

REGULAR MEETING OF THE ZONING ADMINISTRATOR
OF THE CITY OF VICTORVILLE

August 21, 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 HEARING

1. **MINOR CONDITIONAL USE PERMIT - ADMN19-00082 – AUTO FARM CO**

ENVIRONMENTAL – CONSIDERATION OF AN ENVIRONMENTAL EXEMPTION

PROJECT – A MINOR CONDITIONAL USE PERMIT WITH AN ENVIRONMENTAL EXEMPTION TO ALLOW FOR A USED AUTOMOBILE DEALERSHIP AT PROPERTY ZONED C-1 NEIGHBORHOOD SERVICE COMMERCIAL.

LOCATION – 15482 BEAR VALLEY ROAD #1

CONTINUED PUBLIC HEARINGS

1. **MINOR CONDITIONAL USE PERMIT - ADMN19-00071 – BILL JENSEN**

ENVIRONMENTAL – CONSIDERATION OF AN ENVIRONMENTAL EXEMPTION

PROJECT – A MINOR CONDITIONAL USE PERMIT WITH AN ENVIRONMENTAL EXEMPTION TO ALLOW FOR THE RELOCATION OF AN EXISTING MESSAGE OPERATION

LOCATION – THE MALL OF VICTOR VALLEY TO 14350 BEAR VALLEY ROAD SUITE 105

PUBLIC COMMENTS

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PUBLIC HEARINGS

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ZONING ADMINISTRATOR STAFF REPORT

DATE: AUGUST 21, 2019 **AGENDA NO. 1**

CASE: ADMN19-00082

SUBJECT: A MINOR CONDITIONAL USE PERMIT WITH AN ENVIRONMENTAL EXEMPTION TO ALLOW FOR A USED AUTOMOBILE DEALERSHIP ON PROPERTY ZONED C-1 NEIGHBORHOOD SERVICE COMMERCIAL

APPLICANT: AUTO FARM CO.

LOCATION: 15482 BEAR VALLEY ROAD #1

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 Minor Conditional Use Permit case ADMN19-00082, subject to the recommended conditions.

II. SUMMARY:

The applicant is requesting to re-establish a used car sales business at this location. Used car sales was previously permitted to operate at the site under an Interim Use Permit (ADM15-00082) under the previous zoning, C-2 General Commercial, which did not permit nor conditionally permit used car sales. The site was subsequently re-zoned in 2015 to C-1 (Neighborhood Commercial) as a part of a large zone change along Bear Valley Road. Under the current C-1 Zone, used car sales is conditionally permitted, consequently the applicant has filed the subject CUP application. The site has historically operated as a used car sales facility with no complaints from surrounding businesses and given the previous business has closed, the approval of a Conditional Use Permit 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 used vehicle sales facility and used car sales is conditionally permitted in the underlying C-1 District, Staff finds that the proposal is in conformance with the applicable provisions of CEQA and is categorically exempt per (CEQA) Section 15301.

2. Minor Conditional Use Permit.

Parking

- The proposal meets Title 16 development standards regarding the number of required off-street parking spaces. The parking requirement for the multi-tenant building is 12 stalls, 1 parking space per 200 sq. ft. of floor area (1:200) with the proposed use requiring 6 spaces based on this ratio. The site contains 14 parking spaces excluding the abundant vehicle display area located at the south end of the property adjacent to Outer Bear Valley Road. Therefore, sufficient parking exists to accommodate the current tenant (tailor shop) and the proposed used car sales facility.

Business Operations

- The proposed Conditional Use Permit seeks to re-establish a used car sales business at an existing multi-tenant commercial site. The business will display vehicles on-site within an area outside of the required off-street parking and emergency access areas. Additionally, the business plans to operate six days a week (Monday-Saturday) from 9AM to 6PM with the business owner as the sole employee. Staff finds that the proposed business hours are common for uses along Bear Valley Road and the proposed operation will not cause any parking or access deficiencies on-site.

