



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY  
PLANNING COMMISSION AGENDA  
REGULAR MEETING  
WEDNESDAY, October 21, 2015 – 6:00 P.M.**

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 September 16, 2015.

**PUBLIC HEARING ITEMS**

2. **Conditional Use Permit No. 2015-007.** A request to approve a Conditional Use Permit to operate a tire shop. The project will occupy 4,418 square feet within an existing 8,789 square foot industrial building. The site is 1.26 acres in size and located within the Service Commercial (C-S) zoning designation.  
**Applicant:** Mr. Efrain Mota, representing Jr's Tire  
**Location:** The project site is located at 13462 Central Road; APN 3087-392-14.  
**Project Planner:** Pam Cupp, Associate Planner  
**Recommendation:** Approval

3. **Conditional Use Permit No. 2015-009.** A request for approval of a Conditional Use Permit to allow the operation of an automotive repair facility. The project will occupy an existing 3,381 square foot commercial building. The project site is 0.60 acres in size and is located within the Village Commercial (C-V) zoning designation.
 

**Applicant:** Ms. Rubi Pena, representing 5 Star Transmission  
**Location:** The project site is located at 21749 Highway 18, Suite B; APN 3087-341-10.  
**Project Planner:** Pam Cupp, Associate Planner  
**Recommendation:** Approval
4. **Tentative Tract Map No. 18914.** A request for approval of a Tentative Tract Map to subdivide fifty-nine (59) gross acres into eighty-seven (87) single-family residential lots
 

**Applicant:** United Engineering, Beau Cooper  
**Location:** The project is located at the southeast corner of the Central Road and Esaws Avenue; APN: 0439-022-65.  
**Project Planner:** Douglas Fenn, Senior Planner  
**Recommendation:** Approval
5. **Conditional Use Permit No. 2015-005.** The applicant is requesting a Conditional Use Permit to allow a thirty-five (35)-foot high, V-shaped billboard with two (2), twelve (12) by forty (40), back-to-back faces
 

**Applicant:** Ann Schnitzer, Sun Outdoor Advertising LLC  
**Location:** The project site is 2.26-acre parcel that fronts the Outer Interstate-15 in between Saugus Road and Gridley Street; APN 0472-191-02.  
**Project Planner:** Douglas Fenn, Senior Planner  
**Recommendation:** Approval
6. **Conditional Use Permit No. 2015-008.** A request to approve a Conditional Use Permit to operate a tire and auto body shop. The project will occupy 3,267 square feet within an existing square foot industrial building. The site is .34 acres in size and located within the Service Commercial (C-S) zoning designation.
 

**Applicant:** Mr. Joe Mazariegos representing Tonitos Tire Shop  
**Location:** 22353 Outer Highway 18; APN 3087-382-03  
**Project Planner:** Douglas Fenn, Senior 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**

### **ADJOURNMENT**

Because there are no items scheduled for the meeting of October 7, 2015, the Planning Commission will adjourn to its next regularly scheduled Planning Commission meeting on October 21, 2015.

## MINUTES

### TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, September 16, 2015

#### CALL TO ORDER

At 6:00 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for September 16, 2015, 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; Pam Cupp, Associate Planner; Richard Pedersen, Deputy Town Engineer; Haviva Shane, Town Attorney; and Yvonne Rivera, Planning Commission Secretary.

#### PLEDGE OF ALLEGIANCE

Commissioner Tinsley led the Pledge of Allegiance.

#### **1. APPROVAL OF MINUTES**

Minutes for the Regular Meeting of August 19, 2015.

Commissioner Shoup requested the word "not" be inserted on stamped page 1-5, paragraph seven (7), last sentence, between "is and "part". The sentence should read "He explained that Ion is not included on the map because it is *not* part of the extension."

Commissioner Shoup asked that the word "she" be changed to "he" on stamped page 1-5, paragraph eleven (11). The sentence should read "Chairman Kallen asked the Applicant if *he* agreed to the Conditions of Approval."

Chairman Kallen noted that the word "project" should be changed to resolution or ordinance in paragraph eleven (11), stamped page 1-7. The sentence should read "John Laraway, Apple Valley, spoke in opposition of the *Resolution*."

Carol Miller, Principal Planner, also noted that Assistant Town Manager, Lori Lamson's name had been added to the re-write of stamped page one, under the paragraph "Staff Present". She also added that on stamped page 1-3, paragraph 5, the word "intricate" should be changed to "integral".

Motion by Commissioner Lamoreaux, seconded by Commissioner Tinsley, to approve the Minutes of August 19, 2015 as amended.

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. Tentative Parcel Map No. 19576 and Variance No. 2014-002.**

**Applicant:** Mr. Cy Zermeno representing Mr. Michael Dorriz  
**Location:** 21849 Waalew Road; APN 0437-302-01  
**Project Planner:** Pam Cupp, Associate Planner  
**Recommendation:** Approval

Chairman Kallen opened the public hearing at 6:04 p.m.

Ms. Pam Cupp, Associate Planner, presented the staff report as filed by the Planning Division. She commented on the Condition made to the Applicant as it relates to the Railroad Tie House.

Mr. Cy Zermeno, Applicant, stated that he is in agreement with the Conditions of Approval of the project; however, he respectfully disagreed with the requirements for street improvements. He provided each of the Planning Commissioners with a map of the parcel and explained why he believed the improvements should not be required for this project.

Mr. Michael Dorriz, Owner, commented on the development of several single family homes within the Town that did not require street improvements. He, too, respectfully requested that the improvements be waived.

Chairman Kallen asked the Applicant if he agreed to the other Conditions of Approval.

Mr. Zermeno stated "Yes".

## **PUBLIC COMMENT**

None.

Chairman Kallen closed the public hearing at 6:18 p.m.

Mr. Richard Pedersen, Deputy Town Engineer, commented on the Conditions of Approval for street improvements as it relates to parcel maps. He also commented on

the requirement of frontage foot fees, as well as in-lieu fees to widen any road within the Town's Street System. He clarified that the Planning Commission does not have the authority to waive the improvements along the project frontage of Waalew Road.

Ms. Carol Miller, Principal Planner, read into the record the section in the Development Code that addresses sidewalks.

Discussion ensued regarding the requirement for curb, gutters and sidewalks.

Discussion ensued regarding in-lieu fees.

Ms. Miller read into the record the section in the Development Code that addresses in-lieu fees for improvements to local streets. She clarified Soboba Road is considered a local street.

Mr. Pedersen stated that, if the Planning Commission waived the requirement for sidewalks along Soboba Road, he would not charge in-lieu fees.

Mr. Zermeno, requested more clarification regarding the fees.

Mr. Pedersen, stated the Applicant could either put in the improvements or pay a fee that is equivalent to the cost of the improvements for Waalew Road and Soboba Road.

Mr. Zermeno stated that, if curb and gutters would be required for both streets, he would rather pay the fees.

Chairman Kallen closed public hearing at 6:35 p.m.

Discussion ensued regarding road improvement requirements and the payment of in-lieu fees.

Commissioner Shoup expressed concern regarding eliminating sidewalks. He felt the best time to install sidewalks is at the time of new development.

Commissioner Tinsley and Chairman Kallen stated they did not support the requirements for any improvements on Soboba Road and that it should remain consistent with what is currently there and improvements should be done or in-lieu fees paid, for improvements along Waalew Road.

Commissioner Shoup made a motion to approve with the requirement for sidewalks along Waalew and Soboba Roads; however, it did not receive a second motion.

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

1. Delete Condition of Approval No. EC4 in its entirety.
2. Amend Condition of Approval No. EC8 to read as follows:

All required improvements shall be constructed and approved or bonded in accordance with Town Development Code. Alternatively, prior to recordation,

in-lieu fees shall be paid for the half-width, major road improvements and Class 1 bike path required along Waalew Road.

3. Determine that proposed Tentative Parcel Map No. 19576 will not have a significant effect on the environment with adherence to the Mitigation Measures recommended in this report.
4. Adopt the Mitigated Negative Declaration finding for Tentative Parcel Map No. 19576, finding that 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 Mitigated Negative Declaration reflects the Town's independent judgment and analysis.
5. Find that the facts presented in the staff report support the required Findings for approval and adopt those findings.
6. Approve Tentative Parcel Map No. 19576, subject to the amended Conditions of Approval.
7. Direct staff to file a Notice of Determination.

#### **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.

#### **PLANNING COMMISSION COMMENTS**

None.

#### **STAFF COMMENTS**

None.

#### **OTHER BUSINESS**

None.

**ADJOURNMENT**

Motion by Vice-Chairman Qualls, seconded by Commissioner Lamoreaux, and unanimously carried to adjourn the meeting of the Planning Commission at 7:03 p.m. to the Regular Meeting on October 21, 2015.

Respectfully Submitted by:

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Yvonne Rivera  
Planning Commission Secretary

Approved by:

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Chairman Bruce Kallen





## TOWN OF APPLE VALLEY PLANNING COMMISSION

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### Staff Report

<b>AGENDA DATE:</b>	October 21, 2015
<b>CASE NUMBER:</b>	Conditional Use Permit No. 2015-007
<b>APPLICANT:</b>	Mr. Efrain Mota representing Jr's Tire
<b>PROPOSAL:</b>	A request to approve a Conditional Use Permit to operate a tire shop. The project will occupy 4,418 square feet within an existing 8,789 square foot industrial building. The site is 1.26 acres in size and located within the Service Commercial (C-S) zoning designation.
<b>LOCATION:</b>	13462 Central Road, Suite 1 and 5-6; APN 3087-392-14
<b>ENVIRONMENTAL DETERMINATION:</b>	Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301 Class 1, the proposed request is Exempt from further environmental review.
<b>CASE PLANNER:</b>	Ms. Pam Cupp, Associate Planner
<b>RECOMMENDATION:</b>	Approval

#### PROJECT SITE AND DESCRIPTION

- A. Project Size:  
The project site is 1.26 acres in size and improved with an 8,789 square foot, industrial building.
- B. General Plan Designations:  
Project Site - Service Commercial (C-S)  
North - Service Commercial (C-S)  
South - Service Commercial (C-S)  
East - Medium Density Residential (R-M)  
West - Service Commercial (C-S)

C. Surrounding Zoning and Land Use:

- Project Site - Service Commercial (C-S); Industrial Building
- North - Service Commercial (C-S); Vacant
- South - Service Commercial (C-S); Vacant
- East - Multi-family Residential (R-M); Single Family Residence
- West - Service Commercial (C-S); Vacant

D. Site Characteristics:

The subject site is a level parcel that contains an existing 8,879 square foot industrial building with paved parking and landscaped within the Service Commercial (C-S) zoning designation. The vacant properties to the north, south and west are also within the C-S zone. The property to the east is within the Multi-Family Residential (R-M) zoning designation and contains a single-family residence.

E. Parking Analysis:

Type of Use	Square Footage	Parking Ratio	Number of Spaces Required	Number of Spaces Provided
Tire Shop	4,418	1/400 sq. ft and 1/200 for Office	11	11
Retail	1,457	1/250	9	9
Industrial	2914	3/1000	9	9
Handicapped Parking			2 existing	2 existing
Loading Space(s)		1/20,000 sq. ft.	1	1
Total			29	29

ANALYSIS

A. General:

Pursuant to the Development Code, Planning Commission approval of a Conditional Use Permit is required for all vehicle repair facilities within any commercial zone. The Conditional Use Permit process allows the Commission an opportunity to consider certain uses which may have potential adverse impacts upon surrounding property or the general public. The applicant, JR's Tire, is requesting Planning Commission review and approval of a Conditional Use Permit to operate tire repair and replacement facility.

The applicant proposes to occupy Suite No. 1 and 5-6 with a collective floor area of 4,418 square feet. Suite 1 is 1,504 square feet and Suites 5 and 6 have been combined and have 2,914 sq of floor area. The majority of floor space is dedicated to tire storage with a small area in front of the receiving doors for tire changing and repair activities. At this time all work is done with manually operated floor jacks. Larger vehicles such as motor homes, trucks and trailers require tires to be removed and installed outdoors. Condition No. P10 permits oversized vehicles, such as large trucks and RVs to be worked on outdoors; however, vehicles being serviced outdoors may not in any way impede circulation or block access to adjacent businesses or to the required parking spaces.

The applicant has indicated that the business activities are limited to tire sales, repairs and replacement. No additional vehicle repairs will be done in association with the proposed tire shop. At this time, Suite No. 1 is used as the tire shop and Suite 5-6 is used for tire storage. The applicant would like approval to also utilize Suite 5-6 for tire repair and replacement when needed.

Currently, the business is operated by one (1) employee. The hours of operation are 8:00 a.m. to 6:00 p.m., Monday through Saturday and 8:00 a.m. to 6:00 p.m. on Sundays. Other uses within the building include a battery retailer and a hydraulics shop. The proposed tire shop is a compatible use with existing businesses on the site.

The available on-site parking meets the minimum required for all existing, proposed and future industrial uses on the project site. The site contains an existing trash enclosure; however, the Development Code now requires businesses that generate four (4) cubic yards of commercial solid waste per week, the enclosure must also accommodate a recycle bin. Condition ER1 is recommending that the trash enclosure must comply with the current requirement for recycling.

There are existing on-site and off-site improvements that are in conformance with Town standards. Therefore, there are no recommended Conditions offered by the Engineering or Public Works Divisions.

B. Development Review

This project was not reviewed by the Development Advisory Board; however, project information was distributed and comments were requested from Town Divisions and affected agencies. All comments and recommended Conditions of Approval received from Town Divisions and local agencies are included in this report.

C. Environmental Assessment:

Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301, Class 1, the proposed request is Exempt from further environmental review.

D. Noticing:

The project was legally noticed in the Apple Valley News on October 9, 2015 and notices were mailed to all property owners within 300-feet of the project site.

CONDITIONAL USE PERMIT FINDINGS:

As required under Section 9.16.090 of the Development Code, prior to approval of a Conditional Use Permit, the Planning Commission must make specific Findings. The Findings, and a suggested comment to address each, are presented below:

1. That the proposed location, size, design and operating characteristics of the proposed use is consistent with the General Plan, the purpose of this Code, the purpose of the zoning district in which the site is located, and the development policies and standards of the Town;

Comment: The proposed tire shop is a permitted use with the Planning Commission's approval of a Conditional Use Permit. Therefore, the use

is in compliance with the Development Code of the Town of Apple Valley and adopted General Plan.

- 2. That the location, size, design and operating characteristics of the proposed use will be compatible with, and will not adversely affect, nor be materially detrimental to adjacent uses, residents, buildings, structures or natural resources;

Comment: The proposed tire shop is located within an existing industrial building and compatible with other businesses on site that include a battery retailer and a hydraulics shop. The property is approximately 1.26 acres in size located on Central Road, which has existing improvements and infrastructure to serve the proposed site. The proposal, with adherence to the recommended Conditions of Approval, will be compatible with the surrounding area.

- 3. That the proposed use is compatible in scale, bulk, lot coverage, and density with adjacent uses;

Comment: The proposed tire shop will be compatible with surrounding uses. The proposed location is within an existing industrial building that has been developed with parking, access points and setbacks that are consistent with the C-S, Service Commercial, zoning designation. No changes to the site are proposed.

- 4. That there are public facilities, services and utilities available at the appropriate levels or that these will be installed at the appropriate time to serve the project as they are needed;

Comment: The proposed tire shop is located within an existing industrial building that has existing services and utilities available for this proposal. No changes to the site are proposed nor will additional services be required.

- 5. That there will not be a harmful effect upon desirable neighborhood characteristics;

Comment: The location, size, design and operating characteristics of the proposed tire shop, and the conditions under which it will be operated and maintained, will not be detrimental to the public health, safety or welfare, nor will it be materially injurious to properties or improvements in the vicinity. Most activities associated with the tire shop will occur within an enclosed structure. Occasional outdoor repairs may be necessary for those vehicles too large for the work bays; however, by operating in compliance with the conditions of approval, there will be no harmful effects upon the neighborhood.

- 6. That the generation of traffic will not adversely impact the capacity and physical character of surrounding streets;

Comment: Traffic generated from the project will not adversely impact the surrounding area. The proposed project will be located along an improved local commercial road, which can accommodate traffic generated from

the proposed use. The project will contain paved parking that meets the requirements as specified in the Development Code. In addition, the proposed tire shop must adhere to the Conditions of Approval identified in the Conditional Use Permit.

- 7. That traffic improvements and/or mitigation measures are provided in a manner adequate to maintain the existing service level or a Level of Service (LOS) C or better on arterial roads and are consistent with the Circulation Element of the General Plan;

Comment: The proposed tire shop will be located on Central Road, which can accommodate traffic generated from the project site. Traffic generated from the project will not adversely impact the surrounding area.

- 8. That there will not be significant harmful effects upon environmental quality and natural resources;

Comment: The proposed tire shop will include the storage and transportation of waste tires. The State of California requires all waste tires to be transported by a duly registered hauler. The use of other hazardous waste will require compliance with the regulations set forth by the San Bernardino County Department of Environmental Health; therefore, there will not be any significant harmful effects upon environmental quality and natural resources

- 9. That there are no other relevant negative impacts of the proposed use that cannot be reasonably mitigated;

Comment: The proposed project will not produce adverse impacts upon the site, nor the surrounding properties.

- 10. That the impacts, as described in paragraphs 1 through 9 above, and the proposed location, size, design and operating characteristics of the proposed use and the conditions under which it would be maintained will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity, nor be contrary to the adopted General Plan;

Comment: The location, size, design and operating characteristics of the proposed tire shop, and the recommended conditions under which it will be operated and maintained, will not be detrimental to the public health, safety or welfare, nor will it be materially injurious to properties or improvements in the vicinity. Most activities associated with the tire shop will occur within an enclosed structure with limited outdoor use. The project is required to conform to the Noise Control Ordinance of the Development Code.

- 11. That the proposed conditional use will comply with all of the applicable provisions of this title.

Comment: The proposed tire shop can operate in conformance to the Development Code, subject to approval of a Conditional Use Permit and adherence to the recommended Conditions of Approval.

12. That the materials, textures and details of the proposed construction, to the extent feasible, are compatible with the adjacent and neighboring structures;

Comment: The proposed tire shop will be located within an existing, permitted industrial building. No modifications are proposed to the structure or the site.

13. That the development proposal does not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings with respect to mass and scale to an extent unnecessary and inappropriate to the use;

Comment: The proposed tire shop will be located within an existing, permitted industrial building. No modifications are proposed to the structure or the site.

14. That quality in architectural design is maintained in order to enhance the visual environment of the Town and to protect the economic value of existing structures;

Comment: The proposed tire shop will be located within an existing, permitted industrial building. No modifications are proposed to the structure or the site.

15. That access to the site and circulation on- and off-site is safe and convenient for pedestrians, bicyclists, equestrians and motorists.

Comment: The proposed tire shop will operate within an existing, permitted industrial building. No modifications are proposed to the structure or the site; however, the existing site has been designed to provide safe, on- and off-site circulation.

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:

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section No.15301, Class 1, the proposed request is Exempt from further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve Conditional Use Permit No. 2015-007, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

**Prepared By:**

**Reviewed By:**

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Pam Cupp  
Associate Planner

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Carol Miller  
Principal Planner

**ATTACHMENTS:**

1. Recommended Conditions of Approval
2. Site Plan
3. Floor Plan
4. Site Photos
5. Zoning Map

TOWN OF APPLE VALLEY

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**RECOMMENDED CONDITIONS OF APPROVAL**

Case No. Conditional Use Permit No. 2015-007

**Planning Division Conditions of Approval:**

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval, if not exercised, shall expire three (3) years from the date of action, October 21, 2018, of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the expiration date. The Conditional Use Permit becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town’s Development Code.
- P2. The applicant shall agree to defend at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P3. The filing of a Notice of Determination requires the County Clerk to collect a documentary handling fee of fifty dollars (\$50.00). The fee must be paid in a timely manner in accordance with Town procedures. No permits may be issued until such fee is paid.
- P4. The approval of Conditional Use Permit No. 2015-007 by the Planning Commission is recognized as acknowledgment of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, *Appeals*, of the Town of Apple Valley Development Code.
- P5. Parking requirements must be met and be in compliance with Town standards. All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines.
- P6. Required parking spaces will be provided for the handicapped in accordance with Town standards and in accordance with Title 24 of the California Administrative Code. The handicapped spaces shall be located as close as practical to the entrance of the facility. Each space must be provided with access ramps and clearly marked in accordance with Title 24 of the California Administrative Code.
- P7. All signs shall have a separate permit and are subject to final approval by the Town Planning Division.
- P8. Lighting fixtures shall be of a type and be located in such a manner that no light or reflected glare is directed off-site and shall provide that no light is directed above a



horizontal plane passing through the bottom of the fixture. All glare shall be directed onto the site and away from adjacent properties.

- P10. All repairs must be done within an enclosed building. Oversized vehicles, such as large trucks and RVs may be worked on outdoors; however, such activity shall not impede circulation or block access to adjacent businesses or to the required parking spaces.
- P12. If hazardous substances are used and/or stored, a technical report, identifying any hazards presented by project must be mitigated. This report shall be prepared by a qualified person, firm, or corporation and submitted to the Building and Safety Division. This report shall also explain the proposed facility's intended methods of operation and list all of the proposed materials, their quantities, classifications, and the effects of any chemical (material) inter-mixing in the event of an accident or spill.
- P13. There shall be no visible, outdoor storage of any material associated with the Tire Shop. The existing trash enclosure may not be used for waste tire storage.

