

REGULAR MEETING OF THE ZONING ADMINISTRATOR
OF THE CITY OF VICTORVILLE

DECEMBER 18, 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. **INTERIM USE PERMIT – ADMN19-00126 – TIMELESS ARCHITECTURE**

ENVIRONMENTAL – CONSIDERATION OF AN ENVIRONMENTAL EXEMPTION

PROJECT – AN INTERIM USE PERMIT TO ALLOW FOR AN APPROXIMATELY 4,700 SQUARE FOOT CHURCH WITHIN AN EXISTING BUILDING ON A C-M ZONED PROPERTY.

LOCATION – 12241 INDUSTRIAL BLVD #104

PUBLIC COMMENTS

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PUBLIC HEARINGS

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ZONING ADMINISTRATOR STAFF REPORT

DATE: DECEMBER 18, 2019 **AGENDA NO. 1**

CASE: ADMN19-00126

SUBJECT: AN INTERIM USE PERMIT WITH AN ENVIRONMENTAL EXEMPTION TO ALLOW FOR AN APPROXIMATELY 4,800 SQUARE FOOT CHURCH WITHIN AN EXISTING BUILDING ON A C-M ZONED PROPERTY

APPLICANT: TIMELESS ARCHITECTURE

LOCATION: 12241 INDUSTRIAL BLVD #104

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 ADMN19-00126, subject to the recommended conditions.

II. SUMMARY:

The applicant is requesting approval of this Minor Interim Use Permit to allow for the establishment of a church within an existing multi-tenant industrial/commercial development. The proposed site was previously occupied by Caliber Fitness and prior to that by Jubilee Church. The proposal seeks to re-establish a church at the proposed site and provide services Wednesday and Friday evenings from 7:00 pm to 10:00 pm and Sundays from 7:00 am to 12:00 pm, with occasional services as needed such as memorial services, weddings etc. The proposed church will occupy approximately 4,800 square feet of the multi-tenant building while the remaining approximately 10,000 square feet of building is presently occupied by an outpatient surgery center, a chiropractic office and vacant suites. Additionally, the property also contains a second multi tenant building approximately 12,000 square feet in size designed primarily to accommodate warehouse uses.

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 fitness studio and prior to that as a church, and no expansion to the building or suite is proposed, 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.

Church Operations

- The proposed church will offer Wednesday and Friday evening services from 7:00 pm – 10:00pm and Sunday services of 7:00am – 12pm with an anticipated attendance of up to 40 members weekday evenings and up to 70 members for Sunday service. Staff has included Condition #1, which includes the proposed operations, as well as the ability for the Zoning Administrator to adjust service days, times, and numbers should they conform to the findings made in this Staff Report.
- The applicant has proposed to establish the church in two phases. The first phase would be to utilize the current floor plan, which is simply an open space for the current 70 member congregation, with phase two including interior improvements that will consist of designated assembly area, stage, classrooms and offices. The applicant has indicated phase two improvements should take place sometime in year 2020 to further serve the 70 member congregation. Staff supports the phased establishment of the church, with the limitation that seating and services are strictly limited to 70 members, in line with the applicant's proposal for which Staff has conditioned accordingly (Condition #6). Additionally, Staff has included Condition #7 requiring building permits to be obtained for the future phase two tenant improvements.
- The applicant has not indicated that the church operates any other accessory uses such as food/clothing give away, homeless assistance, etc. Since the area consists of a mixture of industrial and commercial uses that may experience negative impacts (e.g. loitering, litter, etc.) if the noted types of accessory uses are permanently allowed on-site, Staff has included Condition #8, requiring any such accessory uses to obtain a Temporary Use Permit. Alternately, the noted uses can be performed at an off-site location and in conformance with all Development Code standards.

Parking

- The multi-tenant site includes shared parking that is utilized by the office and industrial warehouse uses, or future uses, within each building and limited based on previous entitlements. The development is occupied by tenants that predominately operate during normal daytime hours and a conflict in parking is not anticipated with service times during evenings and Sundays outside of common commercial office hours. The site includes 96 parking spaces, whereas the proposed use requires 22 spaces based upon 1 space per four seats plus 1 space per classroom/secondary assembly area (70 seats / 4 = 18 spaces + 1 classroom/secondary assembly area = 22 Total spaces). However, should a parking issue arise Staff has included Condition #9 requiring modifications to the operation in order to correct a parking issue.

