



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY  
PLANNING COMMISSION AGENDA**

**WEDNESDAY, NOVEMBER 16, 2016**

**Regular Meeting 6:00 p.m.**

***Town Council Chambers***  
**14955 Dale Evans Parkway**

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**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](http://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 November 16, 2016 – 6:00 P.M.**

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

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

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

**REGULAR MEETING**

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

**CALL TO ORDER**

**ROLL CALL**

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

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

1. Minutes for the Regular Meeting of October 19, 2016.

## PUBLIC HEARING ITEMS

2. **Tentative Tract Map No. 18118, Time Extension No 1.** Request for a time extension of a previously approved subdivision of fifty-eight (58) single-family residential lots in the Residential Single-Family (R-SF) zoning designation for future residential development.  
**Applicant:** MLS Realtors Inc.  
**Location:** Located at the northeast corner of Mesquite and Nisqually Roads; APN 0439-421-33.  
**Project Planner:** Ms. Carol Miller, Principal Planner  
**Recommendation:** Approval
  
3. **Tentative Parcel Map No. 19705.** Request to subdivide 4.67 acres into four (4) parcels, and one (1) remainder lot, for future residential development. The project is located within the Single-Family Residential (R-SF) zoning designation  
**Applicant:** Cubit Engineering, representing CJC Holding and Torberet,  
**Location:** 21849 Waalew Road; APN 0437-302-01  
**Project Planner:** Pam Cupp, Associate Planner  
**Recommendation:** Approval
  
4. **Development Code Amendment No 2016-004. (Continued from October 19, 2016)**  
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

## 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

5. **Subdivision Map Act Violations** – Opportunity to Present Evidence to Legislative Body Per Government Code § 66499.36 Prior to Recordation of Notice of Violation.
6. Ms. Pam Cupp, Associate Planner will lead a discussion pertaining to Development Code Interpretation No. 2016-001 regarding Section 9.28.120 “Fences Walls and Hedges”

## ADJOURNMENT

The Planning Commission will adjourn to its next regularly scheduled Planning Commission meeting on December 7, 2016.

## **MINUTES**

### **TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, October 19, 2016**

#### **CALL TO ORDER**

Chairman Qualls called to order the Regular Meeting of the Planning Commission of the Town of Apple Valley for October 19, 2016 at 6:00 p.m.

#### **ROLL CALL**

##### **Planning Commission**

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

#### **STAFF PRESENT**

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

#### **PLEDGE OF ALLEGIANCE**

Vice-Chairman Shoup led the Pledge of Allegiance.

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

Minutes for the Regular Meeting of September 21, 2016.

Motion by Commissioner Kallen, and seconded by Vice-Chairman Shoup, to approve the Minutes for the Regular Meeting of September 21, 2016.

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

#### **PUBLIC HEARING ITEMS**

- 2. Tentative Parcel Map. 18083, Extension of Time.** This is a request for a time extension of 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

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 commented on the modifications to Condition P-12 as it relates to the Design Criteria Policy.

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

Mr. David Greiner stated he agreed with all Conditions of Approval.

Chairman Qualls closed the public hearing at 6:07 p.m.

**PUBLIC COMMENT:**

None.

**MOTION**

Motion by Vice-Chairman Shoup, seconded by Commissioner Kallen, that the Planning Commission move to:

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

**ROLL CALL VOTE**

Ayes: Commissioner Kallen  
Vice-Chairman Shoup  
Chairman Qualls

Noes: None

Abstain: None

Absent: Commissioner Lamoreaux  
Commissioner Tinsley

The motion carried by a 3-0-0-2 vote.

3. **Development Code Amendment No. 2016-004.** This is 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

Chairman Qualls opened the public hearing at 6:07 p.m.

Ms. Pam Cupp, Associate Planner, presented the staff report as filed by the Planning Division. She noted there is a need to make a correction on Pages 3-4 and 3-7, Section 4 of the proposed resolution, to remove the restrictions of 100 square feet for additions.

Lengthy discussion ensued among the Planning Commissioners regarding setback procedures and the zoning designations within the Ranchos Residential Overlay District.

Ms. Cupp informed the Planning Commission that the Town Council initiated a Development Code Amendment to provide setback relief for construction projects located within the Ranchos Residential Overlay Districts. She also noted that currently, there is no flexibility in the setbacks and most encroachments require a variance process.