#### **Environmental and Regulatory Compliance Conditions of Approval**

- ER1. The project must provide trash enclosures with adequate areas for collecting and loading recyclable materials in compliance with AB 341. The trash enclosure must comply with the newly adopted recycling standards.

#### **Building and Safety Division Conditions of Approval**

- BC1. Submit plans, engineering and obtain permits for all structures, retaining walls, tenant improvements and signs.
- BC2. Comply with State of California Disability Access requirements (2013 CBC, 11-B).
- BC3. Page two (2) of the submitted building plans shall contain the conditions of approval.
- BC4. Construction shall comply with 2013 California Building Codes.

#### **Public Works Conditions of Approval**

- PW1. This project is connected to the Town Sewer System. Sewer connection fees are required if any new plumbing fixtures are being installed or if any existing fixtures were not previously permitted.

#### **Apple Valley Fire Protection District Conditions of Approval**

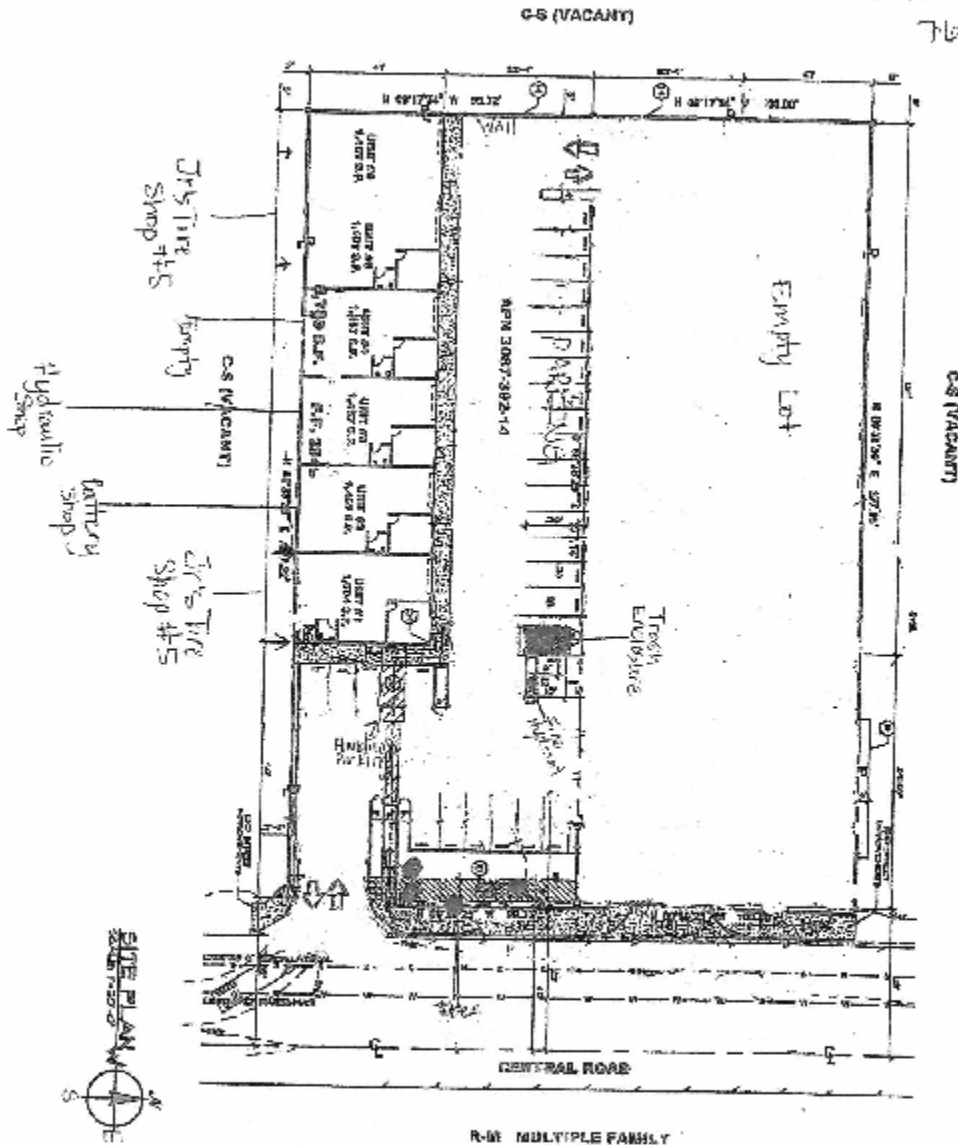
The following comments are based on the applicable edition of the California Codes and should be resolved before a permit is issued. This correction list is not a building permit. The approval of plans and specifications does not permit the violation of any section of the California Codes, any Federal, State or local regulation.

- FD1. Fire lanes shall be provided with a minimum width of twenty-six (26) feet, maintained, and identified. Twenty-six (26) feet access will start at both points of ingress and continue throughout the site.

- FD2. Approved numbers or addresses shall be placed on all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background. Additional non-illuminated contrasting eighteen (18)-inch numbers shall be displayed and the location will be determined by fire department prior to installation.
- FD3. Provide a strip sign above the main entrance door which reads: "This Door To Remain Unlocked When Building is Occupied."
- FD4. Every exit door with the exception of the main entrance shall be openable from the inside without the use of a key, tool or special knowledge or effort. Special locking devices shall be of an approved type.
- FD5. Fire Extinguishers with a minimum rating of 2A40BC shall be provided, as per inspection, prior to Certificate of Occupancy.
- FD6. Maintain tire storage less than six (6) feet in height throughout the facility.

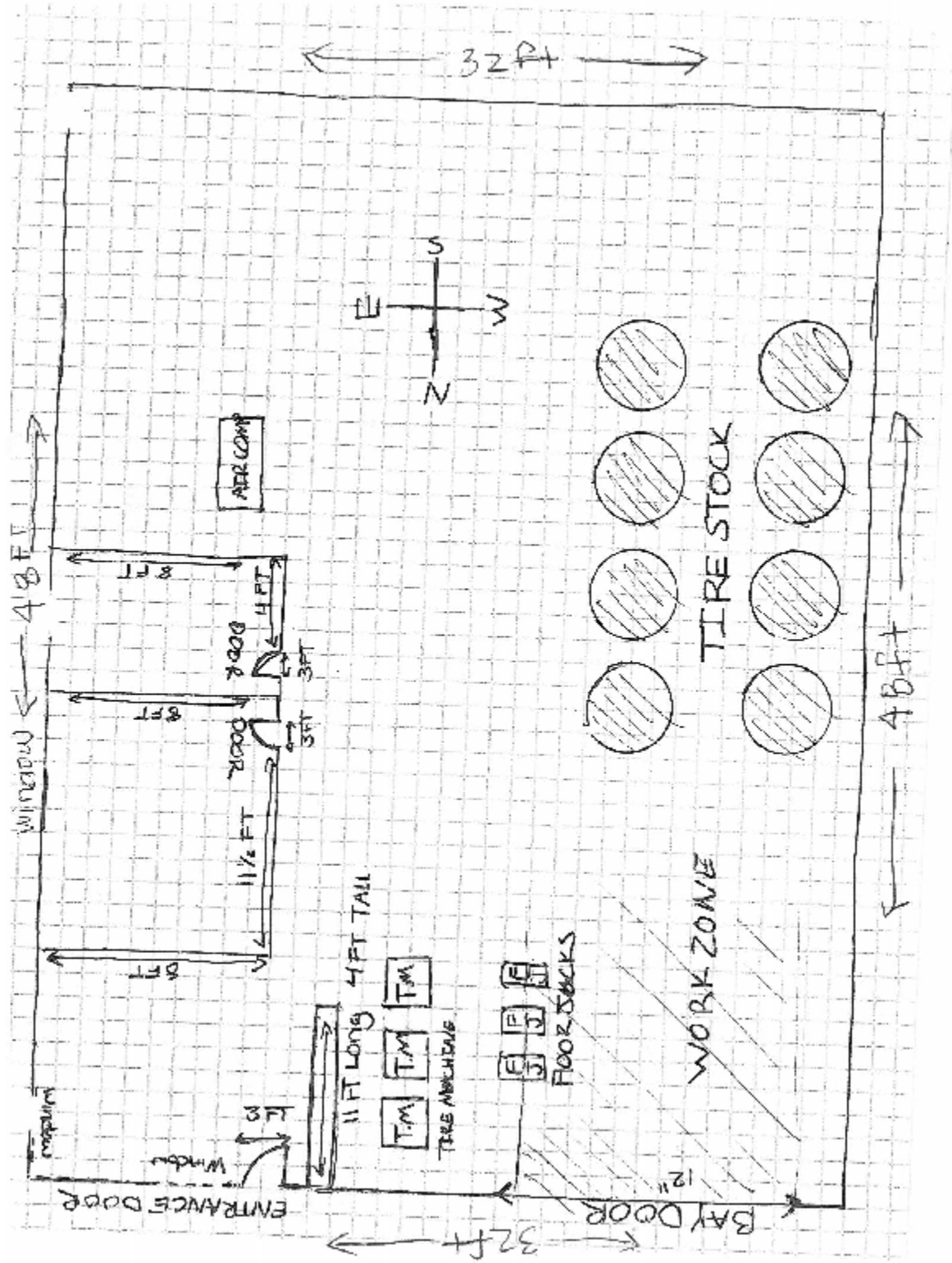
**End of Conditions**

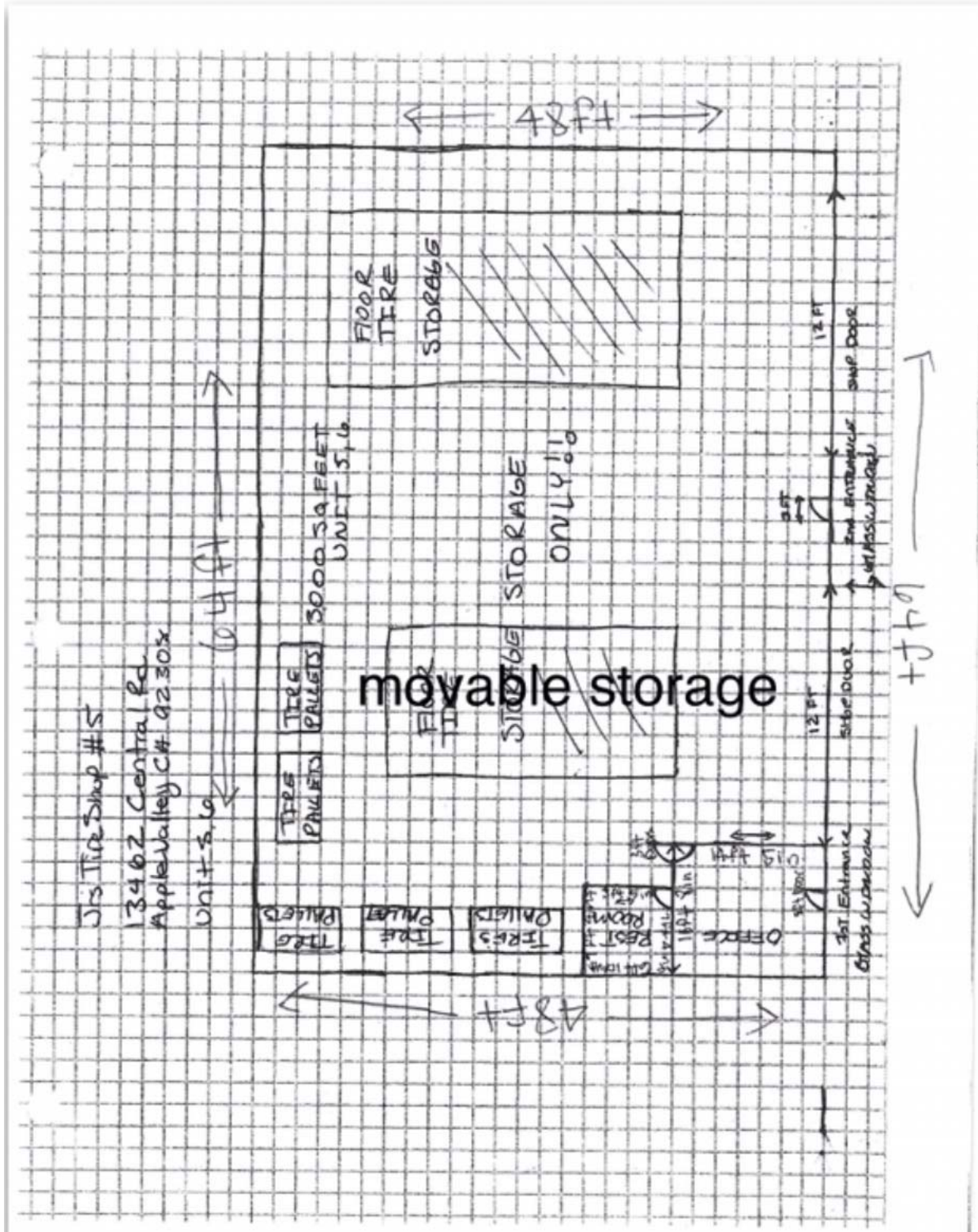
13462 Central K  
 Units 1, 5, 6  
 Parcel # 3087341214000  
 Jrs Tire Shop  
 760 780 2616



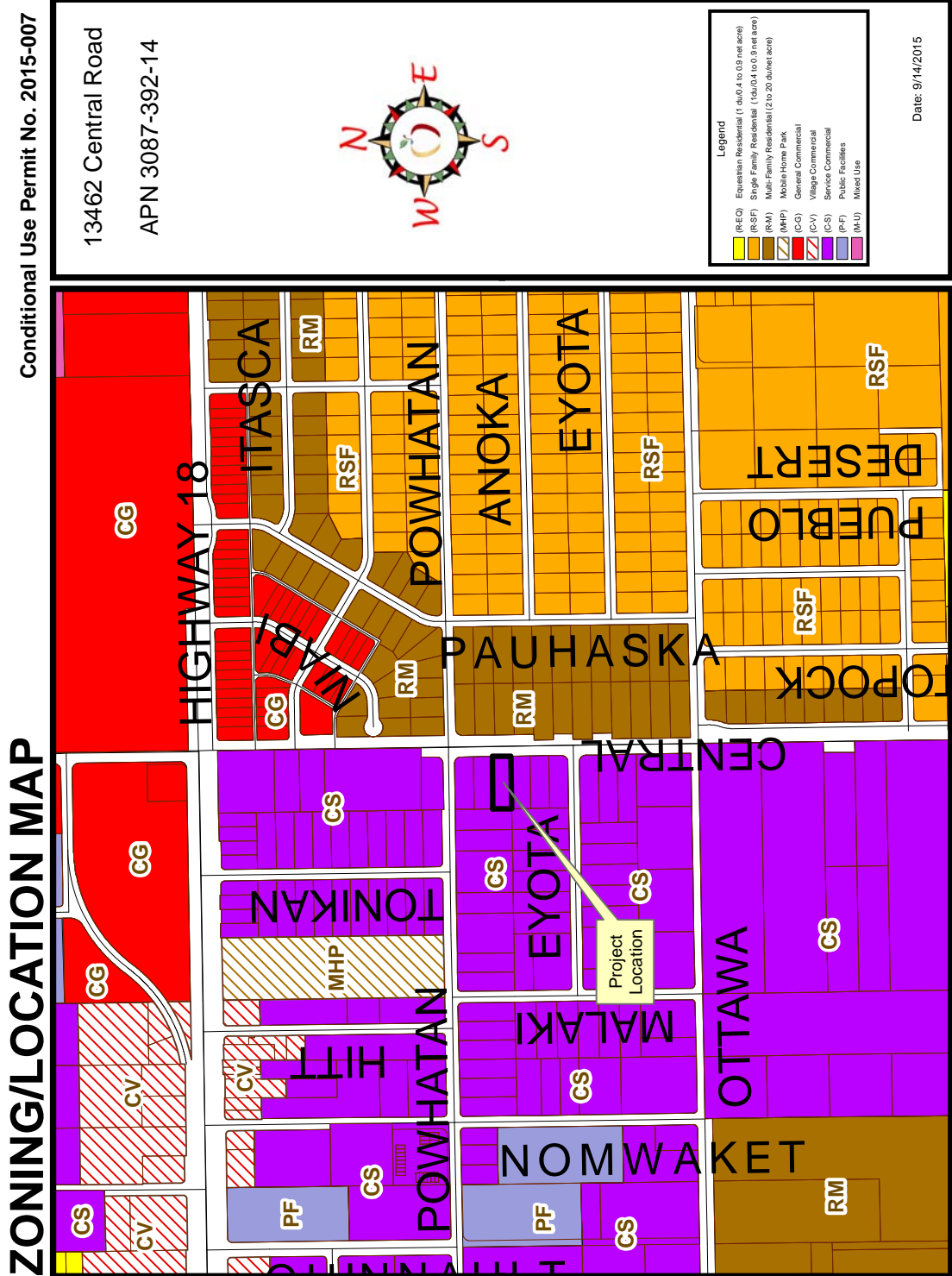
R-M MULTIPLE FAMILY

<b>LEGAL DESCRIPTION:</b>	<b>PROJECT SUMMARY:</b>	<b>PARKING:</b>
APN 308 7341 214000	LOT 21,700 SQ. FT.	GENERAL RETAIL (1/250)
LOT TRACT	BLDG 2,184 SQ. FT.	SQ. FT. 1/250 =
ACRES 0.0559	LANDSCAPE _____ %	TOTAL REQUIRED _____
ZONING CS	PAVEMENT _____ %	TOTAL PROVIDED _____
GENERAL PLAN _____	BLDG HT. _____	
	CONSTRUCTION MATERIAL _____	











## TOWN OF APPLE VALLEY PLANNING COMMISSION

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### Staff Report

- AGENDA DATE:** October 21, 2015
- CASE NUMBER:** Conditional Use Permit No. 2015-009
- APPLICANT:** Ms. Rubi Pena, representing 5 Star Transmission
- PROPOSAL:** A request for approval of a Conditional Use Permit to allow the operation of an automotive repair facility. The project will occupy an existing 3,381 square-foot commercial building. The project site is 0.60 acres in size and is located within the Village Commercial (C-V) zoning designation.
- LOCATION:** 21749 Highway 18, Suite B; APN 3087-341-10
- ENVIRONMENTAL DETERMINATION:** Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301 Class 1, the proposed request is Exempt from further environmental review.
- CASE PLANNER:** Ms. Pam Cupp, Associate Planner
- RECOMMENDATION:** Approval

#### PROJECT SITE AND DESCRIPTION

- A. Project Size:  
The project site is 0.60 acres in size and contains two (2) commercial building totaling 5,742 square feet of floor area.
- B. General Plan Designations:  
Project Site - General Commercial (C-G)
- C. North - General Commercial (C-G)  
South - General Commercial (C-G)  
East - General Commercial (C-G)  
West - General Commercial (C-G)



D. Surrounding Zoning and Land Use:

- Project Site- Village Commercial (C-V); Restaurant and Commercial Building
- North - Village Commercial (C-V); Vacant and Commercial Building
- South - Village Commercial (C-V); Vacant and Commercial Building
- East - Village Commercial (C-V); Commercial Building/Bank
- West - Village Commercial (C-V); Commercial Building/Retail and machining

E. Site Characteristics:

The subject site is a level parcel that contains two (2) commercial buildings totaling 5,742 square feet of floor area. The site has existing paved parking and is void of any significant landscaping. The proposal is located within the Village Commercial (C-V) zoning designation. All of the surrounding uses consist of existing commercial development, except for the property to the north, across Highway 18, that is vacant.

F. Parking Analysis:

Type of Use	Square Footage	Parking Ratio	Number of Spaces Required	Number of Spaces Provided
Automotive Repair	3,174	1/400 sq. ft and	8	8
	207	1/200 sq. ft of office	1	1
Restaurant	1,000 non customer area	1 per 45 sq. ft of customer area plus 1 per 200 square feet of non-customer area.	5	5
	1,362 customer area Fixed and non-fixed seating		30	18
<b>Total</b>			<b>52</b>	<b>32</b>

The parking for this location is currently deficient. However, most other types of uses that may occupy this space would require the same or more parking than an automotive repair facility. As an example, an industrial machine shop would require three (3) spaces per 1,000 or nine (9) total for this space or a retail use would require one (1) per 250 square feet or fourteen (14) for this space. Therefore, regardless of this proposal, the site is deficient of parking due to the nonconforming parking situation.

ANALYSIS

A. General:

Pursuant to the Development Code, Planning Commission approval of a Conditional Use Permit is required for all vehicle repair facilities within any commercial zone. The Conditional Use Permit process allows the Commission an opportunity to consider certain uses which have the potential to adversely impact surrounding properties or the general

public. The applicant, 5 Star Transmission, is requesting Planning Commission review and approval of a Conditional Use Permit to operate a automotive repair facility.

The project site contains a 2,362 square foot restaurant which is located towards the front of the lot. The applicant occupies the 3,381 square foot rear building for its automotive repair business. The floor plan for the repair facility includes an office, customer waiting area, restrooms and two (2) repair bays containing a total of three (3) car lifts.

The business specializes in transmission repair and replacement; however, the business offers a variety of automotive repairs and oil changes. Currently the business has three (3) employees and operates Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

Due to the nature of the business, it may be necessary to occasionally store vehicles overnight. Because of the parking deficit, staff is not recommending the allowance of outdoor, overnight parking. Staff is including Condition of Approval No. P9, which requires any overnight parking of vehicles to be inside the building. In addition, staff is recommending Condition No. P10, which requires that all repairs be done within an enclosed building and P14 which prohibits vehicle from being displayed for sale upon the premises.

