



TOWN OF APPLE VALLEY TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** April 22, 2014
From: Brad Miller, Town Engineer **Item No:** 3
 Engineering Department
Subject: ACCEPT THE FINAL MAP FOR TRACT MAP NO. 18917-1
Applicant: Pulte Homes

T.M. Approval: _____ **Budgeted Item:** Yes No N/A

RECOMMENDED ACTION:

Move to accept the final map, securities and agreements for Tract Map No. 18917-1.

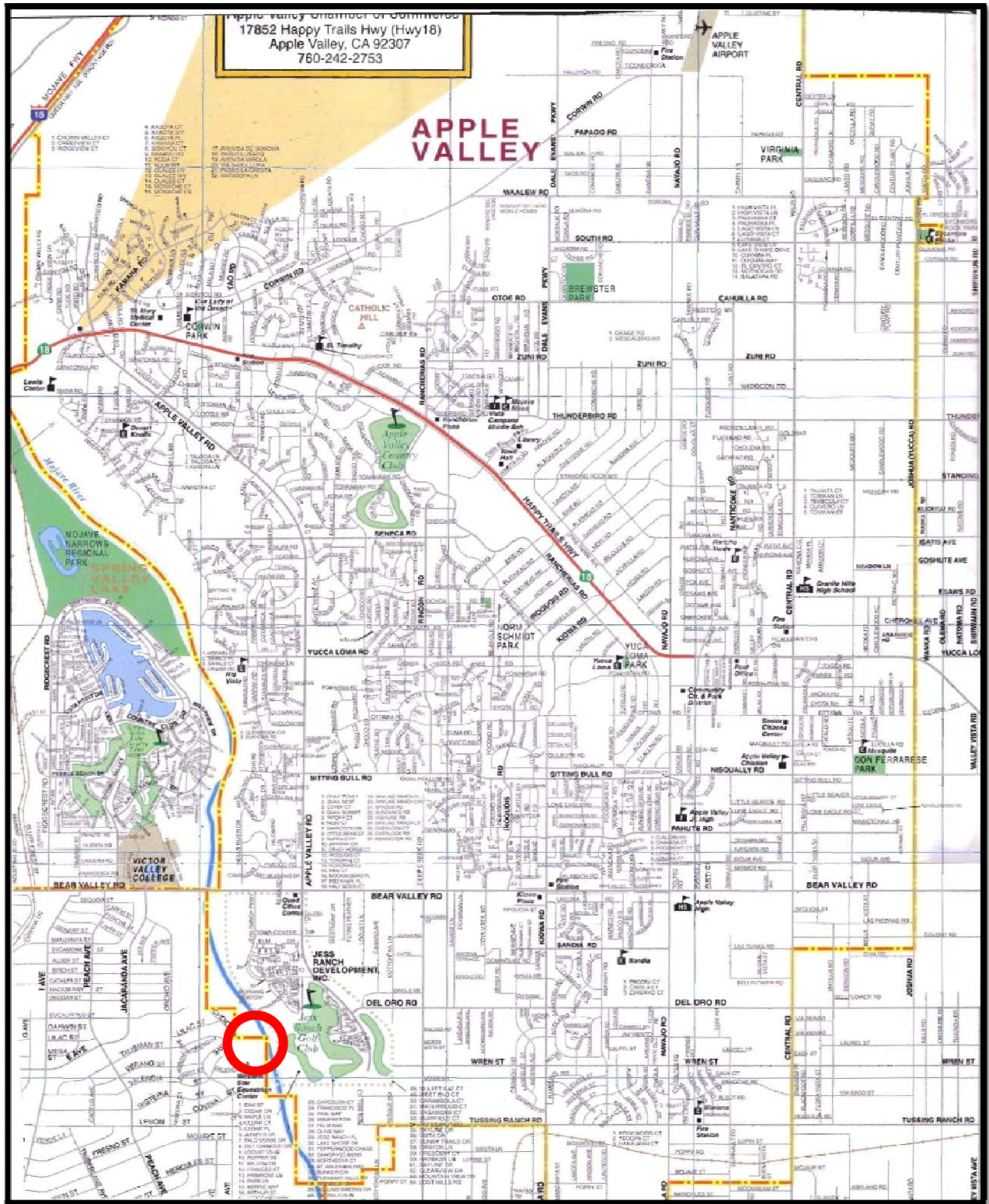
SUMMARY:

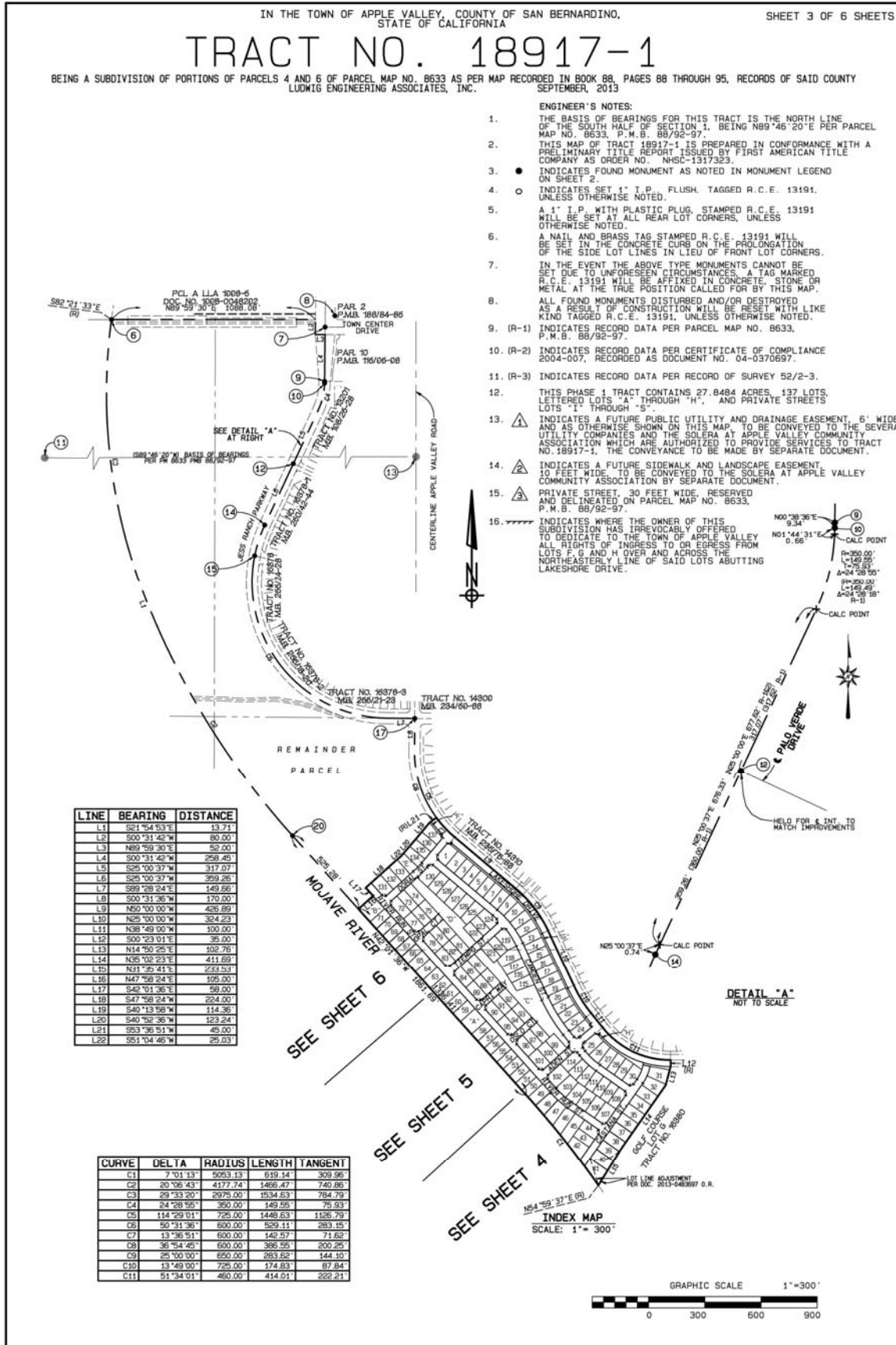
The applicant has complied with all conditions of approval placed on Tentative Tract Map No. 18917-1. This subdivision creates 130 residential lots. The site is located generally along Lake Shore Drive west of Apple Valley Road. The Planning Commission reviewed and approved the Tentative Tract Map on October 2, 2013.

