

REGULAR MEETING OF THE ZONING ADMINISTRATOR
OF THE CITY OF VICTORVILLE

JUNE 19, 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 CONDITIONAL USE PERMIT ADMN19-00058 – FIRST ASSEMBLY OF GOD**

ENVIRONMENTAL – CONSIDERATION OF AN ENVIRONMENTAL EXEMPTION

PROJECT – A MINOR CONDITIONAL USE PERMIT WITH AN ENVIRONMENTAL EXEMPTION TO ALLOW FOR AN APPROXIMATELY 2,800 SQUARE CHURCH WITHIN AN EXISTING BUILDING.

LOCATION – 15356 LA PAZ DRIVE SUITES 5-7

PUBLIC COMMENTS

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PUBLIC HEARINGS

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ZONING ADMINISTRATOR STAFF REPORT

DATE: JUNE 19, 2019

AGENDA NO. 1

CASE: ADMN19-00058

SUBJECT: A MINOR CONDITIONAL USE PERMIT WITH AN ENVIRONMENTAL EXEMPTION TO ALLOW FOR AN APPROXIMATELY 2,800 SQUARE CHURCH WITHIN AN EXISTING BUILDING

APPLICANT: FIRST ASSEMBLY OF GOD OF VICTORVILLE

LOCATION: 15356 LA PAZ DRIVE SUITES 5-7

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 Conditional Use Permit** – Approve case ADMN19-00058 subject to the recommended conditions and find that:
 - (a) The proposed location of the conditional use is in accord with the objectives and requirements of the Development Code;
 - (b) 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, or welfare or materially injurious to uses, properties or improvements in the vicinity;
 - (c) 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; and
 - (d) The proposed conditional use will comply with each of the applicable provisions of Chapter 3 of the Development Code titled “Zoning and Land Use Requirements”.

II. SUMMARY:

The applicant is requesting approval of this Minor Conditional Use Permit in order to allow for a church within a multi-tenant commercial building with multiple vacancies located at 15356 La Paz Drive. The proposed church will utilize 2,800 sq. ft. (suites 5-7) of the existing 10,100 sq. ft. building and will operate Wednesdays from 7PM-9PM and Sundays 10AM-1PM with up to 80 members present at any given service. The submitted plans indicate a main sanctuary as well as an accessory office and children’s Sunday school room with a play/craft area. The site is

located within a C-1 (Neighborhood Service) zone district along La Paz Drive just north of Mojave Drive in an area that includes a mix of commercial and residential land uses. Assembly uses are a Conditional Use within the underlying Zone District and Staff finds this area is a good fit for assembly uses due to the C-1 land use allowances and neighboring residential zones.

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 multi-tenant commercial building, the proposal does not include any physical expansion, and the applicant seeks to operate during hours similar to other commercial uses in the area, Staff finds that this exemption is applicable to this proposal.

2. Minor Conditional Use Permit.

Church Operations

- The proposed church will offer Wednesday services from 7PM-9PM and Sunday services of 10AM-1PM with an anticipated attendance of up to 80 members for Sunday service. Additionally, the location includes a church office for use between service times, as well as a children's Sunday school that includes a play area and seating/craft area. 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.
- Floor plans submitted with the application indicate that the 2,800 sq. ft. of lease area will include a children's Sunday school area, an office, and restrooms; all accessory to the approximately 1,250 sq. ft. assembly area that consists of non-fixed seating and a pulpit platform.
- The applicant has not indicated that the church operates any other accessory uses such food/clothing give away, homeless assistance, etc. Since the area consists of a mixture of commercial uses and residences 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 6, 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 site includes 51 parking spaces, whereas the proposed use requires 18 spaces based upon 1 space per 35 sq. ft. of seating/assembly area plus 1 space per classroom/secondary assembly area (550 sq. ft. seating area / 35 sq. ft. = 16 spaces + 1 office and 1 Sunday school area = 18 Total spaces). Staff finds that while the subject suites were allotted 14 spaces upon original development, the existing parking on-site is sufficient to serve the proposal due to service times during evenings and Sundays outside of common commercial office hours, and existing vacancies at the subject site.

- In the event membership increases in the future or business hours of other permitted uses on-site change, Staff has included Condition 7, requiring review and approval of a Conditional Use Permit Modification and/or revocation should a parking deficiency develop on-site due to the proposed use.

Site Condition

- The site is in satisfactory condition with live landscaping, trash enclosures with solid metal gates, and parking areas not showing excessive wear (see Attachment B). Although in satisfactory condition, the site requires repairs/maintenance in the following areas:
 - Building/Site Maintenance – The parking field along the rear of the site abuts a block wall that is chipping/peeling while graffiti is present on a utility box at the sites frontage. Therefore, Staff has included Condition 8 requiring these maintenance issues to be resolved in conjunction with the subject proposal.
 - Parking Lot Maintenance – While the parking field does not show excessive wear as no asphalt material is presently deteriorating into small pieces, the parking spaces in some areas are not visible or not recognizable. Therefore, Staff has included Condition 9 to resolve the noted parking space striping issues.
 - Landscaping – Groundcover throughout the site is either missing ground cover completely or showing signs of wear with exposed and damaged weed barriers. Therefore, Condition 10 has been added to require landscape maintenance accordingly.

