REGULAR MEETING OF THE ZONING ADMINISTRATOR OF THE CITY OF VICTORVILLE

FEBRUARY 20, 2019 10:00 A.M.

DEVELOPMENT CONFERENCE ROOM 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 HEARING

1. MINOR INTERIM USE PERMIT ADMN19-00010 - PHANTOM WINDOW TINT

ENVIRONMENTAL - CONSIDERATION OF AN ENVIRONMENTAL EXEMPTION

<u>PROJECT</u> – AN INTERIM USE PERMIT WITH AN ENVIRONMENTAL EXEMPTION TO ALLOW FOR AN AUTOMOTIVE WINDOW TINTING BUSINESS WITHIN AN EXISTING BUILDING ZONED IPD - INDUSTRIAL PARK DISTRICT

LOCATION – 15420 TAMARACK #105

PUBLIC COMMENTS

ADJOURNMENT

PUBLIC HEARINGS



ZONING ADMINISTRATOR STAFF REPORT

DATE:

FEBRUARY 20, 2019

AGENDA NO. 1

CASE:

ADMN19-00010

SUBJECT:

A MINOR INTERIM USE PERMIT WITH AN ENVIRONMENTAL EXEMPTION TO

ALLOW FOR AN AUTOMOTIVE WINDOW TINTING BUSINESS WITHIN AN

EXISTING BUILDING ZONED IPD - INDUSTRIAL PARK DISTRICT

APPLICANT:

PHANTOM WINDOW TINT

LOCATION:

15420 TAMARACK DRIVE

I. STAFF RECOMMENDATION:

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

- 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 No. ADMN19-00010, subject to the recommended conditions.

II. SUMMARY:

The applicant is requesting approval of this Minor Interim Use Permit to establish a vehicle window tint business within a newly constructed multi-tenant industrial building. The site is a 14,000 square foot industrial warehouse/office building comprised of 8 suites each approximately 1,700 square feet in size. The existing units are primarily warehouse space with accessory office area with roll-up doors located at the rear. The installation component of the business does require the use of a building with roll-up doors to work on the vehicles indoors; however the current Industrial Park District zoning district neither permits nor conditionally permits auto accessory installation such as window tint, consequently an Interim Use Permit is required.

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 location was developed as a warehouse/office building and the subject site is currently being occupied by a similar service uses, Staff finds that the proposal does not constitute an expansion of use and is therefore exempt from CEQA.

2. Minor Interim Use Permit.

Business Operations

• The proposed Interim Use seeks to establish a vehicle window tint business within an existing multi-tenant industrial site. As indicated by the applicant, the business will service dealerships only with minimal impacts to the site expected with the business only servicing one vehicle an hour and is not intended to offer services to the general public. The business will operate five days a week, Monday – Friday from 8AM to 5PM with an anticipated staff of two employees. Staff finds that the proposed business hours are common for uses in the area and the proposed operations are not anticipated to cause any parking or access deficiencies on-site. However, to ensure the impacts to the area remain within the scope of this approval, Staff has included Condition #1 limiting services offered onsite to dealerships only unless otherwise approved by the Zoning Administrator.

Parking

• The proposal meets Title 16 development standards regarding the number of off-street parking spaces. The parking requirement for the overall site was 21 spaces but was developed with 31. The proposed use requires 1 parking space per 400 sq. ft. of service/warehouse area (1:400 = 3), 1 parking space per 300 sq. ft. of office area (1:300 = 1). The parking demand for the proposed business is 4 spaces, which is in line with the site entitlement, therefore Staff finds sufficient parking exists to accommodate the proposed window tint operation.

Site Condition

• The site is well maintained and no improvements are recommended. Staff finds the proposed use at this particular location does meet the intent of the Interim Use Permit Policy as approved by the City Council.

3. City Council Policy Findings

The Industrial Park District (IPD) does not permit the proposed vehicle window tint business
as a permitted or conditional use. However, an interim use within the IPD 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 vehicle window tint business at this location
does meet the requirements of the Council Policy as discussed in the following section.

Basis of Need:

The proposal is located within a light industrial area that has struggled in recent years to retain tenants, with numerous vacancies within the IPD area bordered by Amargosa Road, Park Avenue, Anacapa Road and Dos Palmas Road. Economic decline and shifting land use patterns have removed many long-standing industrial and commercial businesses in the area, leaving buildings such as this and others that are designed to accommodate uses that require warehouse space and rollup doors vacant. Therefore, based upon the circumstances noted above, 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 business hours 8am–5pm, which are common for warehouse/office uses in the area.
 - Parking Needs/Requirements Adequate parking exists on-site in accordance with Title 16 standards.
 - Traffic Impacts Access from abutting roadways Tamarack Drive and Park Avenue should be adequate to serve proposal.
 - Occupancy Patterns The IPD zone permits various warehouse/distribution uses as well as service related uses such as printing/publishing, appliance repair, etc. that generate occupancy patters similar to the proposed vehicle window tint business.
 - Noise Noise impacts should be minimal, no major installations involving loud tools will take place.
 - Environmental Impacts The use should not produce any negative environmental impacts as conditioned.
 - Required Licensing/Permits Any required permits can be obtained during the Business License phase of the entitlement.
 - Required Facilities The suite contains restroom facilities adequate to serve the proposed use and handicapped access and parking are adequate as installed.
- ii) The proposed use is a 'good fit' in regards to:
 - Existing Structures The suite is located within an existing multi-tenant building with roll-up doors that will accommodate vehicle installations.
 - Existing Site Development/Conditions The site includes existing landscaping, structures, and parking areas that are well maintained.
 - Compatibility with Adjacent Existing & Permitted Uses The proposal is adjacent to an automotive ignition interlock business as well as other small scale warehouse and/or service businesses for which the proposed 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 other businesses exist in the area that serve the same purpose with little to no negative effects.
 - Public Health, Safety, and Welfare No negative impacts as conditioned.
 - Economic Vitality of the Area The use will fill a vacancy in an area that historically has struggled to obtain suitable land uses.
 - Neighboring Businesses and Residents No negative impacts are expected as a result of this business because similar uses exist in the area. Additionally, no residential property is located in the immediate area.
 - 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 industrial, commercial
 and non-conforming land uses.
 - Does not Contribute to Over-Concentration N/A

IV. SITE CHARACTERISTICS:

	Existing Land Use	General Plan	Zoning	Specific Plan District
Site	Multi-tenant warehouse	Light Industrial	IPD	N/A
North	Multi-tenant warehouse	Light Industrial	IPD	N/A
South	Multi-tenant warehouse	Light Industrial	IPD	N/A
East	Multi-tenant commercial	Commercial	C-2	N/A
West	Multi-tenant warehouse	Light Industrial	IPD	N/A

NUMBER OF RADIUS LETTERS MAILED: 25

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Attachments:

Attachment A - Site Plan

Attachment B - Aerial Image

CONDITIONS OF APPROVAL ADMN19-00010 FEBRUARY 20, 2019

A MINOR INTERIM USE PERMIT WITH AN ENVIRONMENTAL EXEMPTION TO ALLOW FOR AN AUTOMOTIVE WINDOW TINTING BUSINESS WITHIN AN EXISTING BUILDING ZONED IPD - INDUSTRIAL PARK DISTRICT LOCATED AT 15420 TAMARACK DRIVE

Planning Conditions:

- 1. This approval is to allow for a vehicle window tint sales and installation operation that will service dealerships only with typical hours of operation of 8AM to 5PM Monday-Friday on property located at 15420 Tamarack Drive. The Zoning Administrator may allow revised hours of operation and revised services not listed in this approval, 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. All installation activities shall be conducted within the building only. Outdoor installations are prohibited.
- 3. The use and any proposed improvements shall comply with all applicable development standards of Title 16.
- 4. 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.
- 5. 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.
- 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 or cause negative impacts on the surrounding
 uses shall cause that use to be subject to Zoning Administrator and/or Planning Commission review
 and approval.
- 7. 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.
- 8. 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.
- 9. 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.

- 10. The applicant/business owner shall be responsible for obtaining all necessary permits from any affected regulatory agencies.
- 11. 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.
- 12. The project shall comply with all Federal, State and local laws and policies, including: the California Government Code (including the Planning, Zoning and Development Laws), Environmental Quality Act (CEQA), Subdivision Map Act, International Building Code, Green Code, Fire Code; and, Victorville General Plan and Municipal Code; unless permitted to deviate through provisions of such, or through adopted mitigation measures, conditions of approval, or the plans themselves.

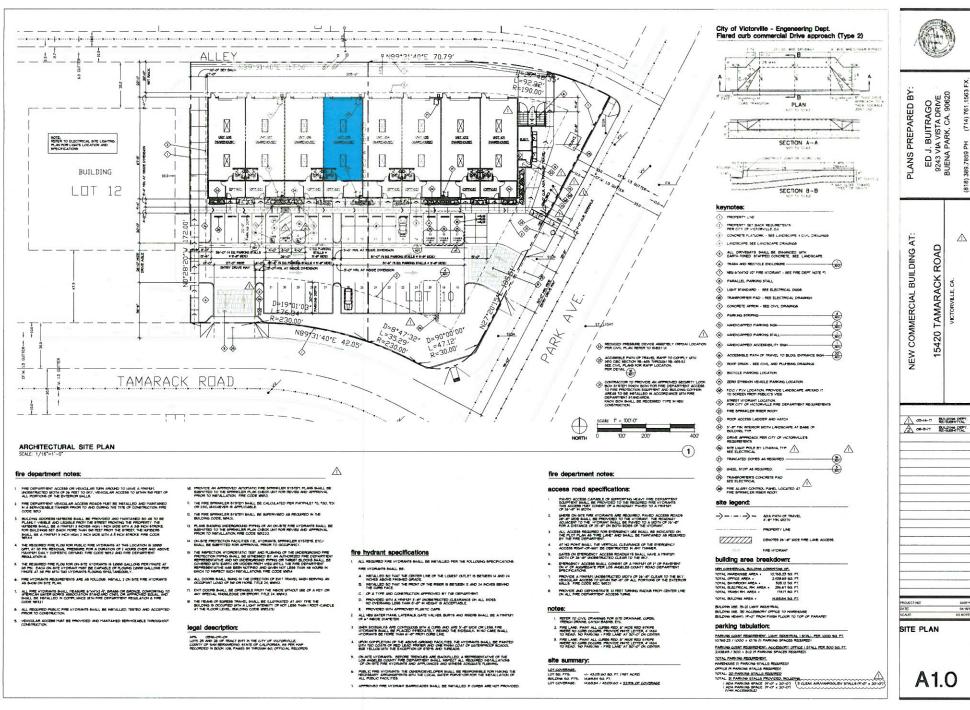
Fire Conditions:

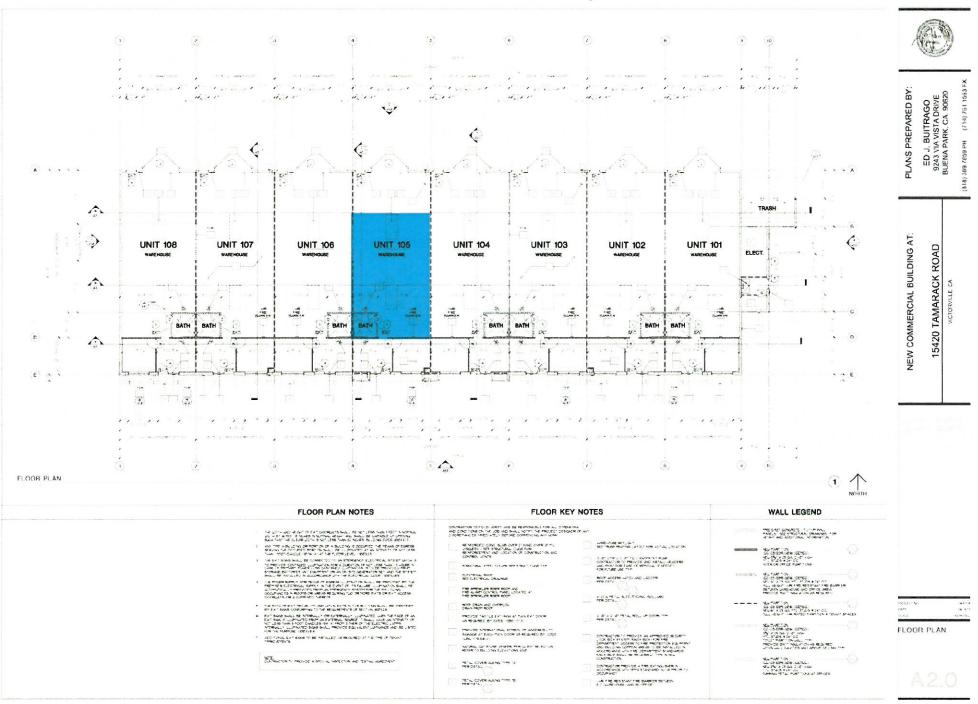
13. Shall comply with all current Building and Fire Code requirements based on occupancy classification.

Building Conditions:

14. The project shall comply with all building codes in effect at the time of plan submittal.

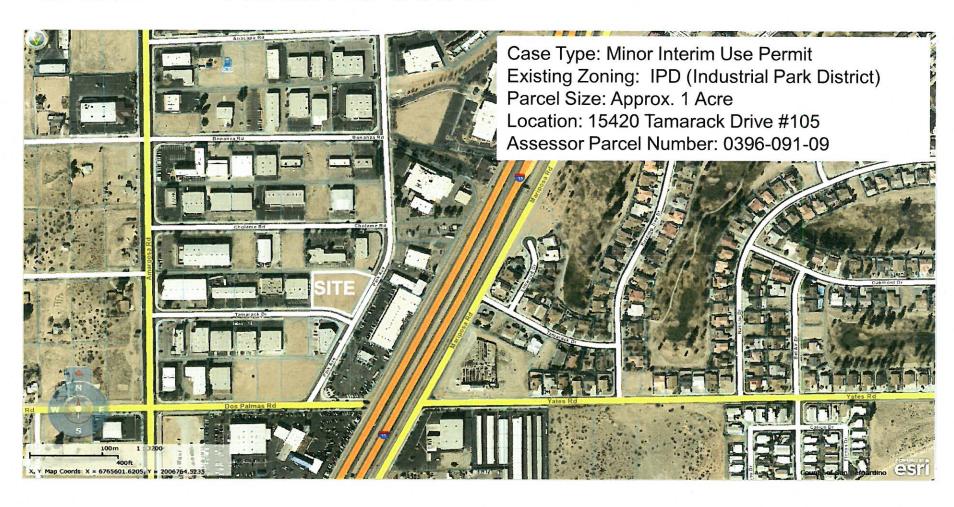
ATTACHMENT A





ATTACHMENT B

CASE: ADMN19-00010



PUBLIC COMMENTS



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