



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY  
PLANNING COMMISSION AGENDA  
REGULAR MEETING  
WEDNESDAY, DECEMBER 17, 2014 – 6:00 P.M.**

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PUBLIC PARTICIPATION IS INVITED. Planning Commission meetings are held in the Town Council Chambers located at 14955 Dale Evans Parkway, Apple Valley, California. If you wish to be heard on any item on the agenda during the Commission's consideration of that item, or earlier if determined by the Commission, please so indicate by filling out a "REQUEST TO SPEAK" form at the Commission meeting. Place the request in the Speaker Request Box on the table near the Secretary, or hand it to the Secretary at the Commission meeting. (G.C. 54954.3 {a}).

Materials related to an item on this agenda, submitted to the Commission after distribution of the agenda packet, are available for public inspection in the Town Clerk's Office at 14955 Dale Evans Parkway, Apple Valley, CA during normal business hours. Such documents are also available on the Town of Apple Valley website at [www.applevalley.org](http://www.applevalley.org) subject to staff's ability to post the documents before the meeting.

*The Town of Apple Valley recognizes its obligation to provide equal access to those individuals with disabilities. Please contact the Town Clerk's Office, at (760) 240-7000, two working days prior to the scheduled meeting for any requests for reasonable accommodations.*

**REGULAR MEETING**

The Regular meeting is open to the public and will begin at 6:00 p.m.

**CALL TO ORDER**

**ROLL CALL**

Commissioners: Lamoreaux\_\_\_\_\_; Shoup\_\_\_\_\_; Tinsley\_\_\_\_\_  
Vice-Chairman Qualls\_\_\_\_\_; and Chairman Kallen\_\_\_\_\_)

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

1. Minutes for the Regular Meeting of November 5, 2014 (*Continued for December 3, 2014*).

## **PUBLIC HEARING ITEMS**

- 2. General Plan Amendment No. 2013-02 and Zone Change No. 2013-01** *(Continued from December 3 2014)*. A request to consider a change to the General Plan and the Zoning land use designations from Residential Estate (R-E) to Residential Single Family (R-SF).

**Applicant:** Bear Valley & Apple Valley 103, LLC, and Newton T. Bass Trust.

**Location:** The property under consideration is 134-acres in size and is located within the area between Sitting Bull and Bear Valley Roads, west of the Deep Creek Road extension; APNs 3087-161-04 and 3087-171-07.

**Project Planner:** Carol Miller, Principal Planner

**Recommendation:** Approval

## **PUBLIC COMMENTS**

Anyone wishing to address an item not on the agenda, or an item that is not scheduled for a public hearing at this meeting, may do so at this time. California State Law does not allow the Commission to act on items not on the agenda, except in very limited circumstances. Your concerns may be referred to staff or placed on a future agenda.

## **PLANNING COMMISSION COMMENTS**

## **STAFF COMMENTS**

## **OTHER BUSINESS**

- 3.** Development Code Interpretation No. 2014-004 regarding the separation requirements between a convenience store and a school.

## **ADJOURNMENT**

The Planning Commission will adjourn to its next regularly scheduled meeting on January 7, 2015.

## MINUTES

### TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, November 5, 2014

#### CALL TO ORDER

At 6:00 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for November 5, 2014, was called to order by Chairman Kallen.

#### ROLL CALL

##### Planning Commission

Roll call was taken with the following members present: Commissioner Jason Lamoreaux, Commissioner, Mark Shoup, Commissioner B.R. "Bob" Tinsley, Vice-Chairman Doug Qualls and Chairman Bruce Kallen.

#### STAFF PRESENT

Carol Miller, Principal Planner; Haviva Shane, Town Attorney and Debra Thomas, Planning Commission Secretary.

#### PLEDGE OF ALLEGIANCE

Commissioner Tinsley led the Pledge of Allegiance.

#### 1. APPROVAL OF MINUTES

- A. Minutes for the Regular Meeting of October 1, 2014.

Motion by Commissioner Lamoreaux, seconded by Commissioner Shoup, to approve the Minutes for the Regular Meeting of October 1, 2014.

Motion carried by the following vote: Ayes: Commissioner Lamoreaux, Commissioner Shoup, Commissioner Tinsley, Vice-Chairman Qualls and Chairman Kallen. Noes: None. Absent: None. Abstain: None.

#### PUBLIC HEARING ITEMS

2. **Conditional Use Permit No. 2014-002.** A request for approval of a Conditional Use Permit to allow adjustments to the off-street parking requirements within an existing commercial center to accommodate the expansion of an existing restaurant.

**Applicant:** Peter Ghim on behalf of Il Ryun Song

**Location:** The project site is located at 15850 Apple Valley Road; APN 0473-151-13

Ms. Carol Miller, Principal Planner, presented the staff report as filed by the Planning Division.

Lengthy discussion ensued regarding insufficient parking, parking space ratio per square foot and how many parking spaces the Applicant required to accommodate the expansion of his existing restaurant located at 15850 Apple Valley Road.

Chairman Kallen opened the public hearing at 6:32 p.m.

Peter Ghim, on behalf of Il Ryun Song, researched the parking situation at night between 6:30 p.m. to 8:30 p.m. He believed there was plenty of parking to accommodate the new space.

Il Ryun Song, Owner, stated he was planning to put in six (6) to eight (8) tables in the new space. He believed occupancy would be between thirty-five (35) and forty (40). He stated the existing occupancy is forty-five (45). He also explained to the Planning Commission that the new location would house additional tables and a waiting area for his restaurant patrons.

Chairman Kallen closed the public hearing at 6:39 p.m.

### **MOTION**

Motion by Vice-Chairman Qualls, seconded by Commissioner Tinsley, that the Planning Commission move to:

1. Find that pursuant to the California Environmental Quality Act (CEQA), the proposed request is Exempt from further environmental review.
2. Find the Facts presented in the staff report do not support the required Findings for approval for Conditional Use Permit No. 2014-002.

### **ROLL CALL VOTE**

Ayes: Commissioner Lamoreaux  
Commissioner Shoup  
Commissioner Tinsley  
Vice-Chairman Qualls  
Chairman Kallen

Noes: None

Abstain: None

Absent: None

The motion carried by a 5-0-0-0 vote.

3. **Special Use Permit 2014-007.** A request to approve a Special Use Permit to allow a BMX track, with start ramp, on a vacant parcel in conjunction with a BMX bike manufacturer for the purpose of utilizing the track for product testing.

**Applicant:** Bill Ryan, owner of Supercross BMX

**Location:** The project site is located north of 13570 Tonikan Road; APNs 3087-382-34, -35 and -36.

Ms. Carol Miller, Principal Planner, presented the staff report as filed by the Planning Division.

Ms. Miller informed the Planning Commission that Staff made one minor modification to Condition of Approval No. P10 to add the term “neat and orderly”. Therefore, the condition shall read, “The track shall be maintained in a neat, orderly and weed free condition.”

Commissioner Shoup would like a Condition added to limit only non-motorized vehicles on the track.

Chairman Kallen opened the public hearing at 7:07 p.m.

William Ryan, Owner of Supercross BMX, had agreed to the Conditions of Approval. He informed the Planning Commission that there is use of a quad to drag the track for maintenance purposes only.

Commissioner Shoup and Commissioner Lamoreaux would like Condition of Approval P10 revised to add, “Motorized vehicles would be limited for maintenance use only.”

Chairman Kallen closed the public hearing at 7:10 p.m.

**MOTION:**

Motion by Chairman Kallen, seconded by Commissioner Tinsley, that the Planning Commission move to:

1. Find that pursuant to the California Environmental Quality Act (CEQA), the proposed request is Exempt from further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval for Special Use Permit No. 2014-007 as Amended.
3. Approve Special Use Permit No. 2014-007, subject to the attached Conditions of Approval as amended.
4. Direct Staff to file the Notice of Exemption.

**ROLL CALL VOTE**

Ayes: Commissioner Lamoreaux  
Commissioner Shoup  
Commissioner Tinsley  
Vice-Chairman Qualls  
Chairman Kallen

Noes: None

Abstain: None

Absent: None

The motion carried by a 5-0-0-0 vote.

**PUBLIC COMMENTS**

Craig Carl, Apple Valley, is an owner/builder and described to the Planning Commission the financial hardship he is enduring building a home in the Town of Apple Valley. He wanted to see if there was any way that the Town of Apple Valley could waive some of the fees or limit some landscaping requirements to make the build more cost effective.

**STAFF COMMENTS**

None.

**OTHER BUSINESS**

Commissioner Shoup suggested a future agenda item addressing an Amendment to the Development Code regarding candidate signs.

Commissioner Lamoreaux stated the Development Code needed to be cleaned up within federal and state guidelines.

Ms. Carol Miller, Principal Planner, stated she would forward the Planning Commissioners requests to the Assistant Town Manager, Lori Lamson.

Chairman Kallen would like permission from the Planning Commission to revise the Planning Commission's Motion Agenda.

It was the consensus of the Planning Commission to allow Chairman Kallen to revise the Planning Commission Motion Agenda.

Chairman Kallen stated for the record, he would like Staff to define, in better detail, "Public Transportation Findings" as addressed in Item No. 2, page 2-4 of the November 5, 2014 Agenda

**PLANNING COMMISSION COMMENTS**

None.

