

REGULAR MEETING OF THE ZONING ADMINISTRATOR
OF THE CITY OF VICTORVILLE

NOVEMBER 6, 2019
10:00 A.M.

CITY HALL CONFERENCE ROOM A
14343 CIVIC DRIVE

ANY INDIVIDUAL WITH A DISABILITY WHO REQUIRES REASONABLE ACCOMMODATIONS TO PARTICIPATE IN A ZONING ADMINISTRATOR'S MEETING MAY REQUEST ASSISTANCE AND/OR RECEIVE THE AGENDA IN AN ALTERNATIVE FORMAT BY CONTACTING THE DEVELOPMENT DEPARTMENT SECRETARY AT (760) 955-5135 NO LATER THAN SEVENTY-TWO HOURS PRIOR TO THE MEETING

CALL TO ORDER

PUBLIC HEARINGS

1. **MINOR INTERIM USE PERMIT – ADMN19-00117 – ANTHONY STIGER**

ENVIRONMENTAL – CONSIDERATION OF AN ENVIRONMENTAL EXEMPTION

PROJECT – A MINOR INTERIM USE PERMIT WITH AN ENVIRONMENTAL EXEMPTION TO ALLOW FOR A MUSIC AND VOICE RECORDING STUDIO WITHIN AN EXISTING BUILDING ZONED C-2 GENERAL COMMERCIAL.

LOCATION – 14425 SEVENTH STREET #5

PUBLIC COMMENTS

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PUBLIC HEARINGS

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ZONING ADMINISTRATOR STAFF REPORT

DATE: NOVEMBER 6, 2019 **AGENDA NO. 1**

CASE: ADMN19-00117

SUBJECT: A MINOR INTERIM USE PERMIT WITH AN ENVIRONMENTAL EXEMPTION TO ALLOW FOR A MUSIC AND VOICE RECORDING STUDIO WITHIN AN EXISTING BUILDING ZONED C-2 GENERAL COMMERCIAL

APPLICANT: ANTHONY STIGER

LOCATION: 14425 SEVENTH STREET #5

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; and
2. **Minor Interim Use Permit** – Approve Minor Interim Use Permit case ADMN19-00117, subject to the recommended conditions.

II. SUMMARY:

The applicant is requesting to re-establish a music and voice recording studio at this location. The use was permitted to operate at the site under a previously approved Interim Use Permit (IUP) (ADM15-00083) however a change in ownership has necessitated the approval of a new IUP due to the current C-2 General Commercial zone which does not permit nor conditionally permit recording studios. The proposal involves a musician or vocalist located in the booth area at the rear of the suite, while the recording and mixing is done in the control room at the front of the suite. The hours of operation are proposed for 10 a.m. to 10 p.m. The studio will be located in a two-story retail and office building which has vacancies on most of the second floor. The same service has operated at this location since 2015 with no complaints from surrounding businesses or property owners and given the previous business has closed, the approval of a new IUP is necessary.

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 site previously operated as a recording studio and the suite will be modified to include additional soundproofing as needed and no expansion to the existing facilities are included, Staff finds that the proposal is in conformance with the applicable provisions of CEQA and is categorically exempt per (CEQA) Section 15301.

2. Minor Interim Use Permit.

Business Operations

- The proposed business will consists of a musician or vocalist performing within the booth area, while the control room is used for recording and mixing.
- Proposed hours of operation are 10AM-10PM Monday thru Saturday, with a staff of three. The applicant anticipates no more than 5 customers within the suite at any one time and will be by appointment only.
- The suite is proposed to be soundproofed by the addition of acoustic foam panels on the walls which are designed to absorb sound and reduce any negative effects on the adjacent businesses. While no soundproofing has been proposed on the floor of the suite, typically, the insulation and mechanical equipment in the floor space provides some sound deadening. Staff would note the previous tenant operated the same business within the subject suite for several years without complaint.
- The suite is over 200 feet from the nearest residence and therefore should not impact existing residents. Additionally, the 10 p.m. business closing time meets the noise ordinance.

Parking

- The existing site contains 17 off-street parking spaces in the front, which appears to be adequate for the proposed recording studio especially with the existing vacant suites. Additional area for parking exists at the rear for employees should more suites be occupied.

Site Condition

- The site is fully developed with street improvements, and paved parking areas accessible from Seventh Street. Generally, the building is in satisfactory condition; however, the site is in fair condition with minor trash and debris on the property and the landscape areas lacking sufficient plant material, ground cover and general required maintenance. Therefore, Staff has included Conditions #4 & #5 to remedy these issues.

