Development Permit No. 2020-004 and  
 Deviation Permit No. 2020-004

20125 Zuni Road  
 APN 0441-251-02



**Legend**

	Project Location
	RE-E1 Estate Residential (1 to 2.5 gross acres)
	RE-E2 Estate Residential (2 to 5 gross acres)
	RE-SF1 Single Family Residential (1 to 2 gross acres)
	RE-SF2 Single Family Residential (2 to 5 gross acres)
	RE-SF3 Single Family Residential (5 to 10 gross acres)
	RE-SF4 Single Family Residential (10 to 20 gross acres)
	RE-SF5 Single Family Residential (20 to 50 gross acres)
	RE-SF6 Single Family Residential (50 to 100 gross acres)
	RE-SF7 Single Family Residential (100 to 200 gross acres)
	RE-SF8 Single Family Residential (200 to 500 gross acres)
	RE-SF9 Single Family Residential (500 to 1000 gross acres)
	RE-SF10 Single Family Residential (1000 to 2000 gross acres)
	RE-SF11 Single Family Residential (2000 to 5000 gross acres)
	RE-SF12 Single Family Residential (5000 to 10000 gross acres)
	RE-SF13 Single Family Residential (10000 to 20000 gross acres)
	RE-SF14 Single Family Residential (20000 to 50000 gross acres)
	RE-SF15 Single Family Residential (50000 to 100000 gross acres)
	RE-SF16 Single Family Residential (100000 to 200000 gross acres)
	RE-SF17 Single Family Residential (200000 to 500000 gross acres)
	RE-SF18 Single Family Residential (500000 to 1000000 gross acres)
	RE-SF19 Single Family Residential (1000000 to 2000000 gross acres)
	RE-SF20 Single Family Residential (2000000 to 5000000 gross acres)
	RE-SF21 Single Family Residential (5000000 to 10000000 gross acres)
	RE-SF22 Single Family Residential (10000000 to 20000000 gross acres)
	RE-SF23 Single Family Residential (20000000 to 50000000 gross acres)
	RE-SF24 Single Family Residential (50000000 to 100000000 gross acres)
	RE-SF25 Single Family Residential (100000000 to 200000000 gross acres)
	RE-SF26 Single Family Residential (200000000 to 500000000 gross acres)
	RE-SF27 Single Family Residential (500000000 to 1000000000 gross acres)
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	RE-SF77 Single Family Residential (20000000000000000000000000 to 50000000000000000000000000 gross acres)
	RE-SF78 Single Family Residential (50000000000000000000000000 to 100000000000000000000000000 gross acres)
	RE-SF79 Single Family Residential (100000000000000000000000000 to 200000000000000000000000000 gross acres)
	RE-SF80 Single Family Residential (200000000000000000000000000 to 500000000000000000000000000 gross acres)

Date: 9/23/2020





## Planning Commission Agenda Report

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<b>DATE:</b>	October 7, 2020	<b>Item No. 4</b>
<b>CASE NUMBER:</b>	Development Permit No. 2020-007 and Variance No. 2020-001	
<b>APPLICANT:</b>	Mr. Ryan McGowan representing Mr. Craig Carl	
<b>PROPOSAL:</b>	A request for approval of a Development Permit to allow the construction of an 11,914 square foot, fourteen (14)-unit apartment complex. The Variance is a request to reduce the required parking spaces from forty-nine (49) to forty-two (42) spaces. Also requested is a reduction to the side yard setback from fifteen (15) feet as required by Ranchos Residential Overlay District, to 13.5 feet. The subject site is 0.84 acres in size and located within the Multi-Family Residential (R-M) zoning designation.	
<b>LOCATION:</b>	17850 Quantico Lane; APN 0473-153-19	
<b>ENVIRONMENTAL DETERMINATION:</b>	Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is Exempt from further environmental review. The proposal is considered an in-fill development meeting the conditions set forth within Section 15332, Class 32 Categorical Exemption.	
<b>CASE PLANNER:</b>	Pam Cupp, Senior Planner	
<b>RECOMMENDATION:</b>	Continuance	

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Staff is requesting a continuance to the October 21, 2020 Planning Commission meeting.



## Planning Commission Agenda Report

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<b>DATE:</b>	October 7, 2020	<b>Item No. 5</b>
<b>CASE NUMBER:</b>	Development Code Amendment No. 2020-001 ( <i>Continued from September 2, 2020</i> )	
<b>APPLICANT:</b>	Town of Apple Valley	
<b>PROPOSAL:</b>	An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code 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.	
<b>LOCATION:</b>	Town wide	
<b>ENVIRONMENTAL DETERMINATION:</b>	Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.	
<b>CASE PLANNER:</b>	Pam Cupp, Senior Planner	
<b>RECOMMENDATION:</b>	Adopt Planning Commission Resolution No. 2020-001	

### **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.

**ANALYSIS**

As requested by Council, staff has completed its review of Chapter 9.72 “Off-Street Parking and Loading Regulations”. Although Chapter 9.72 has been modified several times since its original adoption, there has never been a comprehensive review. This review included an examination of the Town’s required parking and loading spaces per use and compared the Town requirements to other cities Codes and national comparative studies. Also reviewed were the permitted use tables to make sure there were comparable parking standards for each permitted use. Parking related entitlement requirements were reviewed as were specific design standards for consistency with other Code Sections. Staff found several areas that should be considered for modification:

- There were areas found with incorrect section cross-references, repetitive text, and figures that appear to be erroneous.
- Footnotes were examined and its recommended that several be moved to appropriate sections and incorporated as standard, instead of a footnote reference.
- The parking space requirements on Table 9.72.020-A may be viewed as excessive and/or complicated. Several areas are recommended for modification and/or additions to the table.
- The entitlement process required for shared parking facilities, off-site parking facilities and valet parking should be considered for modification.
- Table 9.72.060-A “Parking Space Dimensions” is complicated and inconsistent with current standards.

Staff is offering for the Commission discussion and consideration several modifications to the Code as outlined below.

Correction to Section 9.72.010(l)(2) relating to a section cross-reference.

2. Vacant lots, privately owned lots and the parking lots of commercial and industrial businesses shall not be used for the advertising, sale, rental or repair of motor vehicles, boats, trailers or similar property unless they are duly licensed by the Town to do so. Occupied property may be used for the sale of personal vehicles of the property owners providing that not more than one (1) vehicle may be displayed which is not otherwise prohibited by this Code and shall be subject to the provisions of Section 9.74.050 **“Prohibited Signs”** of this Code.

As shown below, it is recommended that Section 9.72.050(B) "Parking for Uses Not Specified" moved to the beginning of Section 9.72.020. It is further recommended that footnote 1 from Table 9.72.020-A regarding compact parking be removed and become a separate Section 9.72.020(C).

### 9.72.020 Parking and Loading Spaces Required per Use

Minimum off-street vehicle parking and loading spaces shall be provided in accordance with the requirements of Table 9.72.020-A and Table 9.72.020-B respectively for all new buildings or uses and when any building or use is altered, extended, changed, or intensified. In cases of mixed uses in a building or on a lot, the total requirement for off-street parking shall be the sum of the requirements for the various uses computed separately.

**Abbreviations**      **sf = square feet**  
                                 **gfa = gross (total) floor area**

**A. Parking for Uses Not Specified.** In cases where the off-street parking requirement is not specified herein for a particular type of use, the Director shall determine the parking requirement based on parking demand information contained in such appropriate reference sources as Institute of Traffic Engineers manuals, Planning Advisory Service studies, Urban Land Institute studies, the requirements of other similar cities, and the parking requirement for similar uses in this Code.

**AB. Bicycle Parking.** Bicycle spaces may be required for some uses including fast food restaurants, theaters, shopping centers, schools, etc., to be determined by the Director. A rack or other secure device for the purpose of storing and protecting bicycles from theft shall be installed. Such devices shall have a minimum capacity of one (1) bicycle per twenty (20) required parking spaces and shall be located in such a way as not to interfere with pedestrian or vehicular traffic.

**C. Compact Parking.** Where a total of at least twenty (20) parking spaces are provided, a maximum of fifteen (15) percent of the required parking may use compact parking stalls having a minimum size of eight (8) feet by seventeen (17) feet. No more than one-third ( $\frac{1}{3}$ ) of the compact parking stalls may be located adjacent to or within close proximity to the main entrance to a business, the remaining compact spaces shall be distributed throughout the parking area.

Staff compared the Town's required parking spaces with other cities to other national comparative studies. In several areas the Town's requirements were found to be more restrictive. It would be recommended that the Commission consider modifications that would reduce the minimum parking standards to be consistent with the County of San Bernardino and other neighboring jurisdictions. The following modifications are recommended as shown in strike-thru/bold underline.



**Table 9.72.020-A Required Parking Spaces**

Type of Use	Parking Spaces Required <sup>(4)</sup>
<b>B. Shopping Centers</b>	
1. 25,000 to 500,000 sf of gfa	1 space per 250 sf of gfa, plus any additional spaces required by #4 below
2. 500,000 to 1,000,000 of gfa	1 space per 275 sf of gfa, plus any additional spaces required by #4 below
3. Over 1,000,000 sf of gfa	1 space per 300 sf of gfa, plus any additional spaces required by #4 below
4. Additional parking requirements for shopping centers	
a. Centers with theaters	Where theater space exceeds 10% of the total gfa of the center, that portion in excess of 10% of the gfa shall be calculated as required by <del>Section E.14</del> of this Table
b. Centers with restaurants, cafes, etc. and/or participatory uses	Where restaurant, cafe or other food and beverage service uses, skating rinks, dance halls, <b>fitness centers</b> , health spas, and similar participatory uses exceed 10% of the total gfa of the center, that portion in excess of 10% of the gfa shall be calculated <b>separately</b> as required by <del>Section C.1</del> of this Table.
<b>C. Restaurants, Bars, Night Clubs and Similar Uses</b>	
<p>1. With on-site consumption of food and beverages</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><i>The County, Victorville, Hesperia, Riverside and Beaumont all use 1/100 sf. and few restaurants use fixed seats. It is the desire of the Town Council that restaurants continue to be allowed outdoor dining options with relaxed parking requirements.</i></p> </div>	<p><b><u>1 space per 100 sf of gfa and 1 space per 200 sf of outdoor dining area. The Director may adjust parking requirements for outdoor dining when such a request does not result in a detrimental shortage to off-street parking.</u></b> <del>customer areas, 1 space per 3 seats where there are fixed seats; or 1 space per 45 sf of customer area, plus 1 space per 200 sf of non-customer area</del></p>

Type of Use	Parking Spaces Required <sup>(+)</sup>
2. With drive-thrus	<b><u>1 space per 100 sf of gfa (Refer to Section 9.36.140 for additional requirements for drive-thru uses.</u></b> For customer areas, 1 space per 3 seats where there are fixed seats, or 1 space per 45 sf of customer area, plus 1 space per 200 sq. ft. of non-customer area, plus stacking space for at least 6 cars located in a segregated drive-thru lane so as not to interfere with pedestrian or vehicular traffic or parking spaces
<p><b>D. Commercial/Recreational Uses</b></p> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"> <p>The Town requirements exceed all others reviewed. It is recommended to maintain current or adopt current County regulations were applicable.</p> </div>	
1. Bowling alley <b><u>and/or billiard halls</u></b>	4 spaces per lane <b><u>and/or 2 per billiard table</u></b> , plus as required for accessory uses (i.e., pro shop, coffee shop, etc.)
2. Driving range	3 spaces, plus 1 space per tee
3. Golf course	6 spaces per hole, plus as required for accessory uses (i.e., pro shop, bar, banquet room, etc.)
4. Miniature golf course	3 spaces per hole, plus as required for accessory uses (i.e., game room, food service, etc.)
5. Tennis/racquetball courts	2 spaces per court, plus as required for accessory uses (i.e., game room, food service, etc.)
6. Theme amusement/recreational parks, video arcades, skating rinks, go carts	1 space per 200 sf of gfa within enclosed structures. , plus 1 space for every 3 persons at maximum capacity
<b><u>Amusement enterprises, including but not limited to, theme amusement/recreational parks, video arcades, shooting ranges, racetracks, parks, and zoos.</u></b>	<b><u>1 space per 200 sf of gfa within enclosed structure. In the case of multiple uses, only the area designated for amusement enterprises shall apply. Parking for outdoor recreational uses shall be determined by the review authority through the entitlement process.</u></b>

Type of Use	Parking Spaces Required <sup>(+)</sup>
<b><u>Skating rinks, ice or roller</u></b>	<b><u>1 for each 3 fixed seats and for each 20 s.f. of seating area where there are no fixed seats, plus 1 for each 250 sf of skating area.</u></b>
<b><i>E. Other Commercial Uses</i></b>	
1. Art/ <b><u>music/photography studio</u></b>	1 space per 400 <b><u>250</u></b> sf.
2. Auto repair, service and parts sales  Town standards seem more restrictive and complicated; therefore, it is recommended to adopt a combination of Hesperia and County standards.	<b><u>3 per service bay plus 1 per 250 sf of non-service bay area.</u></b> <del>1 space per 400 square feet of floor area plus 1 space per 200 square feet of office area. A credit for service bays will be given at the ratio of tow (2) bays equals one parking space for area devoted to auto repair only, provided the resulting number of parking spaces required for the use is not less than four (4).</del>
3. Barber shop or beauty parlor  Review of other agencies found the common requirement to be 2 per station; however, the Commission should consider including this category with personal services show below.	<b><u>2 per station</u></b> <del>1 space per 125 sf.</del>
<b><u>Personal Services including barber shops, hair salons, day spas, massage, tanning, tailors, self-service laundry, electrolysis, acupuncture/acupressure, tattoo parlors, dry cleaning.</u></b>  Several cities include beauty and barber shops under personal services. This would increase business potential by allowing such services to occupy strip centers which are typically parked at 1 space per 250 sq ft.	1 per 250 sf of gfa

Type of Use	Parking Spaces Required <sup>(+)</sup>
4. Banks and commercial savings and loan institutions	1 space per 250 sf of gfa, minimum of 4 spaces, plus 1 lane per drive-up window and/or drive-up automatic teller machine
6. Carwash - full service	7 spaces per each wash line.
<b><u>Self-service</u></b>	2 spaces per stall, <b><u>which can include drying and vacuum areas.</u></b>
8. Equestrian uses <sup>(2)</sup> <b><u>(Refer to Sections 9.29.030(E) and 9.36.090(D) for additional standards.)</u></b>	
a. Boarding stables	1 space per horse stall
b. Riding/rental stables	1¼ spaces per horse stall
c. Show arenas	1½ spaces per horse stall or 1 space per 250 sf of the largest arena, whichever is more, plus as required for accessory uses arena, whichever is more, plus as required for accessory uses (i.e., refreshment stands, spectator seating)
<b><u>Funeral and Cremation Services</u></b>	<b><u>1 per 300 sf of office area plus as required for assembly</u></b>
9. Furniture and appliance stores	1 space per 500 sf of gfa, plus 1 space per 1,000 sf of warehouse storage
10. General retail stores and service establishments	1 space per 250 sf of gfa, minimum of 4 spaces
11. <b><u>Fitness centers</u></b> , health clubs, health spas and similar participatory facilities  <div data-bbox="212 1497 721 1654" style="border: 1px solid black; padding: 5px; width: fit-content;">                     1 per 150 square feet is the average based upon comparison of Victorville, Hesperia and Riverside.                 </div>	1 space per <b><u>150</u></b> <del>400</del> sf of gfa

Type of Use	Parking Spaces Required <sup>(+)</sup>
12. Hotels/motels	1 space per unit, plus 1 space per each 3 employees for the maximum capacity (per UBC) of meeting and/or banquet rooms, plus fifty (50) percent of the requirement for accessory uses (i.e., restaurants, bars, etc.)
13. Retail nursery, garden shop	4 spaces plus 1 space per 500 sf of indoor display area, plus 1 space per 2,500 sf of outdoor display area
14. Swap meet/ <u>Farmers Markets</u>	1 space per 250 sf of indoor display area, plus 1 space per 500 sf of outdoor display area
15. Theaters and Auditoriums, <del>and places of assembly</del>	1 space per 4 seats, plus 1 space per employee on the largest shift
16. Vehicle sales	1 space per 400 sf of showroom and office plus 1 space per 2,000 sf of outdoor display area, plus 1 space per 500 sf of vehicle repair area, plus 1 space per 300 sf of the parts department
<b>F. Offices</b>	
<p>1. <del>General Offices, general, financial, business, professional, medical, dental, veterinary, etc.</del></p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Frequently office buildings are constructed and parked as general and end up with medical. Its recommended to adopt County standards to avoid potential parking conflicts between medical and general office uses.</p> </div>	1 space per <del>300</del> <b>250</b> sf of gfa, minimum of 4 spaces.
2. Medical, Dental and Veterinary offices	1 space per 200 sf of gfa, minimum of 5 spaces

Type of Use	Parking Spaces Required <sup>(+)</sup>
3. General, Medical, Dental and Veterinary offices within a shopping center	Where professional offices exceed 40% percent of the total gfa of the center, the shopping center parking ratio described in B1, B2 and B3, above, shall not apply and all uses shall be calculated separately. <del>depending on the type of office described in F1 and F2 above.</del>
<b>G. Institutional Uses</b>	
1. Child day care centers	1 space for each 4.5 children the facility is designed to accommodate
<b><u>Adult day care centers</u></b>	<b><u>1 space for each 7 clients</u></b>
2. Children's homes	1 <sup>1</sup> / <sub>2</sub> spaces per each employee on the largest shift
3. Hospitals	1 <sup>1</sup> / <sub>2</sub> spaces per bed, plus 1 space per 250 sf of office area
4. Libraries, museums, art galleries	1 space for every 300 sf of gfa
5. Assembly use (i.e. church, meeting hall, social or dance hall, private clubs, community centers.	1 space per 4 seats (18 linear inches of pew or bench equals 1 seat) or 1 space per 35 sf of gfa, for the main assembly area plus <b><u>1 space for each classroom and secondary assembly area.</u></b> <del>as required for accessory uses (classrooms, offices, etc.)</del>
6. Residential clubs, fraternity/sorority houses, rooming houses and similar facilities with guest rooms	1 space per 2 guest rooms
7. Sanitariums, nursing homes, convalescent hospitals	1 space per 6 beds, plus 1 space per employee on the largest shift, plus 1 space per staff doctor
8. Schools	
a. Nursery/pre-school	a. 1 space per staff member, plus 1 space per 10 children, plus adequate drop-off facilities
b. Elementary school, junior high school	b. 2 spaces per classroom
c. High school	c. 7 spaces per classroom
d. Community college, university	10 spaces per classroom, plus 1 space per staff member on the largest work shift

Type of Use	Parking Spaces Required <sup>(4)</sup>
<p>e. <b>Schools, commercial</b> business or trade school</p> <div style="border: 1px solid black; padding: 5px; width: fit-content;">                     Recommended to adopt County standards.                 </div>	<p>1 space per <del>3</del> 4.5 students at maximum capacity <b><u>and 1 space for each instructor or employee.</u></b></p>
<p><b><u>f. Gymnastics/dance/martial arts schools</u></b></p>	<p><b><u>1 space per 3 students at maximum capacity and 1 space for each instructor or employee.</u></b></p>
<p>9. Social care facilities: <b><u>residential</u></b> homes for the sick, aged, injured, recovering, etc., including congregate care, retirement homes, group homes, transitional and supportive housing</p>	<p>1 space per each 3 residents<sup>(4)</sup>-plus 1 space for each staff member and employee on the largest shift. <b><u>For available parking reductions, refer to Section 9.36.110.(E.1).</u></b></p>

~~(1) Where a total of at least twenty (20) parking spaces are provided, a maximum of fifteen (15) percent of the required parking may use compact parking stalls having a minimum size of eight (8) feet by seventeen (17) feet. No more than one-third (<sup>1</sup>/<sub>3</sub>) of the compact parking stalls may be located adjacent to or within close proximity to the main entrance to a business, the remaining compact spaces shall be distributed throughout the parking area.~~

Footnote 2 is inconsistent with and duplicative of the standards for Commercial Equestrian Stables and Arenas found in Sections 9.29.030(E) and 9.36.090(D).