The proposed auto repair facility will include the use of oils, grease and disposal of waste products. Due to the nature of this type of business, the applicant is required to adhere to regulations and secure approval from the San Bernardino County Department of Environmental Health Services prior to obtaining a Certificate of Occupancy from the Town. In this respect, Condition No. P11 requires the applicant to file a State of California Business Contingency Plan with the San Bernardino County Department of Environmental Health Services prior to issuance of a Certificate of Occupancy.

B. Development Review

This project was not reviewed by the Development Advisory Board; however, project information was distributed and comments were requested from Town Divisions and affected agencies. All comments and recommended Conditions of Approval received from Town Divisions and local agencies are included in this report.

C. Environmental Assessment:

Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301, Class 1, the proposed request is Exempt from further environmental review.

D. Noticing:

The project was legally noticed in the Apple Valley News on October 9, 2015 and notices were mailed to all property owners within 300-feet of the project site.

E. Findings:

CONDITIONAL USE PERMIT FINDINGS:

As required under Section 9.16.090 of the Development Code, prior to approval of a Conditional Use Permit, the Planning Commission must make specific Findings. The Findings, and a suggested comment to address each, are presented below:

- 1. That the proposed location, size, design and operating characteristics of the proposed use is consistent with the General Plan, the purpose of this Code, the purpose of the zoning district in which the site is located, and the development policies and standards of the Town;

Comment: The proposed automotive repair business is allowed with the review and approval of a Conditional Use Permit by the Planning Commission. Therefore, it is in compliance with the Development Code of the Town of Apple Valley and adopted General Plan, upon the.

- 2. That the location, size, design and operating characteristics of the proposed use will be compatible with, and will not adversely affect, nor be materially detrimental to adjacent uses, residents, buildings, structures or natural resources;

Comment: The proposed auto repair business is located within an existing building and compatible with other businesses in the vicinity which include a variety of commercial uses including restaurant, auto parts store, another auto repair facility and a bank. The property is approximately 0.6 acres in size located in the Village along Highway 18, which has existing improvements and infrastructure to serve the proposed site. The proposal, with adherence to the recommended Conditions of Approval, will be compatible with the surrounding area.

- 3. That the proposed use is compatible in scale, bulk, lot coverage, and density with adjacent uses;

Comment: The proposed automotive repair business will be compatible with surrounding uses. The proposed location is within an existing commercial building that is compatible with other buildings and uses within the area. No changes to the site are proposed.

- 4. That there are public facilities, services and utilities available at the appropriate levels or that these will be installed at the appropriate time to serve the project as they are needed;

Comment: No changes to the site are proposed nor will additional services be required because the proposed automotive repair business is located within an existing commercial building that has existing services and utilities available for this proposal.

- 5. That there will not be a harmful effect upon desirable neighborhood characteristics;

Comment: The proposal will not be harmful to the neighborhood characteristics because all activities associated with the automotive repair business will occur within an enclosed structure with the occasional overnight parking.

- 6. That the generation of traffic will not adversely impact the capacity and physical character of surrounding streets;

Comment: Traffic generated from the project will not adversely impact the surrounding area because the project site is located along an improved local commercial road, which can accommodate traffic generated from the proposed use.

7. That traffic improvements and/or mitigation measures are provided in a manner adequate to maintain the existing service level or a Level of Service (LOS) C or better on arterial roads and are consistent with the Circulation Element of the General Plan;

Comment: The proposed automotive repair business will be located on Outer Highway 18, which can accommodate traffic generated from the project site. Traffic generated from the project will not adversely impact the surrounding area.

8. That there will not be significant harmful effects upon environmental quality and natural resources;

Comment: The proposed auto repair facility will include the use of oils, grease and disposal of waste products. Due to the nature of this type of business, the applicant is required to adhere to regulations and secure approval from the San Bernardino County Department of Environmental Health Services.

9. That there are no other relevant negative impacts of the proposed use that cannot be reasonably mitigated;

Comment: The proposed project will not produce adverse impacts upon the site, nor the surrounding properties that require mitigation because all of the activities associated with the business will occur within an enclosed structure.

10. That the impacts, as described in paragraphs 1 through 9 above, and the proposed location, size, design and operating characteristics of the proposed use and the conditions under which it would be maintained will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity, nor be contrary to the adopted General Plan;

Comment: The location, size, design and operating characteristics of the proposed auto-repair business, and the recommended conditions under which it will be operated and maintained, will not be detrimental to the public health, safety or welfare, nor will it be materially injurious to properties or improvements in the vicinity. All activities associated with the auto-repair business will occur within an enclosed structure with limited outdoor vehicle storage. The project is required to conform to the Noise Control Ordinance of the Development Code.

11. That the proposed conditional use will comply with all of the applicable provisions of this title.

Comment: The proposed automotive repair business can operate in conformance to the Development Code, subject to approval of a Conditional Use Permit and adherence to the recommended Conditions of Approval.

12. That the materials, textures and details of the proposed construction, to the extent feasible, are compatible with the adjacent and neighboring structures;

Comment: The proposed automotive repair business will be located within an existing, permitted industrial building. No modifications are proposed to the structure or the site.

13. That the development proposal does not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings with respect to mass and scale to an extent unnecessary and inappropriate to the use;

Comment: The proposed automotive repair business will be located within an existing, permitted industrial building; therefore, the use will not block public views or dominate its surroundings.

14. That quality in architectural design is maintained in order to enhance the visual environment of the Town and to protect the economic value of existing structures;

Comment: The proposed automotive repair business will be located within an existing, permitted industrial building. No modifications are proposed to the structure or the site.

15. That access to the site and circulation on- and off-site is safe and convenient for pedestrians, bicyclists, equestrians and motorists.

Comment: The proposed automotive repair business will operate within an existing, permitted industrial building. No modifications are proposed to the structure or the site; however, the existing site has been designed to provide safe, on- and off-site circulation.

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:

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section No.15301, Class 1, the proposed request is Exempt from further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve Conditional Use Permit No. 2015-002, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

**Prepared By:**

**Reviewed By:**

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Pam Cupp  
Associate Planner

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Carol Miller  
Principal Planner

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Site Plan
3. Floor Plan
4. Site Photos
5. Zoning/Location Map

TOWN OF APPLE VALLEY

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**RECOMMENDED CONDITIONS OF APPROVAL**

Case No. Conditional Use Permit No. 2015-009

**Planning Division Conditions of Approval:**

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval, if not exercised, shall expire three (3) years from the date of action, October 21, 2018, of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the expiration date. The Conditional Use Permit becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. The applicant shall agree to defend at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P3. The filing of a Notice of Determination requires the County Clerk to collect a documentary handling fee of fifty dollars (\$50.00). The fee must be paid in a timely manner in accordance with Town procedures. No permits may be issued until such fee is paid.
- P4. The approval of Conditional Use Permit No. 2015-009 by the Planning Commission is recognized as acknowledgment of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, *Appeals*, of the Town of Apple Valley Development Code.
- P5. Parking requirements must be met and be in compliance with Town standards. All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines.
- P6. Required parking spaces will be provided for the handicapped in accordance with Town standards and in accordance with Title 24 of the California Administrative Code. The handicapped spaces shall be located as close as practical to the entrance of the facility. Each space must be provided with access ramps and clearly marked in accordance with Title 24 of the California Administrative Code.
- P7. All signs shall have a separate permit and are subject to final approval by the Town of Apple Valley.
- P8. Lighting fixtures shall be of a type and be located in such a manner that no light or reflected glare is directed off-site and shall provide that no light is directed above a

horizontal plane passing through the bottom of the fixture. All glare shall be directed onto the site and away from adjacent properties.

- P9. Any overnight parking of vehicles shall be inside the building.
- P10. All repairs must be done within an enclosed building.
- P11. The applicant shall file a State of California Business Contingency Plan with the San Bernardino County Department of Environmental Health Services prior to issuance of a Certificate of Occupancy.
- P12. If hazardous substances are used and/or stored, a technical report, identifying any hazards presented by project must be mitigated. This report shall be prepared by a qualified person, firm, or corporation and submitted to the Building and Safety Division. This report shall also explain the proposed facility's intended methods of operation and list all of the proposed materials, their quantities, classifications, and the effects of any chemical (material) inter-mixing in the event of an accident or spill.
- P13. Outdoor storage of parts, tires, equipment, etc. is prohibited.
- P14. The display of vehicles intended for sale is prohibited.

**Environmental and Regulatory Compliance Conditions of Approval**

- ER1. The project must provide trash enclosures with adequate areas for collecting and loading recyclable materials in compliance with AB 341. The trash enclosure must comply with the newly adopted recycling standards.

**Building and Safety Division Conditions of Approval**

- BC1. Submit plans, engineering and obtain permits for all structures, retaining walls, tenant improvements and signs.
- BC2. Comply with State of California Disability Access requirements (2013 CBC, 11-B).
- BC3. Page two (2) of the submitted building plans shall contain the conditions of approval.
- BC4. Construction shall comply with 2013 California Building Codes.

**Public Works Conditions of Approval**

- PW1. This project is connected to the Town Sewer System. Sewer connection fees are required if any new plumbing fixtures are being installed or if any existing fixtures were not previously permitted.

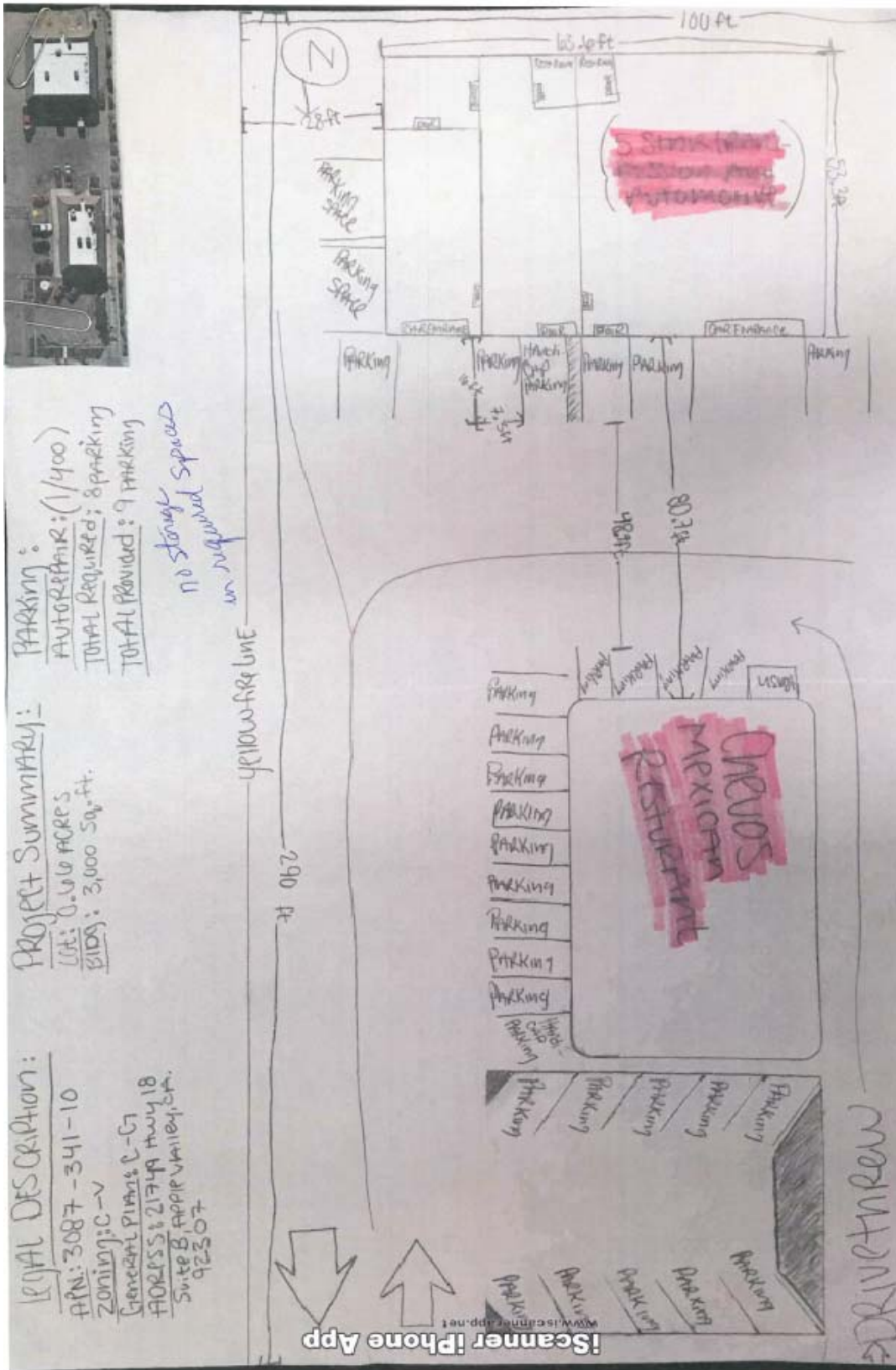


**Apple Valley Fire Protection District Conditions of Approval**

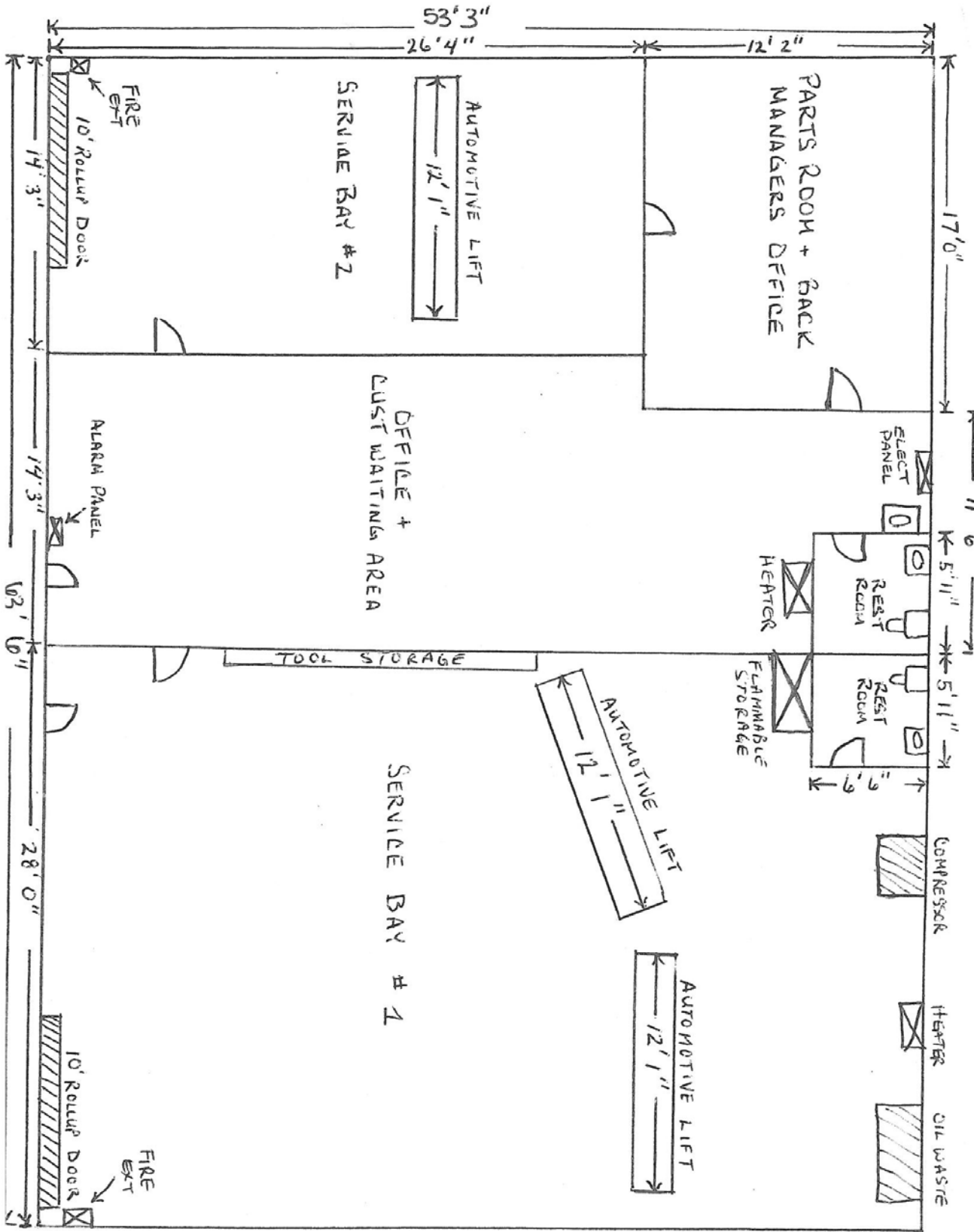
- FD1. Fire lanes shall be provided with a minimum width of twenty six (26) feet, maintained, and identified. Twenty six (26) feet access will start at both points of ingress and continue throughout the site.
- FD2. Approved numbers or addresses shall be placed on all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background. Additional non-illuminated contrasting (18) inch numbers shall be displayed and the location will be determined by fire department prior to installation.
- FD3. Provide a strip sign above the main entrance door which reads: "This Door To Remain Unlocked When Building is Occupied."
- FD4. Every exit door with the exception of the main entrance shall be openable from the inside without the use of a key, tool or special knowledge or effort. Special locking devices shall be of an approved type.
- FD5. Air-moving systems supplying air in excess of 2,000 CFM shall have an automatic shut off for smoke control. Where fire detection or alarm systems are provided for the building, the smoke detectors required by this section shall be supervised by such systems.
- FD6. Install illuminated exit signs at exits. Exit signs shall be energized from separate circuits. Illumination shall normally be provided by the premises wiring system. In the event of failure of this system, illumination shall be automatically provided from an emergency system.
- FD7. No landscaping, i.e., trees or shrubs may be within three feet of any fire protection equipment.
- FD8. Fire Extinguishers with a minimum rating of 2A40BC shall be provided, as per inspection, prior to Certificate of Occupancy.

**~End of Conditions~**

Site Plan



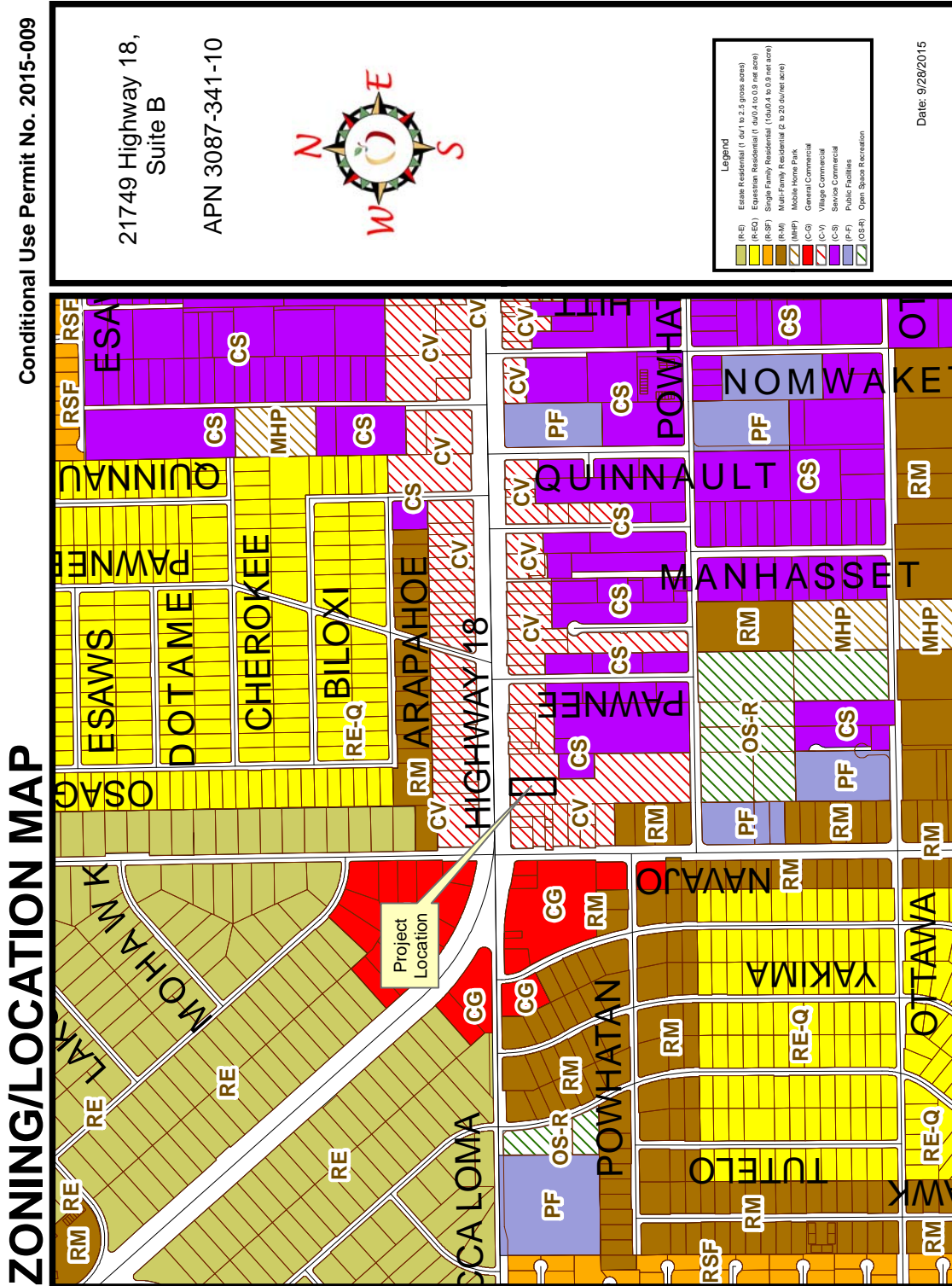
Floor Plan



Site Photo



Zoning Map





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## TOWN OF APPLE VALLEY PLANNING COMMISSION

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### Staff Report

- AGENDA DATE:** October 21, 2015
- CASE NUMBER:** Tentative Tract Map No. 18914
- APPLICANT:** United Engineering, Beau Cooper
- PROPOSAL:** This project is a request for approval of a Tentative Tract Map to subdivide fifty-nine (59) gross acres into eighty-seven (87) single-family residential lots.
- LOCATION:** The project is located at the southeast corner of the Central Road and Esaws Avenue; APN: 0439-022-65.
- ENVIRONMENTAL DETERMINATION:** Based upon an Initial Study, pursuant to the State Guidelines to implement the California Environmental Quality Act (CEQA) a Mitigated Negative Declaration has been prepared.
- CASE PLANNER:** Mr. Douglas Fenn, Senior Planner
- RECOMMENDATION:** Approval.

