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**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA**

WEDNESDAY, OCTOBER 19, 2016

Regular Meeting 6:00 p.m.

Town Council Chambers
14955 Dale Evans Parkway

PLANNING COMMISSION MEMBERS

Doug Qualls, Chairman
Mark Shoup, Vice-Chairman
Jason Lamoreaux, Commissioner
Bruce Kallen, Commissioner
B. R. "Bob" Tinsley, Commissioner

PLANNING DIVISION OFFICE: (760) 240-7000 Ext. 7200
www.AVPlanning.org

Monday - Thursday 7:30 a.m. to 5:30 p.m.
Alternating Fridays 7:30 a.m. to 4:30 p.m.



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**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY October 19, 2016 – 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 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 _____; Kallen _____; Tinsley _____
Vice-Chairman Shoup _____; and Chairman Qualls _____

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. Minutes for the Regular Meeting of September 21, 2016.

PUBLIC HEARING ITEMS

2. **Tentative Tract Map No. 18083, Time Extension No 1.** Request for a time extension for a previously approved tentative parcel map to subdivide 2.28 acres into four (4) single-family residential lots for future residential development. The lots will range from 20,098 to 22,968 square feet in size. The project is located within the Residential Equestrian (R-EQ) zoning designation

Applicant: Mr. David Greiner, representing Arete Enterprises, LLC
Location: The project site is generally located on the west side of Washoan Road, approximately 600 feet north of Otoe Road; APN 0441-011-54
Project Planner: Pam Cupp, Associate Planner
Recommendation: Approval

3. **Development Code Amendment No 2016-004.** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying Chapter 9.25 "Deviation Permits"; Chapter 9.28 "Residential Districts"; Chapter 9.35 "Commercial Districts"; and Chapter 9.63 "Ranchos Residential Overlay District" as it pertains to setback reduction procedures within the Ranchos Residential Overlay District.

Applicant: Town of Apple Valley
Location: Town-wide
Presenter: Ms. Pam Cupp, Associate Planner

Recommendation: Adopt Planning Commission Resolution No. 2016-008

4. **Development Code Amendment No 2016-005.** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by amending Chapters 9.35 and 9.36 to add regulations related to allowing cargo containers in the Village area.

Applicant: Town of Apple Valley
Location: Village Commercial Zoning District
Presenter: Ms. Carol Miller, Principal Planner

Recommendation: Adopt Planning Commission Resolution No. 2016-009

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

The Planning Commission will adjourn to its next regularly scheduled Planning Commission meeting on November 16, 2016.

MINUTES

TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, September 21, 2016

CALL TO ORDER

Chairman Qualls called to order the Regular Meeting of the Planning Commission of the Town of Apple Valley for September 21, 2016 at 6:00 p.m.

ROLL CALL

Planning Commission

Roll call was taken with the following members present: Commissioner Bruce Kallen, Commissioner Jason Lamoreaux, Commissioner B.R. "Bob" Tinsley, Vice-Chairman Mark Shoup and Chairman Doug Qualls. Absent: None

STAFF PRESENT

Carol Miller, Principal Planner, Pam Cupp, Associate Planner, Richard Pedersen, Deputy Town Engineer, Thomas Rice, Town Attorney, and Yvonne Rivera, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

Commissioner Kallen led the Pledge of Allegiance.

1. APPROVAL OF MINUTES

Minutes for the Regular Meeting of August 3, 2016.

Motion by Commissioner Kallen, and seconded by Vice-Chairman Shoup, to approve the Minutes for the Regular Meeting of August 3, 2016, amending the Motion by Commissioner Lamoreaux to "Abstain" under Public Hearing Item No. 2.

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

PUBLIC HEARING ITEMS

2. **Tentative Tract Map No. 17271, Extension of Time No. 1.** This is a request for a time extension of a previously approved subdivision of seventy-three (73) acres into forty-five (45) single-family lots and two (2) open space lots. The lots will range from 18,004 to 51,747 square feet in size. The project is located within the Single-Family Residential (R-SF) and Open Space conservation (OS-C) zoning designations.

Applicant: Mr. Beau Cooper, representing Tao & Kamana 43, LLC

Location: The project site is located at the norther terminus of Tao Road, between Menahka Lane and Kasson Road and bounded to the north by the logical extension of Waalew Road; APN 0473-011-35

Chairman Qualls opened the public hearing at 6:03 p.m.

Ms. Pam Cupp, Associate Planner, presented the staff report as filed by the Planning Division. She requested that the Planning Commission first make a determination that the request for a time extension is valid, and if so, the Commission may approve or deny the request for the Time Extension.

Mr. Thomas Rice, Town Attorney, clarified that the argument by the Developer is due to a typographical error that affected the slope, which made development impossible. In addition, the Developer believes that although the conditions of approval has been amended to allow a 1.5 to 1 slope, the actual approval letter referenced the slope as 5 to 1; therefore, the Developer is asserting that this constitutes a moratorium under Section 66452.6, F1 of the Government Code, under the Subdivision Map Act.

Mr. Rice read into the record Section 66452.6, F1 of the Government Code, which states the following:

For any period during which time there is a development moratorium, which is defined as any period of time during which a condition imposed by the city could not be satisfied because the condition was one that by its nature necessitated action by the city and the city either did not take the necessary action or by its own action or inaction, was prevented or delayed in taking the necessary action prior to the expiration of a tentative map.

Mr. Rice noted if there is a development moratorium, it automatically extends the map period by the length of the moratorium, for a period not-to-exceed five (5) years. He also stated the contention of the Developer is, the 53 days from which they noticed this issue should be an automatic extension because it functioned as a moratorium.

Lengthy discussion ensued regarding the project time lines and the expiration date of the map.

Ms. Carol Miller, Principal Planner, noted the map expiration date is always the approval date.

Ms. Cupp answered questions by the Planning Commission regarding the need to modify the standards should the Applicant be required to submit a new map.

Mr. Beau Cooper, Applicant, commented on the timeline of the project. He explained that, unfortunately, their understanding of the expiration date of the map was in error; therefore, when it came time to submit their request for a time extension, it exceeded the deadline of the filing period.

MOTION:

Motion by Commissioner Lamoreaux, seconded by Commissioner Tinsley, that the application for an extension is timely.

The Motion carried unanimously by voice vote.

Ms. Cupp added that in addition to the slope issues, the conditions of approval additions reflect the mitigation and monitoring program identified in the initial study to ensure these mitigations become part of the permanent conditions of approval. She also commented on the last minute filing by the Fish and Wildlife prior to the initial public hearing that required modifications to the biological mitigations.

Staff read into the record, the following amendments to the staff report:

- Page 2-2, Legislative Time Extensions should read SB 1185 and AB 333.
- Page 2-2, under Government code section should be 66452.6.E.
- Page 2-6, under the first comment, it should read (73) in the parenthesis.
- Page 2-7, No. 6, the maximum slope ratio should be 1.5 to 1.
- Page 2-7, No. 8, under comments to the findings, it should read (73) in the parenthesis.

Ms. Cupp reviewed, for the benefit of the Planning Commission, why the size of the project changed.

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

Mr. Cooper stated he agreed with all Conditions of Approval.

Mr. Cooper commented on the concerns expressed by the owner regarding the retention basin located north of his property, as well as the need to remove the drainage from the street. Mr. Cooper stated there would be a new hydrology report submitted for approval prior to recordation.

Chairman Qualls closed the public hearing at 6:40 p.m.

PUBLIC COMMENT:

None.

Lengthy discussion ensued to determine the extension date, including the 53 days automatic extension under the Subdivision Map Act, as the Planning Commission has determined that this falls under a moratorium.

