

REGULAR MEETING OF THE ZONING ADMINISTRATOR
OF THE CITY OF VICTORVILLE

September 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 HEARING

1. **MINOR CONDITIONAL USE PERMIT - ADMN19-00094 – JOLABRI, LLC**

ENVIRONMENTAL – CONSIDERATION OF AN ENVIRONMENTAL EXEMPTION

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

LOCATION – 15498 VILLAGE DRIVE UNIT #1

CONTINUED PUBLIC HEARINGS

1. **MINOR CONDITIONAL USE PERMIT - ADMN19-00086 – ROTHBART DEVELOPMENT CORP**

ENVIRONMENTAL – CONSIDERATION OF AN ENVIRONMENTAL EXEMPTION

PROJECT – A MINOR CONDITIONAL USE PERMIT WITH AN ENVIRONMENTAL EXEMPTION TO ALLOW FOR THE ADDITION OF A STAND-ALONE ATM ON A PROPERTY ZONED C-2 GENERAL COMMERCIAL

LOCATION – WITHIN THE CROSSROADS SHOPPING CENTER LOCATED AT THE NORTHEAST CORNER OF PALMDALE ROAD AND HWY 395

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PUBLIC HEARINGS

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ZONING ADMINISTRATOR STAFF REPORT

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

CASE: ADMN19-00094

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: JOLABRI, LLC

LOCATION: 15498 VILLAGE DRIVE #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 ADMN19-00094, subject to the recommended conditions.

II. SUMMARY:

The applicant is requesting approval of this Minor Conditional Use Permit to allow for a small retail used automobile sales business from an existing multi-tenant commercial site comprised of 5 suites. Conditionally permitted within the underlying C-1 (Neighborhood Commercial) zone, the proposed used car sales operation will occupy a 900 sq. ft. suite which fronts Village Drive. The existing uses on site consist of a church ministry office occupying suites #3 thru #5 while suite #2 is currently vacant. The applicant proposes to display several vehicles during business hours of 9am to 9pm seven days a week within the parking field abutting Village Drive and relocate the vehicles to the fenced area adjacent to the building during off hours. The site needs minor repairs to meet Title 16 standards, including asphalt work, landscaping and trash enclosure upgrades for which Staff has conditioned accordingly.

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. The site was developed as a multi-tenant building; the proposal is a similar use and includes a similar number of employees/patrons of a typical office use; and the accessory parking of vehicles on-site is within an existing and fully developed parking area. Therefore, Staff finds the noted exemption applicable as the proposal does not constitute an expansion of use.

2. Minor Conditional Use Permit.

Business Operations

- The proposed used car sales business includes typical office hours of 9AM-9PM daily.
- The business has proposed to display vehicles during business hours in the spaces adjacent to Village Drive then relocate the vehicles behind the fenced area when closed. The applicant's business proposal indicates they wish to display up to six cars on-site, however this number exceeds the total number of parking spaces allotted for the suite they intend to occupy and exceeds the number parking spaces historically awarded to car sales that operate in multi-tenant centers. Parking requirements are addressed further below, however in line with similar approvals, DMV standards and the number of spaces allotted for the subject suite, Condition #5 has been included to limit the number of display vehicles onsite to two.

Parking

- A review of the plans provided and a site visit by staff indicate 20 parking spaces are provided on-site. The parking requirement for the multi-tenant building is 20 stalls, 1 parking space per 200 sq. ft. of floor area (1:200) with the proposed use allotted 5 spaces based on this ratio. The proposal as conditioned will afford the applicant 2 display vehicle spaces and 3 spaces to accommodate employees and visitors. Staff finds that because of limited office size and on-site personnel, as well as the number of on-site parking spaces, the 5 dedicated spaces are adequate to serve the proposed use. However, should a parking shortage arise due to the proposed use, Condition #6 has been included requiring the applicant to rectify the situation to the satisfaction of the Zoning Administrator.