Vice-Chairman Shoup expressed concern regarding moving forward with the item without the input of all Planning Commissioners.

Ms. Carol Miller, Principal Planner, read into the record Section 9.31.020 as it relates to single-family planning design standards:

- B. Infill setbacks in existing neighborhoods within new single-family development must be equal to the average setback of all residences on both sides of the public right-of-way within 200-feet of the property lines of the new development, or equal to the average of the two immediate adjacent residences.

Lengthy discussion ensued regarding new construction that may not meet the setbacks according to the development code standards.

The Planning Commission requested that staff come back with illustrations that demonstrate the impact that may be associated with encroachments and to provide a comparison of the Ranchos Residential Overlay setbacks to the setback as determined by zoning designation.

Mr. Rice noted there is an appeal procedure in the Development Code; a Notice Action Deviation Permit to notice the members of the public around the property subject to the change. He stated those members of the public would know staff's action and would then be able to appeal that to the Planning Commission.

Chairman Qualls closed the public hearing at 6:44 p.m.

**PUBLIC COMMENT:**

None.

**MOTION**

Motion by Commissioner Kallen, seconded by Vice-Chairman Shoup, that the Planning Commission move to continue this item to the next Planning Commission meeting on November 16, 2016.

The Motion carried unanimously by voice vote.

4. **Development Code Amendment No. 2016-005.** This is an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by amending Chapter 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

Chairman Qualls opened the public hearing at 6:45 p.m.

Ms. Carol Miller, Principal Planner, presented the staff report as filed by the Planning Division. She informed the Planning Commission that the Council expressed concern regarding allowing cargo containers in one geographical area, and not allowing them in other commercial areas.

Lengthy discussion ensued regarding potential storage problems that would affect the Village commercial areas, as well as issues related to the height, definition and setbacks for cargo containers.

Ms. Miller recommended adding an item that requires the setback of the zoning designation be met.



The Planning Commissioners would like staff to modify the proposed ordinance to clarify the maximum height for cargo containers, as well as adding the language “Axle” as part of the definition of the containers.

Mr. Thomas Rice, Town Attorney, also recommended adding language to the staff report that prohibits stacking of the containers over 9 feet, 6 inches.

Chairman Qualls closed the public hearing at 7:05 p.m.

**PUBLIC COMMENT:**

Mr. Cecil Volsch, Apple Valley, provided the Planning Commission with information as it relates to various descriptions for cargo containers.

**MOTION**

Motion by Commissioner Kallen, seconded by Vice-Chairman Shoup, that the Planning Commission move to:

1. Following receipt of public input and discussion by the Commission, it is recommended that the Commission move to approve Planning Commission Resolution No. 2016-09 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, as amended.

**ROLL CALL VOTE**

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

The motion carried by a 3-0-0-2 vote.

**PUBLIC COMMENT:**

None.

**PLANNING COMMISSION COMMENTS:**

Chairman Qualls commended staff for their work on the improvements made to the industrial buildings located on Central Road and Highway 18. He believes the buildings now meet the high standards upheld by the Town.

**STAFF COMMENTS:**

None.

**OTHER BUSINESS**

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 November 16, 2016, in memory of former Planning Commission Secretary, Patty Hevle.

Respectfully Submitted by:

\_\_\_\_\_  
Yvonne Rivera  
Planning Commission Secretary

Approved by:

\_\_\_\_\_  
Chairman Doug Qualls



## TOWN OF APPLE VALLEY PLANNING COMMISSION

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### Staff Report

- AGENDA DATE:** November 16, 2016
- CASE NUMBER:** Tentative Tract Map No. 18118 Time Extension
- APPLICANT:** MLS Realtors Inc.
- PROPOSAL:** This is a request for a time extension of a previously approved subdivision of fifty-eight (58) single-family residential lots in the Residential Single-Family (R-SF) zoning designation for future residential development.
- LOCATION:** Located at the northeast corner of Mesquite and Nisqually Roads; APN 0439-421-33.
- ENVIRONMENTAL DETERMINATION:** 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 November 15, 2006. Therefore, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162, the proposed request is not subject to further environmental review.
- CASE PLANNER:** Ms. Carol Miller, Principal Planner
- RECOMMENDATION:** Approval