- ~~(2) Twenty-five (25) percent of the required parking spaces for equestrian uses shall accommodate trailers. Such spaces shall be a minimum of twelve (12) feet by twenty-five (25) feet.~~
- ~~(3) Parking requirements for senior housing~~
- ~~(4) In accordance with Section 9.36.110.(E.1), off-street parking requirements for congregate care facilities that provide senior citizen housing may be adjusted subject to a parking study based on project location and proximity to services for senior citizens including but not limited to, medical offices, shopping areas, mass transit, etc..~~

It is recommended that requests for adjustments to off-street parking be processed through the Special Use Permit instead of a Conditional Use Permit. Hiring a traffic engineer to prepare a report in support of adjustments can be time consuming and may not always be necessary.

### 9.72.030 Adjustments to Off-Street Parking Requirements

#### A. Shared Parking.

Parking facilities may be shared if two (2) or more uses located in the same development or structure generate parking demands primarily during hours when the remaining uses are not in operation. The applicant shall have the burden of proof for a reduction in the

total number of required off-street parking spaces, and documentation shall be submitted substantiating the reasons for the requested parking reduction. Requests for a reduction in parking facilities for shared parking shall be in accordance with the provisions for **Special Conditional Use Permits** (Chapter 9.16 of this Code) and the following:

1. A reduction in the minimum parking requirements for individual uses within a development may be granted by the reviewing authority where the joint use of parking facilities will mitigate peak parking demand.

2. Requests for reductions in the required number of parking spaces resulting from joint usage **may be required to provide supporting** ~~shall be supported by~~ information prepared by a traffic engineer registered by the State of California. Requests for shared parking shall be reviewed as follows:

a. **Initial project review.** Provide documentation and quantification of proposed land uses and anticipated functional relationships between the parking needs of different land uses. The initial review shall also consist of data gathering regarding proximity to transit facilities, the general location of parking facilities, surrounding land uses and mix, predicted pedestrian patterns, and similar variables which affect parking needs;

b. **Adjustments for peak parking factor.** Include calculations for the number of off-street parking spaces required for each land use within the area proposed for joint parking use based on the requirements of Table 9.72.020-A. Other elements to be considered include seasonal demand and the availability of public transit facilities;

c. **Analysis of hourly accumulation.** Provide an estimation of hourly parking accumulations for each land use during a typical weekday and weekend day; and

d. **Estimate of shared parking.** Merge the hourly parking demand estimates to calculate the overall parking required to be provided within the area being considered for shared parking facilities.

3. A maximum of fifty (50) percent of the parking facilities required by this Chapter may be considered for shared parking.

4. **Required Findings.**

In granting parking reductions for the shared use of parking facilities, the reviewing authority shall make at least one of the following findings:

a. The **applicant has provided documentation, which may include a** traffic engineering report, **that** justifies the requested parking reduction based upon the presence of two or more adjacent land uses which, because of their substantially different operating hours and/or difference in peak parking characteristics, will allow joint use of the same parking facilities; or

b. The **applicant has provided documentation, which may include a** traffic engineering report, **that** indicates that there are public transportation facilities and/or pedestrian circulation opportunities which justify the requested reduction of parking facilities; or

c. The **applicant has provided documentation, which may include a** traffic engineering report **that** finds that the clustering of land uses is such that a reduced number of parking spaces can serve multiple trip purposes to the area in question.



- 5. Additional documents, covenants, deed restrictions or other agreements, as deemed necessary by the Director of Planning Services, shall be executed to assure that the required parking spaces are maintained and that uses with similar hours and parking requirements as those sharing the parking facilities remain for the life of the development.

**B. Off-Site Parking Facilities.**

Required parking may be provided off the site in certain instances. Requests for off-site parking facilities shall be in accordance with the provisions for **Special Conditional Use Permits** (Chapter 9.16 of this Code) and the following:

- 1. The off-site parking shall be located so as to adequately serve the use for which it is intended. The reviewing authority shall consider the following in making this determination:
  - a. Proximity of the proposed off-site parking facilities to the use it is intended to serve;
  - b. Ease of and the security of pedestrian access to the proposed off-site parking facilities;
  - c. The type of use that the proposed off-site parking facilities are intended to serve, recognizing that such facilities are generally not desirable for high-turnover uses; and
  - d. The need for and the resulting benefit of the proposed off-site parking.
- 2. Additional documents, covenants, deed restrictions or other agreements, as deemed necessary by the Director of Planning Services, shall be executed to assure that the off-site parking spaces are maintained and that the off-site parking facilities remain for the life of the development.

**C. Accessory Uses.** Parking requirements for accessory uses located in the same commercial or industrial building or structure or on the same site as is the principal use, may be reduced by up to fifty (50) percent upon a determination by the reviewing authority that such a reduction is justified based on the size, shape, and location of the site and the combination of the intended uses involved. However, in some cases, such as an accessory commercial use within an industrial use or structure, accessory uses may result in an increased parking space requirement.

**D. Valet Parking. Requests for valet parking shall be in accordance with the provisions for Special Use Permits (Chapter 9.16 of this Code).** Required parking for no more than sixty-six (66) percent ( $\frac{2}{3}$ ) of the total required parking can be provided through valet parking. Valet parking, for the purposes of meeting the required off-street parking regulations, is only permitted in the “Village” area of Apple Valley for restaurant establishments. A minimum of thirty-three (33) percent of the required parking shall be provided on-site. The valet service shall be located on-site; however, the parking area for the valet service may be located off-site and must conform to the requirements of subsection B. above for off-site parking facilities. Valet parking shall be free of charge and limited to the peak hours for a restaurant use of 5:00 p.m. to closing. However, these hours can be changed by the **review authority** ~~Planning Commission~~. ~~The Planning Commission shall review and approve all requests for valet parking through a Conditional Use Permit.~~

This section inconsistent with site development standards from Section 9.29.070(B)(9)

**9.72.040 Regulations for Residential Uses**

**A. Location.** Parking spaces required by this Chapter may be located in the required front, side or rear setback area of the Multi-Family Residential (R-M) District, provided a minimum of a **fifteen (15)** ~~twenty (20)~~-foot landscaped buffer is provided between the property line and the parking area. This buffer shall be landscaped, using berms or short three (3)-foot wall(s) to reduce the visual impact of the parked vehicles. Off-street parking spaces shall be located on the same lot or parcel on which the dwelling is located and as further modified below.

When a garage is specifically required, or provided to meet required parking, entry doors shall be maintained in an operable condition at all times, and no structural alteration or obstruction shall be permitted within the required parking area which would reduce the number of required parking spaces. Use of garages shall be limited to vehicular and general storage purposes only and shall not conflict with any applicable building, housing or fire codes.

Many Senior living projects provide transportation that could reduce parking requirements.

**C. Senior Citizen Developments.** The Planning Commission may reduce the total number of parking spaces required for senior citizen housing by up to twenty-five (25) percent based upon a finding that the parking demand is reduced because the proposed development is located within close proximity to a shopping center, or is adequately served by a **private or** public transportation system.

The number of required covered parking spaces may be reduced by up to fifty (50) percent based upon evidence submitted by the developer that the reduction is directly related to providing dwelling units to meet the needs of lower and moderate income senior citizen households as identified in the Town of Apple Valley General Plan Housing Element. In no instance shall the number of covered parking spaces be fewer than one (1) per two (2) dwelling units.

**9.72.050 Regulations for Commercial and Industrial Uses** (Amended Ord. 251)

**A. Location of Required Parking and Loading Spaces**

**3.** Parking for commercial, office, institutional and industrial uses adjacent to residential uses or districts shall be set back a minimum distance equal to the required setback for the residential property or twenty-five (25) feet, whichever is greater. **Refer to Section 9.72.080 for possible reductions to this standard.**

As previously shown, Section B below has been moved forward in the Chapter to Section 9.72.020 and it is recommended that Section C below be removed as duplicative of standards outlined Section 9.72.020

~~**B. Parking for Uses Not Specified.** In cases where the off-street parking requirement is not specified herein for a particular type of use, the Director shall determine the parking requirement based on parking demand information contained in such appropriate reference sources as Institute of Traffic Engineers manuals, Planning Advisory Service studies, Urban Land Institute studies, the requirements of other similar cities, and the parking requirement for similar uses in this Code.~~

~~**C. Bicycle Parking.** Bicycle spaces may be required for some uses including fast food restaurants, theaters, shopping centers, schools, etc., to be determined by the Director. A rack or other secure device for the purpose of storing and protecting bicycles from theft shall be installed. Such devices shall have a minimum capacity of one (1) bicycle per twenty (20) required parking spaces and shall be located in such a way as not to interfere with pedestrian or vehicular traffic.~~

Section E is duplicative of the Parking Table and Section 9.36.080 "Automobile/Vehicle Repair"

~~**E. Repair, Servicing or Storage of Vehicles.** Required parking spaces shall not be used or permitted to be used for the repair, servicing or storage of vehicles, or for the storage of materials.~~

~~For auto repair shops or other similar uses, a credit for service bays will be given at the ratio of two (2) bays equals one parking space for area devoted to auto repair only, provided the resulting number of parking spaces required for the use is not less than four (4). Pump areas shall not be considered in calculating required parking spaces.~~

Section F below is duplicative of the specific use regulations found in section 9.36.140 "Drive-in/Drive Thru Restaurants"

~~**F.** Stacking lanes for drive-in/drive-thru customers shall accommodate a minimum of six (6) vehicles (twenty [20] foot in length per vehicle) for a minimal total stacking length of 120 feet. On-site driveways may be used for stacking space provided that access to required parking spaces is not obstructed.~~

**9.72.060 Design Standards for Parking and Loading Spaces (Amended Ord. 272, 314, 383, 473)**

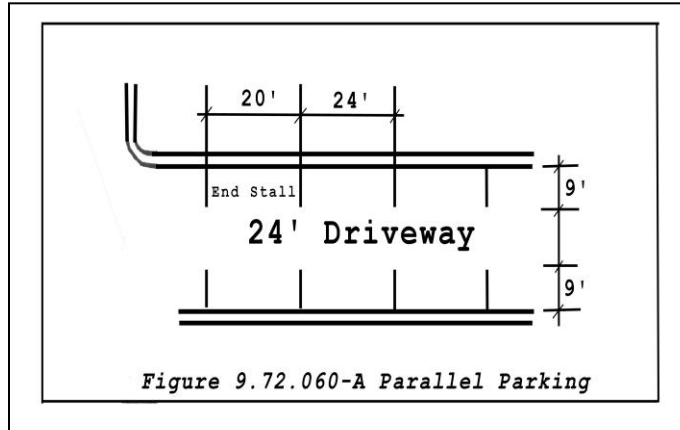
**A. Parking Space Dimensions and Design**

- 1. **Covered Spaces.** Each covered parking space shall be located within a carport or enclosed garage as follows:
  - a. **Carport.** Minimum size of shall be nine (9) feet by twenty (20) feet clear of any obstructions including walls or structural supports.
  - b. **Garage.** Enclosed garages shall have a clear, unobstructed minimum area of ten (10) feet by twenty (20) feet for each one (1) car parking space provided.
- 2. **Uncovered Spaces.** Each uncovered ninety (90)-degree parking space shall be a minimum of nine (9) feet wide by nineteen (19)-feet deep. The depth may be reduced by two (2) feet where a minimum four (4)-foot clear sidewalk width remains uncovered by vehicle overhang. Vehicle overhang

may also be permitted onto landscaped areas. Vehicle overhang is not permitted within any public right-of-way or public easement.

**3. Parallel Spaces.**

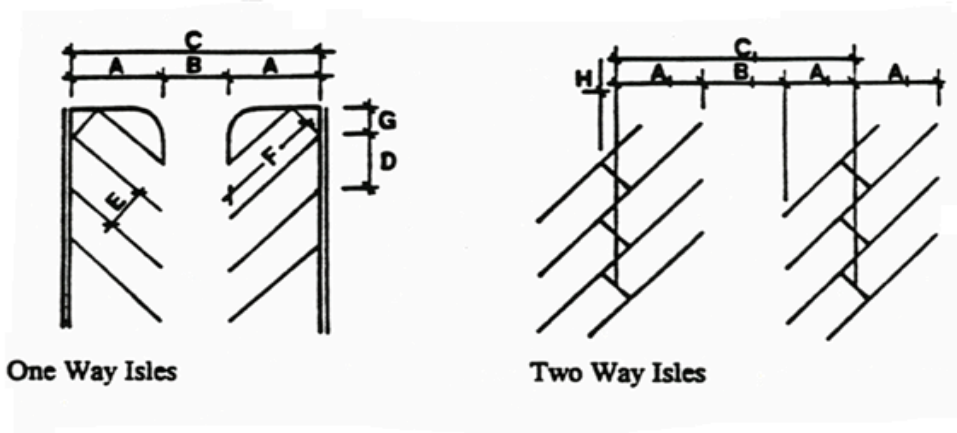
Each parallel parking space shall have a minimum dimension of nine (9)-feet wide by twenty-four (24)-feet long. However, if adequate access exists, the length of end spaces may be reduced to twenty (20) feet, as shown in Figure 9.72.060-A below



**4. Tandem Spaces.** Except for single family residences and mobile home parks, uncovered parking spaces shall not be in tandem, one behind the other in a single line, except for valet parking areas as permitted under Section 9.72.030.D. Where permitted, each tandem parking space shall be a minimum of nine (9) feet wide by twenty-two (22) feet in depth.

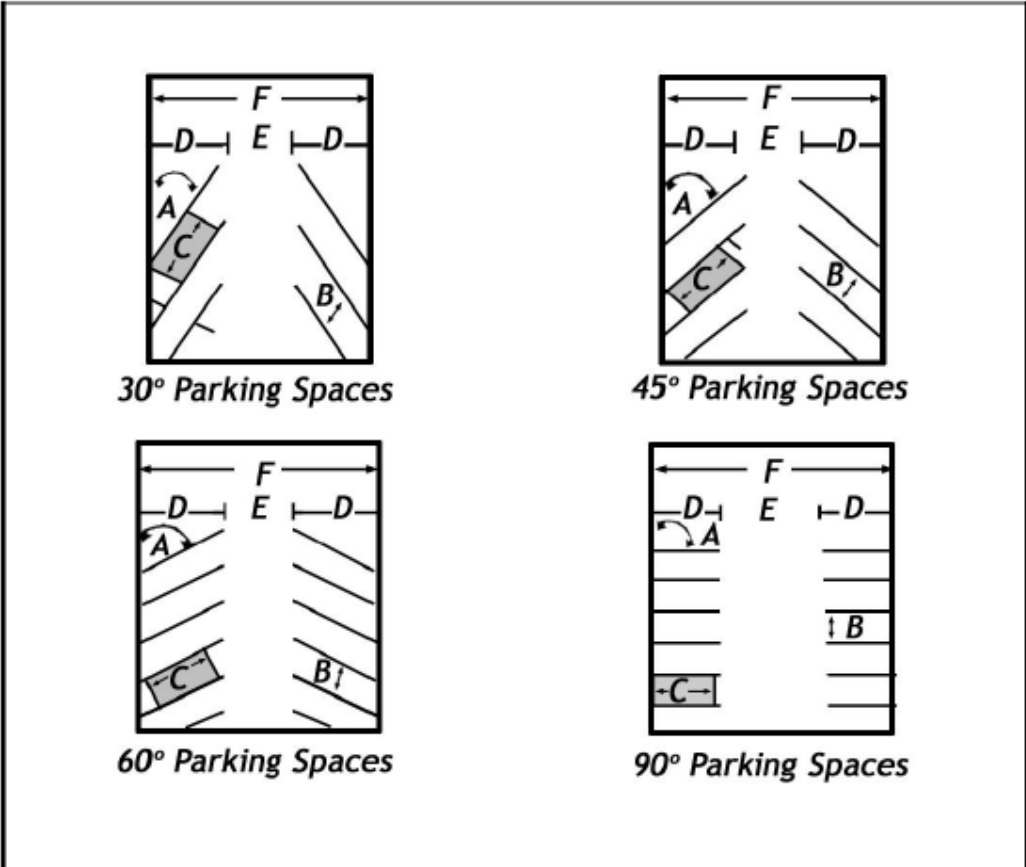
**5. Angled Parking.** If Angled parking spaces are utilized they shall be designed in accordance with the dimensions provided in Table 9.72.060-A and delineated in Figure 9.72.060-B below.

Table 9.72.060-A and Figure 9.72.060-B are outdated; therefore, it is recommended to replace both with the County of San Bernardino equivalent.



**Figure 9.72.060-B Angled Parking**

Recommended to remove the above figure and replace it with the below Figure.



**Recommended New Figure 9.72.060-B Off-street Parking Dimensions**

Table 9.72.060-A **Minimum Off-Street Parking Space Dimensions**

A	B	C	D	E	E	F	G	H
<b>Angle of Parking</b>	<b>Space Width</b>	<b>Space Length (per vehicle)</b>	<b>Space Depth (from curb)</b>	<b>One-way Drive Aisle Width<sup>1</sup></b>	<b>Two Way Drive Aisle Width<sup>1</sup></b>			
<b>Parallel (0°)</b>	<b>9 ft</b>	<b>19 ft</b>	<b>9 ft</b>	<b>12ft</b>	<b>24 ft</b>			
<b>1° - 45°</b>	<b>9 ft</b>	<b>19 ft</b>	<b>20 ft</b>	<b>14 ft</b>	<b>24 ft</b>			
<b>46° - 60°</b>	<b>9 ft</b>	<b>19 ft</b>	<b>21 ft</b>	<b>17 ft</b>	<b>24 ft</b>			
<b>61°-90°</b>	<b>9 ft</b>	<b>19 ft</b>	<b>19 ft</b>	<b>24 ft</b>	<b>24 ft</b>			
Angle	Depth		Width		Width	Length		Depth
of	of	Aisle	of	Curb	of	of		of
Parking	Stall	Width	Area	Length	Stall	Stripe		Overhang
30°	17'10"	18'0"	53'8"	17'4"	9'0"	35'0"	4'6"	3'11"
45°	20'6"	18'0"	59'0"	12'9"	9'0"	29'0"	6'4"	3'2"
60°	21'10"	20'0"	63'8"	10'5"	9'0"	25'2"	7'9"	2'3"
90°	19'0"	24'0"	62'0"	9'0"	9'0"	19'0"	-	-
<b>Two Way Aisles Isles</b>								
	<b>A<sup>1</sup></b>	<b>B<sup>1</sup></b>	<b>C<sup>1</sup></b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>
Angle	Depth		Width		Width	Length		Depth
of	of	Aisle	of	Curb	of	of		of
Parking	Stall	Width	Area	Length	Stall	Stripe		Overhang
30°	13'11"	18'0"	45'10"	17'4"	9'0"	35'0"	4'6"	3'11"
45°	17'4"	18'0"	52'8"	12'9"	9'0"	29'0"	6'4"	3'2"
60°	19'7"	20'0"	59'2"	10'5"	9'0"	25'2"	7'9"	2'3"
90°	19'0"	24'0"	62'0"	9'0"	9'0"	19'0"	-	-

<sup>(1)</sup> Two(2)-way drive aisles for Multi-family development shall have a minimum width of twenty-eight (28) feet.

**(1) Minimum drive aisle width may be increased based upon the specific use and fire department access requirements.**

**6. Driveway width for multi-family development.** Multi-family development projects which have a maximum of two (2) access points to a public right-of-way or which are enclosed private drives shall be permitted to use two-way private driveways with a minimum width of twenty-eight (28) feet in accordance with the Multi-family Housing Standards, Section 9.29.070.B.20, within this Code.

