



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA**

WEDNESDAY, NOVEMBER 4, 2020

Regular Meeting 6:00 p.m.

Town Council Chambers
14955 Dale Evans Parkway

PLANNING COMMISSION MEMBERS

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

PLANNING DIVISION OFFICE: (760) 240-7000 Ext. 7200
www.AVPlanning.org

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



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY NOVEMBER 4, 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

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

(1) COMMENTS AND CONTACT INFORMATION CAN BE EMAILED TO PUBLICCOMMENT@APPLEVALLEY.ORG BY 3:00 P.M. THE DAY OF THE SCHEDULED MEETING TO BE INCLUDED IN THE WRITTEN RECORD;

(2) A REQUEST TO SPEAK CAN BE EMAILED TO PUBLICCOMMENT@APPLEVALLEY.ORG AND AT THE TIME OF THE REQUESTED AGENDA ITEM, THE PLANNING COMMISSION SECRETARY WILL PLACE A PHONE CALL TO THE COMMENTER AND ALLOW THEM TO SPEAK TO THE COMMISSION VIA SPEAKER PHONE DURING THE LIVE MEETING FOR UP TO THREE MINUTES. PLEASE INDICATE ON WHICH ITEM YOU WISH TO SPEAK.

Materials related to an item on this agenda, submitted to the Commission after distribution of the agenda packet, are available for public inspection in the Town Clerk's Office at 14955 Dale Evans Parkway, Apple Valley, CA during normal business hours. Such documents are also available on the Town of Apple Valley website at www.applevalley.org subject to staff's ability to post the documents before the meeting.

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

REGULAR MEETING

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

CALL TO ORDER

ROLL CALL

Chairman Kallen _____; Vice-Chairman Harrison _____
Commissioners: Tinsley _____; Arias _____; 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 October 21, 2020.

PUBLIC HEARING ITEMS

2. **Tentative Parcel Map No. 20208.** A request to approve a Tentative Parcel Map to subdivide a 2.2-acre parcel into two (2) single-family residential lots with a minimum lot size of one (1) acre. The project is located within the equestrian residential (R-EQ) zoning designation.

APPLICANT: Merrell Johnson Companies representing Manuel and Yadira Gutierrez

LOCATION: 10998 Navajo Road; APN 0434-461-16

ENVIRONMENTAL

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

CASE PLANNER: Pam Cupp, Senior Planner

RECOMMENDATION: Approval

3. **Development Code Amendment No. 2020-003.** Consideration of an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code relating to the design and operating standards of drive-thru uses. Standards under review

for modification include, site development standards, vehicle stacking, and incorporating language to allow for flexible application of these requirements.

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. 2020-009

OTHER BUSINESS

PLANNING COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT

The Planning Commission will adjourn to the regular Planning Commission Meeting on November 18, 2020.

MINUTES

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

OCTOBER 21, 2020

CALL TO ORDER

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

Roll Call

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

Absent:

Staff Present

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Tinsley

APPROVAL OF MINUTES

1. Minutes for the Regular Meeting of October 7, 2020.

MOTION

Motion by Vice-Chairman Harrison, Second Commissioner Arias to approve the minutes of October 7, 2020.

ROLL CALL VOTE

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

Noes: None

Abstain: None
Absent: None

The motion carried by a 5-0-0-0 vote.

PUBLIC COMMENTS

None

PUBLIC HEARINGS

- 2. Development Permit No. 2020-007 and Variance No. 2020-001.** *(Continued from October 7, 2020).* 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.

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

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

Ryan McGowan, Applicant was available by phone.

Commissioner Lanyon asked about the garden area and feels it may not be maintained as well as if the property management would maintain it.

Ms. Cupp said the garden area was for the personal use of the tenant to allow them to plant what they choose.

Vice-Chairman Harrison said he drove the area around this project and noticed many cars parked out on the street, and on vacant lands but also noticed well managed properties, that was not an issue.

Chairman Kallen asked if, with current Multifamily Ad HOC Committee discussion, would there be an opportunity of potential phasing of this project and allow for the reduction in parking.

Commissioner Arias said this was a timing issue with the current discussions with the Ad Hoc Committee, and do not know if Council will approve their recommendations.

Mr. McGowan said the 3 feet garden area was intended as an amenity for tenants to have their own garden to grow as they choose. And as for the garages, they anticipate the tenants using them for parking as these units are more of a high-end Townhome style.

Vice-Chairman Harrison asked Mr. McGowan about the reference on his application on page 2-20 Special Circumstances, 3 parking spaces for unit.

Mr. McGowan said they knew of the Ad Hoc Committee and anticipated a change in the code to lower the parking demand to be like surrounding cities.

Chairman Kallen asked Mr. McGowan if he agreed with the conditions of approval as amended.

Mr. McGowan agrees with the amended conditions of approval.

Chairman Kallen closed the public hearing at 6:20pm.

Chairman Kallen asked Vice-Chairman Harrison and Commissioner Arias what their thoughts were, since both are member of the Multifamily AD Hoc Committee.

