

Conference Room A 14343 Civic Drive Victorville, CA www.victorvilleca.gov

Zoning Administrator

Regular Meeting Agenda Wednesday, July 3, 2024

10 a.m. Regular Meeting

The Zoning Administrator welcomes and encourages public participation and invites the community to attend in person.

Public Comments: Members of the public may submit comments electronically to planning@victorvilleca.gov. All email comments received by 3 p.m. the day before the meeting will be distributed to the Zoning Administrator. Participants are invited to address the Zoning Administrator on agendized and non-agendized topics. Public comments will be no longer than three (3) minutes per community member. Should a speaker conclude their comments prior to the expiration of three (3) minutes, the speaker waives the right to speak for any remaining amount of time.

In compliance with the Americans with Disabilities Act, If you need assistance to participate in this meeting, please contact the Planning Division at (760) 955-5135 or (760) 229-1463 no later than 72 hours prior to the meeting.

Call to Order

PUBLIC HEARINGS

1. ADMN24-00039 – Beniamin Kisliuk

Environmental – Environmental Exemption

<u>Project</u> – A Minor Conditional Use Permit with an Environmental Exemption to allow for an athletic sports training facility within an existing multi-tenant building located in the C-M (Commercial Manufacturing) zone district.

<u>Location</u> – 12454 Industrial Center Drive, Suite #103

<u>Recommendation</u> – Staff recommends that the Zoning Administrator conduct a public hearing, receive testimony regarding the proposed project, and take the following actions:

- **1. Environmental Assessment** Find the project categorically exempt per CEQA Section 15301 Existing Facilities; and
- **2. Minor Conditional Use Permit** Approve case ADMN24-00039 subject to the recommended Conditions of Approval.

Public Comments

Adjournment



ZONING ADMINISTRATOR STAFF REPORT

DATE: July 3, 2024 **AGENDA NO. 1**

CASE: ADMN24-00039

SUBJECT: A Minor Conditional Use Permit with an Environmental Exemption to allow for an

athletic sports training facility within an existing multi-tenant building located in the C-M (Commercial Manufacturing) zone district at 12454 Industrial Center Drive.

APPLICANT: Kisliuk, Beniamin

LOCATION: 12454 Industrial Center Drive, Suite #103

I. STAFF RECOMMENDATION:

Staff recommends that the Zoning Administrator conduct a public hearing, receive testimony regarding the proposed project and take the following actions:

- **1. Environmental Assessment** Find the project categorically exempt per CEQA Section 15301 Existing Facilities.
- **2. Minor Conditional Use Permit** Approve case ADMN24-00039 subject to the recommended Conditions of Approval.

II. SUMMARY:

The applicant is requesting approval of a Minor Conditional Use Permit to allow for the establishment of an indoor athletic sports training facility within a newly constructed multi-tenant industrial building zoned C-M (Commercial Manufacturing). The 2.75-acre site was developed with a 32,182 square foot industrial warehouse/office building comprised of 17 individual suites each approximately 1,850 square feet in size. Similar indoor recreational facilities have been established along Industrial Boulevard without incident or parking shortages. The subject site contains shared access and although the site has a combination of commercial and light industrial users, each suite offers a unique warehouse space with a business-friendly front entrance.

III. STAFF ANALYSIS:

1. Environmental Assessment.

California Environmental Quality Act (CEQA) Section 15301 allows a categorical exemption for the permitting of private structures that involve negligible or no expansion of use. Since the proposal is located within an existing space designed for warehouse/office use, and because the subject sports training facility does not introduce materials, traffic, or other environmental impacts greater than those originally analyzed during the development of the existing site, Staff finds that this exemption is applicable and that it does not constitute an expansion of use, in compliance with the noted CEQA categorical exemption.

2. Minor Conditional Use Permit.

Business Operations / Site History

• The 1,850 square foot suite provides a lobby/lounge entrance area with space for accessory retail, while the rear warehouse space will primarily be utilized for open area agility training, gym equipment, and free weights. The facility will offer personalized training programs and group fitness classes with no more than 10 athletes training at any given time. The facility will not be open to the public and does not operate on a walk-in basis and serves its athletes by scheduled timeframes only.

The applicant has stated that the business will operate from 5:00 a.m. to 9:00 p.m. and will be open seven days a week. Recreational facilities typically have a higher demand during the evening hours when customers are off work, and when other businesses are closed. The development is occupied by tenants that predominately operate during normal daytime hours and a conflict in parking is not anticipated. However, should a parking issue arise, Staff has included Condition #6 requiring modifications to the operation in order to correct any potential parking issues.