Site Condition

- The site is fully developed with street improvements, and paved parking areas accessible from Village Drive and the adjacent alleyway. 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 #7 & #8 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 in 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 Village Drive, an Arterial Roadway, which has 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 Center	Commercial	C-1
North	Vacant	Commercial	C-1
South	Commercial Building	Commercial	C-1
East	Motel	Commercial	C-1
West	Vacant	Medium Density Residential	R-2

NUMBER OF RADIUS LETTERS MAILED: 23

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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

ADMN19-00094

September 18, 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 15498 VILLAGE DRIVE #1**

Planning Conditions:

1. This approval is to allow for a used vehicle sales facility with typical hours of operation of 9AM to 9PM daily on property located at 15498 Village Drive #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 and/or conditions of approval.
5. Used vehicle sales operations and/or display vehicles shall be limited to a maximum of two vehicles displayed for sale at a given time. Parking spaces adjacent to Village shall be open to either customers of the center and/or display vehicles and spaces shall not be reserved specifically for vehicle display.
6. Should the Development Department receive complaints from patrons, tenants, 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.
7. 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 of the suite.
8. 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.
9. 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.
10. The number and location of all handicapped parking spaces shall be subject to Development Department review and approval.

11. 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.
12. The trash enclosure shall be updated to include solid metal doors with a closure mechanism installed prior to the issuance of a Business License or Certificate of Occupancy. Additionally, all unpermitted enclosure/additions to the trash enclosure shall be removed.
13. 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
14. 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.
15. The pole sign shall be repainted white and faces repaired/replaced for the new tenant prior to the issuance of a Business License or Certificate of Occupancy. Additionally, should the location of the pole sign prevent parking spaces in accordance with Title 16 from being installed without impeding on-site access or encroaching into drive aisles, the pole sign shall be removed.
16. 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.
17. 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.
18. The applicant/business owner shall be responsible for obtaining all necessary permits from any affected regulatory agencies.
19. 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:

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

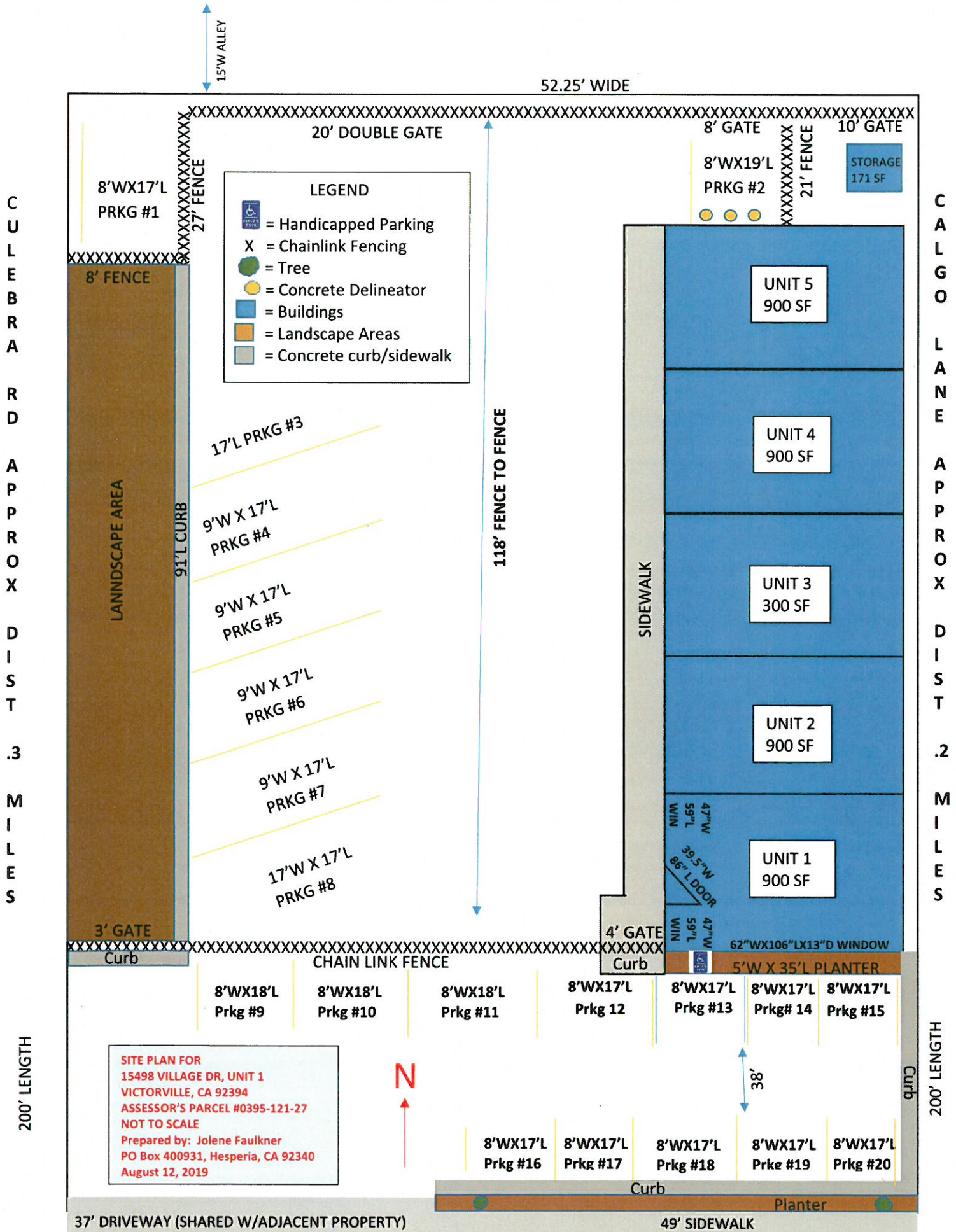
21. The scope of work indicated will require accessibility upgrades to be included in accordance with Section 11B-202 of the California Building Code.
22. Plan check fees for this project will be due, and shall be paid in full, upon submittal of plans to the Building Division. The Building Division may 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:

23. Shall comply with all Building and Fire Code requirements based on occupancy classification.
24. Knox Padlock is required and shall be provided and installed in accordance with Fire Department Standards.

ATTACHMENT A

MORADA PARKWAY APPROX DIST .2 MILES



SITE PLAN FOR
 15498 VILLAGE DR, UNIT 1
 VICTORVILLE, CA 92394
 ASSESSOR'S PARCEL #0395-121-27
 NOT TO SCALE
 Prepared by: Jolene Faulkner
 PO Box 400931, Hesperia, CA 92340
 August 12, 2019



37' DRIVEWAY (SHARED W/ADJACENT PROPERTY)

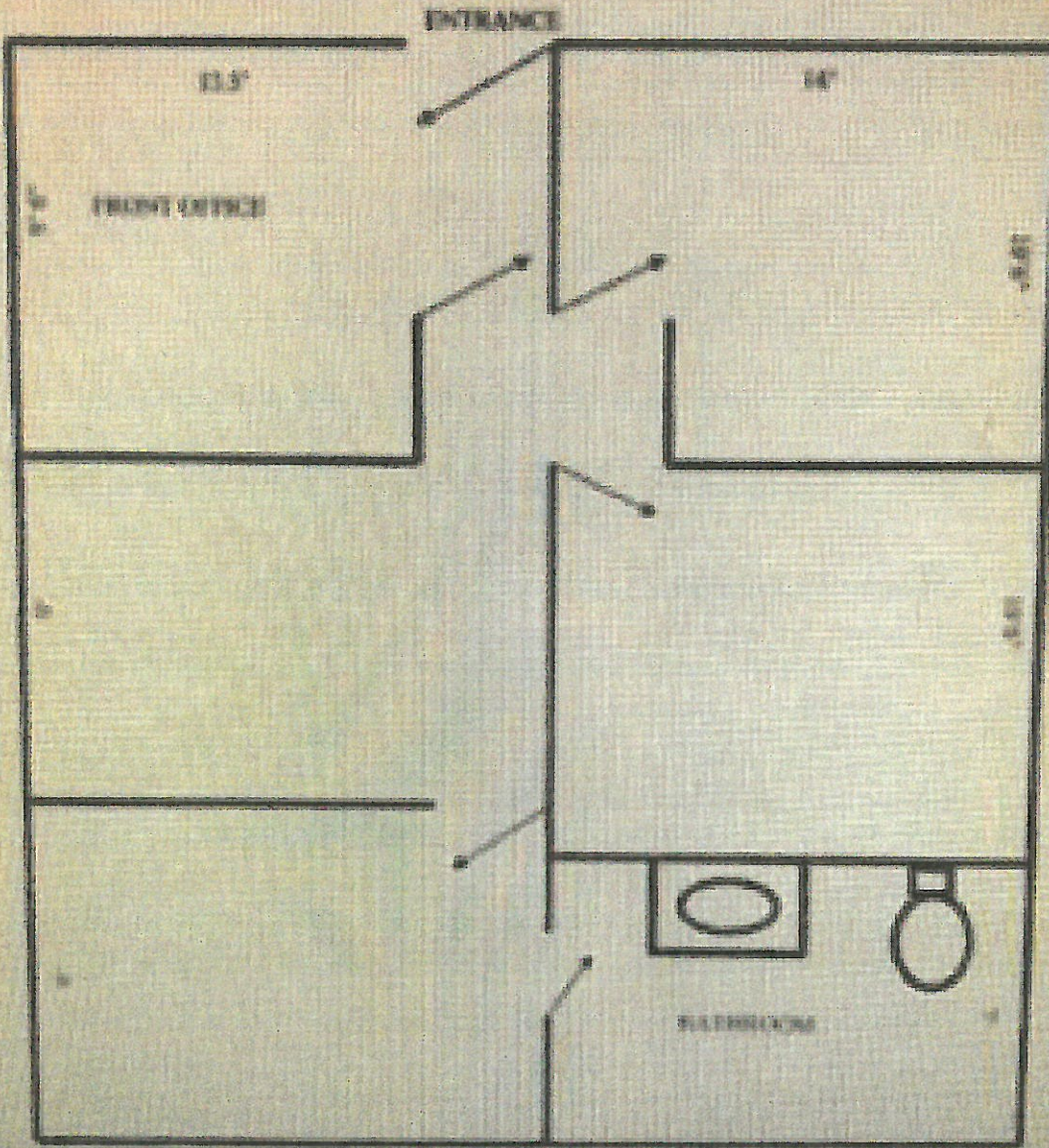
15498 VILLAGE DRIVE, UNIT 1, VICTORVILLE, CA 92394