It was the consensus of the Planning Commission to establish June 7, 2019 as the extension date.

Chairman Qualls asked if there were any members in the public wishing to speak under Public Comments. There was no one wishing to speak under Public Comments.

MOTION

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

1. Determine that, there is no new substantial change in the project or new information that would result in new, significant environmental impacts beyond those identified within the Mitigated Negative Declaration that was prepared for this project, and adopted by the Planning Commission on June 7, 2006. Therefore, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162, the proposed request is not subject to further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve a three (3)-year extension of time for Tentative Tract Map No. 17271, subject to the recommended Conditions of Approval, and establishing June 7, 2019 as the expiration date.
4. Direct Staff to file the Notice of Determination.

ROLL CALL VOTE

Ayes: Commissioner Kallen
Commissioner Lamoreaux
Commissioner Tinsley
Vice-Chairman Shoup
Chairman Qualls
Noes: None
Abstain: None
Absent: None

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

PUBLIC COMMENT:

None.

PLANNING COMMISSION COMMENTS:

None.

STAFF COMMENTS:

None.

OTHER BUSINESS

3. Carol Miller, Principal Planner, will present the annual review of Development Permit projects administratively approved. This report is available for public review at the Planning Division located at 14955 Dale Evans Parkway, Apple Valley, California. No action is required – to receive and file.

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

This item is receive and file only. No action is required.

4. **Subdivision Map Act Violations** – Opportunity to Present Evidence to Legislative Body per Government Code/ss 66499.36 Prior to Recordation of Notice of Violation.

Richard Pedersen, Deputy Town Engineer, presented the staff report as filed by the Engineering Department.

Mr. Pedersen stated the Town mailed Notices of Intention to the Owners via certified mail. He also stated the Notices provide an opportunity for any interested Owner to present evidence regarding the Notice of Violation on their maps.

PUBLIC COMMENT:

None.

MOTION:

It was the consensus of the Planning Commission to direct staff to proceed with the intention to record the notice of violation.

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

ADJOURNMENT

Motion by Commissioner Tinsley, seconded by Commissioner Kallen, and unanimously carried to adjourn the meeting of the Planning Commission at 6:49 p.m. to the Regular Meeting on October 19, 2016.

Respectfully Submitted by:

Yvonne Rivera
Planning Commission Secretary

Approved by:

Chairman Doug Qualls



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TOWN OF APPLE VALLEY PLANNING COMMISSION

Staff Report

AGENDA DATE: October 19, 2016

CASE NUMBER: Tentative Parcel Map 18083 Extension of Time

APPLICANT: Mr. David Greiner, representing Arete Enterprises, LLC

PROPOSAL: This is a request for a time extension for a previously approved tentative parcel map to subdivide 2.28 acres into four (4) single-family residential lots for future residential development. The lots will range from 20,098 to 22,968 square feet in size. The project is located within the Residential Equestrian (R-EQ) zoning designation.

LOCATION: The project site is generally located on the west side of Washoan Road, approximately 600 feet north of Otoe Road; APN 0441-011-54.

ENVIRONMENTAL DETERMINATION: The Planning Commission determined the approved Tentative Parcel Map was exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act Section 15315 on October 4, 2006. There are no changes or new information as part of the proposed Time Extension application that necessitate further environmental review.

CASE PLANNER: Ms. Pam Cupp, Associate Planner

RECOMMENDATION: Approval.

PROJECT SITE AND DESCRIPTION:

- A. Project Size
The existing parcel is 2.28 gross acres in size. The proposed subdivision will create four (4) lots ranging from 20,098 and 22,968 square feet in size.

- B. General Plan Designations
 - Project Site - Single Family Residential (R-SF)
 - North - Single Family Residential (R-SF)
 - South - Single Family Residential (R-SF)
 - East - Medium Density Residential (R-M)

West - Single Family Residential (R-SF)

C. Surrounding Zoning and Land Use

- Project Site - Equestrian Residential (R-EQ), Vacant
- North - Equestrian Residential (R-EQ), Vacant
- South - Equestrian Residential (R-EQ), Single-family Residence
- East - Multi-family Residential (R-M), Single-family Residence and Vacant
- West - Equestrian Residential (R-EQ), Vacant

D. Site Characteristics

The existing site is a vacant parcel with sparse desert vegetation. The project location is relatively flat with no significant slopes or apparent drainage courses.

ANALYSIS:

A. Background

The Planning Commission approved Tentative Parcel Map No. 18083 on October 4, 2006 with an expiration date of October 4, 2009. In accordance with the Town of Apple Valley Development Code, tentative maps may be extended for one (1) year up to a maximum of three (3) years following the initial three (3) year approval. The tentative map was eligible for four (4) legislative time extensions (SB 1185; AB 333; AB 208 and AB 116), that collectively extended this expiration date by an additional seven (7) years to October 4, 2016. In accordance with the Town of Apple Valley Development Code and in compliance Section 66452.6(e) of the Subdivision Map Act, the applicant is now requesting a three (3) year extension of time. Unless extended through additional legislative actions, this is the final map extension.

B. General

The Extension of Time process affords the Town an opportunity to review subdivisions for compliance with current site development standards as follows:

SITE DEVELOPMENT STANDARDS	R-EQ
Minimum lot area	18,000 sf
Minimum corner lot area	20,000 sf
Minimum lot width in feet, as measured from the minimum front setback of 30 ft.	100
Minimum corner lot width in feet as measured from the minimum front setback of 30 ft.	115
Minimum lot depth (ft)	150
Minimum corner lot depth (ft)	150
Minimum site frontage (ft) The frontage of a nonrectangular lot or lot located on a cul-de-sac, curved street or dead-end street with a curved turn-around shall be measured as the chord drawn between the terminuses of the side property lines at their intersection with the street right-of-way.	60
Minimum front setback (ft)	30
Average front setback (ft)	35

The proposed subdivision remains in compliance with the above site development standards.

Based upon the information provided, implementation of development standards and Conditions of Approval, the proposed subdivision of 2.28 acres into four (4) single-family lots for future residential development will not produce adverse impacts upon the site nor surrounding properties. The project site is within, and adjacent to, properties within the Equestrian Residential (R-EQ), which will allow the property owner to develop the property in a manner that is consistent with the Town's goals and objectives to promote single-family residential development.

1. Traffic and Circulation

Access to the proposed subdivision will be from Otoe Road, via Washoan Road. The Engineering Division is recommending half-width local road improvements along the development side of Washoan Road and full improvements for the proposed cul-de-sac. In-lieu of sidewalks, multi-use equestrian trails shall be constructed on the north and west side of all new streets.

2. Drainage

Prior to issuance of a grading permit, a final drainage plan shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting off-site and on-site tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. The proposal is required to retain onsite drainage flows from a 100-year design storm by way of a retention basin, dry-wells or any combination thereof.

3. Sewer Connection

The Public Works Division is recommending that this development connect to the public sewer system. Plans for such connection have been reviewed and approved by the Town's Public Works Division.

There have been no physical alterations or improvements made to the property that necessitates changes to the Conditions of Approval, however; changes to the Conditions of Approval are recommended to reflect changes in Development Code site development standards and for consistency with the Town's Standard Conditions of Approval,

If circumstances, conditions and requirements have changed sufficiently to warrant new conditions (such as updated park/recreation fees, general Town street standards or the need to conform to equestrian trail provision requirements), and the applicant will not agree to those new conditions, the Commission has the authority and responsibility to deny the Time Extension, citing the fact(s) that the Tentative Map would not be consistent with the requirements applicable today. For the Commission's convenience, staff has included the original Conditions of Approval with substantive recommended modifications in ~~strikeout~~ (deletions) and underline (additions).