#### PROJECT SITE AND DESCRIPTION

- A. Project Size  
The property consists of one (1) parcel totaling approximately forty (40) gross acres in size within the Residential Single-Family (R-SF) zoning designation.
- B. General Plan Designations:
- |                |                                                              |
|----------------|--------------------------------------------------------------|
| Project Site - | Residential Single-Family (R-SF)                             |
| North -        | Residential Single-Family (R-SF)                             |
| South -        | Residential Single-Family (R-SF)                             |
| East -         | Residential Single-Family (R-SF) and Public Facilities (P-F) |
| West -         | Residential Single-Family (R-SF)                             |

C. Surrounding Zoning and Land Use:

- Project Site - Residential Single-Family (R-SF), Vacant
- North- Residential Single-Family (R-SF), Single Family Residence & Vacant
- South- Residential Equestrian (R-EQ), Single Family Residences
- East- Residential Single-Family (R-SF) and Public Facilities (P-F), Elementary School
- West - Residential Single-Family (R-SF), Vacant

D. Site Characteristics

The subject forty (40) acre site is vacant with desert vegetation but no Joshua Trees. The site has been heavily impacted by vehicle and pedestrian trespass. The area surrounding the site is largely developed with single family residential and a school.

**ANALYSIS**

A. Background

The Planning Commission approved Tentative Tract Map No. 18118 on November 15, 2006 with an expiration date of November 15, 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 November 15, 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:

<b>SITE DEVELOPMENT STANDARDS</b>	<b>R-SF</b>
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

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

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).

The most notable change is to Condition of Approval No. EC10. The previous General Plan Circulation Element specified Mesquite Road as a forty-four (44)-foot half width roadway where it is now designated a collector road with a thirty-three (33)-foot half-width standard. The eleven (11) additional feet can be incorporated into the adjacent lots. This additional area will provide bigger lots to offset the twelve (12)-foot wide equestrian trail easement requirement along Mesquite Road.

C. Environmental Assessment:

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 November 15, 2006. Therefore, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162, the proposed request is not subject to further environmental review.

D. Noticing:

The proposed Tentative Tract map was legally noticed in a local newspaper on October 28, 2016.

E. 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 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 has a General Plan land use designation of Single-Family Residential (R-SF) and by size, shape and configuration 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 subdivide the properties into fifty-eight (58) single-family lots and, with adherence to staff 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. No houses are being removed and housing needs will not be negatively impacted.

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 within the Residential Single-Family (R-SF) zoning designation are appropriate in size to provide natural heating and cooling opportunities for development of the site. However, as development occurs, the individual lots are 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.

### **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. 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 November 15, 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 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 Tract Map No.18118, subject to the attached, Conditions of Approval, as amended.
4. Direct Staff to file the Notice of Determination

Prepared By:

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Carol Miller  
Principal Planner

ATTACHMENTS:

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

TOWN OF APPLE VALLEY

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**RECOMMENDED CONDITIONS OF APPROVAL**

Case No. Tentative Tract Map No. 18118 Time Extension

**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  
Golden State Water Company  
Apple Valley Public Services Department  
Apple Valley Engineering Division  
Apple Valley Planning Division
  
- P3. Upon approval of the Tentative Tract Map No. 18118, the applicant shall be responsible for the payment of all CEQA mandated environmental review and filing fees to the Department of Fish and ~~Game~~ Wildlife and/or the San Bernardino County Clerk of the Board of Supervisors.
  
- P4. Approval of Tentative Tract Map No. 18118 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.
  
- P5. Tentative Tract Map No. 18118 shall adhere to all requirements of the Development Code.



- P6. The applicant shall ~~agree to~~ defend at his sole expense (with attorneys approved by the Town), and indemnify the Town against any action brought against the Town, its agents, officers or employees resulting from or relating to this approval. The applicant shall reimburse the Town, its agents, officers or employees for any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of these obligations under this condition.
- P7. 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.
- P8. All slopes over three (3) feet in height shall be landscaped and irrigated according to Town standards.
- P9. 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 one-hundred 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.
- P10. 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.
- P11. Subdivision walls adjacent to Nisqually and Mesquite Roads and the northern boundary of the tract including Lot Nos. 4 and 5, 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 of ~~Economic and Community Development~~ (or designee).
- P12. 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 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.
- P13. The project shall incorporate sidewalks, which shall be shown on engineered improvement plans, subject to approval by the Director of ~~Economic and Community Development~~ (or designee).