Approx. 56'W

15498 Village Dr. Victorville, CA

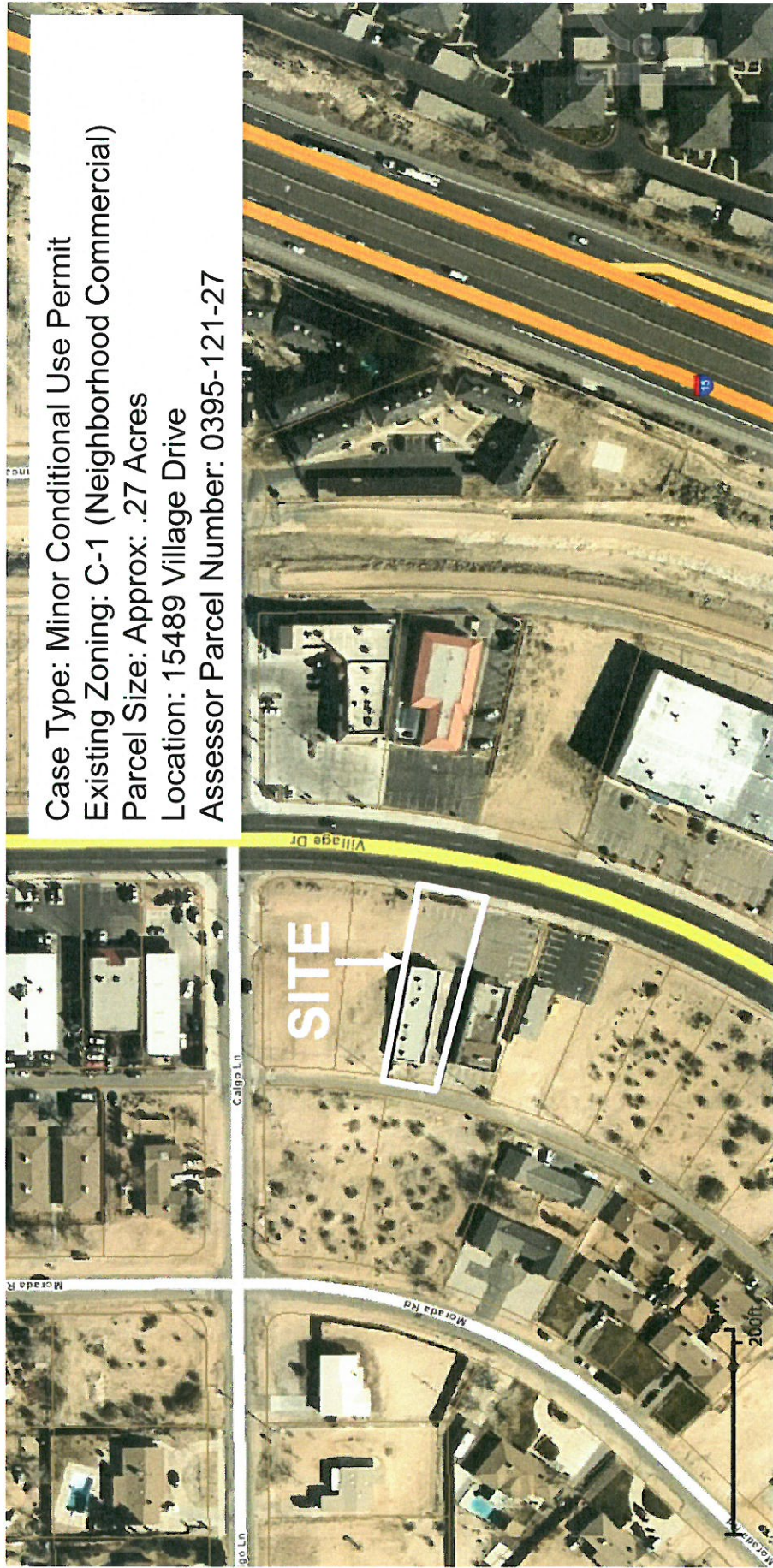
Unit 1

Approximately 900 sqft



ATTACHMENT B

CASE: ADMN19-00094



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PUBLIC HEARINGS**

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MEMORANDUM



DATE: SEPTEMBER 18, 2019
TO: ZONING ADMINISTRATOR
FROM: MICHAEL SZARZYNSKI
SENIOR PLANNER

SUBJECT: ADMN19-00086; A MINOR CONDITIONAL USE PERMIT WITH AN ENVIRONMENTAL EXEMPTION TO ALLOW FOR THE ADDITION OF A STANDALONE DRIVE-THRU AUTOMATED TELLER MACHINE ON A PROPERTY ZONED C-2 GENERAL COMMERCIAL ON PROPERTY LOCATED WITHIN THE CROSSROADS SHOPPING CENTER AT THE NORTHEAST CORNER OF PALMDALE ROAD AND HWY 395; ROTHBART DEVELOPMENT; APPLICANT

AGENDA ITEM NO. 2

The applicant requests a continuance of this item to the **October 2, 2019** Zoning Administrator Hearing. This will allow time for the applicant to resolve any issues with the ATM operator, Wells Fargo Bank.

Attachment – Continuance Request

Michael Szarzynski

From: Stanley Rothbart [stan@rothbartdev.com]
Sent: Tuesday, September 10, 2019 11:32 AM
To: Michael Szarzynski