C. Environmental Assessment

The Planning Commission determined the approved Tentative Parcel Map was exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act Section 15315 on October 4, 2006. There are no changes or new information as part of the proposed Time Extension application that necessitate further environmental review.

D. Noticing:

The request was legally noticed in the local newspaper and property owners within 300 feet were notified by mail on October 7, 2016. As of the writing of this report, there have been no written or oral comments in opposition or in favor of the proposal.

E. Findings:

In considering any Tentative Parcel Map, the Commission is required by the Development Code to make specific Findings. The following are the Findings for a Tentative Parcel 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 and any applicable Specific Plan. The proposed subdivision or land use is compatible with the objectives, policies, general land uses and programs specified in the General Plan and any applicable Specific Plan (Subdivision Map Act 66473.5).

Comment: The subject property is not located within a Specific Plan and has a General Plan land use designation of Single Family Residential (R-SF) and a Zoning Designation of Residential Equestrian (R-EQ). Based upon project's size, shape and configuration, it has the ability to be used in a manner consistent with the General Plan Land Use Element and zoning designations. The project is a proposal to divide 2.28 acres into four (4) lots and, with adherence to the recommended conditions, will meet the minimum requirements for lot size, width and depth as prescribed by the Code.

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 residentially designated land for the purpose of future residential development at the density allowed by the underlying zoning. The proposed subdivision will allow the property owner to develop the property in a manner that is consistent with the Town's General Plan Goals and Objectives to promote single-family residential development. The development of the property will require payment of impact fees that will mitigate any potential increase the project may have upon available public services.

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. However, as development occurs, the individual houses will be subject to the implementation of natural heating and cooling requirements pursuant to Title 24 energy requirements.

- 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. The Public Works Division has reviewed the proposal and determined adequate facilities are available to accommodate wastewater produced from the project site.

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), the proposed request is Exempt from further environmental review.
- 2. Find that the facts presented in the staff report support the required Findings for approval and adopt the Findings.
- 3. Approve a three (3)-year extension of time for Tentative Parcel Map No.18083, subject to the attached, Conditions of Approval, as amended.
- 4. Direct Staff to file the Notice of Exemption

Prepared By:

Reviewed By:

Pam Cupp
Associate Planner

Carol Miller
Principal Planner

ATTACHMENTS:

- 1. Recommended Conditions of Approval
- 2. Tract Map
- 3. Zoning Map

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Tentative Tract Map No. 18083 Extension of Time No. 1

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 thirty (30) days prior to the expiration date.~~ Unless extended through California legislative action, this is the final map extension that may be approved. The Tentative Tract Map 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. 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~~ Liberty Utilities
Apple Valley Public Services Division
Apple Valley Engineering Division
Apple Valley Planning Division
- P3. Tentative Parcel Map No. 18083 shall adhere to all requirements of the Development Code.
- P4. The applicant shall 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.
- P5. Approval of the Tentative Parcel Map No. 18083 by the Planning Commission is understood as acknowledgement 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.

- P6. Prior to recordation the applicant shall provide the Planning Division with a copy of the subdivision in an electronic format compatible with the Town’s current technology.
- P7. Any protected desert plants or Joshua trees impacted by development are subject to the regulations specified in Section 9.76.020 (Plant Protection and Management) of the Development Code. Prior to the issuance of a Grading Permit, a study by a qualified Native Plant Expert shall be prepared to determine if the identified trees will be saved, located or removed, in compliance with the Town’s Native Plant Protection Ordinance.
- P8. All lots shall have a minimum area of 18,000 square feet, except corner lots, which shall have a minimum area of 20,000 square feet. All lots shall have a minimum depth of 150 feet and a minimum width of 100 feet, except corner lots which shall have a minimum depth of 150 feet and a minimum width of 115 feet. In addition, each lot on a cul-de-sac or on a curved street, where the side lot lines thereof are diverging from the front to rear of the lot, shall have a front lot width of not less than sixty (60) feet and a lot width of not less than 100 feet at the minimum building setback line of ~~40~~thirty (30) feet.
- P9. The project shall conform to the Residential Equestrian (R-EQ), development standards for front, side and rear yard-building setbacks.

Front: _____	40 feet minimum, 45 average
Street side: _____	25 feet minimum
Interior side: _____	15/10 feet minimum
_____ Rear: _____	25 feet minimum

- P10. All subdivision walls constructed along the perimeter of the property lines, shall be constructed of slump stone, split face or masonry material. Prior to recordation of the Final Map, the Developer/applicant shall submit detailed plans showing all proposed walls for this subdivision subject to approval by the Director (or designee).
- P11. If the tract/parcel map is adjacent to existing development, a fence/wall plan shall be submitted with the grading and landscape/irrigation plans to identify how new fencing or walls will relate to any existing fences or walls located around the perimeter of the tract/parcel map. The developer shall be required to connect to the existing fencing/walls or collaborate with the adjacent property owners to provide new fencing/walls and remove the existing fence/wall, both options at the developer’s expense. Double fencing shall be avoided and review and approval of the fencing/wall plan is required prior to issuance of grading permits.
- P12. Residential structures developed on the four (4) parcels shall have a distinct floor plans and elevations, subject to the Planning Commission Design Criteria Policy. ~~variation to the building elevations subject to the review and approval of the Planning Division.~~

Building and Safety Division Conditions of Approval

- B1. Grading and drainage plans are to be submitted to, and approved by, the Building Official prior to permit issuance.
- B2. Submit plans and obtain building permits for all structures and walls.

- B3. A pre-construction permit and inspection are required prior to any land disturbing activity to verify requirements for erosion control, flood hazard, native plant protection and desert tortoise habitat.
- B4. All utilities shall be placed underground in compliance with Town Ordinance No. 89.
- B5. A pre-grading meeting is required prior to beginning any land disturbance. This meeting will include the building Inspector, General Contractor, Grading Contractor, soils technician and any other parties required to be present during the grading process such as a Biologist, Paleontologist.

Park District Conditions of Approval

- PR1. This project is subject to applicable Quimby Fees as determined by the Town. Quimby Fees shall be collected at time of issuance of building permit and shall be the fee adopted by the Town Council at the time of permit issuance.

Equestrian Advisory Committee Conditions of Approval

- EAC1. Cul-de sac streets shall be dedicated and developed with a seven (7)-foot wide trail between curb face and trail, within the right-of-way (in lieu of sidewalk).
- EAC2. All local streets (60' Right-of-Way) shall be dedicated and developed with a nine (9)-foot wide trail, and a three (3)-foot wide separation between curb face and trail, within the right-of-way (in lieu of sidewalk), on the north and west side.
- EAC3. All trails shall be dedicated and developed in conformance with the Town's Multi-Use and Equestrian Trails Standards and Figure C-6, as adopted at time of map recordation.

Engineering Division Conditions of Approval

- EC1. A final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider reducing the post-development site-developed flow to 90 percent of the pre-development flow for a 100 year design storm. (Town Resolution 2000-50; Development Code 9.28.050.C, 9.28.100)
- EC2. Street improvement plans shall be submitted to the Town Engineer for review and approval.
- EC3. All 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.
- EC4. Washoan Road adjacent to the property shall be improved to the Town's half-width Local Street standards.
- EC5. Washoan Road shall be improved to the Town's Access Road standards from the south property line to Otoe Road. A standard route is a road dedicated to the Town and paved to Town standards. (Development Code Section 9.71.020.C.6) Minimum pavement width shall be twenty-eight (28) feet, minimum asphalt thickness shall be 0.33 feet.

