



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA**

WEDNESDAY, FEBRUARY 16, 2022

Regular Meeting 6:00 p.m.

Town Council Chambers
14955 Dale Evans Parkway

PLANNING COMMISSION MEMBERS

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

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

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



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY FEBRUARY 16, 2022 – 6:00 P.M.**

IMPORTANT COVID-19 NOTICE

THIS MEETING IS BEING CONDUCTED CONSISTENT WITH CURRENT GUIDANCE ISSUED BY THE STATE OF CALIFORNIA REGARDING THE COVID-19 PANDEMIC. THE MEETING IS BROADCAST LIVE AND VIEWABLE ON FRONTIER CHANNEL 29 OR CHARTER SPECTRUM CHANNEL 186 AND LIVE STREAMED ONLINE AT APPLEVALLEY.ORG. FOR INDIVIDUALS NOT PHYSICALLY PRESENT AND STILL WISHING TO MAKE PUBLIC COMMENTS, YOU MAY COMMENT IN ONE OF TWO WAYS:

- 1) COMMENTS AND CONTACT INFORMATION CAN BE EMAILED TO PUBLICCOMMENT@APPLEVALLEY.ORG TO BE INCLUDED IN THE RECORD;
- 2) A REQUEST TO SPEAK CAN BE EMAILED TO THE SAME ADDRESS AS ABOVE AND AT THE TIME OF THE REQUESTED AGENDA ITEM, THE TOWN CLERK WILL PLACE A PHONE CALL TO THE COMMENTER AND ALLOW THEM TO SPEAK TO THE COUNCIL VIA SPEAKER PHONE DURING THE LIVE MEETING FOR UP TO THREE MINUTES.

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

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

APPROVAL OF MINUTES

1. Approval of the minutes of the regular meeting of February 2, 2022.

PUBLIC HEARING ITEMS

2. **Conditional Use Permit No. 2021-008.** A request to allow an increase of the number of beds from six (6) to eight (8) for an existing Senior Residential Care Facility at 18554 Olalee Way (Applicant: Kanwal Imtiaz; APN:0473-542-16)

APPLICANT: Kanwal Imtiaz

LOCATION: 18554 Olalee Way, Apple Valley CA 92307; APN: 0473-542-16

ENVIRONMENTAL

DETERMINATION: The project is characterized as a minor alteration to an existing structure. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15301, the proposal is exempt from further environmental review.

PREPARED BY: Daniel Alca yaga, AICP, Planning Manager

RECOMMENDATION: Approval

3. **Conditional Use Permit No. 2019-006, Amendment 2.** A request to allow construction of a 7,670 square foot rustic metal building to be used for banquets and live entertainment. The Amendment will include adding food vendors on the northeast portion of the property, including converted shipping containers as restaurant kitchens and outdoor dining.

APPLICANT: Chet Hitt, The Market at Townsend

LOCATION: 22092 Highway 18; APN 3112-651-23

ENVIRONMENTAL

DETERMINATION: Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is Exempt from further environmental review. The proposed site has been previously used for similar purposes and is considered minor construction meeting the conditions set forth within Section 15303, Class 3 - New Construction

PREPARED BY: Daniel Alcayaga, AICP, Planning Manager

RECOMMENDATION: Approval

OTHER BUSINESS

PLANNING COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT

The Planning Commission will adjourn to its next regularly scheduled Planning Commission meeting on March 16, 2022.

**MINUTES
TOWN OF APPLE VALLEY
PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 2, 2022**

CALL TO ORDER

Chairman Harrison called to order the regular meeting of the Town of Apple Valley Planning Commission at 6:05p.m.

Roll Call

Present: Commissioner Kallen; Commissioner Lanyon; Commissioner Tinsley; Vice-Chairperson Arias; Chairperson Harrison.

Absent: None.

Staff Present

Daniel Alcayaga, Planning Manager; Richard Pederson, Deputy Town Engineer; Albert Maldonado, Town Attorney; Kiel Mangerino, Deputy Town Clerk; Yenifer Cid, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Commissioner Tinsley.

ELECTION OF NEW OFFICERS

A. Nomination for Chairperson

Chairman Harrison made a motion, Seconded by Commissioner Tinsley to nominate Vice-Chairman Arias as Chairperson.

Roll Call Vote

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

Noes: None

Abstain: None

Absent: None

Motion Carried, 5-0-0-0

B. Nomination for Vice-Chairperson

Nomination by Commissioner Kallen and Seconded by Chairman Harrison to nominate Commissioner Lanyon as Vice-Chairperson.

Roll Call Vote

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

Noes: None

Abstain: None

Absent: None

Motion Carried, 5-0-0-0

Recess for Reorganization

APPROVAL OF MINUTES

1. Approval of the minutes of the regular meeting of January 19, 2022.

Commissioner Harrison, asked for a correction to be made to the minutes which indicated he had seconded a motion when he was absent from the meeting.

MOTION

Motion by Commissioner Tinsley, seconded by Commissioner Harrison to approve the minutes of January 19, 2022 as amended.

Roll Call Vote

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

Noes: None

Abstain: Commissioner Harrison

Absent: None

Motion carried, 4-0-1-0

PUBLIC COMMENTS

NONE

PUBLIC HEARING

2. Conditional Use Permit No. 2018-011, Amendment 1.

A request for approval of an Amendment to a Conditional Use Permit to install a roof-top wireless telecommunications facility. Screening of the facility is designed to emulate a third floor to an existing two (2)-story, office building.

Chairperson Arias opened the public Hearing at 6:10 p.m.

Daniel Alcayaga, Planning Manager presented the staff report as submitted to the Planning Secretary.

Commissioner Harrison enquired about the noise generated by the equipment at the cell site.

Discussion ensued surrounding the amount of parking spaces required.

Courtney Standridge, applicant, addressed the commission concerning the conditions of approval.

There being no public comments Chairperson Arias asked the applicant if they agreed with all the conditions of approval.

Applicant stated they agreed with all the conditions of approvals.

Chairperson Arias closed the public hearing at 6:22 p.m.

Commission discussed the parking situation at the proposed location.

MOTION

Motion by Harrison, seconded by Vice-Chairperson Lanyon 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 Conditional Use Permit No. 2018-011, Amendment 1
4. Direct staff to file a Notice of Exemption.

Roll Call Vote

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

Noes: None
Abstain: None
Absent: None

Motion carried, 5-0-0-0

3. Tentative Parcel Map No. TPM 20369. Proposal to subdivide a 2.53-acre lot into two single-family parcels zoned Residential Equestrian (R-EQ).

A request to approve a Tentative Parcel Map to subdivide a 2.53-acre parcel into two (2) single family residential lots with a lot size of 1.15 acres. The project is located within the Residential Equestrian (R-EQ) zoning designation.

Chairperson Arias opened the public Hearing at 6:26 p.m.

Daniel Alcayaga, Planning Manager presented the staff report as submitted to the Planning Secretary.

Randy Coleman, Alltech Engineering, agreed with all the conditions of approvals.

There being no public comments Chairperson Arias closed the public hearing at 6:38 p.m.

MOTION

Motion by Commissioner Harrison, second by Commissioner Kallen to:

1. Find that pursuant to the California Environmental Quality Act (CEQA), Section No. 15315, the proposed request is Exempt from further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve Tentative Parcel Map No. 20369, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

Roll Call Vote

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

Noes: None
Abstain: None
Absent: None

Motion carried, 5-0-0-0

4. Development Code Amendment DCA 2022-001. Development Code Amendment modifying Section 9.71.040(A)(8)(c) of the Development Code pertaining to Extensions of Time for Tentative Maps, and Sections 9.17.100(A) and 9.17.110(A) pertaining to Approvals and Extensions for Development Permits.

Development Code Amendment modifying Section 9.71.040(A)(8)(c) of the Development Code pertaining to Extensions of Time for Tentative Maps, and Sections 9.17.100(A) and 9.17.110(A) pertaining to Approvals and Extensions for Development Permits.

