



Town Council Agenda Report

Date: November 10, 2020 Item No. 8

To: Honorable Mayor and Town Council

Subject: 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" BY UPDATING MINIMUM PARKING SPACE REQUIREMENTS, PERMITTING ADMINISTRATIVE REVIEW OF SHARED PARKING AGREEMENTS, 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.

From: Douglas Robertson, Town Manager

Submitted by: Pam Cupp, Senior Planner

Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

- A. **Determine** that, Pursuant to Section 21080.17 of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it has been 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. **Find** the facts presented within the staff report, including the attached Planning Commission Resolution No. 2020-001 adopted October 7, 2020, support the required Findings for approval of the proposed Development Code Amendment and adopt the Findings.
- C. **Move** to waive the reading of Ordinance No. 539 in its entirety and read by title only.

- D. **Introduce** Ordinance No. 539 approving Development Code Amendment No. 2020-001; and
- E. **Direct** staff to file a Notice of Exemption with the San Bernardino County Clerk of the Board.

SUMMARY:

The Town Council initiated a Development Code Amendment on May 1, 2019 to consider modifying the parking regulations to make sure the Town remains current with existing trends, consider allowing an administrative review for shared parking agreements rather than a Conditional Use Permit and to recommend modifications that could create flexibility to the minimum standards. On October 7, 2020, the Planning Commission reviewed the modifications proposed under Development Code Amendment No. 2020-001. Upon presentation of the staff report and subsequent Commission discussion, Planning Commission Resolution No. 2020-001 was approved recommending the Town Council modify the Development Code.

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 jurisdictions. The Town’s standards were also compared to national comparative studies by the American Planning Association and the 5th Edition Institute of Traffic Engineers Parking Generation Manual. The permitted use tables were reviewed 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.

Upon receiving the staff report, and subsequent Planning Commission discussion, the Planning Commission recommends the following:

- The parking requirements found within Table 9.72.020-A “Required Parking Spaces” should be modified. Several uses are recommended for parking reductions together with the addition of new uses into the table.
- The entitlement process required for shared parking facilities, off-site parking facilities and valet parking should be considered for modification to allow flexibility, including Director review.
- Table 9.72.060-A “Parking Space Dimensions” is complicated and inconsistent with current standards and should be modified.
- There were areas found with incorrect section cross-references, repetitive text, and figures that appear to be erroneous and require correction.
- It is recommended that several footnotes be moved to appropriate sections and

incorporated as development standards.

The Commission unanimously approved Planning Commission Resolution 2020-001, which is attached to this staff report. A complete strike-thru, underline version of the modifications recommended by the Planning Commission can be reviewed within the attached Planning Commission staff report for Development Code Amendment No. 2020-001.

NOTICING

Development Code Amendment No. 2020-001 was advertised as a COVID-19 compliant public hearing in the Apple Valley News newspaper on October 30, 2020.

FINDINGS

An amendment to the Development Code requires that the Planning Commission and Town Council address two (2) required “Findings”, as listed within Development Code Section 9.06.060. For Council consideration, the Planning Commission recommends adoption of the required Findings as listed below, along with a comment addressing each.

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 parking related 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.

ENVIRONMENTAL REVIEW

Development Code Amendment No. 2020-001 will update the Town's parking regulations to be consistent with current trends. 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.

Fiscal Impact:

Not Applicable

Attachments:

Ordinance No. 539

Planning Commission Resolution No. 2020-001

Planning Commission Staff Report DCA 2020-001 (Strike-thru/underline of proposed modifications)

ORDINANCE NO. 539

AN ORDINANCE OF THE TOWN OF APPLE VALLEY, CALIFORNIA, ADOPTING 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” BY UPDATING MINIMUM PARKING SPACE REQUIREMENTS, PERMITTING ADMINISTRATIVE REVIEW OF SHARED PARKING AGREEMENTS, AND GENERAL CLEAN-UP INCLUDING 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, On May 1, 2019, the Town Council initiated a Development Code Amendment to modify the Town’s parking regulations to make sure the Town remains current with existing trends and to include flexibility into those standards; and

WHEREAS, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

WHEREAS, specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by modifying Chapter 9.72 “Off-Street Parking and Loading Regulations” by updating minimum parking space requirements, permitting administrative review of shared parking agreements, and general clean-up including corrections to, or removal of, certain tables, diagrams or figures; 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 adopted Planning Commission Resolution No. 2020-001; and

WHEREAS, Development Code Amendment No. 2020-001 is consistent with Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

WHEREAS, on October 30, 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, on November 4, 2020 the Town Council 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

NOW, THEREFORE, BE IT RESOLVED that in consideration of the evidence presented at the public hearing, and for the reasons discussed by the Town Council at said hearing, the Town Council of the Town of Apple Valley, California, does hereby resolve, order and determine as follows, 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.