#### PROJECT SITE AND DESCRIPTION

- A. Project Size  
Fifty-nine (59) gross acres.
- B. Surrounding Zoning and Land Use  
Project Site - Single-Family Residential (R-SF) and Equestrian Residential (R-EQ),  
Vacant  
North - Single-Family Residential (R-SF) and Public Facility (P-F), Vacant and  
Granite Hills High School  
South - General Commercial (C-G), Vacant  
East - Equestrian Residential (R-EQ), Vacant  
West - Multiple-Family Residential (R-M) and General Commercial (C-G), Vacant
- C. General Plan Designations  
Project Site - Single-Family Residential (R-SF)  
North - Single-Family Residential (R-SF) and Public Facility (P-F)  
South - General Commercial (C-G)

East - Single-Family Residential (R-SF),  
West- Medium Density Residential (R-M) and General Commercial C-G),

D. Site Characteristics

The site is currently undeveloped vacant land with only some indications of past disturbances. The existing topography is relatively flat with a slight slope from the southwest to the northeast. The most commons plants on the site are salt brush, and creosote bush, and there are no Joshua Trees on the property. There is evidence of relatively small runoff flows, in the form of sheet flow, within the project area. However, there are no blue lines on the subject site.

ANALYSIS:

A. General

The applicant proposes to subdivide a total of fifty-nine (59) gross acres into eighty-seven (87) residential lots for future detached single-family. Typical lot sizes are lot sizes ranging from 18,000 to 38,520 square feet, with an average lot size of 19,712 square feet.

The proposed tentative map is consistent with the (R-SF); Single-Family Residential General Plan land use designation and is also in conformance with the R-SF and RE-Q zones which sets minimum property size standards. The multiple zone districts were left in place from the Town-wide General Plan update. The R-SF and RE-Q zones require a minimum net lot size of 18,000 – 20,000 square feet. The map proposes 18,000 to 38,520 square-foot lot sizes, which meet and exceed the minimum lot size for the R-SF and R-EQ land use designation. The proposal for single-family lots equates to approximately 1.98 dwelling units per acre.

A revised Biological Survey, dated July 8, 2015, indicated no on-site detection of the Desert Tortoise, Burrowing Owl, or Mohave Ground Squirrel nor any other reptile, mammal or bird species. However, mitigation measures are recommended if the species are observed during future development activities given the previous presence of the Burrowing Owl. A pre-construction survey is required and will be conducted prior to land clearing to ensure the special status species have not moved onto the site since the date of the initial survey.

The proposed tract is located adjacent to Central Road (major arterial) and Esaws Avenue (secondary road). The project is required to install a Class I bike path along Central Road, which encourages and support alternative transportation.

As a secondary road, Esaws Avenue, the Development Code requires a sixteen (16)-foot wide easement parallel to the Parkway be provided to allow for additional landscaping. Historically the Town has required that the usable area of the parcels maintain at least 18,000 square feet outside of the landscape easement area. There are ten (10) residential lots that range from 18,001 square feet to 31,832 square feet adjacent to Esaws Avenue. The lots that are 18,001 square feet will need to be to be redesigned to accommodate the landscaping easement criteria condition No. P23. The parcels south to the parcels that back Esaws Avenues are over 20,000 square feet, and a redesign can be accomplished by increasing the depth of the parcels which back Esaws Avenue.

In accordance with the Noise Element of the General Plan, projected noise impacts are anticipated along Central Road. The General Plan Noise Element identifies all major corridors within the Town and the required setback of any sensitive uses, in order to minimize noise impacts and maintain a maximum exterior noise level of sixty-five (65) decibels within the residential neighborhood. The analysis in the Initial Study requires that the exterior noise level for the residential lots adjacent to Central Avenue and Esaws Avenue, a six (6)-foot high sound wall or sound wall, and berm combination will be built. All mitigation measures for interior and exterior noise impacts are identified in the Initial Study.

A Development Permit is required for homes built within a subdivision of five (5) or more lots. As part of the development process, a Development Permit review and approval by the Planning Commission are required for the architecture of the residential structures. The submittal would include a Development Plan consisting of plot plans, floor plans and building elevations as indicated on recommended Condition No. P7. If upon recordation of the map, the lots are to be sold individually, the construction of custom homes within the subdivision is required to comply with the Town's Custom Home Policy (PC Policy No. 2007-001). The Custom Home Policy limits the duplication of elevations, and sets forth design criteria.

A portion of the site is zoned RE-Q, which permits horse sheltering; therefore, the project is required to provide trails in accordance with the adopted Multi-Use Equestrian Trail standards see Condition No. P12.

1. Drainage

Prior to issuance of a grading permit, a final drainage plan is required to be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties.

There is evidence of relatively small runoff flows, in the form of sheet flow, within the project area. However, there are no blue lines on the subject site. The Town of Apple Valley Master Plan of Drainage includes creating a seventy (70)-foot wide storm channel along the westerly side of the property adjacent to Central Road. Additionally, six (6) retention basins will be constructed along the north end of the project to capture storm runoff from the south, and from the property as it would naturally flow to the northern retention basins.

2. Traffic and Circulation

Access to the site will be provided from two (2) points of access via Esaws Avenue. The proposed project would increase the existing traffic load, as well as impact others within the vicinity of the project site. A traffic analysis was prepared by Translutions, dated June 11, 2015, which assessed impacts for the total build out of the project. The study determined that the project would not degrade traffic operations below those acceptable with the Town's General Plan. The project also generates less than 250 peak hour trips, which puts it below the threshold of the San Bernardino Associated Governments SANBAG Congestion Management Program (CMP). The roadways adjacent to the development will be required to be improved to the Town's road standards and General Plan. The project requires payment of traffic impact fees to reduce regional traffic impacts.



B. Development Review Committee

This tract map application was reviewed by the Development Review Committee (DRC) on April 21, 2015. Recommended conditions of approval are attached to this staff report.

C. 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 Mitigated Negative Declaration is recommended.

D. Noticing

Tentative Tract Map No. 18914 was advertised as a public hearing in the Apple Valley News newspaper on October 2, 2015.

E. Tentative Tract Map Findings

In considering any Tentative Tract Map, the Commission is required by the Development Code to make specific Findings. The following are the Findings for a Tentative Tract Map required under Section 9.71.040 (A5) of the Development Code and a comment to address each:

1. The proposed Subdivision, together with the provisions for its design and improvement, is consistent with the General Plan. The proposed subdivision or land use is compatible with the objectives, policies, general land uses and programs specified in the General Plan. (Subdivision Map Act 66473.5).

Comment: With the approval of the proposal to subdivide the property into eighty-seven (87) single-family lots, and with adherence to recommended conditions, will meet the minimum requirements for lot size, width and depth as prescribed by the General Plan for R-SF land use designation.

2. The Planning Commission has considered the effects of its action upon the housing needs of the region and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources (Subdivision Map Act Section 66412.3).

Comment: The proposal consists of a land subdivision located on vacant, residentially designated land for the purpose of future single-family residential development. The proposal will not result in the removal of a single-family residence. However, the proposal is creating eighty-seven (87) single-family residential lots for future development which will ultimately increase the Town's existing housing stock.

3. The design of the subdivision provides, to the extent feasible, for the future passive or natural heating or cooling opportunities in the subdivision.

Comment: The lots created under this subdivision are appropriate in size to provide natural heating and cooling opportunities for development of the site. As development occurs, the individual lots are subject to the implementation of natural heating and cooling requirements pursuant to Title 24 energy requirements and the Town's Climate Action Plan.

- 4. The Planning Commission shall determine whether the discharge of waste from the proposed subdivision into the existing sewer system would result in a violation of the requirements as set forth in Section 13000 et seq., of the California Water Code. If the Planning Commission finds that the proposed waste discharge would result in, or add to, a violation of said requirements; the Planning Commission may disapprove the subdivision (Subdivision Map Act Section 66474.6).

Comment: The project is a residential land subdivision and is required to connect to the Town of Apple Valley sewer system and requires approval of the Town of Apple Valley Public Works Division in order to meet the requirements of the Town.

**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 Tentative Tract Map No. 18914 will not have a significant effect on the environment with adherence to the Mitigation Measures recommended in this report.
- 2. Adopt the Mitigated Negative Declaration findings for Tentative Tract Map No. 18914, finding that 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 Mitigated 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. Approve Tentative Tract Map No. 18914, subject to the attached Conditions of Approval.
- 5. Direct staff to file a Notice of Determination.

**Prepared By:**

**Reviewed By:**

\_\_\_\_\_  
Douglas Fenn  
Senior Planner

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

**ATTACHMENTS**

- 1) Recommended Conditions of Approval
- 2) Tentative Tract Map Site Plan
- 3) Zoning Map
- 4) Initial Study

TOWN OF APPLE VALLEY

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**RECOMMENDED CONDITIONS OF APPROVAL**

Case No. Tentative Tract Map No. 18914

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

**Planning Division Conditions of Approval**

- P1. This tentative subdivision shall comply with the provisions of the State Subdivision Map Act and the Town Development Code. This tentative approval shall expire three (3) years from the date of approval by the Planning Commission/Town Council. A time extension may be approved in accordance with the State Map Act and Town Ordinance, if an extension application is filed and the appropriate fees are paid 30 days prior to the expiration date. The Tentative Tract Map becomes effective 10 days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. Prior to approval of the Final Map, the following agencies shall provide written verification to the Planning Division that all pertinent conditions of approval and applicable regulations have been met:
- Apple Valley Fire Protection District  
Apple Valley Ranchos Water Company  
Apple Valley Public Services Department  
Apple Valley Engineering Division  
Apple Valley Planning Division  
California State Fish and Wildlife
- P3. The applicant agrees to defend at his sole expense (with attorneys approved by the Town), and indemnify the Town against any action brought against the Town, its agents, officers or employees resulting from or relating to this approval. The applicant shall reimburse the Town, its agents, officers or employees for any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of these obligations under this condition.
- P4. The filing fee for a Notice of Determination (NOD) requires the County Clerk to collect a handling fee of \$50.00. Additionally, as of January 1, 2015, a fee of \$2,260.00 (includes \$50.00 administration fee) is required to be collected by the County for the processing of a NOD for the State Fish & Game fees. The fees must be paid within five (5) days of the approval of this application in order to reduce the Statute of Limitations to thirty (30) days. All fees must be submitted prior to the issuance of any permits. The check shall be made payable to the Clerk of the Board of Supervisors and submitted to the Planning Division for processing.

- P5. The approval of Tentative Tract Map No. 18914 by the Planning Commission is recognized as acknowledgment of Conditions of Approval by the applicant, unless an appeal is filed in accordance with the Town's Development Code.
- P6. Prior to recordation of Final Map, three sets of detailed landscaping and irrigation plans for the parkway area, detention basins and subdivision entrances, prepared by a qualified licensed landscape professional, shall be submitted to the Planning Division for review and approval. The landscape and irrigation plans shall be prepared in compliance with the applicable landscape section of the Town Development Code.
- P7. A separate Development Permit, approved by the Planning Commission, is required prior to new single-family residential construction. The submittal shall include a Development Plan consisting of plot plans, a minimum of four floor plans and building elevations, demonstrating a variety of heights, setbacks, roof shapes and trim to create visually pleasing aesthetics within a cohesive design.
- P8. All subdivision walls proposed for construction along the perimeter of the property lines shall be constructed of decorative slump stone, split face or other decorative masonry material. Prior to the issuance of a grading permit, Developer/applicant shall submit detailed plans showing all proposed walls for this subdivision subject to approval by the Assistant Town Manager of Community Development (or designee).
- P9. If the tract map is adjacent to existing development, a fence/wall plan shall be submitted with the grading, and landscape/irrigation plans to identify how new fencing or walls will relate to any existing fences or walls located around the perimeter of the tract/parcel map. Double fencing shall be avoided, and review and approval of the fencing/wall plan are required prior to issuance of grading permits.
- P10. The project shall conform to the Single-Family Residential (R-SF), and Equestrian Residential (R-EQ) standards.
- P11. All subdivision walls proposed for construction along the perimeter of the property lines shall be constructed of decorative slump stone, split face or other decorative masonry material. Prior to the issuance of a grading permit, Developer/applicant shall submit detailed plans showing all proposed walls for this subdivision subject to approval by the Assistant Town Manager of Community Development (or designee).
- P12. All trails shall be developed in conformance with the Multi-Use and Equestrian Trails standard within the (R-EQ) portion of the project. This requires the development and installation of trails on the north and west side of the right-of-way in lieu of sidewalks.
- P13. A Class 1 Bike Path shall be constructed along Central Road adjacent to the project boundary.
- P14. No roof-mounted equipment shall be placed on any building unless screened as specifically approved by the Planning Division (except for solar collection panels).
- P15. A copy of the final grading plan shall be submitted to the Planning Division for review and approval. All on-site cut and fill slopes shall:
- Be contour graded to blend with existing natural contours.

- P16. All mitigation measures described in the Initial Study will be implemented as part of the project.
- P17. The applicant/developer shall install the landscaping along Central Road and Esaws Avenue and within the retention/detention basin. The applicant/developer shall form an annex into an assessment district to maintain the landscaping and lighting standards of the development, and any retention basin created.
- P18. Prior to recordation of Final Map, three sets of detailed landscaping and irrigation plans for the parkway area and subdivision entrances, prepared by a qualified licensed landscape professional, shall be submitted to the Planning Division for review and approval. The landscape and irrigation plans shall be prepared in compliance with the applicable landscape section of the Town Development Code.
- P19. Landscaping shall be installed in accordance with Section 9.75 of the Development Code. Xeriscape landscaping techniques are encouraged for use in parkway areas, which typically consists of drought tolerant, native type plants, trees and groundcover. Tract areas which back onto rights-of-way shall be landscaped as required by Subsection 9.75.040.E, "*Landscape Improvement Requirements*". Final landscape and irrigation plans shall be submitted and installed for each individual unit, prior to issuance of occupancy permits.
- P20. Prior to recordation of the final map, any phasing of the map shall be approved by the Planning Division.
- P21. In accordance with Code Section 9.28.050E2, a sixteen (16)-foot wide landscape easement is required along Esaws Avenue.
- P22. A noise study shall be required prior to the issuance of any building permit for those single family residential lots along Central Road and Esaws Avenue to determine the appropriate sound attenuating measures necessary to ensure interior and exterior noise levels comply with Development Code standards.
- P23. The applicant/developer shall form a Home Owners Association (HOA) or annex into an assessment district to maintain the landscaping and lighting standards of the development, and any retention basin created.

#### **Engineering Division Conditions of Approval**

- EC1. Prior to issuance of a grading permit, a final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider retaining onsite drainage flows from a 100 year design storm. (Town Resolution 2000-50; Development Code 9.28.050.C, 9.28.100)
- EC2. Street improvement plans shall be submitted to the Town Engineer for review and approval.

- EC3. All interior streets shall be improved to Town standards with curb, gutter and street pavement. Minimum residential width of streets shall be thirty-six (36) feet curb to curb.
- EC4. All streets abutting the development shall be improved a minimum half-width of twenty-eight (28) feet with curb, gutter and sidewalk on the development side.
- EC5. Central Road adjacent to the property shall be improved to the Town's half-width Major Divided Road standards.
- EC6. Esaws Avenue adjacent to the property shall be improved to the Town's half-width Secondary road standards.
- EC7. A seventy-two (72)-foot wide half-width road dedication along Central Road adjacent to the property shall be granted to the Town of Apple Valley prior to Final Map Approval.
- EC8. A forty-four (44)-foot wide half-width road dedication along Esaws Avenue adjacent to the property shall be granted to the Town of Apple Valley prior to Final Map Approval.
- EC9. During the grading of the roads, soils testing of the road subgrades by a qualified soils engineering firm shall be performed to determine appropriate structural road section. Minimum asphalt concrete thickness for all streets shall be 0.25 ft.
- EC10. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC11. Final improvement plans and profiles shall indicate the location of any existing utility which would affect construction and shall provide for its relocation at no cost to the Town.
- EC12. A final grading plan shall be submitted to the Town Engineer prior to issuance of a grading permit for review and approval. A grading permit shall not be issued until street improvement plans have been submitted to the Town Engineer for review and substantial completion of the street plans has been attained as determined by the Town Engineer.
- EC13. The developer shall form or annex into an assessment district to provide for the ongoing maintenance areas along Central Road, Esaws Avenue, and all retention basins and channels.
- EC14. Street lights shall be required and shall conform to Town's standards for such. The developer shall form or annex into an assessment district to provide for the ongoing maintenance of the street lights.
- EC15. Prior to Town acceptance of the Final Map, Subdivider shall present evidence to the Town Engineer that he has made a reasonable effort to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
- EC16. Utility lines shall be placed underground in accordance with the requirements of the Town.

- EC17. Traffic impact fees adopted by the Town (Ordinance No. 42) shall be paid by the developer.
- EC18. Any developer fees including but not limited to drainage fees shall be paid by the developer as per Town enactment.
- EC19. Any required street striping shall be thermoplastic as approved by the Town Engineer.
- EC20. Grading and drainage parameters shall be in compliance with the Building Code. The developer shall provide landscaping of these basins subject to the approval of the Town and shall form an assessment district to provide for the on-going maintenance of these basins. The developer shall pay for all costs relating to establishment of the district.
- EC21. The developer shall be required to notify future homeowners, in writing, that the homes are located within the Landscape and Lighting Assessment District for the maintenance of drainage, landscaping, fencing and other similar improvements and that an annual landscaping maintenance charge will be levied.
- EC22. Where feasible, retention/detention basins shall be designed as dual use facilities (it is anticipated that the majority of the dual use will be for recreation purposes).
- EC23. Retention/detention basins greater than one (1) acre in size shall not be greater than eight (8) feet in depth (unless otherwise approved by the Planning Commission).
- EC24. The sides of any retention/detention basins shall be 4:1 or flatter slopes.
- EC25. The retention basins shall include dry wells to help facilitate the rapid removal of storm water.
- EC26. The channel along Central Road shall be design to include an outlet structure or box culvert at Esaws Road.
- EC27. A seventy (70)-foot wide drainage easement shall be dedicated to the Town of Apple Valley along Central Road for the drainage Channel.
- EC28. In the event that an applicant/developer chooses to seek Council approval of the Final Map prior to completion of the required improvements, an "Agreement for Construction of Improvements" shall be required. In accordance with the California Labor Code, any such Agreement will contain a statement advising the developer that certain types of improvements will constitute a public project as defined in California Labor Code, Sections 1720, and following, and shall be performed as a public work, including, without limitation, compliance with all prevailing wage requirements.
- EC29. All street names shall be approved by the Town and such approval shall be coordinated through the Town Engineer.
- EC30. A Class 1 Bike Path shall be constructed along Central Road adjacent to the project boundary.

**Public Works Division Conditions of Approval**

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

**Apple Valley Fire Protection District Conditions of Approval**

FD1. The above referenced project is protected by the Apple Valley Fire Protection District. Prior to construction occurring on any parcel, the owner shall contact the Fire District for verification of current fire protection development requirements.

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

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

FD4. Fire lanes shall be provided with a minimum width of twenty-six (26) feet, maintained, and identified.

Apple Valley Fire Protection District Ordinance 52

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

FD6. Turning radius on all roads within the facility shall not be less than twenty-two (22) feet inside and minimum of forty (40) feet outside turning radius with no parking on street, or forty-seven (47) feet with parking. Road grades shall not exceed twelve percent (12%) unless approved by the Chief.

Apple Valley Fire Protection District Ordinance 52

FD7. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

FD8. New dwelling addresses shall be posted with a minimum of 4-inch numbers visible from the street, and during the hours of darkness the numbers shall be internally illuminated. Where building setbacks exceed seventy-five (75) feet from the roadway, additional contrasting four (4)-inch numbers shall be displayed at the property entrance.

FD9. Plans for fire protection systems designed to meet the fire flow requirements specified in the Conditions of Approval for this project shall be submitted to and approved by the Apple Valley Fire Protection District and water purveyor prior to the installation of said systems.



- A. Unless otherwise approved by the Fire Chief, on-site fire protection water systems shall be designed to be looped and fed from two (2) remote points.
  