Chairperson Arias opened the public Hearing at 6:26 p.m.

Daniel Alcayaga, Planning Manager presented the staff report as submitted to the Planning Secretary.

Commissioner Harrison enquired about the reasoning behind the current time frames and the need for adjustment.

Commissioner Lanyon asked about the time frames for existing projects which have already been granted extensions.

Josh Farmer, Development Director - Belco Project, commented on the current stage of the development.

Chairperson Arias closed the public hearing at 6:46 p.m.

MOTION

Motion by Commissioner Harrison, second by Commissioner Tinsley to:

1. Find that pursuant to the California Environmental Quality Act (CEQA), the activity is not subject to CEQA pursuant to Section 15061(b)(3).
2. Recommend that the Town Council approve Development Code Amendment DCA 2022-001.

Roll Call Vote

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

Noes: None

Abstain: None

Absent: None

Motion carried, 5-0-0-0

5. General Plan Amendment Nos. 2022-002, 2022-003, 2022-004, & 2022-005; and Zone Change Nos. 2022-001, 2022-002, 2022-003, 2022-004.

GPA 2022-002 & ZC 2022-001 from Office Professional (O-P) to Multifamily Residential (R-M) located immediately north of Quantico Road along both sides of Apple Valley Road (APNs: 0473-152-11, 12, 15, 16 & 17 and 0473-153-11, 12,13 & 14)

GPA 2022-003 & ZC 2022-002 from Mixed Use (M-U) to Estate Residential (R-E) located on the west side of Itoya Vista Street between Sequoia Road and Laurel Lane (APNs: 0434-042-16, 17, 18 & 19)

GPA 2022-004 & ZC 2022-003 from Multi-Family Residential (R-M) to Single Family Residential (R-SF) located on the south side of Outer Highway 18 and east of Tenaya Road (APNs: 0439-314-07 thru 11)

GPA 2022-005 & ZC 2022-004 Multi-Family Residential (R-M) to Single Family Residential (R-SF) located on the northeast corner of Mohawk and Laguna Road (APN: 0434-371-14)

Chairperson Arias opened the public Hearing at 6:47 p.m.

Daniel Alcayaga, Planning Manager presented the staff report as submitted to the Planning Secretary.

Discussion ensued around the reasoning of making the changes individually and not at a General Plan Update, as well as the current uses of surrounding parcels.

MOTION

Motion by Chairperson Arias, second Commission Kallen to continue Item 5 until after Item 6.

Roll Call Vote

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

Motion carried, 5-0-0-0

6. General Plan Amendment No. 2022-001. Adopt the Housing Element Update for Housing Cycle 2021-2029.

A comprehensive update of the Housing Element of the General Plan to implement the 6th cycle planning period from 2022 to 2029.

Chairperson Arias opened the public Hearing at 7:07 p.m.

Nicole Criste, Terre Nova, presented the staff report as submitted to the Planning Secretary.

Commissioner Kallen questioned the housing allocation for County Land in the Town of Apple Valley sphere of influence.

Commissioner Lanyon asked about how annexation would affect the Town of Apple Valley's housing allocations.

Discussion ensued surrounding the income levels in the Housing element, and what constitutes low-income families.

There being no public comments Chairperson Arias closed the Public Hearing at 7:30 p.m.

MOTION

1. Find that pursuant to the California Environmental Quality Act (CEQA), recommend adoption of the Initial Study and Negative Declaration.
2. Recommend that the Town Council approve General Plan Amendment No. GPA2021-002.

Roll Call Vote

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

Noes: None
Abstain: None
Absent: None

Motion carried, 5-0-0-0

CONTINUED PUBLIC HEARING

5. **General Plan Amendment Nos. 2022-002, 2022-003, 2022-004, & 2022-005; and Zone Change Nos. 2022-001, 2022-002, 2022-003, 2022-004.**

Chairperson Arias reopened the public hearing at 7:32

Daniel Alcayaga, Planning Manager gave a brief overview of GPA 2022-002 and ZC 2022-001

Discussion ensued about the surrounding properties and their uses.

There being no public comments Chairperson Arias closed public comments.

Chairperson Arias closed the Public Hearing at 7:50 p.m.

MOTION

Motion by Commissioner Kallen, seconded by Commissioner Tinsley to:

1. Find that pursuant to the California Environmental Quality Act (CEQA), the activity is not subject to CEQA pursuant to Section 15061(b)(3).
2. Recommend that the Town Council approve General Plan Amendment No. GPA 2022-002 & Zone Change No. ZC 2022-001

Roll Call Vote

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

Noes: None
Abstain: None
Absent: None

Motion carried, 5-0-0-0

Daniel Alcayaga, Planning Manager gave a brief overview of GPA 2022-003 and ZC 2022-002

Discussion ensued about the surrounding properties and their uses.

Motion by Commissioner Kallen, seconded by Commissioner Tinsley to:

1. Find that pursuant to the California Environmental Quality Act (CEQA), the activity is not subject to CEQA pursuant to Section 15061(b)(3).
2. Recommend that the Town Council approve General Plan Amendment No. GPA 2022-003 & Zone Change No. ZC 2022-002

Roll Call Vote

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

Noes: None
Abstain: None
Absent: None

Motion carried, 5-0-0-0

Daniel Alcayaga, Planning Manager gave a brief overview of GPA 2022-004 and ZC 2022-003

Discussion ensued about the surrounding properties and their uses.

Motion by Commissioner Kallen, seconded by Vice-Chairman Lanyon to:

1. Find that pursuant to the California Environmental Quality Act (CEQA), the activity is not subject to CEQA pursuant to Section 15061(b)(3).
2. Recommend that the Town Council approve General Plan Amendment No. GPA 2022-004 & Zone Change No. ZC 2022-003

Roll Call Vote

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

Noes: None
Abstain: None
Absent: None

Motion carried, 5-0-0-0

Daniel Alcayaga, Planning Manager gave a brief overview of GPA 2022-005 and ZC 2022-004

Discussion ensued about the surrounding properties and their uses.

Motion by Commissioner Tinsley, seconded by Commissioner Harrison to:

1. Find that pursuant to the California Environmental Quality Act (CEQA), the activity is not subject to CEQA pursuant to Section 15061(b)(3).
2. Recommend that the Town Council approve General Plan Amendment No. GPA 2022-005 & Zone Change No. ZC 2022-004

Roll Call Vote

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

Noes: None

Abstain: None

Absent: None

Motion carried, 5-0-0-0

OTHER BUSINESS

NONE

PLANNING COMMISSION COMMENTS

Commissioner Tinsley announced a PBID mixer that is coming up next week.

Commissioner Harrison announced his resignation from the Planning Commission due to personal reasons.

STAFF COMMENTS

Daniel Alcayaga, Planning Manager gave a brief overview of what has been proposed for future Planning Commission meetings. Mr. Alcayaga thanked Commissioner Harrison for his service on the planning commission, and his insightful questions.

Motion by Commissioner Harrison, seconded by Chairperson Arias and carried unanimously, to adjourn the meeting to the next regular Planning Commission meeting to be held February 16, 2022.

Chairperson Arias

Deputy Town Clerk, Kiel Mangerino



Planning Commission Agenda Report

DATE: February 16, 2022 **Item No. 2**

CASE NUMBER: Conditional Use Permit No. 2021-008

APPLICANT: Kanwal Imtiaz

PROPOSAL: Consideration of Conditional Use Permit CUP 2021-008 to allow an increase of the number of beds from six (6) to eight (8) for an existing Senior Residential Care Facility at 18554 Olalee Way (Applicant: Kanwal Imtiaz; APN:0473-542-16)

APPLICANT: Kanwal Imtiaz

LOCATION: 18554 Olalee Way; APN: 0473-542-16

ENVIRONMENTAL DETERMINATION: The project is characterized as a minor alteration to an existing structure. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15301, the proposal is exempt from further environmental review.