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-1 (Neighborhood Service) zoning of the property conditionally permits assembly uses such as the proposed church. Additionally, the site is bordered by a residential district to the north and east, which the assembly use is intended to serve. Therefore, the proposed location of 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 Commercial with a Zone District that conditionally allows for the proposed church. The Land Use Element of the General Plan indicates that institutional uses such as the proposed church “...provide important educational, civic and infrastructure services within the community.” Therefore, Staff finds that the proposal 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 due to

its location near abutting residential property that it may serve in addition to zoning that accommodates the proposal.

- *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: Since the proposed church will utilize primarily weekday evening and weekend hours of operation that should not interfere with the patrons visiting other businesses in the vicinity, the proposal is not anticipated to overload the surrounding street system or include impacts greater than those the existing uses would generate during peak hours. Additionally, the site is accessed via La Paz Drive which is a direct connection to Mojave Drive, an Arterial Roadway, which has the ability to serve any increased traffic in the future.

- *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, and conditioned maintenance measures in accordance with current Development Code requirements. Additionally, assembly uses are listed as a conditional use within the underlying zoning of the site, and the proposal is located adjacent to residential properties that are able to utilize the proposed church. 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 Commercial Building	Commercial	C-1T	N/A
North	Apartments	Very High Density Residential	R-4T	N/A
South	Fueling Station w/Convenience Store	Commercial	C-1	N/A
East	Single-Family Residences	Low Density Residential	R-1	N/A
West	Vacant Property/ Hotel	Commercial	C-1T/ C-2T	N/A

** The "T" or Transitional District was applied to these parcels in order to require Site Plan review prior to new development.*

NUMBER OF RADIUS LETTERS MAILED: 24

Attachments:

Attachment A – Site Plan Graphics w/Applicants Description

Attachment B – Site Photos

Attachment C – Aerial Image

AJ

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

CONDITIONS OF APPROVAL
ADMN19-00058
June 19, 2019

A MINOR CONDITIONAL USE PERMIT WITH AN ENVIRONMENTAL EXEMPTION TO
ALLOW FOR AN APPROXIMATELY 2,800 SQUARE CHURCH WITHIN AN EXISTING
BUILDING LOCATED AT 15356 LA PAZ DRIVE SUITES 5-7

Planning Conditions:

1. This approval shall be valid for church operations and accessory services at 15356 La Paz Drive Suites 5-7. Accessory uses within the church include church administrative/office functions as well as Sunday school during approved services. Church services are limited to Wednesday evenings from 7PM-9PM, as well as Sunday services from 10AM-1PM 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 (including the expansion of the sanctuary seating area), 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. 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.
7. 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 conditional use in accordance with Title 16 guidelines.
8. Prior to the issuance of a Certificate of Occupancy any graffiti on-site shall be covered with paint matching the existing wall surface and the building paint shall be repaired in those areas where paint is chipping and/or peeling.

9. Prior to the issuance of a Certificate of Occupancy the parking space striping, including handicapped spaces, shall be repainted.
10. Prior to the issuance of a Certificate of Occupancy all landscape planter areas shall be repaired with an approved $\frac{3}{4}$ inch rock ground cover matching existing ground cover on-site in color and size. A permanent weed barrier shall also be installed and/or repaired in all areas with new groundcover or where existing weed barriers are visible.
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, 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.
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. 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.
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. Plans shall be submitted to the Building Division which indicate that this space meets all requirements of an assembly occupancy category (A-3). This building is currently only designed to house mercantile (M) and business (B) uses and changes may be required to allow an assembly use.
17. The scope of work indicated will require accessibility upgrades to be included in accordance with Section 11B-202 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 estimation of these fees. Actual amount owed will be determined upon submittal of the plans at the building counter.