- B. System Standards:
  - \*Fire Flow            500 GPM @ 20 psi Residual Pressure on 8" minimum water main size..
  - Duration                1            Hour
  - Hydrant Spacing    660 Feet

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

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

- FD10. A letter shall be furnished to the Fire District from the water purveyor stating that the required fire flow for the project can be met prior to the Formal Development Review Committee meeting.
  
- FD11. Apple Valley Fire Protection District Final Subdivision/Tract/Development fees shall be paid to the Fire District prior to final map acceptance according to the current Apple Valley Fire Protection District Fee Ordinance.
  
- FD12. The developer shall submit a map showing complete street names within the development, to be approved by the Fire District prior to final map.
  
- FD13. A Knox Box Rapid Entry System shall be required at all gated ingress/egress points within this project.

Apple Valley Fire Protection District Ordinance 52

**END OF CONDITIONS**





**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 State CEQA Guidelines.

**PROJECT INFORMATION**

1. **Project title:** Tentative Tract Map No. 18914
2. **Lead agency name and address:** Town of Apple Valley  
Planning Division  
14955 Dale Evans Parkway  
Apple Valley, CA 92307
3. **Contact person/ phone number:** Douglas Fenn, Senior Planner 760-240-7000 Ext 7207
4. **Applicant's name and address:** United Engineering Group  
10602 Trademark Pkwy. Suite 509  
Rancho Cucamonga, Ca. 91730
5. **Project location and Assessor's Parcel Number:** The project is located at the southeast corner of the Central Road and Esaws Avenue. APN: 0439-022-65.
6. **Description of project:** This project is a request for approval of a Tentative Tract Map to subdivide fifty-nine (59) gross acres into eighty-seven (87) single-family residential lots.

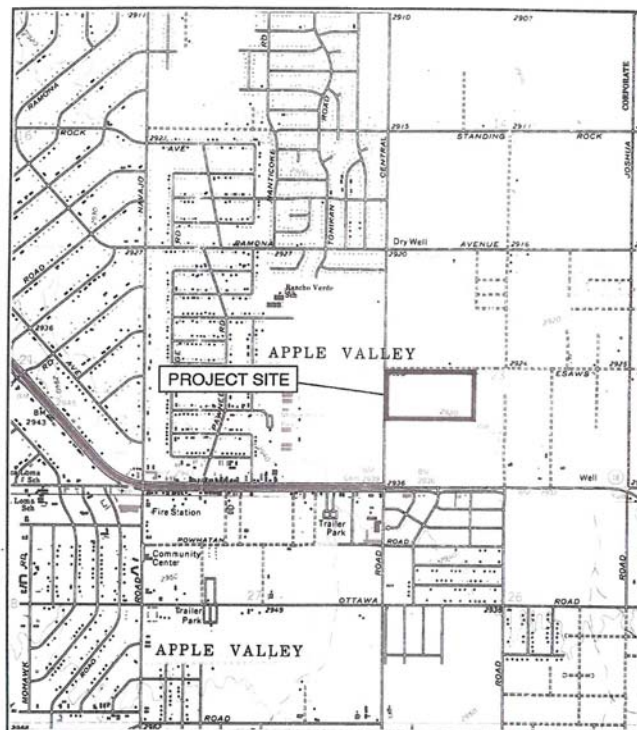



FIGURE 2  
PROPERTY LOCATION  
(TMM 18914, Apple Valley, CA)  
(Source: USGS Apple Valley, CA Quad., 1971)



**ENVIRONMENTAL/EXISTING SITE CONDITIONS**

**Project Setting**

The project site is located at the southeast corner of the Central Road and Eswas Avenue and can be found on the Apple Valley North USGS 7.5 minute at the southwest Quarter of Section 23 (twenty-three) quadrangle map. The site is a vacant parcel and consists of minimal desert vegetation. The property is adjacent to vacant land on the north, east, south and west side of the property. At the northeast corner section of the property is the Granite Hills High School. Directly at the northwest corner of the subject site is an existing single-family subdivision.

	<b>TOWN OF APPLE VALLEY GENERAL PLAN DESIGNATION</b>	<b>TOWN OF APPLE VALLEY ZONING DISTRICT</b>	<b>EXISTING LAND USE</b>
Site	Single-Family Residential (R-SF)	Single-Family Residential (R-SF) and Equestrian Residential (R-EQ)	Vacant
North	Single-Family Residential (R-SF) and Public Facility (P-F)	Equestrian Residential (R-EQ) and Public Facilities (P-F)	Vacant and Granite Hills High School
South	General Commercial (C-G)	General Commercial (C-G)	Vacant
East	Single-Family Residential (R-SF)	Equestrian Residential (R-EQ)	Vacant
West	Medium Density Residential (R-M) and General Commercial (C-G)	Multiple-Family Residential (R-M) and General Commercial (C-G)	Vacant

**Project Characteristics**

The proposed map is located within the Single-Family Residential and Equestrian Residential land use designations located at the southeast corner of Central Road and Eswas Avenue. Project site is approximately fifty-nine (59) acres in size. The existing topography is relatively flat with a slight slope from the southwest to the northeast. There is evidence of relatively small runoff flows, in the form of sheet flow, within the project area. However, there are no blue lines on the subject site. The map proposes 87 residential lots, 7 lettered lots, internal public streets with a density of 1.98 dwelling units per acre.

**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.

\_\_\_\_\_  
Douglas Fenn  
Senior Planner

September 22, 2015  
Date

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

September 22, 2015  
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:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

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

- a. **Less Than Significant Impact.** The Town of Apple Valley’s General Plan recognizes the protection of local scenic resources as necessary for maintaining the overall livability and aesthetic qualities of the Town, and identifies the surrounding knolls, hills, and natural desert environment as important natural resources that should be preserved as Open Space. The proposed project is not located within a Scenic Corridor and will not have a substantial adverse effect on a scenic vista as there are none identified within the vicinity of the project site that would be affected by development of the site.
- b. **No Impact.** The proposed project will not substantially damage scenic resources, including, but not limited, trees, rock outcroppings, and historic buildings within a state scenic highway, because the site is not adjacent to a state scenic highway, and there are no rock outcroppings or historic buildings on the site.
- c. **Less Than Significant Impact.** The existing residential development at the northwest corner of the site is similar to what is proposed, therefore, the project will not substantially degrade the existing visual character.
- d. **Less Than Significant Impact.** While implementation of the proposed project is expected to result in increased light and glare in comparison with the existing undeveloped nature of the project site, the introduction of light and glare associated with residential uses would be similar to that already generated by the Granite Hills High School located to the north of the site and the single-family residential subdivision northeast of the subject site. Additionally, the proposed project would be required to adhere to Town standards related to development, including lighting standards contained in the Town’s Development Code, Chapter 9.70 Performance Standards, Section H, Light and Glare and Town of Apple Valley Dark Sky Policy. Compliance with Town requirements including the Development Code and the Town’s design review would reduce the impact of the light sources to off-site locations to a less than significant level.

**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:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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 type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>

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

a-b. **No Impact.** The subject property is not identified or designated as Prime Farmland, Unique Farmland, or Farmland of Statewide importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. There are no agricultural uses on the site.

c-d. **No Impact.** The site does not contain forest land as defined in Public Resources Code section 12220(g) or timberland as defined in Gov't Code section 51104(g).

e. **No Impact.** The subject property is not identified or designated as Prime Farmland, Unique Farmland, or Farmland of Statewide importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. There are no agricultural uses on the site.

**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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input 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 checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input type="checkbox"/> |

**SUBSTANTIATION:**

- a. **Less Than Significant Impact.** Basin-wide air pollution levels are administered by the Mojave Desert Air Quality Management District (MDAQMD). The 2004 Ozone Attainment Plan provides a program for obtaining attainment status for ozone based on existing and future air pollution emissions resulting from employment and residential growth projections. The project site has been planned for residential development. The proposed on-site uses have been included in growth projections for the Town of Apple Valley, which were subsequently used as input in the formulation of the approved Ozone Attainment Plan. Therefore, the proposed project is consistent with the MDAQMP and would not hinder implementation of its programs.
- b. **Less Than Significant Impact with Mitigation.** The project site is located within the Mojave Desert Air Basin (MDAB). Air quality regulations in the MDAB is administered by the MDAQMD. The MDAB is designated as a nonattainment area for both Federal and State ozone and PM10 standards. The MDAB is in attainment with all other criteria pollutants for both Federal and State standards.

Air pollutant emissions associated with the project would occur over the short term from construction activities. There would be long term regional emissions associated with project related vehicle trips. Although the proposed project area air pollutant sources are below the MDAQMD daily emissions thresholds, implementation of Mitigation Measures AIR-1 through AIR-5 would further reduce the area source air pollutant emissions generated by the proposed project. The project-related traffic would not result in any Federal or State CO standards being exceeded, such that no significant impact on local CO levels would occur. Emissions projections used to establish MDAQMD attainment objectives reflect adopted regional and local land use plans. Therefore, the emissions associated with the proposed project are expected to be within the amounts already accounted for in the Mojave Desert Air Quality Management Plan (AQMP).

In addition, the proposed project is required to comply with regional rules that assist in reducing short-term air pollutant emissions. MDAQMD Rule 403 requires that fugitive dust be controlled so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. The project is also required to comply with MDAQMD Rule 1113, which limits the quantity of volatile organic compounds (VOC) in architectural coatings. With implementation of Mitigation Measures AIR-1 through AIR-5, the development of the proposed project would not violate any air quality standards or contribute substantially to an existing or project air quality violation, resulting in a less than significant impact. Applicable Rule 403 Measures:

1. A person shall not cause or allow the emissions of fugitive dust from any transport, handling, construction or storage activity so that the presence of such dust remains visible in the atmosphere beyond the property line of the emission source. (Does not apply to emissions emanating from unpaved roadways open to public travel or farm roads. This exclusion shall not apply to industrial or commercial facilities.)
2. A person shall take every reasonable precaution to minimize fugitive dust emissions from wrecking, excavation, grading, clearing of land, and solid waste disposal operations.
3. A person shall not cause or allow particulate matter to exceed 100 micrograms per cubic meter when determined as the difference between upwind and downwind samples collected on high volume samplers at the property line for a minimum of five hours.
4. A person shall take every reasonable precaution to prevent visible particulate matter from being deposited upon public roadways as a direct result of their operations. Reasonable precautions shall include, but are not limited to, the removal of any matter from equipment prior to movement on paved streets or the prompt removal of any material from paved streets onto which such material has been deposited.
5. Subsections a) and c) shall not be applicable when the wind speed instantaneously exceeds 40 kilometers (25 miles) per hour, or when the average wind speed is greater than 24 kilometers (15 miles) per hour. The average wind speed determination shall be on a 15-minute average at the nearest official air monitoring station or by wind instrument located at the site being checked.

#### **Mitigation Measures**

**AIR-1** The construction contractor shall select the construction equipment used on site based on low emission factors and high energy efficiency. The construction contractor shall ensure that construction grading plans include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturer's specifications.

**AIR-2** The construction contractor shall utilize electric- or diesel-powered equipment in lieu of gasoline-powered engines where feasible.

**AIR-3** The construction contractor shall ensure that construction grading plans include a statement that work crews will shut off equipment when not in use.

**AIR-4** The construction contractor shall time the construction activities so as not to interfere with peak-hour traffic and to minimize obstruction of through traffic lanes adjacent to the site; if necessary, a flag person shall be retained to maintain safety adjacent to existing roadways.

**AIR-5** The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.

- c. **Less than Significant Impact.** Air pollution emissions would be produced during the construction phase of the project. The Mojave Desert Air Basin (MDAB) is in non-attainment for PM10, PM2.5, and ozone at the present time. The EPA has classified the portion of the MDAB in which the project is located as moderate non-attainment for the eight hour ozone standard, non-attainment for the Federal and State PM10 standards, and non-attainment for the State PM2.5 standards. The Mojave Desert Air Quality Management District (MDAQMD) maintains ambient air quality monitoring stations throughout its portion of the MDAB. The air quality monitoring stations within the MDAB closest to the site are the Victorville Station and the Hesperia Station. These stations over the past three years have detected ozone levels that often exceed the State (one-hour) and Federal (eight hour standards). PM10 and PM2.5 levels never exceeded the Federal 24-hour and annual standards and rarely exceeded the State 24-hour annual standards during the past three years. CEQA defines a cumulative impact as two or more individual effects that together are considerable or that compound or increase other environmental impacts. Fugitive dust and pollutant emissions may be generated during the construction and operational phases of the proposed project. However, implementation of the recommended Mitigation Measures AIR-1 through AIR-5 would ensure that the proposed project would have a less than significant impact on air quality. Because impacts would be reduced to less than significant levels with mitigation, the proposed project would not incrementally contribute to potential cumulative impacts related to these issues. The emissions

associated with the proposed project are expected to be within the amounts already accounted for in the MDAB AQAP, as addressed within IIIa.

The Final Environmental Impact Report (FEIR) prepared for the Town’s General Plan identified that potential air quality impacts resulting from implementation of the General Plan would be significant and that there are no mitigation measure available to reduce this impact to less than significant levels. Although the project related emission associated with the project would cumulatively contribute to air quality emission, the impacts would not be more significant than that which were identified in the General Plan FEIR. No new significant air quality impact related to the project will result from the development of the proposed residential uses.

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

- d. **Less Than Significant Impact.** Sensitive receptors located within the vicinity of the proposed project include the Granite Hills High School and single-family residents at the northwest corner of the subject site. On-site grading and construction activities would likely generate temporarily increased levels of particulates and emissions from construction equipment. However, because those emissions created by the proposed project would not exceed State thresholds, the identified sensitive receptors would not be exposed to substantial pollutant concentrations.
- e. **Less Than Significant Impact.** During construction, the various diesel-powered vehicles and equipment in use on the site would create odors. Additionally, the application of architectural coatings and installation of asphalt may generate odors. These odors are temporary and not likely to be noticeable beyond the project boundaries. MDAQMD standards regarding the application of architectural coatings (Rule 1113) and the installation of asphalt surfaces are sufficient to reduce temporary odor impacts to a less than significant level.

Long-term objectionable odors are not expected to occur at the proposed project site. Activities conducted at the proposed project will include typical residential activities and will not generate substantial objectionable odors. Therefore, impacts related to creation of objectionable odors affecting substantial numbers of people are expected to be less than significant.

**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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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?
- 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?

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. **Less than Significant Impact.** The property consists of non disturbed native vegetation (primarily salt brush and creosote). The only evidence of human activity is from vehicular trails on the subject site. Due to the potential for Burrowing Owls, a Burrowing Owl updated Survey, dated July 8, 2015, and was submitted for analysis. The survey found no active bird nests or features that potentially are occupied by Burrowing Owls. It also reconfirmed from the July 29, 2013 General Biological Resources assessment that there was no evidence of sighting of desert tortoise and Mojave ground squirrel. The updated study also identified some of the commons plants in the area such as; salt brush, creosote bush, buckwheat, and yellow-green match-weed were located on the sight. Jack rabbit and the common raven were observed on the property. Some of the other animals and fowl that occur in the area are mourning dove, coyote, and California ground squirrel. The report identified that the loss of vegetation significant impact on the overall biological resources given the presence of similar habitat throughout the surrounding region. The wildlife on the site is somewhat limited, and the proposed residential project will generate minimal impact's wildlife species known to occur in the area.

Nevertheless, a qualified biologist shall perform a 30-day pre-construction survey for Burrowing Owls and Desert Tortoise prior to any land disturbance. The survey shall be consistent with the protocol established by the California Department of Fish and Wildlife at the time the survey is proposed. Should the species be identified, the biologist shall recommend avoidance or relocation measures to ensure that there is no impact to the species and clearance from the California Department of Fish and Wildlife (CDFW) must be obtained for any permits necessary.

**BIO-1** Contact the CDFW, to see if they require that a pre-construction survey 30-days (or less) must be conducted prior to the start of future construction activities. This survey may be and if the burrowing owl is determined to be present on the proposed project site, mitigation measures would include either passive or active relocation. Passive relocation involves excluding the burrowing owl from burrows within the construction limits. Active relocation involves the capture and relocation of the owl. Any mitigation measures will require consultation with California Department of Fish and Wildlife (CDFW).

**BIO-2** If tortoises are observed on the property prior or during construction activities, the CDFW and United State Fish Wildlife Service (USFWS) should be contacted to obtain a 2081 Incidental Take Permit that the site developer will be required to obtain and present to the Town prior to being issued a grading permit for the project site.

- b. **No Impact.** Riparian habitat includes willows, mule fat and other vegetation typically associated with the banks of a stream. No riparian habitat exists on the site. In addition there are no other sensitive natural communities or habitat present on the site. Therefore, no impacts associated with this will occur.
- c. **No impact.** The project site does not contain any drainage features under the jurisdiction of the U.S. Army Corp of Engineer, or other federal agencies. therefore, implementation of the project will not result in an impact associate with federal protected wetlands.
- d. **Less than Significant Impact.** The proposed project will not have any adverse effect on the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors as the area is not identified as a protected path for the native residents or migratory fish or wildlife species.

- e. **Less than Significant Impact.** This project will not conflict with any local policies or ordinances protecting biological resources, because there are no identified biological resources on site that are subject to such regulation. Therefore, the impacts are less than significant.
- f. **Less than Significant Impact.** Areas of valuable habitat that support special status species are illustrated in the Biological Resources Study in Appendix B of the 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 project 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:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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 checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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. **Less than Significant Impact.** There are no historical or any structures on the property.
- b. **Less than Significant Impact with Mitigation.** The General Plan FEIR indicates that based on the findings of the Cultural Resources Survey, the areas within five (5) miles of the Mojave River and is outside sensitive area boundary for both prehistoric and historic period cultural resources, including potential for subsurface archaeological deposits. The project site is five (5) miles east of the Mojave River and is not located in an area identified as elevated sensitivity for cultural resources as shown in Exhibit III-4 of the General Plan FEIR. Nevertheless, A Cultural Resources Assessment study was conducted by BCR Consulting, LLC and concluded that, "no additional cultural resource work or monitoring is necessary for any earthmoving proposed within the subject property."
- c. **No Impact.** The project site is located in an area identified as a low sensitive for paleontological resources as shown in Exhibit III-5 of the General Plan FEIR. Impacts associated with this issue are considered less than significant.
- 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:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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 checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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-iv) **Less than Significant Impact.** The site is not located within the boundaries of an earthquake fault zone for fault rupture hazard as defined by the Alquist-Priolo fault Zoning Act. The closest mapped fault is the Helendale Fault. The Mojave Desert is a seismically active region; however, safety provisions identified in the Uniform Building Code shall be required when development occurs, which would reduce potential ground shaking hazards to a less than a significant level. The project site is not within a known area which may be susceptible to the effects of liquefaction, and no hills or mountains surround the site that would subject future development to landslides or rock falls.

- b. **Less than Significant Impact.** The proposed project 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 1.0 acre or more are required to obtain a National Pollutant Discharge Elimination System (NPDES) permit issued by the Regional Water Quality Control Board (RWQCB). The project’s construction contractor will be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) that identifies Best Management Practices (BMPs) to limit the soil erosion during project constructions. Adherence during construction to provisions of the NPDES permit and applicable BMPs contained in the SWPPP will ensure that potential impacts related to this issue are less than significant.
- c. **Less than Significant Impact with Mitigation.** There are no dry ponds located on the property will be graded for residential development. Adherence to the UBC, CBC, and Town design and engineering standards ensures soil stabilization and compaction remain within Best Management Practices BMP's.
- d. **Less than Significant Impact.** Expansive (or shrink-swell) behavior is attributable to the water-holding capacity of clay minerals and can adversely affect the structural integrity of facilities including underground pipelines. The project site is located in an area identified as having Young Alluvial Fan and Valley Deposits – slightly to moderately consolidated silt, sandy, with gravel as shown in Exhibit VI-1 and V1-1A of the General Plan FEIR. This type of soil exhibits a low potential for expansion, based on their general lack of significant clay content. Accordingly, no significant impacts related to expansive soils are anticipated from implementation of the proposed project.
- e. **No Impact.** The project will connect to sanitary sewer system. Because septic tanks or alternative wastewater disposal systems; will not be used no impacts will occur.

**VII. GREENHOUSE GAS EMISSIONS**

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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 checked="" type="checkbox"/>	<input 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. Implementation of mitigation measures, including but not limited to those set forth for this project, can be effective in reducing air quality impacts by providing alternative transportation options, increasing the use of green building design and technologies into planned future and remodeled facilities, and incorporating the use of alternative energy sources both locally and regionally through individual and region wide solar roof installation projects and region-wide wind farm development, among other possible programs. These measures will not only reduce emissions of criteria pollutants, but will also reduce emissions associated with the formation of greenhouse gases. The project applicant shall follow applicable greenhouse gas regulations and quantification protocols. A detailed description of each of the greenhouse gases and their global warming potential are provided in *Air Quality* of the General Plan FEIR.
- b. **Less than Significant Impact with Mitigation.** The proposed project would not conflict with the provisions of any adopted, applicable plan, policy or regulation. On July 13, 2010, the Town adopted a Climate Action Plan (“CAP”) that 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. The Plan includes reduction strategies to achieve 1990



levels by including an emissions inventory. The Plan achieves emission targets that apply at reasonable intervals throughout the life of the plan, enforceable GHG control measures, monitoring and reporting, and mechanisms to allow for the revision of the plan, if necessary. The goal of the CAP is to reduce greenhouse gas emissions within the Town's control and to achieve the emission reduction goals required by AB 32. Therefore, the applicant will be required to implement the following mitigation measures:

**GH-1:** During project construction, on-site off-road construction equipment shall utilize biodiesel fuel (a minimum of B20), except for equipment where use of biodiesel fuel would void the equipment warranty. The applicant shall provide documentation to the Town that verifies that certain pieces of equipment are exempt, a supply of biodiesel has been secured, and that the construction contractor is aware that the use of biodiesel is required. As a conservative measure, no reduction in GHG emissions was taken for the implementation of this measure as it is unknown if biodiesel can be readily applied to the various pieces of construction equipment that will be necessary for the project.