CASE PLANNER: Daniel Alcayaga, AICP, Planning Manager

RECOMMENDATION: Approval

PROJECT SITE

- A. 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)
- B. Surrounding Zoning and Land Use:
- Project Site- Single Family Residential (R-SF), Existing Residence
 - North - Single Family Residential (R-SF), Vacant
 - South - Single Family Residential (R-SF), Existing Residence
 - East - Single Family Residential (R-SF), Existing Residence
 - West - Single Family Residential (R-SF), Existing Residence

ANALYSIS

A. General:

Pursuant to Section 9.28.030 of the Development Code, Table 9.28.030-A “Permitted Uses”, “large residential care facilities, community care facilities, residential care facilities for the elderly, intermediate care of seven (7) or more State licensed facilities” require approval of a Conditional Use Permit. The facility in question, also known as Arya Senior Care Home, is an existing residential care facility for elderly licensed for six (6) beds. The Applicant is constructing a 336 square foot addition to accommodate two (2) additional beds. This increase of two beds places the care facility over the seven and requires the facility to obtain approval of a Conditional Use Permit.

B. Analysis:

The facility provides 24 hour ambulatory care for elderly and a minimum of two nurses are present at all times. There are no reports of building code violation or property maintenance violations on file. It is recommended that the Commission take public testimony and consider approving the Conditional Use Permit.

C. Environmental Assessment:

The project is characterized as a minor alteration to an existing structure. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15301, the proposal is exempt from further environmental review.

D. Noticing:

This item was advertised as a public hearing in the Apple Valley News newspaper on February 4, 2022 and notices mailed to all property owners within a 300-foot radius.

E. Conditional Use Permit Findings:

As required under Section 9.16.090 of the Development Code, prior to approval of a Conditional Use Permit, the Planning Commission must make positive findings to approve this proposal. These Findings, as well as a comment to address each, are presented below.

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

Comment: The proposal is located within the Single Family Residential (R-SF) zoning designation on a property with frontage Olalee Way. With the approval of the Conditional Use Permit, the project is in compliance

with the Development Code of the Town of Apple Valley and adopted General Plan.

2. That the proposed location, size, design and operating characteristics of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity, adjacent uses, residents, buildings, structures or natural resources.

Comment: The proposal is located within an existing single family residence that is already licensed as a small care facility for elderly. There are no reports of building code violation or property maintenance violations are on file. With compliance with the recommended Conditions of Approval, there will not be a harmful effect upon the neighborhood characteristics.

3. That there are public facilities, services and utilities available at the appropriate levels or that these will be installed at the appropriate time to serve the project as they are needed.

Comment: There are existing utilities and public facilities available to service the project site.

4. That the generation of traffic will not adversely impact the capacity and physical character of surrounding streets and that the traffic improvements and/or mitigation measures are provided in a manner consistent with the Circulation Element of the General Plan.

Comment: The proposal is located on a residential neighborhood with access from Olalee Way, which is an improved roadway designed to accommodate traffic generated from this care facility. Therefore, the proposal will not adversely impact the capacity and physical character of surrounding streets.

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

Comment: The proposal is located within the Single Family Residential (R-SF) district. The site is void of any significant vegetation and is outside of any known environmentally unique or fragile areas. The site is void of any protected plants. The project is characterized as an existing facility with the new construction of a small structure. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15301, the proposal is exempt from further environmental review. Under the State guidelines to implement the California Environmental Quality

Act (CEQA), the project is not anticipated to have any direct or indirect impact upon the environment.

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

Comment: N/A

RECOMMENDATION

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

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section 15301, the proposed request is Exempt from further environmental review.
2. Find the facts presented in the staff report support the required Findings for Approval for Conditional Use Permit CUP 2021-008.
3. Adopt the Findings as provided in the staff report and Conditional Use Permit CUP 2021-008
4. Direct staff to file the Notice of Exemption.

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Site Plan

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

Planning Division Conditions of Approval:

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval, if not exercised, shall expire three (3) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the expiration date. The approval becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. The applicant shall defend, at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P3. The approval of Conditional Use Permit No. 2021-008 by the Planning Commission is recognized as acknowledgment of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, *Appeals*, of the Town of Apple Valley Development Code.
- P4. The site plan and rendering presented to and approved with Conditions by the Planning Commission at the public hearing shall be the anticipated and expected appearance of the structure upon completion.
- P5. Conditional Use Permit No. 2021-008 be reviewed annually or more often, if deemed necessary by the Community Development Department, to ensure compliance with the conditions contained herein. Additional conditions may be recommended to and imposed by the Planning Commission to mitigate any

negative impacts resulting from the business operations not contained within the scope of this permit.

Building and Safety Conditions of Approval

- BC1. Submit plans, engineer and obtain permits for all structures, retaining walls, signs and modifications/additions by licensed engineer or architect.
- BC2. Comply with the State of California Disability Access requirements.
- BC3. Page two (2) of the submitted building plans will be the Conditions of Approval.
- BC4. Construction must comply with the current California Building Codes and California Green Building Code.
- BC5. Best Management Practices (BMP's) are required for the site during construction.

Public Works Conditions of Approval

- PW 1. This property is connected to the Town Sewer System. Sewer connection fees are required for any new plumbing fixtures being installed and/or existing fixtures not previously permitted. Plans must be approved by the Town of Apple Valley Public Works Department.

Apple Valley Fire Protection District Conditions of Approval

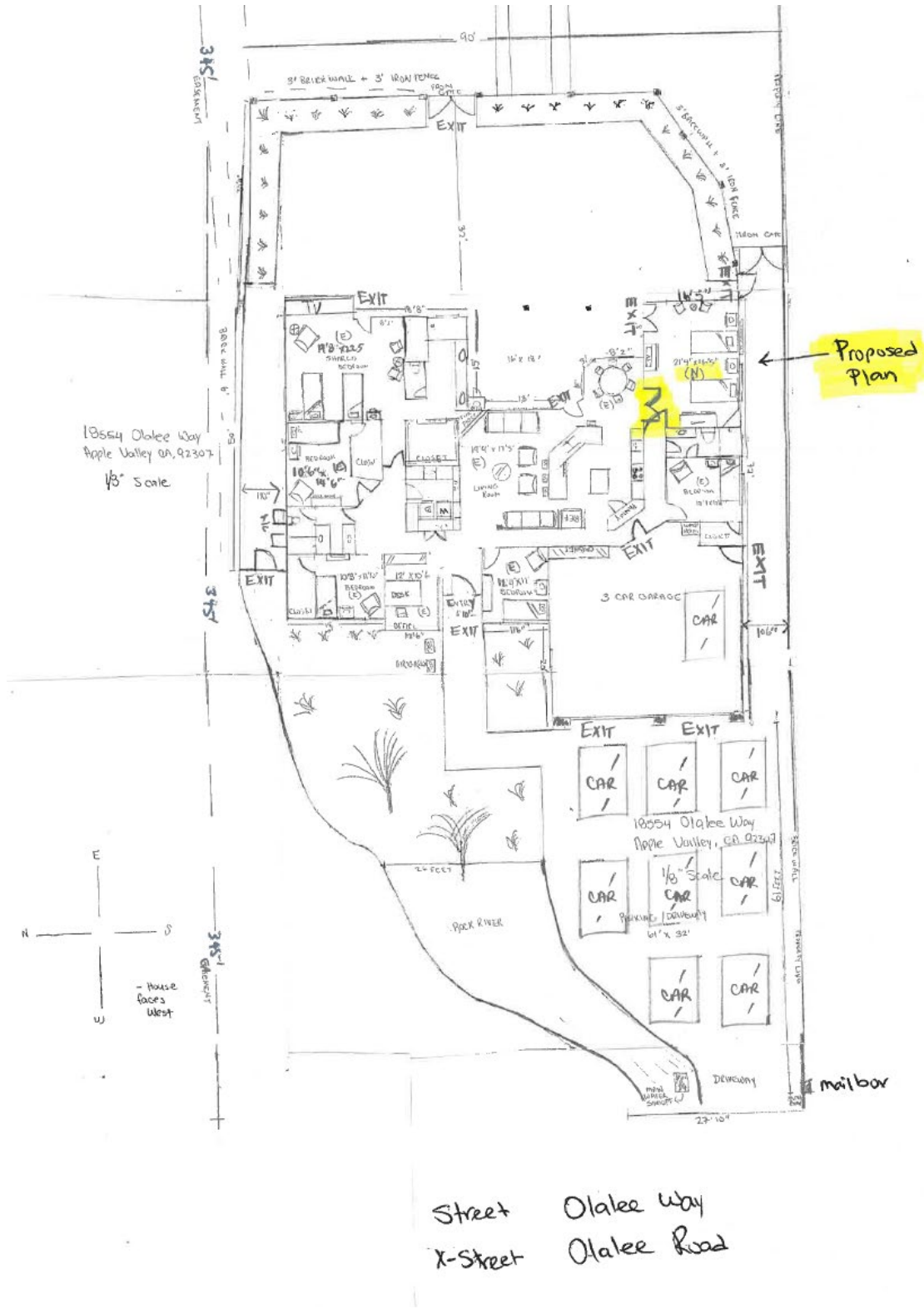
- FD1. An approved fire sprinkler system shall be installed throughout the building and shall be supervised and connected to an approved alarm monitoring station and provide local alarm which will give an audible signal at a protected location. Supervision to be both water flow and tamper. Sprinkler work may not commence until approved plans and permits have been issued by the Fire District.
- FD2. An approved automatic fire alarm system shall be installed and shall be supervised and connected to an approved alarm monitoring station and provide local alarm which shall be audible throughout the premises. Alarm work may not commence until approved plans and permit have been issued by the Fire District.
- FD3. Plans for fire protection systems designed to meet the fire flow requirements specified in the Conditions of Approval for this project shall be submitted to and approved by the Apple Valley Fire Protection District and water purveyor prior to the installation of said systems.
- FD4. System Standards:
 - *Fire Flow 1500 GPM at 20 psi Residual Pressure
 - Duration 2 hour(s)
 - Hydrant Spacing 330 Feet

