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**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA**

WEDNESDAY, APRIL 21, 2021

Regular Meeting 6:00 p.m.

Town Council Chambers
14955 Dale Evans Parkway

PLANNING COMMISSION MEMBERS

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

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

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



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**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY APRIL 21, 2021 – 6:00 P.M.**

IMPORTANT COVID-19 NOTICE

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

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

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

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

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

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

The Town of Apple Valley recognizes its obligation to provide equal access to those individuals with disabilities. Please contact the Town Clerk's Office, at (760) 240-7000,

two working days prior to the scheduled meeting for any requests for reasonable accommodations.

REGULAR MEETING

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

CALL TO ORDER

ROLL CALL

Commissioners: Kallen_____; Tinsley_____; Lanyon _____;
Vice-Chairman Arias_____;Chairman Harrison_____

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - NONE

PUBLIC COMMENTS

Anyone wishing to address an item not on the agenda, or an item that is not scheduled for a public hearing at this meeting, may do so at this time. California State Law does not allow the Commission to act on items not on the agenda, except in very limited circumstances. Your concerns may be referred to staff or placed on a future agenda.

PUBLIC HEARING ITEMS

1. **Development Permit 2021-005.** A request to approve a Development Permit to allow the construction of a 1,000-square foot, twenty-two (22)-foot tall detached garage. The structure will include a 2nd floor storage loft.

APPLICANT: Mr. Randy Darling

LOCATION: 14015 Tawya Road; APN 3112-152-05

ENVIRONMENTAL

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

RECOMMENDATION: Approval

- 2. Tentative Tract Map No. 20294.** A request to approve a tentative parcel map to subdivide a 4.8-acre property into two (2) parcels and one (1) remainder parcel for the future development of single-family homes. The project is located within the Estate Residential (R-E) zoning designation.

APPLICANT: Merrell Johnson Companies representing Mr. Nathan Aguirre

LOCATION: 17180 Mesquite Road; APN 0437-193-40

ENVIRONMENTAL

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

RECOMMENDATION: Request for Continuation

OTHER BUSINESS

- 3.** CIP General Plan Conformity 2021-2022.
- 4.** Summary of Commissioner's comments on possible code revisions for Accessory Buildings and Structures in Residential Zones.

PLANNING COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT

The Planning Commission will adjourn to its next regularly scheduled Planning Commission meeting on May 5, 2021.



Planning Commission Agenda Report

Date: April 21, 2021 Item No. 1

To: Planning Commission

Case Number: Development Permit No. 2021-005

Applicant: Mr. Randy Darling

Proposal: A request to approve a Development Permit to allow the construction of a 1,000-square foot, twenty-two (22)-foot tall detached garage. The structure will include a 2nd floor storage loft.

Location: 14015 Tawya Road; APN 3112-152-05

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

Prepared By: Pam Cupp, Senior Planner

Recommendation: Approval

PROJECT SITE AND DESCRIPTION

- A. Project Size:
The project site is 0.47 acres in size.
- B. General Plan Designations:
Project Site - Single-Family Residential (R-SF)
North - Single-Family Residential (R-SF)
South - Single-Family Residential (R-SF)
East - Single-Family Residential (R-SF)
West - Single-Family Residential (R-SF)
- C. Surrounding Zoning and Land Use:
Project Site - Single-Family Residential (R-SF)
North - Single-Family Residential (R-SF)

- South - Single-Family Residential (R-SF)
- East - Single-Family Residential (R-SF)
- West - Single-Family Residential (R-SF)

D. Building Size:

Permitted Maximum Footprint: 1,918 square feet (75% of 2,885 SF)
Proposed Maximum Footprint: 1,000 square feet (39% of 2,885 SF)

E. Lot Coverage:

Permitted Maximum: 8,190 SF (40%)
Proposed Maximum: 3,774 SF (18%)

F. Building Height:

Permitted Maximum: Sixteen (16)-feet
Proposed Maximum: Twenty-two (22) feet

G. Setback Analysis:

| | <u>Required:</u> | <u>Proposed Garage:</u> |
|-------------|------------------|-------------------------|
| Front: | 50 feet | 120 feet |
| Rear: | 10 feet | 15 feet |
| North Side: | 10 feet | 80 feet |
| South Side: | 10 feet | 10 feet |