Section 2. Pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be determined that the Code amendment is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as with the proposed Code Amendment, that there is no possibility that the proposal approved under Development Code Amendment No. 2020-001 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

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. <i>Shopping Centers</i>	
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

Type of Use	Parking Spaces Required
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.
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:

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

D. Commercial/Recreational Uses	
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:

<i>E. Other Commercial Uses</i>	
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:

F. Offices	
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:

G. Institutional Uses	
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 ¹ / ₂ spaces per each employee on the largest shift
4. Hospitals	1 ¹ / ₂ 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.”

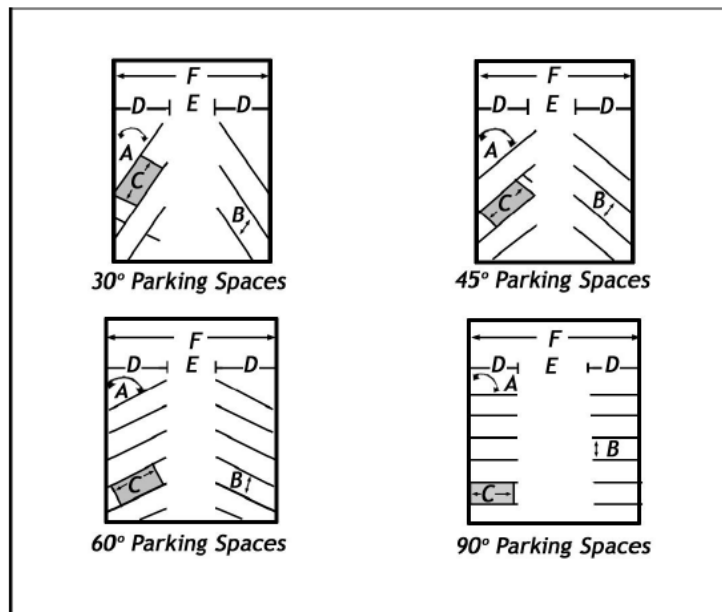
Section 14. Amend Section 9.72.050(A)(3) “Regulations for Commercial and Industrial Uses” of the Town of Apple Valley Development Code to read as follows removing Section 9.72.050(B) as it was moved forward to Section 9.72.020 and removing Section 9.72.050(C) as duplicative, renumbering section as appropriate:

“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 ¹	Two Way Drive Aisle Width ¹
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 “Directional Arrows/Signs” 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 “Curbing” 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”.

NOW, THEREFORE, the Town Council of the Town of Apple Valley, State of California, does ordain as follows:

Section 26. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code of the State of California.

Section 27. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 28. Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Ordinance are declared to be severable.

Approved and Adopted by the Town Council and signed by the Mayor and attested to by the Town Clerk this ____ day of _____2020.

Honorable Scott Nassif, Mayor

ATTEST:

Ms. La Vonda M. Pearson, Town Clerk

Approved as to form:

Approved as to content:

Mr. Thomas Rice, Town Attorney

Mr. Douglas B. Robertson, Town Manager

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. 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 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:

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

D. Commercial/Recreational Uses	
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:

<i>E. Other Commercial Uses</i>	
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:

F. Offices	
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:

G. Institutional Uses	
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 ¹ / ₂ spaces per each employee on the largest shift
4. Hospitals	1 ¹ / ₂ 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:

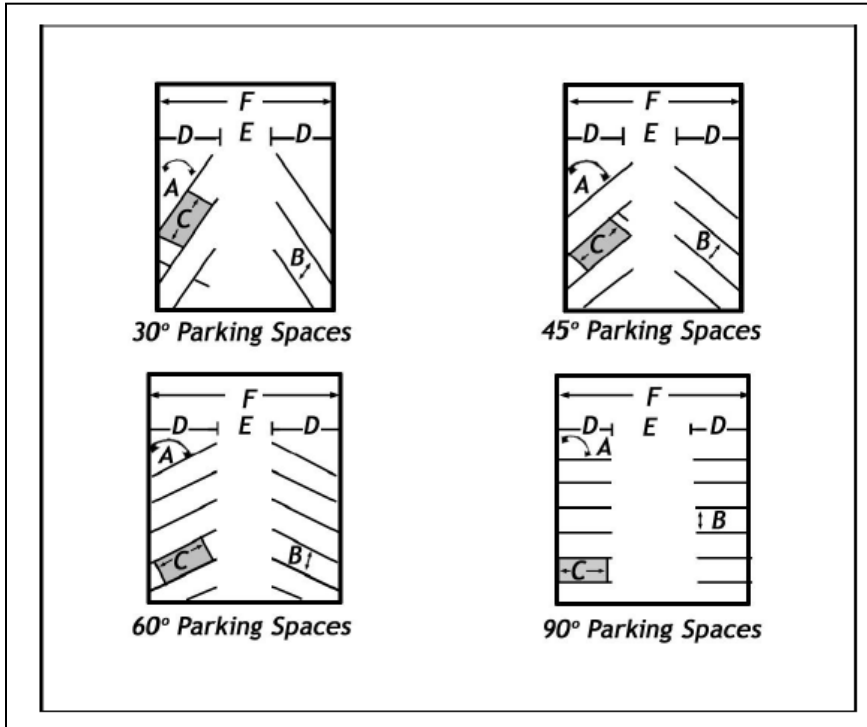


Figure 9.72.060-B Off-street Parking Dimensions

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 ¹	Two Way Drive Aisle Width ¹
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 7th day of October 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 7th day of October 2020, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ms. Maribel Hernandez, Planning Commission Secretary



Planning Commission Agenda Report

DATE:	October 7, 2020	Item No. 5
CASE NUMBER:	Development Code Amendment No. 2020-001 (<i>Continued from September 2, 2020</i>)	
APPLICANT:	Town of Apple Valley	
PROPOSAL:	An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code modifying Chapter 9.72 "Off-Street Parking and Loading Regulations" relating to minimum parking space requirements, revisions necessary to provide implementation clarification and consistency with associated Development Code sections, and general clean-up which may include corrections to, or removal of, certain tables, diagrams or figures.	
LOCATION:	Town wide	
ENVIRONMENTAL DETERMINATION:	Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.	
CASE PLANNER:	Pam Cupp, Senior Planner	
RECOMMENDATION:	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 (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 ⁽⁴⁾
<u>B. Shopping Centers</u>	

Type of Use	Parking Spaces Required ⁽⁴⁾
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	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 Section C.1 of this Table.
C. Restaurants, Bars, Night Clubs and Similar Uses	
<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><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> 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</p>

Type of Use	Parking Spaces Required ⁽⁴⁾
2. With drive-thrus	<u>1 space per 100 sf of gfa (Refer to Section 9.36.140 for additional requirements for drive-thru uses.</u> 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>D. Commercial/Recreational Uses</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 <u>and/or billiard halls</u>	4 spaces per lane <u>and/or 2 per billiard table</u> , 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
<u>Amusement enterprises, including but not limited to, theme amusement/recreational parks, video arcades, shooting ranges, racetracks, parks, and zoos.</u>	<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>

Type of Use	Parking Spaces Required ⁽⁴⁾
<u>Skating rinks, ice or roller</u>	<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>
<i>E. Other Commercial Uses</i>	
1. Art/ <u>music/photography studio</u>	1 space per 100 250 sf.
2. Auto repair, service and parts sales <div data-bbox="224 575 711 758" style="border: 1px solid black; padding: 5px;">Town standards seem more restrictive and complicated; therefore, it is recommended to adopt a combination of Hesperia and County standards.</div>	<u>3 per service bay plus 1 per 250 sf of non-service bay area.</u> 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 <div data-bbox="224 909 732 1140" style="border: 1px solid black; padding: 5px;">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.</div>	2 per station 1 space per 125 sf.
<u>Personal Services including barber shops, hair salons, day spas, massage, tanning, tailors, self-service laundry, electrolysis, acupuncture/acupressure, tattoo parlors, dry cleaning.</u> <div data-bbox="224 1430 732 1692" style="border: 1px solid black; padding: 5px;">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.</div>	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