Commissioner Arias said the Committee did have a discussion to keep the parking standards in line with surrounding cities and it appears the Town's parking standards are excessive.

Lori Lamson, Assistant Town Manager said she did some calculation of the proposal on what will be taken to Council and the committee recommended 2.5 parking spaces which would put the current project at 35 parking spaces which is well under what is being provided.

Discussion ensued regarding Condition P8, which requires the applicant to submit the project consistent with the current Code. It was determined that if the Code is modified to allow the proposed parking reduction, the plans could be revised accordingly in the future if the changes occur.

Discussion ensued regarding the requested Variance and the inability to make the Findings required for approval.

Condition P22 was added at the request of the Town Attorney as follows:

"The applicant agrees to not pursue litigation against the Town of Apple Valley in the event the Development Code is not modified to reduce the required parking for three (3) bedroom apartment units to three (3) or less spaces per unit.

Chairman Kallen asked Mr. McGowan if he agreed with the conditions of approval as amended.

Mr. McGowan agrees with the amended conditions of approval.

MOTION

Motion by Commissioner Tinsley seconded Chairman Kallen to approve Development Permit No. 2020-007 and denial of Variance No. 2020-001 adding an additional condition as amended:

Should the Development Code parking requirements be reduced prior to project completion, the plan may be revised to three (3) bedroom units or construction of up to fourteen (14), three (3) bedroom units may be permitted.

Condition P22 was added at the request of the Town Attorney as follows:

“The applicant agrees to not pursue litigation against the Town of Apple Valley in the event the Development Code is not modified to reduce the required parking for three (3) bedroom apartment units to three (3) or less spaces per unit.

ROLL CALL VOTE

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

The motion carried by a 5-0-0-0 vote.

- 3. Development Code Amendment No. 2020-010.** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code to add regulations relating to nuisance lighting and glare between residential properties. This amendment will also consider removal of all references relating to the "Dark Sky Policy".

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

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

Discussion ensued regarding the historical context relating to the proposed amendment.

Being that there is no one from the public to comment on this item Chairman Kallen closed the public hearing at 6:45p.m.

MOTION

Motion by Chairman Kallen, second Commissioner Arias to approve Planning Commission Resolution No. 2020-008.

ROLL CALL VOTE

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

Noes: None

Absent: None

The motion carried by a 5-0-0-0 vote.

OTHER BUSINESS

None

PLANNING COMMISSION COMMENTS

Commissioner Arias said the Ad Hoc Committee meeting was very productive and thanked staff for setting it up.

Vice-Chairman Harrison asked if a sign could be placed at the new Starbuck directing traffic, so they do not accidently drive into the drive thru.

STAFF COMMENTS

Mr. Alcayaga updated the Planning Commission on upcoming items for the next meeting.

ADJOURNMENT

Motion by Commissioner Arias, Second by Vice-Chairman Harrison, and unanimously carried, to adjourn to the next regular meeting of the Planning Commission on November 4, 2020.

Respectfully Submitted by:

Maribel Hernandez
Planning Commission Secretary

Approved by:

Vice-Chairman, Bruce Kallen



Planning Commission Agenda Report

Date: November 4, 2020 Item No. 2

To: Planning Commission

Case Number: Tentative Parcel Map No. 20208

Applicant: Merrell Johnson Companies representing Manuel and Yadira Gutierrez

Proposal: A REQUEST TO APPROVE A TENTATIVE PARCEL MAP TO SUBDIVIDE A 2.2 ACRE PARCEL INTO TWO (2) SINGLE-FAMILY RESIDENTIAL LOTS WITH A MINIMUM LOT SIZE OF ONE (1) ACRE. THE PROJECT IS LOCATED WITHIN THE EQUESTRIAN RESIDENTIAL (R-EQ) ZONING DESIGNATION.

Location: 10998 Navajo Road; APN 0434-461-16

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

Prepared By: Pam Cupp, Senior Planner

Recommendation: Approval

PROJECT SITE AND DESCRIPTION

- A. Project Size:
The existing parcel is approximately 2.2 acres in size.
- B. General Plan Designations:
- Project Site - Single Family Residential (R-SF)
 - North - Single Family Residential (R-SF)
 - South - Single Family Residential (R-SF)
 - East - Estate Residential (R-E)
 - West - Single Family Residential (R-SF)

C. Surrounding Zoning and Land Use:

- Project Site - Equestrian Residential (R-EQ), Single-family residence
- North - Equestrian Residential (R-EQ), Single-family residence
- South - Equestrian Residential (R-EQ), Single-family residence
- East - Estate Residential (R-E) Single-family residence
- West - Equestrian Residential (R-EQ), Single-family residence

D. Site Characteristics:

The existing site contains a single-family home on the northern portion of the property. The property has a gentle slope downward from the southwest with no apparent drainage courses. The surrounding properties have been previously developed with single-family homes.