ANALYSIS

A. General:

The applicant is requesting the Planning Commission's approval of a Development Permit to allow the construction of a twenty-two (22)-foot tall, garage/storage building. Pursuant to the Development Code, within the Single Family Residential (R-SF), Equestrian Residential (R-EQ), or Multi-Family Residential (R-M) zoning designations, the height of an accessory structure may not exceed one-hundred percent (100%) of the height of the main structure on site, or sixteen (16) feet, whichever is lesser, if a one story structure, nor seventy-five (75) percent of the height of the main structure, if that main structure is two or more stories in height. Pursuant to Development Code Section 9.29.020(D), a greater height may be approved by the Planning Commission upon review and approval of a Development Permit. The Development Permit process provides the Planning Commission an opportunity to review the architecture/aesthetics and the proposed height of the accessory structure in relationship to its surroundings.

B. Development Review:

The project site is developed with an existing 2,885 square foot, single-family residence, which includes a 138 square foot covered porch and a 605 square foot, attached garage. The terrain is relatively flat with no significant slopes. All surrounding properties are located within the Single-family Residential (R-SF) zoning designation and developed with single-family residences.

The Development Code establishes standards for accessory structures to ensure the single-family residence remains the dominant land use and that a quality, aesthetic presentation of the property is maintained. The detached garage will measure twenty-two (22) feet in height with a standard eight (8)-foot, roll-up door and one (1) man door on the north elevation, facing the property's interior. The architectural design is similar to a barn with a gambrel (barn) style roof and composite shingle roofing material. The front and rear of the gable roof will have wood siding with one window installed on each end. The walls are proposed to be stucco.

The proposed garage will be located approximately thirty-four (34) feet behind the rear line of the house. Development Code Section 9.29.020(E)(2) states that accessory structures built on the site located to the rear of the back line of the house may be constructed of any material allowed by the Uniform Building Code and may utilize any desired architectural design except the metal may not be used on the exteriors of such structures.

Development Code Section 9.31.030(A)(1) states that the design of accessory structures (greater than 120 square feet) including second units, garages, guesthouses, cabanas and storage buildings shall be architecturally compatible with the primary structure through the use of compatible building materials, walls/roofs/trellises, fence/wall connections and/or landscaping. The proposed design does not incorporate a compatible roof line but will have matching stucco and roof material with a matching color.

The square footage of the proposed garage is within the Development Code standards for an accessory structure; however, the applicant is requesting an additional six (6) feet of height. The existing house appears to be approximately sixteen (16) feet in height. Based upon the proposed front setback of 120 feet and its separation of thirty-four (34) feet from the main house, the additional six (6) feet of height will not be considered substantial or appear visually obtrusive. Therefore, it has been determined that, although the proposed structure will not architecturally match the primary house, the proposed twenty-two (22)-foot height will not cause a visual obstruction and is in scale with the surrounding residential neighborhood.

C. Environmental Assessment:

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

D. Noticing:

The project was legally noticed in the Apple Valley News on April 9, 2021 and notices were mailed to all property owners within 300-feet of the project site. No public comment has been received by staff regarding this proposal at the time this staff report was written.

E. Development Permit Findings:

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

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

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

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

Comment: The proposed location, size and design of the detached garage is compatible with the surrounding properties because with the proposed setbacks, separation distances, and existing mature landscaping, the additional six (6) feet in height will not substantially alter the views within the area.

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

Comment: The proposed detached garage is designed to be compatible with the primary structure through the use of matching stucco walls and matching roof colors. The proposed location, size and design of the detached garage is compatible with the surrounding properties because with the proposed setbacks, separation distances, and existing mature landscaping, the additional six (6) feet in height will not substantially alter the views within the area.

4. That the amount, location, and design of open space and landscaping conforms to the requirements of this Code, enhances the visual appeal and

is compatible with the design and function of the structure(s), site and surrounding area;

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

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

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

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

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

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

Comment: The project is considered exempt under CEQA.

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

Comment: The proposed twenty-two (22)-foot height will not be detrimental to the public health, safety and welfare of the community or be materially injurious to properties or improvements in the vicinity nor be contrary to the adopted General Plan because the proposed square footage is within the Development Code standards for an accessory structure and the additional six (6) feet in height is not considered substantial to be detrimental to the neighborhood.