**ADJOURNMENT**

Motion by Commissioner Tinsley, seconded by Commissioner Lamoreaux, and unanimously carried to adjourn the meeting of the Planning Commission at 7:20 p.m. to the Regular Meeting on December 3, 2014.

Respectfully Submitted by:

\_\_\_\_\_  
Debra Thomas  
Planning Commission Secretary

Approved by:

\_\_\_\_\_  
Chairman Bruce Kallen



# TOWN OF APPLE VALLEY PLANNING COMMISSION

Agenda Item No. 2

Get a Slice of the Apple.

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## Staff Report

- AGENDA DATE:** December 17, 2014 (*Continued from December 3, 2014*)
- CASE NUMBER:** General Plan Amendment No. 2013-02  
Zone Change No. 2013-01
- APPLICANT:** Bear Valley & Apple Valley 103, LLC and Newton T Bass Trust
- PROPOSAL:** This is a request for approval of a General Plan Amendment to change the current Land Use designation of (R-E) Residential Estate (1 DU per 1 to 2.5 gross acres) to (R-SF) Residential Single-Family (1 DU per 0.4 to 0.9 net Acres) and a Zone Change from the current Zoning designation (R-E) Residential Estate (1 DU per 1 to 2.5 gross acres) to (R-SF) Residential Single-Family (1 DU per 0.4 to 0.9 net Acres) Zoning designation.
- LOCATION:** APNs: 3087-171-07 and easterly portion of 3087-161-04
- ENVIRONMENTAL DETERMINATION:** Based upon an Initial Study, pursuant to the State Guidelines to implement the California Environmental Quality Act (CEQA) a Negative Declaration has been prepared.
- CASE PLANNER:** Ms. Carol Miller, Principal Planner
- RECOMMENDATION:** Approval.

### PROJECT SITE AND DESCRIPTION

- A. Project Size  
The property consists of two (2) parcels totaling approximately 134 acres.
- B. General Plan Designations  
Project Site - Residential Estate (R-E)  
Proposed - Residential Single Family (R-SF)  
North - Residential Single Family (R-SF)  
South - Regional Commercial (C-R)  
East - Residential Single Family (R-SF)  
West - Office Professional (O-P)
- C. Surrounding Zoning and Land Use  
Project Site – Residential Estate (R-E), Vacant  
Proposed - Residential Single Family (R-SF)  
North – Residential Single Family (R-SF), Vacant

- South – Regional Commercial (C-R), Vacant
- East – Residential Single Family (R-SF), Single-Family Residences
- West – Office Professional (O-P), Vacant

D. Site Characteristics

The site is currently undeveloped vacant land that has been significantly disturbed due to past agriculture activities, vehicular and pedestrian use, and as such the extent of native vegetation is limited. The site is relatively flat topography with moderate slope along the easterly portion.

**ANALYSIS:**

A. General

The applicant is requesting consideration of a General Plan Amendment and Zone Change. The request is to amend the General Plan and Zoning designations of the property from its existing Residential Estate (R-E) to the Single-Family Residential (R-SF) Land Use designation. If the General Plan Amendment and Zone Change are approved by the Town Council, the property will be allowed to be developed with all uses permitted within the R-SF zoning district.

The review of the General Plan Amendment evaluates consistency with the Goals and Policies of the General Plan and, if it is appropriate, to change the land use designation. In evaluating the appropriateness of changing the General Plan land use and zoning for this site, consideration must also be given to the surrounding land use pattern and lot size. In this instance, the predominant residential zoning in the area is Single-Family Residential (R-SF). The existing zoning designation of R-E allows large animal keeping which is not typical of the area. Therefore, the proposed land use district is more consistent with the surrounding residential zoning and development in the area than the existing R-E designation. If granted, the General Plan Amendment will eliminate such animal keeping, as horses, pigs, sheep, goats, and kennels.

At the adoption of General Plan Amendment and Zone Change, the project's location will be within the Single-Family Residential (R-SF) zoning designation which does not permit horse-sheltering as mentioned above; however, there are Equestrian Lifeline Trail that will be required along Deep Creek Road in accordance with the General Plan Recreation Trail System at such time a tentative tract map is submitted. Any future tract map will be required to provide Lifeline trail improvements in accordance with the adopted Equestrian Trails Standards.

In-lieu of the submittal of the tract map application accompanying the General Plan Amendment and Zone Change simultaneously, the applicant provided a concept illustrating minimum and average lot sizes, and density (attached) to demonstrate the consistency with adjacent lot sizes.

The request is consistent with the goals and policies of the Town's General Plan Land Use and Park and Recreation Elements. Specifically those listed below.

Land Use Element

**Goal 2:**

*A well planned, orderly development pattern that enhances community values, and assures development of adequate infrastructure.*

**Policy 2.A**



*The Town shall maintain a land use map that assures a balance of residential, commercial, industrial, open space and public lands.*

**Program 2.A.2**

*The Zoning Map shall directly correspond to General Plan land use designations, and shall be kept consistent with the General Plan.*

**Policy 2.B**

*All new development and redevelopment proposals shall be required to install all required infrastructure, including roadways and utilities, and shall have complied with requirements for public services prior to occupancy of the project.*

**Goal 3**

*Minimal impact to existing neighborhoods.*

**Program 3.A.1**

*The Development Code shall include standards for increased setbacks, walls, berms, landscaping, incremental lot sizes, buffering guidelines and recommendations for projects adjoining different or less intense land use designations.*

**Program 3.A.2**

*The Development Code will include incentives for creative design, including, but not limited to, varied setbacks, lot patterns, building massing and non-motorized transportation paths and trails.*

**Goal 4**

*Safe, attractive and well served residential areas in keeping with the desert environment and its open characteristics.*

**Policy 4.A**

*The most intense single-family land use designation shall be 2 units per acre in conformance with the requirements of Measure N.*

**Program 4.A.1**

*The minimum lot size for single-family zoning designations in the Development Code shall be no smaller than 18,000 net square feet in conformance with the requirements of Measure N.*

Park and Recreation Element

**Goal 2**

*Expansion and further development of an integrated and comprehensive bikeway, walking paths and trails system that includes effective signage and supporting facilities to encourage use.*

**Policy 2.A**

*In addition to connecting homes to schools, the trails system will connect residential areas to commercial centers, workplaces and recreational facilities.*

**Program 2.D.1**

*Improve the quality and connectivity of existing trails and pathways, providing signage and supporting facilities such as rest areas and secure parking for bikes, whenever possible.*

The request is a logical extension of the existing R-SF land use designations in the surrounding area and would allow future property owners land use activities similar to those in neighboring properties.

#### Environmental Assessment

An initial study in compliance with CEQA has been prepared that determined the proposal would not have any adverse impacts that would be potentially significant, with mitigation measures. Therefore, a Negative Declaration is recommended.

#### Noticing

General Plan Amendment No. 2013-02 and Zone Change No. 2013-01 were advertised as a public hearing in the Apple Valley News newspaper on November 14, 2014. In addition, a sign is posted on the property as required under Development Code Section 9.13.030 (9).

#### Findings

In considering any General Plan Amendment or Zone Change, the Council and Commission are required by the Municipal Code to make specific Findings. The following are the Findings for a General Plan Amendment required under Section 9.02.050.H.3 of the Development Code, with a comment to address each:

#### General Plan Amendment

1. The proposed General Plan amendment is consistent with the goals, policies and standards of all elements of the General Plan and will further those goals, policies and standards;

Comment: The proposed project is consistent with the goals, policies and standards of all General Plan Elements and will further their implementation. The subject property is suitable for development and will be a logical extension of single-family residential from the north and east. Development will occur in a sequential manner, adjacent to previously developed or developing areas and in ways which allow for clear linkages to circulation and other infrastructure systems. The proposed uses are complementary to the surrounding residential neighborhoods.

2. The General Plan, as amended, will comprise an integrated, internally consistent and compatible statement of policies for the Town;

Comment: The proposed General Plan Amendment is consistent with the Goals and Policies of both the Land Use Element and the Circulation Element of the General Plan. Since only the land use designation is being amended, the proposed amendment will comprise an integrated, internally consistent and compatible statement of policies for the Town.

3. The General Plan amendment furthers the public interest and promotes the general welfare of the Town by providing for a logical pattern of land uses and clarifying various land use policies for the Town.

4. Comment: The site is the proper location for the single-family residential development furthers the public interest and promotes the general welfare of the Town by

providing for a logical pattern of land uses and clarifying various land use policies for the Town.

### Zone Change

Development Code section 9.06.060 requires the following findings be made in order to approve Zone Change Amendments to the Development Code:

1. The proposed amendment is consistent with the General Plan.  
Comment: The proposed project is consistent with the goals, policies and standards of all of the General Plan Elements and will further their implementation. The proposed Single-Family Residential zoning designation is consistent with the proposed Residential Single-Family General Plan Designation.
2. The proposed Amendment will not be detrimental to the public health, safety or welfare of the Town or its residents.  
Comment: The request will not adversely affect the health, peace or comfort of persons residing in the area and will not be detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site. The proposed traffic mitigation measures allow the project to stay within the Town's adopted LOS C for impacted intersections and in fact help improve certain existing intersections.