ANALYSIS

A. General:

The applicant is requesting Planning Commission review and approval of a Tentative Parcel Map that will subdivide 2.2 acres into two (2) lots. The project is located within the Equestrian Residential (R-EQ) zoning designation and proposes a minimum lot size on one (1) acre. The Equestrian Residential (R-EQ) zoning designation requires that each lot is a minimum of 0.4 net acres in size, with a minimum lot width of 100 feet and a minimum lot depth of 150 feet.

The proposed subdivision will create two (2) lots. Parcel 1 will be 1.2 acres in size with a lot width of 177.3 feet and a lot depth of 286.1 feet. Parcel 2 will be one (1) acre in size with a lot width of 152.4 feet and a lot depth of 286.1 feet. The lot configurations proposed are consistent with those located to the north and south. The proposed lots are in compliance with Development Code standards and Measure "N".

The existing parcel contains a single-family residence which would be located on Parcel No. 1 and complies with all required setbacks as applicable to the proposed lot. There are two (2) accessory structures that would be encroaching into the proposed side yard setback of ten (10) feet. Condition No. P12 requires that all accessory structures comply with the minimum setbacks for the Equestrian Residential (R-EQ) zoning designation.

The property is located within the R-EQ zone; therefore, the project is subject to the Town's Multi-use and equestrian trails standards. The project is located along a Lifeline Trail as identified on General Plan Exhibit II-9 "The Town of Apple Valley Recreation Trail System." As a secondary road, the project requires a fourteen (14)-foot wide easement parallel to the right-of-way for the development of the lifeline trail. Twelve (12) feet is required for the trail with an additional two (2) feet required for landscaping in front of the subdivision wall. The project will not require any subdivision walls, or street improvements; however, staff is recommending the applicant dedicate a fourteen (14)-foot wide Lifeline Trail

easement, adjacent to the right-of-way, for the future construction of a Lifeline Trail. The property has existing ranch style fencing currently located within the right-of-way of Navajo Road. Staff is recommending Condition P13, requiring this fence to be relocated to the edge of right-of-way prior to recordation of the final map. Although the Development Code requires a minimum five (5)-foot setback for a fence, the Lifeline Trail development standards require this type of fence be constructed adjacent to the right-of-way, without a setback.

1. Traffic and Circulation

The project site has approximately 329 feet of frontage on Navajo Road, which is a paved road providing two (2) points of paved access to the subdivision. Development Code Section 9.71.020 "General Subdivision Standards" states the following:

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

The proposed subdivision is located mid-block and there is no curb, gutter or sidewalk along or adjacent to the proposed subdivision. Engineering is not recommending any additional street improvements for this subdivision. Engineering is recommending four (4) feet of road dedication be granted to the Town.

2. Drainage

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

3. Sewer Connection

The proposed lot sizes allow for the use of underground disposal systems. No additional improvements are recommended by the Public Works Division.

Based upon the information provided, implementation of development standards and Conditions of Approval, the proposed two (2)-lot subdivision will not produce adverse impacts upon the site nor surrounding properties. The project site is designated for single-family development and is within, and adjacent to, Equestrian Residential (R-EQ) zoning designations which will allow the property owner to develop the property in a manner that is consistent with the Town's goals and objectives to promote single-family residential development.

B. Environmental Assessment:

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

C. Noticing:

The public hearing for proposed Tentative Parcel Map No. 20208 was legally noticed on October 23, 2020.

D. Findings:

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

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

Comment: The subject property has a General Plan land use designation of Single Family Residential (R-SF) and zoning designation of Equestrian Residential (R-EQ) and, by its size, shape and configuration, the property has the ability to be used in a manner consistent with the General Plan Land Use Element and zoning designations. The project is a proposal to divide 2.2 acres into two (2) lots and, with adherence to the recommended conditions, will meet the minimum requirements for lot size, width and depth as prescribed by the Code.

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

Comment: The proposal consists of a land subdivision located on residentially designated land for the purpose of future residential development at the density allowed by the underlying zoning. The proposed subdivision will allow the property owner to develop the property in a manner that is consistent with the Town's General Plan Goals and Objectives to promote single-family residential development.

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

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

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

Comment: The project is a residential land subdivision. Public sewer is not available to site at this time; however, the proposed lot sizes allow for the use of underground disposal systems. Therefore, the project will not effect the existing sewer system.

RECOMMENDATION

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

1. Find that pursuant to the California Environmental Quality Act (CEQA), Section No. 15315, the proposed request is Exempt from further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve Tentative Parcel Map No. 20208, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

ATTACHMENTS:

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

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL
Tentative Parcel Map No. 20208