**GH-2:** Building and site plan designs shall ensure that the project energy efficiencies surpass applicable 2008 California title 24 Energy Efficiency Standards and comply with the Green Building Code. Verification of increased energy efficiencies shall be documented in Title 24 compliance Reports provided by the applicant, and reviewed and approved by the Town prior to the issuance of the first building permit. Any combination of the following design features, or additional features may be used to fulfill this measure:

- Buildings shall exceed California Title 24 Energy Efficiency performance standards for water heating and space heating and cooling.
- Increase insulation such that that heat transfer and thermal bridging is minimized.
- Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption.
- Incorporate dual-paned or other energy efficient windows.
- Incorporate energy efficient space heating and cooling equipment.
- Promote building design that will incorporate solar control in an effort to minimize direct sunlight upon windows. A combination of design features including roof eaves, recessed windows, "eyebrow" shades, and shade trees shall be considered.
- Interior and exterior energy efficient lighting, which exceeds the California Title 24 Energy Efficiency performance standards, shall be installed, as deemed acceptable by Town. Automatic devices to turn off lights when they are not needed shall be implemented.
- To the extent that they are compatible with landscaping guidelines established by the town, shade-producing trees, particularly those that shade paved surfaces such as street and parking lots and buildings shall be planted at the Project site.
- Paint and surface color palette for the project shall emphasize light and off-white colors, which will reflect heat away from the building. How is this compatible to our desert color theme?
- Consideration shall be given to using LED lighting for all outdoor uses (i.e. buildings, pathways, landscaping and carports).

**GH-3:** To reduce energy demand with potable water conveyance:

- Landscaping palette emphasizing drought tolerant plants and exceeding Town standards for water conservation.
- Limit turf areas to no more than (20%) of all landscaped areas (Non Sport Turf Areas)
- Use of water-efficient irrigation techniques exceeding Town standards for water conservation.
- U.S. EPA Certified Water Sense labeled or equivalent faucets, high-efficiency toilets (HETs), and water conserving showerheads.

**GH-4:** Install Energy Star appliances and energy efficient fixtures.

**GH-5:** Install all CFL or LED light bulbs.

**GH-6:** Install solar panels sufficient to heat water within the project.

**GH-7:** Install solar or photovoltaic systems on new roofs.

**GH-8:** Use bio-gas in appropriate applications.

**GH-9:** Provide educational information to residents addressing energy efficiency, solid waste reduction, and water conservation measures.

*Source:* Town of Apple Valley, Climate Action Plan

**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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:**

a-b. **Less than Significant Impact.** The proposed project consists of the construction of residential properties. This land use will not involve the production, storage, or distribution of hazardous substances except normally occurring household hazardous wastes (such as cleaning products and paints). The range of land use activities proposed on the

project site would not allow for the use, storage, disposal, or transport of large volumes of toxic, flammable, explosive, or otherwise hazardous materials that could cause serious environmental damage in the event of an accident. The potential impact associated with the routine transport, use, or disposal of hazardous materials in a residential setting is a less than significant impact.

- c. Less than Significant Impact. There is the existing Granite Hills High School to the northeast and of the proposed project site. The proposed development includes only residential dwelling units, which do not emit hazardous emissions or handle hazardous materials, the impacts associated with this issue are considered to be less than significant.
- 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. No Impact. The proposed project is not located within the land use plan of Apple Valley Airport. Therefore, development of the proposed project will not result in an airport safety hazard to persons residing in the project area.
- f. No Impact. The project is not located within the vicinity of a private airstrip or heliport. There are no impacts associated with this issue.
- g. Less than Significant Impact. Implementation of the proposed project will increase the number of residential dwelling units within the Town. Development of the proposed project will generate an increase in the amount and volume of traffic on local and regional networks. The developers of the proposed 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. 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. Adherence to these measures will reduce potential impacts related to this issue to a less than significant level.
- h. Less than Significant 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. Development of the proposed residential project will not expose persons or property to increased wildland fire risks. As such, impacts associated with this issue are less than significant.

**IX. HYDROLOGY AND WATER QUALITY**

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) Otherwise substantially degrade water quality?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input 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. **Less than Significant Impact.** The proposed project 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 during the life of a project.

On-site grading activities associated with the construction period will require the movement of on-site 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. The proposed residential uses may incrementally increase the potential for storm runoff. In addition, the proposed project will modify the quality, quantity, and absorption rate of the project site's runoff due to the development of buildings, parking lots, and driveways. These new impervious surfaces may contribute to the degradation of water quality in storm flows through carrying runoff from areas tainted by sediment, petroleum products, and/or other contaminants.

The project site is larger than one acre and, therefore, is required to comply with the National Pollutant Discharge Elimination System (NPDES) to minimize water pollution. The Town's NPDES permit establishes measures that sufficiently mitigate potential impacts associated with construction-related discharge. Development in the Town of Apple Valley is subject to the State of California's General Construction Permit under the NPDES. The Permit requires that any development proposal that would disturb more than one acre is required to file a Notice of Intent (NOI) and prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) prior to implementation of grading or other soil-disturbing activities. In addition to the preparation of an SWPPP, the developer will be required to submit a project specific

Water Quality Management Plan (WQMP). The WQMP will identify measures to treat and/or limit the post-construction entry of contaminants into storm flows. The WQMP is required to be incorporated by reference or

attached to the project's SWPPP as the Post-Construction Management Plan. Adherence to standard requirements, including obtaining an NPDES permit and the preparation of the SWPPP and WQMP, and Town runoff conveyance standards, will reduce potential water quality impacts to a less than significant level. Permits are administered by the State Water Resources Contract Board (SWRCB) through the required Lahontan RWQCB.

b. **Less than Significant Impact.** The proposed project would not entail the use of groundwater and, thereby would not deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a deficit in aquifer volume or a lowering of the local groundwater table level.

c-e. **Less than Significant Impact.** The existing topography is relatively flat with a slight slope from the southwest to the northeast. There is evidence of relatively small runoff flows, in the form of sheet flow, within the project area. However, there are no blue lines on the subject site. The Town of Apple Valley Master Plan of Drainage includes creating a seventy (70)-foot wide storm channel along the westerly side of the property adjacent to Central Road. Additionally, six (6) supplemental basins will be constructed along the north end of the project to capture storm runoff from the south, and from the property as it would naturally flow to the northern retention basins. For these reasons, impacts associated with drainage patterns of the project site are considered less than significant.

f. **Less than Significant Impact.** Grading activities associated with the construction could result in temporary increase in the amount of suspended solids in surface flows during a concurrent storm event, thus resulting in surface water quality impacts. The site is more than one (1) acre; therefore, is required to comply National Pollution Discharge Elimination System (NPDES) to minimize water pollution. The General Construction permit requires recipients to reduce or eliminate non-storm water discharges into storm water systems, and to develop and implement a Storm Water Pollution Prevention Plan (SWPPP).

Prior to issuance of grading permits, the applicant is required to submit a Notice of Intent (NOI) to the Town Engineer to comply with obtaining coverage under the NPDES General Construction Storm Water Permit from the SWRCB. Evidence that this has been obtained (i.e., a copy of the Waste Dischargers Identification Number) must be submitted to the Town Engineer for coverage under the NPDES General Construction Permit. Implementation of requirements set forth by the Town of Apple Valley would ensure impacts to water quality are reduced to a less than significant level.

g-h. **No Impact.** The project site is not located within a 100 or 500 year flood hazard area as mapped on Firm Panel No. 5845 dated August 28, 2008. No impacts related to this issue are anticipated to occur.

*Source:* FEMA Flood Insurance Rate Map and Flood Boundary Map (Zone D Panel #5845 of 9400). Aug, 2008

i-j. **No Impact.** No levees, dams or large bodies of water are located near the 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:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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 type="checkbox"/>	<input checked="" type="checkbox"/>

- c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

SUBSTANTIATION:

- a-b. **No Impact.** The project is designated and zoned as Single-Family Residential and Equestrian Residential. Therefore, single-family residential land use development is anticipated and planned for the area. As designed, the project does not create any physical divide an established community and the project is consistent with goals and policies of Apple Valley's General Plan criteria for single-family development.
- c. **Less than Significant Impact.** Since the proposed project is not located within a habitat conservation plan or natural community conservation plan, therefore, no land use conflict would occur.

**XI. MINERAL RESOURCES**

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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?

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?

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. **Less than Significant Impact.** The project will be exposed to noise from Central Road and Eswas Avenue. Town’s General Plan specifies an exterior noise standard of 65 CNEL and an interior noise standard of 45 dB CNEL for new development. Any single-family development within the project area process must demonstrate in the plan check process compliance with General Plan noise standards. Short-term noise increases from the proposed project would be generated during grading and construction activities. These activities would be short-term and would be subject to the construction activity restrictions in the Town Code. Construction of the proposed project would potentially result in noise levels exceeding the maximum noise level allowed at the closest residences. In addition, operational noise impacts would occur from traffic-related noise conditions in the vicinity of the project site. Traffic noise impacts would occur with operation of the proposed project that would create new vehicular traffic within the project site and expose on-site residential uses to traffic noise levels exceeding the exterior noise standard of 65 dBA CNEL and/or the interior noise standard of 45 dBA CNEL from traffic on Central Road and Eswas Avenue. With implementation of the identified mitigation measures, potential short-term construction and long-term operational noise impacts would be reduced to below a level of significance.

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

**Mitigation Measures**

**Short-Term Construction-Related Impacts.** The following measures would reduce short-term construction-related noise impacts associated with the proposed project:

- N-1 The construction contractor shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers’ standards.
- N-2 The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors to the west of the site.
- N-3 The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors to the west of the site during all project construction.
- N-4 All construction, maintenance, or demolition activities within the Town’s boundary shall be limited to the hours of 7:00 a.m.–7:00 p.m. of any working day Monday through Friday, and all construction, maintenance, or demolition activities shall be prohibited on Saturdays, Sundays and holidays. Exceptions to these standards may be granted by the Town Council.

**Traffic Noise Impacts.** The following mitigation measure would reduce long-term traffic noise impacts associated with the proposed project:

**Mitigation Measures**

N-5 A sound wall or sound wall and berm combination with an effective height of 6 feet above grade is required for the entire portion of the project along Central Road and Eswas Avenue.

- b. Less than Significant. 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. Less than Significant. The proposed project would generate new traffic, which has the potential to increase the ambient noise level in the project vicinity. With implementation of mitigation measure N-5, potential long-term noise impacts resulting from operation of the proposed project would be reduced to a less than significant impact.

- d. Less than Significant. The proposed project would temporarily increase ambient noise levels during the construction. With implementation of mitigation measures N-1 through N-4, potential short-term noise impacts resulting from the construction of the proposed project would be reduced to a less than significant level.
- 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:

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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 project site consists of the construction of eighty-seven (87) dwelling units. These new dwelling units would induce population growth to the area. The proposed project site is currently designated as Single-Family Residential and Equestrian Residential. The proposed residential uses meet 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 development of the project 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 substantial numbers of people or necessitate the need for construction of replacement housing elsewhere. No impact associated with this issue will occur.

**XIV. PUBLIC SERVICES**

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:

Potentially Significant	Less than Significant with	Less than Significant	No
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	Impact	Mitigation Incorp.	Impact	Impact
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 closest station is less than a 1,000 feet from the subject site and its proximate location will provide emergency services within the standard response times. However, as with any new development, the proposed project would increase the need for fire protection services. As a result, the developer for the construction of new homes will be required to pay applicable fire service fees prior to occupancy. The payment of fees satisfies the requirement for development impact fees, potential impacts would be reduced to less than significant level.

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

**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. Implementation of the proposed project will lead to the construction of 87 single-family residential dwelling units. Due to the anticipated residential growth and with the developer paying law enforcement facility impact fees the proposed project will not cause a substantial increase in demand on police resources.

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

**Schools – No Impact.** Implementation of the proposed project will lead to the construction of eighty-seven (87) senior residential dwelling units. Nevertheless, 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 – No Impact.** Implementation of the proposed project will lead to the construction of eighty-seven (87) senior residential dwelling units. The applicant for the construction of the new dwelling units proposed in the project is required to pay applicable impact fees prior to occupancy. The payment of fees satisfies the requirements for the development impacts on parks. With the payment of impact mitigation fees, potential impacts related to the provision of parks would be reduced to a less than significant level.

**Other Public Facilities – No Impact.** The development will not exceed demand that has been previously considered in The Town’s General Plan EIR.

**XV. RECREATION**

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Would the project increase the use of existing 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. **No Impact.** Implementation of the proposed project will lead to the construction of eight-seven (87) single-family residential dwelling units. About a mile southwest of the subject site is the James Woody recreational park. To the north of the subject site at the southeast corner of Central Road and Standing Rock is a site planned for a future park. Once this area of the Town has been developed with the planned single-family community, there should then be sufficient impact fees collected to develop the park. The developer for the construction of the new dwelling units proposed in the project is required to pay applicable impact fees prior to occupancy. The payment of fees satisfies the requirements for the development impacts on parks and recreational facilities. With the payment of impact mitigation fees, potential impacts related to the provision of park and recreational facilities would be reduced to a less than significant level. Therefore, no impact is anticipated.

**XVI. TRANSPORTATION/TRAFFIC**

Would the project:

- |   | Potentially Significant Impact | Less than Significant with Mitigation Incorp. | Less than Significant Impact        | No Impact                           |
|---|--------------------------------|---|-------------------------------------|-------------------------------------|
| 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 results 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 supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

SUBSTANTIATION:

- a. **Less than Significant Impact.** Access to the site will be provided from two (2) points of access via Esaws Avenue. The proposed project would increase the existing traffic load, as well as impact others within the vicinity of the project site. An traffic analysis was prepared by Translutions, on June 11, 2015 which assessed impacts for the total build out of the project. The study determined that the project would not degrade traffic operations below those acceptable with the Town's General Plan. The project also generates less than 250 peak hour trips, which puts it below the threshold of the San Bernardino Associated Governments SANBAG Congestion Management Program (CMP). The roadways adjacent to the development will be required to be improved to the Town's road standards and General Plan. The project requires payment of traffic impact fees to reduce regional traffic impacts. Therefore, there will be a less than significant impact.
- b. **Less than Significant Impact.** A traffic analysis was prepared by Translutions, which assessed traffic impacts for the total build out of the subject site. The roadways adjacent to the development will be required to be improved to the Town's road standards and is consistent with the Towns General Plan. The project requires payment of traffic impact fees to reduce regional traffic impacts. Therefore, there will be a less than significant impact.
- 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. **No Impact.** The project does not include the construction of any sharp curves. The new intersections to be created as part of the project align with existing roadways. As the project does not include the construction of any structure or feature that will create a substantial increase in hazards due to a design feature, no impacts are anticipated.
- e. **No Impact.** The project will be designed to provide access for all emergency vehicles and, therefore, will not create inadequate emergency access. Primary access would be provided via two (2) access points from Esaws Avenue. The Apple Valley Fire Protection District has reviewed the project for adequate emergency access and development requirements as conditions of approval. No impacts are anticipated.
- f. **No Impact.** At the time of development of the lots, the project is required to comply with the Development Code standards to meet parking capacity that includes a minimum two (2)-car enclosed garage for each residential dwelling unit with driveway access. Therefore, the project will not result in inadequate parking capacity and no impact will occur.  
**Source:** Town of Apple Valley Development Code, Off-Street Parking and Loading Regulations
- g. **No Impact.** The project design provides ample area for pedestrian access. The project does include the installation of pedestrian/bike trail along Central Road which encourages and support alternative transportation and would not interfere with any existing or proposed bus stops.

**XVII. UTILITIES AND SERVICE SYSTEMS**

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input 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. **Less than Significant Impact with Mitigation.** Under Section 402 of the Federal Clean Water Act (CWA), the Regional Water Quality Control Board (RWQCB) issues NPDES permits to regulate waste discharges to “waters of the U.S.” Waters of the U.S. include rivers, lakes, and their tributary waters. Waste discharges include discharges of stormwater and construction project discharges. A construction project resulting in the disturbance of more than one acre requires an NPDES permit. Construction project proponents are also required to prepare a Storm Water Pollution Prevention Plan (SWPPP). Prior to the issuance of building permits, the project applicant will be required to satisfy Victor Valley Wastewater Reclamation Authority (VWVRA) requirements related to the payment of fees and/or the provision of adequate wastewater facilities, as addressed in Mitigation Measure UTIL-1. Because the project will comply with the waste discharge prohibitions and water quality objectives established by the RWQCB, VWVRA, and the Town of Apple Valley, impacts related to this issue would be reduced to a less than significant level with implementation of Mitigation Measure UTIL-1.

**Mitigation Measure**

**UTIL-1** Prior to the issuance of building permits, the project applicant will be required to satisfy RWQCB and VWVRA requirements related to the payment of fees and/or the provision of adequate wastewater facilities.

b,e **Less than Significant Impact with Mitigation.** As previously discussed, wastewater treatment services to the project would be provided by the VWVRA. The VWVRA is a California Joint Powers Authority that owns and operates regional wastewater collection and treatment facilities which services the Victor Valley. The applicant for the construction of the new dwelling units proposed in the project is required to satisfy RWQCB and VWVRA payment of fees. The payment of fees satisfies the requirements for the development impact on wastewater treatment facilities. Implementation of Mitigation Measure UTIL-1 would ensure that impacts to wastewater facilities with the development of the proposed project would not result. For these reasons, impacts to wastewater treatment facilities would be less than significant. The proposed project water services are provided by Apple Valley Ranchos Water Company (AVRWC).

The proposed project would require installation of water mains and infrastructure to support the development of the proposed project. Implementation of Mitigation Measures UTIL-2 and UTIL-3 would ensure a less than significant impact would result to water services with development of the proposed project.

**Mitigation Measure**

**UTIL-2** Prior to issuance of occupancy permits, the project applicant shall be required to install water-conserving fixtures within each dwelling unit.

**UTIL-3** Prior to issuance of occupancy permits, the project applicant shall install water mains and required delivery infrastructure to supply the proposed project with water as approved by the Town.

- c. **Less than Significant Impact with Mitigation.** Development of the proposed project would result in an increase in the amount of impermeable surfaces and, therefore, an increase in surface runoff. The project would need to construct new storm water drainage facilities to handle this runoff. Potential impacts would be mitigated through proper site grading and constructing storm drainage systems. All development is required to comply with NPDES standards and established engineering design related to site drainage as determined by the Town Engineering Division. Implementation of Mitigation Measure UTIL-4 would result in a less than significant impact associated with storm water drainage issues.

**Mitigation Measure**

**UTIL-4** Prior to issuance of building permits, the project applicant shall construct storm drain facilities as approved by the Town Engineer.

- d. **Less than Significant Impact.** The site is currently within a Apple Valley Ranchos Water Company service area. A letter from the water agency indicating their ability to supply water to the development was received.
- f. **Less than Significant Impact.** The Town of Apple Valley’s contractor for trash and recycling pickup is Burrtec Waste Industries, Inc. Solid waste from the proposed project would be transported to the Victorville Regional Landfill. The estimated closure date for this facility is October 1, 2047. Development of the proposed project will not significantly impact current operations or the expected lifetime of the landfill. On-site uses will be required to comply with the Town and State waste reduction and recycling standards. For these reasons, plus adherence to existing local, State, and Federal solid waste requirements, potential impacts associated with landfill capacity would be reduced to a less than significant level.
- g. **Less than Significant Impact.** The proposed project will be required to comply with applicable elements of AB 1327, Chapter 18 (California Solid Waste Reuse and Recycling Access Act of 1991) and other applicable local, State, and Federal solid waste disposal standards. For these reasons, impacts associated with solid waste regulatory compliance are considered to be less than significant.

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE**

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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 checked="" type="checkbox"/>	<input 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 with Mitigation.** The site is vacant and surrounded by Granite Hills High School and Single-Family residential property to the north, Equestrian Residential property to the east, General Commercial to the south and Multiple-Family Residential and General Commercial properties to the west. Based upon the submitted Biological Survey, there are no species of special concern; however, a pre-construction survey shall be conducted prior to land clearing to ensure the special status species have not moved on to the site since the July 2015 date of the Biological Survey. Any future development shall be required to meet and/or exceed the Town’s adopted development standards to minimize any potential impacts to biological resources. The project is not anticipated to have the potential to degrade the quality of the environment, substantially reduce the habitat or 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.
- b. **Less than Significant Impact.** With implementation of mitigation contained in this Initial Study, environmental impacts associated with the project will be reduced to a less than significant level; therefore, the proposed project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- c. **Less than Significant Impact.** The proposed project site is designated for residential uses. While development of the proposed project would generate fugitive dust and pollutant emissions during construction, it would not result in any significant operational air quality impacts. Thus, it is not anticipated that these additional emissions would result in significant cumulative air quality impacts. Impacts related to cultural resources, geology and soils, hazards, green house gas, noise, public services are similarly reduced to a less than significant level through the implementation of mitigation measures and the adherence to established Town-mandated standards. There are no projects that, in combination with the proposed project would create a cumulatively considerable impact over and above those identified in this Initial Study. The potential cumulative impacts associated with development of the proposed project are, therefore, less than significant.
- d. **Less than Significant Impact.** As identified in this Initial Study, it was determined that the significance of environmental impacts associated with new development resulting from the proposed project were either no impact, less than significant impact, or less than significant impact with mitigation incorporated. For all topics, the project would not produce a significant effect on the environment. Correspondingly, the project 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.