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

- FD5. The facility is required to have smoke alarms and carbon monoxide alarms throughout. The smoke alarms must be interconnected so if one sounds, the rest of them go off together. Smoke alarms are required in each sleeping areas and common areas.
- FD6. Two exits are required. Exit ramps are required and must provide a continuous path to safety.
- FD7. Install illuminated exit signs at exits. Exit signs shall be energized from separate circuits. Illumination shall normally be provided by the premises wiring system. In the event of failure of this system, illumination shall be automatically provided from an emergency system.
- FD8. Fire Extinguishers with a minimum rating of 2A10BC shall be provided, as per inspection, prior to Certificate of Occupancy.

End of Conditions

Attachment 1





Planning Commission Agenda Report

DATE: February 16, 2022 **Item No. 3**

CASE NUMBER: Conditional Use Permit No. 2019-006 - Amendment 2

APPLICANT: Chet Hitt, The Market at Townsend

PROPOSAL: Consideration of Conditional Use Permit CUP 2019-006, Amendment 2 to allow construction of a 7,670 square foot rustic metal building to be used for banquets and live entertainment. The Amendment will include adding food vendors on the northeast portion of the property, including converted shipping containers as restaurant kitchens and outdoor dining.

LOCATION: 22092 Highway 18; APN 3112-651-23

ENVIRONMENTAL DETERMINATION: The project is an existing facility with new construction of small structures. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Sections 15301 and 15303, the proposal is exempt from further environmental review.

CASE PLANNER: Daniel Alcayaga, AICP, Planning Manager

RECOMMENDATION: Approval

PROJECT SITE

A. General Plan Designations:

Project Site - General Commercial (C-G)
North - Single-Family Residential (R-SF)
South - General Commercial (C-G)
East - General Commercial (C-G)
West - General Commercial (C-G) and Service Commercial (C-S)

B. Surrounding Zoning and Land Use:

Project Site- Village Commercial (C-V), Vacant Commercial Buildings
North - Equestrian Residential (R-EQ), Single-Family Residences
South - Village Commercial (C-V), Commercial Office/Retail
East - Village Commercial (C-V), Commercial Center and Bus Terminal

West - Village Commercial (C-V), Auto Collision Center and Service Commercial (C-S) Future Parking for Restaurant/Distillery

ANALYSIS

A. General:

On April 1, 2020, the Planning Commission approved Conditional Use Permit No. 2019-006. CUP 2019-006 included approval of an open-air Farmers Market and Vintage Flea Market with certain conditions and stipulations as described below:

- The Farmers Market can operate two days per week, Sundays from 8am to 2pm and Wednesday from 4pm to 9pm. The CUP authorizes 88 vendor booths on the northwest side of the site.
- The Vintage Flea Market can operate twice a month on Saturdays between the hours of 8am and 2pm.
- The Barrel House Bar was allowed to provide on- and off-site sales and consumption of alcohol in conjunction with the Farmers Market or Vintage Flea Market.
- The CUP authorizes a liquor barrel storage area for the operator’s approved distillery

On November 18, 2020, the Planning Commission approved Conditional Use Permit No. 2019-006, Amendment 1. Amendment 1 authorized banquets, live entertainment, as well as construction of a noise insulated stage at the Market at Townsend. Special events were allowed to have live entertainment to occur on Fridays and Saturdays until 10pm and on Sundays and Thursdays until 9pm.

B. Analysis:

The applicant is requesting to construct a 7,670 square foot metal building with rustic metal siding and roofing (Attachments 1 & 2). The Applicant’s request is in anticipation of the upcoming Village Specific Plan, which recommends allowing similar metal buildings. Town staff is seeking guidance from the Planning Commission’s in determining if the rustic building should be permitted. Section 9.37.080 of the Development Code pertaining to Town’s Commercial District Design Standards states “A structure which proposes an exposed metal exterior as the primarily building siding shall require the application to be approved by the Planning Commission.”

The proposed rustic building will complement existing buildings on the property. The rustic building will include features such as decorative lights, string lighting and large glass roll-up doors. Attachment 3 shows similar buildings that illustrate the rustic metal material and the atmosphere that the Applicant envisions. There are already several Planning Commission approved buildings and structures on the property, including multiple kiosks, a Barrel House Bar and miscellaneous buildings throughout the property that are metal buildings/structures, or include a combination of metal roof or siding (Attachment 4). The

proposed building would be surrounded by vendor kiosks immediately to the west, which have rustic metal roofs and posts, and the Barrel House Bar immediately to the south, which contains rustic metal siding.

Repurposed Cargo Containers as Restaurant Kitchens:

In addition, the applicant is requesting to create a food vendor courtyard on the northeast portion of the property. Presently, this area where the courtyard is proposed is vacant, but occasionally is utilized with food trucks and food vendors. In this area, the applicant intends to install repurposed shipping containers to be used as restaurant kitchens. Similar to the above item, Town staff is seeking guidance from the Planning Commission in determining if repurposed containers can be allowed as restaurant kitchens (Attachments 1 & 5).

Repurposing shipping containers is a global trend, and these converted containers are popping up next to breweries, wineries, art galleries and entertainment venues. These types of venues attract people of all ages; tourists; local talent (musicians, artist, comedians); and associated small businesses. Introduction of the container kitchens will complement other existing activities at the Townsend Market, such as live entertainment, farmers market, flea market, and banquets.

There is precedence in allowing cargo containers when they are completely concealed with approved exterior materials allowed by the Code, and up to two (2) cargo containers are permitted when used for storage in the Apple Valley Village. Otherwise, the code does not directly address permitting repurposed cargo containers as kitchens. Section 9.05.080(B) states:

The Town recognizes that every conceivable use cannot be identified in this Code; and, anticipating that new uses will evolve over time. This Chapter establishes the Director's authority to determine similarity of a proposed use with those listed in this Code for a zoning district.