- EC6. A forty (40)-foot (30 + 10) wide half-width road dedication along Washoan Road adjacent to the property shall be granted to the Town of Apple Valley.
- EC7. During the grading of the streets, soils testing of the street subgrades by a qualified soils engineering firm shall be performed to determine appropriate structural street section. Minimum asphalt concrete thickness for all streets shall be 0.33 ft.
- EC8. All required improvements shall be constructed and approved or bonded in accordance with Town Development Code.
- EC9. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC10. 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.
- EC11. The developer shall present evidence to the Town Engineer that he has made a reasonable effort to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
- EC12. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)
- EC13. The developer shall make a good faith effort to acquire the required off-site property interests. If the developer fails to acquire those interests the developer shall, at least 120 days prior to submittal of the final map for approval, enter into an agreement to complete the improvements pursuant to Government Code Section 66462 at such time as the Town acquires the property interests required for the improvements. Such agreement shall provide for payment by the developer of all costs incurred by Town to acquire the off-site property interests required in connection with the subdivision. Security for a portion of these costs shall be in the form of a cash deposit in the amount given in an appraisal report obtained by the developer, at the developer's cost. The appraiser shall have been approved by the Town prior to commencement of the appraisal. Additional security may be required as recommended by the Town Engineer and Town Attorney.
- EC14. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC15. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC16. Any required street striping shall be thermoplastic as approved by the Town Engineer.
- EC17. 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.

Public Works Division Conditions of Approval

Prior to Map Recordation:

- ~~PW1. The subject property is located within the boundaries of Assessment District No. 2B, which currently has an active assessment bond issue. The applicant must substantiate bond reapportionment. The bond reapportionment will divide the bond assessment among the subdivided parcels.~~
- 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. **Please note: sewer plans have already been approved for this project and are on file with the Public Works Department.**
- PW2. Construct the sewer collector lines and laterals to each lot to connect to the trunk sewer system or other system as approved in advance by the Town.
- PW3. All Existing manholes within project boundaries shall be brought to current Town of Apple Valley Standards. Frame and cover shall be Long Beach Iron Works Inc. X-106E, Alhambra Foundry Inc. LTD. A-1254 or approved equal.
- PW4. Sewer connection fees required.
- PW5. Submit mylars and three sets of As-Built plans upon completion of sewer installation. In addition, the plans must be provided in an electronic format of the Town's choosing.

Apple Valley Ranchos Water Company Liberty Utilities Conditions of Approval

- LU1. Compliance with Rule #15 of the Public Utilities Commission – must enter into main extension contract.
- LU2. Water main must be extended to provide domestic and fire protection to this facility in accordance with Apple Valley Fire Protection District's conditions.
- LU3. A facilities fee (which funds well development) will be collected per meter that is installed at a rate of \$699 per 5/8" meter equivalent.
- LU4. Water rights will be required for each developed lot.

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, Uniform 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-four (24)~~ 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 ~~600~~ 1,000 feet.

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 (12) percent unless approved by the Chief.

Apple Valley Fire Protection District Ordinance 52

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

New dwelling addresses shall be posted with a minimum four (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.

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

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

B. System Standards:

*Fire Flow 500 GPM @ 20 psi Residual Pressure

Duration 1 Hour(s)

Hydrant Spacing 660 Feet

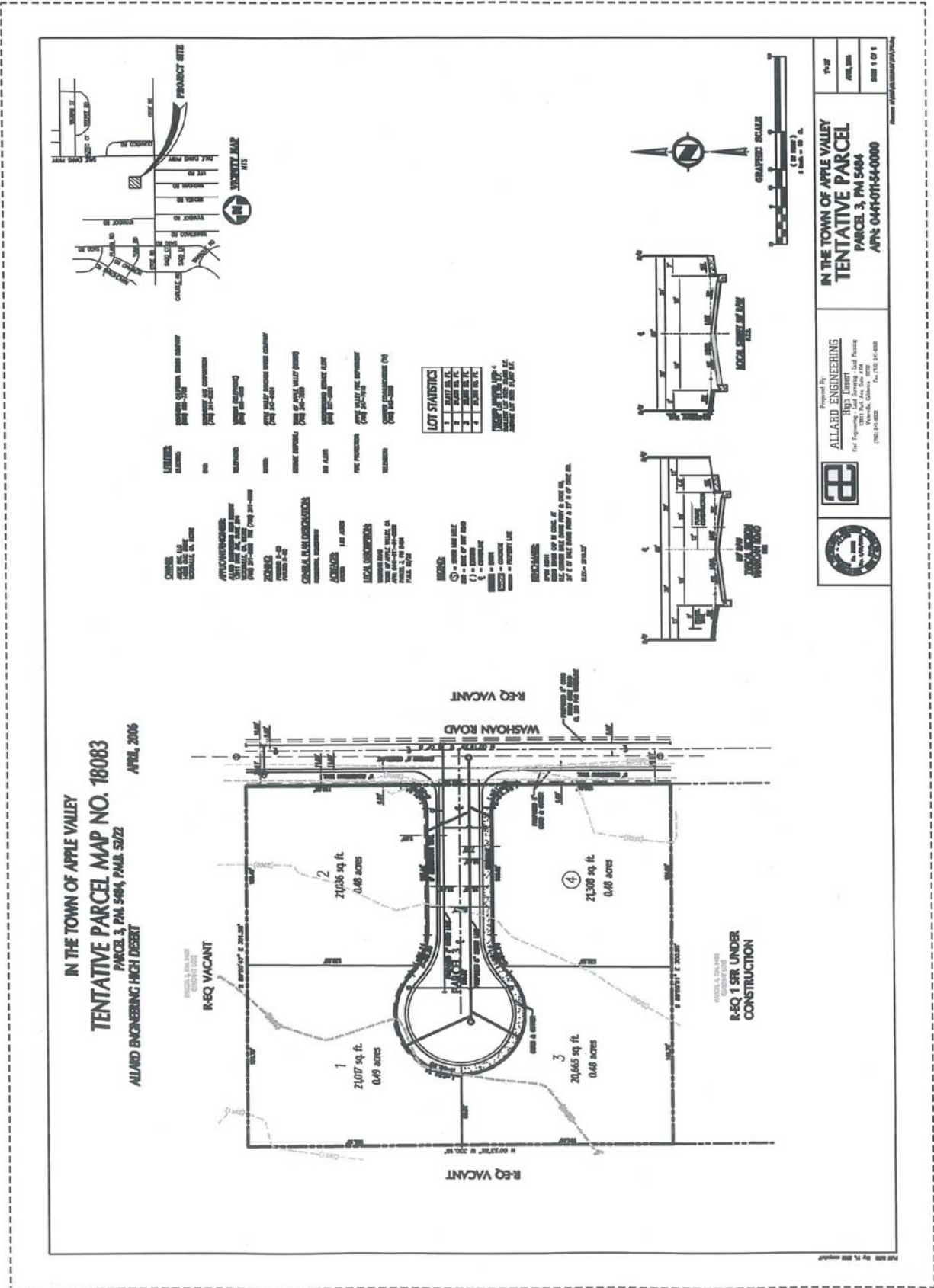
*If blank, flow to be determined by calculation when additional construction information is received.

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 24 hours prior to the desired final inspection date.**

- ~~FD6. An approved fire sprinkler system shall be installed throughout any building:~~
~~➤ 5,000 square feet or greater, including garage and enclosed areas under roof, or~~
~~➤ Other per California Building Code requirements.~~
Apple Valley Fire Protection District, Ordinance 41
- FD8. A letter shall be furnished to the Fire District from the water purveyor stating that the required fire flow for the project can be met prior to the Formal Development Review Committee meeting.
- FD9. Apple Valley Fire Protection District Final Subdivision/Tract/Development fees shall be paid to the Fire District prior to final map acceptance according to the current Apple Valley Fire Protection District Fee Ordinance.
- FD10. The developer shall submit a map showing complete street name within the development, to be approved by the Fire District prior to final map.
- FD11. A Knox Box Rapid Entry System shall be required at all gated ingress/egress points within this project.
Apple Valley Fire Protection District Ordinance 52.