Site Condition

- The site is generally in satisfactory condition with maintained landscaping, buildings, and a parking area that is weathered in some areas but as a whole is not in need of maintenance.

City Council Policy Findings

- The Commercial Manufacturing District (C-M) does not permit the proposed church as a permitted or conditional use. However, an interim use within C-M 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.

o 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 Industrial Boulevard. Staff finds the site meets the basis of need requirement.

o Required Findings:

i) The proposed use is 'similar' to other permitted uses within the zone in regards to:

- Hours of Operation – Hours of operation are opposite of most services in the area with evenings and weekend services that are not anticipated to create a parking conflict.
- Parking Needs/Requirements – Adequate parking exists on-site for the proposed use given services are offered outside the normal business hours of the adjacent businesses and parking is provided in accordance with Title 16 standards.
- Traffic Impacts – The abutting roadway, Industrial Boulevard (Arterial) should be adequate to serve the proposed church due to the roadways capacity and the hours proposed differ from many surrounding uses.
- Occupancy Patterns – The C-M District permits for service industries which combine a mixture of commercial and light industrial uses for which the proposed church is not anticipated to alter or negatively impact.
- Noise – Noise impacts should not be greater than permitted commercial or industrial uses or other land uses permitted within the C-M Zone District.
- Environmental Impacts – The use should not produce any negative environmental impacts.
- Required Licensing/Permits – Any required permits can be obtained during the Business License process or during the permitting process of phase two of the project.
- Required Facilities – The complex contains restroom facilities that should be adequate to serve the proposed use.

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 commercial and industrial uses.
- Existing Site Development/Conditions – The site includes existing landscaping, structures, and parking areas that are in accordance with current Municipal Code standards.
- Compatibility with Adjacent Existing & Permitted Uses – The proposal is within a multi-tenant building with uses including an outpatient surgery center, title office and a chiropractic office 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 commercial/industrial 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 the church services.
- 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 commercial/industrial and service uses.
- Does not Contribute to Over-Concentration – N/A

IV. SITE CHARACTERISTICS:

| | Existing Land Use | General Plan | Zoning | Specific Plan District |
|-------|--|---------------------|---------------|-------------------------------|
| Site | Multi-tenant Commercial/Industrial Building | Commercial | C-M | N/A |
| North | Multi-tenant Commercial/Industrial Building | Commercial | C-M | N/A |
| South | Church | Commercial | C-M | N/A |
| East | Industrial/Manufacturing | Commercial | C-M | N/A |
| West | Multi-tenant Commercial/Industrial Building | Commercial | C-M | N/A |

NUMBER OF RADIUS LETTERS MAILED: 12

Attachments:

- Attachment A – Site Plan Graphics
- Attachment B – Applicants Description
- Attachment C – Aerial Image

TC

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

CONDITIONS OF APPROVAL
ADMN19-00126
December 18, 2019

Planning Conditions:

1. This approval shall be valid for church operations and accessory services at 12241 Industrial Blvd, Suite 104 operating as a single user. Accessory uses within the church include church administrative/office functions as well as Sunday school during approved services. Church services are limited to Wednesday and Friday evenings from 7:00pm – 10:00pm, as well as Sunday services from 7:00 am – 12:00pm with administrative/office functions permitted daily as needed by the applicant. The Zoning Administrator reserves the right to adjust, modify, or add church functions & times upon written request from the church and property owner/manager, providing any change is in accord with the findings presented in the accompanying Staff Report.
2. The proposed improvements and use shall comply with all applicable development standards of Title 16.
3. 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.
4. 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.
5. 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.
6. Church services shall be limited to a maximum of 70 parishioners regardless of building occupancy classification unless otherwise approved by the Zoning Administrator.
7. The applicant shall obtain building permits for any tenant improvement and/or modification to the suite prior to initiating work.
8. On-site food giveaways and/or other accessory uses that will attract non-members to the church for reasons other than regularly scheduled services or office functions are prohibited unless otherwise approved via a Temporary Use Permit. Any food giveaways and/or other accessory uses that will attract non-members to the church for reasons other than regularly scheduled services or office functions may be conducted at an off-site location approved by the City of Victorville.
9. Should the Development Department receive complaints from patrons or adjacent neighbors of the site indicating a parking deficiency, the Zoning Administrator reserves the right to review the use and modify, revoke, or suspend the interim 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 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. Painted and off-site signs are prohibited and all signs shall be subject to Planning Staff review and approval prior to obtaining a sign permit.
12. 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.
13. The applicant/business owner shall be responsible for obtaining all necessary permits from any affected regulatory agencies.
14. 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:

15. The project shall comply with all building codes in effect at the time of plan submittal. The proposed use represents a change in use and occupancy to an A-3 classification. Plans shall be submitted to address this change in use demonstrating that the space meets all requirements of that classification.
16. The scope of work indicated will require accessibility upgrades to be included in accordance with Section 11B-202 of the California Building Code.
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. Shall comply with all current Building and Fire Code requirements based on occupancy classification.
19. Modifications to Automatic Fire Sprinkler System may be required.
20. Knox Box/Key Box is required and shall be provided and installed in accordance with Fire Department Standards.

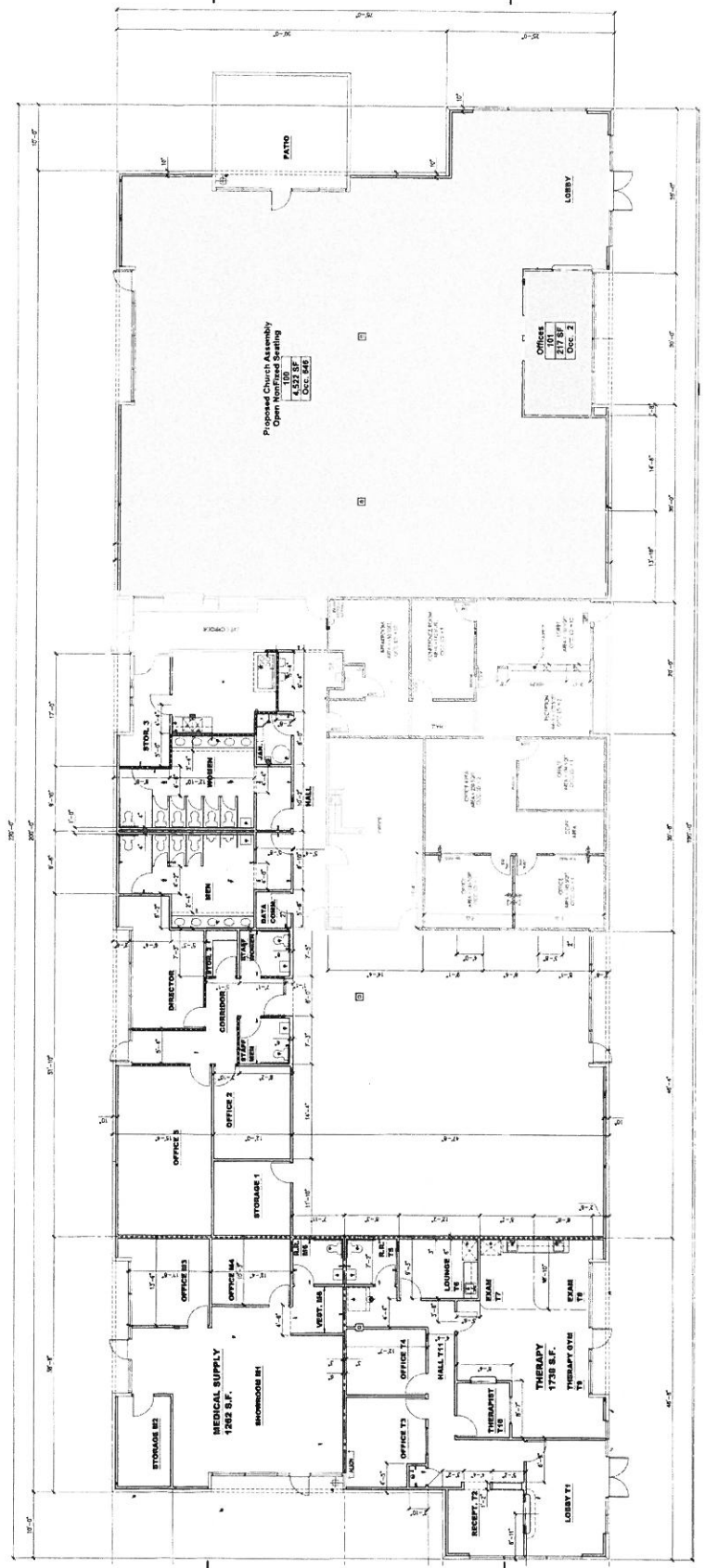
ATTACHMENT A



NO REPRODUCTION, PUBLICATION, OR REFERENCE TO ANY PART OF THIS DRAWING OR ANY PART OF THE PROJECT IS PERMITTED WITHOUT THE WRITTEN CONSENT OF TIMELESS ARCHITECTURE, INC. THIS DRAWING IS THE PROPERTY OF TIMELESS ARCHITECTURE, INC. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REPRODUCTION OR REFERENCE TO THIS DRAWING WITHOUT THE WRITTEN CONSENT OF TIMELESS ARCHITECTURE, INC. IS PROHIBITED. TITLE TO THE PLANS AND SPECIFICATIONS SHALL REMAIN WITH TIMELESS ARCHITECTURE, INC. WITHOUT PREJUDICE TO THE CONTRACTOR'S OBLIGATION TO PROTECT THE INTERESTS OF THE ARCHITECT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT.

**Universal Church
 Victorville**
 17240 Industrial Blvd
 Victorville, CA 92018
 Owner:
 Universal Church
 1930 Wislone Blvd. Ste. 416
 Victorville, CA 92087
 Contact: Donnie Barnes
 donny@uwbldg.com

PROJECT # 19021
 APP# 1901-05-0000
 DATE 11/05/13 AM
 DRAWN BY MKC/SK/TJ/AJ
 LAST SAVED BY MKC/SK/TJ/AJ
 CAD FILENAME 19021_Universal Church_Victorville.dwg
 19021_Universal Church_Victorville.dwg



1st Floor Plan
 SCALE: 1/8" = 1'-0"

CONSULTANT

STAMPS



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Project: Universal Church
 Victorville

Site Address:
 17241 Industrial Blvd.
 Victorville, CA 92018

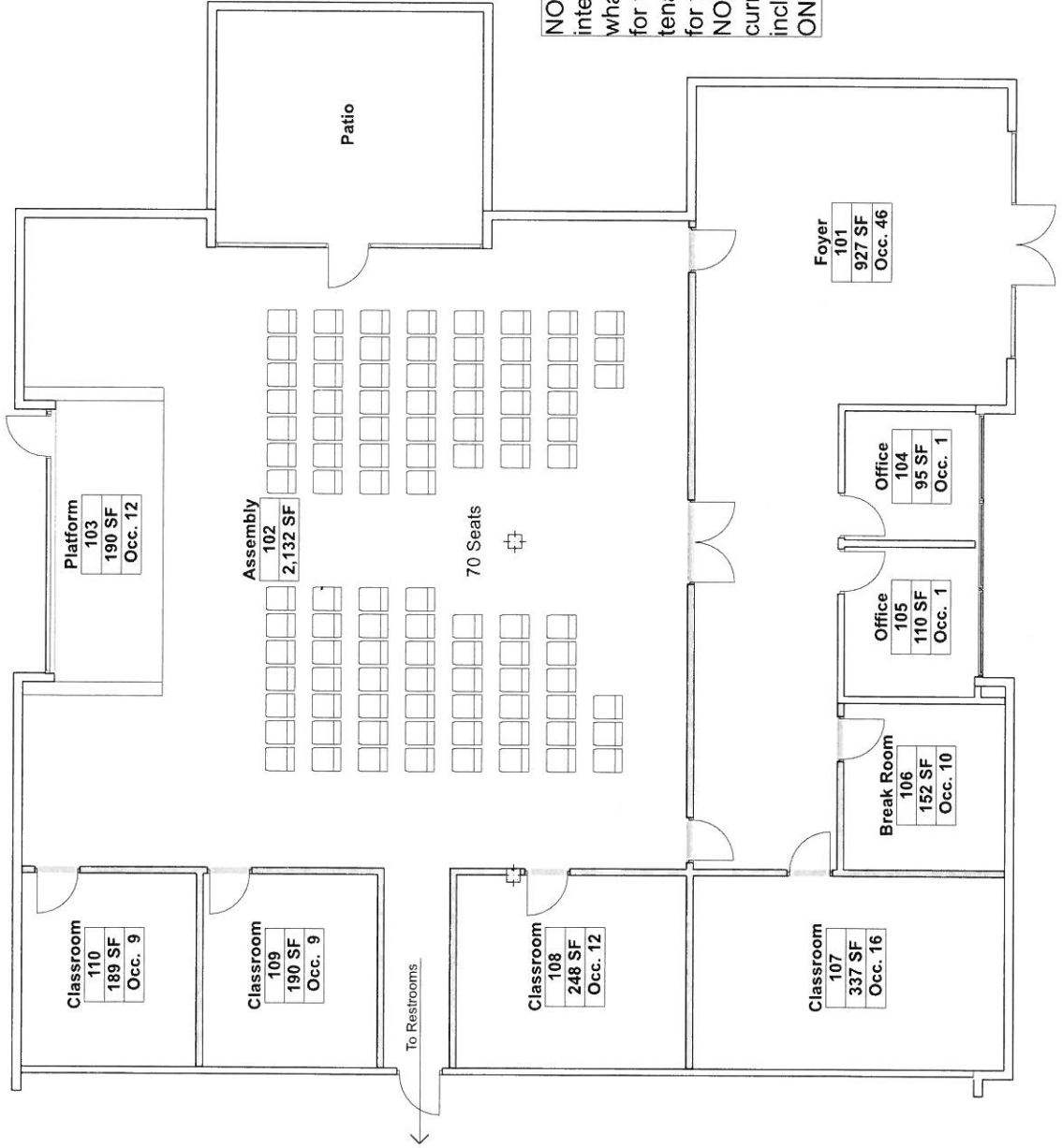
Owner:
 Universal Church
 1930 Wilshire Blvd, Ste. 616
 Los Angeles, CA 90057
 Phone: 310.460.1111
 Email: info@universalchurch.com