The Town Council recently modified Section 9.36.170.D of the Development Code to permit up to two (2) cargo containers within the Apple Valley Village - Village Commercial (CV) & Service Commercial (C-S) Districts when used for storage. In the criteria outlined in Section 9.36.170.D, the code limits containers to be a single color; must be associated with an established business; and does not allow signage. Other than the Village area, cargo containers are prohibited to be used as storage in commercial districts. The current application does not propose to use cargo containers for storage, it proposes to repurpose cargo containers for commercial kitchens and the Applicant is willing to make exterior alternations to compliment surrounding buildings and structures (Attachment 5).

In residential zones, Section 9.29.020 (E)(2) states “metal, freight, cargo or similar containers are not allowed within any residential district, except the Residential-Agriculture, R-A, District when placed in a manner where such containers are not visible from the public right-of-way.” In 2019, the Town Council stated that they did not desire to

allow cargo containers in residential areas. Recent modifications to Section 9.29.020 (1) only allow cargo containers to be covered or skinned with a material and design like the primary residence. On January 20, 2021, the Planning Commission reviewed Town’s first single-family residence made of cargo containers covered with exterior cedar wood siding and stone veneer and agreed that such residence complied with the Design Checklist Criteria.

It is recommended that the Commission take public testimony and consider approving the vendor area with the conditions that all containers undergo an exterior alteration process whereby the containers are covered or skinned with approved materials. Exposed steel should not be permissible unless the steel is used as an accent feature, but in no case make-up more than 25% of the exterior façade of all sides. The cargo containers must undergo an artistic exterior transformation process involving color and material changes with professionally designed signage or artwork. In the future, it is recommended that container kitchens not be allowed within shopping centers, parking lots which are visible from public view, or on vacant properties; should only be allowed as part of farmer markets or similar entertainment venues within the Village; and require approval of a Conditional Use permit. Unaltered or altered cargo containers are not appropriate in all contexts. If the Commission agrees, similar language can be added in the upcoming Village Specific Plan.

C. Parking Analysis:

The updated parking analysis reflects the revisions from the recent development code amendment pertaining to parking, as well as changes in land uses made by the applicant. As compared to the original approval, the parking standard changed for restaurant uses. Previously, the parking analysis was based on one parking space for each 45 square feet of customer area of restaurants. Presently, the development code requires 1 parking space for each 100 square feet of restaurant area.

Type of Use	Square Footage	Parking Ratio	No. of Spaces Required
Farmers Market (west side)	15,102	1/500 sf	30
New Food Courtyard (east side)	6,600	1/500 sf	13
Barrel House Bar	1,206	1/100 sf	12
New Event Center (Restaurant)	3,300	1/100 sf	33
New Event Center (Assembly)	2,235	1/35 sf	64

New Event Center (Not assembly)	2,135	None	0
Total Required			152
On-site Parking			83
Shared Parking Townsend			69
Total Provided			152

D. Environmental Assessment:

The project is an existing facility with new construction of small structures. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Sections 15301 and 15303, the proposal is exempt from further environmental review.

E. Noticing:

This item was advertised as a public hearing in the Apple Valley News newspaper on February 4, 2022 and notices mailed to all property owners within a 1,500-foot radius consistent with the Planning Commission’s prior request to expand the notification area.

F. Conditional Use Permit Findings:

As required under Section 9.16.090 of the Development Code, prior to approval of a Conditional Use Permit, the Planning Commission must make positive findings to approve this proposal. These Findings, as well as a comment to address each, are presented below.

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

Comment: The proposal is located within the Village Commercial (C-V) zoning designation on a property with frontage on Quinnault Road and Outer Highway 18. With the approval of an Amendment to the approved Conditional Use Permit, the project is in compliance with the Development Code of the Town of Apple Valley and adopted General Plan.

2. That the proposed location, size, design and operating characteristics of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity, adjacent uses, residents, buildings, structures or natural resources.

Comment: The proposal is located on the north half of a developed, three (3)-acre parcel. There are residential uses to the north and commercial uses to the south, east and west. The project has been designed with adequate setbacks and with adherence to the recommended conditions, the project will not be detrimental to adjacent uses. With compliance with the recommended Conditions of Approval, there will not be a harmful effect upon the neighborhood characteristics.

3. That there are public facilities, services and utilities available at the appropriate levels or that these will be installed at the appropriate time to serve the project as they are needed.

Comment: There are existing utilities and public facilities available to service the project site.

4. That the generation of traffic will not adversely impact the capacity and physical character of surrounding streets and that the traffic improvements and/or mitigation measures are provided in a manner consistent with the Circulation Element of the General Plan.

Comment: The proposal is located on a commercial site with access from Outer Highway 18 and Quinnault Road, which are improved roadways designed to accommodate traffic generated from this business. Therefore, the proposal will not adversely impact the capacity and physical character of surrounding streets.

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

Comment: The proposal is located within the Village Commercial (C-V) zoning district. The site is void of any significant vegetation and is outside of any known environmentally unique or fragile areas. The site is void of any protected plants. The project is characterized as an existing facility with the new construction of a small structure. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Sections 15301 and 15303, the proposal is exempt from further environmental review. Under the State guidelines to implement the California Environmental Quality Act (CEQA), the project is not anticipated to have any direct or indirect impact upon the environment.

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

Comment: N/A

RECOMMENDATION

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

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Sections 15301 and 15303, the proposed request is Exempt from further environmental review.
2. Find the facts presented in the staff report support the required Findings for Approval for Conditional Use Permit No. 2019-006 Amendment 2.
3. Adopt the Findings as provided in the staff report and Conditional Use Permit No. 2019-006 Amendment 2.
4. Direct staff to file the Notice of Exemption.

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Site Plan
3. Color Building Elevations
4. Examples of Similar Buildings/Theme
5. Existing Metal Buildings/Structures at Townsend Market
6. Zoning Map

Town of Apple Valley

Recommended Conditions of Approval
Conditional Use Permit No. 2019-006 – Amendment 2

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

Planning Division Conditions of Approval:

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval, if not exercised, shall expire three (3) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the expiration date. The approval becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town’s Development Code.
- P2. The applicant shall defend, at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P3. The approval of Conditional Use Permit No. 2019-006 by the Planning Commission is recognized as acknowledgment of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, *Appeals*, of the Town of Apple Valley Development Code.
- P4. The site plan and rendering presented to and approved with Conditions by the Planning Commission at the public hearing shall be the anticipated and expected appearance of the structure upon completion.
- P5. The Community Development Director or his/her designee shall have the authority for minor architectural changes focusing around items such as window treatments, color combinations, façade treatments and architectural relief. Questions on the interpretation of this provision or changes not clearly within the scope of this

- provision shall be submitted to the Planning Commission for consideration under a Revision to the Development Permit.
- P6. The filing of a Notice of Exemption requires the County Clerk to collect a fee of \$50.00. The fee must be paid in a timely manner in accordance with Town procedures. No permits, including Certificate of Occupancy, may be issued until such fee is paid. The check shall be made payable to the Clerk of the Board of Supervisors.
- P7. Conditional Use Permit No. 2019-006 and Amendment 2 may be reviewed annually or more often, if deemed necessary by the Community Development Department, to ensure compliance with the conditions contained herein. Additional conditions may be recommended to and imposed by the Planning Commission to mitigate any negative impacts resulting from the business operations not contained within the scope of this permit.
- P8. No deviation, modification, alteration, adjustment or revision to or from the appearance, location, fixtures, features or appurtenances thereto of any type or extent shall be approved without said changes being first submitted to the Planning Division for consideration and approval.
- P9. Noise generated from the site shall not exceed the existing ambient noise level, as described in the development code, and as measured from the north property line. Nuisance noise may result in revocation of this Conditional Use Permit.
- P10. Light standards shall blend architecturally with approved project design.
- P11. All lighting shall be scheduled so light rays emitted by the fixture are projected below the imaginary horizontal plane passing through the lowest point of the fixture and in such a manner that the light is directed away from streets and adjoining properties. Light poles in parking lot shall not exceed twenty (20) feet in height.
- P12. All front building setbacks and street right-of-way areas located between on-site improvements and the back of existing or future public sidewalks or street curbs, except needed access driveways, shall be fully landscaped.
- P13. All required and installed landscaping shall incorporate and maintain a functioning automatic sprinkler system, and said landscaping shall be maintained in a neat, orderly, disease and weed free manner at all times.
- P14. Landscaping shall be installed with appropriate combinations of drought tolerant trees, shrubs, and ground cover, consistent with Chapter 9.75, *Water Conservation Landscape Regulations*, of this Code.
- P15. Final landscape and irrigation plans shall be submitted prior to issuance of occupancy permits subject to approval by the Planning Division.