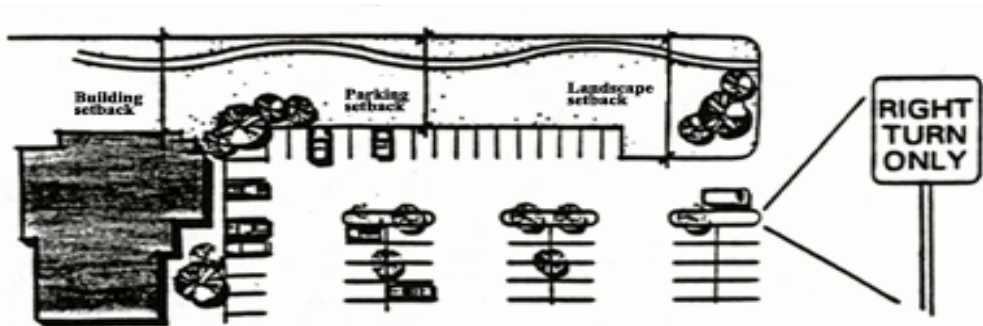
**7. Parking for the Handicapped.** All projects shall provide parking spaces for the handicapped in compliance with Title 24 of the California

Administrative Code. Ramps, striping, identification and signing for such spaces shall also be in compliance with Title 24 of the California Administrative Code.

- 8. Recreational Vehicle Parking.** Recreational vehicle spaces shall contain not less than 400 square feet per space with minimum dimensions of ten (10) feet by forty (40) feet.

**B. Standard Improvements**

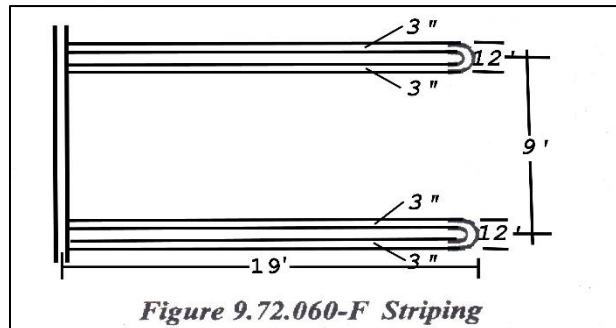
- 1. Directional Arrows and Signs.** Within parking facilities, all aisles, approach lanes and maneuvering areas shall be clearly marked with directional arrows on the surface of the pavement to facilitate vehicular movement, as shown in Figure 9.72.060-E. Directional signs may also be required to ensure safe and efficient vehicular movement.
- 2. Drainage.** All parking facilities, except those that serve one or two residential dwelling units, and all loading facilities shall be designed and graded to prevent the flow of surface water over sidewalks or onto adjacent property.
- 3. Safety Features.** Additional requirements for parking facility safety, including overall design, internal layout, acceptable turning radii, pavement slope, potential vehicular, bicycle, pedestrian, equestrian conflicts, and other design features may be required by the Town Engineer.



**Figure 9.72.060-E Directional Arrows/Signs**

It is recommended to delete above Figure 9.72.060-E as immaterial. It is also recommended to add white parking lot striping as required within the access and circulation sections of the commercial and industrial design standards.

- 4. Striping and Identification.** All vehicle parking spaces shall be clearly delineated with double **white** lines on the surface of the parking facility as shown in Figure 9.72.060-F below. All loading spaces shall be clearly and conspicuously marked.



**Figure 9.72.060-F Striping**

- 5. **Loading Spaces.** All loading spaces shall be clearly and conspicuously marked.
- 6. **Surfacing.** Permanent vehicle parking, loading, maneuvering and driveway areas shall be paved with asphalt, concrete or other all-weather surface as approved by the Town Engineer and shall be permanently maintained in a dust-free manner and kept clear of any litter, trash or debris. The following standards shall also apply:
  - a. The flooring material for garages and carports in all zoning districts shall be portland cement concrete.

The below modification is recommended for clarification

- b. Parking and loading spaces and driveways shall be paved and maintained in a good and safe condition and shall be so graded and drained as to dispose of all surface water run-off and to prevent such run-off from accessing adjacent property without the permission of that property owner. The paving of driveways for single family residences may be waived where paved streets ~~improvement~~ are not installed. Drainage courses and swales in parking lots shall be paved with concrete. Asphalt parking lots shall be finished with a seal coat.
  - c. Temporary parking facilities shall be surfaced as approved by the Town Engineer and maintained in a dust-free manner.
- 7. **Lighting.** All parking areas shall be well lit with sufficient lighting to illuminate all areas for security and safety and shall comply with the provisions of Chapter 9.70, *Performance Standards* of this Code.
- 8. **Wheel Stops/Curbing.** Continuous concrete curbing at least six (6) inches high and six (6) inches wide, and a minimum of six (6) inches below grade shall be provided as follows:
  - 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.



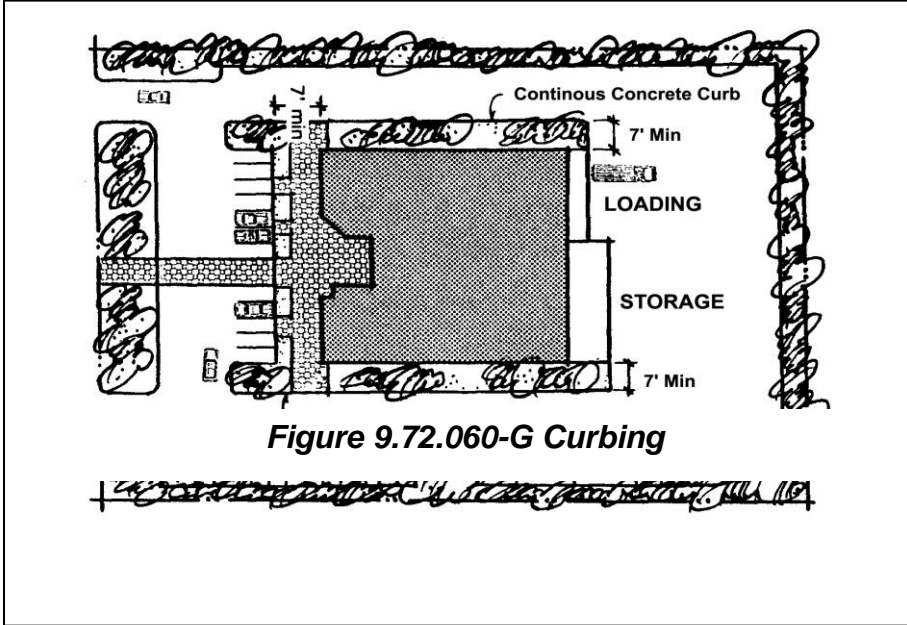


Figure 9.72.060-G Curbing

Delete Figure 9.72.060-G above as it is incorrect and irrelevant.

- 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 for deviations to this requirement.
- c. All parking lots shall have continuous concrete curbing around all parking areas, driveways, aisles and planters; wheel stops are not permitted in lieu of curbing, to protect landscaping, signage, structures and walls.

**9.72.070 Access Standards for Parking and Loading Spaces** (Amended Ord. 236, 239, 251, 265, 272, 383)

**A. Parking Access from Streets**

1. Parking areas shall provide adequate maneuvering area such that all vehicles may enter an abutting street in a forward motion. Single family residences are exempt from this requirement, however, semi-circular driveways within single family residential districts are encouraged.
2. Parking spaces shall not be accessed directly from a public street. Parking spaces shall be accessed from drive aisles within the parking facility.
3. Parking spaces shall not be located to require a vehicle to maneuver within twenty (20) feet of a vehicular entrance, measured from the property line.

4. Parking lots shall be designed to provide complete and through circulation wherever possible. In any case, adequate turning radii and turnarounds shall be provided for emergency vehicles and trash and delivery trucks.
5. Any structure which extends above a drive aisle shall have a minimum vertical clearance of fourteen (14) feet.

The below standard conflicts with the original and proposed modifications to Table 9.72.060-A that permits two-way drive aisles between 18 feet and 24 feet in width depending upon the parking configuration.

6. **Drive aisles shall be in compliance with Table 9.72.060-A “Parking Space Dimensions”**. ~~Two-way drive aisles shall be a minimum of twenty (20) feet and one-way drive aisles shall be a minimum of twelve (12) feet.~~

## **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 brings consistency to the Development Code and revises several standards to be in line with current trends. 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 provide consistency within the Development Code while revising parking related standards to be in line with current parking trends. The amendment will 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. 2020-001 was advertised as a public hearing in the Apple Valley News newspaper on August 21, 2020.

**ENVIRONMENTAL REVIEW**

Development Code Amendment No. 2020-001 will update the Town’s parking regulations to be consistent with neighboring communities. The amendment will also promote the public’s ability to better navigate the document. 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. 2020-001 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. 2020-001  
Development Code Chapter 9.72 “Off-Street Parking and Loading Regulations”

**PLANNING COMMISSION RESOLUTION NO. 2020-001**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2020-001 AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING CHAPTER 9.72 “OFF-STREET PARKING AND LOADING REGULATIONS” RELATING TO OFF-SITE PARKING ENTITLEMENT PROCEDURES, 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.**

**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 review Development Code Chapter 9.72 “Off-Street Parking and Loading Regulations” to make sure the Town remains current with existing trends and to recommend modifications where founded;

**WHEREAS**, Specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by modifying Chapter 9.72 “Off-Street Parking and Loading Regulations” to reflect current parking trends, modify entitlement process for off-site parking and modifications for consistency with other Code sections; and

**WHEREAS**, on August 21, 2020, Development Code Amendment No. 2020-001 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 October 7, 2020 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2020-001 receiving testimony from the public; and

**WHEREAS**, Development Code Amendment No. 2020-001 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. 2020-001 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 9.72.010(l)(2) of the Town of Apple Valley Development Code to read as follows:

- “2. Vacant lots, privately owned lots and the parking lots of commercial and industrial businesses shall not be used for the advertising, sale, rental or repair of motor vehicles, boats, trailers or similar property unless they are duly licensed by the Town to do so. Occupied property may be used for the sale of personal vehicles of the property owners providing that not more than one (1) vehicle may be displayed which is not otherwise prohibited by this Code and shall be subject to the provisions of Section 9.74.050 “Prohibited Signs” of this Code.”

**Section 4.** “Parking for Uses Not Specified” is being moved forward from Section 9.72.050 and “Compact Parking” is being moved forward from a footnote in Table 9.72.020-A to a subsection. Therefore, amend Section 9.72.020, Subsections A through C of the Town of Apple Valley Development Code to read as follows:

- “A. **Parking for Uses Not Specified.** In cases where the off-street parking requirement is not specified herein for a particular type of use, the Director shall determine the parking requirement based on parking demand information

contained in such appropriate reference sources as Institute of Traffic Engineers manuals, Planning Advisory Service studies, Urban Land Institute studies, the requirements of other similar cities, and the parking requirement for similar uses in this Code.

- B. Bicycle Parking.** Bicycle spaces may be required for some uses including fast food restaurants, theaters, shopping centers, schools, etc., to be determined by the Director. A rack or other secure device for the purpose of storing and protecting bicycles from theft shall be installed. Such devices shall have a minimum capacity of one (1) bicycle per twenty (20) required parking spaces and shall be located in such a way as not to interfere with pedestrian or vehicular traffic.
- C. Compact Parking.** Where a total of at least twenty (20) parking spaces are provided, a maximum of fifteen (15) percent of the required parking may use compact parking stalls having a minimum size of eight (8) feet by seventeen (17) feet. No more than one-third ( $\frac{1}{3}$ ) of the compact parking stalls may be located adjacent to or within close proximity to the main entrance to a business, the remaining compact spaces shall be distributed throughout the parking area.

**Section 5.** Amend Table 9.72.020-A “Required Parking Spaces” of the Town of Apple Valley Development Code by removing all foot notes and foot note references and modify Section B to read as follows:

Type of Use	Parking Spaces Required
<b>B. Shopping Centers</b>	
1. 25,000 to 500,000 sf of gfa	1 space per 250 sf of gfa, plus any additional spaces required by #4 below
2. 500,000 to 1,000,000 of gfa	1 space per 275 sf of gfa, plus any additional spaces required by #4 below
3. Over 1,000,000 sf of gfa	1 space per 300 sf of gfa, plus any additional spaces required by #4 below
4. Additional parking requirements for shopping centers	
a. Centers with theaters	Where theater space exceeds 10% of the total gfa of the center, that portion in excess of 10% of the gfa shall be calculated as required by this Table
b. Centers with restaurants, cafes, etc. and/or participatory uses	Where restaurant, cafe or other food and beverage service uses, skating rinks, dance halls, fitness centers, health spas, and similar participatory uses exceed 10% of the total gfa of the center, that portion in excess of 10% of the gfa shall be calculated separately as required by this Table.

Type of Use	Parking Spaces Required
c. Centers with professional office	Where professional offices exceed 40% percent of the total gfa of the center the shopping center parking ratio described in B1, B2 and B3 shall not apply and all uses shall be calculated separately.

**Section 6.** Amend Table 9.72.020-A “Required Parking Spaces” of the Town of Apple Valley Development Code, Section C to read as follows:

<b>C. Restaurants, Bars, Night Clubs and Similar Uses</b>	
1. With on-site consumption of food and beverages	1 space per 100 sf of gfa and 1 space per 200 sf of outdoor dining area. The Director may adjust parking requirements for outdoor dining when such a request does not result in a detrimental shortage to off-street parking.
2. With drive-thrus	1 space per 100 sf of gfa (Refer to Section 9.36.141 for additional requirements for drive-thru uses.

**Section 7.** Amend Table 9.72.020-A “Required Parking Spaces” Section D of the Town of Apple Valley Development Code to read as follows:

<b>D. Commercial/Recreational Uses</b>	
1. Bowling alley and/or billiard halls	4 spaces per lane and/or 2 per billiard table, plus as required for accessory uses (i.e., pro shop, coffee shop, etc.)
2. Driving range	3 spaces, plus 1 space per tee
3. Golf course	6 spaces per hole, plus as required for accessory uses (i.e., pro shop, bar, banquet room, etc.)
4. Tennis/racquetball courts	2 spaces per court, plus as required for accessory uses (i.e., game room, food service, etc.)

5. Amusement enterprises, including but not limited to, theme amusement/recreational parks, video arcades, shooting ranges, racetracks, parks, and zoos.	1 space per 200 sf of gfa within enclosed structure. In the case of multiple uses, only the area designated for amusement enterprises shall apply. Parking for outdoor recreational uses shall be determined by the review authority through the entitlement process.
6. Skating rinks, ice or roller	1 for each 3 fixed seats and for each 20 s.f. of seating area where there are no fixed seats, plus 1 for each 250 sf of skating area.

**Section 8.** Amend Table 9.72.020-A “Required Parking Spaces” of the Town of Apple Valley Development Code Section E to read as follows:

<b>E. Other Commercial Uses</b>	
1. Art/music/photography	1 space per 250 sf.
2. Auto repair, service and parts sales	3 per service bay plus 1 per 250 sf of non-service bay area.
3. Personal Services including barber shops, hair/nail salons, day spas, massage, tanning, tailors, self-service laundry, electrolysis, acupuncture/acupressure, tattoo parlors, dry cleaning.	1 per 250 sf of gfa
4. Banks and commercial savings and loan institutions	1 space per 250 sf of gfa, minimum of 4 spaces, plus 1 lane per drive-up window and/or drive-up automatic teller machine
5. Carwash - full service	7 spaces per each wash line.
6. Carwash - Self-service	2 spaces per stall, which can include drying and vacuum areas.



7. Equestrian uses (Refer to Sections 9.29.030(E) and 9.36.090(D) for additional standards.)	
a. Boarding stables	1 space per horse stall
b. Riding/rental stables	1¼ spaces per horse stall
c. Show arenas	1½ spaces per horse stall or 1 space per 250 sf of the largest arena, whichever is more, plus as required for accessory uses arena, whichever is more, plus as required for accessory uses (i.e., refreshment stands, spectator seating)
8. Funeral and Cremation Services	1 per 300 sf of office area plus as required for assembly
9. Furniture and appliance stores	1 space per 500 sf of gfa, plus 1 space per 1,000 sf of warehouse storage
10. General retail stores	1 space per 250 sf of gfa, minimum of 4 spaces
11. Fitness centers, health clubs, health spas and similar participatory facilities	1 space per 150 sf of gfa
12. Hotels/motels	1 space per unit, plus 1 space per each 3 employees for the maximum capacity (per UBC) of meeting and/or banquet rooms, plus fifty (50) percent of the requirement for accessory uses (i.e., restaurants, bars, etc.)
13. Retail nursery, garden shop	4 spaces plus 1 space per 500 sf of indoor display area, plus 1 space per 2,500 sf of outdoor display area
14. Swap meet/Farmers Markets	1 space per 250 sf of indoor display area, plus 1 space per 500 sf of outdoor display area
15. Theaters and Auditoriums	1 space per 4 seats, plus 1 space per employee on the largest shift
16. Vehicle sales	1 space per 400 sf of showroom and office plus 1 space per 2,000 sf of outdoor display area, plus 1 space per 500 sf of vehicle repair area, plus 1 space per 300 sf of the parts department

**Section 9.** Amend Table 9.72.020-A, Section F “Required Parking Spaces” of the Town of Apple Valley Development Code to read as follows:

<b>F. Offices</b>	
1. Offices, general, financial, business, professional, medical, dental, veterinary, etc.	1 space per 250 sf of gfa, minimum of 4 spaces.
2. General, Medical, Dental and Veterinary offices within a shopping center	Where professional offices exceed 40% percent of the total gfa of the center, the shopping center parking ratio described in B1, B2 and B3, above, shall not apply and all uses shall be calculated separately.

**Section 10.** Amend Table 9.72.020-A, Section G “Required Parking Spaces” of the Town of Apple Valley Development Code to read as follows:

<b>G. Institutional Uses</b>	
1. Child day care centers	1 space for each 4.5 children the facility is designed to accommodate
2. Adult day care centers	1 space for each 7 clients
3. Children's homes	1 <sup>1</sup> / <sub>2</sub> spaces per each employee on the largest shift
4. Hospitals	1 <sup>1</sup> / <sub>2</sub> spaces per bed, plus 1 space per 250 sf of office area
5. Libraries, museums, art galleries	1 space for every 300 sf of gfa
6. Assembly use (i.e. church, meeting hall, social or dance hall, private clubs, community centers.	1 space per 4 seats (18 linear inches of pew or bench equals 1 seat) or 1 space per 35 sf of gfa, for the main assembly area plus 1 space for each classroom and secondary assembly area.
7. Residential clubs, fraternity/sorority houses, rooming houses and similar facilities with guest rooms	1 space per 2 guest rooms
8. Sanitariums, nursing homes, convalescent hospitals	1 space per 6 beds, plus 1 space per employee on the largest shift, plus 1 space per staff doctor
9. Schools	
a. Nursery/pre-school	a. 1 space per staff member, plus 1 space per 10 children, plus adequate drop-off facilities

b. Elementary school, junior high school	b. 2 spaces per classroom
c. High school	c. 7 spaces per classroom
d. Community college, university	10 spaces per classroom, plus 1 space per staff member on the largest work shift
e. Commercial business or trade schools	1 space per 3 students at maximum capacity and 1 space for each instructor or employee.
f. Gymnastics/dance/martial arts schools	1 space per 3 students at maximum capacity and 1 space for each instructor or employee.
10. Social care facilities: residential homes for the sick, aged, injured, recovering, etc., including congregate care, retirement homes, group homes, transitional and supportive housing	1 space per each 3 residents plus 1 space for each staff member and employee on the largest shift. For available parking reductions, Refer to Section 9.36.110.