Parking

- When entitled in 2021, the developed site met all Title 16 development standards
 pertaining to the number of required off-street parking spaces. The parking requirement
 for the overall site was 49 spaces, however 87 spaces were created, far exceeding this
 requirement and providing a surplus of 38 off-street parking spaces.
 - 1 space per 1,000 sq. ft. of warehouse space plus 1 space per 300 sq. ft. of accessory office area. ([24,332 sq. ft. warehouse area / 1,000 sq. ft. = 24 spaces] + [7,610 sq. ft. office area / 300 sq. ft. = 25 spaces] = 49 total required spaces).

However, the parking standards for indoor recreation, including health and fitness gyms, with accessory office areas have heightened requirements as opposed to the less restrictive parking standards for warehouse suites with accessory offices as noted above.

1 space per 175 sq. ft. of floor area plus 1 space per 200 sq. ft. of accessory office area. ([1,455 sq. ft. fitness training area / 175 sq. ft. = 8 spaces] + [400 sq. ft. office area / 200 sq. ft. = 2 spaces] = 10 total required spaces.

Inclusive of the parking standards noted above, the overall development will retain a surplus of 34 off-street parking spaces for the overall site, with no adverse effects anticipated. Additionally, due to the exclusivity of the training facility, the number of participants at any given time will be limited to those scheduled not to exceed ten individuals. Participants may also be team affiliated thus decreasing the number of parking spaces needed when carpooling is utilized.

Site Condition

 The site is well maintained, and no improvements are recommended as the site was just recently constructed. To ensure the site continues to be maintained in accord with Development Code requirements, Staff has included Condition #10, requiring continued site maintenance.

Signage

 Any proposed temporary, freestanding, or wall signage will need to meet the approved master sign program requirements. Condition #12 has been added to address the requirements for creating a master sign program per previously established conditions of approval.

Required Findings

- In order to approve a Conditional Use Permit the Development Code requires that the Zoning Administrator make the following findings:
 - The proposed location of the conditional use is in accord with the objectives and requirements of the Development Code.
 - Comment: The underlying C-M (Commercial Manufacturing) zoning of the property conditionally permits indoor recreation which includes health and fitness gyms and similar uses. The site includes sufficient parking to serve the uses within the existing multi-tenant industrial development. The proposed business activities are appropriate for this zone and are not expected to negatively affect any existing or future businesses in the C-M zone district, therefore, the use is in accord with the objectives and requirements of the Development Code.
 - The proposed location of the conditional use and the conditions under which it will be operated is consistent with the General Plan and will not be detrimental to the public health, safety and welfare or materially injurious to uses, properties or improvements in the vicinity.
 - Comment: The site has a General Plan designation of LI (Light Industrial) that allows for various industrial uses and also allows for other employment-intensive uses, such as business parks, makerspaces, co-workspaces, and incubator spaces. The Land Use Element of the General Plan requires that the integrity of each land use district be maintained in an effort to protect existing development from intrusion by new incompatible land uses. The athletic sports training facility use proposed at this site is in line with the intent of the Light Industrial District incorporating indoor uses for health and fitness and is compatible with the surrounding developments. Additionally, Policy 2.3, LU-J.4, of the Land Use Element of the General Plan is to improve 'Quality of Life' and "provide opportunities for people to make healthful lifestyle choices" which this proposal will promote within a building that is well suited for the proposed operation. Staff finds that the proposal is consistent with the General Plan and will not be detrimental to public health, safety and welfare or materially injurious to uses, properties or improvements in the vicinity.
 - The traffic generated by the proposed conditional use will not overload the capacity of the surrounding street system and will not create a hazard to public safety.
 - Comment: The proposed use will be open from 5:00 am to 9:00 pm and will service participants by appointment only. These hours of operation are complimentary to existing uses in the area where the space will be predominately utilized after work and school hours without significantly impacting the capacity of the roadways, the proposal is not anticipated to overload the improved surrounding street system or

include impacts greater than those that similar uses would generate during peak hours.

- The proposed conditional use will comply with each of the applicable provisions of the "Zoning and Land Use Requirements" chapter of Title 16.
 - Comment: The existing site is fully developed, including sufficient parking for the proposed use in accordance with current Municipal Code requirements. Additionally, the proposed use is listed as a Conditional within the underlying C-M zoning of the site. Therefore, Staff finds that the proposal will comply with each of the applicable provisions of the "Zoning and Land Use Requirements" chapter of Title 16.

IV. SITE CHARACTERISTICS:

	Existing Land Use	General Plan	Zoning	Specific Plan District
Site	Multi-Tenant Center	Light Industrial	Commercial Manufacturing	N/A
North	Vacant	Light Industrial	Commercial Manufacturing	N/A
South	Office Building	Light Industrial	Commercial Manufacturing	N/A
East	UPS Center	Light Industrial	Commercial Manufacturing	N/A
West	Vacant/Automotive shop	Light Industrial	Commercial Manufacturing	N/A

NUMBER OF RADIUS LETTERS MAILED: 18

CE

Attachments:

Attachment A - Site Plan & Floor Plan Graphic

Attachment B - Aerial Image

THE ZONING ADMINISTRATOR'S ACTION WILL BE FINAL UNLESS APPEALED TO THE PLANNING COMMISSION WITHIN TEN DAYS.