P14. The project shall conform to the R-SF, Single Family Residential, development standards for front, side and rear yard-building setbacks ~~as follows~~.

Front: \_\_\_\_\_ 40 feet minimum, 45 average

Street side: \_\_\_\_\_ 25 feet minimum

Interior side: \_\_\_\_\_ 15/10 feet minimum

Rear: \_\_\_\_\_ 25 feet minimum

P15. 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.

P16. A copy of the final grading plan shall be submitted to the Planning Division for review and approval.

- a. All on-site cut and fill slopes shall be limited to a maximum slope ratio of 2 to 1 and a maximum vertical height of thirty (30) feet. Setbacks from top and bottom of slopes shall be a minimum of one-half the slope height.
- b. Slopes shall be contour graded to blend with existing natural contours.
- c. Slopes shall be a part of the downhill lot when within or between individual lots.

P17. The project shall incorporate sidewalks, which shall be shown on engineered improvement plans, subject to approval by the Director of ~~Economic and Community Development~~ (or designee).

P18. Prior to grading of the site, a ~~pre-construction~~ current biological survey for animal and plant species of special concern (within 30 days) shall be completed and submitted to the Planning Division is required to ensure that special status species have not moved onto the site since the date of the initial biological survey conducted on August 26, 2006. In the event evidence of special status species are present, appropriate permits shall be obtained from the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife

P19. During grading of any phase of the project, the site shall be monitored to ensure that the presence of any sensitive, or special status animal species, is not evident.

P20 The maximum slope for any retention/detention basin is 4:1 (25%).

P21. Retention/Detention basins may not exceed a maximum depth of four (4) feet on lots less than one (1) acre in size.

P22. Retention/Detention basins may not exceed a maximum depth of eight (8) feet on lots greater than one (1) acre in size.

### **Equestrian Advisory Committee**

EAC1. Nisqually Road (north side) and Mesquite Road (west side) shall be dedicated and developed with a twelve (12)-foot wide Lifeline Trail easement, in addition to the right-of-way. A Lifeline Trail shall be developed with four (4)-foot wide minimum separation (i.e. landscape easement, sidewalk) between the street and the trail, and between the trail and the property fence line.

EAC2. All trails shall be dedicated and developed in conformance with the adopted Multi-Use and Equestrian Trails Standards and Figure C-6, as adopted at time of map recordation.

### **Park and Recreation Department Conditions of Approval**

PR1. Prior to issuance of any building permit, the applicant shall pay the applicable Quimby Fees as adopted by the Town Council.

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

B1. An engineered grading report, including soils engineering and engineering geology, shall be filed with, and approved by, the Building Official prior to recordation of final map or issuance of permits for grading in excess of 1,000 cubic yards.

B2. Grading and drainage plans are to be submitted to, and approved by, the Building Official prior to permit issuance.

B3. Submit plans and obtain building permits for all structures and walls.

B4. 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.

B5. A Notice of Intent (NOI) and a Storm Water Prevention Plan (SWPP) must be submitted to and approved by the Engineering and Building Departments prior to issuance of a grading permit and or any land disturbance.

B7. All cross-lot drainage requires easements and may require improvements at the time of development.

B8. Comply with State of California Disability Access requirements.

B9. 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.

### **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 ninety (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. All street names shall be approved by the Town and such approval shall be coordinated through the Town Engineer.
- EC5. Mesquite Road adjacent to the property shall be improved to the Town's half-width ~~Secondary~~ Road standard.
- EC6. Pueblo Road adjacent to the property shall be improved to the Town's half-width Local Road standards.
- EC7. Nisqually Road adjacent to the property shall be improved to the Town's half-width Secondary Road standards.
- EC8. A forty-foot (30 + 10) wide half-width road dedication along Pueblo Road, shall be granted to the Town of Apple Valley.
- EC9. An eighty-eight (88)-foot wide, full-width road dedication along Nisqually Road, adjacent to the property shall be granted to the Town of Apple Valley.
- EC10. A ~~forty-four (44)-foot~~ thirty-three (33)-foot wide half-width road dedication along Mesquite Road, adjacent to the property shall be granted to the Town of Apple Valley.
- EC11. 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.
- EC12. All required improvements shall be constructed and approved or bonded in accordance with Town Development Code.
- EC13. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC14. 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.
- EC15. A final grading plan shall be approved by the Town Engineer prior to issuance of a grading permit. A grading permit shall not be issued until street improvement plans have been submitted to the Town Engineer for review and substantial completion of the street plans has been attained as determined by the Town Engineer.
- EC16. 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.
- EC17. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)
- EC18. The developer shall form or annex into an assessment district to provide for the ongoing maintenance of the retention basin and accessory structures (Town Council Resolution 2000-50).
- EC19. The retention basin(s) shall also include Town Standard two-stage drywells to help facilitate the rapid removal of storm water.