The applicant has not completed all required improvements but, as allowed by the Conditions of Approval, has signed Agreements for Construction of Improvements and provided bonds to guarantee completion of these improvements. The Town staff has reviewed and approved the Agreement and bond packages. The bond amounts provided are indicated below:

	<u>Performance</u>	<u>Labor and Materials</u>
Street/Storm Drain Improvements	\$191,118	\$595,559
Sewer Improvements	\$436,772	\$218,386
Water Improvements	\$630,494	\$315,247
Multi Use Trail	\$300,000	\$150,000
Monumentation	\$19,800	N/A

Staff recommends that the Town Council accept the Final Map, Securities, and Agreements for Tract Map No. 18917-1.







Town of Apple Valley

14955 Dale Evans Parkway • Apple Valley, California 92307

October 3, 2013

Pulte Homes Corporation

Attn: Steve Ford

27101 Puerta Real #300

Mission Viejo, Ca. 92691

Subject: Tentative Tract Map No. 18917

Dear Mr. Ford;

At the October 2, 2013 Planning Commission meeting, the Commission reviewed and approved the above referenced project, a request for approval of Tentative Tract Map No. 18917 subject to the attached Conditions of Approval as amended by the Planning Commission.

This action of the Town of Apple Valley shall not be final for a period of ten (10) days from the date of Planning Commission action to allow for the filing of any appeal pursuant to the Town's Development Code, Section 9.12.250, with the Town Clerk of the Town of Apple Valley. Please submit to the Town's Planning Division, a check made payable to the "Clerk of the Board of Supervisors" in the amount of \$2,206.25 for the Notice of Determination and Mitigated Negative Declaration.

Enclosed you will find the conditions as modified and approved by the Planning Commission and as accepted by the applicant at the public hearing. If you have any questions on this matter, please contact Ms. Carol Miller at the Town's Planning Division at (760) 240-7000 Ext. 7222. Town offices are open Monday through Thursday between 7:30 a.m. and 5:30 p.m., and alternating Fridays between 7:30 a.m. and 4:30 p.m. (**closed the subsequent Fridays**).

Sincerely,

Lori Lamson

Community Development Director

c: file

TOWN OF APPLE VALLEY

FINAL CONDITIONS OF APPROVAL

Case No. Tentative Tract Map No. 18917

Please note: *Many of the suggested Conditions of Approval presented herewith are provided for informational purposes and are otherwise required by the Municipal Code. Failure to provide a Condition of Approval herein that reflects a requirement of the Municipal Code does not relieve the applicant and/or property owner from full conformance and adherence to all requirements of the Municipal Code.*

Planning Division Conditions of Approval

- P1. This tentative subdivision shall comply with the provisions of the State Subdivision Map Act and the Town Development Code. This tentative approval shall expire three (3) years from the date of approval by the Planning Commission/Town Council. A time extension may be approved in accordance with the State Map Act and Town Ordinance, if an extension application is filed and the appropriate fees are paid 30 days prior to the expiration date. The Tentative Tract Map becomes effective 10 days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. Prior to approval of the Final Map, the following agencies shall provide written verification as necessary to the Planning Division that all pertinent conditions of approval and applicable regulations have been met:

Apple Valley Fire Protection District

Apple Valley Ranchos Water Company

Apple Valley Public Services Department

Apple Valley Engineering Division

Apple Valley Planning Division

SBDO County Flood Control District

California State Fish and Wildlife

U.S. Army Corps of Engineers

- P3. The applicant shall agree to defend at his sole expense (with attorneys approved by the Town), and indemnify the Town against any action brought against the Town, its agents, officers or employees resulting from or relating to this approval. The applicant shall reimburse the Town, its agents, officers or employees for any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of these obligations under this condition.
- P4. The filing fee for a Notice of Determination (NOD) requires the County Clerk to collect a handling fee of \$50.00. Additionally, as of January 1, 2013, a fee of \$2,156.25 is required to be collected by the County for the processing of a NOD for the State Fish & Game fees. The fees must be paid within five (5) days of the approval of this application in order to reduce the Statute of Limitations to thirty (30) days. All fees must be submitted prior to the issuance of any permits. The check shall be made payable to the Clerk of the Board of Supervisors.
- P5. The approval of Tentative Tract Map No. 18917 by the Planning Commission is recognized as acknowledgment of Conditions of Approval by the applicant, unless an appeal is filed in accordance with the Town's Development Code.
- P6. Prior to recordation of Final Map, three sets of detailed landscaping and irrigation plans for the parkway area and subdivision entrances, prepared by a qualified licensed landscape professional, shall be submitted to the Planning Division for review and approval. The landscape and irrigation plans shall be prepared in compliance with the applicable landscape section of the Town Development Code.
- P7. All subdivision walls proposed for construction along the perimeter of the property lines shall be constructed of decorative slump stone, split face or other decorative masonry material. Prior to the issuance of a grading permit, Developer/applicant shall submit detailed plans showing all proposed walls for this subdivision subject to approval by the Director of Economic and Community Development (or designee).

- P8. If the tract map is adjacent to existing development, a fence/wall plan shall be submitted with the grading and landscape/irrigation plans to identify how new fencing or walls will relate to any existing fences or walls located around the perimeter of the tract/parcel map. The developer shall be required to connect to the existing fencing/walls or collaborate with the adjacent property owners to provide new fencing/walls and remove the existing fence/wall, both options at the developer's expense. Double fencing shall be avoided and review and approval of the fencing/wall plan is required prior to issuance of grading permits.
- P9. A Homeowner's Association shall be established for maintenance of open space/common areas and the common private driveway lots. The developer/applicant shall pay for all costs relating to establishment of the Homeowner's Association and a copy of the Homeowner's Association by-laws shall be received and approved by the Planning Division prior to approval of the final tract map.
- P10. Interior streets of the project will be privately owned. On-street parking is allowed however, in no instance shall delineated guest parking occur on both sides of the roadway. Private streets shall be posted to allow parking on only one side of the street and to maintain clear sight triangles and clearance around fire hydrants.
- P11. Reverse frontage wall and landscaping plans must be approved prior to issuance of building permits. Landscaping shall be provided on non-vehicular access portions of double frontage lots along public streets. Other barriers (fences, walls) walls may be utilized if approved by the Planning Division.
- P12. No roof-mounted equipment shall be placed on any building unless screened as specifically approved by the Planning Division (except for solar collection panels).
- P13. A copy of the final grading plan shall be submitted to the Planning Division for review and approval. All on-site cut and fill slopes shall:
- Be limited to a maximum slope ratio of 2 to 1 and a maximum vertical height of thirty (30) feet. Setbacks from and to bottom of slopes shall be a minimum of one-half the slope height.
 - Be contour-graded to blend with existing natural contours.
 - Be a part of the downhill lot when within or between individual lots.