Site Condition

- The site is fully developed with street improvements, and paved parking areas accessible from Cypress Avenue. Generally, the building is in satisfactory condition; however, the site is in fair condition with the parking areas requiring patching and repair and the landscape areas are lacking sufficient plant material, ground cover and general required maintenance. Therefore, Staff has included Conditions #5 & #6 to remedy these issues.

Required Findings

- In order to approve a Conditional Use Permit the Development Code requires that the Zoning Administrator make the following findings pursuant to Section 16-3.02.050.
 - *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 used car sales such as this use. Additionally, the site is bordered by commercial on two sides and the use will not negatively affect existing or future businesses the C-1 Zone District due to its limited on-site functions. 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 use. Policy 1.2.2 of the Land Use Element of the General Plan states existing development shall be protected by "Ensuring that the integrity of each land use district is maintained." Since the subject

site and the existing multi-tenant functions will not be modified by the subject use due to the limited scope of the operation. 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.

- *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 use will utilize typical daytime hours of operation, which are similar to existing office and retail uses in the area that operate without overloading the capacity of the roadways, the proposal is not anticipated to overload the surrounding street system or include impacts greater than those that similar uses would generate during peak hours. Additionally, the site abuts and is accessed via Cypress Avenue, a Local Roadway and Bear Valley Road, a Super Arterial Roadway, which have the ability to adequately serve the use.
- *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 existing improvements in accordance with current Development Code requirements. Additionally, the use is listed as a conditional use within the underlying zoning of the site, and the proposal will not negatively affect the existing uses on-site or within the vicinity. 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
Site	Commercial Sales	Commercial	C-1
North	Multi-Family	Mixed Density Residential	MDR
South	Vacant	Hesperia	N/A
East	Commercial	Commercial	C-1
West	Vacant	Commercial	C-1

NUMBER OF RADIUS LETTERS MAILED: 23

TAC

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

ADMN19-00082

August 21, 2019

**A MINOR CONDITIONAL USE PERMIT WITH AN ENVIRONMENTAL EXEMPTION TO ALLOW
FOR A USED AUTOMOBILE DEALERSHIP AT PROPERTY ZONED C-1 NEIGHBORHOOD
SERVICE COMMERCIAL LOCATED AT 15482 BEAR VALLEY ROAD #1**

Planning Conditions:

1. This approval is to allow for a used vehicle sales facility with typical hours of operation of 9AM to 6PM Monday-Saturday on property located at 15482 Bear Valley Road #1. 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.
2. Approval of this Minor Conditional 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 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.
5. Parking area improvements including patch, repair, slurry coating and striping shall be completed prior to the issuance of a Certificate of Occupancy for the use. A plan for this striping shall also be included in any tenant improvement permit filed with the Building Division.
6. All landscape planters shall be cleared of weeds and replanted, irrigated and include rock groundcover in compliance with Section 16-3.24.030 of the Municipal Code prior to occupancy
7. Any expansion of the proposed use beyond the scope of this conditional 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.
8. The number and location of all handicapped parking spaces shall be subject to Development Department review and approval.
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. 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:

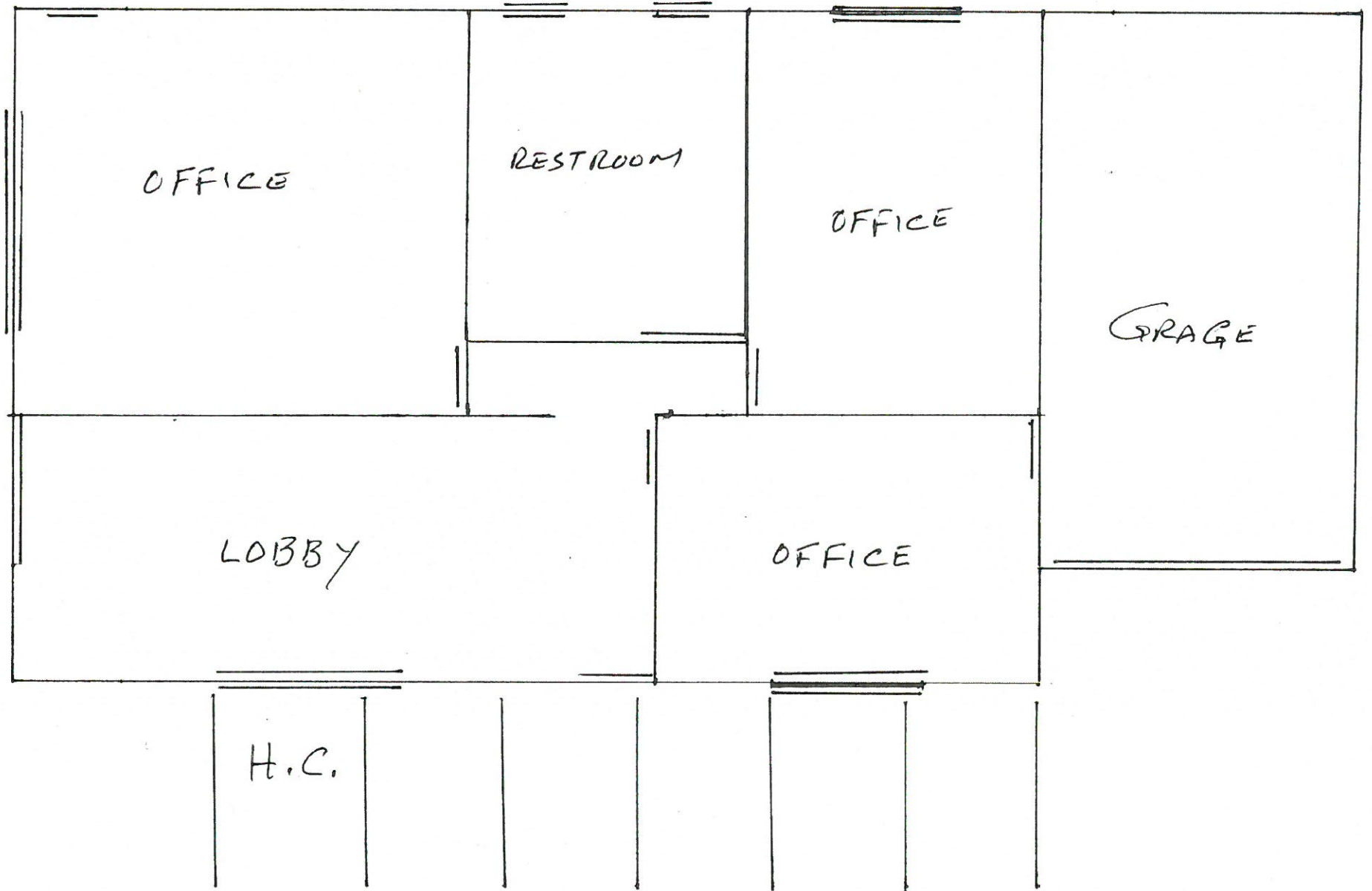
19. Maintain fire access at all times.