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

Planning Division Conditions of Approval

- P1. This tentative subdivision shall comply with the provisions of the State Subdivision Map Act and the Town Development Code. This tentative approval shall expire three (3) years from the date of approval by the Planning Commission/Town Council. A time extension may be approved in accordance with the State Map Act and Town Ordinance, if an extension application is filed and the appropriate fees are paid thirty (30) days prior to the expiration date. The Tentative Parcel Map becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. Prior to approval of the Final Map, the following agencies shall provide written verification to the Planning Division that all pertinent conditions of approval and applicable regulations have been met:
- a. Apple Valley Fire Protection District
 - b. Rancharitos Mutual Water Company
 - c. Apple Valley Public Works Division
 - d. Apple Valley Engineering Division
 - e. Apple Valley Planning Division
- P3. The filing of a Notice of Exemption requires the County Clerk to collect a documentary handling fee of fifty dollars (\$50.00). The fee must be paid in a timely manner in accordance with Town procedures. The check shall be delivered to the Planning Division for processing and be made payable to the Clerk of the Board of Supervisors, 385 North Arrowhead, 2nd Floor, San Bernardino, CA 92415..
- P4. Tentative Parcel Map No. 20208 shall adhere to all requirements of the Development Code.
- P5. The applicant shall defend at his sole expense (with attorneys approved by the Town) and indemnify the Town against any action brought against the Town, its agents, officers or employees resulting from or relating to this approval. The applicant shall reimburse the Town, its agents, officers or employees for any judgment, court costs and attorney's fees which the Town, its agents, officers or

employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of these obligations under this condition.

- P6. Approval of the Tentative Parcel Map No. 20208 by the Planning Commission is understood as acknowledgement of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, Appeals, of the Town of Apple Valley Development Code.
- P7. 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. Prior to the issuance of a Grading Permit, a study by a qualified Native Plant Expert shall be prepared to determine if the identified trees will be saved, located or removed, in compliance with the Town's Native Plant Protection Ordinance.
- P8. The project shall conform to the Equestrian Residential (R-EQ) development standards for front, side and rear yard-building setbacks.
- P9. If the tract/parcel map is adjacent to existing development, a fence/wall plan shall be submitted with the grading and landscape/irrigation plans to identify how new fencing or walls will relate to any existing fences or walls located around the perimeter of the tract/parcel map. The developer shall be required to connect to the existing fencing/walls or collaborate with the adjacent property owners to provide new fencing/walls and remove the existing fence/wall, both options at the developer's expense. Double fencing shall be avoided and review and approval of the fencing/wall plan is required prior to issuance of grading permits.
- P10. All new development of residential structures shall be designed and constructed in compliance with the "Single Family Infill Plotting Criteria" subject to the review and approved by the Planning Division.
- P11. Landscape and irrigation plans shall be submitted prior to the issuance of Building Permits in accordance with Chapter 9.31 "Residential Design Standards" and Chapter 9.75 "Water Conservation/Landscape Regulations" of the Development Code and installed prior to issuance of occupancy permits subject to approval by the Planning Division.
- P12. Prior to map recordation, all accessory structures shall be relocated in compliance with the minimum setbacks as required by the Equestrian Residential (R-EQ) zoning designation.
- P13. Prior to map recordation, the fencing along Navajo Road shall be relocated to the ultimate edge of right-of-way as required by the Lifeline Trail standards.

Park District Conditions of Approval

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

Engineering Division Conditions of Approval

EC1. A 44-ft wide, half-width road dedication along Navajo Road shall be granted to the Town of Apple Valley prior to Final Map Approval.

EC2. A fourteen (14)-foot wide Lifeline Trail easement adjacent to the right-of-way along Navajo Road shall be granted to the Town of Apple Valley prior to Final Map Approval.

EC3. The developer shall present evidence to the Town Engineer that he has made a reasonable effort to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.

Public Works Division Conditions of Approval

No Conditions

Fire Protection District Conditions of Approval

FD1. The above referenced project is protected by the Apple Valley Fire Protection District. Prior to construction occurring on any parcel, the owner shall contact the Fire District for verification of current fire protection development requirements.

FD2. All new construction shall comply with applicable sections of the California Fire Code, California Building Code, and other statutes, ordinances, rules, and regulations regarding fires and fire prevention adopted by the State, County, or Apple Valley Fire Protection District.

FD3. The development and each phase thereof shall have two points of paved access for fire and other emergency equipment, and for routes of escape which will safely handle evacuations. Each of these points of access shall provide an independent route into the area in which the development is located. This shall be completed prior to any combustible construction.

FD4. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

New dwelling addresses shall be posted with a minimum of 4-inch numbers visible from the street, and during the hours of darkness the numbers shall be

internally illuminated. Where building setbacks exceed 75 feet from the roadway, additional contrasting 4-inch numbers shall be displayed at the property entrance.

FD5. 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 on 8" minimum water main size.