- EC20. 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.
- EC21. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC22. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC23. Any required street striping shall be thermoplastic as approved by the Town Engineer.
- EC24. Street lights shall be required in accordance with Town standards. The developer shall form or annex into an assessment district to provide for the ongoing operation and maintenance of the street lights.
- EC25. 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.
- EC26. The developer shall be required to obtain and submit to the Planning Division prior to occupancy, the following signed statement by the purchasers of the homes located within the Landscape and Lighting Assessment district (subject to final approval by the Town Attorney): "In purchasing the home, I am aware that the home is located in the boundaries of a 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."

**Public Works Division Conditions of Approval**

**Prior to Map Recordation:**

- PW1. A sewer feasibility study is required to determine how public sewer collection can be provided by the Town of Apple Valley. Contact the Apple Valley Public Works Department (760-240-7000 ext. 7500) to determine procedure and costs associated with completing said study.
- 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. 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.

PW4. Buy-in fees will be required prior to Recordation. Contact the Public Works Department for costs associated with said fees.

PW5. Sewer connection fees required.

PW6. Sewer development impact fees required.

PW7. All existing manholes within the 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.

PW8. Submit mylars along with three (3) sets of approved plans upon completion of the plan check. In addition, the plans must be provided in an electronic format of the Town's choosing. These requirements are the same for the approved plans and the As-Built plans.

#### **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. 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. Apple Valley Fire Protection District. Ordinance 22, Section (I). Install per A.V.F.P.D. Standard ARI #8.

FD3. Fire lanes shall be provided with a minimum width of ~~twenty-four (24) feet~~, twenty-six (26) maintained, and identified.

Apple Valley Fire Protection District Ordinance 44-52.

FD4. 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 percent (12%) unless approved by the Chief. ~~Uniform Fire Code, Section 902.2.2.3. Apple Valley Fire Protection District. Ordinance 22, Section 1 (e). Install per A.V.F.P.D. Standard Series #202~~ Apple Valley Fire Protection District Ordinance 52.

FD5. 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. ~~Apple Valley Fire Protection District, Ordinance 42.~~

- 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 an 8" main will be required.
  - Duration 1 Hour(s)
  - Hydrant Spacing 660 Feet
  - \*If blank, flow to be determined by calculation when additional construction information is received. Install per A.V.F.P.D. Standard Series #101
- C. ~~A total of 5-6 fire hydrant(s) on an 8" main will be required. It is the responsibility of the owner/developer to provide all new fire hydrants with reflective pavement markers set into pavement and curb identification per A.V.F.P.D. Standard. Install per A.V.F.P.D. Standard Series #101~~

**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.~~
- FD6. 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.
- FD7. 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.
- FD8. 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.
- FD9. The developer shall submit a map showing complete street names within the development, to be approved by the Fire District prior to final map.
- FD10. Prior to issuance of Building Permit, the developer shall pay all applicable fees as identified in Apple Valley Fire Protection District Ordinances.
- 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**





**Tentative Tract Map No. 18118  
 Extension of Time No. 1**

The project is located at  
 the northeast corner of  
 Mesquite and Nisqually  
 Roads.