- P14. All mitigation measures described in the Initial Study will be implemented as part of the project.
- P15. The Covenants, Conditions and Restrictions (CC&Rs) shall be reviewed and approved by the Planning Division prior to final approval of the Tract maps. The CC&Rs shall include liability insurance and methods of maintaining the open space, recreation areas, parking areas, private roads, private common driveway lots and exterior of all buildings for the life of the project. In addition, the CC&Rs shall include landscape maintenance along Lakeshore Drive, Jess Ranch Parkway and landscape buffer along the north. If the owner or successor fails to enforce these provisions contained in the conditions, they may be enforced by the Town at the expense of the owner or his successors. The CC&Rs may not be cancelled or revised with respect to these conditions without prior written consent of the Town.
- P16. The Final Map shall show and record a non-vehicular access for all lots fronting Jess Ranch Parkway and Lakeshore Drive.
- P17. All applicable conditions and mitigation measures of the Jess Ranch PUD shall apply to this map.
- P18. The Master CC& R's provision recorded November 27, 1985 as number 85-302422, in Article VIII, Section No. 2, titled Occupancy Requirements-Age Limitation, which establishes 55 years or older age limitation and exceptions, shall remain in force for the perpetuity of the project.
- P19. A pedestrian trail easement shall be shown on the final map and shall be constructed along the eastern levee of the Mojave River adjacent to the tract boundaries. Prior to final map, a cross section of the pedestrian trail shall be designed and shown on the final map.
- P20. The applicant shall adhere to the conditions, permits and requirements necessary for clearances of the County Flood Control District, U.S. Fish and Wildlife, U.S. Army Corps of Engineers, California State Fish and Game and the Town of Apple Valley for all on-site and off-site work related to the Mojave River Flood Plain and riparian habitat.

- P21. A minimum twenty (20)-foot wide landscape buffer shall be provided for along the northerly project boundary.
- P22. Improvement plans be submitted for Planning Division review and approval for all the open space lots.
- P23. Prior to the demolition of this facility, the applicant shall submit for any required demolition permit and removal of debris shall comply with all applicable Environmental & Regulatory Compliance Conditions of Approval.
- P24. At the time of development, the applicant will conform to FEMA and Town regulations. The applicant shall complete the Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR).
- P25. Lot Line Adjustment No. 2013-001 shall be finalized prior to final map approval.
- P26. Improvements to the open space lots shall be installed concurrently with each corresponding phase.

Engineering Division Conditions of Approval

- EC1. A final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider reducing the post-development site-developed flow to 90 percent of the pre-development flow for a 100 year design storm. (Town Resolution 2000-50; Development Code 9.28.050.C, 9.28.100)
- EC2. Street improvement plans shall be submitted to the Town Engineer for review and approval.
- EC3. All drainage easements, brow ditches, swales, etc. shall be submitted to the Town Engineer for review and approval.

- EC4. All interior streets shall be improved to Jess Ranch P.U.D. standards as approved by the Town Engineer.
- EC5. Minimum right of way dedication for interior residential streets shall be to Jess Ranch P.U.D. standards.
- EC6. All streets abutting the development shall be improved a minimum half-width of 28 feet with curb, gutter and sidewalk on the development side.
- EC7. Jess Ranch Parkway adjacent to the property shall be improved to the to Jess Ranch P.U.D. half-width standards.
- EC8. Lake Shore Drive adjacent to the property shall be improved to the Jess Ranch P.U.D. half-width standards.
- EC9. During the grading of the streets, soils testing of the street subgrades by a qualified soils engineering firm shall be performed to determine appropriate structural street section. Minimum asphalt concrete thickness for all streets shall be 0.33 ft.
- EC10. All required improvements shall be constructed and approved or bonded in accordance with Town Development Code.
- EC11. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC12. Final improvement plans and profiles shall indicate the location of any existing utility which would affect construction and shall provide for its relocation at no cost to the Town.
- EC13. A final grading plan shall be approved by the Town Engineer prior to issuance of a grading permit. A grading permit shall not be issued until street improvement plans have been submitted to the Town Engineer for review and substantial completion of the street plans has been attained as determined by the Town Engineer.
- EC14. All street names shall be approved by the Town and such approval shall be coordinated through the Town Engineer.