CONDITIONS OF APPROVAL ADMN24-00039 July 3, 2024

A MINOR CONDITIONAL USE PERMIT WITH AN ENVIRONMENTAL EXEMPTION TO ALLOW FOR AN ATHLETIC SPORTS TRAINING FACILITY WITHIN AN EXISTING MULTITENANT BUILDING LOCATED IN THE C-M (COMMERCIAL MANUFACTURING) ZONE DISTRICT AT 12454 INDUSTRIAL CENTER DRIVE.

Minor Conditional Use Permit

Planning Conditions:

- 1. This approval is to allow for an athletic sports training facility with typical hours of operation of 5:00 am to 9:00 pm Monday-Sunday on property located at 12454 Industrial Center Drive, Suite #103. The training facility will provide indoor agility training, gym equipment, and free weights with personalized training programs and group fitness classes not to exceed ten participants.
- 2. All training and classes shall be indoors, and any outdoor storage of equipment is prohibited.
- 3. Any expansion of the proposed use beyond the scope of this conditional use permit shall require submission and approval of a conditional use permit modification or a new conditional use permit based upon the extent of the expansion.
- 4. The use and any proposed improvements shall comply with all applicable development standards of Title 16.
- 5. Any change in use or implementation of a new use within the facility that may cause negative impacts on the surrounding uses shall cause that use to be subject to Zoning Administrator and/or Planning Commission review and approval.
- 6. Should a parking deficiency or an access issue arise or be reported to the Development Department due to excessive number of clients or employees the applicant/business owner shall modify their clientele schedules and/or training secessions to correct the problem, subject to Zoning Administrator review and approval.
- 7. Should excessive noise be reported due to the operation, including loud music, the applicant/business owner shall correct the problem to the satisfaction of the Zoning Administrator.
- 8. The proposed improvements and use shall be in substantial conformity with the plans submitted as part of this application unless modification is required to comply with the applicable development standards of Title 16 and/or conditions of approval.
- 9. Should the City of Victorville receive complaints from patrons or adjacent neighbors of the site indicating business operations, hours, or noise that negatively impact the surrounding area, the Zoning Administrator reserves the right to review the use and modify, revoke, or suspend the conditional use permit in accordance with Title 16 guidelines.

- 10. All landscaped areas shall be maintained in a neat, clean, orderly and healthful condition. This includes proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacements of plants when necessary and the regular watering of all plants. In addition, all landscaped areas shall be provided with a suitable permanent water system.
- 11. All rooftop, wall, and/or ground mounted equipment visible from public right-of-ways shall be screened from view and architecturally integrated into the building. Any roof mounted screening shall be grouped into a single screen element and be painted and designed to match the buildings approved architectural design. Actual rooftop equipment screening, color, and material shall be subject to Zoning Administrator review prior to the issuance of a building permit.
- 12. All proposed permanent and temporary signage shall comply with an approved master sign program as required per PLAN20-00027 and Resolution # P-21-013 for the development of this multi-tenant commercial site. The property owner, or designee of, shall apply for and gain approval of a master sign program that includes site specific wall and freestanding signage design and placement standards in accordance with Title 16 standards. Approval of the sign program shall be subject to review and approval by the Zoning Administrator prior to the issuance of a building permits. Planning Commission approval is required for any master sign program that is inconsistent with Title 16.
- 13. The Applicant/Owner shall agree to defend, indemnify, and hold harmless, the City of Victorville, its agents, officers and employees from any claim, action or proceeding against the City of Victorville or its agents, officers or employees to attack, set aside, void or annul this approval. The City of Victorville shall promptly notify the applicant of any such claim, action or proceeding, and the City of Victorville shall cooperate fully in the defense.

Fire Department Conditions:

14. Shall comply with all 2022 California Building and Fire Code requirements based on occupancy classification; and all applicable City of Victorville Fire Prevention Standards.