APN 0439-421-33

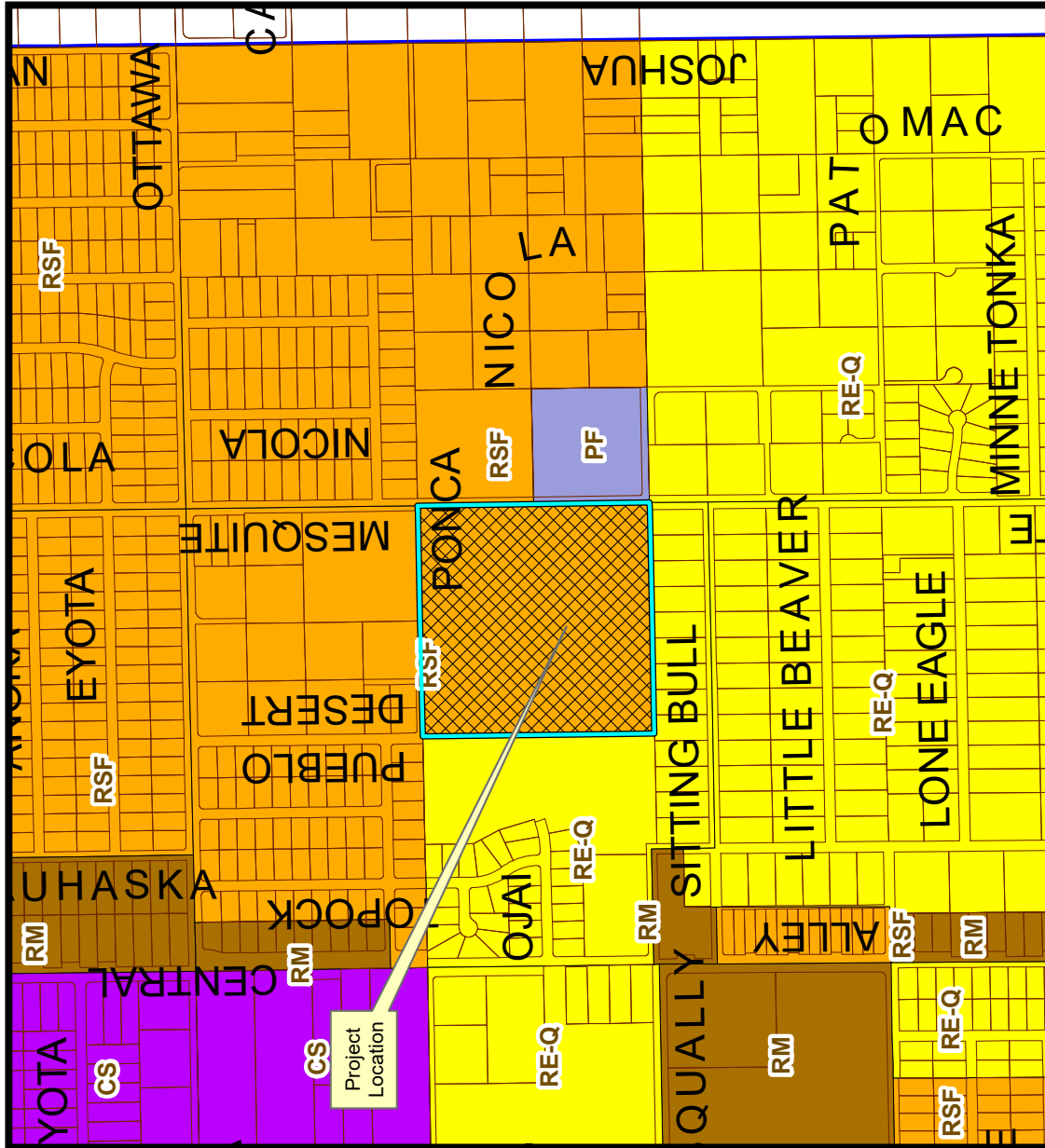


**Legend**

	Tentative Tract Map 18118
	RE-Q Extension Residential (1, 4 to 0.9 net acre)
	RSF Single Family Residential (1 to 0.4 to 0.9 net acre)
	CS Multi-Family Residential (2 to 20 four-unit lots)
	MHP Mobile Home Park
	CS Service Commercial
	PF Public Facilities

Date: 11/9/2016

**ZONING/LOCATION MAP**





## TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

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# Staff Report

- AGENDA DATE:** November 16, 2016
- CASE NUMBER:** Tentative Parcel Map No. 19705
- APPLICANT:** Cubit Engineering, representing CJC Holding and Torberet, LLC
- PROPOSAL:** A request to subdivide 4.67 acres into four (4) parcels, and one (1) remainder lot, for future residential development. The project is located within the Single-Family Residential (R-SF) zoning designation.
- LOCATION:** The project is located at the southeast corner of Mana and Aniwa Roads, and the eastern terminus of Branding Iron Road; APN 0473-141-74.
- ENVIRONMENTAL DETERMINATION:** Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15315 the proposal is Exempt from further environmental review.
- CASE PLANNER:** Ms. Pam Cupp, Associate Planner
- RECOMMENDATION:** Approval