City Council Policy Findings

- The General Commercial District (C-2) does not permit the proposed recording studio business as a permitted or conditional use. However, an interim use within C-2 District is permitted if the proposed use meets the requirements of the City Council Policy for Interim Uses (CP-11-05). Staff finds that the proposed business at this location does meet the requirements of the Council Policy as discussed in the following section.
 - Basis of Need:
The multi-tenant building has not had full occupancy for many years due to changing land use patterns, and the overall decline of various areas of Seventh Street. Staff finds the site meets the basis of need requirement.
 - Required Findings:
 - i) The proposed use is 'similar' to other permitted uses within the zone in regards to:

- Hours of Operation – Typical daytime and evening business hours that are not uncommon for commercial uses.
 - Parking Needs/Requirements – Adequate parking on-site in accordance with Title 16 standards.
 - Traffic Impacts – Access from abutting roadway Seventh Street (Arterial) and a rear alley should be adequate to serve the proposed recording studio due to those roadways capacity and the limited customer base for the proposed use.
 - Occupancy Patterns – The C-2 District permits other retail and service uses with similar customers.
 - Noise – Noise impacts should be minimized through sound deadening materials. The actual performance of a singer or musician is a short time frame compared to the time spent mixing it into a recording or track.
 - Environmental Impacts – The use should not produce any negative environmental impacts.
 - Required Licensing/Permits – Any required permits can be obtained during the Business License phase of the entitlement.
 - Required Facilities – The complex contains restroom facilities that should be adequate to serve the proposed use. Some handicapped people may not be able to access the suite due to its location upstairs.
- ii) The proposed use is a 'good fit' in regards to:
- Existing Structures – The proposal is located within an existing building that was developed for retail with smaller suites.
 - Existing Site Development/Conditions –The site includes existing landscaping, structures, and parking areas that will be improved per the conditions of approval and are adequate to serve the proposed use.
 - Compatibility with Adjacent Existing & Permitted Uses – The proposal is within a multi-tenant building with uses including a tattoo parlor, beauty parlor, insurance sales and retail uses for which this use is compatible.
- iii) The proposed use presents no negative impacts to any of the following:
- Public Interest – The use will not have a negative impact on public interest as site was developed for a retail/office uses and all access is via adequately sized roadways located away from residential.
 - Public Health, Safety, and Welfare – No negative impacts as conditioned.
 - Economic Vitality of the Area – The use will fill a vacancy along major traffic corridor and improve the existing conditions on-site.
 - Neighboring Businesses and Residents – No negative impacts are expected as a result of this business because sound deadening is being provided.
 - Overall Integrity of the Center, District or Area – The use will not negatively affect the integrity of the area due to the existing mix of retail/office uses.
 - Does not Contribute to Over-Concentration – N/A

IV. SITE CHARACTERISTICS:

	Existing Land Use	General Plan	Zoning	Specific Plan District
Site	Retail/Office	Commercial	C-2	N/A
North	Mortuary	Commercial	C-2	N/A
South	Vacant Commercial	Commercial	C-2	N/A
East	Retail/Office	Commercial	C-2	N/A
West	Fast Food Restaurant	Commercial	C-2	N/A

NUMBER OF RADIUS LETTERS MAILED: 29

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Attachments:

Attachment A – Site Plan

Attachment B – Aerial Image

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

CONDITIONS OF APPROVAL

ADMN19-00117

November 6, 2019

**A MINOR INTERIM USE PERMIT WITH AN ENVIRONMENTAL EXEMPTION TO ALLOW FOR A
MUSIC AND VOICE RECORDING STUDIO WITHIN AN EXISTING BUILDING ZONED C-2
GENERAL COMMERCIAL LOCATED AT 14425 SEVENTH STREET #5**

Planning Conditions:

1. This approval is to allow for a recording studio with hours of operation 10AM – 10PM Monday – Saturday at 14425 Seventh Street Suite 5. The Zoning Administrator may allow revised hours of operation and/or services, providing the primary use does not change and the changes do not negatively affect the public health, safety, and welfare nor cause nonconformance with the City Council Policy for Interim Uses (CP-11-05).
2. Approval of this Interim Use Permit shall be contingent upon the completion/fulfillment of the applicable Conditions of Approval.
3. The proposed improvements and use shall comply with all applicable development standards of Title 16.
4. The Applicant/Owner shall clear the existing planters of trash and debris and shall add additional plants as needed.
5. The Applicant/Owner shall ensure the entire property is free of graffiti.
6. 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, the Civic Center Community Sustainability Plan, and/or conditions of approval.
7. All landscape planters shall be cleared of weeds and replanted, irrigated in compliance with Section 16-3.24.030 of the Municipal Code prior to occupancy
8. Any expansion of the proposed use beyond the scope of this interim use permit shall require submission and approval of an interim use permit modification or a new interim use permit based upon the extent of the expansion.
9. Any change in use or implementation of a new use within the facility, which will require additional parking spaces resulting in non-compliance of Title 16 shall cause that use to be subject to Zoning Administrator and/or Planning Commission review and approval.
10. The applicant/developer shall provide landscaping/irrigation in accordance with Chapter 13.60 of the Victorville Municipal Code, entitled Water Conservation. Landscape areas shall not exceed a slope of 3:1 and shall also meet Title 16 standards. In addition, the landscaping shall include the maximum spacing of all plants as follows:
 - A. Ground cover – eighteen inches on center
 - B. One gallon plants – three feet on center
 - C. Five gallon plants – five feet on center