### **RECOMMENDATION**

Based upon the information contained within this report, and any input received from the public at the hearing, it is recommended that the Planning Commission move to recommend the following to the Town Council:

1. Determine that the proposed General Plan Amendment and Zone Change will not have a significant effect on the environment.
2. Adopt the Negative Declaration finding for GPA 2013-02 and ZC No. 2013-01 on the basis of the whole record before the Planning Commission, including the Initial Study and any comments received, there is no substantial evidence that the project will have a significant effect on the environment and that the Negative Declaration reflects the Town's independent judgment and analysis.
3. Find that the facts presented in the staff report support the required Findings for approval and adopt those findings.
4. Adopt Planning Commission Resolution No. 2014-05 recommending approval of GPA 2013-02 and Zone Change 2013-01.

**Prepared By:**

**Reviewed By:**

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Carol Miller  
Principal Planner

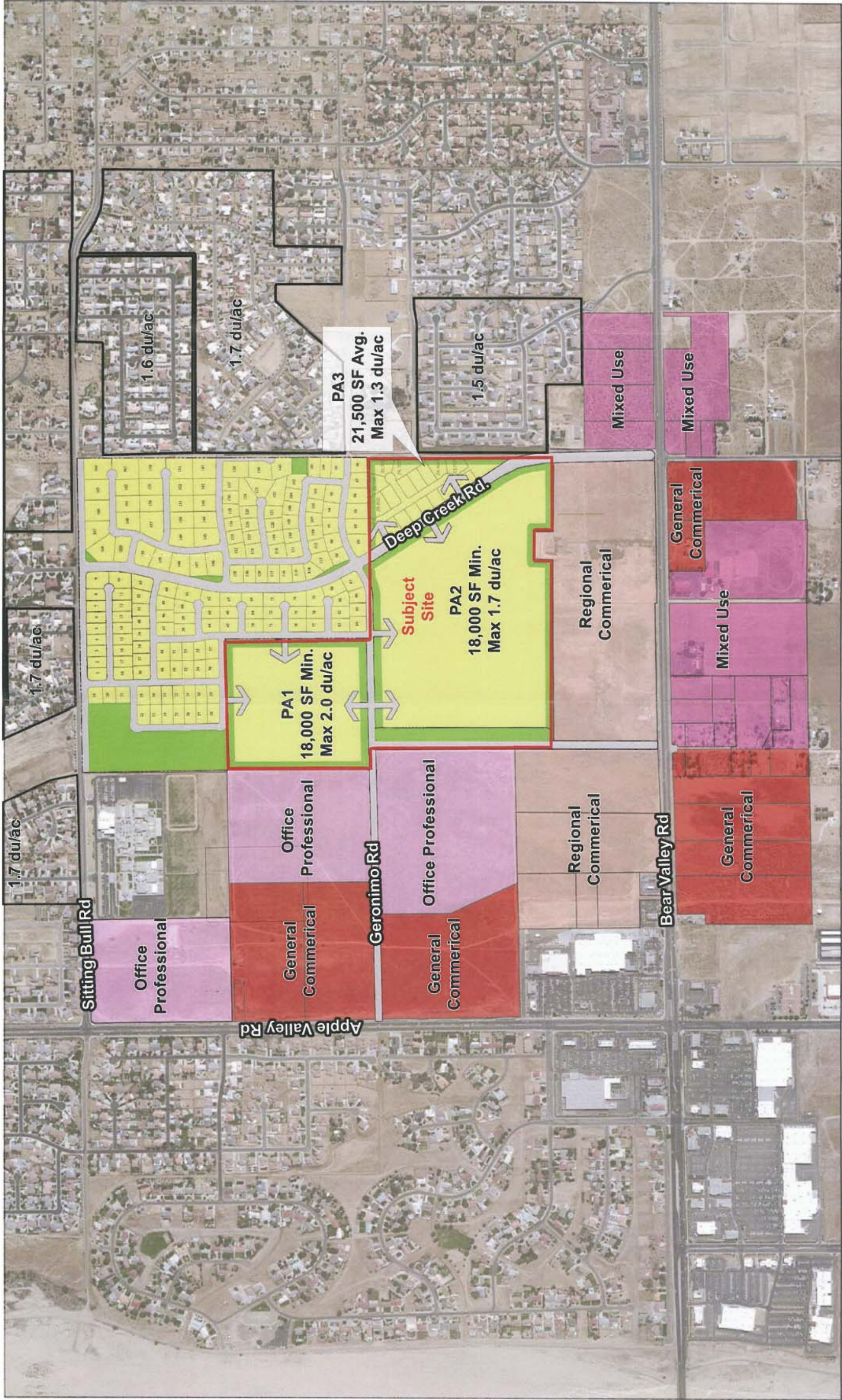
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Lori Lamson  
Assistant Town Manager

### **ATTACHMENTS**

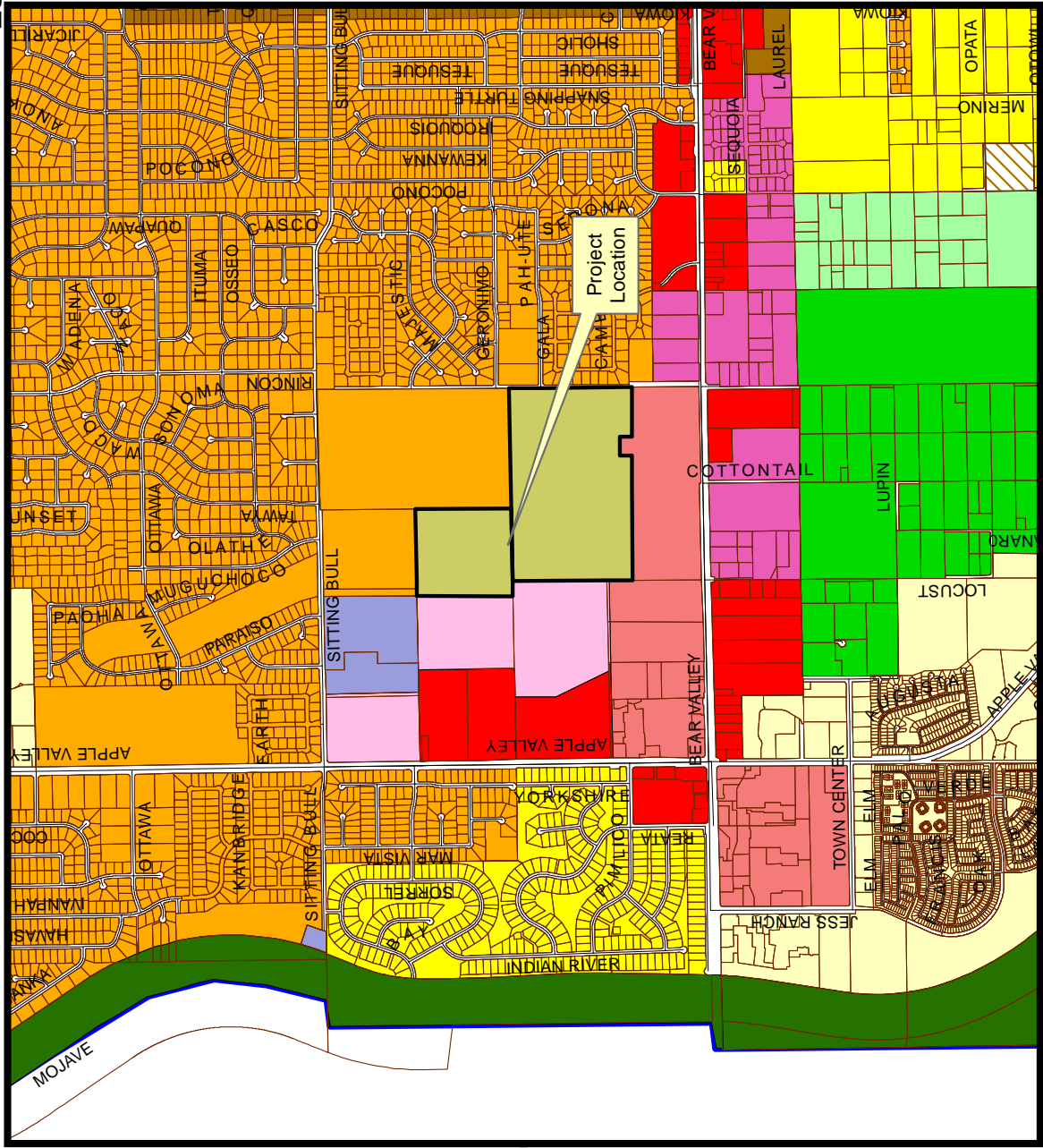
- 1) Land Use Map

- 2) Zoning Map
- 3) Planning Commission Resolution No. 2014-05
- 4) Initial Study



**General Plan Amendment No. 2013-01 and  
Zone Change No. 2013-01**

**ZONING/LOCATION MAP**



Subject site is north of Bear Valley Road and west of Deep Creek Road.