**Section 11.** Amend Section 9.72.030 “Adjustments to Off-Street Parking Requirements” of the Town of Apple Valley Development Code to read as follows:

**“9.72.030 Adjustments to Off-Street Parking Requirements**

**A. Shared Parking.**

Parking facilities may be shared if two (2) or more uses located in the same development or structure generate parking demands primarily during hours when the remaining uses are not in operation. The applicant shall have the burden of proof for a reduction in the total number of required off-street parking spaces, and documentation shall be submitted substantiating the reasons for the requested parking reduction. Requests for a reduction in parking facilities for shared parking shall be in accordance with the provisions for Special Use Permits (Chapter 9.16 of this Code) and the following:

1. A reduction in the minimum parking requirements for individual uses within a development may be granted by the reviewing authority where the joint use of parking facilities will mitigate peak parking demand.
2. Requests for reductions in the required number of parking spaces resulting from joint usage may be required to provide supporting information prepared by a traffic engineer registered by the State of California. Requests for shared parking shall be reviewed as follows:
  - a. **Initial project review.** Provide documentation and quantification of proposed land uses and anticipated functional relationships between the parking needs of different land uses. The initial review shall also consist of data gathering

regarding proximity to transit facilities, the general location of parking facilities, surrounding land uses and mix, predicted pedestrian patterns, and similar variables which affect parking needs;

- b. Adjustments for peak parking factor.** Include calculations for the number of off-street parking spaces required for each land use within the area proposed for joint parking use based on the requirements of Table 9.72.020-A. Other elements to be considered include seasonal demand and the availability of public transit facilities;
  - c. Analysis of hourly accumulation.** Provide an estimation of hourly parking accumulations for each land use during a typical week day and weekend day; and
  - d. Estimate of shared parking.** Merge the hourly parking demand estimates to calculate the overall parking required to be provided within the area being considered for shared parking facilities.
- 3.** A maximum of fifty (50) percent of the parking facilities required by this Chapter may be considered for shared parking.

**4. Required Findings.**

In granting parking reductions for the shared use of parking facilities, the reviewing authority shall make at least one of the following findings:

- a.** The applicant has provided documentation, which may include a traffic engineering report, that justifies the requested parking reduction based upon the presence of two or more adjacent land uses which, because of their substantially different operating hours and/or difference in peak parking characteristics, will allow joint use of the same parking facilities; or
  - b.** The applicant has provided documentation, which may include a traffic engineering report, that indicates that there are public transportation facilities and/or pedestrian circulation opportunities which justify the requested reduction of parking facilities; or
  - c.** The applicant has provided documentation, which may include a traffic engineering report that finds that the clustering of land uses is such that a reduced number of parking spaces can serve multiple trip purposes to the area in question.
- 5.** Additional documents, covenants, deed restrictions or other agreements, as deemed necessary by the Director of Planning Services, shall be executed to assure that the required parking spaces are maintained and that uses with similar hours and parking requirements as those sharing the parking facilities remain for the life of the development.

**B. Off-Site Parking Facilities.**

Required parking may be provided off the site in certain instances. Requests for off-site parking facilities shall be in accordance with the provisions for Special Use Permits (Chapter 9.16 of this Code) and the following:

1. The off-site parking shall be located so as to adequately serve the use for which it is intended. The reviewing authority shall consider the following in making this determination:
    - a. Proximity of the proposed off-site parking facilities to the use it is intended to serve;
    - b. Ease of and the security of pedestrian access to the proposed off-site parking facilities;
    - c. The type of use that the proposed off-site parking facilities are intended to serve, recognizing that such facilities are generally not desirable for high-turnover uses; and
    - d. The need for and the resulting benefit of the proposed off-site parking.
  2. Additional documents, covenants, deed restrictions or other agreements, as deemed necessary by the Director of Planning Services, shall be executed to assure that the off-site parking spaces are maintained and that the off-site parking facilities remain for the life of the development.
- C. Accessory Uses.** Parking requirements for accessory uses located in the same commercial or industrial building or structure or on the same site as is the principal use, may be reduced by up to fifty (50) percent upon a determination by the reviewing authority that such a reduction is justified based on the size, shape, and location of the site and the combination of the intended uses involved. However, in some cases, such as an accessory commercial use within an industrial use or structure, accessory uses may result in an increased parking space requirement.
- D. Valet Parking.** Requests for valet parking shall be in accordance with the provisions for Special Use Permits (Chapter 9.16 of this Code). Required parking for no more than sixty-six (66) percent ( $\frac{2}{3}$ ) of the total required parking can be provided through valet parking. Valet parking, for the purposes of meeting the required off-street parking regulations, is only permitted in the “Village” area of Apple Valley for restaurant establishments. A minimum of thirty-three (33) percent of the required parking shall be provided on-site. The valet service shall be located on-site; however, the parking area for the valet service may be located off-site and must conform to the requirements of subsection B. above for off-site parking facilities. Valet parking shall be free of charge and limited to the peak hours for a restaurant use of 5:00 p.m. to closing. However, these hours can be changed by the review authority.”

**Section 12.** Amend the first paragraph of Section 9.72.040(A) “Regulations for Residential Uses” of the Town of Apple Valley Development Code to read as follows:

- “A. Location.** Parking spaces required by this Chapter may be located in the required front, side or rear setback area of the Multi-Family Residential (R-M) District, provided a minimum of a fifteen (15) foot landscaped buffer is provided between the property line and the parking area. This buffer shall be landscaped, using berms or short three (3)-foot wall(s) to reduce the visual impact of the parked vehicles. Off-street parking spaces shall be located on the same lot or parcel on which the dwelling is located and as further modified below.

When a garage is specifically required, or provided to meet required parking, entry doors shall be maintained in an operable condition at all times, and no structural alteration or obstruction shall be permitted within the required parking area which would reduce the number of required parking spaces. Use of garages shall be limited to vehicular and general storage purposes only and shall not conflict with any applicable building, housing or fire codes.”

**Section 13.** Amend the first paragraph of Section 9.72.040(C) “Regulations for Residential Uses” of the Town of Apple Valley Development Code to read as follows:

**“C. Senior Citizen Developments.** The Planning Commission may reduce the total number of parking spaces required for senior citizen housing by up to twenty-five (25) percent based upon a finding that the parking demand is reduced because the proposed development is located within close proximity to a shopping center, or is adequately served by a private or public transportation system.

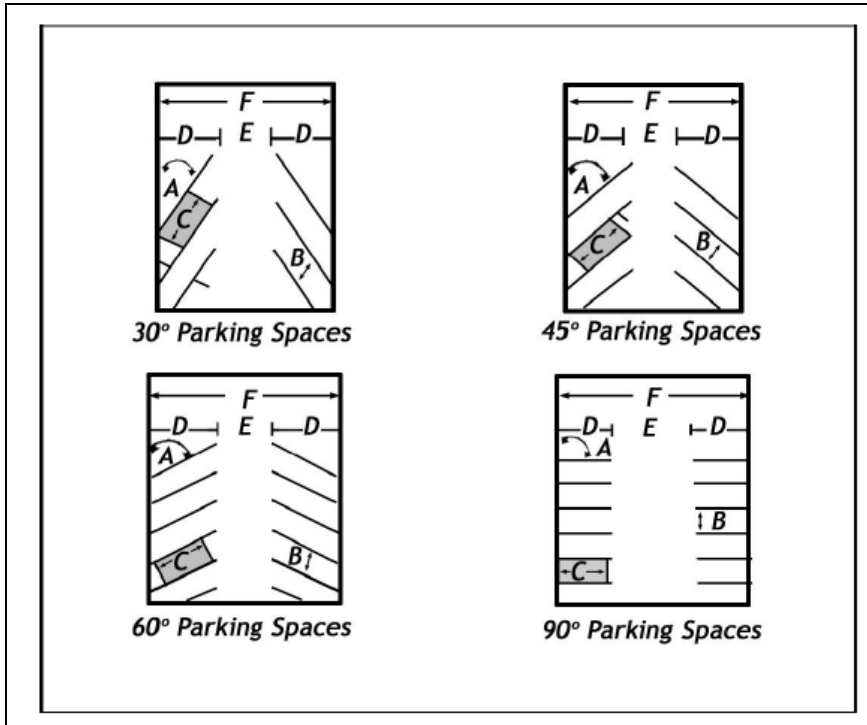
The number of required covered parking spaces may be reduced by up to fifty (50) percent based upon evidence submitted by the developer that the reduction is directly related to providing dwelling units to meet the needs of lower and moderate income senior citizen households as identified in the Town of Apple Valley General Plan Housing Element. In no instance shall the number of covered parking spaces be fewer than one (1) per two (2) dwelling units.”

**Section 14.** Amend Section 9.72.050(A)(3) “Regulations for Commercial and Industrial Uses” of the Town of Apple Valley Development Code to read as follows removing Section 9.72.050(B) as it was moved forward to Section 9.72.020 and removing Section 9.72.050(C) as duplicative, renumbering section as appropriate:

**“3.** Parking for commercial, office, institutional and industrial uses adjacent to residential uses or districts shall be set back a minimum distance equal to the required setback for the residential property or twenty-five (25) feet, whichever is greater. Refer to Section 9.72.080 for possible reductions to this standard.”

**Section 15.** Remove paragraphs E and F of Section 9.72.050 “Regulations for Commercial and Industrial Uses” of the Town of Apple Valley Development Code as both are duplicative from other Code Sections.

**Section 16.** Remove and replace Figure 9.72.060-B of “Design Standards for Parking and Loading Spaces” of the Town of Apple Valley Development Code and replace with the following:



**Figure 9.72.060-B Off-street Parking Dimensions**

**Section 17.** Remove and replace Table 9.72.060-A “Minimum Off-Street Parking Space Dimensions” of the Town of Apple Valley Development Code and replace with the following:

“Table 9.72.060-A Minimum Off-Street Parking Space Dimensions

A	B	C	D	E	E
Angle of Parking	Space Width	Space Length (per vehicle)	Space Depth (from curb)	One-way Drive Aisle Width <sup>1</sup>	Two Way Drive Aisle Width <sup>1</sup>
Parallel (0°)	9 ft	19 ft	9 ft	12ft	24 ft
1° - 45°	9 ft	19 ft	20 ft	14 ft	24 ft
46° - 60°	9 ft	19 ft	21 ft	17 ft	24 ft
61°-90°	9 ft	19 ft	19 ft	24 ft	24 ft

(1) Minimum drive aisle width may be increased based upon the specific use and fire department access requirements.”

**Section 18.** Modify Section 9.72.060(A)(6) of “Minimum Off-Street Parking Space Dimensions” of the Town of Apple Valley Development Code as follows:

**“6. Driveway width for multi-family development.** Multi-family development projects which have a maximum of two (2) access points to a public right-of-way or which are enclosed private drives shall be permitted to use two-way private driveways with a minimum width of twenty-eight (28) feet in accordance with the Multi-family Housing Standards, Section 9.29.070 within this Code.”

**Section 19.** Modify Section 9.72.060(B)(1) of “Minimum Off-Street Parking Space Dimensions” of the Town of Apple Valley Development Code as follows:

**“1. Directional Arrows and Signs.** Within parking facilities, all aisles, approach lanes and maneuvering areas shall be clearly marked with directional arrows on the surface of the pavement to facilitate vehicular movement. Directional signs may also be required to ensure safe and efficient vehicular movement.”

**Section 20.** Remove Figure 9.72.060-E from “Minimum Off-Street Parking Space Dimensions” of the Town of Apple Valley Development Code.

**Section 21.** Modify Section 9.72.060(B)(4) of “Minimum Off-Street Parking Space Dimensions” of the Town of Apple Valley Development Code as follows:

**“4. Striping and Identification.** All vehicle parking spaces shall be clearly delineated with double white lines on the surface of the parking facility as shown in Figure 9.72.060-F below. All loading spaces shall be clearly and conspicuously marked.”

**Section 22.** Modify Section 9.72.060(B)(6)(b) of “Minimum Off-Street Parking Space Dimensions” of the Town of Apple Valley Development Code as follows:

**“b.** Parking and loading spaces and driveways shall be paved and maintained in a good and safe condition and shall be so graded and drained as to dispose of all surface water run-off and to prevent such run-off from accessing adjacent property without the permission of that property owner. The paving of driveways for single family residences may be waived where paved streets are not installed. Drainage courses and swales in parking lots shall be paved with concrete. Asphalt parking lots shall be finished with a seal coat.”

**Section 23.** Modify Section 9.72.060(B)(a) of “Minimum Off-Street Parking Space Dimensions” of the Town of Apple Valley Development Code as follows:

**“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. Refer to Section 9.25.030 E for deviations to this requirement.”

**Section 24.** Remove Figure 9.72.060-G of “Minimum Off-Street Parking Space Dimensions” of the Town of Apple Valley Development Code.



**Section 25.** Modify Section 9.72.070(A)(6) “Access Standards for Parking and Loading Spaces” of the Town of Apple Valley Development Code as follows:

“6. Drive aisles shall be in compliance with Table 9.72.060-A “Parking Space Dimensions”.

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 7<sup>th</sup> day of October 2020.

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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 7th day of October 2020, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Ms. Maribel Hernandez, Planning Commission Secretary

## CHAPTER 9.72 OFF-STREET PARKING AND LOADING REGULATIONS

### SECTIONS:

#### 9.72.010 GENERAL PROVISIONS (AMENDED ORD. 25, 383)

- A. **Purpose.** The Town Council finds that the unique characteristics and qualities of the Town of Apple Valley warrant regulations to preserve its aesthetic appeal on a Town-wide basis. Accordingly, The purpose of this Chapter is to achieve the following:
  - 1. To promote the general welfare by alleviating traffic congestion and by preventing a shortage of off-street parking, loading, bicycle and equestrian facilities;
  - 2. To ensure the usefulness of parking, loading, bicycle and equestrian facilities;
  - 3. To protect the public safety by providing properly lighted and accessible parking facilities and by assuring the maneuverability of emergency vehicles;
  - 4. To protect and preserve the appearance, character and value of surrounding neighborhoods by providing for the installation and maintenance of landscaping and screening for parking facilities; and
  - 5. To insulate surrounding residential land uses from the effects of vehicular noise and traffic congestion.
  
- B. **Applicability.** The regulations in this Chapter shall be applicable to any new use or structure and/or altered use or structure. When the occupancy or use of any premises is changed to a different use, parking to meet the requirements of this Chapter shall be provided for in the new use or occupancy. When an existing use or structure is enlarged or expanded, additional parking to meet the requirements of this Chapter shall be provided for the enlarged or expanded portion only, while maintaining previously existing parking for that use.
  
- C. **Calculation of Space Requirements.** If, in the application of the provisions of this Chapter in the calculation of parking space requirements, a fractional number is obtained, one parking space shall be required for a fraction of one-half (1/2) or more and no space required for a fraction less than one-half (1/2) . Except as may be noted elsewhere in this Chapter, gross floor area (gfa) shall be used as the basis for the calculation of parking spaces required.
  
- D. **Joint Uses.** When two (2) or more uses are located in the same development or structure, the parking requirements shall be the sum of the separate requirements per use, except as specifically provided for in this Chapter.
  
- E. **Maintenance**
  - 1. All required parking and loading spaces and driveways shall be maintained in good condition and available for their intended use as long as the use for which parking and loading spaces and driveways was required continues to operate or exist. Parking areas shall be kept free of litter, trash, debris and display or advertising not specifically approved in accordance with this Development Code.
  - 2. Except in residential developments, inside garage storage shall not encroach into required parking and loading spaces or driveways and vehicles shall not be continuously parked in these areas. All vehicles so parked shall be operable and currently registered.
  
- F. **New Construction, Changes, Alterations or Modifications**
  - 1. New Construction, Changes, alterations or modifications to an existing parking lot or an approved parking plan are not permitted without the required approval in accordance with this Development Code.
  - 2. Prior to the occupancy of any building or property, except a single family residence, or prior to the modification or alteration of any existing parking lot, approval of a Development Permit from the

Planning Division is required. Projects for which approval of a Development Permit is required for other purposes may include the parking lot improvements as a part of the same Development Permit.

- 3. The parking lot plan shall contain the following information:
  - a. Name, address and location of the development;
  - b. Scale, north arrow and vicinity map showing the closest major streets and distances to cross streets on each side;
  - c. Property lines and lot dimensions;
  - d. Location and width of all easements;
  - e. Footprint of all structures and any overhangs or projections;
  - f. Location of all entrances and loading doors;
  - g. Location of all curbs and wheel stops;
  - h. Location, typical dimensions, and type of surfacing for all driveways, parking and loading spaces, and thickness of the paving;
  - i. Location of all trash enclosures, transformers, and any equipment outside the building;
  - j. striping plan;
  - k. Location and type of any lighting fixtures;
  - l. Location and types of any signs;
  - m. Grading and drainage plan;
  - n. Landscaping and irrigation plan;
  - o. Statistical summary of the project including total gross square feet of each building and the total gross square feet of the project, the number of covered parking spaces, and the total number of parking and loading spaces.

**G. *Nonconforming Parking.*** Structures or uses which have insufficient parking per the requirements of this Ordinance and are a legal nonconforming use shall not be expanded unless sufficient additional parking can be provided in accordance with the requirements Section of 9.72.020 of this Chapter. Existing parking shall be counted as meeting this requirement only if it is in compliance with the standards in effect at the time of its development. Nonconforming parking shall also comply with the provisions of Chapter 9.07 of this Ordinance.

**H. *Commercial Vehicle Parking.*** (See Section 12.38 of the Municipal Code “Commercial Vehicle Parking”.)

**I. *Use of Parking Spaces***

- 1. Required parking spaces shall be used only for the parking of vehicles for property owners, guests, renters, patrons or employees.
- 2. Vacant lots, privately owned lots and the parking lots of commercial and industrial businesses shall not be used for the advertising, sale, rental or repair of motor vehicles, boats, trailers or similar property unless they are duly licensed by the Town to do so. Occupied property may be used for the sale of personal vehicles of the property owners providing that not more than one (1) vehicle may be displayed which is not otherwise prohibited by this Code and shall be subject to the provisions of subsection 9.74.050.K of this Code.
- 3. Vehicles, boats, trailers or similar property shall not be parked or stored on any vacant or undeveloped property in any zoning district, except that no more than three (3) noncommercial motor vehicles that are operable and currently registered to the occupant of an abutting developed residential lot may be parked on such vacant or undeveloped lot in the R-VLD, R-LD, R-A, R-E, R-E¾, R-SF, and the R-EQ (single family) zoning districts. The portions of such lots that are used for parking shall be paved to Town standards.
- 4. Parking and loading spaces or driveways shall not be used for the habitation of a trailer, camper or recreational vehicle unless otherwise allowed in accordance with this Development Code.

J. 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."

**9.72.020 PARKING AND LOADING SPACES REQUIRED PER USE** (AMENDED ORD. 314, 347, 383)

Minimum off-street vehicle parking and loading spaces shall be provided in accordance with the requirements of Table 9.72.020-A and Table 9.72.020-B respectively for all new buildings or uses and when any building or use is altered, extended, changed, or intensified. In cases of mixed uses in a building or on a lot, the total requirement for off-street parking shall be the sum of the requirements for the various uses computed separately.

**Abbreviations** sf = square feet  
 gfa = gross (total) floor area

A. **Bicycle Parking.** Bicycle spaces may be required for some uses including fast food restaurants, theaters, shopping centers, schools, etc., to be determined by the Director. A rack or other secure device for the purpose of storing and protecting bicycles from theft shall be installed. Such devices shall have a minimum capacity of one (1) bicycle per twenty (20) required parking spaces and shall be located in such a way as not to interfere with pedestrian or vehicular traffic.

**Table 9.72.020-A Required Parking Spaces**

Type of Use	Parking Spaces Required <sup>(1)</sup>
<b>A. Residential</b> (for Senior Citizen developments refer to 9.72.040.C)	
1. Single family detached and duplex	2 car enclosed garage per unit. Said garage shall have a minimum clear gross floor area of twenty (20) feet by twenty (20) feet free of any obstructions including mechanical equipment.
2. Bed and breakfast	1 space per room available for rent, in addition to those required for the primary residence
1. 2. 3. Multi-family and single family attached	
4. a. Studios	1 covered space per unit and 1 open space per unit
b. One and two bedrooms	2 enclosed spaces per unit and 0.50 uncovered guest spaces per unit.
c. Three or more bedrooms	2 enclosed spaces per unit, one uncovered space per unit and 0.50 uncovered guest spaces per unit.
4. Multi-family and single family attached (Mountain Vista Estates area only)	
a. Studios	1 covered space per unit
b. One and two bedrooms	1 enclosed space per unit and 1 uncovered space per unit.
c. Three or more bedrooms	2 enclosed spaces per unit and one uncovered space per unit.