11. 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, replacement 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
12. All proposed signs, including any freestanding signage, shall comply with Title 16. The applicant shall be required to submit a sign package for review and must gain approval by the Planning Commission prior to approval of any signage proposed which is inconsistent with Title 16. All signs shall be subject to Planning Staff review and approval prior to obtaining a building permit.
13. All proposed temporary signage shall comply with Title 16. All temporary signs (grand openings, special sales, etc.) shall only be affixed to the suite they serve in accordance with an approved Temporary Sign Permit. Flags or other off-site signage is prohibited within multi-tenant developments.
14. The applicant/business owner shall be responsible for obtaining all necessary permits from any affected regulatory agencies.
15. 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.

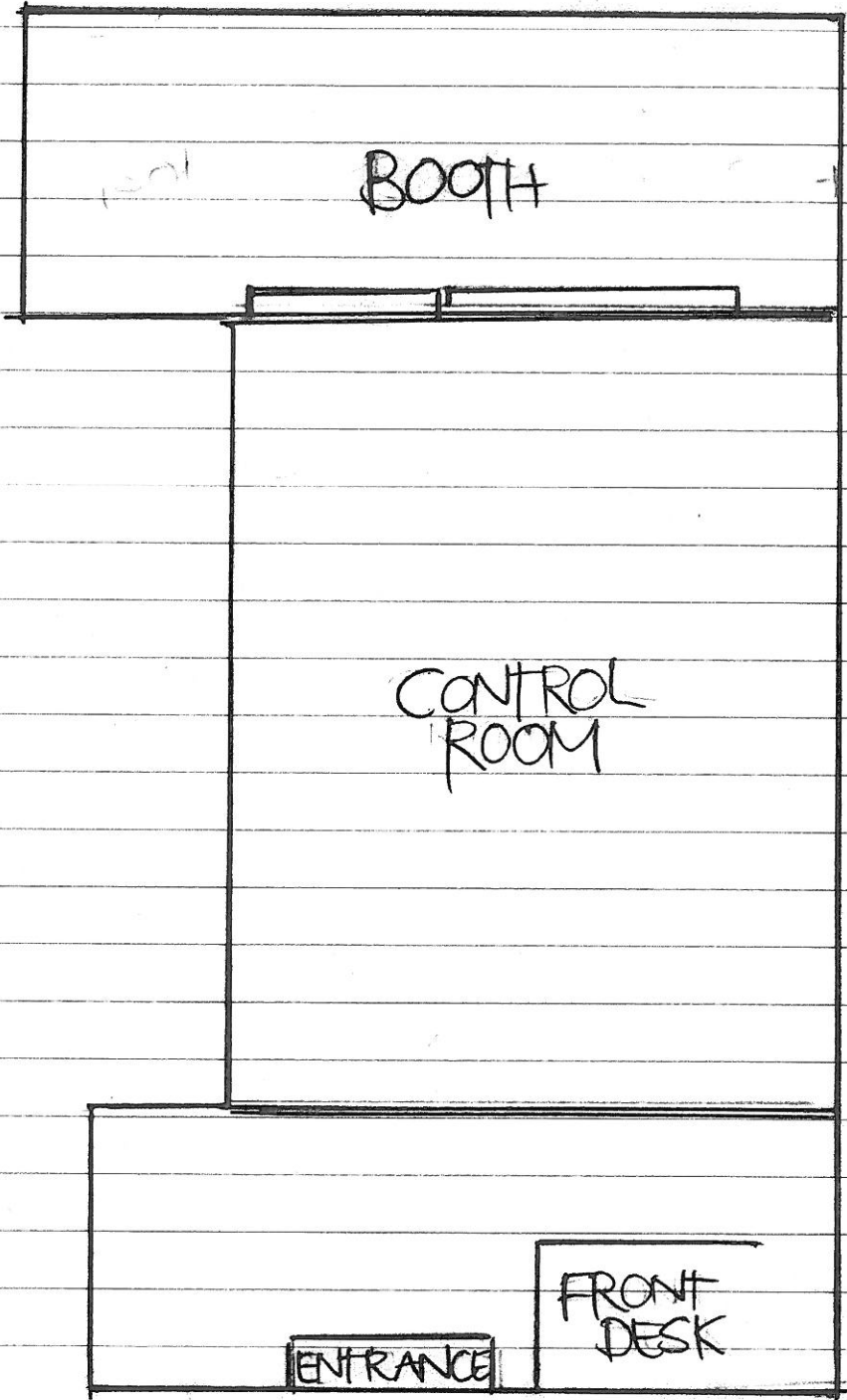
Building Conditions:

16. The project shall comply with all building codes in effect at the time of plan submittal.
17. 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 estimation of these fees. Actual amount owed will be determined upon submittal of the plans at the building counter.