END OF CONDITIONS



LOT STATISTICS

LOT NO.	AREA (SQ. FT.)	AREA (ACRES)
1	21,077	0.48
2	21,036	0.48
3	20,665	0.48
4	21,307	0.48

LEGEND:
 (1) - EXISTING LOT
 (2) - EXISTING LOT
 (3) - EXISTING LOT
 (4) - EXISTING LOT
 (5) - EXISTING LOT
 (6) - EXISTING LOT
 (7) - EXISTING LOT
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 (99) - EXISTING LOT
 (100) - EXISTING LOT

IN THE TOWN OF APPLE VALLEY
TENTATIVE PARCEL
 PARCEL 3, P.M. 5404
 APN: 0441-011-54-0000

Prepared by
ALLARD ENGINEERING
 1813 J Street
 Colton, CA 92324
 (951) 764-2400 Fax: (951) 764-0088

SCALE:
 1" = 100' ±

DATE:
 APRIL 2016

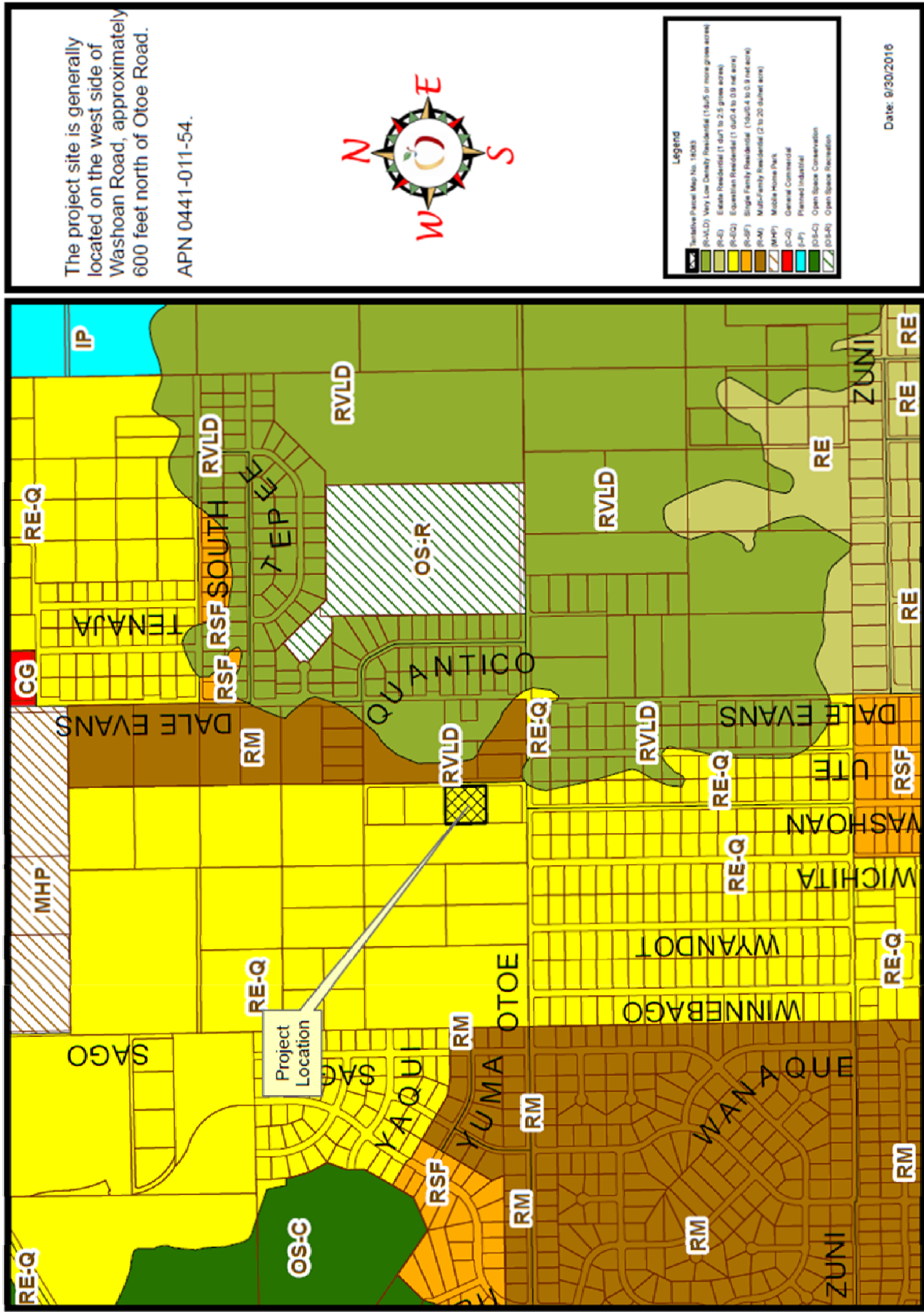
PROJECT:
 TENTATIVE PARCEL MAP NO. 18083

DATE:
 APRIL 2016

SCALE:
 1" = 100' ±

ZONING/LOCATION MAP

Tentative Parcel Map No. 18083 Extension of Time No. 1





TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

Staff Report

AGENDA DATE:	October 19, 2016
CASE NUMBER:	Development Code Amendment No. 2016-004
APPLICANT:	Town of Apple Valley
PROPOSAL:	A request to consider an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying Chapter 9.25 "Deviation Permits"; Chapter 9.28 "Residential Districts"; Chapter 9.35 "Commercial Districts"; and Chapter 9.63 "Ranchos Residential Overlay District" as it pertains to setback reduction procedures within the Ranchos Residential Overlay District.
LOCATION:	Town-wide Ranchos Residential Overlay District
ENVIRONMENTAL DETERMINATION:	Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.
PROJECT PLANNER:	Ms. Pam Cupp, Associate Planner
RECOMMENDATION:	Adopt Planning Commission Resolution No. 2016-008.

BACKGROUND & DISCUSSION

The Ranchos Tracts are the original neighborhoods of Apple Valley that were subdivided prior to incorporation. In the early 1990's the setbacks for these neighborhoods, and many others, were identified on the Zoning Map within "Side Yard Setback Overlay Districts". In 1998 the Side Yard Setback Overlay District was replaced with the "Ranchos Residential Overlay Matrix", which establishes various building setbacks for only those original Ranchos Tracts. The setbacks identified within the matrix are consistent with the Covenants, Conditions and Restrictions (CC&Rs) of these original subdivisions and consistent with the setbacks as recorded on the tract maps.

It should be noted that many of the tracts identified within the eliminated Side Yard Setback Overlay Districts were not included within the Ranchos Residential Overlay Matrix. Staff maintains a list of these tracts previously identified within the Side Yard Setback Overlay District and continues to honor these setbacks for the tracts specified. The exception is when the previously identified setback overlay is greater than what is permitted by Code, the setback determined by Code prevails.

There are approximately 1,400 vacant, residential lots remaining within the original Ranchos Tracts. Many prove to be difficult to develop due to setback constraints. On September 27, 2016, the Town Council initiated a Development Code Amendment to provide setback relief for construction projects located within the Ranchos Residential Overlay Districts. Currently, there is no flexibility in the setbacks and most encroachments require a variance process.