Type of Use	Parking Spaces Required <sup>(1)</sup>
5. . Mobile home parks	2 covered spaces per site. Parking may be in tandem. In addition provide guest parking of 1 space per 4 sites.
6. Boarding houses, dormitories and similar uses	1 space per sleeping room or 1 space per bed, whichever is greater

**B. Shopping Centers**

1. 25,000 to 500,000 sf of gfa	1 space per 250 sf of gfa, plus any additional spaces required by #4 below
2. 500,000 to 1,000,000 of gfa	1 space per 275 sf of gfa, plus any additional spaces required by #4 below
3. Over 1,000,000 sf of gfa	1 space per 300 sf of gfa, plus any additional spaces required by #4 below
4. Additional parking requirements for shopping centers a. Centers with theaters	Where theater space exceeds 10% of the total gfa of the center, that portion in excess of 10% of the gfa shall be calculated as required by Section E.14 of this Table
b. Centers with restaurants, cafes, etc. and/or participatory uses	5. Where restaurant, cafe or other food and beverage service uses, skating rinks, dance halls, health spas, and similar participatory uses exceed 10% of the total gfa of the center, that portion in excess of 10% of the gfa shall be calculated as required by Section C.1 of this Table.
c. Centers with professional office	6. Where professional offices exceed 40% percent of the total gfa of the center the shopping center parking ratio described in B1, B2 and B3 shall not apply and all uses shall be calculated separately.

**C. Restaurants, Bars, Night Clubs and Similar Uses**

1. With on-site consumption of food and beverages	For customer areas, 1 space per 3 seats where there are fixed seats; or 1 space per 45 sf of customer area, plus 1 space per 200 sf of non-customer area
2. With drive-thrus	For customer areas, 1 space per 3 seats where there are fixed seats, or 1 space per 45 sf of customer area, plus 1 space per 200 sq. ft. of non-customer area, plus stacking space for at least 6 cars located in a segregated drive-thru lane so as not to interfere with pedestrian or vehicular traffic or parking spaces

**D. Commercial/Recreational Uses**

1. Bowling alley	4 spaces per lane, plus as required for accessory uses (i.e., pro shop, coffee shop, etc.)
2. Driving range	3 spaces, plus 1 space per tee
3. Golf course	6 spaces per hole, plus as required for accessory uses (i.e., pro shop, bar, banquet room, etc.)
4. Miniature golf course	3 spaces per hole, plus as required for accessory uses (i.e., game room, food service, etc.)

Type of Use	Parking Spaces Required <sup>(1)</sup>
5. Tennis/racquetball courts	2 spaces per court, plus as required for accessory uses (i.e., game room, food service, etc.)
6. Theme amusement/recreational parks, video arcades, skating rinks, go carts	1 space per 200 sf of gfa within enclosed structures, plus 1 space for every 3 persons at maximum capacity

**E. Other Commercial Uses**

1. Art/dance studio	1 space per 100 sf.
2. Auto repair, service and parts sales	1 space per 400 square feet of floor area plus 1 space per 200 square feet of office area. A credit for service bays will be given at the ratio of tow (2) bays equals one parking space for area devoted to auto repair only, provided the resulting number of parking spaces required for the use is not less than four (4).
3. Barber shop or beauty parlor	1 space per 125 sf.
4. Banks and commercial savings and loan institutions	1 space per 250 sf of gfa, minimum of 4 spaces, plus 1 lane per drive-up window and/or drive-up automatic teller machine
5. Business or trade school	1 space per 1.5 students at maximum capacity
6. Carwash - full service	7 spaces per each wash line.
	7. 2 spaces per stall.
8. Equestrian uses <sup>(2)</sup> a. Boarding stables b. Riding/rental stables c. Show arenas	1 space per horse stall 1½ spaces per horse stall 1½ spaces per horse stall or 1 space per 250 sf of the largest arena, whichever is more, plus as required for accessory uses arena, whichever is more, plus as required for accessory uses (i.e., refreshment stands, spectator seating)
9. Furniture and appliance stores	1 space per 500 sf of gfa, plus 1 space per 1,000 sf of warehouse storage
10. General retail stores and service establishments	1 space per 250 sf of gfa, minimum of 4 spaces
11. Health clubs and similar participatory facilities	1 space per 100 sf of gfa
12. Hotels/motels	1 space per unit, plus 1 space per each 3 employees for the maximum capacity (per UBC) of meeting and/or banquet rooms, plus fifty (50) percent of the requirement for accessory uses (i.e., restaurants, bars, etc.)
13. Retail nursery, garden shop	4 spaces plus 1 space per 500 sf of indoor display area, plus 1 space per 2,500 sf of outdoor display area
14. Swap meet	1 space per 250 sf of indoor display area, plus 1 space per 500 sf of outdoor display area
15. Theaters, Auditoriums, and places of assembly	1 space per 4 seats, plus 1 space per employee on the largest shift
16. Vehicle sales	1 space per 400 sf of showroom and office plus 1 space per 2,000 sf of outdoor display area, plus 1 space per 500 sf of vehicle repair area, plus 1 space per 300 sf of the parts department

Type of Use	Parking Spaces Required <sup>(1)</sup>
<b>F. Offices</b>	
1. General Offices	1 space per 300 sf of gfa, minimum of 4 spaces
2. Medical, Dental and Veterinary offices	1 space per 200 sf of gfa, minimum of 5 spaces
3. General, Medical, Dental and Veterinary offices within a shopping center	Where professional offices exceed 40% percent of the total gfa of the center the shopping center parking ratio described in B1, B2 and B3, above, shall not apply and all uses shall be calculated separately depending on the type of office described in F1 and F2 above.
<b>G. Institutional Uses</b>	
1. Child day care centers	1 space for each 4.5 children the facility is designed to accommodate
2. Children's homes	1 <sup>1/2</sup> spaces per each employee on the largest shift
3. Hospitals	1 <sup>1/2</sup> spaces per bed, plus 1 space per 250 sf of office area
4. Libraries, museums, art galleries	1 space for every 300 sf of gfa
5. Places of public assembly: auditoriums, churches, synagogues, religious centers community centers, private clubs	1 space per 4 seats (18 linear inches of pew or bench equals 1 seat) or 1 space per 35 sf of gfa, plus as required for accessory uses (classrooms, offices, etc.)
6. Residential clubs, fraternity/sorority houses, rooming houses and similar facilities with guest rooms	1 space per 2 guest rooms
7. Sanitariums, nursing homes, convalescent hospitals	1 space per 6 beds, plus 1 space per employee on the largest shift, plus 1 space per staff doctor
8. Schools	
a. Nursery/pre-school b. Elementary school, junior high school c. High school d. Community college, university	1 space per staff member, plus 1 space per 10 children, plus adequate drop-off facilities 2 spaces per classroom 7 spaces per classroom 10 spaces per classroom, plus 1 space per staff member on the largest workshift
9. Social care facilities; homes for the sick, aged, injured, recovering, etc., including congregate care, retirement homes, group homes, transitional and supportive housing <sup>(3)</sup>	1 space per each 3 residents <sup>(4)</sup> , plus 1 space for each staff member and employee on the largest shift
<b>H. Industrial Uses</b>	
1. Electronic, computer, aerospace, business machine or other "high-tech" manufacturing uses, provided office use does not exceed 25% of the gfa	3 spaces per 1,000 sf of gfa; for office area that exceeds 25%, provide 1 space per 200 sf in excess of 25%
2. General manufacturing uses provided office use does not exceed 25% of the gfa	1 space per 500 sf of gfa or 1 space per 2 employees on the largest shift, whichever is greater; for office area that exceeds 25%, provide 1 space per 200 sf in excess of 25%
3. Industrial buildings with uses not specified, provided office use does not exceed 25% of the gfa	3 spaces per 1,000 sf of gfa; for office area that exceeds 25%, provide 1 space per 200 sf in excess of 25%

Type of Use	Parking Spaces Required <sup>(1)</sup>
4. Mini Storage	1 space per 7,000 square feet of gfa and one space per 300 sf for any ancillary office use
5. Research and development, provided office use not exceed 25% of the gfa	3 spaces per 1,000 sf of gfa; for office area that exceeds 25%, provide 1 space per 200 sf in excess of 25%
6. Salvage yards, recycling centers	1 space per 300 sf of gfa, plus 1 space per 10,000 sf of yard area
7. Warehousing and wholesale uses, provided office use does not exceed 25% of the gfa	1 space per 500 sf of gfa for the first 10,000 sf and beyond that, 1 space per 1,000 sf of gfa; for office area that exceeds 25%, provide 1 space per 200 sf in excess of 25%

(1) Where a total of at least twenty (20) parking spaces are provided, a maximum of fifteen (15) percent of the required parking may use compact parking stalls having a minimum size of eight (8) feet by seventeen (17) feet. No more than one-third ( $\frac{1}{3}$ )

of the compact parking stalls may be located adjacent to or within close proximity to the main entrance to a business, the remaining compact spaces shall be distributed throughout the parking area.

- (2) Twenty-five (25) percent of the required parking spaces for equestrian uses shall accommodate trailers. Such spaces shall be a minimum of twelve (12) feet by twenty-five (25) feet.
- (3) Parking requirements for senior housing
- (4) In accordance with Section 9.36.110.(E.1), off-street parking requirements for congregate care facilities that provide senior citizen housing may be adjusted subject to a parking study based on project location and proximity to services for senior citizens including but not limited to, medical offices, shopping areas, mass transit, etc..

**Table 9.72.020-B Required Loading Spaces**

The following minimum number of loading spaces shall be provided for each use.

Gross Floor Area	Spaces Required
<b>A. Commercial and Institutional Uses, Other Than Office Uses</b>	
Less than 20,000 sf	None required <sup>(1)</sup>
Each additional 20,000 sf	One (1) additional
<b>B. Office Uses</b>	
Less than 10,000 sf	None required <sup>(1)</sup>
10,000 to 99,999 sf	One (1)
Each additional 100,000 sf	One (1) additional
<b>C. Manufacturing, Wholesale, Warehousing and Other Industrial Uses</b>	
Less than 20,000 sf	One (1)
Each additional 20,000 sf	One (1) additional

**9.72.030 ADJUSTMENTS TO OFF-STREET PARKING REQUIREMENTS (AMENDED ORD. 330)**

**A. Shared Parking.**

Parking facilities may be shared if two (2) or more uses located in the same development or structure generate parking demands primarily during hours when the remaining uses are not in operation. The applicant shall have the burden of proof for a reduction in the total number of required off-street parking spaces, and documentation shall be submitted substantiating the reasons for the requested

(1) Unless otherwise required by Section 9.72.060.C. of this Code.



parking reduction. Requests for a reduction in parking facilities for shared parking shall be in accordance with the provisions for Conditional Use Permits (Chapter 9.16 of this Code) and the following:

1. A reduction in the minimum parking requirements for individual uses within a development may be granted by the reviewing authority where the joint use of parking facilities will mitigate peak parking demand.
2. Requests for reductions in the required number of parking spaces resulting from joint usage shall be supported by information prepared by a traffic engineer registered by the State of California. Requests for shared parking shall be reviewed as follows:
  - a. **Initial project review.** Provide documentation and quantification of proposed land uses and anticipated functional relationships between the parking needs of different land uses. The initial review shall also consist of data gathering regarding proximity to transit facilities, the general location of parking facilities, surrounding land uses and mix, predicted pedestrian patterns, and similar variables which affect parking needs;
  - b. **Adjustments for peak parking factor.** Include calculations for the number of off-street parking spaces required for each land use within the area proposed for joint parking use based on the requirements of Table 9.72.020-A. Other elements to be considered include seasonal demand and the availability of public transit facilities;
  - c. **Analysis of hourly accumulation.** Provide an estimation of hourly parking accumulations for each land use during a typical week day and weekend day; and
  - d. **Estimate of shared parking.** Merge the hourly parking demand estimates to calculate the overall parking required to be provided within the area being considered for shared parking facilities.
3. A maximum of fifty (50) percent of the parking facilities required by this Chapter may be considered for shared parking.

4. **Required Findings.**

In granting parking reductions for the shared use of parking facilities, the reviewing authority shall make at least one of the following findings:

- a. The traffic engineering report justifies the requested parking reduction based upon the presence of two or more adjacent land uses which, because of their substantially different operating hours and/or difference in peak parking characteristics, will allow joint use of the same parking facilities; or
  - b. The traffic engineering report indicates that there are public transportation facilities and/or pedestrian circulation opportunities which justify the requested reduction of parking facilities; or
  - c. The traffic engineering report finds that the clustering of land uses is such that a reduced number of parking spaces can serve multiple trip purposes to the area in question.
5. Additional documents, covenants, deed restrictions or other agreements, as deemed necessary by the Director of Planning Services, shall be executed to assure that the required parking spaces are maintained and that uses with similar hours and parking requirements as those sharing the parking facilities remain for the life of the development.

**B. Off-Site Parking Facilities.**

Required parking may be provided off the site in certain instances. Requests for off-site parking facilities shall be in accordance with the provisions for Conditional Use Permits (Chapter 9.16 of this Code) and the following:

1. The off-site parking shall be located so as to adequately serve the use for which it is intended. The reviewing authority shall consider the following in making this determination:
  - a. Proximity of the proposed off-site parking facilities to the use it is intended to serve;



- 3. **Other Residential Developments.** Parking spaces required by Table 9.72.020-A, per dwelling unit, shall be within an enclosed garage. Said garage shall have a minimum clear floor area of ten (10) feet by twenty (20) feet per space free of any obstructions including mechanical equipment. In addition, additional required parking for such developments shall be covered but need not be enclosed. Required guest parking may be uncovered.
  
- C. **Senior Citizen Developments.** The Planning Commission may reduce the total number of parking spaces required for senior citizen housing by up to twenty-five (25) percent based upon a finding that the parking demand is reduced because the proposed development is located within close proximity to a shopping center, or is adequately served by a public transportation system.  

The number of required covered parking spaces may be reduced by up to fifty (50) percent based upon evidence submitted by the developer that the reduction is directly related to providing dwelling units to meet the needs of lower and moderate income senior citizen households as identified in the Town of Apple Valley General Plan Housing Element. In no instance shall the number of covered parking spaces be fewer than one (1) per two (2) dwelling units.
  
- D. **Assigned Spaces for Multi-Family Developments.** At least one assigned parking space shall be provided per dwelling unit a maximum of 200 feet from the dwelling unit it serves.
  
- E. **Guest Parking.** Guest parking shall be included as required by Section A.3 of Table 9.72.020-A in this Chapter, and need not be covered.

**9.72.050 REGULATIONS FOR COMMERCIAL AND INDUSTRIAL USES**(*AMENDED ORD. 251*)

- A. **Location of Required Parking and Loading Spaces**
  - 1. In commercial and industrial districts, off-street parking spaces shall be located on the same lot and shall be located within 400 feet of the main structure they serve. Such distance shall be computed from the nearest point of the structure's public access to the most distant point of the parking area. Or, with a recorded reciprocal parking ingress and egress agreement, on a lot contiguous to the building, structure or use to be served, also subject to the above distance requirement.
  - 2. The required parking spaces shall not be located in the rear of commercial buildings unless secure and well lit direct customer access to the facility is provided. Required parking spaces may be located in required front, side and rear setbacks provided that all other requirements, such as landscaping and the dedication of required easements and rights-of-way, have been satisfied.
  - 3. Parking for commercial, office, institutional and industrial uses adjacent to residential uses or districts shall be set back a minimum distance equal to the required setback for the residential property or twenty-five (25) feet, whichever is greater.
  - 4. Required loading spaces shall be located immediately adjacent to the exterior wall of the building. Such spaces shall not be located in the required front or side building setbacks.
  - 5. Loading spaces shall be set back a minimum of twenty-five (25) feet from any residential use or district.
  - 6. Loading spaces shall be located and designed so that trucks are not required to back into public rights-of-way for ingress or egress. Truck maneuvering areas shall be provided where appropriate.
  - 7. Parking spaces required to be provided for the physically handicapped shall be located as near as possible to the primary building entrance.
  
- B. **Parking for Uses Not Specified.** In cases where the off-street parking requirement is not specified herein for a particular type of use, the Director shall determine the parking requirement based on parking demand information contained in such appropriate reference sources as Institute of Traffic Engineers manuals, Planning Advisory Service studies, Urban Land Institute studies, the requirements of other similar cities, and the parking requirement for similar uses in this Code.
  
- C. **Bicycle Parking.** Bicycle spaces may be required for some uses including fast food restaurants, theaters, shopping centers, schools, etc., to be determined by the Director. A rack or other secure device for the

purpose of storing and protecting bicycles from theft shall be installed. Such devices shall have a minimum capacity of one (1) bicycle per twenty (20) required parking spaces and shall be located in such a way as not to interfere with pedestrian or vehicular traffic.

- D. *Underbuilding, Underground, Rooftop Parking or Parking Structures.*** The minimum dimensions for such parking shall be the same as that required for uncovered surface area parking as specified throughout this Chapter.

A level transition area between the street and a ramp serving underground or decked parking shall be provided for a distance, a minimum of twenty (20) feet, which will provide adequate site distance at the street.

**1. *General***

- a.** The development of parking structures shall be subject to the Development Permit process and subject to approval by the Planning Commission.
- b.** Interior parking lot landscaping shall not be required for parking spaces located within parking structures.
- c.** Stair wells within parking structures shall be open to permit casual observation.
- d.** Ramps within parking structures shall have a maximum slope of twenty (20) percent with a transitional slope of ten (10) percent for the first and last ten (10) feet.
- e.** Parking facilities with controlled access shall provide stacking space for three (3) cars, a minimum of sixty (60) feet.

**2. *Underground Parking Facilities***

- a.** Openings for ingress and egress shall be located behind the required building setback line.
- b.** Exits from underground parking facilities shall provide adequate sight distance in compliance with Town standards.
- c.** Underground parking facilities may be located in the required building setbacks.
- d.** Underground parking facilities shall not be counted as a floor nor counted against the building height limitations of the base district in which it is located.

**3. *Underbuilding Parking Facilities***

- a.** Underbuilding parking facilities shall not be located within required building setbacks.
- b.** Underbuilding parking facilities shall be counted as a story where the finished floor of the first level of the main structure exceeds three (3) feet above the grade of the nearest street, except for openings for ingress or egress.
- c.** Exits from underbuilding parking facilities shall provide adequate sight distance in compliance with Town standards.

**4. *Rooftop Parking and Parking Structures***

- a.** Above ground parking facilities shall comply with the height and building setback requirements of the zoning district in which it is located.
- b.** The exterior elevations of parking structures shall comply with the provisions of Chapter 9.37, *Commercial Design Standards* of this Code, so as to minimize the use of blank concrete facades.
- c.** The perimeter of parking structures shall be landscaped at ground level with a minimum of one (1) tree, twenty-four (24)-inch box minimum size when installed, for every twenty (20) feet of facade length, in addition to the requirements of Chapter 9.75, *Water Conservation/ Landscaping Regulations* of this Code.
- d.** Interior parking lot landscaping shall be in accordance with Chapter 9.75, *Water Conservation/ Landscaping Regulations* of this Code.

- E. *Repair, Servicing or Storage of Vehicles.*** Required parking spaces shall not be used or permitted to be used for the repair, servicing or storage of vehicles, or for the storage of materials.

For auto repair shops or other similar uses, a credit for service bays will be given at the ratio of two (2) bays equals one parking space for area devoted to auto repair only, provided the resulting number of parking spaces required for the use is not less than four (4). Pump areas shall not be considered in calculating required parking spaces.

- 8. **F.** Stacking lanes for drive-in/drive-thru customers shall accommodate a minimum of six (6) vehicles (twenty [20]-foot in length per vehicle) for a minimal total staking length of 120 feet. On-site driveways may be used for stacking space provided that access to required parking spaces is not obstructed.