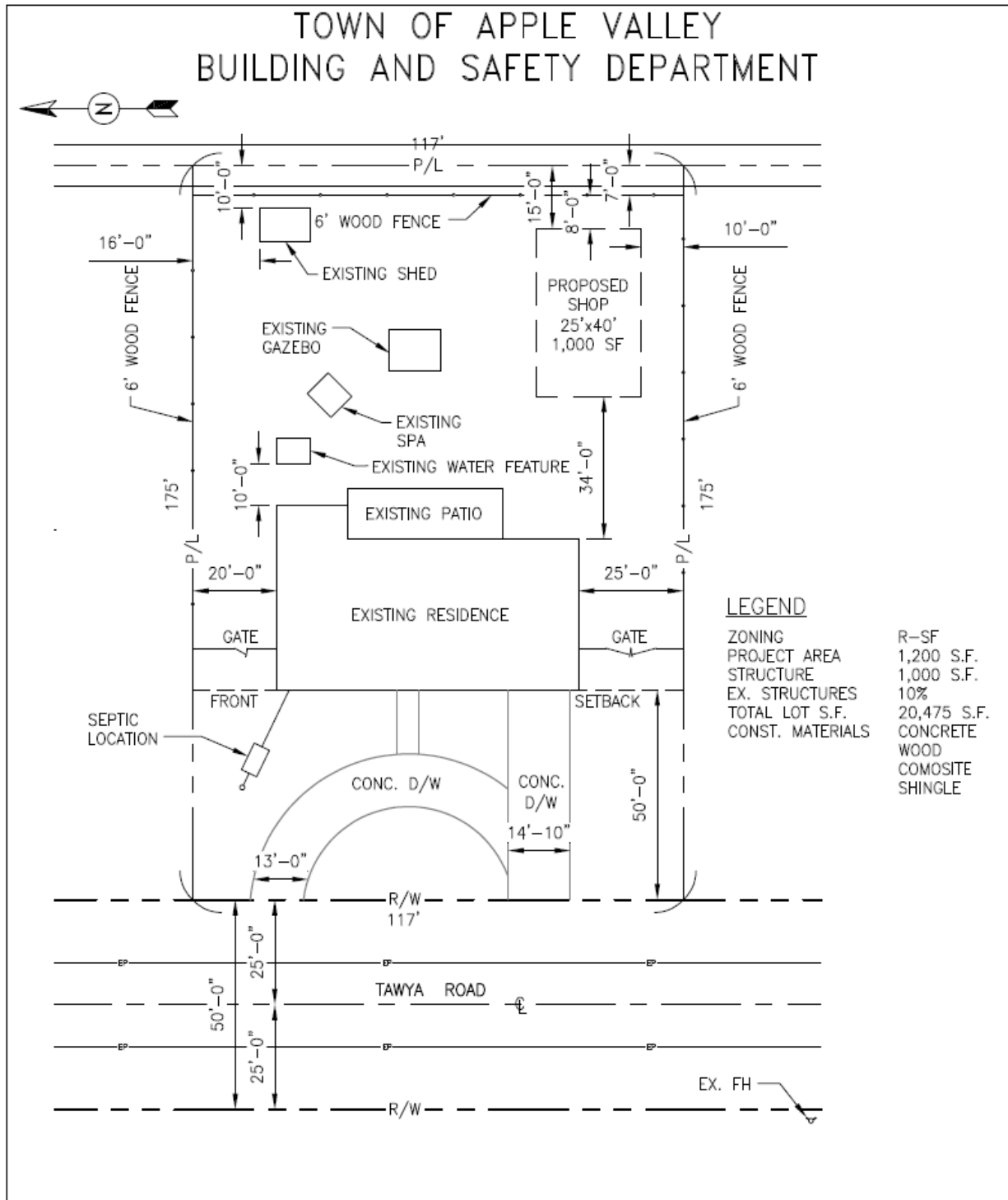
Recommendation:

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

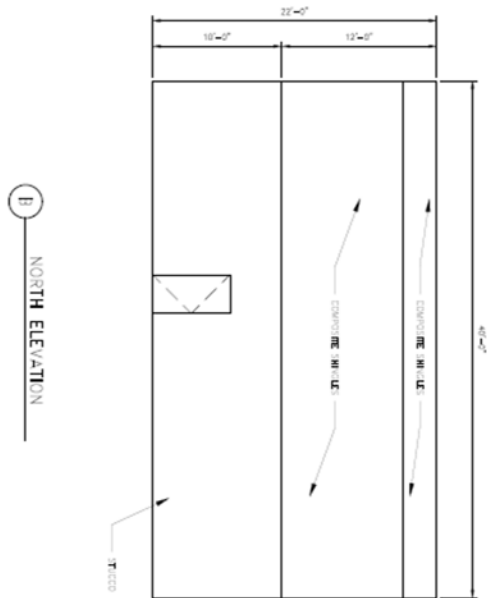
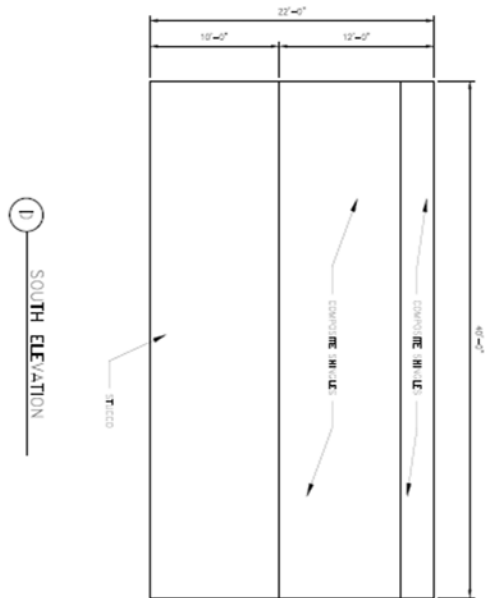
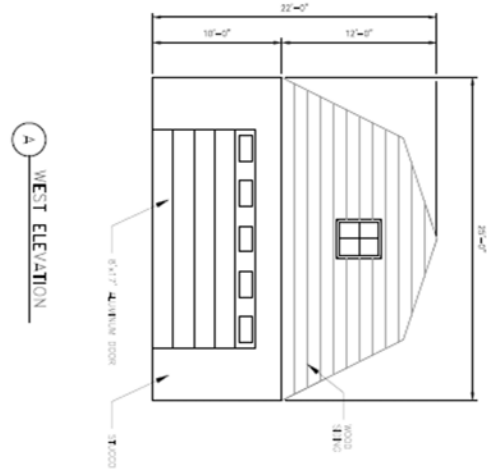
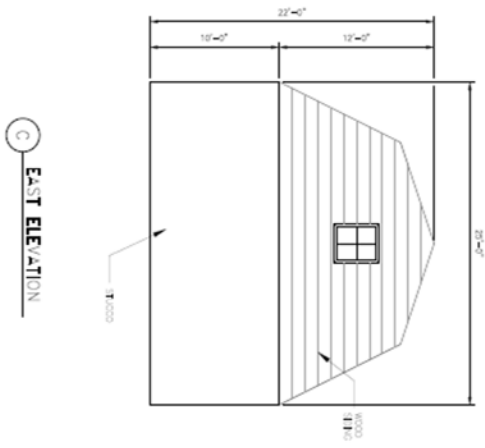
1. Determine that the project is not anticipated to have any direct or indirect impact upon the environment, as it has been determined that the proposed request is Exempt from further environmental review.
2. Find the facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve Development Permit No. 2021-005.
4. Direct staff to file a Notice of Exemption.

ATTACHMENTS:

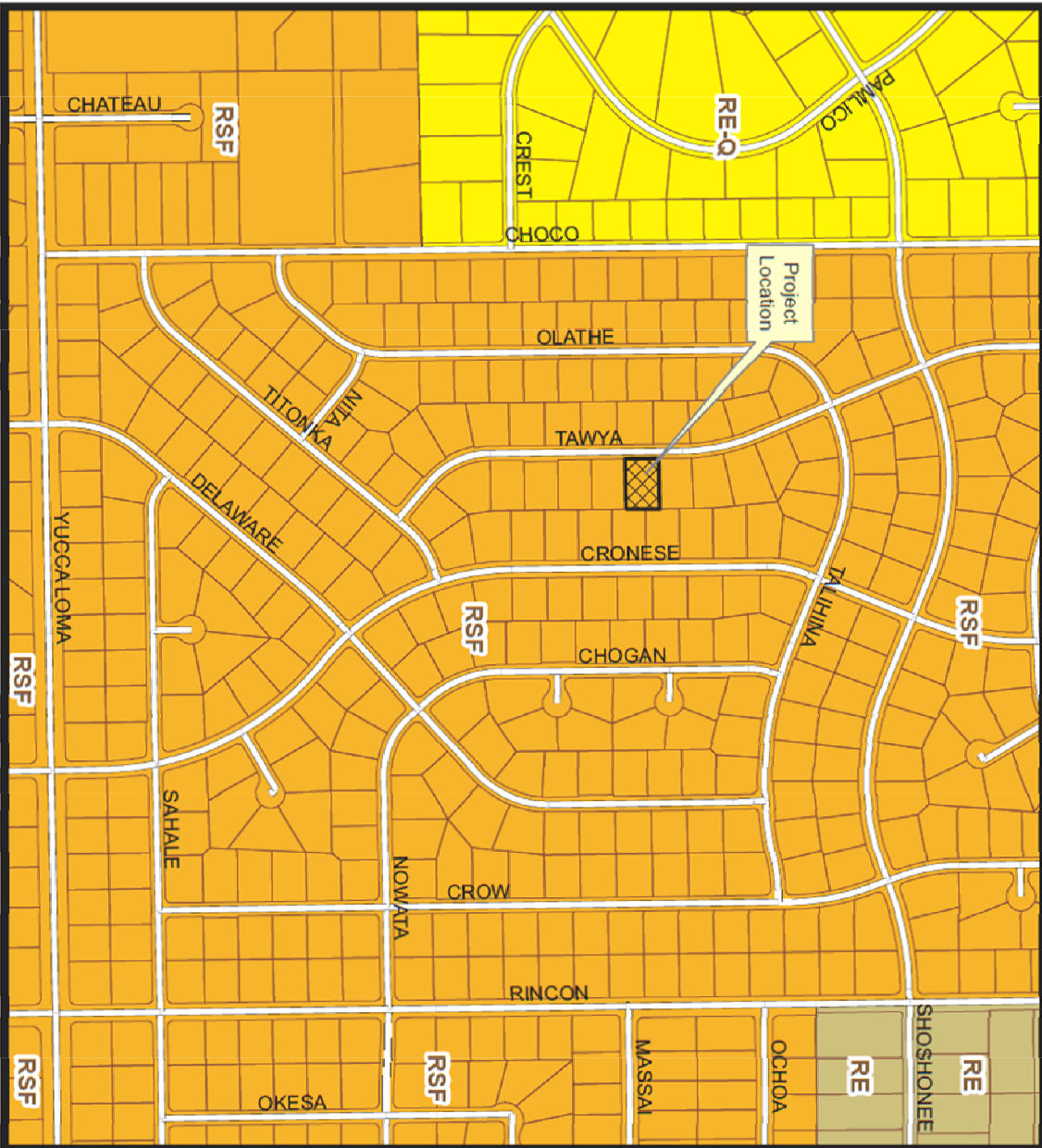
1. Site Plan
2. Building Elevations
3. Zoning/Location Map



| | | |
|-------------------------------|--|---|
| SCALE: 1" = 2'-0" | 14015 TAWYA ROAD APN: 3112-152-05 | |
| OWNER'S NAME Randy Darling | OWNER'S TELEPHONE (Home) 760-217-8756 | OWNER'S TELEPHONE (Work/Cell) 760-217-8756 |



ZONING/LOCATION MAP



Development Permit No. 2021-005

14015 Tawy Road
 APN 3112-152-05



Legend

| | |
|--|---|
| | Project Location |
| | RE-Q Single Residential (1 unit to 2.5 gross acres) |
| | RE-1 Single Residential (1 unit to 2.5 gross acres) |
| | RE-2 Single Family Residential (150,000 to 200,000 sq ft) |
| | RSF Single Family Residential (150,000 to 200,000 sq ft) |

Date: 4/12/2021



Planning Commission Agenda Report

Date: April 21, 2021 Item No. 2

To: Planning Commission

Case Number: Tentative Parcel Map No. 20294

Applicant: Merrell Johnson Companies representing Mr. Nathan Aguirre

Proposal: Consideration of a tentative parcel map to subdivide a 4.8-acre property into two (2) parcels and one (1) remainder parcel for the future development of single-family homes. The project is located within the Estate Residential (R-E) zoning designation.