APNs 3087-171-07 and easterly portion of 3087-161-04



**Legend**

(R-A)	Residential Agriculture (140/2.5 gross acres)
(R-LD)	Low Density Residential (140/2.5 to 5 gross acres)
(R-E)	Estate Residential (140/1 to 2.5 gross acres)
(R-EO)	Equestrian Residential (140/0.4 to 0.9 net acre)
(R-SF)	Single Family Residential (140/0.4 to 0.9 net acre)
(R-M)	Multi-Family Residential (2 to 20 du/net acre)
(MHP)	Mobile Home Park
(C-G)	General Commercial
(OP)	Office Professional
(C-R)	Regional Commercial
(P-F)	Public Facilities
(OS-C)	Open Space Conservation
(MU)	Mixed Use
(SP)	Jess Ranch PUD

Date: 11/24/2014

**PLANNING COMMISSION RESOLUTION NO. 2014-005**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL APPROVE A GENERAL PLAN AMENDMENT AND ZONE CHANGE FROM ESTATE RESIDENTIAL (R-E) LAND USE AND ZONE DESIGNATION TO SINGLE-FAMILY RESIDENTIAL (R-SF) LAND USE AND ZONE DESIGNATION. APNs 3087-171-07 AND EASTERLY PORTION OF 3087-161-04.**

**WHEREAS**, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; and

**WHEREAS**, The General Plan and Title 9 (Development Code), including the Official Zoning Districts Map of the Municipal Code of the Town of Apple Valley have been previously amended by the Town Council on the recommendation of the Planning Commission; and

**WHEREAS**, specific changes are proposed to Chapter 9.05, Section 9.05.040 "Adoption of the Official Zoning Districts Map" of Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley by amending the zoning designation of two (2) parcels. The approximately 134-acre site is generally located north of Bear Valley Road and the extension of Deep Creek Road; APNs 3087-171-07 and easterly portion of 3087-161-04.

**WHEREAS**, on, November 14, 2014, General Plan Amendment No. 2013-02 and Zone Change No. 2013-01 were duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

**WHEREAS**, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), an initial study in compliance with CEQA has been prepared that determined the proposal would not have any adverse impacts that would be potentially significant, with mitigation measures. Therefore, a Negative Declaration is recommended.

**WHEREAS**, the Planning Commission finds on the basis of the whole record, including the initial study and any comments received that there is no substantial evidence that the project will have a significant effect on the environment and that the Negative Declaration reflects the Planning Commission's independent judgment and analysis, and

**WHEREAS**, a copy of the Initial Study and Negative Declaration, may be obtained at: Town of Apple Valley, Planning Division, 14955 Dale Evans Pkwy., Apple Valley, CA 92307, and

**WHEREAS**, on December 17, 2014, the Planning Commission of the Town of Apple Valley opened a duly noticed and advertised public hearing on General Plan Amendment No. 2013-02 and Zone Change No. 2013-01; and

**WHEREAS**, the proposed General Plan Amendment No. 2013-02 and Zone Change No. 2013-01 are consistent with Town of Apple Valley General Plan and Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED THE PLANNING**

**COMMISSION RECOMMENDS THAT THE TOWN COUNCIL FIND AND ACT AS FOLLOWS:**

**Section 1.** In consideration of the evidence received at the public hearing, and for the reasons discussed by the Commissioners at said hearings, the Town Council of the Town of Apple Valley, California, adopts the findings and recommendations in the staff report and finds that the changes proposed under General Plan Amendment No. 2013-02 and Zone Change No. 2013-01 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

**Section 2.** Based upon the information contained within the Initial Study and Negative Declaration prepared in conformance with the State Guidelines to Implement the California Environmental Quality Act (CEQA), General Plan Amendment No. 2013-02 and Zone Change No. 2013-01 will not have a significant impact upon the environment and, that based on the whole record, therefore, the Town Council of the Town of Apple Valley should adopt the Negative Declaration for General Plan Amendment No. 2013-02 and Zone Change No. 2013-01.

**Section 3.** Adopt a Town Council Resolution approving a General Plan Amendment as requested. The approximately 134-acre site, consisting of two (2) parcels, generally located north of Bear Valley Road and the extension of Deep Creek; APN 3087-171-07 and easterly portion of 3087-161-04 and as shown on Exhibit "A" attached to this Resolution.

**Section 4.** Adopt an ordinance amending that certain portion of Title 9 (Development Code) of the Town of Apple Valley Municipal Code, Section 9.05.040 "Adoption of the Official Zoning Map" subsection "B" by approving the Zone Change from Estate Residential (R-E), 1 dwelling unit per 1.0 to 2.5 acres to Single-Family Residential (R-SF), 1 dwelling unit per one-half (1/2)-acre for Assessor Parcels Numbered 3087-171-07 and easterly portion of 3087-161-04 as shown on Exhibit "B" attached to this Resolution.

**Section 5.** Direct staff to file a Notice of Determination.

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 17th day of December 2014.

\_\_\_\_\_  
Chairman Bruce Kallen

ATTEST:

I, Debra Thomas, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 17th day of December 2014 by the following vote, to-wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

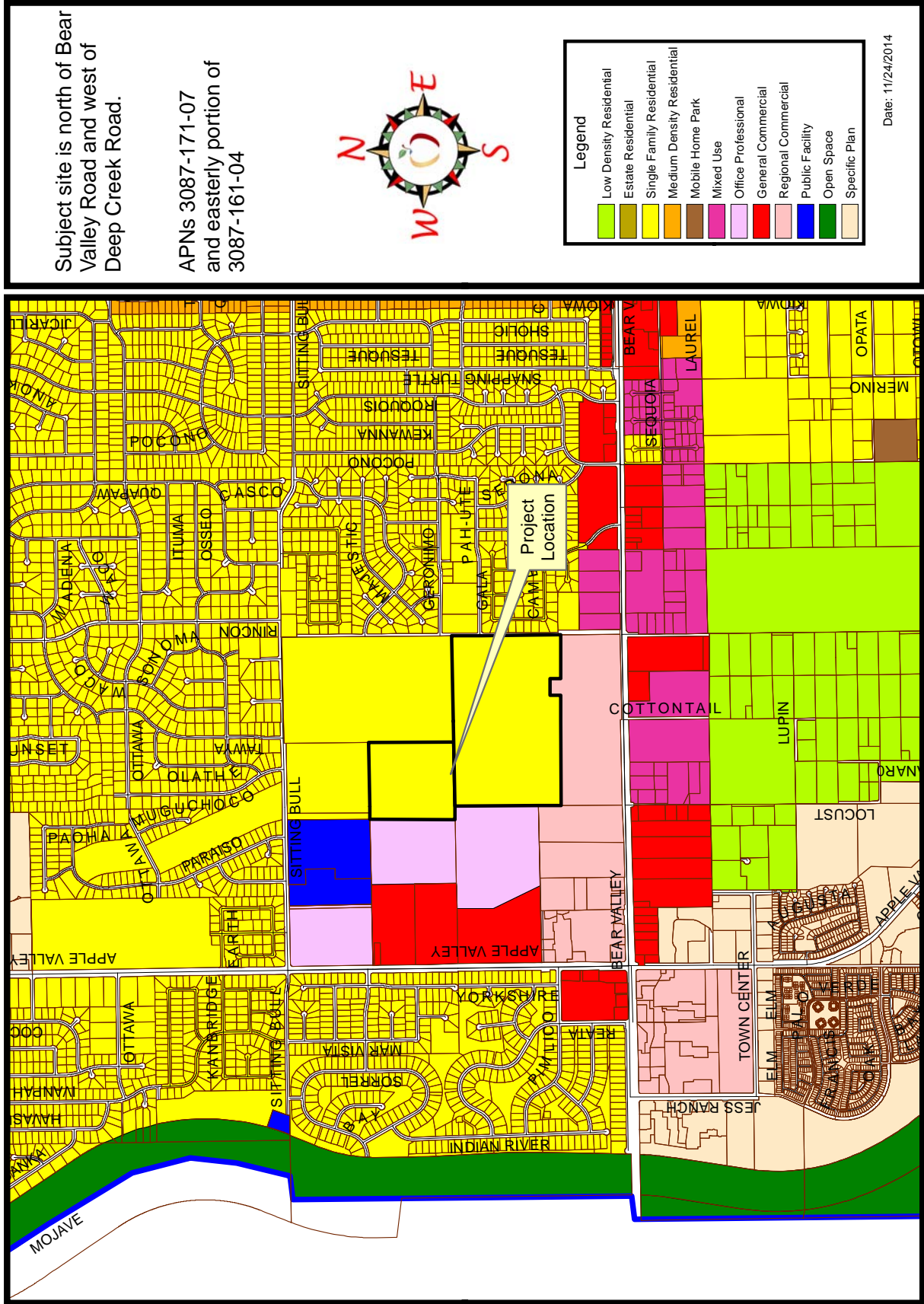
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Ms. Debra Thomas, Planning Commission Secretary