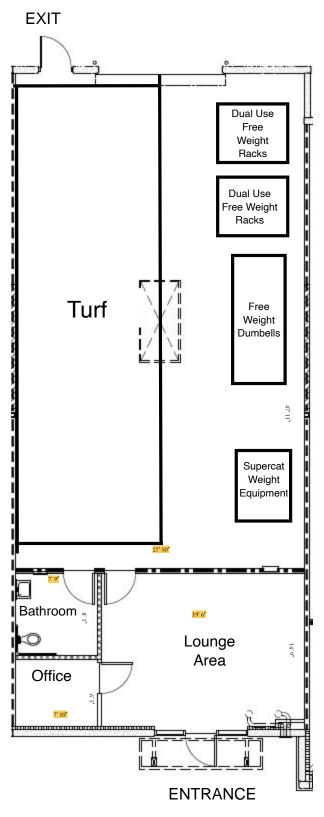
Building Department Conditions:

- 15. The project shall comply with all building codes in effect at the time of plan submittal.
- 16. All tenant improvements must be approved and issued prior to any work being started.
- 17. The scope of work indicated will require accessibility upgrades to be included in accordance with Section 11B of the California Building Code.
- 18. Plan check fees for this project will be due, and shall be paid in full, upon submittal of plans to the Building Division. The Building Division may be contacted at (760) 955-5100 for an estimate of these fees. Tools for estimating total permit fees are available on the City's website https://www.victorvilleca.gov/government/city-departments/development/permit-center/fees-forms. Actual amounts owed will be determined upon submittal of the plans via the City's online permit center.

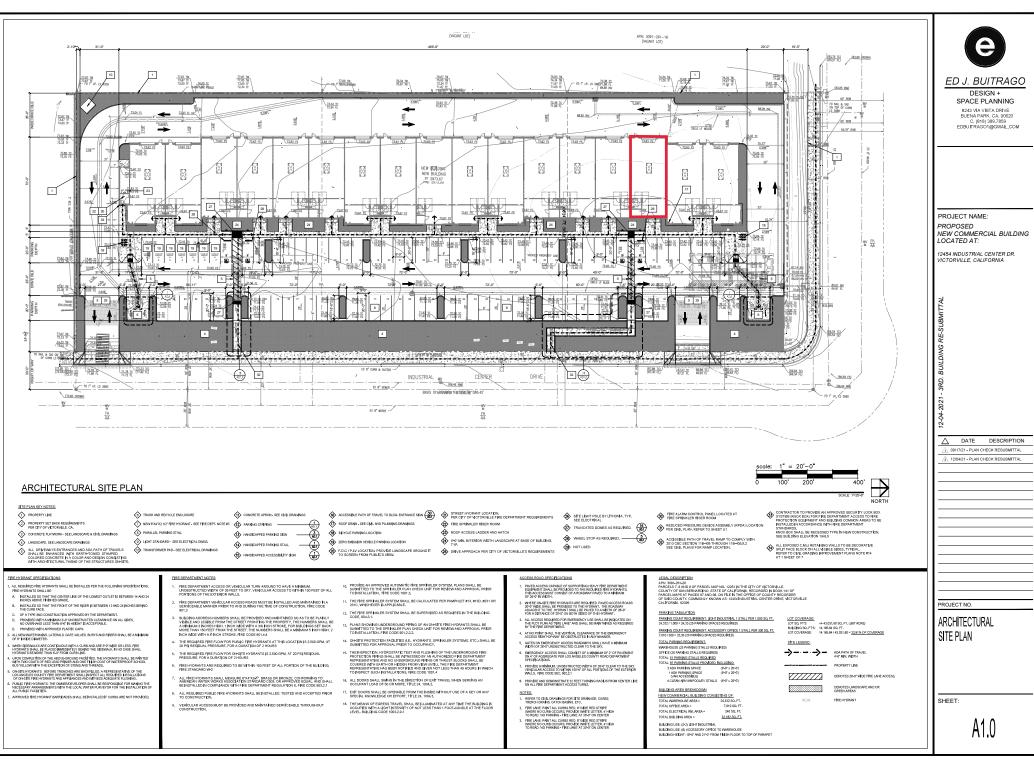
ZONING ADMINISTRATOR ATTACHMENT A

Floor Plan and Site Plan

12454 Industrial Center Drive # 103



Side Note: Non Turf area will be fully matted to protect flooring from all weights



THIS PAGE LEFT BLANK INTENTIONALLY

ZONING ADMINISTRATOR ATTACHMENT B

Aerial Image

CASE: ADMN 24-00039





Case Type: Minor Conditional Use Permit

Existing Zoning: C-M Project Area: 2.75 Acres

Location: 12454 Industrial Center Drive

103

Assessor Parcel Number(s): 3091-261-28

Public Hearing Date: July 3, 2024







Case: ADMN24-00039 Printed: June 18, 2024 Author: Casandra Erskine





SUBJECT: PUBLIC COMMENTS ON PLANNING MATTERS

In compliance with the Brown Act, it is necessary for the Zoning Administrator to make available time for members of the public to address the Zoning Administrator on items of interest that fall within the Zoning Administrator's subject matter jurisdiction.

rh