Location: 17180 Mesquite Road; APN 0437-193-40

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

Prepared By: Pam Cupp, Senior Planner

Recommendation: Request for Continuation

The Planning Division is requesting this item be continued to the Planning Commission meeting of May 5, 2021 to allow staff additional time to research access requirements for the remainder parcel.



Planning Commission Agenda Report

| | | |
|-------------------------------------|--|------------|
| AGENDA DATE: | April 21, 2021 | Item No. 3 |
| APPLICANT: | Town of Apple Valley | |
| PROPOSAL: | To consider a General Plan Conformity Finding for the Town's Capital Improvement Program (CIP) for fiscal year 2021-2022. | |
| ENVIRONMENTAL DETERMINATION: | The General Plan Conformity Finding is not a project as defined by CEQA. Also, since this is a General Plan Consistency Finding, the adopted General Plan EIR would be considered adequate CEQA documentation. | |
| LOCATION: | Town wide | |
| STAFF PERSON: | Lori Lamson, Assistant Town Manager | |
| RECOMMENDATION: | Adopt Planning Commission Resolution No. 2021-004 which finds the proposed Capital Improvement Program (CIP) for Fiscal Year 2021-2022 consistent with the goals and policies of the Town's General Plan. | |

PROJECT SUMMARY:

The Planning Commission is being requested to review the attached Capital Improvement Program (CIP) for FY 2021-2022 to determine consistency with the General Plan. Ultimately, the Town Council is responsible for selection of the Capital Improvement Program projects and their prioritization. The Planning Commission's role is to determine whether the projects are consistent with the General Plan text, maps, and policies. The Commission is not asked to prioritize the projects.

ANALYSIS

The CIP is a document addressing the long-term capital improvement needs of the Town. The CIP also provides a relatively long-term (7-year) strategy that will be approved annually, in concept, by the Council. Section 65401 of the California Government Code requires the Planning Commission to annually review the CIP of the Town for consistency with the General Plan.

The attached CIP for FY 2019-2020 has been included for the Commission's reference. Staff has reviewed these projects and recommends adoption of the attached Resolution No. 2021-004 finding the CIP for FY 2021-2022 is consistent with the General Plan.

The General Plan is a document that looks ahead 20 years or more and establishes broad policies relating to growth. Although the General Plan identifies major infrastructure needs, such as major roadways, sewer trunk lines, and other public facilities, the General Plan does NOT contain a comprehensive detailed list of projects that the Town will build over the life of the plan. Therefore, one

would not find most of the projects listed in the Capital Improvement Plan (CIP) specifically mentioned

in the General Plan. Road improvement projects are an example of a typical CIP project. These projects are consistent with the General Plan Circulation Element or are depicted on the Circulation Map. Other examples are project design or maintenance projects are not included in the General Plan, but does NOT conflict with any adopted policies, text, or maps in the General Plan. Improvements or upgrades to existing facilities, would be viewed in the same manner. Staff has reviewed the list of CIP projects against the policies, text, and maps in the Town's adopted General Plan. It has been determined that the projects are consistent and do not conflict with any parts of the General Plan. Based upon these findings, the staff recommends that the Planning Commission adopt Planning Commission Resolution No. 2019-006, making a finding of General Plan consistency for the Capital Improvement Plan 2019-2020 (attached).

Environmental Assessment: The General Plan Conformity Finding is not a project as defined by CEQA. Also, since this is a General Plan Consistency Finding, the adopted General Plan EIR would be considered adequate CEQA documentation.

RECOMMENDATION

Adopt Planning Commission Resolution No. 2021-004 which finds the proposed CIP for fiscal year 2021-22 consistent with the goals and policies of the Town's General Plan.