# Exhibit "A"

## Recommended General Plan Designation

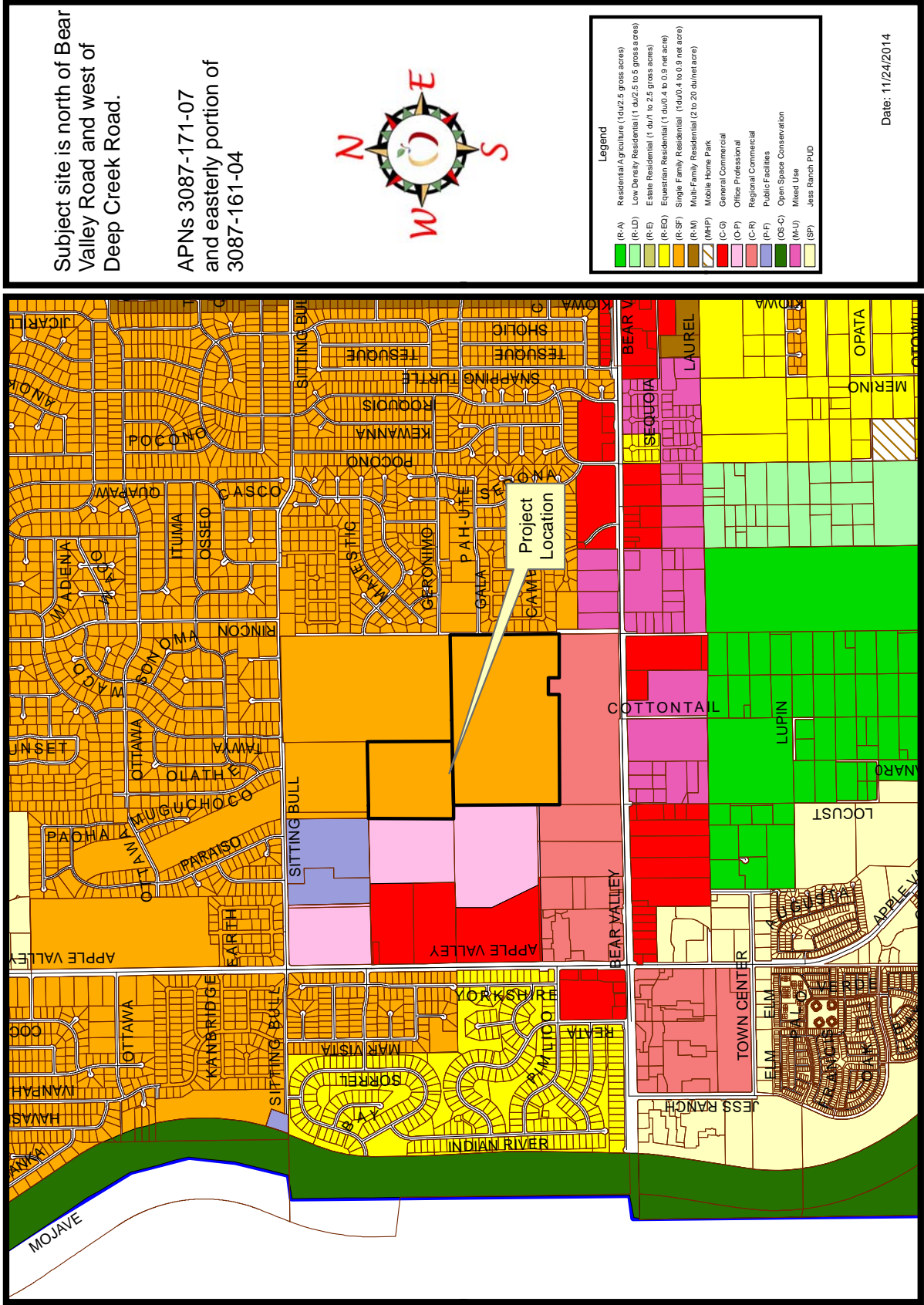
## General Plan Amendment No. 2013-02



# Exhibit "B"

## Recommended Zoning Designation

## Zone Change No. 2013-01



**TOWN OF APPLE VALLEY  
INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM**

This form and the descriptive information in the application package constitute the contents of Initial Study pursuant to Town of Apple Valley Development Code and Section 15063 of the Sate CEQA Guidelines.

**PROJECT INFORMATION**

1. **Project title:** General Plan Amendment No. 2013-02  
Zone Change No. 2013-01
  
2. **Lead agency name and address:** Town of Apple Valley  
Planning Division  
14955 Dale Evans Parkway  
Apple Valley, CA 92307
  
3. **Contact person and phone number:** Carol Miller, Principal Planner  
(760) 240-7000 Ext 7222
  
4. **Applicant's name and address:** Bear Valley & Apple Valley 103, LLC  
8800 N. Gainey Center Dr #255  
Scottsdale, AZ. 85258  
  
Newton T Bass Trust  
14924 Chamber Lane  
Apple Valley, Ca. 92308
  
5. **Project location and Assessor's Parcel Number:**  
Subject site is north of Bear Valley Road and west of deep Creek Road. APNs: 3087-161-04 & 3087-171-07
  
6. **Description of project** (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation):

This Initial Study is for General Plan Amendment No. 2013-02 and Zone Change No. 2013-01. The proposed amendments would change the project site from (R-E) Residential Estate (1 DU per 1 to 2.5 gross acres) to R-SF Residential Single Family (1 DU per 0.4 to 0.9 net Acres).

**ENVIRONMENTAL/EXISTING SITE CONDITIONS**

The 134 acre site is currently undeveloped vacant land that has been significantly disturbed due to past agriculture activities, and as such the extent of native vegetation is very limited. The site has relatively flat land.

	<b>TOWN OF APPLE VALLEY GENERAL PLAN DESIGNATION</b>	<b>TOWN OF APPLE VALLEY ZONING DISTRICT</b>	<b>EXISTING LAND USE</b>
Site	R-E – Estate Residential (Proposed R-SF - Residential Single Family)	R-E – Estate Residential (Proposed R-SF - Residential Single Family)	Vacant
North	R-SF - Residential Single Family	R-SF - Residential Single Family	Vacant
South	C-R – Regional Commercial	C-R – Regional Commercial	Vacant
East	R-SF - Residential Single Family	R-SF - Residential Single Family	Vacant & Single-Family Residential
West	O-P – Office Professional	O-P – Office Professional	Vacant

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact: as indicated by the checklist on the following pages.

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources     | <input type="checkbox"/> Cultural/Paleontological           | <input type="checkbox"/> Geology/Soils                      |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials      | <input type="checkbox"/> Hydrology/Water Quality            |
| <input type="checkbox"/> Land Use/Planning        | <input type="checkbox"/> Mineral Resources                  | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population/Housing       | <input type="checkbox"/> Public Services                    | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation/Traffic   | <input type="checkbox"/> Utilities/Service Systems          | <input type="checkbox"/> Mandatory Findings of Significance |

**DETERMINATION:** (To be completed by the lead Agency):

On the basis of this initial evaluation, the following finding is made:

- The proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- The proposed project **MAY** have a significant effect on the environment, and **ENVIRONMENTAL IMPACT REPORT** is required.
- The proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

\_\_\_\_\_  
Carol Miller, Principal Planner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Lori Lamson  
Assistant Town Manager

\_\_\_\_\_  
Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analyses Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

**I. AESTHETICS**

Would the project:

	<b>Potentially Significant Impact</b>	<b>Less than Significant with Mitigation Incorp.</b>	<b>Less than Significant Impact</b>	<b>No Impact</b>
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION (check if project is located within the view shed of any Scenic Route listed in the General Plan):

a-d. **No Impact.** The proposed General Plan Amendment and Zone Change which, in and of itself does not directly involve the development on any of the parcels. The subject properties are currently vacant. Nevertheless, the subject property is not located along, nor within the viewshed of a Scenic Route listed in the County General Plan, Town General Plan or designated by the State of California.

**II. AGRICULTURE AND FORESTRY RESOURCES**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

	<b>Potentially Significant Impact</b>	<b>Less than Significant with Mitigation Incorp.</b>	<b>Less than Significant Impact</b>	<b>No Impact</b>
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<b>Potentially</b>	<b>Less than</b>	<b>Less than</b>	

	Significant Impact	Significant with Mitigation Incorp.	Significant Impact	No Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland as defined in Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Gov't Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conservation of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION (check if project is located in the Important Farmlands Overlay):

a&e. **Less than Significant Impact.** The proposed General Plan Amendment and Zone Change which, in and of itself does not directly involve the development on any of the parcels. The subject properties are currently vacant. Nevertheless, the subject property contains two agricultural designations as determined by the California Department of Conservation, Farmland Mapping and Monitoring Program (FMMP).

To determine the significance of this farmland conversion, the California Agricultural Land Evaluation and Site Assessment Model (LESA) was used. The LESA model rates the relative quality of land resources based upon specific measurable features. The model is composed of six different factors. Two Land Evaluation factors are based upon measures of soil resources quality. Four Site Assessment factors provide measures of a given project's size, water resource availability, surrounding agricultural lands, and surrounding protected resource lands. Given the limited size, water availability and surrounding development, re-establishing the site with an agricultural use does not make the site a prime location, therefore any impact to farming activity is less than significant.

b. **Less than Significant Impact.** The proposed project site is known to have been used for agricultural activities several years ago. However, no agricultural uses currently exist on the site. The project site is zoned Residential Estate and no Williamson Act contract is in effect; therefore, development of the project site will not conflict with or impact existing zoning for agricultural use or a Williamson Act contract and impacts are considered less than significant to no impact.

c&d **No Impact.** Forest land is defined as "land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits" (Public Resources Code section 12220(g)). Timberland is define as "land, other than land owned by the federal government and land designated by the Board of Experimental forestland, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees" (Public Resources Code section 4526). A Timberland Production Zone is defined as "an area which has been zoned pursuant to Section 51112 or 51113 and is devoted to and used for growing and harvesting timber and compatible uses, as defined in subdivision" (Gov't Code section 51104(g)). The site does not contain forest land.