Duration 2 Hour

Hydrant Spacing 660 Feet

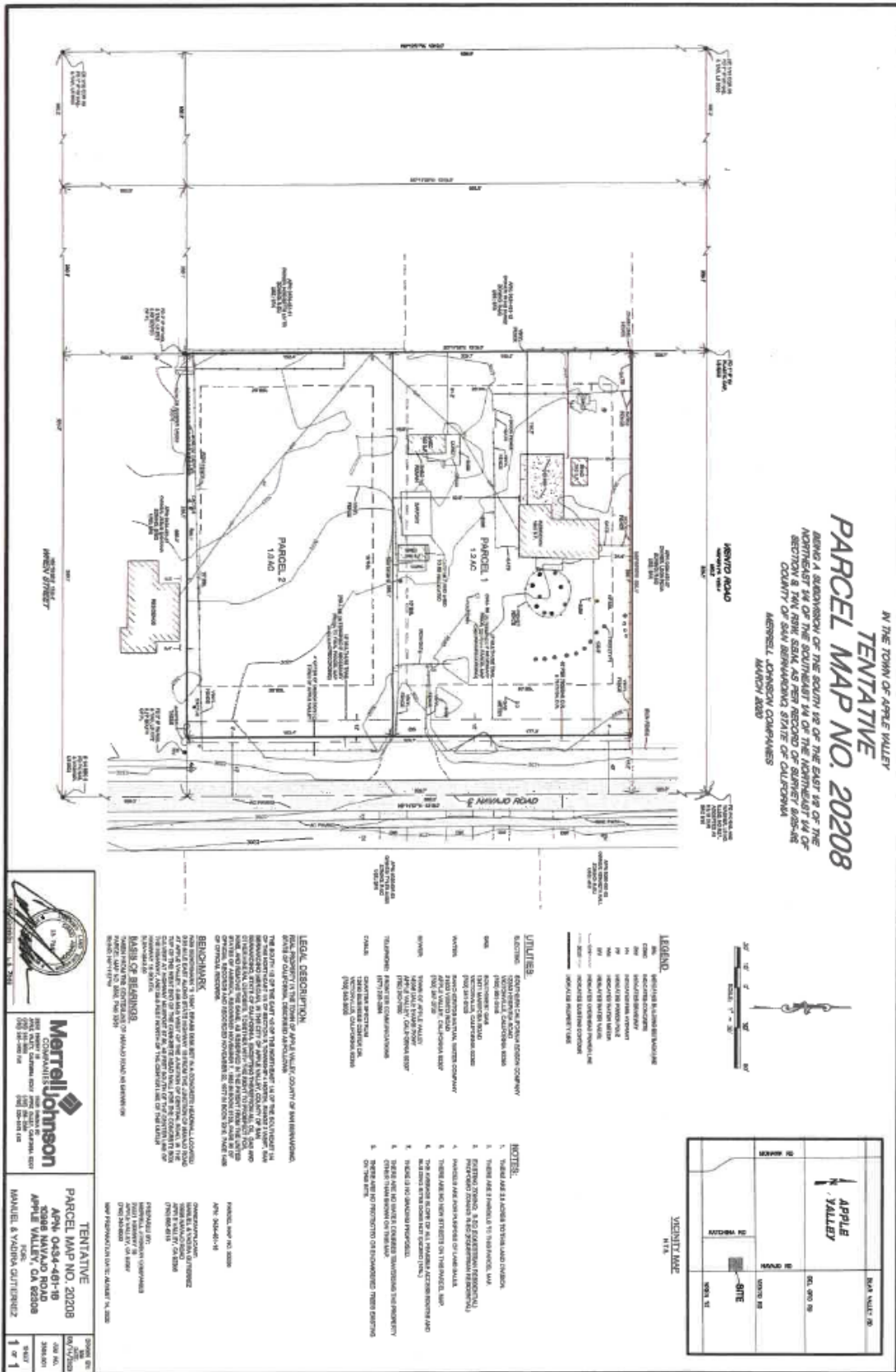
**NFPA 13D (RESIDENTIAL AUTOMATIC FIRE SPRINKLER SYSTEM):
REQUIRED**

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.**

FD6. A letter shall be furnished to the Fire District from the water purveyor stating that the required fire flow for the project can be met prior to the Formal Development Review Committee meeting.

FD7. Apple Valley Fire Protection District Final Subdivision/Tract/Development fees shall be paid to the Fire District prior to final map acceptance according to the current Apple Valley Fire Protection District Fee Ordinance.