Development constraints are not limited to new construction. Much of the development within these tracts consist of older homes that were built at the minimum front yard setback line. Front yard setbacks within the Ranchos Tracts range from thirty-five (35) feet to seventy-five (75) feet in some areas. This precludes the homeowner from many types of front elevation enhancement that may include small additions, front porches or other architectural amenities.

Today's Development Code site development standards allow front yard setbacks within residential zones from thirty (30) feet up to fifty (50) feet based upon zoning designation. Allowing for flexibility in development standards for residential development in the Ranchos Tracts will allow property owners the same opportunities for improvements already enjoyed by other property owners outside of the Ranchos Tracts. A modification to the front yard and street side yard setbacks through a Deviation Permit process could provide the flexibility needed to assist homeowners to improve their homes value while also enriching the character and appearance of the neighborhood. Deviation Permits are reviewed administratively and approved by the Director. Prior to a formal decision, Deviation Permits require notification of the pending land use decision be mailed to the surrounding property owners in accordance with the Town's noticing requirements.

New construction of single-family infill would be eligible to apply for a Deviation Permit, and must comply with the single-family infill plotting and design standards, which include a requirement for the minimum front yard setback to be equal to the average of the two (2) immediately adjacent residences, or equal to the average setback of all residences on both sides of the street within 200 feet of the new development. Additions or alteration to existing structures would be limited to 100 square feet within the Ranchos Residential Overlay designated front yard setback. At no time would a Deviation Permit allow an encroachment beyond the minimum setback required for the zoning district.

The Ranchos Residential Overlay District includes numerous lots that are zoned for commercial development. Approximately 190 of these properties are vacant, which may be due to development constraints. Many of these properties have recorded setbacks of up to seventy (70) feet, which is much greater than what is permitted with today's development standards. Allowing a modification to the front and street side yard setbacks through a Deviation Permit process could provide the flexibility needed to promote commercial growth within these areas. At no time would a Deviation Permit allow an encroachment beyond the minimum setback required for the zoning district.

In addition to the recommended modifications, staff is requesting a clean-up item to remove the prohibition of parking within the required front yard or street side yard setback within Commercial and Office Districts. This language is in direct conflict with Code Section 9.72 "Off-street Parking and Loading Regulations".

ANALYSIS

Staff is offering for the Commission's consideration the following amended language as identified by strike-through text for deletions and underlined text for additions.

CHAPTER 9.25 Deviation Permits **9.25.030 Standards**

The Director may grant a Deviation Permit for only the following minor exceptions to the Development Code:

- A.** A maximum twenty (20) percent reduction in lot area, lot dimensions or setbacks for Commercial and Industrial Districts.
- B.** A maximum ten (10) percent reduction for interior side setbacks and a twenty (20) percent reduction for rear setbacks in Residential Districts.
- C.** A maximum twenty (20) percent increase in the height of fences.
- D.** In the Commercial and Industrial Districts, a porte cochere open on three sides may encroach up to fifty (50) percent, but not less than twenty-five (25) feet from the front property line.
- E.** For substandard vacant and developed commercial lots in all Commercial Districts, deviations to one or all of the following standards may be allowed:
 - 1. Reduction of landscape planter width in areas adjacent to parking areas or drive aisles no less than a minimum of two (2) feet in width. (Section 9.72.060.B.8.a and b)
 - 2. Reduction in the minimum landscape area of the site from ten (10) percent to no less than five (5) percent. (Section 9.35.040.A.14)
 - 3. Maximum ten (10) percent reduction for interior side setbacks and a twenty (20) percent reduction for rear setbacks.
- F.** For development within the Ranchos Residential Overlay District, a reduction to the front yard setback as identified within Chapter 9.63 "Ranchos Residential Overlay District", not to exceed the minimum setback for the zoning designation.

Chapter 9.28 Residential Districts

Section 9.28.040 (B) Exceptions to Required Structure Setbacks

7. For properties located within the *Ranchos Residential Overlay District*, exceptions to the required front yard and street side yard setbacks for new constructions of single family residences, and additions to existing residences up to 100 square feet, may be reviewed under Section 9.25 “Deviation Permit” of this Code, subject to Section 9.31, “Residential Design Standards” of this Code.

Chapter 9.35 Commercial and Office Districts

9.35.050 Projections into Yards

- C. Use of Required Yards. Required yards may be used for landscaping, walkways, and driveways from the street to the interior of the lot. Required yards may be used for parking when *all* other requirements, such as landscaping, have been satisfied, ~~except that no parking shall be allowed in the minimum required front and street side setbacks,~~ as established in Table 9.35.040-A. Clean-up item only.
- D. For properties located within the *Ranchos Residential Overlay District*, exceptions to the required front yard and street side yard setbacks may be reviewed under Section 9.25 “Deviation Permit” of this Code, and subject to the review and approval of a Development Permit.

Chapter 9.63 Ranchos Residential Overlay District

9.63.030 Exceptions to Setbacks

- A. For Corner lots or odd-shaped lots with a buildable area of less than 45 (forty-five) percent, the setbacks may be reduced to achieve 45 (forty-five) percent buildable area. The buildable area is the total area of the lot minus the area required for setbacks.
- B. Exceptions to the required front yard and street side yard setbacks may be reviewed under Section 9.25, Deviation Permit of this Code.

FINDINGS

An amendment to the Development Code requires that the Planning Commission address two (2) required “Findings”, as listed within Development Code Section 9.06.060. For Commission consideration, the required Findings are listed below, along with a comment addressing each. If the Commission concurs with these comments, they may be adopted and forwarded to the Council for its consideration of the Development Code Amendment. If the Commission wishes modifications to the offered comments, after considering input and public testimony at the public hearing, modifications to the Findings and Code Amendment recommendations can be included into the information forwarded to the Council for consideration.

- A. The proposed amendment is consistent with the General Plan; and

Comment: The General Plan is the blueprint for the community’s future growth. Specific Goals and Objectives are provided within each of the adopted General Plan’s State-mandated Elements. Many of these stated Goals and Objectives address the community’s ability to promote and strengthen single family and commercial development. Providing some flexibility in the development standards dictated by the Residential Ranchos Overlay District will encourage additional

development while providing quality site planning and design that enhances the aesthetics and economy of the Town.

- B. The proposed amendment will not be detrimental to the public health, safety or welfare of the Town or its residents.

Comment: Amending the Code as proposed under Development Code Amendment No. 2016-004 will modify the Town's provisions relative to the ability to administratively modify the required front yard and street side yard setbacks on lots within the Ranchos Residential Overlay District through the implementation of a Deviation Permit. Findings to approve the Deviation Permit require that the proposed deviation will not be materially detrimental to public health, safety and welfare or injurious to the property or improvements in the vicinity and land use district in which the property is located.

NOTICING

Development Code Amendment No. 2016-004 was advertised as a public hearing in the Apple Valley News newspaper on October 7, 2016.

ENVIRONMENTAL REVIEW

Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

RECOMMENDATION

Following receipt of public input and discussion by the Commission, it is recommended that the Commission move to approve Planning Commission Resolution No. 2016-008 forwarding a recommendation that the Town Council amend Title 9 "Development Code" of the Town of Apple Valley Municipal Code as outlined within the staff report.

Prepared By:

Reviewed By:

Pam Cupp
Associate Planner

Carol Miller
Principal Planner

Attachment:
Draft Planning Commission Resolution No. 2016-008

PLANNING COMMISSION RESOLUTION NO. 2016-008

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2016-004 AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING CHAPTER 9.25 "DEVIATION PERMITS"; CHAPTER 9.28 “RESIDENTIAL DISTRICT”; CHAPTER 9.35 “COMMERCIAL DISTRICTS” AND CHAPTER 9.63 “RANCHOS RESIDENTIAL OVERLAY DISTRICTS” AS IT PERTAINS TO SETBACK REDUCTIONS THROUGH THE APPROVAL OF A DEVIATION PERMIT WITHIN THE RANCHOS RESIDENTIAL OVERLAY DISTRICT.