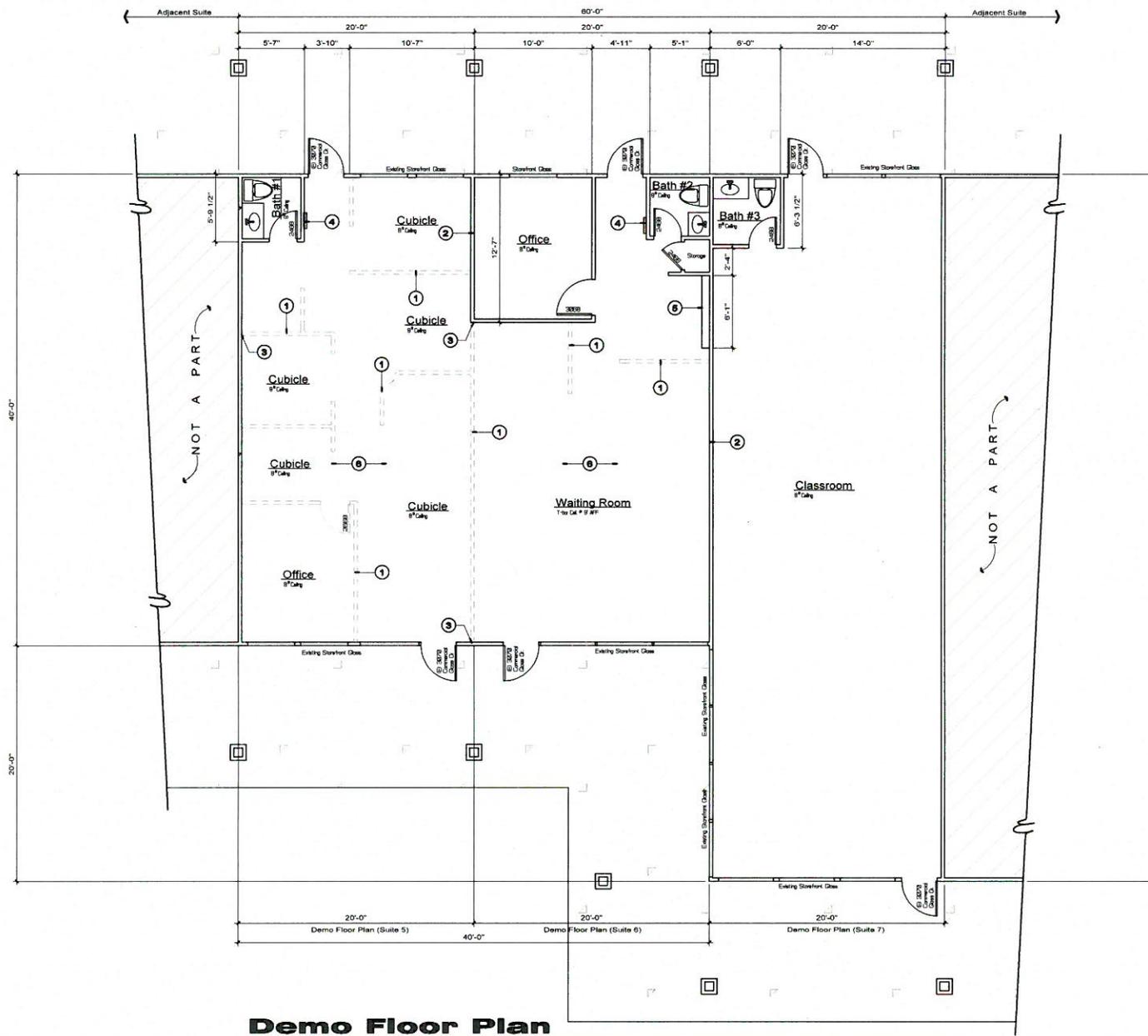
Fire Conditions:

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

Engineering Conditions:

20. A reduced pressure backflow device per City standard W-39 must be installed behind the domestic water meter serving the site.

ATTACHMENT A



Demo Floor Plan
Scale 1/4" = 1'-0"

- Floor Plan Keynotes:**
- 1 Remove existing framed wall - tape patch & paint to match adjacent walls
 - 2 Existing framed wall - to remain in place
 - 3 Patch & paint to match existing wall
 - 4 Existing Electrical Panel
 - 5 Existing 8" exterior wall
 - 6 Proposed open doorway door - Replace flooring as necessary. Existing finished ceiling & lighting to remain in place

- Wall Legend:**
- Existing Framed wall
 - 2X Studs Wall
 - Proposed 2x4 wall - See Framing
 - Existing wall to be removed

- Symbols Legend:**
- ⊕ Cross Section Key
 - ⊕ Interior Elevation Key

NO.	REVISION	DATE	DESCRIPTION

PA design associates
 Planning • Building Design • Construction
 701 7th St., Suite 1000
 Victorville, CA 92392
 (760) 985-3108

PROJECT SITE ADDRESS:
 First Assembly of God of Victorville
 15356 La Paz Dr. (Ste. 5-7)
 Victorville, CA. 92392
 (760) 985-3108

DRAWING CONTENTS:
 Demo Floor Plan

DRAWN BY: J.M.
DATE: 5/15/2019
Building Designer:

JOB NO.: PL-2800-19
DRAWING SHEET NUMBER:
A1

ATTACHMENT B





ATTACHMENT C

CASE: ADMN19-00058



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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