### III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:**

a-c, e. **No Impact.** The proposed General Plan Amendment and Zone Change, in and of itself will not violate any air quality standards. No new construction is proposed as the project is only for a change in General Plan land use designation and zoning. However, the project areas are located within the Mojave Desert Air Quality Management District (MDAQMD) which lies in the San Bernardino County portion of the Mojave Desert Air Basin (MDAB). This portion of the basin has been designated as a ‘non-attainment’ area with respect to violating National Air Quality Standards for particulate matter classified as equal to, or smaller than, 10 microns in diameter (PM<sub>10</sub>). Any future development is required to comply with any applicable air quality standards.

d. **Less than Significant Impact.** The proposed General Plan Amendment and Zone Change, in and of itself will not violate any air quality standards. No new construction is proposed as the project is only for a change in General Plan land use designation and zoning. Nevertheless, there are not sensitive receptors adjacent to the subject property.



**IV. BIOLOGICAL RESOURCES**

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION (check if project is located in the Biological Resources Overlay or contains habitat for any species listed in the California Natural Diversity Database):

a,b,d **No Impact** The analysis for potential effect on sensitive or special status species is based on the *Biological Survey Report* dated October 4, 2013, completed by RCA Associates, Inc. (RCA). Protected sensitive species are classified by either State or Federal resource management agencies, or both, as threatened or endangered, under provisions of the State and Federal Endangered Species Acts. RCA conducted a focused biological assessment of the subject site. Biological surveys were conducted for the desert tortoise (*Gopherus agassizii*), Mohave ground squirrel (*Spermophilus mohavensis*), burrowing owl (*Athene cunicularia hypugaea*), sharp-shinned hawk (*Accipiter striatus*), and loggerhead shrike (*Lanius ludovicianus*). According to RCA Associates, the parcels included in the project area have been significantly disturbed by past human activities. Therefore, the loss of the vegetation on the site is not considered to be a significant and therefore, less than significant.

c. **No Impact** The site does not contain wetlands. Therefore, no impacts related to this issue are anticipated.

e. **No Impact** The site does not contain Joshua trees due in part to the numerous years the site has been utilized for agricultural uses. Therefore, no impacts related to this issue are anticipated.

- f. **No Impact** Areas of valuable habitat that support special status species are illustrated in the Biological Resources Study of the Town’s General Plan EIR. The General Plan includes policies and programs intended to ensure that habitat connectivity is preserved in the Town. In addition, a number of special survey areas in the Town’s planning area are identified in the General Plan. Species for which surveys are required as part of development applications include Desert Tortoise, Mojave Ground Squirrel, Burrowing Owls, Joshua Trees, and/or Migratory/Nesting/Other Protected Birds. The proposed amendment would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional or state habitat conservation plan because no such plan has been adopted in the area of the project site.

**V. CULTURAL RESOURCES**

Would the project:

	<b>Potentially Significant Impact</b>	<b>Less than Significant with Mitigation Incorp.</b>	<b>Less than Significant Impact</b>	<b>No Impact</b>
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION (check if the project is located in the Cultural \_\_\_ or Paleontological \_\_\_ Resources overlays or cite results of cultural resource review):

a&b **No Impact.** Although the proposed General Plan Amendment and Zone Change, in and of itself does not directly involve the development of any of the parcels, a cultural resource assessment of the subject area was conducted by BCR Consulting Inc. dated July 2, 2014. A portion of the subject site is the former Viking Ranch track and stable. Recordation of the Viking Ranch track and stable foundation was considered sufficient mitigation for the resource. Therefore, based on the assessment no additional cultural resources work or monitoring is necessary. Therefore, no mitigation is necessary and no impact is anticipated.

c. **Less than Significant Impact** The project site is not located in an area identified as highly sensitive for paleontological resources as shown in Exhibit III-5 of the General Plan EIR. No proposal for land development is proposed at this time. In accordance with the General Plan FEIR mitigation measure, a Paleontological resource study is required prior to development. The studies shall be reviewed and approved by the Town Planning Division prior to the issuance of any ground disturbing permit.

d. **Less than Significant Impact.** The proposed project site is not known to have been utilized for religious or sacred purposes. No evidence is in place to suggest the project site has been used for human burials. If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human

remains and items associated with Native American burials. As adherence to State regulations is required for all development, no mitigation is required in the unlikely event human remains are discovered on-site. Impacts associated with this issue are considered less than significant.

**VI. GEOLOGY AND SOILS**

Would the project:

	<b>Potential y Significan t Impact</b>	<b>Less than Significant with Mitigation Incorp.</b>	<b>Less than Significant Impact</b>	<b>No Impa ct</b>
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION (check  if project is located in the Geologic Hazards Overlay District):

a (i). **No Impact.** The site is not located within the boundaries of an earthquake fault zone for fault-rupture hazard as defined by the Alquist-Priolo Earthquake Fault Zoning Act. No known active or potentially active faults traverse the site as shown on the California Geologic Survey Map (2002). The nearest fault zone is the North Frontal Fault Zone located approximately five (5) miles to the southeast. Therefore, no impact associated with the rupture of a known earthquake fault would occur.

**Source:** Town of Apple Valley, General Plan EIR

a(ii) **No Impact.** Like all of southern California, the Mojave Desert is a seismically active region. The proposed project site is located in a seismically active area and, therefore, will continue to be subject to ground shaking resulting from activity on local and regional faults. The proposal is a General Plan Amendment and Zone Change only.

Therefore, any future construction in the project area will conform to the requirements of the Uniform Building Code (UBC). The California Building Code (California Code of Regulations, Title 24) establishes engineering standards appropriate for the seismic zone in which development may occur. Adherence to the UBC and the California Building Code (CBC) standards will ensure potential ground shaking impacts are reduced to a less than significant level.

- a(iii) **No Impact.** Liquefaction, the loss of soil strength or stiffness due to a buildup of excess pore-water pressure during strong ground shaking is considered unlikely on the project site. Considering the geologic setting of the project site, the composition of on-site soils, available water well data, and the lack of groundwater the potential for liquefaction to occur on the project site during a seismic event is low. Nevertheless, prior to future development, a soils report will be required.
- a(iv) **No Impact.** The proposed General Plan Amendment and Zone Change has no development proposed at this time. Therefore, the proposal will not subject anyone or structure to landslides.
- b-d **No Impact.** Soils on site consist of Bryman Loamy Fine Sand, Cajon Sand, Kimberlina Loamy Fine Sand, and Helendale Loamy Sand. Future development of the properties will require the excavation, stockpiling, and movement of on-site soils to create the residential pads and proposed new roadways. Currently, construction projects resulting in the disturbance of one (1) acre or more are required to obtain a National Pollutant Discharge Elimination System (NPDES) permit issued by the Regional Water Quality Control Board (RWQCB). Because no development is proposed at this time no impact related to this issue will occur.
- e. **No Impact.** Any future development will be required to connect to the existing sanitary sewer system. Because septic or alternative waste disposal systems will not be utilized, no impact related to this issue will occur.

**VII. GREENHOUSE GAS EMISSIONS**

Would the project:

	<b>Potentially Significant Impact</b>	<b>Less than Significant with Mitigation Incorp.</b>	<b>Less than Significant Impact</b>	<b>No Impact</b>
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:**

- a. **Less than Significant Impact.** According to the Town’s General Plan, air quality is a concern due to human health issues, and because air pollutants are thought to be contributing to global warming and climate change. Air pollution is defined as a chemical, physical or biological process that modifies the characteristics of the atmosphere. A detailed description of each of the greenhouse gases and their global warming potential are provided in *Air Quality* of the Town’s General Plan EIR. Future new development will be required to comply with the Town’s Climate Action Plan.
- b. **Less than Significant Impact** The proposed General Plan Amendment and Zone Change will not conflict with the provisions of any adopted, applicable plan, policy or regulation. On July 13, 2010, the Town adopted a Climate Action Plan and as updated in September of 2014 enhances the General Plan’s goals, policies and programs relating to meeting the greenhouse gas emission targets established in the California Global Warming Solutions Act. Future new development will be required to comply with the Town’s CAP.

**VIII. HAZARDS AND HAZARDOUS MATERIALS**

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:**

- a-c **No Impact.** Although the subject properties are within ¼ mile of Sitting Bull Elementary School and Sitting Bull Middle School, the change from one single family residential designation to another does not emit hazardous emissions or handle hazardous materials, the impacts associated with this issue. No impact is anticipated.
- d: **No Impact.** This project is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, this project would not create a significant hazard to the public or the environment. No impact is anticipated.
- e&f **No Impact.** The proposed project is not located within the land use plan of Apple Valley Airport, which is approximately six (6) miles to the northeast. Therefore, development of the proposed project will not result in an airport safety hazard to persons residing in the project area. There are no impacts associated with this issue.
- g: **No Impact.** The proposed General Plan Amendment and Zone Change will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Future development will generate an increase in the amount and volume of traffic on local and regional networks. At the time of development, the project will be required to design and construct applicable roadways to comply with applicable local, regional, State and/or Federal requirements related to emergency access and evacuation plans. Future construction activities, which may temporarily restrict vehicular traffic, will be required to implement measures to facilitate the passage of persons and vehicles through/around any required road closures. There are no impacts associated with this issue.
- h: **No Impact.** According to the Town’s General Plan, the project site is not located within a Fire Hazard Area or within an area susceptible to wildfires. The vacant land adjacent to the project site has minimal vegetation. Future development of residential will not expose persons or property to increased wildland fire risks. As such, there are no impacts associated with this issue.

