REGULAR MEETING OF THE ZONING ADMINISTRATOR OF THE CITY OF VICTORVILLE

FEBRUARY 3, 2021 10:00AM **ZOOM INFORMATION**

MEETING LINK: http://vv.city/za2032021

MEETING ID: 934 3411 7757

PASSCODE: W123

Call IN NUMBER: (669) 900 9128

Notice to the Public: This meeting is being held in accordance with the Brown Act that is currently in effect under the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20 issued on March 17, 2020. To minimize the spread of COVID-19, City Conference Rooms are closed to the public. This meeting will be available via Zoom and can be accessed through the following link: http://vv.city/za2032021 or by phone (669) 900 9128. **Meeting ID: 934 3411 7757 and Passcode W123**

To provide public comments during Zoom, click "Raise Hand" and you will be advised to speak and be unmuted. If you would like your comments to be read during the meeting, please email planning@victorvilleca.gov no later than February 2, at 3:00 p.m. Include the agenda item number in your subject line; if your comment doesn't pertain to an item, indicate "general public comment" in the subject line.

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 ADMN20-00086- Victory Christian Center

ENVIRONMENTAL - CONSIDERATION OF AN ENVIRONMENTAL EXEMPTION

<u>PROJECT</u> - A MINOR INTERIM USE PERMIT WITH AN ENVIRONMENTAL EXEMPTION TO ALLOW FOR CHURCH SERVICES TO BE HELD WITHIN AN EXISTING BUILDING

LOCATION- 12474 COTTONWOOD AVENUE #A

ATTACHMENT- A. SITE PLAN & PROJECT DESCRIPTION

B. PREVIOUS TENANT PLANS

C. SITE PHOTOS

D. AERIAL IMAGE

PUBLIC COMMENTS

ADJOURNMENT

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ZONING ADMINISTRATOR STAFF REPORT

DATE: FEBRUARY 3, 2021 AGENDA NO. 1

CASE: ADMN20-00086

SUBJECT: A MINOR INTERIM USE PERMIT WITH AN ENVIRONMENTAL EXEMPTION

TO ALLOW FOR CHURCH SERVICES TO BE HELD WITHIN AN EXISTING

COMMERCIAL BUILDING

APPLICANT: VICTORY CHRISTIAN CENTER

LOCATION: 12474 COTTONWOOD AVENUE #A

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 ADMN20-00086 subject to the recommended conditions and find that the proposal meets the requirements of the City Council Policy for Interim Uses (CP-11-05).

II. SUMMARY:

The applicant is requesting approval of this Minor Interim Use Permit in order to allow for a church within a multi-tenant commercial building located at 12474 Cottonwood Avenue, Suite A. The proposed church will utilize an approximately 3,600 sq. ft. of the existing approximately 8,700 sq. ft. building at the rear of the site and will operate Monday – Friday for office use from 9AM-4PM, on Wednesday evenings from 7PM-9PM for bible study, and from 9AM-11AM for Sunday service. The submitted plans indicate a main sanctuary as well as accessory offices, a lobby, and an open area. The site is located within a C-2 (General Commercial) zone district situated between Mariposa Road (main frontage) and Cottonwood Avenue (secondary frontage) with the subject suite located adjacent to Cottonwood Avenue. Assembly uses are not permitted within the underlying C-2 Zone District; however, Staff finds that the proposal is eligible for a Minor Interim Use Permit as the subject location has limited commercial viability given its location at the rear of the site in line with service bays and building maintenance areas along Cottonwood Avenue. As proposed, Staff supports the use at the subject location as discussed in the following Staff Analysis.

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 Interim Use Permit.

Church Operations

- The proposed church has a congregation of 80 people and includes the following operations:
 - Administrative Office: Monday Friday from 9AM-4PM (1-3 staff)
 - Bible Study: Wednesday evenings from 7PM-9PM (Approx. 20 attendees)
 - Service: Sundays from 9AM-11AM (2 Services with up to 45 attendees)

In order to provide the applicant the ability to adjust services provided to meet demand, Staff has included Condition 1, which includes the noted operations, as well as the ability for the Zoning Administrator to adjust services provided (e.g. frequency and number of attendees) should they not cause non-conformance with City Council Policy for Interim Uses (CP-11-05).