Type of Use	Parking Spaces Required ⁽⁴⁾
6. Carwash - full service	7 spaces per each wash line.
<u>Self-service</u>	2 spaces per stall, <u>which can include drying and vacuum areas.</u>
8. Equestrian uses ⁽²⁾ <u>(Refer to Sections 9.29.030(E) and 9.36.090(D) for additional standards.)</u>	
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)
<u>Funeral and Cremation Services</u>	<u>1 per 300 sf of office area plus as required for assembly</u>
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. <u>Fitness centers</u> , health clubs, health spas and similar participatory facilities <div data-bbox="212 1310 721 1465" style="border: 1px solid black; padding: 5px; margin-top: 10px;">1 per 150 square feet is the average based upon comparison of Victorville, Hesperia and Riverside.</div>	1 space per <u>150</u> 400 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.)

Type of Use	Parking Spaces Required ⁽⁴⁾
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, 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
F. Offices	
<p>1. General Offices, <u>general, financial, business, professional, medical, dental, veterinary, etc.</u></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 250 300 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.
G. Institutional Uses	
1. Child day care centers	1 space for each 4.5 children the facility is designed to accommodate
<u>Adult day care centers</u>	<u>1 space for each 7 clients</u>

Type of Use	Parking Spaces Required ⁽⁴⁾
2. Children's homes	1 ¹ / ₂ spaces per each employee on the largest shift
3. Hospitals	1 ¹ / ₂ 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 <u>1 space for each classroom and secondary assembly area.</u> 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	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. <u>Schools, commercial</u> business or trade school <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 5px 0;">Recommended to adopt County standards.</div>	1 space per <u>3-4.5</u> students at maximum capacity <u>and 1 space for each instructor or employee.</u>
<u>f. Gymnastics/dance/martial arts schools</u>	<u>1 space per 3 students at maximum capacity and 1 space for each instructor or employee.</u>

Type of Use	Parking Spaces Required ⁽⁴⁾
9. 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 ⁽⁴⁾ -plus 1 space for each staff member and employee on the largest shift. <u>For available parking reductions, refer to Section 9.36.110.(E.1).</u>

~~(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 (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.~~

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.~~

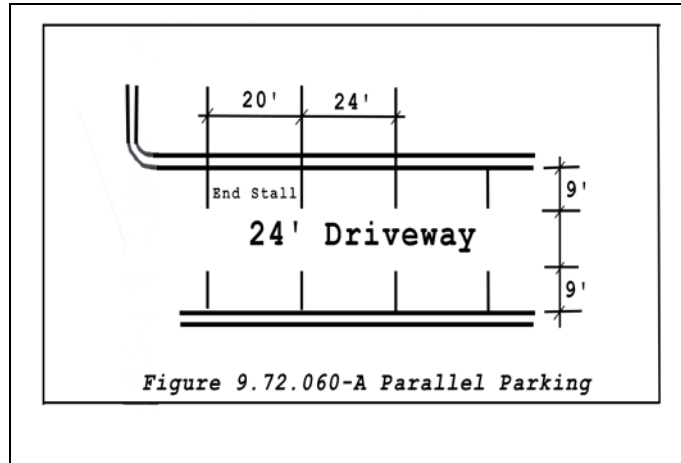
9.72.060 Design Standards for Parking and Loading Spaces (Amended Ord. 272, 314, 383, 473)

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.