### PROJECT SITE AND DESCRIPTION

- A. Project Size:  
The existing parcel is 4.67 net acres in size.
- B. General Plan Designations:  
Project Site - Single-Family Residential (R-SF)  
North - Medium Density Residential (R-M)  
South - Single-Family Residential (R-SF)  
East - Single-Family Residential (R-SF)  
West - Single-Family Residential (R-SF)

C. Surrounding Zoning and Land Use:

Project Site- Single-Family Residential (R-SF), Vacant  
North - Multi-Family Residential (R-M), Vacant  
South - Single-Family Residential (R-SF), Single-family residence  
East - Single Family Residential (R-SF), Vacant  
West - Single-Family Residential (R-SF), Single-family residences

D. Site Characteristics:

The property is a vacant, 4.67-acre parcel. The site is relatively flat and void of any significant slopes, drainage courses or vegetation. There are existing single family residences located south and west of the subject site.

ANALYSIS

A. General:

The applicant is seeking approval of Tentative Parcel Map No. 19705 that will subdivide 4.67 acres into four (4) parcels and one remainder lot. The Single-Family Residential (R-SF) zoning designation sets minimum property size standards for land uses, subject to conformance with the provisions of the Development Code. The R-SF zoning designation requires a minimum lot size of 0.4 acre (18,000 square feet), minimum lot width of 100 feet and a minimum lot depth of 150 feet.

B. Lot Analysis:

The proposed subdivision will create four (4) parcels ranging from 37,897 square feet (0.87 acre) to 48,352 square feet (1.11 acres) in size. The proposed lot sizes for Tentative Parcel Map No. 19705 are twice the size of the adjacent properties to the east and west. However, based upon the existing lot configuration, this is the most logical as it will not result in the creation of reverse frontage lots. The remainder lot will be 19,602 square feet (0.45 acre) in size and consistent with existing lots to the east and west. As presented, the project meets the required lot area and lot dimensions and is in compliance Measure "N".

The project site contains an existing, private water well. An easement in favor of the property owner to the south had previously been recorded. Staff is recommending that prior to final map review, a lot line adjustment shall be completed to transfer the existing well site shown on Parcel 3 from the subject site to the adjacent property, which is also the easement holder.

C. Future Development:

A Development Permit is required for homes built within a subdivision of five (5) or more lots. The Code, however, allows the Planning Commission, on a case-by-case basis, to establish this as a requirement for tentative parcel maps where warranted. Staff has included recommended Condition No. P13 requiring that all residential structures within this subdivision have distinct elevation consistent with the Town's plotting and design criteria, subject to the review and approval of the Planning Division. The Commission may wish to consider whether or not a Development Permit is appropriate for this subdivision. A Development Permit will require the applicant to provide three (3) floor plans and five (5) distinct elevations, subject to the review and approval of the Planning Commission.

Based upon the information provided, implementation of development standards and Conditions of Approval, the proposed subdivision of 4.67 acres into four (4) parcels and one (1) remainder lot for future residential land use within the Single Family Residential (R-SF) zoning designation will not produce adverse impacts upon the site nor surrounding

properties. The project site is designated for single-family development and is adjacent to Single-Family Residential (R-SF) land use designations 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 Branding Iron Road, which will be extended to a cul-de-sac. The Engineering Division is recommending full-width local road improvements for Branding Iron Road and half-width improvements along Mana Road. The Planning Commission may, at its discretion, waive the requirement for sidewalk within the cul-de-sac, as Branding Iron does not have any existing sidewalk. Mana Road does have sidewalk east of this development.

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 Town's sewer system.

D. Environmental Assessment:

Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15315 the proposed request is Exempt from further environmental review.

E. Noticing:

The public hearing for proposed Tentative Parcel Map 19705 was legally noticed on November 4, 2016.