- P16. Temporary signage shall be permitted during the hours of operation, subject to the review and approval of a Sign Program.
- P17. Parking requirements shall be met and be in compliance with Town standards. All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines.
- P18. Required parking spaces shall be provided for the handicapped in accordance with Town standards and in accordance with Title 24 of the California Administrative Code. The handicapped spaces shall be located as close as practical to the entrance of the facility. Each space must be provided with access ramps and clearly marked in accordance with Title 24 of the California Administrative Code.
- P19. Trash Enclosure shall be in accordance with Town Standards and covered to reflect the architectural design of approved project subject to the review and approval of the Planning Division.
- P20. The Community Development Director or his/her designee shall work with the applicant to find a solution that will prevent staining of the adjacent sidewalks, driveways, and rights-of-way from the exposed steel, to ensure the adjacent sidewalks, curb or gutter remain rust-stain free. This could include decorative stained concrete sidewalks and driveways and/or decorative pave driveways. Landscape planters adjacent to the rusted metal fencing and the right-of-way are encouraged.
- P21. Sales of food items shall comply with the requirements of the Health Department and Agricultural Commissioner. The operator shall ensure that all vendors have obtained any required permits.
- P22. The site shall be kept clear of any litter or debris and shall be returned to its original condition upon completion of each event.
- P23. Trash receptacles shall be provided for rubbish and recyclable materials. The site shall be cleared of all trash immediately following each day of sale.
- P24. Sales activities shall not be permitted within the public right-of-way during the Farmer's Market.
- P25. This CUP Amendment authorizes special events, including live entertainment, conferences, services, and banquets. Operating hours shall be limited from 7am to 9pm on Sundays through Thursdays, and 7am to 10pm on Fridays and Saturdays. The Farmers Market hours of operation will continue to occur two (2) days per week, Sundays 8am to 2pm and Wednesdays 4pm to 9pm.

- P26. The approval of this Amendment to the approved Conditional Use Permit will continue to allow a Vintage Flea Market to operate twice monthly on Saturdays between the hours of 8am. and 2pm.
- P27. Sanitary facilities shall be provided. Temporary sanitary facilities may be utilized for a period not to exceed one year. Permanent facilities must be installed and operational prior to April 1, 2021. Should permanent facilities not be completed, all operations approved under Conditional Use Permit No 2019-006 shall be suspended until said facilities are completed and operational.
- P28. Conditional Use Permit 2019-006 authorizes Phase I, which includes 88 vendor booths on the west side. Phase II, which includes 77 vendor booths on the east side, shall be contingent upon staff approval of shared parking agreement(s) with surrounding property owner(s) for additional required parking. Off-site parking shall be required for all vendors (1 parking space per vendor), subject to review and approval of the Planning Division.
- P29. Live entertainment and/or use of any amplified sound system is permitted provided the following measures shall be implemented to reduce the noise generated from live entertainment. **Prior to Building Final, the Applicant shall demonstrate to the satisfaction of the Planning Division that live entertainment will not exceed the ambient noise level as measured from the north property boundary.** ~~as per the acoustical analysis submitted with this CUP Amendment:~~
- ~~1) The application of a denim based batten, which is similar roof insulation only denser with superior acoustic absorption properties, shall be installed within the ceiling joist of the stage cover;~~
 - ~~2) The application of silent running coating material, which absorbs sound energy, shall be applied on the north wall of the stage area and/or back of stage wall; and~~
 - ~~3) The application of a peacemaker sheet barrier, which is an acoustic absorber, shall be placed on the flanks proposed on the sides of the stage, and as needed to further reduce the noise level to existing ambient levels.~~
- P30. During Market events, temporary "Event Parking Prohibited" signs shall be placed at the boundaries of the adjacent residential neighborhood (north end of the project site and west of Quinnault along Arapahoe) prohibiting event parking.
- P31. The Barrel House Bar, which provides on and off-site sales and consumption of alcohol, shall only operate during the same hours as the Farmers Market, Vintage Flea Market, banquets, conferences, services and special events, including live entertainment. The on-site consumption and sale of alcohol shall be limited to the operating hours in Condition P25. ~~Independent operation of a bar or tavern requires review and approval under a separate permit.~~
- P32. **All repurposed cargo containers used as restaurant kitchens shall undergo an exterior alteration process whereby the containers are covered or skinned**

with Town approved exterior building materials. Exposed steel should not be permissible unless the steel is used as an accent feature, but in no case make-up more than 25% of the exterior façade of all sides. The cargo containers shall undergo an artistic exterior transformation process involving color and material changes with professionally designed signage and/or artwork.

- P33. **Sufficient parking shall be always provided. The 7,670 square foot rustic metal building shall be used as a restaurant/banquet hall combination in substantial compliance with the parking analysis in the February 16, 2022 staff report. For major events or events involving 500 people or more at Townsend Market, the Applicant shall provide sufficient parking in conjunction with adjacent properties or properties within a ½ mile of the venue and shall make arrangements for employees, workers, performers, and/or vendors to parking outside the required parking and to be shuttled to the venue.**

Environmental and Regulatory Compliance Conditions of Approval

- EC1. Pursuant to AVMC § 8.19.020(a) et seq., the construction contractor shall complete and submit a Waste Management Plan (WMP), on a WMP form approved by the Town for this purpose as part of the application packet for the building or tenant improvement permit.
- EC2. Pursuant to AVMC § 8.19.050(a) et seq., and prior to the issuance of a Certificate of Occupancy, the contractor shall submit documentation proving that the project has met the diversion requirement. The diversion requirement shall be at least fifty (50) percent of the total C&D debris generated by the project via reuse or recycling.
- EC3. As of January 1, 2019, businesses that generate four (4) cubic yards or more of commercial solid waste per week shall arrange for organic waste recycling services with limited exceptions. Contact Burrtec Waste Industries at (760) 245-8607 for further information.
- EC4. If waste tires are to be generated at the facility, the operator shall comply with all storage and disposal provisions within Chapter 16 of the Public Resources Code, commencing with section 42800.
- EC5. Businesses that generate 4 cubic yards or more of commercial solid waste per week shall arrange for organic waste recycling services.

Building and Safety Conditions of Approval

- BC1. Comply with the State of California Disability Access requirements.
- BC2. Page two (2) of the submitted building plans will be the Conditions of Approval.

BC3. Construction must comply with the current California Building Codes and California Green Building Code.

BC4. Best Management Practices (BMP's) are required for the site during construction.

Public Works Conditions of Approval

PW 1. This property is connected to the Town Sewer System. Sewer connection fees are required for any new plumbing fixtures being installed and/or existing fixtures not previously permitted. Plans must be approved by the Town of Apple Valley Public Works Department.

Engineering Division Conditions of Approval

EC1. Half-width street frontage improvements, including curb, gutter and sidewalk, shall be constructed along Quinnault Road and Outer Highway 18 as per Town standards. This condition shall be satisfied by a timeline set by the Assistance Town Manager.