SHEET DATA:
 PROJECT # 19021
 A/P/N: 3011281.05.0000
 R/P DATE: 11/19/10 10:35 AM
 LAST SAVED BY: Mike S.K.F. TAJ
 CAD FILE NAME: 19021 Universal Church Victorville.ph

Suite Plan

A112

NOTE: This plan is intended to represent what will be proposed for the future Phase II for this project. It is NOT a part of the current project, and is included for reference ONLY.



Suite Plan
 SCALE: 1/8" = 1'-0"

ATTACHMENT B

TO: Planning Department
City of Victorville
DATE: November 4, 2019
FROM: Timeless Architecture
9891 Irvine Center Drive #140
Irvine, CA 92629
949.831.8110
PROJECT: Universal Church Victorville – Interim Use Permit
12241 Industrial Blvd., Victorville, CA 92395
SUBJECT: **Letter of Justification**

The Universal Church Victorville, located at 12241 Industrial Blvd. in Victorville, California, is requesting an Interim Use Permit to occupy a portion of the existing building on Lot 7 of Parcel map 9094, as per Plat Recorded in Book 97 of Parcel maps, Pages 23 and 24 Records in the County of San Bernardino – Assessor's Parcel Number 3091-281-05-0000.

1. *Services Proposed:*

The church proposes to provide only worship opportunities for members of the surrounding communities. It will not manufacture, fabricate, distribute, nor provide any form of other services either professional or otherwise.

At this point in time the church is requesting, as Phase I of their project, to be granted a permit only to use the facility at the above address as is for worship services for a small congregation, limited to 70 seats. Phase II will occur at some point in the future (approximately late 2020) when they will apply (under a separate permit) for a tenant improvement of their suite, as shown on sheet A112 of the accompanying plans.

2. *Hours of Operation*

Days of service for the church are:
Sunday Mornings: 7am – noon
Wednesday Evenings: 7pm - 10pm
Friday Evenings: 7pm - 10pm.

3. *Parking Needs*

The site as built contains 56 non-reserved parking spaces in common with other tenants of the property and the property immediately adjacent on the east side. Additionally, the adjacent site immediately to the east of the property as built contains 39 parking spaces which are non-reserved and are shared in common with the tenants of the property of this application as well, providing a total of 95 available parking spaces.

The City of Victorville requires parking to be provided for assembly uses at one space per every four seats, or 1 for every 35 sq. ft. of assembly space. As previously

stated, this church is a small congregation limited to 70 seats, which requires 18 parking spaces.