**9.72.060 DESIGN STANDARDS FOR PARKING AND LOADING SPACES** (AMENDED ORD. 272, 314, 383, 473)

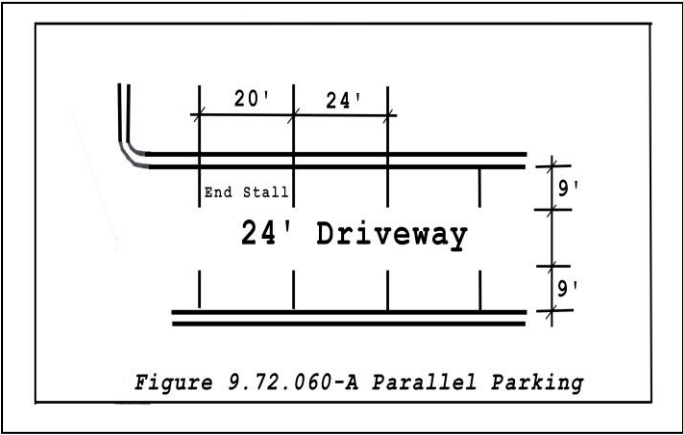
**A. Parking Space Dimensions and Design**

1. **Covered Spaces.** Each covered parking space shall be located within a carport or enclosed garage as follows:

- a. **Carport.** Minimum size of shall be nine (9) feet by twenty (20) feet clear of any obstructions including walls or structural supports.
- b. **Garage.** Enclosed garages shall have a clear, unobstructed minimum area of ten (10) feet by twenty (20) feet for each one (1) car parking space provided.

2. **Uncovered Spaces.** Each uncovered ninety (90)-degree parking space shall be a minimum of nine (9) feet wide by nineteen (19)-feet deep. The depth may be reduced by two (2) feet where a minimum four (4)-foot clear sidewalk width remains uncovered by vehicle overhang. Vehicle overhang may also be permitted onto landscaped areas. Vehicle overhang is not permitted within any public right-of-way or public easement.

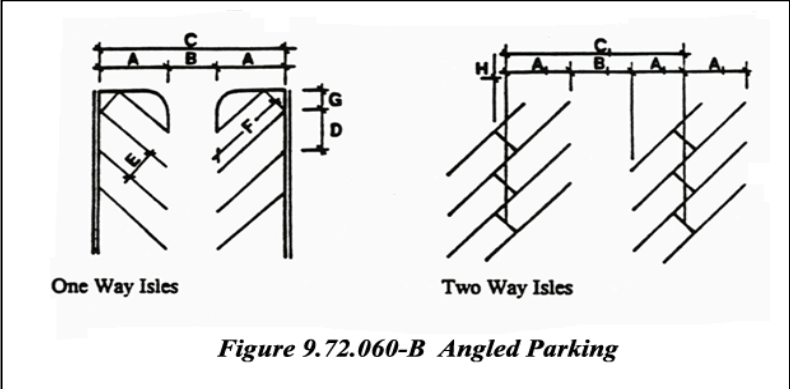
3. **Parallel Spaces.** Each parallel parking space shall have a minimum dimension of nine (9)-feet wide by twenty-four (24)-feet long. However, if adequate access exists, the length of end spaces may be reduced to twenty (20) feet, as shown in Figure 9.72.060-A below



A.

4. **Tandem Spaces.** Except for single family residences and mobile home parks, uncovered parking spaces shall not be in tandem, one behind the other in a single line, except for valet parking areas as permitted under Section 9.72.030.D. Where permitted, each tandem parking space shall be a minimum of nine (9) feet wide by twenty-two (22) feet in depth.

5. **Angled Parking.** If Angled parking spaces are utilized they shall be designed in accordance with the dimensions provided in Table 9.72.060-A and delineated in Figure 9.72.060-B below.



**Table 9.72.060-A Parking Space Dimensions**

One Way Isles								
	A	B	C	D	E	F	G	H
Angle	Depth		Width		Width	Length		Depth
of	of	Aisle	of	Curb	of	of		of
Parking	Stall	Width	Area	Length	Stall	Stripe		Overhang
30°	17'10"	18'0"	53'8"	17'4"	9'0"	35'0"	4'6"	3'11"
45°	20'6"	18'0"	59'0"	12'9"	9'0"	29'0"	6'4"	3'2"
60°	21'10"	20'0"	63'8"	10'5"	9'0"	25'2"	7'9"	2'3"
90°	19'0"	24'0"	62'0"	9'0"	9'0"	19'0"	-	-
Two Way Isles								
	A <sup>1</sup>	B <sup>1</sup>	C <sup>1</sup>	D	E	F	G	H
Angle	Depth		Width		Width	Length		Depth
of	of	Aisle	of	Curb	of	of		of
Parking	Stall	Width	Area	Length	Stall	Stripe		Overhang
30°	13'11"	18'0"	45'10"	17'4"	9'0"	35'0"	4'6"	3'11"
45°	17'4"	18'0"	52'8"	12'9"	9'0"	29'0"	6'4"	3'2"
60°	19'7"	20'0"	59'2"	10'5"	9'0"	25'2"	7'9"	2'3"
90°	19'0"	24'0"	62'0"	9'0"	9'0"	19'0"	-	-

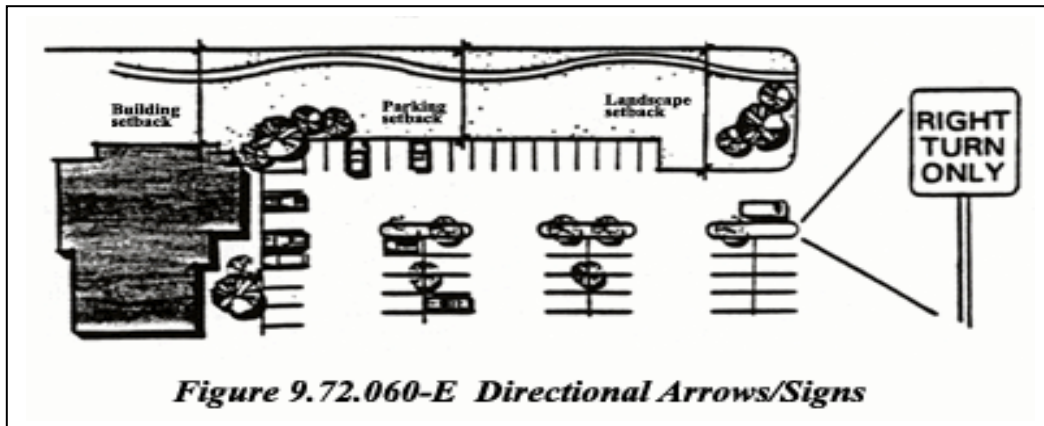
<sup>(1)</sup> Two(2)-way drive aisles for Multi-family development shall have a minimum width of twenty-eight (28) feet.

- 6. **Driveway width for multi-family development.** Multi-family development projects which have a maximum of two (2) access points to a public right-of-way or which are enclosed private drives shall be permitted to use two-way private driveways with a minimum width of twenty-eight (28) feet in accordance with the Multi-family Housing Standards, Section 9.29.070.B.20, within this Code.
- 7. **Parking for the Handicapped.** All projects shall provide parking spaces for the handicapped in compliance with Title 24 of the California Administrative Code. Ramps, striping, identification and signing for such spaces shall also be in compliance with Title 24 of the California Administrative Code.
- 8. **Recreational Vehicle Parking.** Recreational vehicle spaces shall contain not less than 400 square feet per space with minimum dimensions of ten (10) feet by forty (40) feet.

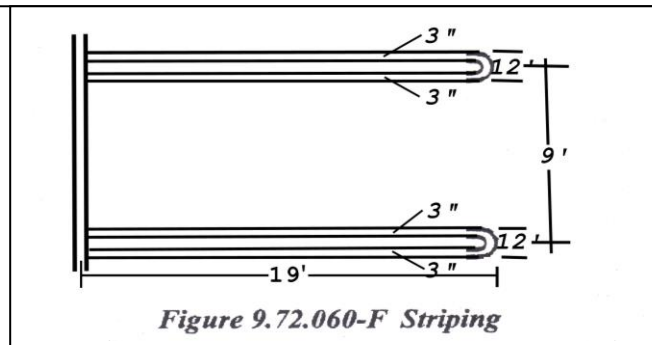
**B. Standard Improvements**

- 1. **Directional Arrows and Signs.** Within parking facilities, all aisles, approach lanes and maneuvering areas shall be clearly marked with directional arrows on the surface of the pavement to facilitate vehicular movement, as shown in Figure 9.72.060-E. Directional signs may also be required to ensure safe and efficient vehicular movement.
- 2. **Drainage.** All parking facilities, except those that serve one or two residential dwelling units, and all loading facilities shall be designed and graded to prevent the flow of surface water over sidewalks or onto adjacent property.

3. **Safety Features.** Additional requirements for parking facility safety, including overall design, internal layout, acceptable turning radii, pavement slope, potential vehicular, bicycle, pedestrian, equestrian conflicts, and other design features may be required by the Town Engineer.



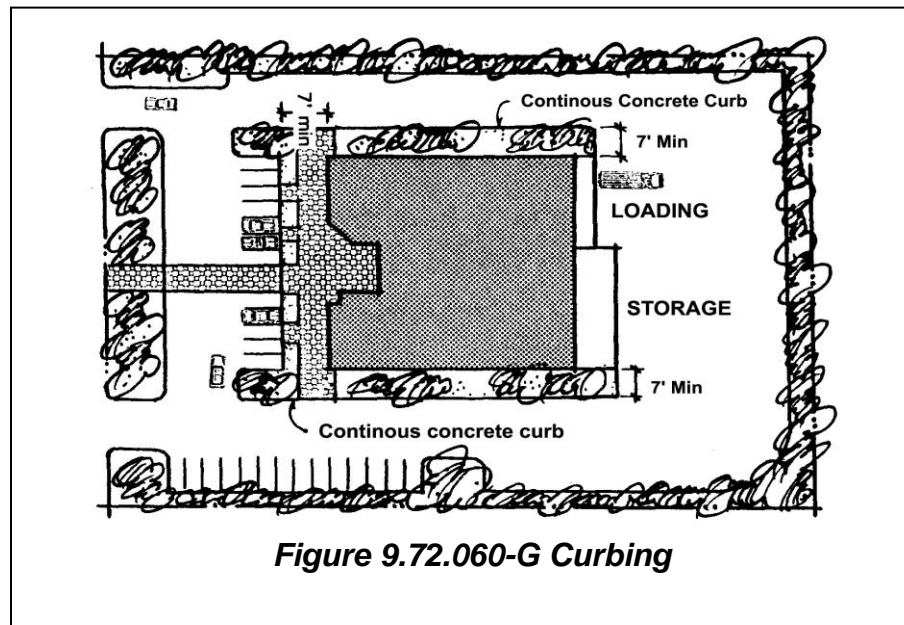
4. **Striping and Identification.** All vehicle parking spaces shall be clearly delineated with double lines on the surface of the parking facility as shown in Figure 9.72.060-F below. All loading spaces shall be clearly and conspicuously marked.



5. **Loading Spaces.** All loading spaces shall be clearly and conspicuously marked.
6. **Surfacing.** Permanent vehicle parking, loading, maneuvering and driveway areas shall be paved with asphalt, concrete or other all-weather surface as approved by the Town Engineer and shall be permanently maintained in a dust-free manner and kept clear of any litter, trash or debris. The following standards shall also apply:
  - a. The flooring material for garages and carports in all zoning districts shall be portland cement concrete.
  - b. Parking and loading spaces and driveways shall be paved and maintained in a good and safe condition and shall be so graded and drained as to dispose of all surface water run-off and to prevent such run-off from accessing adjacent property without the permission of that property owner. The paving of driveways for single family residences may be waived where street improvements are not installed. Drainage courses and swales in parking lots shall be paved with concrete. Asphalt parking lots shall be finished with a seal coat.
  - c. Temporary parking facilities shall be surfaced as approved by the Town Engineer and maintained in a dust-free manner.
7. **Lighting.** All parking areas shall be well lit with sufficient lighting to illuminate all areas for security and safety and shall comply with the provisions of Chapter 9.70, *Performance Standards* of this Code.
8. **Wheel Stops/Curbing.** Continuous concrete curbing at least six (6) inches high and six (6) inches wide, and a minimum of six (6) inches below grade shall be provided as follows:



- 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.  
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- 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.
- c. All parking lots shall have continuous concrete curbing around all parking areas, driveways, aisles and planters; wheel stops are not permitted in lieu of curbing, to protect landscaping, signage, structures and walls.

C. **Loading Areas**

Loading areas for freight, equipment or passengers shall be provided in accordance with Table 9.72.020-B and the following. Sites which cannot meet the dimension requirements for large delivery trucks shall limit deliveries to the hours between 12:00 a.m. and 8:00 a.m., except UPS and US Mail deliveries.

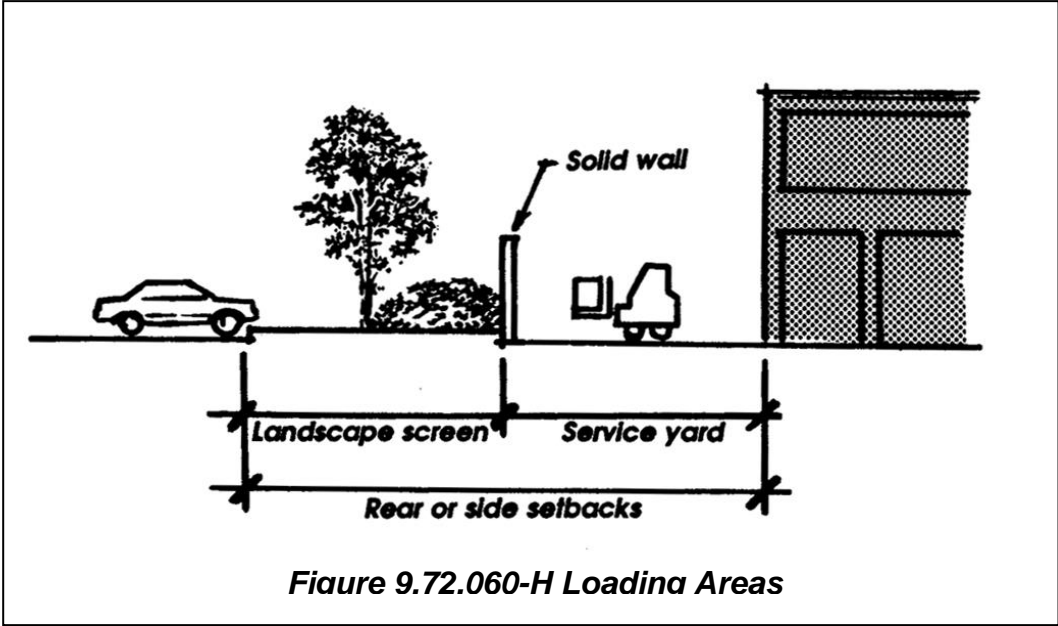
1. **Dimensions**

- a. Off-street loading facilities shall be a minimum of fifteen (15) feet by fifty (50) feet long with a minimum of fourteen (14) feet of vertical clearance.
- b. Where passenger loading facilities are required, such facilities shall be a minimum of fifteen (15) feet wide by forty (40) feet long.

2. **Location.** Loading spaces shall be located only in the side or rear portions of the lot, however, loading spaces shall not be located within any required setback adjacent to residential; and loading areas shall be:

- a. Adjacent to, or as close as possible to, the structures they serve;
- b. Located so as to provide for adequate maneuvering space on-site and not require maneuvering into public rights-of-way, alleys or into traffic lanes.
- c. Passenger loading spaces shall be located close to the structure entrance so that passengers are not required to cross lanes of traffic to reach the entrance.

- 3. **Hours of Operations.** Loading areas located within 200 feet of residential uses or districts shall not be operated between the hours of 10:00 p.m. and 7:00 a.m.
- 4. **Design Requirements**
  - a. Loading doors shall not face public rights-of-way, except alleys or local industrial streets.
  - b. Loading doors shall be screened from public rights-of-way and residential uses or districts by the use of wing walls, screening walls, landscaping or any combination thereof approved by the reviewing authority (Figure 9.72.060-H).
  - c. Screening and wing walls for the screening of loading areas shall be of sufficient height to screen the loading activity and shall be architecturally compatible with the primary structure on the site.
  - d. A line of sight analysis shall be provided with all site plans for which loading areas are proposed. Such analysis shall show that all loading doors are screened from public view from any right-of-way or adjacent residential use or district.
  - e. Loading spaces shall not encroach into any drive aisles or required parking spaces.
  - f. Wherever a loading space is adjacent to required parking spaces there shall be a protective landscaped buffer a minimum of five (5) feet in width separating them.



- D. **Bicycle Parking**
  - 1. Each bicycle parking space shall be a minimum of six (6) feet long and two (2) feet wide, exclusive of auto drive aisles and access areas and pedestrian access areas.
  - 2. Where provided, storage sheds for bicycles shall be a minimum of three (3) feet by six (6) feet by four (4) feet.
  - 3. Each bicycle parking space shall have a parking rack capable of supporting bicycles of various sizes in a vertical position.
  - 4. Bicycle parking racks shall be securely fastened to the surface with sufficient structural strength to resist vandalism and theft.
  - 5. Bicycle parking spaces shall be clustered in lots of not more than ten (10) spaces each and such lots shall be dispersed throughout the development.

**9.72.070 ACCESS STANDARDS FOR PARKING AND LOADING SPACES** (AMENDED ORD. 236, 239, 251, 265, 272, 383)

**A. Parking Access from Streets**

- 1. Parking areas shall provide adequate maneuvering area such that all vehicles may enter an abutting street in a forward motion. Single family residences are exempt from this requirement, however, semi-circular driveways within single family residential districts are encouraged.
- 2. Parking spaces shall not be accessed directly from a public street. Parking spaces shall be accessed from drive aisles within the parking facility.
- 3. Parking spaces shall not be located to require a vehicle to maneuver within twenty (20) feet of a vehicular entrance, measured from the property line.
- 4. Parking lots shall be designed to provide complete and through circulation wherever possible. In any case, adequate turning radii and turnarounds shall be provided for emergency vehicles and trash and delivery trucks.
- 5. Any structure which extends above a drive aisle shall have a minimum vertical clearance of fourteen (14) feet.
- 6. Two-way drive aisles shall be a minimum of twenty (20) feet and one-way drive aisles shall be a minimum of twelve (12) feet.

**B. Driveways and Ramps**

- 1. **Driveways.** For purposes of this Section, a driveway is an access from a public right-of-way or private street to a parking area or from one parking area to another. Driveways do not include ramps, aisles or maneuvering area. Driveways shall comply with the following:
  - a. Driveways for single family residences shall be at least twelve (12) feet wide and shall be maintained clear of all obstructions.
  - b. Driveways for single family residences shall include the area from the right-of-way to the designated parking area (i.e., garage, carport) and shall be no wider than such designated parking area.
  - c. Driveways for single-family attached, multi-family and nonresidential uses shall comply with the following:
    - 1) **Width, excluding flares or curb returns**

Minimum, one way	Sixteen (16) feet
Minimum, two way	Twenty-eight (28) feet
Maximum	Thirty-six (36) feet
    - 2) **Right turn radius**

Minimum	Fifteen (15) feet
Maximum	Twenty-five (25) feet
    - 3) **Minimum spacing**

From interior side	Ten (10) feet
From street corner	Forty (40) feet
From another driveway	Twenty (20) feet
- 2. **Ramps**
  - a. One-way ramps shall have a minimum width of fourteen (14) feet, unless a wider ramp is needed for emergency vehicle access.
  - b. Two-way ramps shall have a minimum width of twenty (20) feet.