- Floor plans submitted with the application indicate that the 3,600 sq. ft. of leased area will include offices, a lobby, an open area, and restrooms; all accessory to the approximately 881 sq. ft. assembly area that consists of non-fixed seating. Staff has supplemented the site plan/floor plan provided by the applicant (Attachment A) with the former tenants site plan/floor plan (Attachment B) for clarity and to delineate existing and proposed improvements, which are limited to the demolition of two walls to accommodate the sanctuary area.
- 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 primarily 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 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

• Staff visits to the site confirmed 72 total parking spaces on site, whereas the proposed use requires 32 spaces based upon 1 space per 35 sq. ft. of seating/assembly area plus 1 space per office/secondary assembly area (881 sq. ft. seating area / 35 sq. ft. = 25 spaces + 5 offices and 2 secondary areas = 32 Total spaces). Staff finds that while the subject 4 total suites on-site (2 within each separate building) were allotted 18 spaces upon original development, the existing parking on-site is sufficient to serve the proposal due to limited office staff during weekdays as well as other religious service times during evenings and Sundays outside of common commercial office hours.

 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 an Interim Use Permit Modification and/or revocation should a parking deficiency develop on-site due to the proposed use.

Site Condition

• The site is overall in satisfactory condition with well-maintained landscaping, a trash enclosure with solid metal gates, and parking areas not showing excessive wear (see Attachment C). Additionally, the subject building is in good condition does not show any sign of deteriorated paint or other maintenance issues that require immediate attention.

City Council Policy Findings

The General Commercial District (C-2) does not permit the proposed church as a
permitted or conditional use. However, an interim use within C-2 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 subject suite has limited commercial occupancy opportunities given land use patterns adjacent to the site, which has caused the frontage along Cottonwood Avenue to be comprised primarily of loading and maintenance areas at the rear of neighboring sites that limits visibly. Therefore, based on the locations limited commercial occupancy opportunities, 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 regard to the following:
 - Hours of Operation Office hours of operation are similar to exiting permitted uses in the C-2 zone district while religious functions (e.g. bible study and Sunday Service) are not anticipated to create a parking conflict given their operation during non-peak commercial times.
 - Parking Needs/Requirements Adequate parking exists on-site for the proposed use given the schedule of services provided, which either are similar to commercial uses (office functions) or outside the normal business hours of the adjacent businesses (e.g. Religious services on evening and Sundays).
 - Traffic Impacts The abutting Arterial roadways Mariposa Road and Cottonwood Avenue are adequate to serve the proposed church due to their capacity as developed.
 - Occupancy Patterns Although the C-2 zone district does not permit
 assembly uses, the proposed church is abutting a dance studio that has
 similar impacts to traffic and parking (at different operational times than the
 subject proposal), which has not caused negative impacts to permitted uses
 in the vicinity. Therefore, given the established businesses in the multi-tenant
 center, the proposed church is similar to existing occupancy patterns.
 - Noise Noise impacts should not be greater than permitted commercial uses or other land uses permitted within the C-2 Zone District.

- Environmental Impacts The use will 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.
- 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 regard to:
 - Existing Structures The proposal is located within an existing building that was developed for commercial use.
 - 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 located within a multi-tenant building shared with a dance studio on an overall site that also includes a paint store and a beauty supply store, which should not be negatively impacted by the subject use.
- 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 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 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 Building	Commercial	C-2T	N/A
North	Multi-tenant Commercial Building	Commercial	C-2T	N/A
South	Furniture Store	Commercial	C-2T	N/A
East	Vacant	Commercial	C-2T	N/A
West	Interstate Highway	Commercial	C-2T	N/A

^{*} The "T" or Transitional District was applied to these parcels in order to require Site Plan review and the enforcement of drainage standards prior to new development.