**IX. HYDROLOGY AND WATER QUALITY**

Would the project:

	<b>Potentially Significant Impact</b>	<b>Less than Significant with Mitigation Incorp.</b>	<b>Less than Significant Impact</b>	<b>No Impact</b>
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or				

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Otherwise substantially degrade water quality?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**SUBSTANTIATION:**

a&f: **No Impact.** The proposed General Plan Amendment and Zone Change will not violate any water quality standards or waste discharge requirements because the Regional Water Quality Control Board (RWQCB), responsible for administering the Federal Clean Water Act on a regional level, has standards and waste discharge requirements for water quality that must be met during both construction of a project and ongoing at such time development is proposed.

Future on-site grading activities associated with the construction will require the movement of soils, which may result in a temporary increase in the amount of suspended solids in surface flows during a concurrent storm event and could increase the potential for erosion and off-site sedimentation. Also future residential uses may incrementally increase the potential for storm runoff. However, because no development is proposed at this time no impact related to this issue will occur.

b: **No Impact.** The change in land use designations will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level because the project is served by an existing water purveyor that has indicated that there is currently sufficient capacity in the existing water system to serve the anticipated needs of the project.

c-e: **No Impact.** The change in land use designations will not alter existing surface drainage on the site, therefore, no impacts related to this issue are anticipated to occur.

g: **No Impact** The change in land use designations will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan because the project has adequate access from two or more points of access.

h: **No Impact.** The site is not located within a 100-year or 500-year flood hazard area, as mapped on FIRM Panel No. 06071C6505H dated August 28, 2008. No impacts related to this issue are anticipated to occur.

i-j: **No Impact.** No levees, dams or large bodies of water are located near the development site which would subject people to flooding. The site is also not located in a coastal area and, therefore, would not be subject to seiche, tsunami or mudflow.

**X. LAND USE AND PLANNING**

Would the project:

	<b>Potentially Significant Impact</b>	<b>Less than Significant with Mitigation Incorp.</b>	<b>Less than Significant Impact</b>	<b>No Impact</b>
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:**

- a: **No Impact.** The proposed General Plan Amendment and Zone Change is for vacant land. The change will represent a continuation of the surrounding residential uses. Future development of the site will not divide an existing neighborhood, nor would it introduce a barrier between residential uses. Therefore, no impacts associated with physically dividing an established neighborhood are anticipated.
- b: **Less than Significant Impact.** The proposed project includes a General Plan Amendment and Zone Change. The existing General Plan designation and Zoning include R-E (1 dwelling unit per 2.5 net acres) the proposed project would change these designations to R-SF Residential Single Family (1 dwelling unit per 0.4 to 0.9 net acre). The General Plan states “Apple Valley is primarily a community of homes, many of which are located on lots of approximately one-half acre or more. Maintenance of a rural lifestyle is an important concept. In Apple Valley ‘rural’ means space—unscarred mountains and vistas of desert valleys, neighborhoods of large lots, an extensive equestrian trail system, and landscaping in keeping with the desert environment.” The proposed land use designation maintains a half acre minimum and future development will be required to provide an equestrian lifeline trail along Deep Creek Road. For these reasons, the implementation of the proposed project would not conflict with any applicable land use plan, policy, or regulation; a less than significant impact would occur.
- c: **No Impact** The amendment would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional or state habitat conservation plan because no such plan has been adopted in the area of the project site; however, the Town has a draft Multi-Species Habitat Conservation Plan. At such time the site is to be developed, the project will be subject to the mitigation measures identified in the MHCP.



**XI. MINERAL RESOURCES**

Would the project:

	<b>Potentially Significant Impact</b>	<b>Less than Significant with Mitigation Incorp.</b>	<b>Less than Significant Impact</b>	<b>No Impact</b>
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION (check \_\_\_ if project is located within the Mineral Resource Zone Overlay):

- a. **No Impact.** The site is not designated as a State Aggregate Resource Area according to the General Plan FEIR; therefore, there is no impact.
- b. **No Impact.** The site is not designated by the General Plan as a Mineral Resource Zone; therefore, there is no impact.

**XII. NOISE**

Would the project result in:

	<b>Potentially Significant Impact</b>	<b>Less than Significant with Mitigation Incorp.</b>	<b>Less than Significant Impact</b>	<b>No Impact</b>
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION (check if the project is located in the Noise Hazard Overlay District \_\_\_ or is subject to severe noise levels according to the General Plan Noise Element \_\_\_):

- a: **No Impact.** *The proposed General Plan Amendment and Zone Change which, in and of itself does not directly involve the development on any of the parcels. The subject properties are currently vacant. However, future construction of the properties would potentially result increased noise levels but it is not anticipated to exceed any noise standards. As such, no impact is anticipated.*
- b: **Less than Significant.** *The proposed General Plan Amendment and Zone Change which, in and of itself does not directly involve the development on any of the parcels. The subject properties are currently vacant. Future construction of and operation of the uses associated with this type of project do not induce substantial groundborne vibrations. As such, a less than significant impact is anticipated.*
- c&d **Less than Significant Impact.** *The proposed General Plan Amendment and Zone Change which, in and of itself does not directly involve the development on any of the parcels. The subject properties are currently vacant. However, future residential development would potentially result in an increase in ambient noise levels in the project vicinity above levels existing without the project. It is not anticipated that the increase in density would be a substantial change; therefore, a less than significant impact is anticipated.*
- e: **No Impact.** *The proposed project is not located within two miles of a public airport and, therefore, does not have the potential to expose people to excessive noise levels from airport operations.*
- f: **No impact.** *The proposed project site is not located within the vicinity of a private airstrip; therefore, no impact associated with this issue will occur.*

**XIII. POPULATION AND HOUSING**

Would the project result in:

	<b>Potentially Significant Impact</b>	<b>Less than Significant with Mitigation Incorp.</b>	<b>Less than Significant Impact</b>	<b>No Impact</b>
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:**

- a: **Less than Significant Impact.** *The proposed General Plan Amendment and Zone Change which, in and of itself does not directly involve the development on any of the parcels. The proposed site is currently designated as residential use in the General Plan and will remain residential but with an increase in density. The proposed residential use meets the Town’s goal of providing housing opportunities for the increasing population within the Town of Apple Valley. As the proposed project is consistent with and has been anticipated by the Town’s General Plan, a less than significant growth inducing impact would be associated with future development of the site.  
**Source:** Apple Valley General Plan, Housing Element.*
- b: **No Impact.** *The proposed project site is currently vacant and, therefore, no displacement of housing or residents will occur. Replacement housing will not be required and no impact associated with this issue will occur.*
- c: **No Impact.** *The proposed project site is currently vacant. As such, the development of the project will not displace people or necessitate the need for construction of replacement housing elsewhere. No impact associated with this issue will occur.*

**XIV. PUBLIC SERVICES**

	<b>Potentially Significant Impact</b>	<b>Less than Significant with Mitigation Incorp.</b>	<b>Less than Significant Impact</b>	<b>No Impact</b>
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:**

**FIRE - *Less than Significant Impact.*** Fire service would be provided to the project uses by the Apple Valley Fire Protection District. The proposed project is located approximately one mile from Station No. 334 located at 12143 Kiowa Road and Station No. 336 located at 19235 Yucca Loma Road. Due to the close proximity of the two fire stations, the proposed project would be within the standard respond times of the Fire Protection District. However, as with any new development, the proposed project would increase the need for fire protection services within the Town. As a result, the applicant for the construction of the new dwelling units will be required to pay applicable fire service fees prior to occupancy. The payment of fees satisfies the requirements for development impacts on fire services. With the payment of the fire service fee, potential impacts related to the provision of fire services would be reduced to a less than significant level.

**Source:** Town of Apple Valley, General Plan EIR

**POLICE - *Less than Significant Impact.*** The Town of Apple Valley provides law enforcement services for residents and businesses within the Town limits via a contract with the San Bernardino County Sheriff’s Department. The Sheriff station is located at 14931 Dale Evans Parkway. Based on the projected increase in population at build-out, the project does not warrant an additional police officer. Further, the construction of new dwelling units will be required to pay applicable law enforcement facilities fee prior to occupancy. The payment of fees satisfies the requirements for development impacts on police facilities. With the payment of the law enforcement facilities fees, potential impacts related to the provision of police services would be reduced to a less than significant level.

**Source:** Town of Apple Valley, General Plan EIR and Building & Safety Impact Fee Schedule

**SCHOOL- *Less than Significant Impact.*** Future development would be served by the Apple Valley Unified School District. The nearest schools to the proposed project include Sitting Bull Elementary School, Sitting Bull Middle School, Apple Valley High School, and Willow Park High School. Section 65995 of the California Government Code requires developers to pay a onetime fee for school capital acquisitions and improvements and prohibits state or local agencies from imposing school impact mitigation fees, dedications or other requirements in excess of those provided in the statute. As such, the applicant for the construction of the new dwelling units proposed in the project is required to pay applicable school fees prior to occupancy. The payment of fees satisfies the requirements for the development impacts on school facilities. With the payment of school impact mitigation fees, potential impacts related to the provision of schools would be reduced to a less than significant level.