- EC15. The developer shall present evidence to the Town Engineer that he has made a reasonable effort to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
- EC16. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)
- EC17. The developer shall make a good faith effort to acquire the required off-site property interests. If the developer fails to acquire those interests the developer shall, at least 120 days prior to submittal of the final map for approval, enter into an agreement to complete the improvements pursuant to Government Code Section 66462 at such time as the Town acquires the property interests required for the improvements. Such agreement shall provide for payment by the developer of all costs incurred by Town to acquire the off-site property interests required in connection with the subdivision. Security for a portion of these costs shall be in the form of a cash deposit in the amount given in an appraisal report obtained by the developer, at the developer's cost. The appraiser shall have been approved by the Town prior to commencement of the appraisal. Additional security may be required as recommended by the Town Engineer and Town Attorney.
- EC18. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC19. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC20. Any required street striping shall be thermoplastic as approved by the Town Engineer.
- EC21. In the event that an applicant/developer chooses to seek Council approval of the Final Map prior to completion of the required improvements, an "Agreement for Construction of Improvements" shall be required. In accordance with the California Labor Code, any such Agreement will contain a statement advising the developer that certain types of improvements will constitute a public project as defined in California Labor Code, Sections 1720, and following, and shall be performed as a public work, including, without limitation, compliance with all prevailing wage requirements.
- EC22. The intersection of Jess Ranch Parkway and Town Center Drive shall be reconstructed. The reconstruction of the intersection shall include drainage improvements that will mitigate flooding at this location, as approved by the Town Engineer.
- EC23. Drainage improvements over Lot "BB" shall be constructed per Town Engineer's approval. A drainage acceptance easement shall also be dedicated over Lot "BB".

EC24. This project shall comply with all Federal Emergency Management Agency Flood Zone regulations as outlined in the Town's Development Code.

Public Works Division Conditions of Approval

PW1. Sewage disposal shall be by connection to the Town of Apple Valley sewer system. Financial arrangements, plans and improvement agreements must be approved by the Town of Apple Valley Public Works Department.

Apple Valley Fire Protection District Conditions of Approval

FD.1 The above referenced project is protected by the Apple Valley Fire Protection District. Prior to construction occurring on any parcel, the owner shall contact the Fire District for verification of current fire protection development requirements.

FD2. All new construction shall comply with applicable sections of the California Fire Code, California Building Code, and other statutes, ordinances, rules, and regulations regarding fires and fire prevention adopted by the State, County, or Apple Valley Fire Protection District.

FD3. The development and each phase thereof shall have two points of paved access for fire and other emergency equipment, and for routes of escape which will safely handle evacuations. Each of these points of access shall provide an independent route into the area in which the development is located. This shall be completed prior to any combustible construction.

FD4. Fire lanes shall be provided with a minimum width of thirty (30) feet, maintained, and identified.

Apple Valley Fire Protection District Ordinance 51

FD5. A turnaround shall be required at the end of each roadway one hundred fifty (150) feet or more in length and shall be approved by the Fire District. Cul-de-sac length shall not exceed one thousand (1,000) feet.

Turning radius on all roads within the facility shall not be less than twenty-two (22) feet inside and minimum of 40 feet outside turning radius with no parking on street, or forty-seven (47) feet with parking. Road grades shall not exceed twelve percent (12%) unless approved by the Chief.

Apple Valley Fire Protection District Ordinance 51

- FD6. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

New dwelling addresses shall be posted with a minimum of 4-inch numbers visible from the street, and during the hours of darkness the numbers shall be internally illuminated. Where building setbacks exceed 75 feet from the roadway, additional contrasting 4-inch numbers shall be displayed at the property entrance.

- FD7. Plans for fire protection systems designed to meet the fire flow requirements specified in the Conditions of Approval for this project shall be submitted to and approved by the Apple Valley Fire Protection District and water purveyor prior to the installation of said systems.

A. Unless otherwise approved by the Fire Chief, on-site fire protection water systems shall be designed to be looped and fed from two (2) remote points.

B. System Standards:

*Fire Flow 500 GPM @ 20 psi Residual Pressure on 8" minimum water main size..

Duration 1 Hour

Hydrant Spacing 660 Feet

C. The total 19-22 fire hydrants will be required. It is the responsibility of the owner/developer to provide all new fire hydrants with blue dot, reflective pavement markers set into street, and curb identification per Apple Valley Standards.