NUMBER OF RADIUS LETTERS MAILED: 6

Attachments:

Attachment A – Site Plan & Floor Plan w/Applicants Description

Attachment B – Previous Tenants Site Plan & Floor Plan

Attachment C – Site Photos Attachment D – Aerial Image

AJ

CONDITIONS OF APPROVAL ADMN20-00086 February 3, 2020

A MINOR INTERIM USE PERMIT WITH AN ENVIRONMENTAL EXEMPTION TO ALLOW FOR CHURCH SERVICES TO BE HELD WITHIN AN EXISTING COMMERCIAL BUILDING LOCATED AT 12474 COTTONWOOD AVENUE #A

Planning Conditions:

- 1. This approval shall be valid for church operations and accessory services at 12474 Cottonwood Avenue, Suite A. Accessory uses within the church include church administrative/office functions Monday through Friday from 9AM-4PM and bible study on Wednesday evenings from 7PM-9PM. Church services are limited to Sundays from 9AM-11AM. 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 City of Victorville 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. 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.

- 9. 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.
- 10. 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 multitenant developments.
- 11. The applicant/business owner shall be responsible for obtaining all necessary permits from any affected regulatory agencies.
- 12. 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:

- 13. 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.
- 14. The scope of work indicated will require accessibility upgrades to be included in accordance with Section 11B-202 of the California Building Code.
- 15. 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.

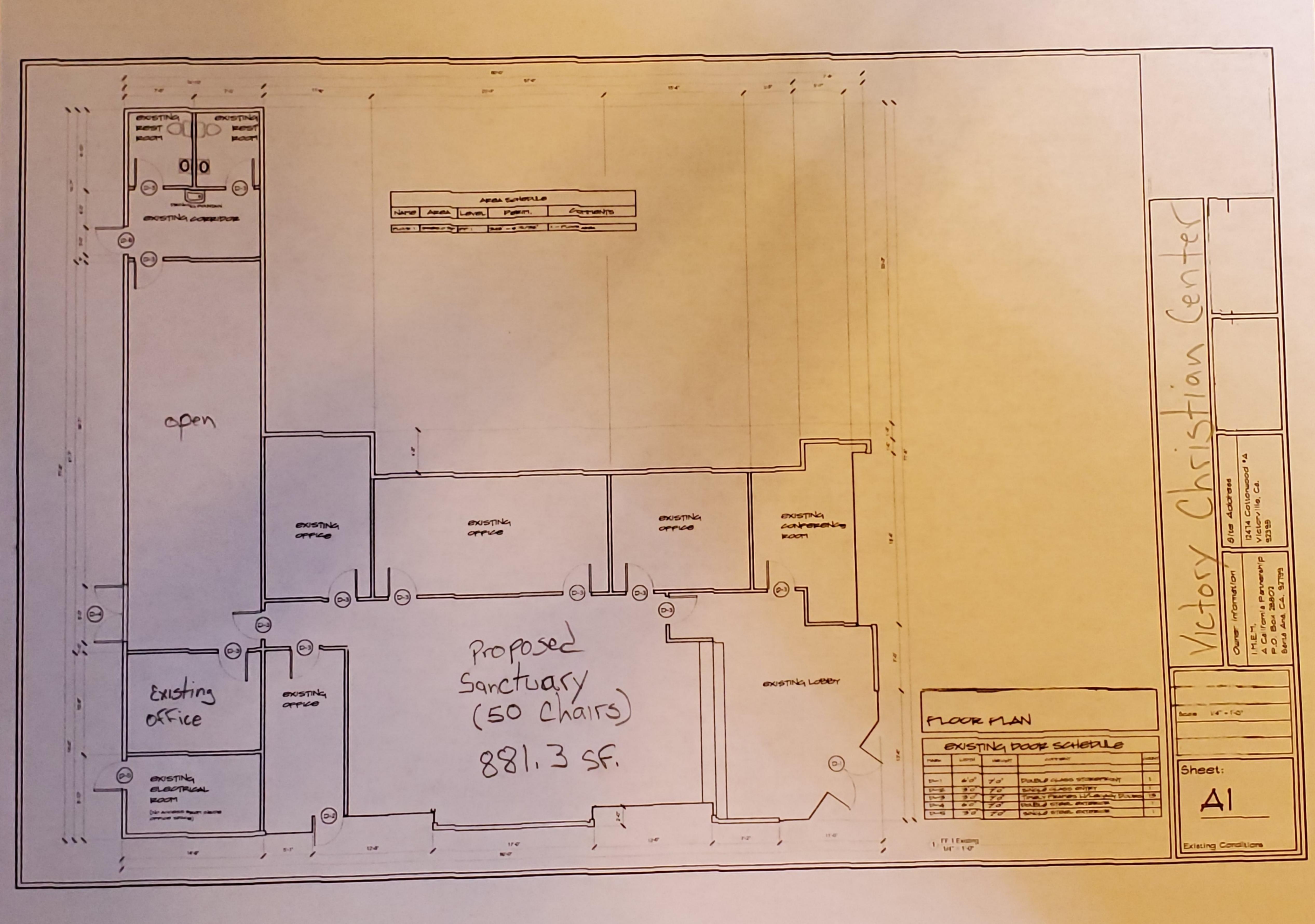
Fire Conditions:

- 16. Shall comply with all current Building and Fire Code requirements based on occupancy classification.
- 17. Automatic Fire Sprinkler System (If Installed) shall have a current Five Year Certification.
- 18. Fire Alarm System (If Installed) may have to be upgraded to meet new Occupancy Classification.

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ATTACHMENT A

Trash Enclosure Parking stalls_37 Handicapped-2 Proposed Site Suite B Cottonwood Ave



Victory Christian Center

The applicant proposes that the current project located at 12474 Cottonwood Avenue Suite A, is permitted a <u>interm use permit</u> for the intended use of a <u>Church.</u>

Hours of Operation:

Monday-Friday, 9am to 4pm. (1-3 office staff for office use only)

Wednesday Evening Bible Study, 7pm to 9pm. (Attendance, 20 people)

Sunday Service:
9:00am and 11am
(Two services, with no more than 45 people per service)

Size of Congregation: 80 with average church attendance of 30 to 40 attendees. As the congregation grows, more service times will be added.

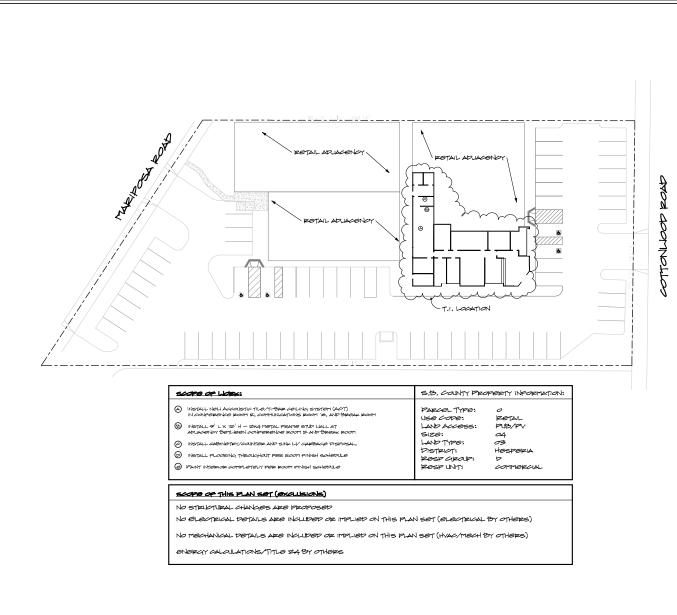
Impact on surrounding tenants:

The business next door, Legacy Dance Company (suite B) is owned and operated by applicant.