**XIX. MITIGATION MEASURES**

**Air Quality**

**AIR-1** The construction contractor shall select the construction equipment used on site based on low emission factors and high energy efficiency. The construction contractor shall ensure that construction grading plans include a

statement that all construction equipment will be tuned and maintained in accordance with the manufacturer's specifications.

- AIR-2** The construction contractor shall utilize electric- or diesel-powered equipment in lieu of gasoline-powered engines where feasible.
- AIR-3** The construction contractor shall ensure that construction grading plans include a statement that work crews will shut off equipment when not in use.
- AIR-4** The construction contractor shall time the construction activities so as not to interfere with peak-hour traffic and to minimize obstruction of through traffic lanes adjacent to the site; if necessary, a flag person shall be retained to maintain safety adjacent to existing roadways.
- AIR-5** The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.

### **CULTURAL RESOURCES**

- CR-1** Paleontological Resource study is required prior to development for all lands identified as having high potential for resources. The study shall be reviewed and approved by the Town Planning Division prior to the issuance of any ground disturbing permit. The recommendations of the study shall be made condition of approval of the ground disturbing permits.

### **Geology and Soils**

- GEO-1** The design and construction of the proposed on-site uses shall adhere to the recommendations identified in the geotechnical investigation prepared for the proposed project site dated July 31, 2013, or as determined appropriate by the Town, the standards and requirements established in the UBC.
- GEO-2** The requirements and recommendations for earthwork and grading parameters included within the Hilltop Geotechnical Inc geotechnical Investigation dated July 31, 2013 shall be incorporated into the proposed project.

### **Greenhouse Gas**

- GH-1:** During project construction, on-site off-road construction equipment shall utilize biodiesel fuel (a minimum of B20), except for equipment where use of biodiesel fuel would void the equipment warranty. The applicant shall provide documentation to the Town that verifies that certain pieces of equipment are exempt, a supply of biodiesel has been secured, and that the construction contractor is aware that the use of biodiesel is required. As a conservative measure, no reduction in GHG emissions was taken for the implementation of this measure as it is unknown if biodiesel can be readily applied to the various pieces of construction equipment that will be necessary for the project.
- GH-2:** Building and site plan designs shall ensure that the project energy efficiencies surpass applicable 2008 California title 24 Energy Efficiency Standards and comply with the Green Building Code. Verification of increased energy efficiencies shall be documented in Title 24 compliance Reports provided by the applicant, and reviewed and approved by the Town prior to the issuance of the first building permit. Any combination of the following design features, or additional features may be used to fulfill this measure:
- Buildings shall exceed California Title 24 Energy Efficiency performance standards for water heating and space heating and cooling.
  - Increase insulation such that that heat transfer and thermal bridging is minimized.
  - Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption.
  - Incorporate dual-paned or other energy efficient windows.
  - Incorporate energy efficient space heating and cooling equipment.
  - Promote building design that will incorporate solar control in an effort to minimize direct sunlight upon windows. A combination of design features including roof eaves, recessed windows, "eyebrow" shades, and shade trees shall be considered.
  - Interior and exterior energy efficient lighting, which exceeds the California Title 24 Energy Efficiency performance standards, shall be installed, as deemed acceptable by Town. Automatic devices to turn off lights when they are not needed shall be implemented.

- To the extent that they are compatible with landscaping guidelines established by the town, shade-producing trees, particularly those that shade paved surfaces such as street and parking lots and buildings shall be planted at the Project site.
- Paint and surface color palette for the project shall emphasize light and off-white colors, which will reflect heat away from the building.
- Consideration shall be given to using LED lighting for all outdoor uses (i.e. buildings, pathways, landscaping and carports).

**GH-3:** To reduce energy demand with potable water conveyance:

- Landscaping palette emphasizing drought tolerant plants and exceeding Town standards for water conservation.
- Limit turf areas to no more than (20%) of all landscaped areas (Non Sport Turf Areas)
- Use of water-efficient irrigation techniques exceeding Town standards for water conservation.
- U.S. EPA Certified Water Sense labeled or equivalent faucets, high-efficiency toilets (HETs), and water conserving showerheads.

**GH-4:** Install Energy Star appliances and energy efficient fixtures.

**GH-5:** Install all CFL or LED light bulbs.

**GH-6:** Install solar panels sufficient to heat water within the project.

**GH-7:** Install solar or photovoltaic systems on new roofs.

**GH-8:** Use bio-gas in appropriate applications.

**GH-9:** Provide educational information to residents addressing energy efficiency, solid waste reduction, and water conservation measures.

### Noise

**Short-Term Construction-Related Impacts.** The following measures would reduce short-term construction-related noise impacts associated with the proposed project:

**N-1** The construction contractor shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.

**N-2** The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors to the west of the site.

**N-3** The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors to the west of the site during all project construction.

**N-4** All construction, maintenance, or demolition activities within the Town's boundary shall be limited to the hours of 7:00 a.m.–7:00 p.m. of any working day Monday through Friday, and all construction, maintenance, or demolition activities shall be prohibited on Saturdays, Sundays and holidays. Exceptions to these standards may be granted by the Town Council.

**Traffic Noise Impacts.** The following mitigation measure would reduce long-term traffic noise impacts associated with the proposed project:

### **Mitigation Measures**

**N-5** A sound wall or sound wall and berm combination with an effective height of 6 feet above grade is required for the entire portion of the project along Central Road and Eswas Avenue.

### Utilities

**UTIL-1** Prior to the issuance of building permits, the project applicant will be required to satisfy RWQCB and VVWRA requirements related to the payment of fees and/or the provision of adequate wastewater facilities.

**UTIL-2** Prior to issuance of occupancy permits, the project applicant shall be required to install water-conserving fixtures within each dwelling unit.

**UTIL-3** Prior to issuance of occupancy permits, the project applicant shall install water mains and required delivery infrastructure.



**UTIL-4** Prior to issuance of building permits, the project applicant shall construct storm drain facilities as approved by the Town Engineer.

#### REFERENCES

Cultural Resources Assessment, prepared BCRConsulting LLC, August 14, 2013  
Cultural Resources Assessment letter, prepared BCRConsulting LLC, June 11, 2015  
Focused Desert Tortoise Survey, prepared RCA Associates LLC, September 3, 2013  
Breeding Season Survey for Burrowing Owl, prepared RCA Associates LLC, September 2, 2013  
General Biological Resources Assessment, prepared RCA Associates LLC, July 29, 2013  
Updated Biological Resource Assessment, prepared RCA Associates LLC, July 8, 2015  
Trip Generation traffic memorandum, prepared Translutions, June 11, 2015  
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, adopted 2009-09-02  
Environmental Impact Report, Town of Apple Valley General Plan, 2009  
County of San Bernardino Identified Hazardous Materials Waste Sites List, April 1998  
FEMA Flood Insurance Rate Map and Flood Boundary Map (Zone D Panel #5845 of 9400). 2008  
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 PLANNING COMMISSION

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### Staff Report

- AGENDA DATE:** October 21, 2015
- CASE NUMBER:** Conditional Use Permit No. 2015-005
- APPLICANT:** Ann Schnitzer, Sun Outdoor Advertising LLC
- PROPOSAL:** The applicant is requesting a Conditional Use Permit to allow a thirty-five (35) foot high V-shaped billboard with two (2), twelve (12) by forty (40) back-to-back faces.
- LOCATION:** The project site is 2.26-acre parcel that fronts the Outer Interstate-15 in between Saugus Road and Gridley Street; APN 0472-191-02.
- ENVIRONMENTAL DETERMINATION:** Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15303 Class 3, the proposed request is Exempt from further environmental review.
- CASE PLANNER:** Mr. Douglas Fenn, Senior Planner
- RECOMMENDATION:** Approval

**PROJECT AND SITE DESCRIPTION:**

- A. Project Size:  
The project site is 2.6 acres in size and is a vacant interior parcel with a total of 250 feet of frontage along Interstate 15.
- B. General Plan Designations:  
Site - C-R, Regional Commercial  
North - C-R, Regional Commercial  
South - C-R, Regional Commercial  
East - C-R, Regional Commercial  
West - Outer Interstate-15
- C. Zoning/Existing Use:  
Site - C-R, Regional Commercial, Vacant

- North - C-R, Regional Commercial, Vacant
- South - C-R, Regional Commercial, Vacant
- East - C-R, Regional Commercial, Vacant
- West - Interstate-15

D. Site Characteristics:

The subject site is a vacant 2.6-acre parcel with some vegetation and void of any Joshua Trees. The site is relatively flat with small slopes, and drainage courses, and consists of minimal desert vegetation, such as salt brush, creosote bush.

**BACKGROUND**

On December 10, 2013, the Town Council adopted Development Code Amendment (DCA) No. 2013-005, which amended various sections of the sign and advertising Chapter of the Development Code. Section 9.74.187 "Billboards" - was added to the Development Code to permit billboards in the Town and are only allowed along the Interstate 15 corridor.

**ANALYSIS:**

A. General:

Pursuant to the Development Code, a Conditional Use Permit is required for all new billboards to afford the Commission the opportunity to review the location, and confirm that any proposed structure complies within the criteria for billboards.

The proposed V-shaped billboard will be located at the northwest corner of the parcel. The billboard fronts Interstate 15 and is located on the property so as to be visible to both north and southbound traffic on Interstate 15. The proposed billboard is thirty-five (35) feet high and has a sign area of less than 500 square feet.

The Development Code requires that billboards are only allowed in the Regional Commercial (C-R) zoning district. A billboard is to be located on a parcel within 660 feet of Interstate 15. The separation from another billboard or Civic Gateway sign must be 2,500 feet.

In accordance with the development standards, all utilities must be underground, and the use of generators is prohibited. The proposed billboard is illuminated and is solar powered. The solar apparatus will be located on the structure of the billboard and not on the ground. The billboard meets all the criteria within the Development Code. The closest residence is northeast of the project and is over a mile away. Direct access to the site will be via Outer Interstate 15. There is also a dirt road/pathway between Saugus Road and Gridley Street, which is parallel with Outer Interstate 15. Any maintenance on the sign will be likely from one of these two (2) access points to the sign.

Despite local jurisdictional regulations for billboards, they are also regulated by the State. The billboard must also comply with all applicable CALTRANS standards adjacent to freeways and other applicable Government Codes, including the Outdoor Advertising Act (California Business and Professions Code Sections 5200 et seq). Additionally, the applicant must provide a valid State Outdoor Advertising Permit, when required by the State, and shall be submitted to the Building Official prior to issuance of a Building Permit, Condition No. 6.

Summary

Staff recommends that the Planning Commission review and approve the Conditional Use Permit for the requested billboard. The General Plan designation of Regional Commercial (C-R) allows for the billboards in addition to the criteria of the section 9.74.187 of the Development Code.

- B. Environmental Assessment:  
Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15303, Class 3 (a), the proposed request is Exempt from further environmental review.
- C. Noticing:  
The project was legally noticed in the Apple Valley News on October 9, 2015 and notices were mailed to all property owners within 300 feet of the project site.

**CONDITIONAL USE PERMIT FINDINGS:**

As required under Section 9.16.090 of the Development Code, prior to approval of a Conditional Use Permit, the Planning Commission must make specific Findings. The Findings, and a suggested comment to address each, are presented below:

- 1. That the proposed location, size, design and operating characteristics of the proposed use is consistent with the General Plan, the purpose of this Code, the purpose of the zoning district in which the site is located, and the development policies and standards of the Town;

Comment: The proposed project is in an undeveloped area of the Town and is located at the northwest corner of a vacant 2.26-acre parcel. Direct access to the site will be via Outer Interstate 15. There is also a off-road vehicular pathway between Saugus Road and Gridley Street, which is parallel with Outer Interstate 15. Because of this fact, and with conditions will make the project in compliance with the Development Code of the Town of Apple Valley and adopted General Plan and permitted by the Planning Commission.

- 2. That the location, size, design and operating characteristics of the proposed use will be compatible with, and will not adversely affect, nor be materially detrimental to adjacent uses, residents, buildings, structures or natural resources;

Comment: The billboard is located at the northwest corner of a 2.6 acre vacant parcel that is surrounding by other large-size parcels. Because of this setting, and that the project is in an undeveloped area of the Town and, with adherence to the recommended conditions, the project will not be detrimental to the undeveloped area of Apple Valley.

- 3. That the proposed use is compatible in scale, bulk, lot coverage, and density with adjacent uses;

Comment: Because the proposed project is in an undeveloped area of the Town and is located at the northwest corner of a vacant 2.26-acre parcel; therefore, there is no compatibility issue with lot coverage and density.

- 4. That there are public facilities, services and utilities available at the appropriate levels or that these will be installed at the appropriate time to serve the project as they are needed;

Comment: There are no services or utilities near the subject site, but the proposed project will be illuminated and power-driven with solar power. Because the billboard is solar powered and there will be no ground mounted solar related equipment at the base of the billboard the site will not necessitate additional utilities.

- 5. That there will not be a harmful effect upon desirable neighborhood characteristics;

Comment: Because, the proposed project is in an undeveloped area of the Town and is located at the northwest corner of a vacant 2.26-acre parcel, and that the closest residence is northeast of the project and is over a mile away, it will have no harmful effect upon the surrounding area.

- 6. That the generation of traffic will not adversely impact the capacity and physical character of surrounding streets;

Comment: The proposed project is in an undeveloped area of the Town and is located at the northwest corner of a vacant 2.26-acre parcel. Direct access to the site will be via Outer Interstate 15. There is also a dirt road pathway between Saugus Road and Gridley Street, which is parallel with Outer Interstate 15. Because this project is not a standard traffic generator (except for service maintenance), the project will not adversely impact streets.

- 7. That there will not be significant harmful effects on environmental quality and natural resources;

Comment: The proposed project is in an undeveloped area of the Town and is located in a disturbed and non-vegetated area of the northwest corner of a vacant 2.26-acre parcel. The site has some desert vegetation, such as salt brush, and creosote bush. However, as conditioned, the removal of vegetation is not permitted; and, therefore, will not impact the surrounding environment.

- 8. That there are no other relevant negative impacts of the proposed use that cannot be reasonably mitigated;

Comment: Because this project is in an undeveloped area of the Town and is located at the northwest corner of a vacant 2.26-acre parcel, there will be no relative negative impact.

- 9. That the impacts, as described in paragraphs 1 through 9 above, and the proposed location, size, design and operating characteristics of the proposed use and the conditions under which it would be maintained will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity, nor be contrary to the adopted General Plan;

Comment: Because this is an undeveloped area of the Town, and that the closest residence is northeast of the project and is over a mile away, and that the project is in compliance with all criteria of the Development Code for a billboard, the project will not be materially injurious to surrounding properties in the vicinity.

11. That the proposed conditional use will comply with all of the applicable provisions of this title.

Comment: Approval of the Conditional Use Permit will comply with all provisions of the section 9.74.187 for billboard development.

12. That the materials, textures and details of the proposed construction, to the extent feasible, are compatible with the adjacent and neighboring structures;

Comment: Because this is an undeveloped area of the Town, and that the closest residence is northeast of the project and is over a mile away, and that the project is in compliance with all criteria of the Development Code for a billboard, and as conditioned by the Planning Commission it will be compatible with the Development Code criteria for billboards.

13. That the development proposal does not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings with respect to mass and scale to an extent unnecessary and inappropriate to the use;

Comment: Because this is an undeveloped area of the Town, the billboard will not block buildings, dominate surroundings and its mass and scale will be in compliance with the Development Code criteria for billboards.

14. That quality in architectural design is maintained in order to enhance the visual environment of the Town and to protect the economic value of existing structures;

Comment: Because this is not a standard development for buildings, the proposed billboard is designed to be in compliance with the Development Code as required for billboards.

15. That access to the site and circulation on and off-site is safe and convenient for pedestrians, bicyclists, equestrians and motorists.

Comment: Because this is an undeveloped area of the Town and because this is not the type of use to generate bicyclists, pedestrians and equestrian enthusiasts, there will be no safety issues.

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:

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section No.15303, Class 3, the proposed request is Exempt from further environmental review.

- 2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
- 3. Approve Conditional Use Permit No. 2015-005, subject to the attached Conditions of Approval.
- 4. Direct Staff to file the Notice of Exemption.

**Prepared By:**

**Reviewed By:**

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Douglas Fenn  
Senior Planner

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Carol Miller  
Principal Planner

**ATTACHMENTS:**

- 1. Recommended Conditions of Approval
- 2. Billboard exhibits (as separate attachment)
- 3. Zoning/Location Map



TOWN OF APPLE VALLEY

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**RECOMMENDED CONDITIONS OF APPROVAL**  
Case No. Conditional Use Permit No. 2015-005

**Planning Division Conditions of Approval:**

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval, if not exercised, shall expire three (3) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the expiration date. The Conditional Use Permit becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. The applicant shall agree to defend at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P3. The filing of a Notice of Exemption requires the County Clerk to collect a documentary handling fee of fifty dollars (\$50.00). The fee must be paid in a timely manner in accordance with Town's procedures. No permits may be issued until such a fee is paid.
- P4. The approval of Conditional Use Permit No. 2015-005 by the Planning Commission is recognized as acknowledgment of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, *Appeals*, of the Town of Apple Valley Development Code.
- P5. All criteria as required in section of the 9.745.187 of the Development Code regarding location, size, sign area, distance, illumination and utilities shall be in compliance with Code prior to the issuance of Planning approving the development plans.
- P6. The billboard must also comply with all applicable CALTRANS standards adjacent to freeways and other applicable Government Codes, including the Outdoor Advertising Act (California Business and Professions Code Sections 5200 et seq). Additionally, the applicant must provide a valid State Outdoor Advertising Permit, when required by the State, shall be submitted to the Building Official prior to issuance of a Building Permit.
- P7. Prior to issuance of any permits, submittal of a plan, to be reviewed and approved by the Planning Division, shall depict the construction area of the billboard solely within the existing disturbed area on the site, fronting Outer Interstate 15, and not constructed within the area of existing native vegetation. Removal of existing vegetation from the site shall not be permitted.

**Building and Safety Division Conditions of Approval**

- BC1. Construction must comply with 2013 California Building Codes including the California Green Building Code.

**Environmental & Transit Services Conditions of Approval**

- ET1. The project must provide adequate areas for collecting and loading recyclable materials in compliance with AB 341. The trash enclosure must comply with the newly adopted recycling standards.

Public Resource Code Section 42910-42912

- ET2. The developer shall complete and submit a Waste Management Plan (“WMP”), on a WMP form approved by the Town for this purpose as part of the application packet for the building or demolition permit. The completed WMP shall indicate all of the following:
- (1) The estimated volume or weight of project C&D debris to be generated;
  - (2) The estimated volume or weight of such materials that can feasibly be diverted via reuse or recycling;
  - (3) The vendor or facility that the Developer proposes to use to collect or receive that material; and
  - (4) The estimated volume or weight of C&D materials that will be land filled.

Town of Apple Valley Municipal Code Section 8.19.020(a)

- ET3. Compliance with Condition of Approval No. ER2 shall be met by any of the following:
- (1) Contract for hauling services with Town’s franchise hauler, with all Project debris delivered to San Bernardino County self-haul landfill diversion program, provided the diversion program is currently operating; and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP
  - (2) Self-haul all project debris to San Bernardino County self-haul landfill diversion program, provided the diversion program is currently operating; and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP
  - (3) Self-haul all project debris to a construction material recycling facility, and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP
  - (4) Contract with a construction site cleanup company to recycle at least fifty (50) percent of the Project construction debris, and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP.

Town of Apple Valley Municipal Code Section 8.19.030

- ET4. Prior to issuance of Certificate of Occupancy, the developer shall submit to the WMP Compliance Official documentation proving that it has met the Diversion Requirement for the Project. The Diversion Requirement shall be that the developer has diverted at least fifty percent (50%) of the total C&D debris generated by the Project via reuse or recycling. This documentation shall include all of the following:

- (1) Receipts from the vendor or facility that collected or received each material showing the actual weight or volume of that material;
- (2) A copy of the previously submitted WMP for the Project adding the actual volume or weight of each material diverted and land filled;
- (3) Any additional information the Developer believes is relevant to determining its efforts to comply in good faith with this Chapter 8.19.