Fire Conditions:

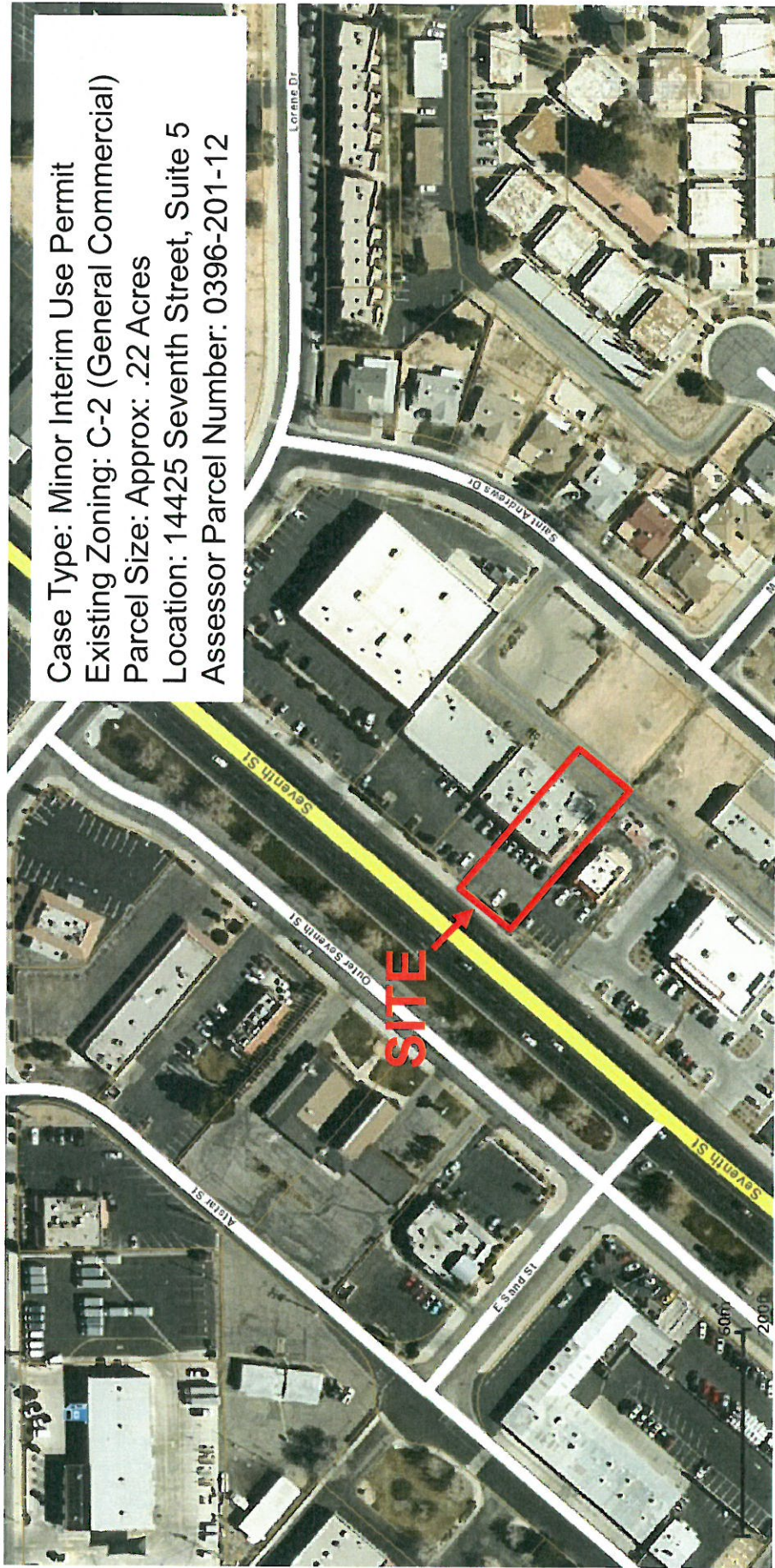
18. Maintain fire access at all times.
19. Soundproof Acoustic Foam Panels shall be Fire Retardant.

ATTACHMENT A



ATTACHMENT B

CASE: ADMN19-00117



PUBLIC COMMENTS

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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.

SW:ko