ATTACHMENT A

5-CUSTOMER PARKING
1-HANDICAP PARKING

1-A

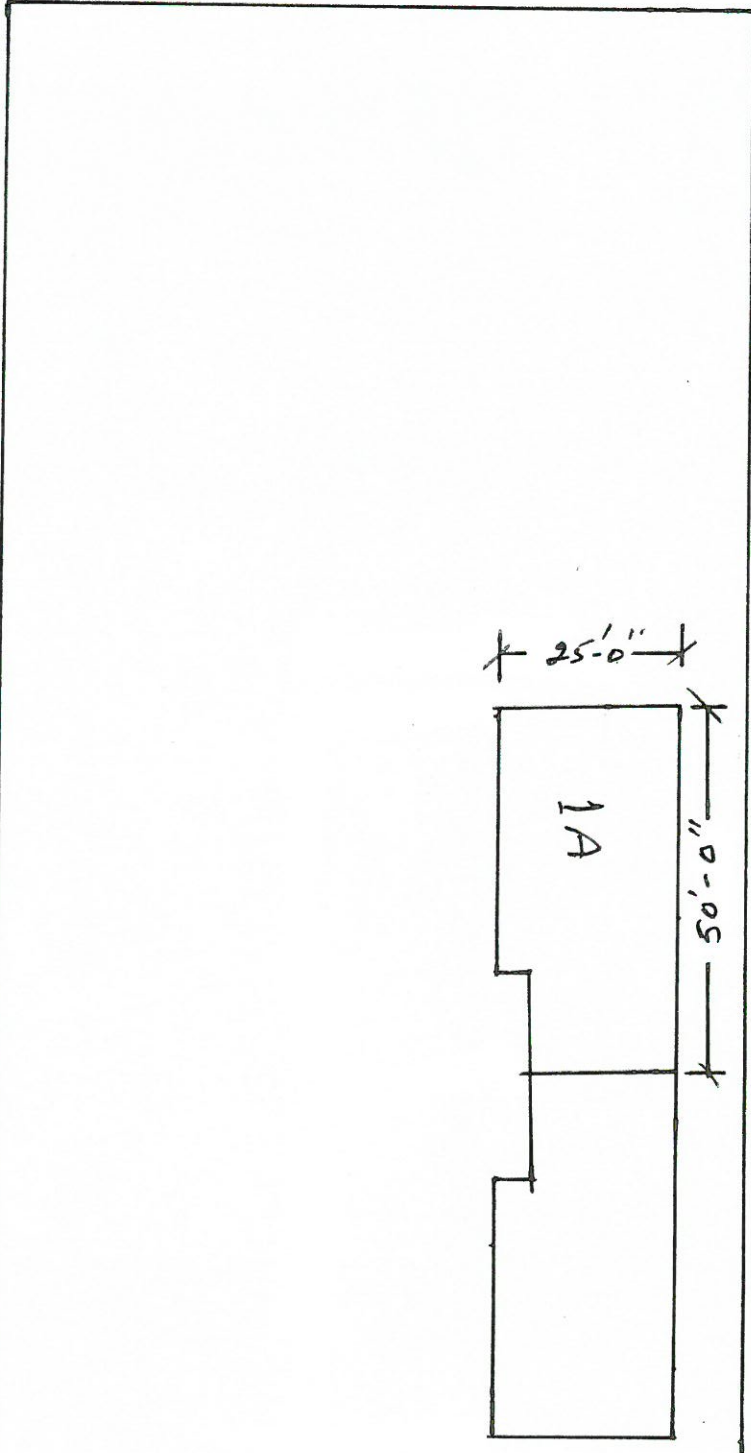
SCALE 1" = 5'-0"
===== DOOR
===== WINDOW