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

WHEREAS, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

WHEREAS, specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by comprehensively amending Chapter 9.25 "Deviation Permits"; Chapter 9.28 “Residential Districts”; Chapter 9.35 "Commercial Districts"; Chapter 9.63 Ranchos Residential Overlay District”; and,

WHEREAS, on October 7, 2016, Development Code Amendment No. 2016-004 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, on October 19, 2016 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2016-004, receiving testimony from the public; and

WHEREAS, Development Code Amendment No. 2016-004 is consistent with Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

NOW, THEREFORE, BE IT RESOLVED that in consideration of the evidence presented at the public hearing, and for the reasons discussed by the Commissioners at said hearing, the Planning Commission of the Town of Apple Valley, California, does hereby resolve, order and determine as follows and recommends that the Town Council make the following findings and

take the following actions:

Section 1. Find that the changes proposed by Development Code Amendment No. 2016-004 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 2. The project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

Section 3. Amend Section 9.25.030 "Standards" of Chapter 9.25 "Deviation Permits" of the Development Code to add subsection F. as follows:

"F. For development within the Ranchos Residential Overlay District, a reduction to the front yard or street side yard setback as identified within Chapter 9.63 "Ranchos Residential Overlay District", not to exceed the minimum setback for the zoning designation."

Section 4. Amend Section 9.28.040 (B) "Exceptions to Required Structure Setbacks" of Chapter 9.28 "Residential Districts" to add subsection 7 as follows:

"7. For properties located within the *Ranchos Residential Overlay District*, exceptions to the required front yard and street side yard setbacks for new constructions of single family residences, and additions to existing residences up to 100 square feet, may be reviewed under Section 9.25 "Deviation Permit" of this Code, subject to Section 9.31, "Residential Design Standards" of this Code."

Section 5. Amend Section 9.35.050 "Projections into Yards" of Chapter 9.35 "Commercial and Office Districts", by modifying subsection C and adding subsection D as follows:

"C. Use of Required Yards. Required yards may be used for landscaping, walkways, and driveways from the street to the interior of the lot. Required yards may be used for parking when *all* other requirements, such as landscaping, have been satisfied, as established in Table 9.35.040-A.

D. For properties located within the *Ranchos Residential Overlay District*, exceptions to the required front yard and street side yard setbacks may be reviewed under Section 9.25 "Deviation Permit" of this Code, and subject to the review and approval of a Development Permit."

Section 6. Amend Section 9.63.030, "Exceptions to Setbacks" of Chapter 9.63 "Ranchos Residential Overlay District" to read as follows:

"A. For Corner lots or odd-shaped lots with a buildable area of less than 45 (forty-five) percent, the setbacks may be reduced to achieve 45 (forty-five) percent buildable area. The buildable area is the total area of the lot minus the area required for setbacks.

B. Exceptions to the required front yard and street side yard setbacks may be reviewed under Section 9.25, "Deviation Permit" of this Code."

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 19th day of October, 2016.

Chairman Doug Qualls

ATTEST:

I, Yvonne Rivera, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 19th day of October, 2016, by the following vote, to-wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ms. Yvonne Rivera, Planning Commission Secretary



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TOWN OF APPLE VALLEY PLANNING COMMISSION

Staff Report

- AGENDA DATE:** October 19, 2016
- CASE NUMBER:** Development Code Amendment No. 2016-005
- APPLICANT:** Town of Apple Valley
- PROPOSAL:** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by amending Chapters 9.35 and 9.36 to add regulations related to allowing cargo containers in the Village area.
- LOCATION:** Village Commercial Zoning District
- ENVIRONMENTAL DETERMINATION:** Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.
- PROJECT PLANNER:** Ms. Carol Miller, Principal Planner
- RECOMMENDATION:** Adopt Planning Commission Resolution No. 2016-009

BACKGROUND

On September 27, 2016, the Town Council initiated an amendment to the Development Code to consider modifications to the Development Code regulations for cargo containers in the commercially zoned properties within the Village. Staff was directed by the Council, to work with the Planning Commission to consider modifications to the Development Code that would allow cargo containers on commercially zoned property within the Village area. Although the Council supports the use of cargo containers in the Village area, they expressed some concern with allowing one geographic area to use cargo containers and not allowing other commercial areas the same privilege.

DISCUSSION

The current regulations of the Development Code prohibit metal buildings or material to be used on any structure within the Town's commercial districts. In review of the overall Village area, and the desire to allow cargo containers in the Village area, staff determined that potential storage problems seem to exist for only those narrow Village Commercial (C-V) lots located adjacent to or near Highway 18, between Navajo and Central Roads. Due to the fact that many of these establishments have narrow

lots and structures, the need for additional space for adequate storage is essential, but can be problematic. To add additional square-footage to these older structures can trigger the potential for compliance with new Building Codes or ADA requirements. Although this argument could be said for the commercial properties in the Knolls area, these properties are built out with no possible way to place a container on the lot without impacting parking, aisle ways or landscaping. In regards to other commercial zoning within the Village, Staff did not feel that expanding the provision for cargo containers to other commercially zoned properties was justified given that the lots are generally larger, and as such, the existing development has the potential to expand to address storage needs. Based on the above analysis, a change to the Code to allow for the use of metal cargo containers subject to specific requirements could be beneficial to businesses within the Commercial Village (C-V) zoning district. Therefore, staff is recommending the provisions apply only to the Village Commercial (C-V) zoned lots.

Staff is offering for the Commission's consideration the following amended language as identified by underlined text for additions and strike-through text for deletions to address renumbering.

9.35.080 Outdoor Storage and Use

E. Cargo Containers. In the Village Commercial (C-V) district, cargo containers shall be permitted subject to Section 9.36.170.D.

9.36.170 Outdoor Displays, Sales and Uses

D. Cargo Container. All properties zoned Village Commercial (C-V) within the Apple Valley Village area may use a cargo container for storage purposes subject to a Minor Development Permit and conforms to the following:

1. No cargo container shall be visible from any lot frontage(s)
2. Maximum number of containers shall be limited to two (2). Each container not to exceed forty (40) feet in length and ten (10) feet in width.
3. The use of the cargo container for storage shall be directly related to and associated with a legally established primary use on-site.
4. The container may not occupy required parking, drive aisles, fire lane or landscape area.
5. Stored material must be business related and may not include hazardous material.
6. Architecturally the cargo container shall be limited to a single color. No signage, lettering or graphics on the container is allowed. The cargo container must remain graffiti free.

~~D~~E **Outdoor Recreational Facilities.** Outdoor recreational facilities shall conform to all property development standards of the zoning district in which they are located and the following:

1. **Hours of Operation.** The hours of operation may be restricted to ensure compatibility with adjacent uses and the surrounding neighborhoods.
2. **Landscaping.** Landscaping shall be installed and permanently maintained in compliance with Chapter 9.75, *Water Conservation/Landscaping Regulations*, of this Code. Additional or enhanced landscaping may be required to reduce the impact of outdoor recreational areas on surrounding uses.
3. **Lighting.** All outdoor recreational areas shall be well lit with sufficient lighting to illuminate all areas. However, lighting shall not exceed 0.5 foot-candlepower at the property lines and shall comply with the provisions of Chapter 9.70, *Performance Standards*, of this Code.
4. **Parking.** Outdoor recreational facilities shall provide off-street parking facilities as designated in Chapter 9.72, *Off-Street Parking and Loading Regulations*, of this Code, for each type of use to be conducted concurrently on the site.