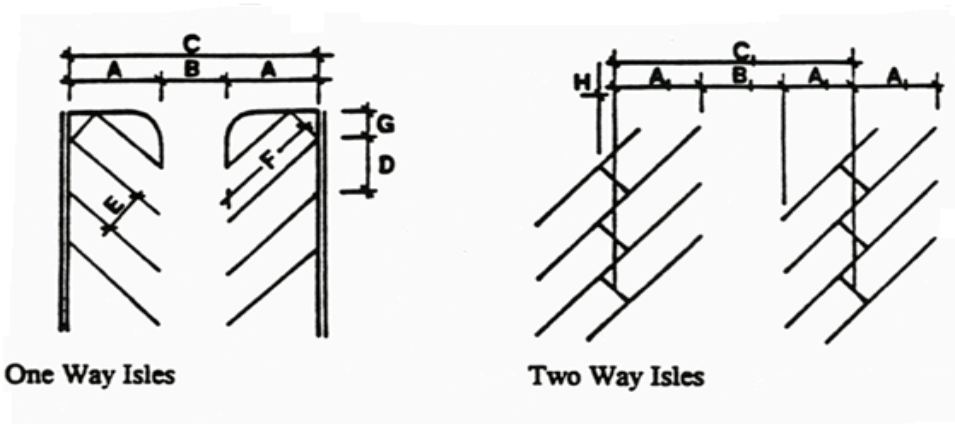
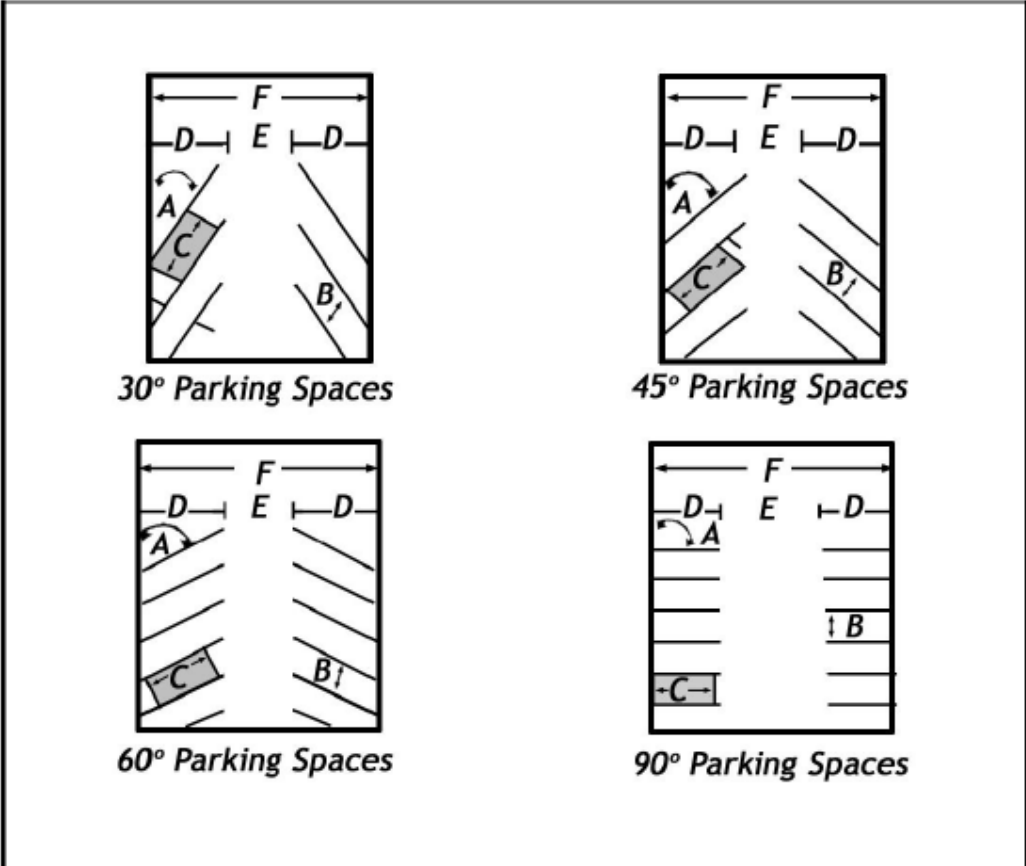


Figure 9.72.060-B Angled Parking

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
<u>Angle of Parking</u>	<u>Space Width</u>	<u>Space Length (per vehicle)</u>	<u>Space Depth (from curb)</u>	<u>One-way Drive Aisle Width¹</u>	<u>Two Way Drive Aisle Width¹</u>			
<u>Parallel (0°)</u>	<u>9 ft</u>	<u>19 ft</u>	<u>9 ft</u>	<u>12ft</u>	<u>24 ft</u>			
<u>1° - 45°</u>	<u>9 ft</u>	<u>19 ft</u>	<u>20 ft</u>	<u>14 ft</u>	<u>24 ft</u>			
<u>46° - 60°</u>	<u>9 ft</u>	<u>19 ft</u>	<u>21 ft</u>	<u>17 ft</u>	<u>24 ft</u>			
<u>61°-90°</u>	<u>9 ft</u>	<u>19 ft</u>	<u>19 ft</u>	<u>24 ft</u>	<u>24 ft</u>			
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 Aisles								
	A¹	B¹	C¹	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"	-	-

(1) ~~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.