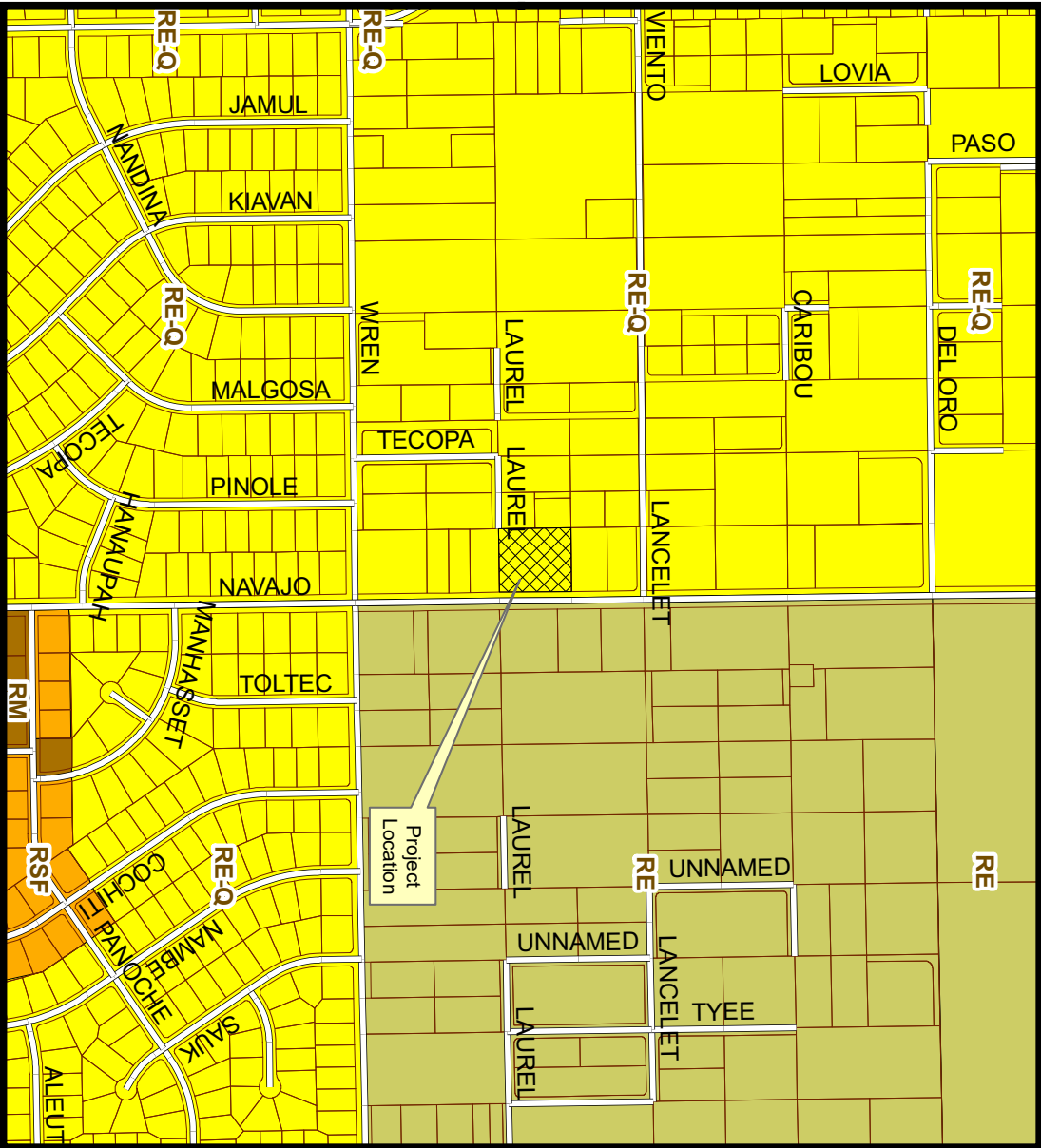
END OF CONDITIONS



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ZONING/LOCATION MAP

Tentative Parcel Map No. 20208



10998 Navajo Road

APN 0434-461-16



Legend	
	Project Location
	RE-Q Estate Residential (1 unit to 2.5 gross acres)
	RE Estate Residential (1 to 4.0 gross acres)
	RE-SF Single Family Residential (1 to 4.0 gross acres)
	RM Multi-Family Residential (2 to 20 gross acres)

Date: 10/20/2020



Planning Commission Agenda Report

DATE: November 4, 2020 **Item No. 3**

CASE NUMBER: Development Code Amendment No. 2020-003

APPLICANT: Town of Apple Valley

PROPOSAL: Consideration of an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code relating to the design and operating standards of drive-thru uses. Standards under review for modification include, site development standards, vehicle stacking, and incorporating language to allow for flexible application of these requirements.

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. 2020-009

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 drive-thru 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 completed its analytical review of Development Code Section 9.36.140 “Drive-In/Drive-Thru Restaurants”. With the exception of menu board size requirements, little has changed since 1988. Development of drive-thru restaurants occurs mostly within master planned shopping centers; however, there have been a couple of drive-thru projects located within strip centers or as a stand-alone, single use developed over the past several years. Challenges that face most drive-thru restaurants include having available space for vehicle stacking together with vehicular and pedestrian level circulation. Stand-alone and strip center drive-through uses typically face additional challenges relating to proximity to residential uses and zoning designations. Based upon the existing regulations, flexibility to the site development standards may only be granted through the approval of a Variance.

Staff performed a comparative analysis examining the requirements of similar cities in our region. As a result, staff found several areas that should be considered for modification:

- The standards identified within Figure “9.36.140-A Drive in-Drive Thru Restaurants” should be added to the text as site development standards and the figure removed.
- The Commission should consider enhanced site development standards to encourage screening of the drive-thru lane and pick-up window from the public right-of-way. Additionally, drive-thru lane standards should be incorporated into the Code.
- The comparative analysis found that vehicle stacking requirements vary between cities from six (6) being the fewest up to as many as ten (10) vehicles or 180 feet as required by the City of Riverside. The Town’s requires stacking for a minimum of six (6) vehicles. The Commission should consider whether it would be appropriate to increase the minimum vehicle stacking to eight (8) vehicles with a minimum of four (4) vehicle stacking spaces to be located behind the order point. Many of the drive-thru restaurants in Apple Valley have stacking for two (2) at the order point with stacking for four (4) vehicles from the furthest pick-up window. Frequently, vehicles are stacked into the adjacent parking lot and drive aisles. Staff would recommend providing the review authority the option to reduce or increase the minimum requirements when deemed appropriate.
- It was the direction of the Town Council to recommend provisions that could provide flexibility to the site development standards; therefore, staff is offering for the Commission’s consideration language to provide additional flexibility to the standards as approved by the review authority.