Due to the Hours of Operation of the church (See item 2 above) being outside of the normal business hours of the other tenants of the building, it can be reasonably expected that more spaces will be available for members of the congregation than are needed during services.

4. *Expected Maximum Number of Members Attending*

Sunday Mornings: 70 members
Wednesday Evenings: 30 members
Friday Evenings: 40 members

5. *Traffic Impacts*

Traffic impacts of this project will be negligible. The hours of operation of this church do not fall within what are considered normal business hours (i.e., 8am – 5 pm M-F). For this reason, any traffic generated by the church will not add to any traffic congestion in the area. Furthermore, due to the small size of its congregation, this church only proposes to have seventy seats in its sanctuary. At the rate of 1 car for every 4 seats (per Sec. 16-3.21.030 of the Victorville Municipal Code) this would only generate a maximum of 18 vehicles at peak times for the church, which, again, will not coincide with peak times for the surrounding uses.

6. *Occupancy Patterns*

Due to the unusual occupancy patterns of the church (i.e., peak usage on Sunday mornings, Wednesday evenings and Friday evenings), the church will be able to take advantage of the opportunity to modify the control strategies of the buildings internal variables (i.e., heating/cooling system operation, set point temperature, ventilation, lighting, etc.) to positively impact the energy usage of the building.

7. *Noise*

The church should have no impact upon the noise levels within its area. The site is surrounded by industrial and business type uses (i.e., a FedEx office and a Motorcycle shop to the west across Industrial Blvd., a vacant lot to the north with a Sherwin-Williams paint distribution center just beyond, the rear of a low-rise industrial tilt-up building to the east, and another church (Life Church) to the south); there are no residential areas adjacent.

8. *Environmental Impacts*

The church will have virtually no environmental impact. As described above there will be negligible traffic, there are no manufacturing processes involved, and almost no trash or other refuse will be generated. There is not even any new

construction proposed, neither on the site nor the exterior of the building (which are existing and to remain unchanged), nor even within the building which the church is intending to use in its current configuration, also unchanged.

The church will share access to existing common restrooms within the building with an existing office suite. Occupant loads for these areas have been determined according to CPC Table A, based on the following area calculations:

| | AREA | SQ. FTG. | FACTOR | OCCUPANTS |
|----|---------|----------|--------|--------------------------|
| A3 | Church | 4,739 / | 30 | 158 (79 ea. Men & Women) |
| B | Offices | 5,390 / | 200 | 27 (14 ea. Men & Women) |

Minimum required plumbing facilities for this project have been determined using the CPC table 422.1 requirements for A3 and B occupancies. Accessory areas such as hallways, restrooms, stairs, etc. have been excluded per CBC table A.

A3 Required Facilities

Female water closets (51-100 occ.) = 3

Male water closets (1-100 occ.) = 1

Male urinals (1-100 occ.) = 1

Female lavatories (1-100) = 1

Male lavatories (1-200) = 1

Drinking fountains (1-250) = 1

B Required Facilities

Female water closets (1-15 occ.) = 1

Male water closets (1-50 occ.) = 1

Male urinals (1-100 occ.) = 1

Female lavatories (1-50) = 1

Male lavatories (1-75) = 1

Drinking fountains (1-150) = 1

Total Required Facilities (A3 + B)

Female water closets = 4

Male water closets = 2

Male urinals = 2

Female lavatories = 2

Male lavatories = 2

Drinking fountains = 2

Total Existing Facilities

Female water closets 7 > 4 req'd

Male water closets 5 > 2 req'd

Male urinals 2 = 2 req'd

Female lavatories 6 > 2 req'd

Male lavatories 6 > 2 req'd

Drinking fountains 2 = 2 req'd

9. Economic Vitality of the Area

The church will not affect the economic vitality of the area. There are other churches in the area (Life Church immediately to the south, The Church of Jesus Christ of Latter Day Saints approx. a quarter mile to the east, etc.). These churches are surrounded by numerous businesses, all of which appear to be thriving.