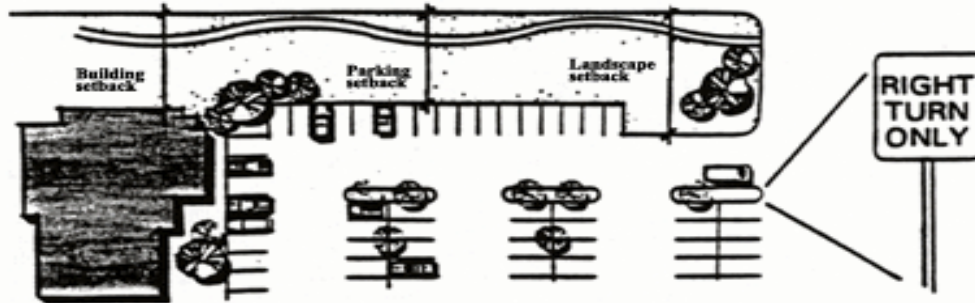


Figure 9.72.060-E Directional Arrows/Signs

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.

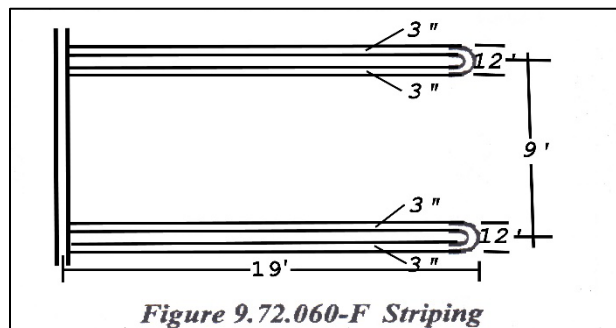
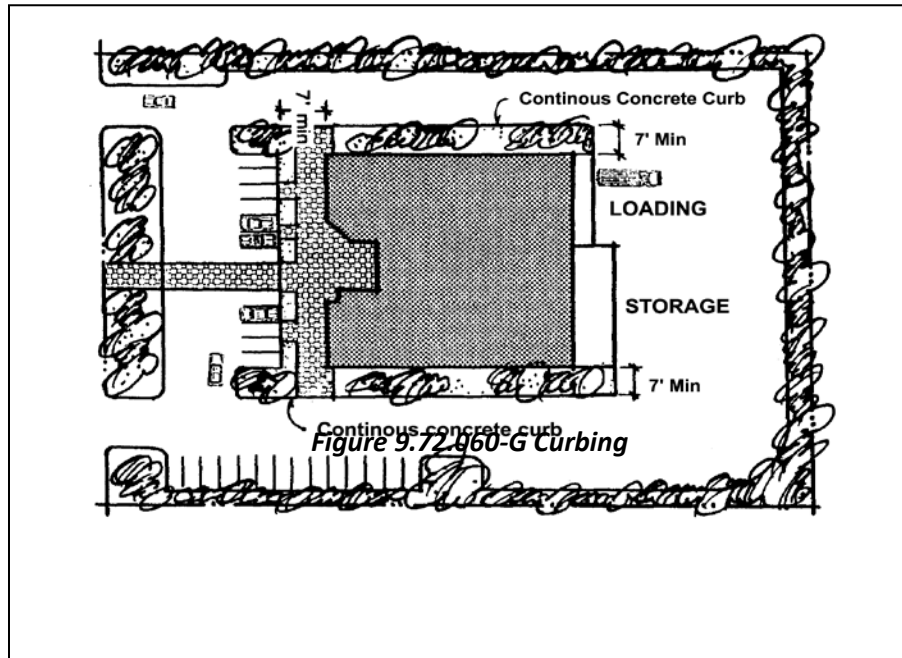


Figure 9.72.060-F Striping

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.



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.