**C. Gated Entries.**

- Gated entries, including those for single family detached residences, may be utilized subject to review and approval of the Town Engineer. Requests for gated entries shall include a study addressing the following:
- 1. The type and operation of the gate;

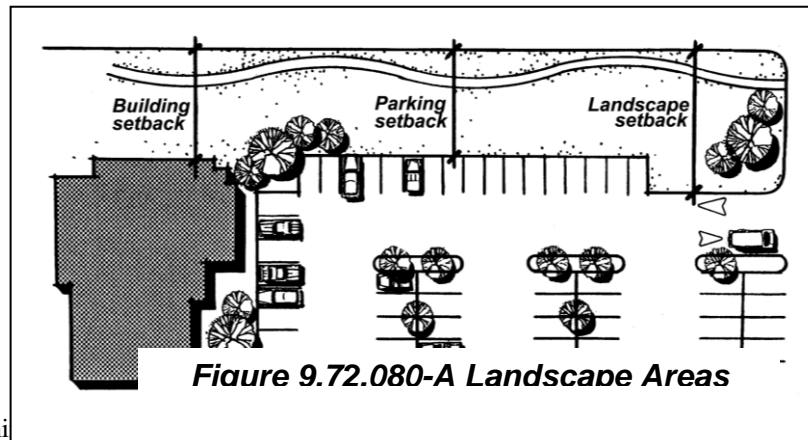
2. **Stacking Space.** Provide adequate vehicle stacking space at the rate of a minimum of twenty (20) feet per vehicle, for the use being served, as follows:
  - a. Single family detached residence, stacking space for one (1) vehicle;
  - b. All other residential uses, stacking space for three (3) vehicles;
  - c. Industrial uses, stacking space for six (6) vehicles;
3. **Turnaround area.** Provide a turnaround area outside the gate, except for single family detached residences;
4. Effect of the gated entry on parking usage and distribution on the site;
5. Effect of the gated entry on parking for adjacent uses; and
6. Emergency vehicle access.

**D. Access to Loading Areas.** Adequate on-site maneuvering area shall be provided for loading spaces. Access to loading areas shall not interfere with on-site vehicular or pedestrian traffic.

### 9.72.080 LANDSCAPING AND SCREENING REQUIREMENTS

Wherever any parking area, except for single family residences, is provided, landscaping consisting of trees, shrubs, groundcover, or combinations thereof, and permanent irrigation shall be installed and permanently maintained in accordance with the provisions of Chapter 9.75 *Water Conservation/Landscaping Regulations* of this Code, and the following standards:

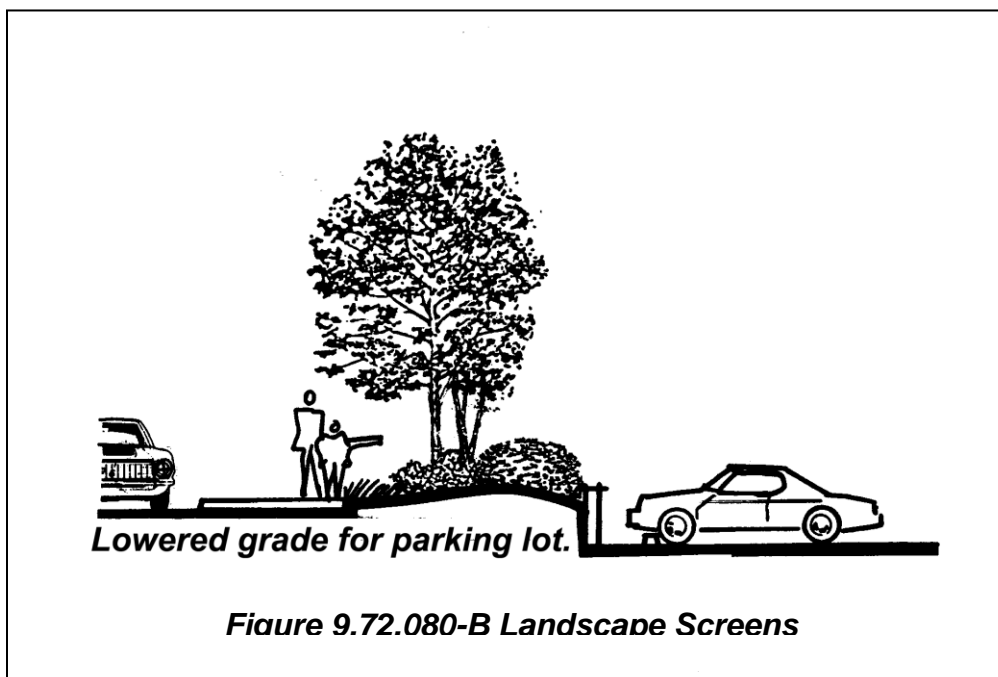
- A. **Landscape Coverage.** The minimum landscape coverage requirement of the underlying zoning district shall govern. In addition, the following minimum standards shall apply to the interior and perimeter of parking lots and may add to the site requirement. For the purposes of this Section the interior of a parking lot includes the parking stalls, aisles and maneuvering space.
  1. A minimum of five (5) percent of the interior of parking lots shall be landscaped.
  2. A landscaped strip with a minimum width of ten (10) feet shall be provided where parking lots are adjacent to a public right-of-way or residential uses or districts (Figure 9.72.080-A).



3. Provide a minimum of one (1) tree for every seven (7) parking spaces located so as to visually disrupt long rows of parking spaces, trees may be clustered where appropriate.
4. Landscaping along a property line abutting vacant property shall utilize a concrete curb, a block wall, or a mowing strip (at least four (4) inches wide and six (6) inches deep) along said property line for definition.
5. All landscaped areas shall be bordered by a concrete curb and shall be at least five (5) feet wide. Concrete mow strips at least four (4) inches wide and six (6) inches deep shall be used to separate turf areas from shrub areas.
6. Low walls, berms or landscaping, thirty-six (36) to forty-two (42) inches in height, as measured from the finished grade of the parking area, shall be used adjacent to public rights-of-way to screen

the parking area. The height of such wall or berm may be reduced where the parking lot grade is lowered (Figure 9.72.080-B).

7. All areas within a parking lot not used for driveways, maneuvering areas, parking spaces, aisles or walkways shall be permanently landscaped.
8. Parking and driveway areas in commercial and residential zoning districts shall be separated from buildings by a landscaped planter.
9. Where a drive aisle abuts the side of a parking space a landscaped planter shall separate the parking space from the drive aisle.



- B. *Landscape Maintenance.*** The required landscaping shall be maintained in a neat, clean and healthy condition. This shall include pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants where necessary, and the regular watering of all plant material.



## Planning Commission Agenda Report

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<b>DATE:</b>	October 7, 2020	<b>Item No. 6</b>
<b>CASE NUMBER:</b>	Development Code Amendment No. 2020-008	
<b>APPLICANT:</b>	Town of Apple Valley	
<b>PROPOSAL:</b>	An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code modifying provisions related to large and small recycling collection facilities.	
<b>LOCATION:</b>	Town wide	
<b>ENVIRONMENTAL DETERMINATION:</b>	Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.	
<b>CASE PLANNER:</b>	Pam Cupp, Senior Planner	
<b>RECOMMENDATION:</b>	Adopt Planning Commission Resolution No. 2020-006	

### **BACKGROUND**

At its April 14, 2020 meeting, the Town Council initiated a Development Code amendment to address recycling facilities. Items to be considered include permitted locations and operating standards.

### **ANALYSIS**

In 2019, California's largest operator of beverage container redemption centers announced it was immediately shutting down all locations, stating that reduced payments

from the state together with depressed pricing for scrap aluminum and plastic were the cause. Since then, the Town has recently seen a noticeable increase in inquiries and Special Use Permit applications for small recycling facilities. Beyond definitions of the types of recycling facilities and some screening requirements, there are no locational requirements beyond the zoning designations. This can make denying a permit difficult for staff where it can be seen that a small collection facility may not be in the most appropriate location.

Based on existing and prior recycling and collection centers, it is apparent that such facilities can attract elements that result in secondary effects upon neighboring properties. Such secondary effects may include, loitering, blight, illegal dumping or windblown trash, traffic impediments that endanger drivers and pedestrians, and other, similar, types of public nuisances. Given the increase in applications and requests, staff would like to take this opportunity to amend the existing Development Code regulations that will hopefully address some of the concerns listed above. Further, Development Code sections regulating recycling facilities have not been amended since the original Code was adopted.

Staff believes the proposed modifications will help reduce such secondary effects by implementing specialized requirements for particular locations aimed at preventing (or abating) public nuisances. Staff is recommending the following modifications:

- State certification will be required of all operators.
- Design and location requirements have been enhanced.
- The host business shall bear responsibility in maintaining the site in a debris free manner.
- A Special Use Permit shall be required for all Small Collection Facilities.
- Small collection facilities must be located within a convenience zone and only one (1) small collection facility shall be permitted per convenience zone.
- A Conditional Use Permit shall be required for all Large Collection Facilities.
- Large collection facilities shall no longer be permitted within the General Commercial (C-G), Regional Commercial (C-R) or Mixed Use (M-U) zoning designations, but could be permitted within the Planned Industrial (I-P) zone.
- Large Collection facilities would be required to maintain a minimum setback of 500 feet from residential zones or uses.
- Recycling centers and recycling plants would now be allowed within the Planned Industrial (I-P) zone, subject to a Conditional Use Permit.

Staff has prepared the following modifications for the Commission's consideration. Below are the proposed modifications shown with strike-thru/bold underlined. Sequential numbering appears within Draft Planning Commission Resolution No. 2020-006.

9.36.180 - Recycling Facilities

A. **Purpose.** The purpose of this Section is to increase citizen participation rates in recycling, improve material recovery levels and to reduce landfill dependency through the convenient location of recycling redemption and processing facilities while protecting the surrounding uses and neighborhood, consistent with the goals, objectives and policies of the Town General Plan.

B. **Applicability.** Recycling facilities shall be certified by the State of California and are subject to review in all commercial districts according to Table 9.35.030-A, Permitted Uses.

Site Clean-up Required. The operator and the host business of any recycling collection or processing facility shall, on a daily basis, remove any and all recyclable materials or solid wastes that have accumulated or are deposited outside the containers, bins, or enclosures intended as receptacles for these materials.

C. **Development Standards.** The review authority may relax or impose stricter standards at their discretion upon a finding that such modifications are reasonably necessary to implement the general intent of this chapter and the purposes of the Development Code. The criteria and standards for recycling facilities are as follows:

1. **Reverse Vending Machines.** Reverse vending machines located completely within a commercial or industrial building need not comply with the following criteria and standards. Such machines outside of a building shall be a permitted as an accessory use and shall comply with the standards of the zoning district in which they are located and the following criteria:

a. Machines shall be established in conjunction with a commercial use or community service facility that is in compliance with this Development Code and the building and fire codes of the Town.

b. Only one (1) machine or group of machines shall be permitted per commercial development.

c. Machines shall be located within thirty (30) feet of the entrance to the commercial structure on a surfaced site and shall not obstruct pedestrian or vehicular circulation.

Machines shall be setback a minimum of 100 feet from any residential use or zoning designation.

Machines shall not occupy parking spaces required by the primary use.

c. Machines shall occupy no more than fifty (50) square feet of floor space per installation, including any protective enclosure, and shall be no more than eight (8) feet in height.



- d. Machines shall be constructed and maintained with durable, waterproof and rustproof material. **The color of the machine shall be compatible with the colors utilized on the site upon which it is located.**
  - e. Machines shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.
  - f. Machines shall have a sign area of a maximum of four (4) square feet per machine, exclusive of operating instructions.
  - g. Machines shall be maintained in a clean, sanitary, and litter-free condition on a daily basis.
  - h. Operating hours shall be consistent with the primary commercial use.
  - i. Machines shall be illuminated to insure comfortable and safe operation if the operating hours are between dusk and dawn.
  - j. Machines shall maintain an adequate on-site refuse container for disposal of nonhazardous waste.
2. **Small Collection Facilities.** Small collection facilities shall comply with the standards of the zoning district in which they are located and the following criteria:
- a. Facilities shall be established in conjunction with a commercial use or community service facility that is in compliance with this Development Code and the building and fire codes of the Town.
  - b. Facilities shall be no larger than 500 square feet and **located within a convenience zone.**

**No more than one (1) small collection facility shall be permitted in each convenience zone. A "convenience zone" is the area within a one-half mile radius of a supermarket as defined within PRC 14509.4 and PRC 14562.5. In the event two or more permit applications are received for a convenience zone which does not possess a recycling facility, the development services director or his/her designee, in his/her discretion, may choose to allow a second facility based on other factors such as convenience of use for pedestrian and vehicular traffic safety, aesthetic and site compatibility.**

**Facilities shall be located upon a paved surface. When located within a parking lot, the facility may occupy no more than five (5) parking spaces, not including space that will be periodically needed for removal of materials or exchange of containers.**

**All previously approved or required drive aisles and vehicular circulation areas and access drives shall be maintained clear and unobstructed at all times.**

- c. Facilities shall not obstruct pedestrian or vehicular traffic **and must comply with the minimum front and street side yard setbacks for the zoning**

**designation, and be set back at least ten (10) feet from any other property line.**

**Facilities shall not be visible from the public right-of-way.**

**Recycling facilities shall be designed in a manner consistent with the architecture of the host business and are encouraged to use existing planters and site features when choosing a location.**

**The hours of operation shall be 9:00 a.m. to 7:00 p.m. or consistent with the primary commercial use on the site.**

- d. Facilities shall accept only glass, metals, plastic containers, papers and reusable items.

**Collection of scrap metal, solid wastes, yard wastes, or hazardous wastes as defined within Municipal Code Section 6.20.010 shall be prohibited.**

- e. Facilities shall use no power-driven processing equipment except reverse vending machines.
- f. Facilities shall use containers that are:
  - 1. Constructed and maintained with durable waterproof and rustproof material;
  - 2. Covered when the site is not attended;
  - 3. Secured from unauthorized entry or removal of material; and
  - 4. Of sufficient capacity to accommodate materials collected and the collection schedule.
- g. All recyclable material shall be stored in containers or in the mobile unit vehicle and shall not be left outside of containers when the attendant is not present.
- h. Facilities shall be maintained in a clean and sanitary manner free of litter and any other undesirable material.
- i. Noise levels shall not exceed sixty-five (65) dba as measured at the property lines of adjacent residential uses or districts.
- j. Facilities shall not be located within 100 feet of any residential use or district.
- k. Collection containers shall be clearly marked to identify the type of material that may be deposited, to identify the name and phone number of the operator of the facility, the hours of operation, and to display a notice that no material shall be left outside the recycling enclosure or containers.
- l. **A “No Loitering” sign shall be posted. Other** signs may be provided as follows:
  - 1. Recycling facilities may have identification signs with a maximum area of fifteen (15) percent per side of a structure or sixteen (16) square feet, whichever is larger. In the case of a wheeled facility, the side shall be measured from the ground to the top of the container.
  - 2. Signs shall be compatible with existing signs at the location.

- 3. Directional signs, with no advertising message, may be installed with the approval of the Director if necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way.
  - m. The recycling facility shall not harm or interfere with the required landscaping on the site.
  - n. No additional parking spaces shall be required for customers of a small collection facility located within the established parking lot of the primary use. One space will be provided for the attendant, if necessary.
  - o. An area for mobile recycling units shall be clearly marked to prohibit other vehicular parking during the hours when the mobile unit is scheduled to be present.
  - p. Occupation of parking spaces by the recycling facility and by the attendant shall not reduce the available parking spaces below the minimum number required by the primary use unless ~~the following conditions exist:~~
    - 4.—A a parking study shows that existing parking capacity is not fully utilized during the time that the recycling facility will be on the site. ~~;~~~~or~~—The approval **for shared parking** will be reconsidered after eighteen (18) months;
  - q. Facilities shall maintain an adequate on-site refuse container for disposal of non-hazardous waste.
3. **Large Collection Facilities.** Large collection facilities shall comply with the standards of the zoning district in which they are located and the following criteria:
- a. Large collection facilities **occupy over 500 square feet and shall be setback a minimum of 500 feet from any** ~~not be located adjacent to residential uses or districts.~~
  - b. The facility shall be screened from the public right-of-way by operating within an enclosed building, or within an area enclosed by a six (6)-foot high solid decorative masonry wall. Only truck trailers and overseas containers may be visible above the wall.
  - c. Structure setbacks and landscape requirements shall be as required in the zoning district in which the facility is located.
  - d. All exterior storage of material shall be in sturdy containers that are covered, secured and maintained in good condition. Storage containers for flammable materials shall be in containers constructed of nonflammable materials.
  - e. The site shall be maintained clean, sanitary and free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis.
  - f. Enough space shall be provided on-site for six (6) vehicles to circulate and drop off recyclable materials.
  - g. Four (4) parking spaces for employees plus one (1) space for each commercial vehicle operated by the facility shall be provided on-site.
  - h. Noise levels shall not exceed sixty-five (65) dba at the property lines.

- i. If the facility is within 500 feet of a residential use or district, it shall not operate between 7:00 p.m. and 7:00 a.m.
- j. Containers provided for the after hours donation of recyclable materials shall be of sturdy, rust proof construction, shall have sufficient capacity to accommodate the materials collected, and shall be secure from unauthorized entry or removal of materials; such containers shall be located at least ten (10) feet from any building.
- k. Donation areas shall be kept free of litter and any other undesirable material and the containers shall be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material may be left outside the recycling containers.
- l. The facility shall be clearly marked with the name and phone number of the operator and the hours of operation. Identification and informational signs shall comply with the provisions of the zoning district in which it is located. Directional signs, with no advertising message, may be installed with the approval of the Director if necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way.
- m. Power-driven processing, including aluminum foil and can compacting, bailing, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material, may be approved through the applicable review process.
- n. The facility shall maintain an adequate on-site refuse container for disposal of non-hazardous waste.

**Table 9.35.030-A Permitted Uses (Amended Ord. 520)**  
 (See Chapter 9.36 for applicable Specific Use Standards)

TYPE OF USE <sup>(1)</sup>	DISTRICT <sup>(1)</sup>					
	O-P	C-G	C-S	C-R	C-V	M-U
21. Recycling facilities for reusable domestic materials						
a. Reverse vending machines	-	P	P	P	P	P
b. <b>Small Collection Facility</b> Recycling Collection Point less than 500 sq ft	-	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>
c. <b>Large Collection Facility</b> Recycling Collection Point over 500 sq ft	-	= SUP	<u>CUP</u> SUP	= SUP	<u>CUP</u> SUP	= SUP
d. Recycling Center	-	-	CUP	-	-	-

- (1) All uses shall be conducted within a completely enclosed building unless the use is specifically permitted in this Chapter as an outdoor use or the outdoor use is specifically approved through a Conditional Use Permit or Special Use Permit.  
 CUP: Conditional Use Permit  
 P: Permitted Uses  
 SUP: Special Use Permit  
 "-": Denotes uses are prohibited

**Table 9.45.030-A Permitted Uses**  
 (See Chapter 9.46 for Specific Use Regulations)

TYPE OF USE (1)	I-P(2)	I-RE(2,3)
9. Recycling facilities for reusable domestic materials <b>(Subject to Section 9.36.180):</b>		
a. Reverse vending machines	P	P
b. <b><u>Small Collection Facility</u></b> Recycling Collection Point less than 500 sq ft	<b><u>SUP</u></b>	-
c. <b><u>Large Collection Facility</u></b> Recycling Collection Point over 500 sq ft Recycling	<b><u>CUP</u></b> <b><u>SUP</u></b>	-
d. Recycling Centers	<b><u>CUP</u></b>	-
e. Yard waste composting facilities, outdoors	-	-
f. Recycling Plants	<b><u>CUP</u></b>	-

- (1) All uses shall be conducted within a completely enclosed building unless the use is specifically permitted in this Chapter as an outdoor use or is specifically approved through a Conditional Use Permit or Special Use Permit.
- (2) CUP: Conditional Use Permit  
 P: Permitted uses  
 SUP: Special Use Permit  
 SM: Surface mining permit, requires Town Council review  
 "-": denotes uses are prohibited
- (3) Industrial activities other than mining or mineral extraction are permitted only after the site has been mined and the land reclaimed. Vacant land not previously used for mining may be used on an interim basis with approval of a Conditional Use Permit provided that such use does not preclude, in any way, future mining or mineral extraction operations.

**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 will modify the requirements for operating small and large recycling facilities in a manner that will help reduce secondary effects, such as loitering, blight, illegal dumping and windblown trash by implementing specialized requirements aimed at preventing (or abating) public nuisances. 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 modify the requirements for operating small and large recycling facilities in a manner that will help reduce secondary effects, such as loitering, blight, illegal dumping and windblown trash by implementing specialized requirements aimed at preventing (or abating) public nuisances. Therefore, 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. 2020-008 was advertised as a public hearing in the Apple Valley News newspaper on September 25, 2020.