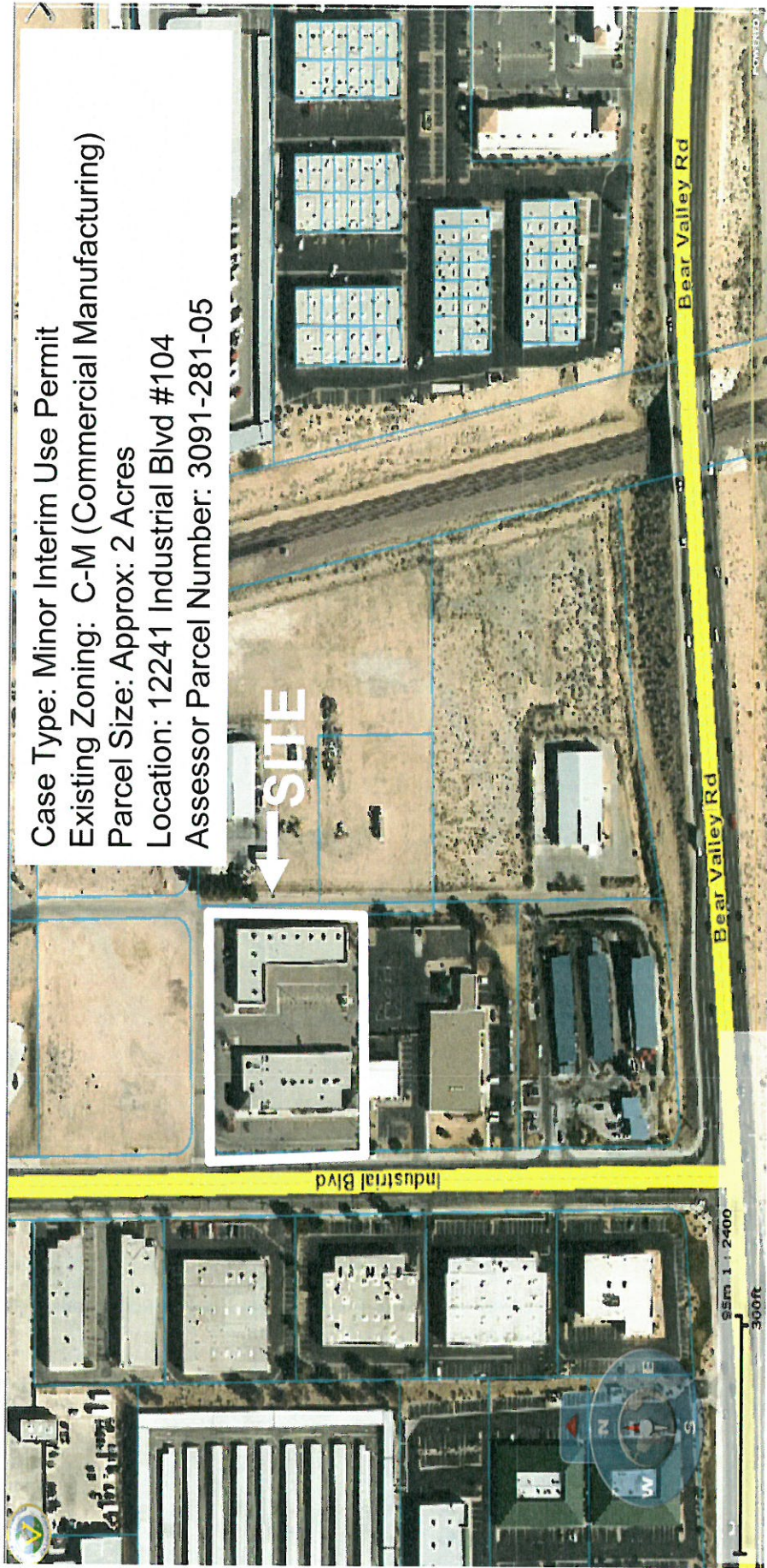
10. Overall Integrity of the Area

The church will not affect the overall integrity of the area in any way. The building matches the style of the surrounding existing buildings (low-rise tilt-up construction). As previously mentioned, the area consists primarily of light industrial uses, although there are several other churches in the nearby vicinity, establishing worship centers as a part of the character of the area.

We are not proposing to make any revisions to the existing building nor to the existing site, except as may be required to upgrade any features to comply with current accessibility codes. To this end, the architect proposes to inspect the site and the building, providing direction for any such required upgrades. We have included accessibility notes and details in the submitted plans for reference; see sheets A050 through A054 of the accompanying drawings.

ATTACHMENT C

CASE: ADMN19-00126



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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