**Source:** Town of Apple Valley, General Plan EIR

**PARKS - *Less than Significant Impact.*** The increase in population would result in increased demand for and use of local parks. In order to reduce potential impacts upon local parks, the proposed project shall be required to dedicate land to pay its fair share for park facilities.

**PUBLIC FACILITIES - *Less than Significant Impact.*** The development will not exceed demand that has been previously considered in The Town’s General Plan EIR.

**XV. RECREATION**

	<b>Potentially Significant Impact</b>	<b>Less than Significant with Mitigation Incorp.</b>	<b>Less than Significant Impact</b>	<b>No Impact</b>
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:**

a-b: ***Less than Significant Impact.*** The population increase may result in impacts to local and regional park facilities. The project site is located in close proximity to many regional recreational opportunities. There are a total of thirteen (13) local parks within the Town’s jurisdictional boundaries. Four (4) of the thirteen (13) parks are located approximately 3 miles from the project site and would be used by residents within the proposed project. These parks include Norm Schmidt Memorial Park, Mendel Park, Yucca Loma Park, and the James A. Woody Community Center. A 10 acre park is proposed east of Sitting Bull Elementary, just north of the subject property.

**XVI. TRANSPORTATION/TRAFFIC**

Would the project result in:

	<b>Potentially Significant Impact</b>	<b>Less than Significant with Mitigation Incorp.</b>	<b>Less than Significant Impact</b>	<b>No Impact</b>
a) Conflict with an applicable plan, ordinance or policy establishing measure of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system including but not limited to intersection, streets, highways and freeways, pedestrian and bicycle paths and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?                        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?                                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Result in inadequate parking capacity?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**SUBSTANTIATION:**

- a&b. **Less Than Significant.** The proposed General Plan Amendment and Zone Change, in and of itself will not create traffic related impacts. A tract map was not submitted with the GPA and ZC. However, due to the increase in density from one acre minimum to half acre minimum a traffic analysis was prepared by LSA, dated March 25, 2014. The study identified a trip generation of 3,189 daily trips with 251 trips occurring during a.m. peak and 335 trips occurring during the p.m.. After accounting for the current land use trip generation, the proposed GPA/ZC would generate 19,14 net new daily trips with 151 net new trips occurring during the a.m. peak hour and 201 net new trips occurring during peak p.m. hour. The study indicates that the circulation impacts associated with the GPA/ZC for the 134 acres are normal and are reduced to a level of less than significance with the recommended street improvements. At such time a tract map is submitted for the subject area, Conditions of Approval will be required for the necessary street improvements consistent with the Circulation Element of the General Plan.
- c. **No Impact.** The proposed project is not located within the vicinity of an airport nor will it increase the traffic levels near an airport. Therefore, it will not cause any changes to air traffic patterns. No impacts are anticipated.
- d-g. **No Impact.** The proposed General Plan Amendment and Zone Change, in and of itself will not create traffic related impacts. No construction is proposed at this time; however, at such time development is proposed traffic related impacts related to land division and development will be evaluated.

**XVII. UTILITIES AND SERVICE SYSTEMS**

Would the project:

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Be served by a landfill(s) with sufficient permitted capacity to accommodate the project's solid waste disposal needs?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**SUBSTANTIATION:**

a-g. **Less than Significant Impact.** The proposed General Plan Amendment and Zone Change which, in and of itself does not directly involve the development on any of the parcels. The proposed site is currently designated as residential use in the General Plan and will remain residential but with an increase in density. The increase is not so substantial beyond what was anticipated within the General Plan that a significant impact on utilities would result. Future development will be required to provide the necessary utilities to adequately serve the site.

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE**

- |  | <b>Potentially Significant Impact</b> | <b>Less than Significant with Mitigation Incorp.</b> | <b>Less than Significant Impact</b> | <b>No Impact</b>         |
|--|---------------------------------------|--|-------------------------------------|--------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/>              | <input type="checkbox"/>                             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.   | <input type="checkbox"/>              | <input type="checkbox"/>                             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

- c) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?
- d) Does the project have environmental effects which will cause Substantial adverse effects on human beings, either directly or indirectly?

SUBSTANTIATION:

- a. **Less than Significant Impact.** The site is not within designated or proposed critical habitat for threatened or endangered species. Additionally, according to the Biological Assessment the proposed project site does not contain any wetlands, or riparian habitat and does contain suitable habitat for nesting birds, raptors, and burrowing owls; however, at such time as development is proposed an updated assessment will be required.
- b. **Less than Significant Impact.** The environmental impacts associated with this General Plan Amendment and Zone Change did not identify any impacts that had the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- c. **Less than Significant Impact.** The environmental impacts associated with this General Plan Amendment and Zone Change did not identify any impacts that had the potential to have impacts that are individually limited, but cumulatively considerable. Therefore, less than significant impact is anticipated.
- d. **Less than Significant Impact.** As identified in this Initial Study, it was determined that the significance of environmental impacts associated with the General Plan Amendment and Zone Change were either no impact or less than significant impact. For all topics, the General Plan Amendment and Zone Change would not produce a significant effect on the environment. Correspondingly, the General Plan Amendment and Zone Change would not produce an adverse impact on humans for those environmental topics that relate directly to humans such as aesthetics, air quality, cultural resources, geology and soils, hazards and hazardous material, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, and utilities and service systems.

### **REFERENCES**

BCR Consulting, Inc. Cultural Resource Assessment, July 2014  
RCA Associates, Inc., Biological Survey Report, 2013  
LSA, Traffic Study, 2014  
California Department of Water Resources, Bulletin #118 (Critical Regional Aquifers), 1975  
County of San Bernardino, Countywide Integrated Waste Management Plan, March 1995  
Town of Apple Valley General Plan, 2009  
Town of Apple Valley Climate Action Plan (CAP), 2010  
Environmental Impact Report (EIR), Town of Apple Valley General Plan, 2009  
County of San Bernardino Identified Hazardous Materials Waste Sites List, April 1998  
Federal Emergency Management Agency Flood Insurance Rate Map and Flood Boundary Map  
Mojave Desert Air Quality Management District, Mojave Desert Planning Area – Federal Particulate Matter (PM10) Attainment Plan, July 1995  
Mojave Desert Air Quality Management District, Rule 403.2: Fugitive Dust Control Planning Area, July 1996  
South Coast Air Quality Management District, CEQA Air Quality Handbook, 1993

Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4 Gov Code; Sections 21080 (c), 21080.1, 21080.3, 21082.1, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; *Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d 296; *Leonoff v. Monterey Board of Supervisors* (1990) 222 Cal. App. 3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal App. 4<sup>th</sup> 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4<sup>th</sup> at 1109; *San Franciscans Upholding the Downtown Plan v. County of San Francisco* (2002) 102 Cal. App. 4<sup>th</sup> 656.





## TOWN OF APPLE VALLEY MEMORANDUM

Get a Slice of the Apple.

**TO:** Planning Commission

**FROM:** Carol Miller, Principal Planner

**SUBJECT:** Development Code Interpretation No. 2014-004 regarding the separation requirements between a convenience store and a school.

**DATE:** December 17, 2014

An applicant has approached the Town regarding a proposed gasoline service station with a convenience store. The Development Code provides specific standards to convenience stores, including location. The section states the following regarding the separation requirements between a convenience store and a school:

### **9.36.120 Convenience Stores**

**B. Development Standards.** The retail sale of groceries, staples, sundry items, alcoholic beverages and/or gasoline where the gross floor area of the store is less than 5,000 square feet is subject to development in accordance with Table 9.35.030-A, Permitted Uses and the following standards:

- 5. Location.** Convenience stores shall not be located within 1,000 feet of an existing elementary, junior high, or high school; such distance to be measured from the closest points on the property lines of the lots in question.

Since the store would be within 1,000 feet of a “school”, the applicant has requested a code interpretation with respect to this requirement in two ways. First, is how the 1,000 foot separation is calculated, and secondly, the definition of a school. The applicant has requested that consideration be given to “path of travel” as satisfying the separation requirement. As with any separation/setback standard, the requirement is based on a linear distance or radius. Path of travel is too subjective, and therefore, is not recommended to be considered under this interpretation.

Staff would request an interpretation on is the definition of a school. As written in the code section above, it states the separation requirement is from an “existing elementary, junior high, or high school”. These are considered traditional schools, whereas the educational facility that is within the 1,000 feet of the proposed convenience store, as well as others within Town, are not. Based on the three (3) approved Special Use Permit applications, in all instances the facility function more like a learning/ tutoring center, with no more than 20-25 students at any one time. The facilities are relatively small in size with no defined campus, and whereby students are not at these facilities on daily basis or all day. Appointments are on an hourly basis, and nor do the facilities offer after school programs or activities as a traditional school. These facilities typically offer an independent study format with no classrooms. With no lunch period or “after school” activities these facilities do not foster student to loiter. Staff would request the Commissions concurrence that the 1,000-foot separation requirement does not apply to these types of learning centers or determine that all educational facilities, regardless of the format are subject to the separation requirement.