Apple Valley Fire Protection District Conditions of Approval

The following comments are based on the applicable edition of the California Codes and should be resolved before a permit is issued. This correction list is not a building permit. The approval of plans and specifications does not permit the violation of any section of the California Codes, any Federal, State or local regulation.

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

FD2. Fire lanes shall be provided with a minimum width of twenty-six (26) feet and maintained.

Apple Valley Fire Protection District Ordinance 57

FD3. Provide 2-A-10-BC minimum rating fire extinguisher, mounted and serviced by a certified company every seventy-five (75) feet of travel in the area of the Farmers market.

FD4. Fire Inspections required of booths and buildings prior to first event.

FD5. Other conditions may come up during the plan review of the building.

FD6. Any new building or existing building that are added onto may require Fire Sprinkler and Alarm to be installed, I.E (Ticket booth Building)

- FD7. Have 5-year certification completed on the sprinkler system for existing building.
- FD8. Perform annual testing and maintenance on the fire alarm system.
- FD9. The outdoor area as designed, occupant load is 2,500 people. Employees need to count people coming and leaving the event in order to ensure the safety of the event.
- FD10. Standby fire personnel and fire watch personnel. The fire code official has the authority to require, standby fire personnel and/or fire watch personnel if in the opinion of the fire code official potentially hazardous conditions or reductions in a life safety feature exist. The owner, agent, or lessee shall provide one or more qualified persons, as required and approved, to be on duty. Such standby fire personnel or fire watch personnel shall be subject to the fire code official's orders at all times and remain on duty during the times such places are open to the public, when such activity is being conducted, or as required by the fire code official. Fire watch personnel are not employees or agents of the city. The cost of the standby personnel will be billed to the event.
- FD11. A construction permit is required for the installation of or modification to a C02 liquid and or compressed gas system which exceed amounts listed in Table CFC 105.6.8. Liquid C02 100 pounds or compressed C02 gas in excess of 6000 (cubic feet @ NTP).

The following guideline has been developed to assist with the submittal and permitting process for C02 compressed gas installation or modification. C02 liquid & compressed gas systems shall not be installed without prior approval.

Permitting Process: A complete submittal package shall be emailed to plans@avfpd.org. Submittal package shall include:

A completed permit application.

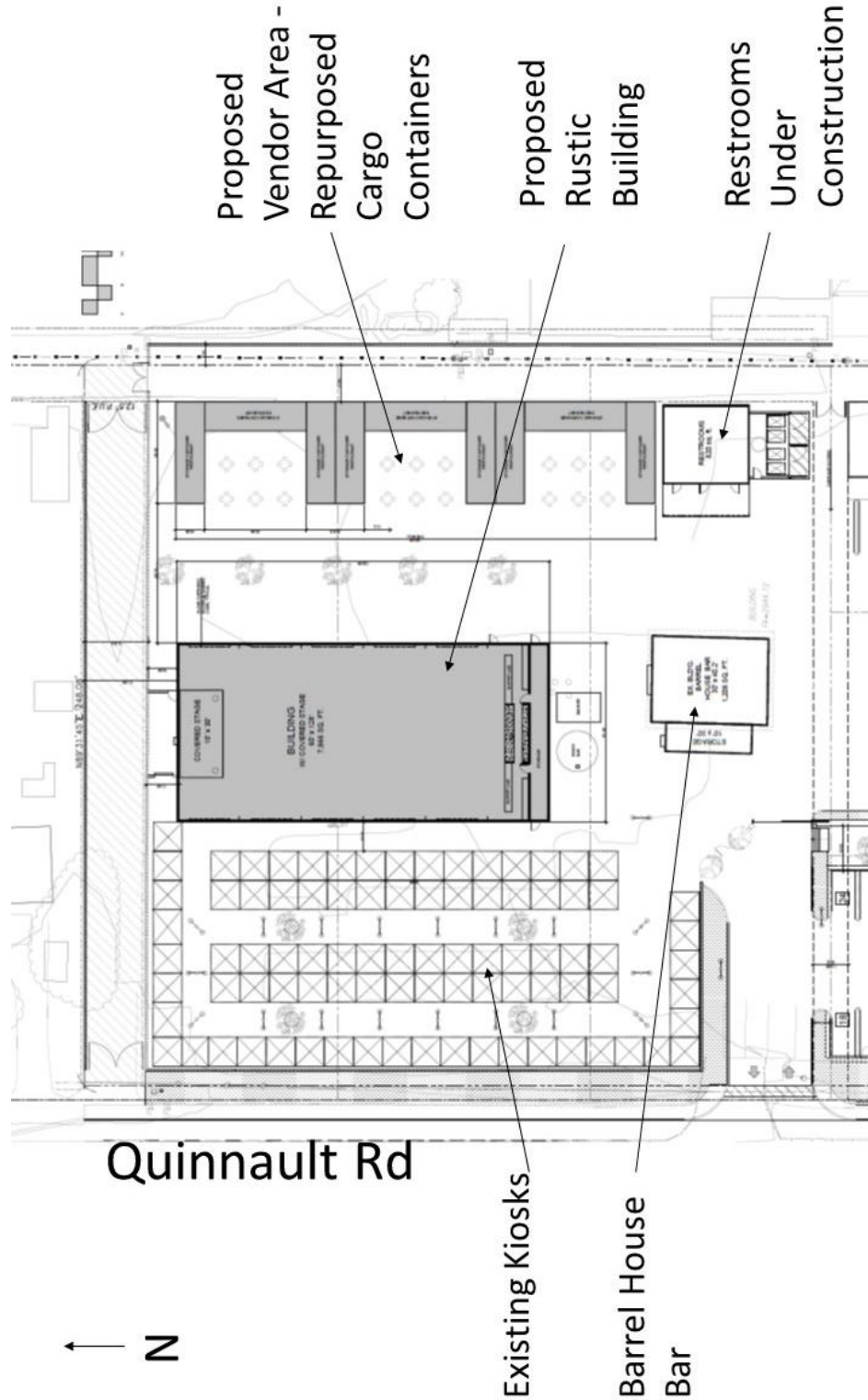
- Plans and documents should provide:
- Indicate project name and address
- Installing contractor information including name, local address, State contractor's license number, phone number and email address
- Manufacturer's cut sheets for piping, storage vessels, tank size, gas detection alarms and equipment
- Engineered process piping drawing to include drawings identifying products point of use.
- Ventilation system drawings and cut sheets.
- Drawings showing notification device locations, and gas detector locations including set limits for detection system.
- Drawing details for tank anchorage (seismic restraints).
- Remote pressure & level indicators, markings and signage required

Scope of work letter to be prepared by installing contractor:

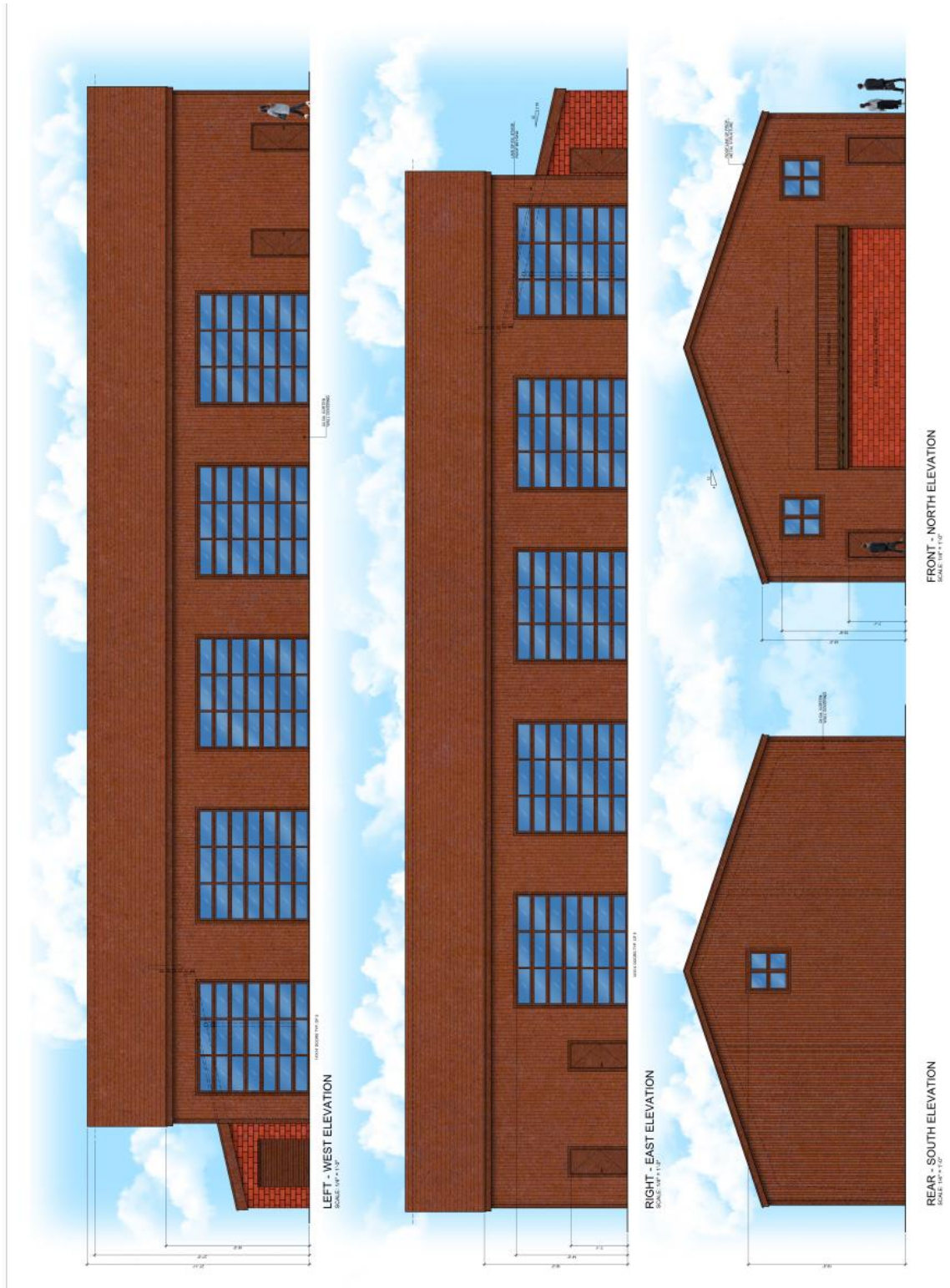
All scope of work letters shall include the project's name and address, including a suite number if applicable. A paragraph describing the scope of work to be performed shall provide sufficient detail to indicate where on the property the work is to be completed and the type of work to be performed. The make and model number of any new device or equipment shall also be included. This letter shall be signed by a "Qualified Employee" of the installing contractor.

End of Conditions

ATTACHMENT 1 SITE PLAN (NORTH HALF OF PROPERTY)



ATTACHMENT 2 COLOR BUILDING ELEVATIONS



ATTACHMENT 3 EXAMPLES OF SIMILAR BUILDINGS/THEMES

Illustration of Rustic Metal Siding



Inspiration Samples





ATTACHMENT 4 EXISTING METAL BUILDINGS/STRUCTURES AT TOWNSEND MARKET





ATTACHMENT 5 EXAMPLES OF REPURPOSED CARGO CONTAINERS AS RESTAURANT KITCHENS



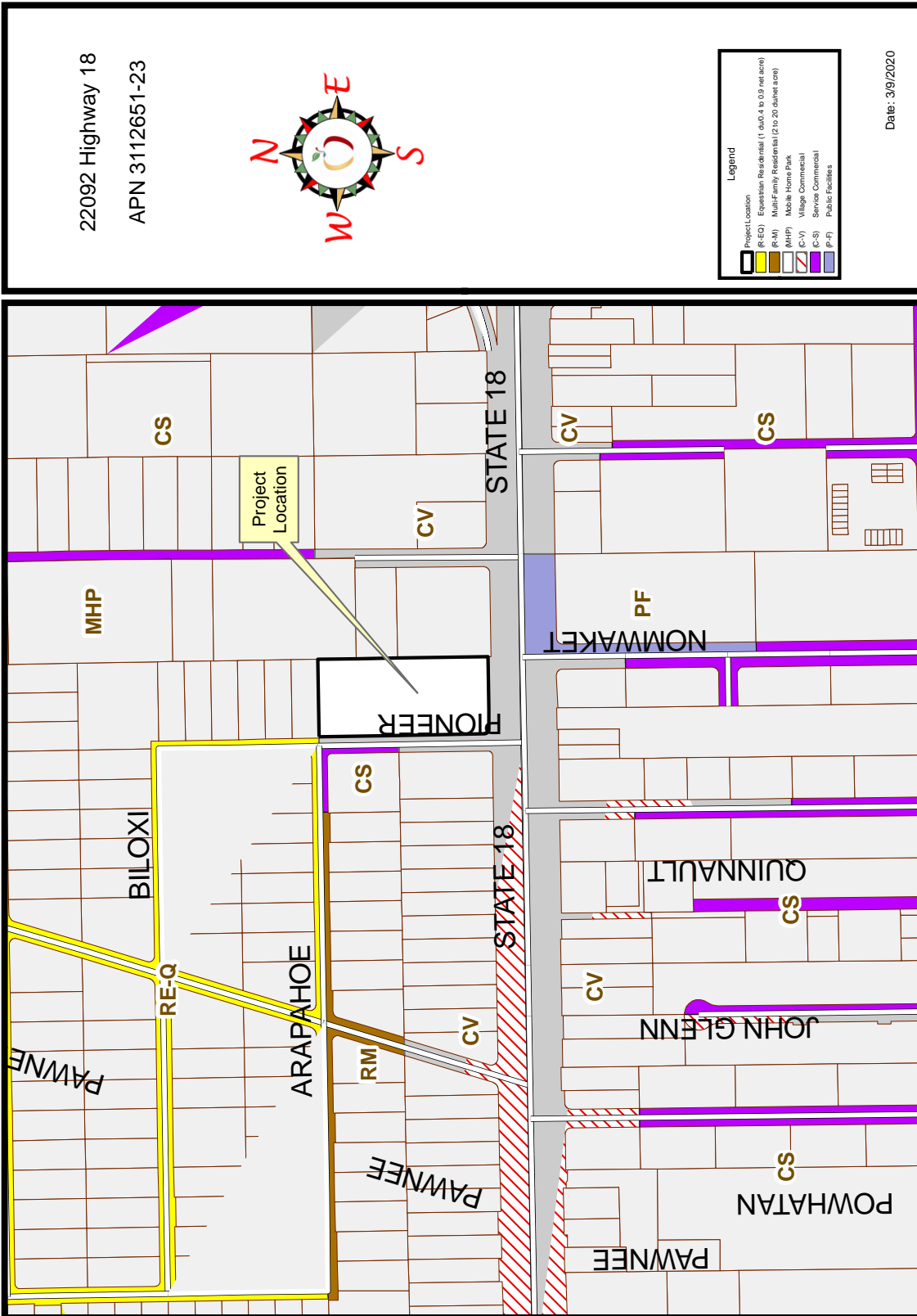






Conditional Use Permit No. 2019-006

ZONING/LOCATION MAP



22092 Highway 18
 APN 3112651-23



Legend

- Project Location
- (R-EO) Equestrian Residential (1, 2, 3, 4 to 0.9 net acre)
- (R-M) Multi-Family Residential (2 to 20 duplex size)
- (MHP) Mobile Home Park
- (C-V) Village Commercial
- (CS) Service Commercial
- (P-F) Public Facilities

Date: 3/9/2020