BEAR VALLEY ROAD
OUTER BEAR VALLEY ROAD



CYPRESS AVE

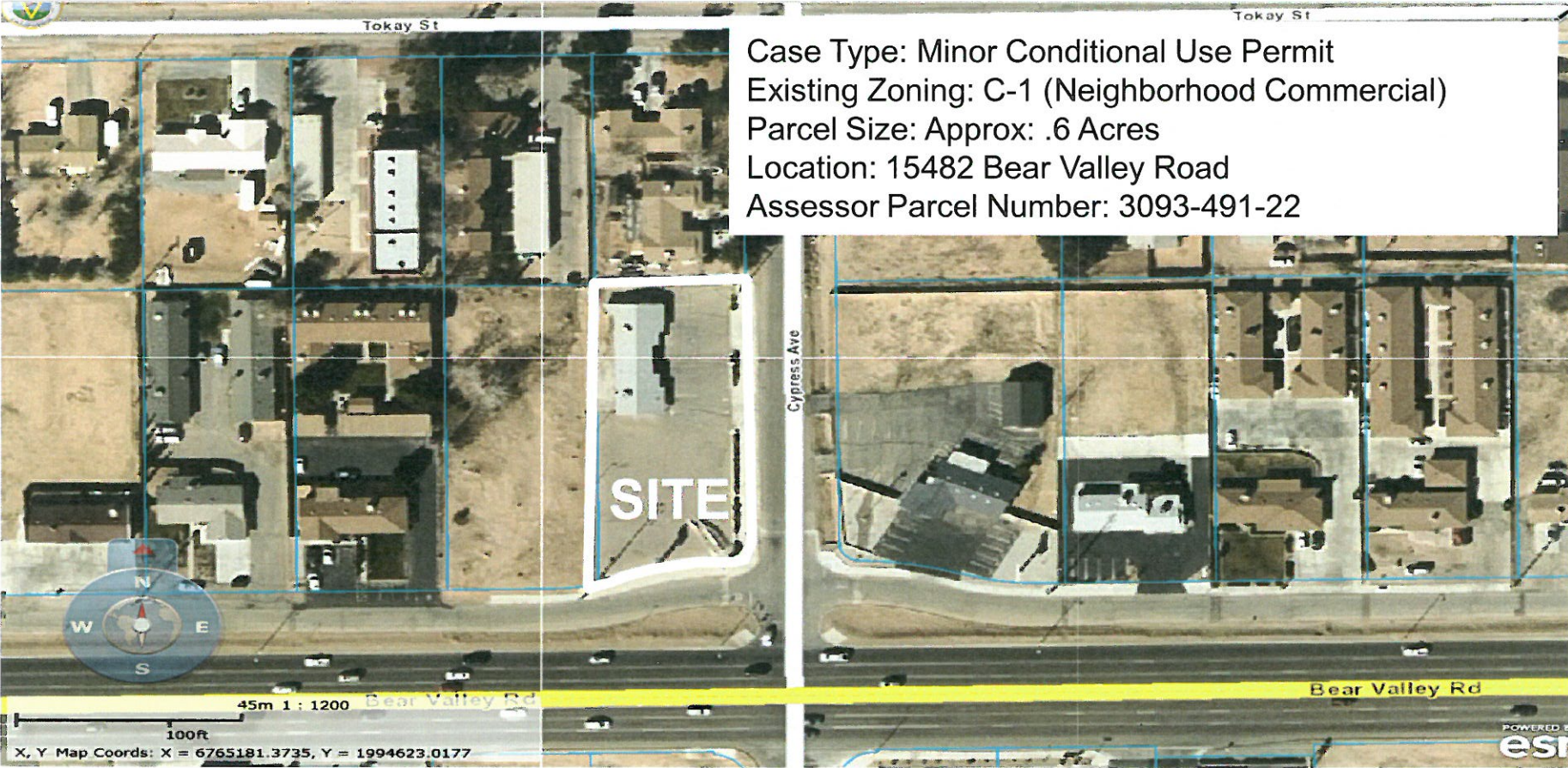


1" = 25' SCALE

15482 BEAR VALLEY RD
VICTORVILLE, CA 92395
PARCEL 3093-491-22

ATTACHMENT B

CASE: ADMN19-00082



**CONTINUED
PUBLIC HEARINGS**

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MEMORANDUM



DATE: AUGUST 21, 2019
TO: ZONING ADMINISTRATOR
FROM: ALEX JAUREGUI
ASSOCIATE PLANNER

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SUBJECT: WITHDRAW OF CASE ADMN19-00071 – A MINOR CONDITIONAL USE PERMIT WITH AN ENVIRONMENTAL EXEMPTION TO ALLOW FOR THE RELOCATION OF AN EXISTING MASSAGE OPERATION FROM THE MALL OF VICTOR VALLEY TO 14350 BEAR VALLEY ROAD SUITE 105; BILL JENSEN, APPLICANT

AGENDA ITEM NO. 2

The applicant has withdrawn this request due to the fact that the Minor Conditional Use Permit is no longer needed. The proposed business will be operated under the supervision of a state licensed health professional as permitted by Section 16-3.07.020(f)(1) of the City's Development Code.

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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