Parking:

There are 35 Direct parking stalls with 2 handicap stalls.

ATTACHMENT B



TENENT IMPROVEMENT

Proposet improvements for proposet County 13.0.5. Office

I.M.E.M. (A CALIPORNIA PARTNORGHIP) P.O. BOX 28802 SANTA ANA, CA. 92799

PARCEL NUMBER 3093-182-03 LECAL DESCRIPTION: 19321 PARCEL NO 3 EX ST PER 8-8-88 #88-258860

JOB SITE:

12474 MARIPOSA IRD. 12LDQ, 2 AKA 12747 A COTTONLLOOD AVE VICTORVILLE, CA. 92395

CONTRACTOR:

JIM SCHROEDER Peseirt Pesicin Builders CL # 493745 (760)954-3312

3582 SQ. FT. CIEQUE B OCCUPANCY

AREA SCHEDULE

Name Area Level Perim. COMMENTS

00x 1 35820 5F FF 1 343' - 9 15/32' + - PLOOK AK

GENERAL NOTES

APPLICABLE CODES:

2013 030 2013 CPC 2013 CPC 2013 CPC 2013 CEC CURRENT TITLE 24

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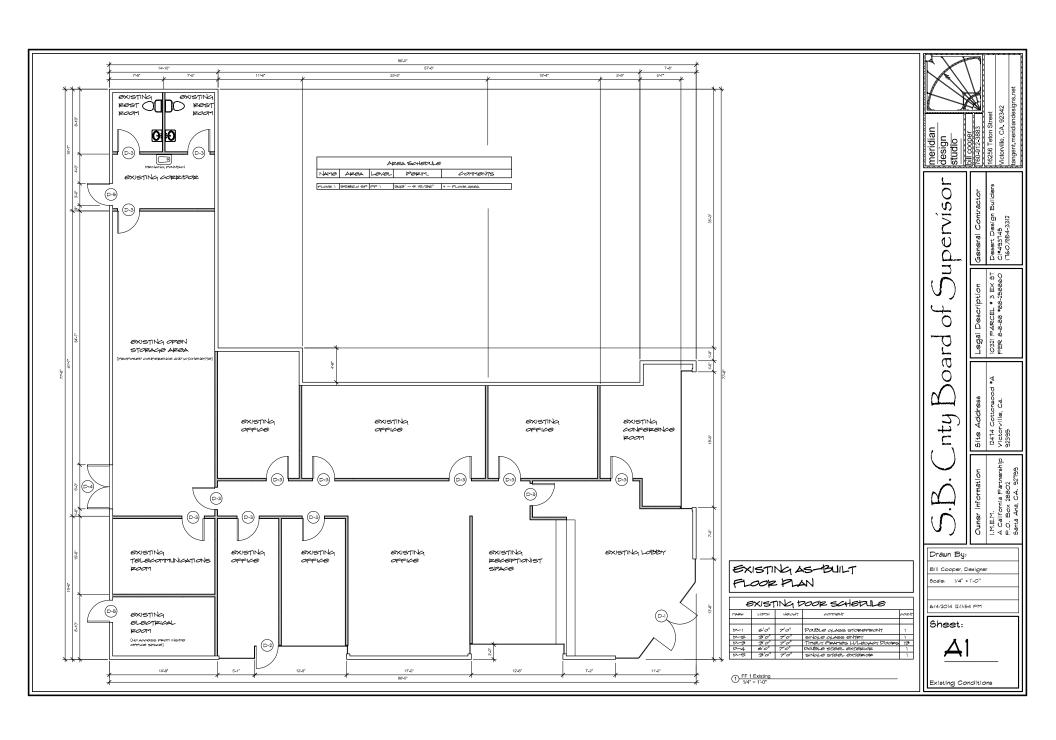