Staff has prepared the following modifications for the Commission’s consideration. The proposed modifications are shown with strike-thru/bold underlined.

9.36.140 - Drive-In/Drive-Thru Restaurants

- A. **Purpose.** The purpose of this Section is to ensure that drive-in, drive-thru, delivery, and take-out restaurants do not impose adverse impacts on adjacent uses or the surrounding neighborhood because of customer or employee parking demand, traffic generation, noise, light, or litter, consistent with the goals, objectives and policies of the General Plan.
- B. **Applicability.** All drive-in, drive-thru, delivery and take-out restaurants are subject to approval as shown in Table 9.35.030-A, Permitted Uses, and shall comply with the development standards of the zoning district in which they are located, this Section and Chapter 9.37, *Commercial and Office Districts Design Standards*, of this Code. **Deviations and reductions to these provisions may be considered by the review authority when it can be demonstrated through documentation and mitigation that the requested reduction will not result in a negative impact upon the site or surrounding land uses.**
- C. **Development Standards**
1. **Site Design.**
 - a. Drive-thru areas shall be designed to be an integral part of the main structure.
 - b. Building placement shall be oriented to screen the drive-thru lane whenever possible.**
 - c. Drive-thru windows are discouraged on any building elevation directly facing a public right-of-way.**
 - d. Drive-thru facilities shall be provided screening and protection from sun and wind through the use of special landscape and architectural treatments such as berming and bays around the drive aisle.
 - e. Drive thru lanes shall be setback a minimum of twenty-five (25) feet from the ultimate curb face.
 2. **Drive-in/Drive-thru Stacking Space.** Stacking lanes for drive-in/drive-thru customers shall be of sufficient length to hold at least **eight (8) six (6)** vehicles (twenty [20]-foot in length per vehicle), **with four (4) located behind the order point and four (4) between the order point and pick-up window.** ~~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 (Figure 9.36.140-A).~~ **Reduced requirements may be allowed when sufficient evidence is provided, to the satisfaction of the reviewing authority, to demonstrate that such reduction will not impair traffic safety on the site or surrounding roadways. Documentation could include data relating to traffic counts, operational efficiency and customer projections.**