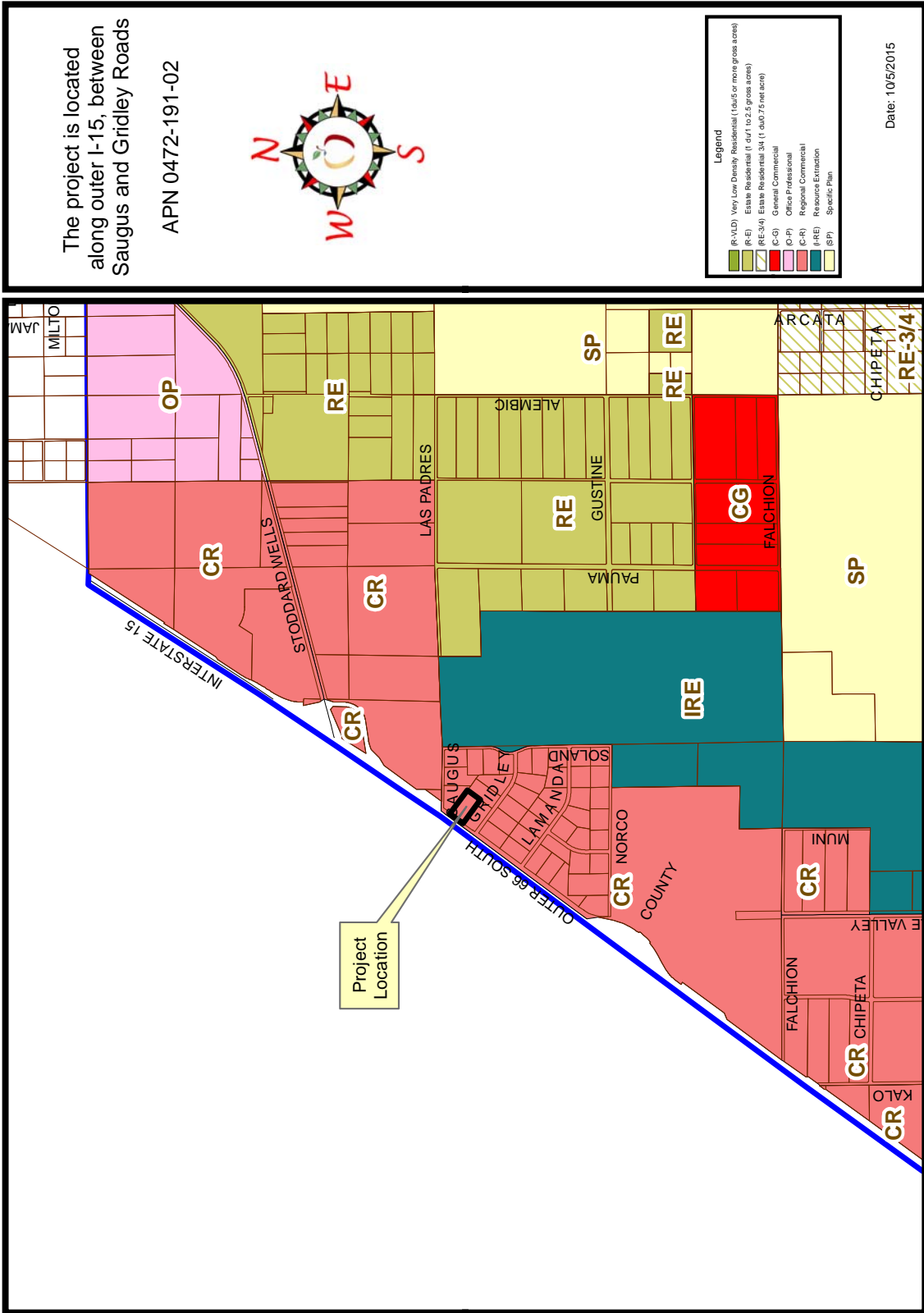
Town of Apple Valley Municipal Code Section 8.19.050

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

~End of Conditions~

# ZONING/LOCATION MAP

Conditional Use Permit No. 2015-005





## TOWN OF APPLE VALLEY PLANNING COMMISSION

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### Staff Report

- AGENDA DATE:** October 21, 2015
- CASE NUMBER:** Conditional Use Permit No. 2015-008
- APPLICANT:** Mr. Joe Mazariegos representing Tonitos Tire Shop
- PROPOSAL:** A request to approve a Conditional Use Permit to operate a tire and auto body shop. The project will occupy 3,267 square feet within an existing industrial building. The site is .34 acres in size and located within the Service Commercial (C-S) zoning designation.
- LOCATION:** 22353 Outer Highway 18; APN 3087-382-03
- ENVIRONMENTAL DETERMINATION:** Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301 Class 1, the proposed request is Exempt from further environmental review.
- CASE PLANNER:** Mr. Douglas Fenn, Senior Planner
- RECOMMENDATION:** Approval

#### PROJECT SITE AND DESCRIPTION

- A. Project Size:  
The project site is .34 acres in size and improved with a 3,267 square foot, industrial building.
- B. General Plan Designations:  
Project Site - Service Commercial (C-S)  
North - General Commercial (C-G)  
South - Service Commercial (C-S)  
East - Service Commercial (C-S)  
West - Village Commercial (C-V)

C. Surrounding Zoning and Land Use:

- Project Site - Service Commercial (C-S); Industrial Building
- North - General Commercial (C-G); Vacant
- South - Service Commercial (C-S); Industrial Yard
- East - Service Commercial (C-S); Industrial Building
- West - Village Commercial (C-V); Mobile Home Park

D. Site Characteristics:

The subject site is a level parcel that contains an existing 3,267 square foot industrial building with substandard Code parking lot (including the drive way) and landscaping within the Service Commercial (C-S) zoning designation. The site is void of formal parking and landscaping.

E. Parking Analysis:

Type of Use	Square Footage	Parking Ratio	Number of Spaces Required	Number of Spaces Provided
Tire/Auto Shop	2,844	1/400 sq. ft	7	7
Office	423	1/200	2	2
(Credit)	Bay area credit	3 bays	1 space per 2 bays (credit)	1.5 space (credit)
<b>Total</b>			<b>8</b>	<b>6</b>

As indicated in the above the table, the required parking for the project is eight (8) spaces, including the service bay credit where six (6) spaces are being provided. Therefore, the project is deficient by two (2) parking spaces. However, located within each service bay are two (2) service spaces that allows for tandem parking of vehicles being serviced. As shown above no parking credit is given to these spaces within the building. If the Commission determines that some credit should be given then the same parking credit used for each service bay the project would met Code. With Planning Commission concurrence to the modified parking calculation, staff would recommend approval of the proposal. However, should the Commission determine that no additional parking credit be given, staff can not recommend approval of the proposal with a parking deficit.

ANALYSIS

A. General:

Pursuant to the Development Code, Planning Commission approval of a Conditional Use Permit is required for all vehicle repair facilities within any commercial zone. The Conditional Use Permit process allows the Commission an opportunity to consider certain uses which may have potential adverse impacts upon surrounding property or the general public. The applicant, Tonitos Tire Shop, is requesting Planning Commission review and approval of a Conditional Use Permit to operate tire and auto body repair facility. The auto body portion of the business is for bumper repair and minor metal straightening. No sanding and painting of auto body parts and vehicles will be conducted on the site. However, in the event the business expands to including sanding and painting; staff has included Condition No. 16, which requires that the building area must have Code compliant air quality ventilation and applicable air quality environmental

standards per San Bernardino County of Environmental Health Services, and per the criteria of the Mojave Desert Air Quality Management District.

The applicant proposes to occupy with a collective floor area of 3,267 square feet of floor area. The floor space is divided into three (3) sections as follows; one (1) section with three (3) areas for the tire repair related work, a storage exclusively for new and used tires and an auto body repair with one (1) bay area.

The applicant has indicated that the business activities are limited to tire sales, repairs replacement and auto body repair. It is not uncommon for auto body shops to have outdoor storage of vehicles in various stages of repair. Due to the limited amount of parking, staff is not recommending the allowance of outdoor overnight parking. Any overnight parking of vehicles shall be parked within the building and is conditioned as such per Condition No. P9. Staff is also recommending Condition No. P10, which requires that all repairs be done within an enclosed building and Condition No. P12 which prohibits vehicles from being displayed for sale on the premises.

The proposed tire and auto body repair facility will include the use of oils, grease and disposal of waste products. For this type of business, the applicant is required to adhere to regulations and secure approval from the San Bernardino County Department of Environmental Health Services prior to obtaining a Certificate of Occupancy from the Town. Condition No. P11 requires the applicant to file a State of California Business Contingency Plan with the San Bernardino County Department of Environmental Health Services prior to issuance of a Certificate of Occupancy.

The site contains no existing trash enclosure, the Development Code now requires businesses that generate four (4) cubic yards of commercial solid waste per week, the proposed trash enclosure must also accommodate a recycle bin. Condition No. ER1 is recommending that the trash enclosure must comply with the current requirement for recycling.

As referenced earlier, the site has a substandard parking lot, drive way and landscaping due to the lack of improvements or disrepair. Additionally, the building has a weathered look and the building is in need of a cosmetic repair and paint. The drought-tolerant landscaping, groundcover is recommended per Condition No. P15, in conformance with the Development Code. Additionally, The building is being recommended for be refinished per Condition No. P14 with an earth tone color.

There are existing on-site improvements that will need to be restored to bring the site in conformance with Town standards Condition No. P5.

- B. Environmental Assessment:  
Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301, Class 1, the proposed request is Exempt from further environmental review.
- C. Noticing:  
The project was legally noticed in the Apple Valley News on October 9, 2015 and notices were mailed to all property owners within 300-feet of the project site.

CONDITIONAL USE PERMIT FINDINGS:

As required under Section 9.16.090 of the Development Code, prior to approval of a Conditional Use Permit, the Planning Commission must make specific Findings. The Findings, and a suggested comment to address each, are presented below:

- 1. That the proposed location, size, design and operating characteristics of the proposed use is consistent with the General Plan, the purpose of this Code, the purpose of the zoning district in which the site is located, and the development policies and standards of the Town;

Comment: With recommended cosmetic improvements to the existing building and the onsite landscaping and parking improvements, the proposed tire and auto body repair facility is in compliance with the Development Code and General Plan subject to approval of a Conditional Use Permit.

- 2. That the location, size, design and operating characteristics of the proposed use will be compatible with, and will not adversely affect, nor be materially detrimental to adjacent uses, residents, buildings, structures or natural resources;

Comment: The location, size, design and operating characteristics of the proposed, tire and auto body repair facility and the conditions under which it will be operated, site improvements and building enhancement will ensure the project is not detrimental to the public health, safety or welfare, nor will it be materially injurious to properties or improvements in the vicinity because all activities associated with tire and auto body repair facility shall occur within an enclosed structure.

- 3. That the proposed use is compatible in scale, bulk, lot coverage, and density with adjacent uses;

Comment: The proposed tire and auto body repair facility is compatible with surrounding uses, which reflect existing setting of buildings on small and narrow parcels. The existing building is over twenty-eight (28) feet from the existing mobile home park to the west and is conformance with rear and side yard setbacks, except for the front yard setback to the street. However, the building is compatible with many buildings in the area that have similar front yard setbacks and, which have housed commercial/industrial business for decades in non conforming buildings. Because the building is not being physically expanded and with the proposed requirements of parking and with the recommended building and site improvements, this project will not be detrimental to the existing development in the area, in terms of scale and lot coverage with adjacent uses.

- 4. That there are public facilities, services and utilities available at the appropriate levels or that these will be installed at the appropriate time to serve the project as they are needed;



Comment: The proposed tire and auto body repair facility is located within an existing industrial building that has existing services and utilities available for this proposal.

5. That there will not be a harmful effect upon desirable neighborhood characteristics;

Comment: All business activities associated with the tire and auto body repair facility have been conditioned to occur within an enclosed structure in order to not be a harmful effect on the surrounding development adjacent to the property.

6. That the generation of traffic will not adversely impact the capacity and physical character of surrounding streets;

Comment: The proposed traffic generated from the project will not adversely impact the surrounding area, because the proposed project is located along an improved road, which can accommodate traffic generated from the proposed use.

7. That traffic improvements and/or mitigation measures are provided in a manner adequate to maintain the existing service level or a Level of Service (LOS) C or better on arterial roads and are consistent with the Circulation Element of the General Plan;

Comment: Because the proposed tire/auto body repair shop is located on Outer Highway 18, which can accommodate traffic generated from the project site because of the additional parking spaces within the building, traffic generated from the project will not adversely impact the existing level of service.

8. That there will not be significant harmful effects upon environmental quality and natural resources;

Comment: The proposed tire and auto body repair facility will include the storage and transportation of waste tires. The State of California requires all waste tires to be transported by a duly registered hauler. The use of other hazardous wastes will require compliance with the regulations set forth by the San Bernardino County Department of Environmental Health; therefore, there will not be any significant harmful effects on environmental quality and natural resources.

9. That there are no other relevant negative impacts of the proposed use that cannot be reasonably mitigated;

Comment: The proposed project will not produce adverse impacts upon the site, nor the surrounding properties because the site is located within an existing industrial, and all activities are required to be conducted within the building.

10. That the impacts, as described in paragraphs 1 through 9 above, and the proposed location, size, design and operating characteristics of the proposed use and the

conditions under which it would be maintained will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity, nor be contrary to the adopted General Plan;

Comment: The location, size, design and operating characteristics of the proposed tire and auto body facility, and the recommended conditions under which it will be operated and maintained, will not be detrimental to the public health, safety or welfare, nor will it be materially injurious to properties or improvements in the vicinity. Most activities associated with the tire and auto body facility will occur within an enclosed structure with a limited outdoor use. The project is required to conform to the Noise Control Ordinance of the Development Code.

11. That the proposed conditional use will comply with all of the applicable provisions of this title.

Comment: The proposed tire and auto body repair facility can operate in conformance to the Development Code, because it is subject to approval of a Conditional Use Permit and adherence to the recommended Conditions of Approval.

12. That the materials, textures and details of the proposed construction, to the extent feasible, are compatible with the adjacent and neighboring structures;

Comment: The proposed tire and auto body repair facility will be located within an existing, permitted industrial building. No modifications are proposed to the structure or the site.

13. That the development proposal does not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings with respect to mass and scale to an extent unnecessary and inappropriate to the use;

Comment: The proposed tire and auto body repair facility will be located within an existing, permitted industrial building. No modifications are proposed to the structure or the site.

14. That quality in architectural design is maintained in order to enhance the visual environment of the Town and to protect the economic value of existing structures;

Comment: The proposed tire and auto body repair facility will be located within an existing, permitted industrial building. Cosmetic improvements are conditioned for the exterior of the building to enhance the site and surrounding area.

15. That access to the site and circulation on- and off-site is safe and convenient for pedestrians, bicyclists, equestrians and motorists.

Comment: The proposed tire and auto body repair facility shop will operate within an existing, permitted industrial building. No modifications are proposed to

the structure or the site; however, the existing site has been designed to provide safe, on- and off-site circulation.

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:

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section No.15301, Class 1, the proposed request is Exempt from further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve Conditional Use Permit No. 2015-008, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

**Prepared By:**

**Reviewed By:**

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Douglas Fenn  
Senior Planner

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Carol Miller  
Principal Planner

**ATTACHMENTS:**

1. Recommended Conditions of Approval
2. Site Plan – separate attachment
3. Floor Plan – separate attachment
4. Zoning Map

TOWN OF APPLE VALLEY

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**RECOMMENDED CONDITIONS OF APPROVAL**  
Case No. Conditional Use Permit No. 2015-008

**Planning Division Conditions of Approval:**

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval, if not exercised, shall expire three (3) years from the date of action, October 21, 2018, of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the expiration date. The Conditional Use Permit becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town’s Development Code.
- P2. The applicant agrees to defend at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P3. The filing of a Notice of Determination requires the County Clerk to collect a documentary handling fee of fifty dollars (\$50.00). The fee must be paid in a timely manner in accordance with Town procedures. No permits may be issued until such fee is paid.
- P4. The approval of Conditional Use Permit No. 2015-008 by the Planning Commission is recognized as acknowledgment of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, *Appeals*, of the Town of Apple Valley Development Code.
- P5. Parking requirements must be met and be in compliance with Town standards. All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines. The driveway and entire parking lot area shall be brought up to Development Code standards.
- P6. Required parking spaces will be provided for the handicapped in accordance with Town standards and in accordance with Title 24 of the California Administrative Code. The handicapped spaces shall be located as close as practical to the entrance of the facility. Each space must be provided with access ramps and clearly marked in accordance with Title 24 of the California Administrative Code.
- P7. All signs shall have a separate permit and are subject to final approval by the Town Planning Division.

- P8. Lighting fixtures shall be of a type and be located in such a manner that no light or reflected glare is directed off-site and shall provide that no light is directed above a horizontal plane passing through the bottom of the fixture. All glare shall be directed onto the site and away from adjacent properties.
- P9. Any overnight parking of vehicles shall be inside the building.
- P10. All repairs must be done within an enclosed building.
- P11. If hazardous substances are used and/or stored, a technical report, identifying any hazards presented by project must be mitigated. This report shall be prepared by a qualified person, firm, or corporation and submitted to the Building and Safety Division. This report shall also explain the proposed facility's intended methods of operation and list all of the proposed materials, their quantities, classifications, and the effects of any chemical (material) inter-mixing in the event of an accident or spill.
- P12. The display of vehicles intended for sale is prohibited.
- P13. There shall be no visible, outdoor storage of any material associated with the Tire Shop.
- P14. The building shall be cosmetically repaired and painted (earth tone color) as approved by the Planning Division.
- P15. Prior to occupancy the site shall be landscaped per all commercial criteria of the Development Code as approved by the Planning Division.
- P16. If the project expands to include sanding and spray painting, then the building must be modified and or equipment purchased to make the project Code compliant with air quality ventilation and applicable air quality environmental standards, and permitting per the San Bernardino County of Environmental Health Services, and/or per the criteria of the Mojave Desert Air Quality Management District.

#### **Environmental and Regulatory Compliance Conditions of Approval**

- ET1. The project must provide adequate areas for collecting and loading recyclable materials in compliance with AB 341. The trash enclosure must comply with the newly adopted recycling standards.

#### **Public Resource Code Section 42910-42912**

- ET2. The developer shall complete and submit a Waste Management Plan ("WMP"), on a WMP form approved by the Town for this purpose as part of the application packet for the building or demolition permit. The completed WMP shall indicate all of the following:
  - (1) The estimated volume or weight of project C&D debris to be generated;
  - (2) The estimated volume or weight of such materials that can feasibly be diverted via reuse or recycling;
  - (3) The vendor or facility that the Developer proposes to use to collect or receive that material; and
  - (4) The estimated volume or weight of C&D materials that will be landfilled.

Town of Apple Valley Municipal Code Section 8.19.020(a)

- ET3. Compliance with Condition of Approval No. ER2 shall be met by any of the following:
- (1) Contract for hauling services with Town's franchise hauler, with all Project debris delivered to San Bernardino County self-haul landfill diversion program, provided the diversion program is currently operating; and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP
  - (2) Self-haul all project debris to San Bernardino County self-haul landfill diversion program, provided the diversion program is currently operating; and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP
  - (3) Self-haul all project debris to a construction material recycling facility, and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP
  - (4) Contract with a construction site cleanup company to recycle at least fifty (50) percent of the Project construction debris, and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP.

Town of Apple Valley Municipal Code Section 8.19.030

- ET4. Prior to issuance of Certificate of Occupancy, the developer shall submit to the WMP Compliance Official documentation proving that it has met the Diversion Requirement for the Project. The Diversion Requirement shall be that the developer has diverted at least fifty percent (50%) of the total C&D debris generated by the Project via reuse or recycling. This documentation shall include all of the following:
- (1) Receipts from the vendor or facility that collected or received each material showing the actual weight or volume of that material;
  - (2) A copy of the previously submitted WMP for the Project adding the actual volume or weight of each material diverted and landfilled;
  - (3) Any additional information the Developer believes is relevant to determining its efforts to comply in good faith with this Chapter 8.19.

Town of Apple Valley Municipal Code Section 8.19.050

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

**Building and Safety Division Conditions of Approval**

- BC1. Submit plans, engineering and obtain permits for all structures, retaining walls, tenant improvements and signs.
- BC2. Comply with State of California Disability Access requirements (2013 CBC, 11-B).

BC3. Page two (2) of the submitted building plans shall contain the conditions of approval.

BC4. Construction shall comply with 2013 California Building Codes.

**Public Works Conditions of Approval**

PW1. The current septic tank must be adequate to support this project. If the current septic system is not large enough, connection to the Town sewer system will be required. Building and Safety will make the determination if the current septic system is adequate.

PW2. Sewage disposal shall be by connection to the Town of Apple Valley sewer if the current septic system is not adequate. Sewer connection fees will be required. Financial arrangements, plans and improvement agreements must be approved by the Town of Apple Valley Public Works Department.

PW3. This project is in a sewer area and connection to the sewer is required if the septic system fails.

**Apple Valley Fire Protection District Conditions of Approval**

The following comments are based on the applicable edition of the California Codes and should be resolved before a permit is issued. This correction list is not a building permit. The approval of plans and specifications does not permit the violation of any section of the California Codes, any Federal, State or local regulation.

FD1. Fire lanes shall be provided with a minimum width of twenty-six (26) feet, maintained, and identified. Twenty-six (26) feet access will start at both points of ingress and continue throughout the site.

FD2. Approved numbers or addresses shall be placed on all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background. Additional non-illuminated contrasting eighteen (18)-inch numbers shall be displayed and the location will be determined by fire department prior to installation.

FD3. Provide a strip sign above the main entrance door which reads: "This Door To Remain Unlocked When Building is Occupied."

FD4. Every exit door with the exception of the main entrance shall be openable from the inside without the use of a key, tool or special knowledge or effort. Special locking devices shall be of an approved type.

FD5. Fire Extinguishers with a minimum rating of 2A40BC shall be provided, as per inspection, prior to Certificate of Occupancy.

FD6. Maintain tire storage less than six (6) feet in height throughout the facility.

**End of Conditions**

Conditional Use Permit No. 2015-008

ZONING/LOCATION MAP