ATTACHMENTS:

1. Planning Commission Resolution No. 2021-004
2. CIP FY 2021-2022 Project List

PLANNING COMMISSION RESOLUTION NO. 2021-004

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, FINDING THE PROPOSED CAPITAL IMPROVEMENT PROGRAM (CIP) FY 2021-2022 TO BE IN CONFORMANCE WITH THE GENERAL PLAN.

WHEREAS, on August 11, 2009 the Town Council adopted a Comprehensive General Plan Update for the Town of Apple Valley; and

WHEREAS, the Planning Commission is required by State law to review and find that all proposed projects included in the CIP, are consistent with the adopted General Plan; and

WHEREAS, in accordance with the California Environmental Quality Act, the General Plan Conformity Finding is not a project as defined by CEQA. Also, since this is a General Plan Consistency Finding, the adopted General Plan EIR would be considered adequate CEQA documentation.

WHEREAS, on April ____, 2021, the Planning Commission reviewed CIP for fiscal year 2021-2022, and hereby found to be in conformance with the Town of Apple Valley General Plan.

Section 1. Approved and Adopted by the Planning Commission of the Town of Apple Valley this 21st day of April, 2021.

Joel Harrison, Chairman

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 21st day of April, 2021 by the following vote, to-wit:

Ms. Maribel Hernandez, Planning Commission Secretary

AYES:
NOES:
ABSENT:
ABSTAIN



High Desert Corridor

Bear Valley Bridge (Mojave River Bridge)
Central Road from Highway 18 to Bear Valley Road
Dale Evans Parkway @ Waalew Road (Realignment)
Town Wide School Zone Analysis/LRSP
Wika Road West End @ SR 18 Access Improvements (Phase 1)

Apple Valley Village Accessibility Phase 2
Bear Valley Bridge (Mojave River Bridge)
Central Road from Highway 18 to Bear Valley Road
Hwy 18 West End Widening (Phase 1, AVR Realignment)
Navajo Road Drainage Improvements
Paving Priorities (50% Categorical/50% Non-Categorical)
Reata Intersection Improvements
Sidewalk Repairs, Various Locations
Stoddard Wells Road Widening
Town Wide School Zone Analysis/LRSP

Jess Ranch Lift Station and Sewer Modifications
Replace Cleanouts with Manholes, Jess Ranch Community
Sewer Main Extension/Housing Element
Sewer Main/Manhole Replacement, Various Locations
Sewer Manhole Cover Replacement, Assess. Dist. 2A (Year 3 of 7)
Sewer Manhole Replacement, Bear Valley Road



Memorandum

DATE: April 21, 2021

TO: Planning Commission

FROM: Daniel Alcayaga, AICP, Planning Manager

RE: Summary of Commissioner's comments on possible code revisions for Accessory Buildings and Structures in Residential Zones

The purpose of this memo is to verify that all the Commissioner's comments were captured. On April 7, 2021, staff requested clarification from the Planning Commission whether garages fell under Sections 9.29.020 or 9.29.022 as both Sections provide varying setback requirements for non-habitable accessory structures in residential zones. As a result, the Planning Commission determined that the provisions were ambiguous and entire provisions dealing with accessory buildings need to be clarified. This would include adding definitions to better define accessory buildings/structures, including what is considered non-habitable vs. habitable, and permanent vs semi-permanent. A major revision would consider allowing more modern metal buildings in residential zones. The following is a list of provisions that should be addressed and/or further clarified:

1. Remove inconsistencies that provide varying setbacks
2. Simplify setbacks, which may include making setbacks the same for metal carports and non-metal garages
3. Consider setbacks based on lot sizes.
4. Remove loop holes and ambiguous provisions
5. Clarify differences between accessory dwelling units (ADUs) and guest quarters, and provide all provisions pertaining to accessory buildings/structures in one central location
6. Fix inconsistencies which require metal structures to have openings no more than 4 feet or openings on at least one side of the building
7. Revised provisions that have the effect of incentivizing metal carports over non-metal garages through setback reductions
8. Fix provisions which prohibit metal garages, but allow metal carports
9. Fix provisions which incentivize metal carports over stucco garages
10. Strengthen provisions to require accessory buildings/structures to match primary house

Staff is requesting that the Planning Commission review this list and make additional suggestions or modifications to ensure all the comments are accurately represented.