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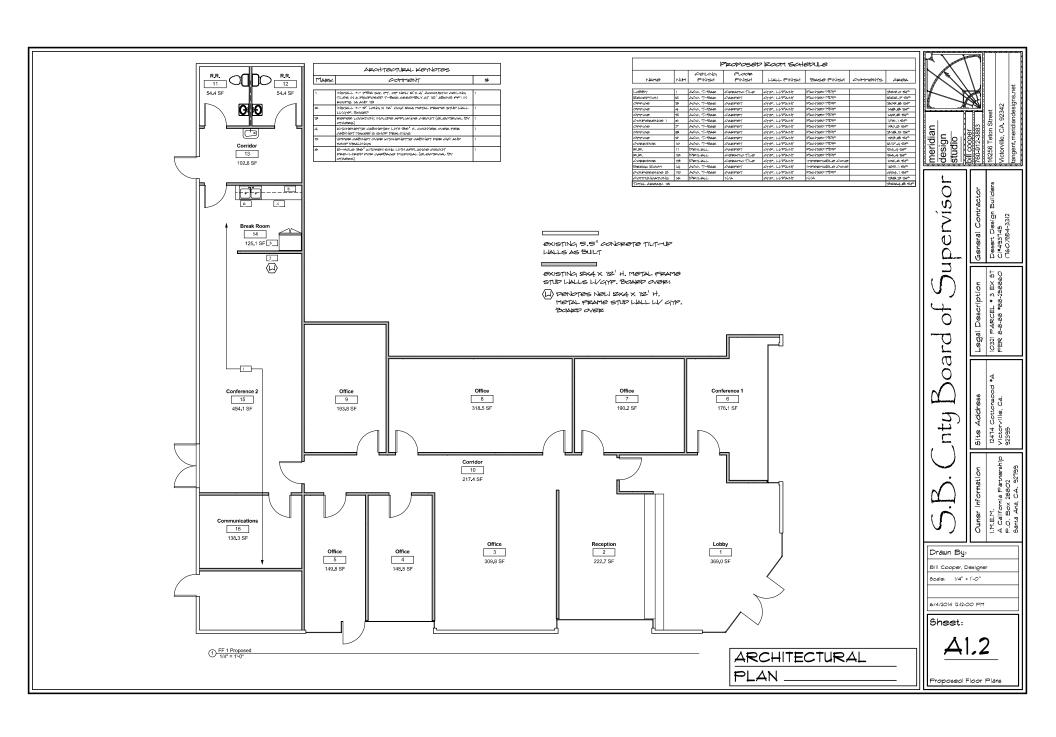
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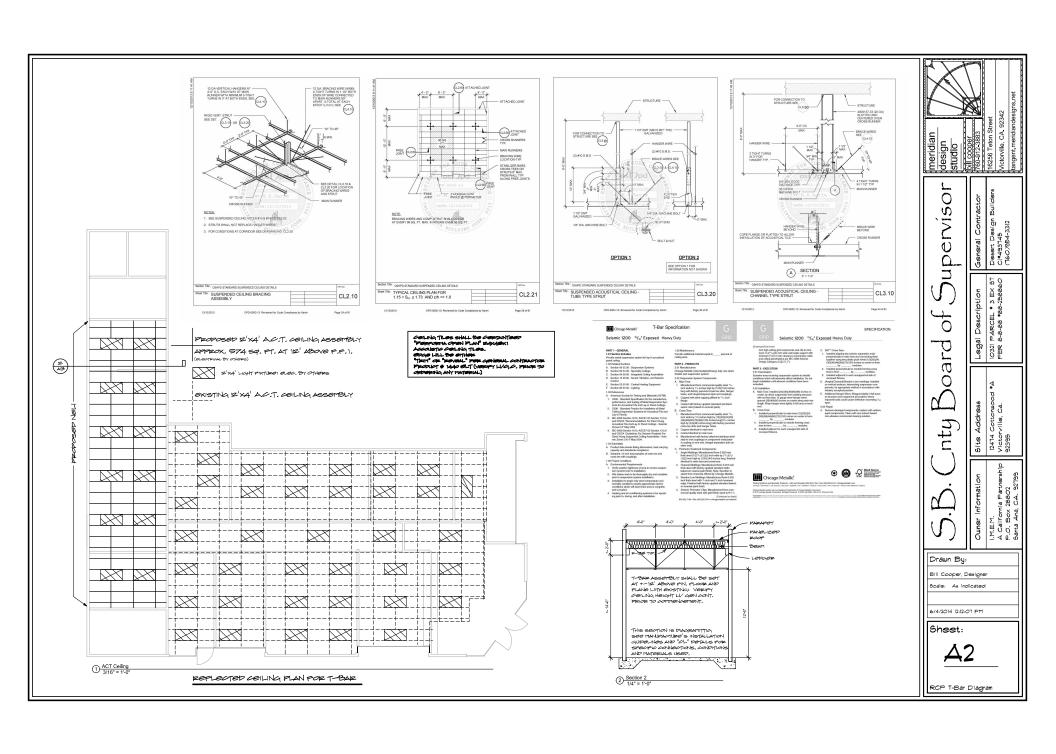
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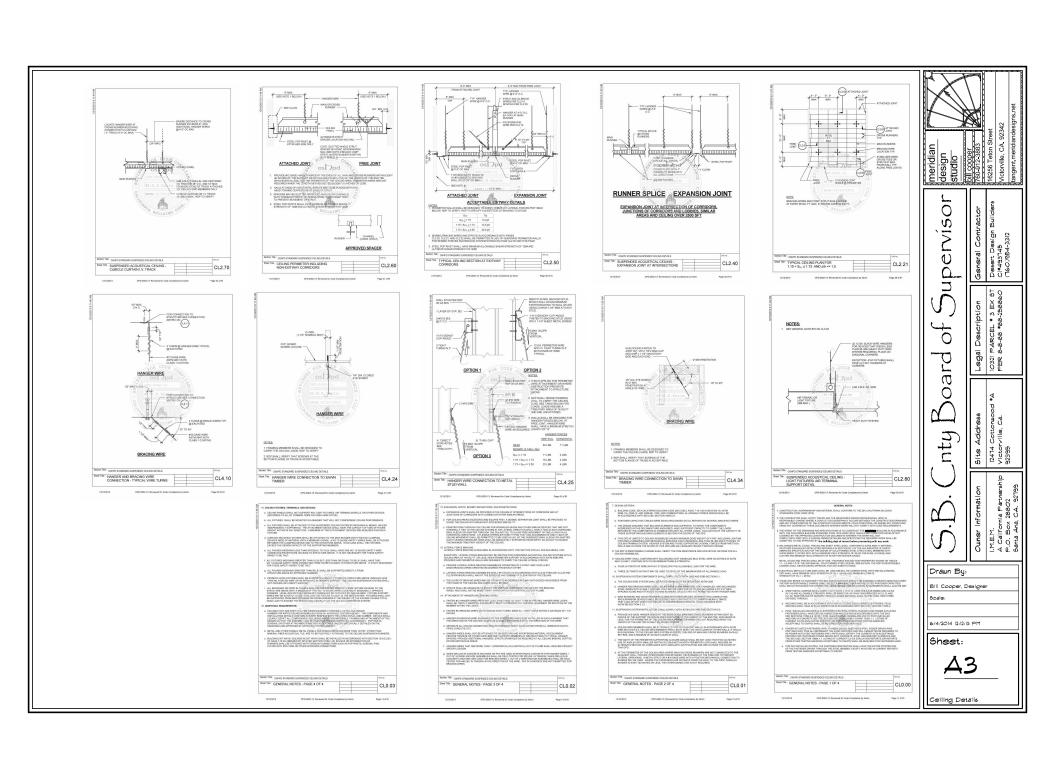


Site Plan









ATTACHMENT C









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ATTACHMENT D

CASE: ADMN20-00086