NFPA 13D (RESIDENTIAL AUTOMATIC FIRE SPRINKLER SYSTEM): REQUIRED

The residences shall be constructed with an automatic fire sprinkler system (NFPA 13D) throughout the structure, including garage. Plans shall be submitted by a licensed C-16 contractor to the Fire District for review and approval along with plan review fees. Fire Sprinkler work shall not commence until plan approval and a job card have been issued. An approved fire alarm system shall be installed that will provide a local alarm for water flow to be audible throughout the premises. NOTE: The Fire District shall be notified a minimum of 24 hours prior to the desired final inspection date.

- FD8. A letter shall be furnished to the Fire District from the water purveyor stating that the required fire flow for the project can be met.
- FD9. Apple Valley Fire Protection District Final Subdivision/Tract/Development fees shall be paid to the Fire District prior to final map acceptance according to the current Apple Valley Fire Protection District Fee Ordinance.
- FD10. The developer shall submit a map showing complete street names within the development, to be approved by the Fire District prior to final map.
- FD11. A Knox Box Rapid Entry System shall be required at all gated ingress/egress points within this project.

Apple Valley Fire Protection District Ordinance 51

Environmental & Regulatory Compliance Conditions of Approval

- ER1. The project must provide adequate areas for collecting and loading recyclable materials in compliance with AB 341. The trash enclosure must comply with the newly adopted recycling standards. Public Resource Code Section 42910-42912
- ER2. The developer shall complete and submit a Waste Management Plan ("WMP"), on a WMP form approved by the Town for this purpose as part of the application packet for the building or demolition permit. The completed WMP shall indicate all of the following:

- (1) The estimated volume or weight of project construction & demolition debris to be generated;
- (2) The estimated volume or weight of such materials that can feasibly be diverted via reuse or recycling;
- (3) The vendor or facility that the Developer proposes to use to collect or receive that material; and
- (4) The estimated volume or weight of construction & demolition materials that will be landfilled.

Town of Apple Valley Municipal Code Section 8.19.020(a)

ER3. Compliance with Condition of Approval No. ER2 shall be met by any of the following:

- (1) Contract for hauling services with Town's franchise hauler, with all Project debris delivered to San Bernardino County self-haul landfill diversion program, provided the diversion program is currently operating; and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP.
- (2) Self-haul all Project debris to San Bernardino County self-haul landfill diversion program, provided the diversion program is currently operating; and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP.
- (3) Self-haul all Project debris to a construction materials recycling facility, and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP.
- (4) Contract with a construction site cleanup company to recycle at least 50% of the Project construction debris, and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP.

Town of Apple Valley Municipal Code Section 8.19.030

ER4. Prior to issuance of Certificate of Occupancy, the developer shall submit to the WMP Compliance Official documentation proving that it has met the Diversion Requirement for the Project. The Diversion Requirement shall be that the developer has diverted at least fifty percent (50%) of the total C&D debris generated by the Project via reuse or recycling. This documentation shall include all of the following:

- (1) Receipts from the vendor or facility that collected or received each material showing the actual weight or volume of that material;
- (2) A copy of the previously submitted WMP for the Project adding the actual volume or weight of each material diverted and landfilled;

- (3) Any additional information the Developer believes is relevant to determining its efforts to comply in good faith with this Chapter 8.19.

Town of Apple Valley Municipal Code Section 8.19.050

The developer shall make reasonable efforts to ensure that all construction & demolition debris diverted or landfilled are measured and recorded using the most accurate method of measurement available. To the extent practical, all C&D debris shall be weighed by measurement on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For construction & demolition debris for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the developer shall use the Standardized Conversion Rates approved by the Town for this purpose.

San Bernardino County Flood Control

- FC1. Any encroachment on District right of way, a permit must be obtained from the District's Permits/Operations Support Division, Permit Section. Other on-site or off-site improvements may be required.

END OF CONDITIONS