**ENVIRONMENTAL REVIEW**

Development Code Amendment No. 2020-008 will modify and enhance the requirements necessary to operate a small or large recycling facility. 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. 2020-006 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. 2020-006

**PLANNING COMMISSION RESOLUTION NO. 2020-006**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2020-008 AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING SECTION 9.36.180 “RECYCLING FACILITIES”, TABLE 9.35.030-A “PERMITTED USES” OF CHAPTER 9.35 “COMMERCIAL AND OFFICE DISTRICTS” AND TABLE 9.45.030-A “PERMITTED USES” OF CHAPTER 9.45 “INDUSTRIAL DISTRICTS” AS IT RELATES TO ENTITLEMENTS, LOCATIONS, DESIGN AND OPERATING STANDARDS OF RECYCLING FACILITIES**

**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**, in 2019, California’s largest operator of beverage container redemption centers shut down all location and created an immediate demand for new recycling collection points;

**WHEREAS**, a noticeable increase in inquiries to operate small recycling collection facilities have been received and the Development Code does not contain location requirements beyond zoning;

**WHEREAS**, On April 14, 2020, the Town Council initiated a Development Code Amendment, directing staff to work with the Planning Commission to modify the development standards relating to recycling facilities;

**WHEREAS**, Specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by modifying Section 9.36.180 “Recycling Facilities”, Table 9.35.030-A “Permitted Uses” of Chapter 9.35 “Commercial And Office Districts” and Table 9.45.030-A “Permitted Uses” of Chapter 9.45 “Industrial Districts” as it relates to entitlements, locations, design and operating standards of recycling facilities; and

**WHEREAS**, on September 25, 2020, Development Code Amendment No. 2020-008 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and



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

**WHEREAS**, on October 7, 2020 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2020-008 receiving testimony from the public; and

**WHEREAS**, Development Code Amendment No. 2020-008 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. 2020-008 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.** Modify Paragraph B of Development Code Section 9.36.180 “Recycling Facilities” as follows:

“B. **Applicability.** Recycling facilities **shall be certified by the State of California** and are subject to review in all commercial districts according to Table 9.35.030-A, Permitted Uses.”

**Section 4.** Add new paragraph C, modify the first paragraph of renumbered paragraph D and replace Subsections D1, D2 and D3 of Development Code Section 9.36.180 “Recycling Facilities” as follows:

**“C. Site Clean-up Required.** The operator and the host business of any recycling collection or processing facility shall, on a daily basis, remove any and all recyclable materials or solid wastes that have accumulated or are deposited outside the containers, bins, or enclosures intended as receptacles for these materials.

**D. Development Standards.** The review authority may relax or impose stricter standards at their discretion upon a finding that such modifications are reasonably necessary to implement the general intent of this chapter and the purposes of the Development Code. The criteria and standards for recycling facilities are as follows:

1. **Reverse Vending Machines.** Reverse vending machines located completely within a commercial or industrial building need not comply with the following criteria and standards. Such machines outside of a building shall be a permitted as an accessory use and shall comply with the following criteria:
  - a. Machines shall be established in conjunction with a commercial use or community service facility that is in compliance with this Development Code and the building and fire codes of the Town.
  - b. Only one (1) machine or group of machines shall be permitted per commercial development.
  - c. Machines shall be located within thirty (30) feet of the entrance to the commercial structure on a surfaced site and shall not obstruct pedestrian or vehicular circulation.
  - d. Machines shall be setback a minimum of 100 feet from any residential use or zoning designation.
  - e. Machines shall not occupy parking spaces required by the primary use.
  - f. Machines shall occupy no more than fifty (50) square feet of floor space per installation, including any protective enclosure, and shall be no more than eight (8) feet in height.
  - g. Machines shall be constructed and maintained with durable, waterproof and rustproof material. The color of the machine shall be compatible with the colors utilized on the site upon which it is located.
  - h. Machines shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.
  - i. Machines shall have a sign area of a maximum of four (4) square feet per machine, exclusive of operating instructions.
  - j. Machines shall be maintained in a clean, sanitary, and litter-free condition on a daily basis.

- k. Operating hours shall be consistent with the primary commercial use.
  - l. Machines shall be illuminated to insure comfortable and safe operation if the operating hours are between dusk and dawn.
  - m. Machines shall maintain an adequate on-site refuse container for disposal of nonhazardous waste.
2. **Small Collection Facilities.** Small collection facilities shall comply with the standards of the zoning district in which they are located and the following criteria:
- a. Facilities shall be established in conjunction with a commercial use or community service facility that is in compliance with this Development Code and the building and fire codes of the Town.
  - b. Facilities shall be no larger than 500 square feet and located within a convenience zone.
  - c. No more than one (1) small collection facility shall be permitted in each convenience zone. A "convenience zone" is the area within a one-half mile radius of a supermarket as defined within PRC 14509.4 and PRC 14562.5. In the event two or more permit applications are received for a convenience zone which does not possess a recycling facility, the development services director or his/her designee, in his/her discretion, may choose to allow a second facility based on other factors such as convenience of use for pedestrian and vehicular traffic safety, aesthetic and site compatibility.
  - d. Facilities shall be located upon a paved surface. When located within a parking lot, the facility may occupy no more than five (5) parking spaces, not including space that will be periodically needed for removal of materials or exchange of containers.
  - e. All previously approved or required drive aisles and vehicular circulation areas and access drives shall be maintained clear and unobstructed at all times.
  - f. Facilities shall not obstruct pedestrian or vehicular traffic and must comply with the minimum front and street side yard setbacks for the zoning designation, and be set back at least ten (10) feet from any other property line.
  - g. Facilities shall not be visible from the public right-of-way.
  - h. Recycling facilities shall be designed in a manner consistent with the architecture of the host business and are encouraged to use existing planters and site features when choosing a location.
  - i. The hours of operation shall be 9:00 a.m. to 7:00 p.m. or consistent with the primary commercial use on the site.
  - j. Facilities shall accept only glass, metals, plastic containers, papers and reusable items.
  - k. Collection of scrap metal, solid wastes, yard wastes, or hazardous wastes as defined within Municipal Code Section 6.20.010 shall be prohibited.

- l. Facilities shall use no power-driven processing equipment except reverse vending machines.
- m. Facilities shall use containers that are:
  - 1. Constructed and maintained with durable waterproof and rustproof material;
  - 2. Covered when the site is not attended;
  - 3. Secured from unauthorized entry or removal of material; and
  - 4. Of sufficient capacity to accommodate materials collected and the collection schedule.
- n. All recyclable material shall be stored in containers or in the mobile unit vehicle and shall not be left outside of containers when the attendant is not present.
- o. Facilities shall be maintained in a clean and sanitary manner free of litter and any other undesirable material.
- p. Noise levels shall not exceed sixty-five (65) dba as measured at the property lines of adjacent residential uses or districts.
- q. Facilities shall not be located within 100 feet of any residential use or district.
- r. Collection containers shall be clearly marked to identify the type of material that may be deposited, to identify the name and phone number of the operator of the facility, the hours of operation, and to display a notice that no material shall be left outside the recycling enclosure or containers.
- s. A "No Loitering" sign shall be posted. Other signs may be provided as follows:
  - 1. Recycling facilities may have identification signs with a maximum area of fifteen (15) percent per side of a structure or sixteen (16) square feet, whichever is larger. In the case of a wheeled facility, the side shall be measured from the ground to the top of the container.
  - 2. Signs shall be compatible with existing signs at the location.
  - 3. Directional signs, with no advertising message, may be installed with the approval of the Director if necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way.
- t. The recycling facility shall not harm or interfere with the required landscaping on the site.
- u. No additional parking spaces shall be required for customers of a small collection facility located within the established parking lot of the primary use. One space will be provided for the attendant, if necessary.
- v. An area for mobile recycling units shall be clearly marked to prohibit other vehicular parking during the hours when the mobile unit is scheduled to be present.
- w. Occupation of parking spaces by the recycling facility and by the attendant shall not reduce the available parking spaces below the minimum number required by the primary use unless a parking study shows that existing parking capacity

is not fully utilized during the time that the recycling facility will be on the site. The approval for shared parking will be reconsidered after eighteen (18) months;

- q. Facilities shall maintain an adequate on-site refuse container for disposal of non-hazardous waste.
3. **Large Collection Facilities.** Large collection facilities shall comply with the standards of the zoning district in which they are located and the following criteria:
- a. Large collection facilities occupy over 500 square feet and shall be setback a minimum of 500 feet from any residential uses or districts.
  - b. The facility shall be screened from the public right-of-way by operating within an enclosed building, or within an area enclosed by a six (6)-foot high solid decorative masonry wall. Only truck trailers and overseas containers may be visible above the wall.
  - c. Structure setbacks and landscape requirements shall be as required in the zoning district in which the facility is located.
  - d. All exterior storage of material shall be in sturdy containers that are covered, secured and maintained in good condition. Storage containers for flammable materials shall be in containers constructed of nonflammable materials.
  - e. The site shall be maintained clean, sanitary and free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis.
  - f. Enough space shall be provided on-site for six (6) vehicles to circulate and drop off recyclable materials.
  - g. Four (4) parking spaces for employees plus one (1) space for each commercial vehicle operated by the facility shall be provided on-site.
  - h. Noise levels shall not exceed sixty-five (65) dba at the property lines.
  - i. If the facility is within 500 feet of a residential use or district, it shall not operate between 7:00 p.m. and 7:00 a.m.
  - j. Containers provided for the after hours donation of recyclable materials shall be of sturdy, rust proof construction, shall have sufficient capacity to accommodate the materials collected, and shall be secure from unauthorized entry or removal of materials; such containers shall be located at least ten (10) feet from any building.
  - k. Donation areas shall be kept free of litter and any other undesirable material and the containers shall be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material may be left outside the recycling containers.
  - l. The facility shall be clearly marked with the name and phone number of the operator and the hours of operation. Identification and informational signs shall comply with the provisions of the zoning district in which it is located. Directional signs, with no advertising message, may be installed with the

approval of the Director if necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way.

- m. Power-driven processing, including aluminum foil and can compacting, bailing, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material, may be approved through the applicable review process.
- n. The facility shall maintain an adequate on-site refuse container for disposal of non-hazardous waste.

**Section 5.** Modify Development Code Paragraph 21 of Table 9.35.030-A “Permitted Uses” of Chapter 9.35 “Commercial and Office Districts” as follows:

TYPE OF USE <sup>(1)</sup>	DISTRICT <sup>(1)</sup>					
	O-P	C-G	C-S	C-R	C-V	M-U
21. Recycling facilities for reusable domestic materials						
a. Reverse vending machines	-	P	P	P	P	P
b. Small Collection Facility Recycling Collection Point less than 500 sq ft	-	SUP	SUP	SUP	SUP	SUP
c. <b>Large Collection Facility</b> Recycling Collection Point over 500 sq ft	-	-	CUP	-	CUP	-
d. Recycling Center	-	-	CUP	-	-	-

**Section 6.** Modify Development Code Paragraph 9 of Table 9.45.030-A “Permitted Uses” of Chapter 9.45 “Industrial Districts” as follows:

TYPE OF USE <sup>(1)</sup>	I-P <sup>(2)</sup>	I-RE <sup>(2,3)</sup>
9. Recycling facilities for reusable domestic materials (Subject to Section 9.36.180):		
a. Reverse vending machines	P	P
b. Small Collection Facility Recycling Collection Point less than 500 sq ft	SUP	-
c. Large Collection Facility Recycling Collection Point over 500 sq ft Recycling	CUP	-
d. Recycling Centers	CUP	-
e. Yard waste composting facilities, outdoors	-	-
f. Recycling Plants	CUP	-

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 7th day of October 2020.

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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 7<sup>th</sup> day of October 2020, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Ms. Maribel Hernandez, Planning Commission Secretary





## Planning Commission Agenda Report

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**DATE:** October 7, 2020 **Item No. 7**

**CASE NUMBER:** Development Code Amendment No. 2020-009

**APPLICANT:** Town of Apple Valley

**PROPOSAL:** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code modifying Chapter 9.77 "Wireless Telecommunication Facilities" as it relates to general requirements, setback and separation distance reductions, and expanding on locations where towers can be placed with approval of a Conditional Use Permit.

**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, where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**CASE PLANNER:** Daniel Alcayaga, AICP, Planning Manager

**RECOMMENDATION:** Adopt Planning Commission Resolution No. 2020-007

### **BACKGROUND**

On July 14, 2020, the Town Council initiated a Development Code Amendment to modify the Wireless Telecommunication Facilities regulations to provide more options for the placement of wireless telecommunication towers. The initiation occurred during a discussion of an appeal of a Planning Commission denial of a 75-foot tall wireless telecommunication tower stealth as mono eucalyptus to the rear of a Fire Station at 19235 Yucca Loma Road. The Council agreed that the site was too small and too close to residential to accommodate two towers and questioned if surrounding commercial and church sites could support new towers if the code were amended to provide data/wireless carriers more options. The Council upheld the Commission's denial but acknowledged tower's critical role in transmitting emergency calls by the public and a need to accommodate more facilities given the public's growing demand for cell phone usage.

**Development standards:** All new wireless telecommunication towers in the Town of Apple Valley require approval of a Conditional Use Permit (CUP) to be approved by the Planning Commission. Towers are incentivized to be placed within preferred locations by granting a 50% reduction to setback and separation distance standards, listed below, and allowed to go up to 75 feet in height. The maximum height for non-preferred locations is 50 feet. Preferred locations are generally considered parks, schools, golf courses, public facilities, and certain church and commercial/industrial developments. Wireless telecommunication towers can also locate within the commercial, office, industrial, and open space districts, but are not offered code deficiency allowances. All towers are expressly prohibited in all residential zones. All towers must be stealth or camouflaged. Towers placed within non-preferred locations are subject to the following standards:

- **Setbacks:** Towers must be setback a distance equal to at least 75% of the height of the tower from any adjoining lot line
- **Height allowance:** 50 feet
- **Distance from residential uses/zones:** Towers must have a 1,000-foot separation from any residentially developed property or district, including multi-family developments
- **Distance between other towers:**
  - Monopoles 50 feet in height or less must be a least 750 feet away from another monopole
  - Monopoles 50 feet in height or greater must be 1,500 feet away from another monopole

Towers placed within preferred locations qualify for a height increase of 75 feet, and a 50% reduction in these setback and distance separation standards.

**ANALYSIS**

To provide data/wireless carriers more options, it is recommended that the acreage requirements for church and commercial developments, which are considered preferred locations, be decreased. Any church as the sole occupant of a site at least three acres in size would be required one acre to be considered a preferred location. Any commercially designated property of at least five (5) acres in size would be required one acre to be considered a preferred location. Additionally, commercially designated property of at least one acre in size with a minimum of 30,000 square feet of developed structures on site would be required 10,000 square feet of developed structures to be considered a preferred location.

To provide cell phone carriers more options, the setback and distance separation standards are proposed to be reduced from 50% to 30% for preferred locations. This has the potential to have a tower located as close as 300 feet from a residential property. Most commercial and church developments of one acre in size cannot support a tower unless the separation distances are also reduced. Wireless telecommunication towers would continue to be prohibited within residential zones and residentially developed properties.

Attached to this staff report are two maps – 1) map of existing preferred locations and 2) map of proposed modifications to preferred locations. The second map, proposed modifications to preferred locations, show circles representing areas where new properties are located that will be considered preferred locations by this code amendment.

Amend Section 9.77.180 as follows:

**9.77.180 Preferred Locations**

The Town of Apple Valley hereby establishes “Preferred Locations” for the placement of telecommunications facilities. These locations are shown upon Figure 9.77.180 “Preferred Locations” below. Additional preferred locations may be established by the Commission from time to time as needed by the community at the time of submittal of a Conditional Use Permit request for properties if such property conforms to the following:

- any public park;
- any private park, open to the public;
- any public school;
- any private school as the sole occupant of a site at least five (5) acres in size;
- any church as the sole occupant of a site at least ~~three (3)~~ **one** acres in size;
- any commercially designated property of at least ~~five (5)~~ **one** acres in size with a minimum of ~~30,000~~ **10,000** square feet of developed structures on site;
- any developed industrially zoned property;
- any public or private golf courses;
- any existing public facilities such as a water tank, police or fire stations.

Telecommunications facilities placed upon or within such preferred locations shall be located in a manner so that the main structure on site is located between the facility and the main public right-of-way serving the site.

The development standards and criteria for siting Telecommunication facilities on or within a Preferred Location as defined within this Chapter 9.77 “Wireless Telecommunications Towers and Antennas” for setback and separation distances may be reduced by ~~fifty~~ **thirty** percent (~~50%~~ **30%**). This reduction may not be combined with the reductions allowed in Section 9.77.190 below for multiple users (co-location) on the same pole or within the same structure.

**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 specifically addressing wireless telecommunication facilities within the Town relative to expansions and collocation facilities. 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 allow for the expansion of existing wireless telecommunication facilities within the Town of Apple Valley. These standards are proposed with the specific intent of allowing expansions or collocation facilities and will 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. 2020-009 was advertised as a public hearing in the Apple Valley News newspaper on September 25, 2020.

**ENVIRONMENTAL REVIEW**

Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**RECOMMENDATION**

Following receipt of public input and discussion by the Commission, it is recommended that the Commission move to approve Planning Commission Resolution No. 2020-007 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. 2020-007

1. Map of Existing Preferred Locations
2. Map of Proposed Modifications to Proposed Locations

**PLANNING COMMISSION RESOLUTION NO. 2020-007**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2020-009 AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING CHAPTER 9.77 “WIRELESS TELECOMMUNICATION FACILITIES” AS IT RELATES TO GENERAL REQUIREMENTS, SETBACK AND SEPARATION DISTANCE REDUCTIONS, AND EXPANDING ON LOCATIONS WHERE TOWERS CAN BE PLACED WITH APPROVAL OF A CONDITIONAL USE PERMIT.**

**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 July 14, 2020, the Town Council initiated a Development Code Amendment, directing staff to modify Chapter 9.77 “Wireless Telecommunication Facilities” to expand on locations from where wireless telecommunication towers can be permitted with a Conditional Use Permit given that towers play a critical role in transmitting emergency calls by the public and the public’s growing demand for cell phone usage.

**WHEREAS**, on September 25, 2020, Development Code Amendment No. 2020-009 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, 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; and

**WHEREAS**, on October 7, 2020 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2020-009 receiving testimony from the public; and

**WHEREAS**, Development Code Amendment No. 2020-009 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. 2020-009 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 9.77.180, Preferred Locations, of the Town of Apple Valley Development Code to read as follows:

The Town of Apple Valley hereby establishes “Preferred Locations” for the placement of telecommunications facilities. These locations are shown upon Figure 9.77.180 “Preferred Locations” below. Additional preferred locations may be established by the Commission from time to time as needed by the community at the time of submittal of a Conditional Use Permit request for properties if such property conforms to the following:

- any public park;
- any private park, open to the public;
- any public school;
- any private school as the sole occupant of a site at least five (5) acres in size;
- any church as the sole occupant of a site at least ~~three (3)~~ **one** acres in size;
- any commercially designated property of at least ~~five (5)~~ **one** acres in size with a minimum of ~~30,000~~ **10,000** square feet of developed structures on site;
- any developed industrially zoned property;
- any public or private golf courses;
- any existing public facilities such as a water tank, police or fire stations.

Telecommunications facilities placed upon or within such preferred locations shall be located in a manner so that the main structure on site is located between the facility and the main public right-of-way serving the site.

The development standards and criteria for siting Telecommunication facilities on or within a Preferred Location as defined within this Chapter 9.77 “Wireless Telecommunications Towers and Antennas” for setback and separation distances may

be reduced by ~~fifty~~ **thirty** percent (~~50%~~**30%**). This reduction may not be combined with the reductions allowed in Section 9.77.190 below for multiple users (co-location) on the same pole or within the same structure.

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 7<sup>th</sup> day of October 2020.

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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 7th day of October 2020, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Ms. Maribel Hernandez, Planning Commission Secretary