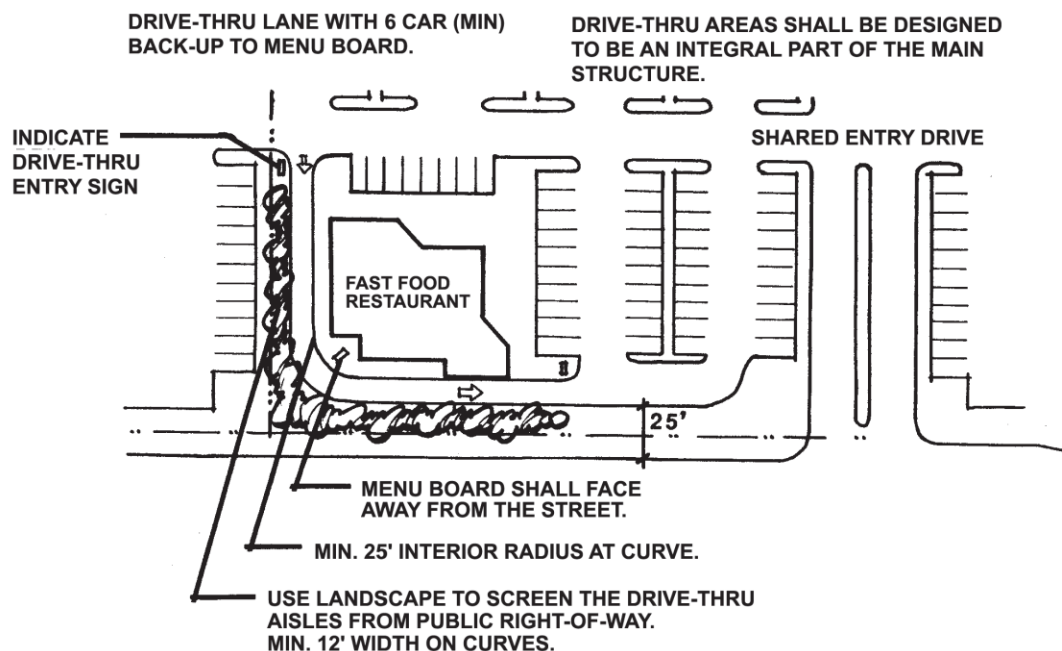


Figure 9.36.140-A Drive in-Drive Thru Restaurants

3. **Access and Circulation** (Figure 9.36.140-A)
 - a. Drive-in, drive-thru, delivery or take-out restaurant sites shall have two (2) points of ingress/egress either to a public street system or to an interior parking lot circulation system which serves a group of businesses subject to approval of the Town Engineer.
 - b. Vehicle entrances to drive-thru businesses shall be located a minimum of 150 feet, 200 feet is preferred, from the nearest intersection.
 - c. Drive-thru facilities shall be provided separate queuing and circulation for drive-thru traffic to insure access for other traffic to parking spaces or exits without waiting in drive-thru service lanes.
 - d. Parking aisles shall not terminate at the drive-thru lane exit.**
 - e. Drive-thru lanes shall have a minimum width of twelve (12) feet and a twenty-five (25)-foot interior radius at curve.**
 - f. Pedestrian walkways should not intersect the drive-thru lane, but when necessary, the crosswalk shall be emphasized by decorative pavement and markings.**

4. **Hours of Operation.** A drive-in, drive-thru, delivery or take-out restaurant located adjacent to any residential use or district shall not open prior to 6:00 a.m. or after 10:00 p.m. The **review authority** approval of a ~~Conditional Use Permit~~ may further restrict the hours of operation for such restaurants when adjacent to other uses or districts and where modified hours are necessary to mitigate potential adverse impacts related to noise, traffic or lighting.
5. **Landscaping.**
 - ~~a. Drive thru facilities shall provide a minimum of ten (10) feet of landscaping at the corners between adjacent streets.~~
 - a. Berming and landscaping shall be provided to screen the entire drive-thru area.
 - b. Landscaping shall be installed and permanently maintained in compliance with Chapter 9.75, *Water Conservation/Landscaping Regulations*, of this Code.
6. **Lighting.** All on-site lighting shall comply with Chapter 9.70, *Performance Standards*, of this Code.
7. **Noise.** Drive-in, drive thru, delivery or take-out restaurants shall comply with the provisions of Chapter 9.70, *Performance Standards*, of this Code.
8. **Parking.** A parking and vehicular circulation plan encompassing adjoining streets, alleys and uses shall be submitted for the review and approval of the Town Engineer prior to the approval ~~by~~ of the **review authority** ~~Conditional Use Permit~~. In addition, all on-site parking shall comply with Chapter 9.72, *Off-Street Parking and Loading Regulations*, of this Code.
9. **Signs.**
 - a. Signs guiding and directing traffic shall consist of freestanding directional signs and directional markings painted on the pavement.**
 - b. Menu boards shall face away the street or be screened with dense landscaping.**
 - c. Menu boards shall comply with the minimum building setback requirements.**
 - d. All on-site signs shall comply with Chapter 9.74, *Signs and Advertising Displays*, of this Code.
10. **Trash Enclosures.** Trash enclosures shall be **covered and** provided in accordance with the provisions contained in Section 9.35.090, *Trash Enclosures*, of this Code.

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 standards for drive-thru restaurants by providing clarity in standards, reduce traffic conflicts with increased vehicle stacking and provide flexibility to the standards as approved by the review authority. 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 standards for drive-thru restaurants by providing clarity in standards, reduce traffic conflicts with increased vehicle stacking and provide flexibility to the standards as approved by the review authority. 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. 2020-003 was advertised as a public hearing in the Apple Valley News newspaper on October 23, 2020.

ENVIRONMENTAL REVIEW

Development Code Amendment No. 2020-003 will provide clarity in standards, increase vehicle stacking and provide flexibility to the standards as approved by the review authority. 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. 2020-009 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. 2020-009

PLANNING COMMISSION RESOLUTION NO. 2020-009

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2020-003 AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING SECTION 9.36.140 “DRIVE-IN/DRIVE-THRU RESTAURANTS” AS IT RELATES TO CLARITY IN DEVELOPMENT STANDARDS, INCREASED VEHICLE STACKING, AND ALLOWING FLEXIBILITY TO THE STANDARDS AS APPROVED BY THE REVIEW AUTHORITY

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, 2020, the Town Council initiated a Development Code Amendment, directing staff to work with the Planning Commission to modify the development standards relating to drive-thru restaurants including clarity to development standards, drive-thru queuing and to allow for flexibility as approved by the review authority;

WHEREAS, Specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by modifying Section 9.36.140 “Drive-In/Drive-Thru Restaurants” as it relates to clarity in development standards, increased vehicle stacking, and allowing flexibility to the standards as approved by the review authority; and

WHEREAS, on October 23, 2020, Development Code Amendment No. 2020-003 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 November 4, 2020 the Planning Commission of the Town of Apple

Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2020-003 receiving testimony from the public; and

WHEREAS, Development Code Amendment No. 2020-003 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. 2020-003 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.

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 4th day of November 2020.

Chairman Bruce Kallen

ATTEST:

I, Maribel Hernandez, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 4th day of November 2020, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ms. Maribel Hernandez, Planning Commission Secretary