5. **Public Address Systems.** Public address systems shall not be used after 9:00 p.m. Sunday through Thursday and 10:00 p.m. on Friday and Saturday. Noise levels from the public address system shall not exceed sixty-five (65) dba at the property lines.
6. **Screening.** Screening and buffering shall be in accordance with Chapter 9.37, *Commercial and Office Districts Design Standards*, of this Code. A solid decorative masonry wall or fence, or other material found appropriate by the Planning Commission, shall be installed on property lines adjacent to residential uses or districts.

E-F As used herein, the following shall define antiques, collectibles and second-hand merchandise:

1. An antique is defined as any handmade or manufactured product, such as an automobile, a work of art, piece of furniture, jewelry, clothing or decorative object, produced during or prior to World War II or which is indicative of a specific period of craftsmanship and design.
2. A collectible is any mass-produced product, no longer manufactured and of limited availability, such as coins, books, stamps, clothing, bric-a-brac, curios or similar objects, regardless of its age, which represents an earlier period, style or fad, and which, when originally produced, carried an inexpensive retail price but has taken on an intrinsic value greater than that original value and which continues to appreciate with time.
3. Second-hand merchandise pertains to any products, goods or items offered or displayed for sale or exchange to the general public which have been previously used by the seller or other(s) but which cannot be classified as antiques or collectibles.

F-G An Outdoor Display/Sales Permit shall not be approved for any applicant (whether individual, company or corporation), or at a location where the property owner, a tenant or lessee, has either of the following:

1. Any combination of two or more outstanding citations of the Town of Apple Valley Municipal Code, or adjudicated citations found in favor of the Town of Apple Valley by a court of competent jurisdiction, issued within the twenty-four (24) months preceding the proposed initiation date of the Outdoor Display/Sale listed upon the Outdoor Display/Sales Permit application and directly or indirectly related to, or similar to, any property, event, activity or use for which the Outdoor Display/Sales Permit application is proposed; or
2. The individual, company or corporation listed as the applicant upon the Outdoor Display/Sales Permit application has, or where the property owner, a tenant or lessee, of the property listed upon the Outdoor Display/Sales Permit application as the intended site of the outdoor display and/or sale, has a Municipal Code violation(s) being processed by the Town of Apple Valley or pending before a Court of competent jurisdiction and directly or indirectly related to, or similar to, any property, event, activity or use for which the Outdoor Display/Sales Permit application is proposed.

FINDINGS:

An Amendment to the Development Code requires that the Planning Commission address two (2) required "Findings", as listed within Development Code Section 9.06.060. For Commission consideration, the required Findings are listed below, along with a comment addressing each. If the Commission concurs with these comments, it may be adopt and forward its recommendation to the Council for consideration of the Development Code Amendment. If the Commission wishes to modify the offered comments, after considering input and public testimony at the public hearing, modifications to the Findings and Code Amendment recommendations can be included into the information forwarded to the Council for consideration.

- A. The proposed Amendment is consistent with the General Plan; and

Comment: The General Plan provides the basic framework for land development within the Town of Apple Valley, with the Development Code setting the specific standards and criteria to fulfill the General Plan's Goals and Policies. The proposed Code Amendment allows the use of a cargo container for properties within the Village Commercial zoning district for the purposes of providing additional opportunities for storage while maintaining the integrity of the Village Commercial zoning. The General Plan recognizes the development challenges the Village area faces. The change proposed to the Development Code is consistent with the General Plan and provides a solution to a problem, while still protecting the property values and aesthetics of the Village.

- B. The proposed Amendment will not be detrimental to the public health, safety or welfare of the Town or its residents.

Comment: The proposed Development Code Amendment will amend the Development Code requirements to allow the use of a cargo container for those properties within the Village Commercial zoning district. Based on the proposed standards, the potential impacts due to aesthetics, impacts to parking and landscaping are minimized. Therefore, the Amendment will not be detrimental to the health, safety or general welfare of the citizens or visitors of the Town of Apple Valley.

ENVIRONMENTAL REVIEW

Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

RECOMMENDATION

Following receipt of public input and discussion by the Commission, it is recommended that the Commission move to approve Planning Commission Resolution No. 2016-009, forwarding a recommendation that the Town Council amend Title 9 "Development Code" of the Town of Apple Valley Municipal Code as outlined within the staff report.

Prepared by:

Reviewed By:

Carol Miller
Principal Planner

Lori Lamson
Assistant Town Manager

ATTACHMENTS:

1. Planning Commission Resolution No. 2016-009

PLANNING COMMISSION RESOLUTION NO. 2016-009

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2016-005 AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING SECTIONS 9.35.080 AND 9.36.170 TO ALLOW CARGO CONTAINERS WITHIN THE VILLAGE COMMERCIAL LAND USE DISTRICT.

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

WHEREAS, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

WHEREAS, Specific changes to Chapter 9.35.080 of Title 9 “Development Code” of the Apple Valley Municipal Code as it relates to adding a provision which references Chapter 9.36.170; and

WHEREAS, Specific changes to Table 9.36.170 “Outdoor Displays, Sales and Uses”, of Title 9 “Development Code” of the Apple Valley Municipal Code as it relates to adding provisions for “cargo containers”; and

WHEREAS, On October 7, 2016, Development Code Amendment No. 2016-005 was duly noticed in the Apple valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, The project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, On October 19, 2016, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2016-005, receiving testimony from the public and adopted Planning Commission Resolution No. 2016-009 recommending adoption of this Ordinance; and

WHEREAS, Development Code Amendment No. 2016-005 is consistent with the Town’s General Plan and Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley and shall promote the health, safety, and general welfare of the citizens of the Town of Apple Valley.

NOW, THEREFORE, BE IT RESOLVED that in consideration of the evidence presented a the public hearing, and for the reasons discussed by the Commissioners at said hearing, the Planning Commission of the Town of Apple Valley, California, finds and determines as follows and recommends that the Town Council make the following findings and take the following actions:

Section 1. Find that the changes proposed by Development Code Amendment No. 2016-005 is consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 2. Pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be determined that the Code amendment is covered

by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as with the proposed Code Amendment, that there is no possibility that the proposal approved under Development Code Amendment No. 2014-001 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

Section 3. Amend Chapter 9.35.080 of the Code by adding Subsection “E” to read as follows:

9.35.080 Outdoor Storage and Use

E. Cargo Containers. In the Village Commercial (C-V) district, cargo containers shall be permitted subject to Section 9.36.170.D.

Section 4. Amend Section 9.36.170 of the Code by adding a Subsection “D” and re-lettering the subsection to read as follows:

9.36.170 Outdoor Displays, Sales and Uses

D. Cargo Container. All properties zoned Village Commercial (C-V) within the Apple Valley Village area may use a cargo container for storage purposes subject to a Minor Development Permit and conforms to the following:

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2. The individual, company or corporation listed as the applicant upon the Outdoor Display/Sales Permit application has, or where the property owner, a tenant or lessee, of the property listed upon the Outdoor Display/Sales Permit application as the intended site of the outdoor display and/or sale, has a Municipal Code violation(s) being processed by the Town of Apple Valley or pending before a Court of competent jurisdiction and directly or indirectly related to, or similar to, any property, event, activity or use for which the Outdoor Display/Sales Permit application is proposed.

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 19th day of October 2016.

Chairman Doug Qualls

ATTEST:

I, Yvonne Rivera, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 19th day of October, 2016 by the following vote, to-wit:

AYES:
NOES:
ABSENT:

ABSTAIN:

Ms. Yvonne Rivera, Planning Commission Secretary