Subject: RE: Bldg 7 Victorville

Not yet. Lets move it back again

Regards,

Stanley Rothbart

Rothbart Development Corp.
10990 Wilshire Blvd, Suite 1000
Los Angeles, CA 90024

(310) 277-6288

From: Michael Szarzynski <MSzarzynski@victorvilleca.gov>
Sent: Tuesday, September 10, 2019 11:24 AM
To: Stanley Rothbart <stan@rothbartdev.com>
Subject: RE: Bldg 7 Victorville

Stan, do you have an update on the Wells Fargo ATM? Believe it or not I need to have my report in by tomorrow.
-Mike

From: Michael Szarzynski
Sent: Wednesday, September 04, 2019 8:20 AM
To: 'Stanley Rothbart'
Subject: RE: Bldg 7 Victorville

Stan, are you positive? If you have no issues with the conditions we could still move forward and get approval today. If anything comes up that needs your attention at the meeting, we could continue it then.
-Mike

From: Stanley Rothbart [<mailto:stan@rothbartdev.com>]
Sent: Tuesday, September 03, 2019 5:06 PM
To: Michael Szarzynski
Subject: RE: Bldg 7 Victorville

We need to cancel our hearing for tomorrow. I will reach out when we are ready again. Please confirm receipt of this email

Regards,

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