F. 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 has a General Plan land use designation Single-Family Residential (R-SF) and a Zoning Designation of Single-Family Residential (R-SF) and by size, shape and configuration 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 4.67 acres into four (4) parcels and

one (1) remainder lot. 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.

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.

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, with the 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), Section 15315, 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 Tentative Parcel Map No. 19705, 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. Tentative Parcel Map
3. Zoning Map

TOWN OF APPLE VALLEY

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**RECOMMENDED CONDITIONS OF APPROVAL**  
**Tentative Parcel Map No. 19705**

*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. The Tentative Parcel 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:
- a. Apple Valley Fire Protection District
  - b. Liberty Utilities
  - c. Apple Valley Public Works Division
  - d. Apple Valley Engineering Division
  - e. Apple Valley Planning Division
- 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 procedures. All checks shall be made payable to the Clerk of the Board of Supervisors.
- P4. Tentative Parcel Map No. 19705 shall adhere to all requirements of the Development Code.
- P5. 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.
- P6. Approval of the Tentative Parcel Map No. 19705 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.
- P7. 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.
- P8. 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.
- P9. 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 thirty (30) feet.
- P10. The project shall conform to the Single-Family Residential (R-SF), development standards for front, side and rear yard-building setbacks.
- P11. Subdivision walls shall be constructed of slump stone, split face or masonry material, along the perimeter of the property lines. 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 of Community Development (or designee).
- P12. 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.
- P13. Residential structures developed on each of the four (4) parcels and one (1) remainder lot shall have a distinct variation to one another consistent with the "Single Family Infill Plotting Criteria" and the "Planning Commission Design Criteria Policy" subject to the review and approved by the Planning Division.
- P14. Landscape and irrigation plans shall be submitted prior to the issuance of Building Permits in accordance with Chapter 9.31 "Residential Design Standards" and Chapter 9.75 "Water Conservation/Landscape Regulations" of the Development Code and installed prior to issuance of occupancy permits subject to approval by the Planning Division.
- P15. Prior to final map review, a lot line adjustment shall be completed to transfer the existing well and easement from the project site to the adjacent property of the easement holder.



**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.

**Building and Safety Division Conditions of Approval**

- BC1. An engineered grading report including soils report shall be submitted to and approved by the Building official prior to recordation of the final map or issuance of permits for grading in excess of 1,000 cubic yards.
- BC2. Grading and drainage plans must be submitted to and approved by the Building Official, Planning Department and Town Engineer prior to permit issuance.
- BC3. Submit plans and obtain permits for all structures and retaining walls, signs.
- BC4. 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.
- BC5. A Notice of Intent (NOI) and Storm Water Prevention Plan (SWPP) must be submitted to and approved by the Engineering and Building Departments prior to issuance of a grading permit and or any land disturbance.
- BC6. All utilities shall be placed underground in compliance with Town Ordinance No. 89.
- BC7. All cross lot drainage requires easements and may require improvements at the time of development.
- BC8. Comply with the State of California Disability Access requirements.
- BC9. 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 and/or Paleontologist.
- BC10. A dust palliative or hydro seed will be required on those portions of the site graded but not constructed (phased construction)
- BC11. Construction must comply with the applicable California Building Codes and green Building Code.
- BC12. Best Management Practices (BMP's) are required for the site during construction.
- BC13. Provide Water Quality Management Plan (WQMP) or Alternative Compliance Plan.

**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 ninety (90) percent of the pre-development flow for a 100 year design storm.
- 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. Branding Iron Road adjacent to the property shall be improved to the Town's half-width Local Street (Cul-de-sac) standards.
- EC5. Mana Road adjacent to the property shall be improved to the Town's half-width Local Street standards.
- EC6. 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.
- EC7. All required improvements shall be constructed and approved or bonded in accordance with Town Development Code.
- EC8. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC9. 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.
- EC10. 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.
- EC11. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)
- EC12. 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.
- EC13. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC14. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.

- EC15. 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.
- EC16. A Storm Water Pollution Prevention Plan (SWPPP) in accordance with the National Pollutant Discharge Elimination System (NPDES) shall be required.

**Liberty Utilities Conditions of Approval**

- LU1. A water main must be extended to provide fire protection for this development in accordance with Apple Valley Fire Protection District's conditions and must comply with Rule #16 of the California Public Utilities Commission.
- LU2. A water main extension contract with the developer and Liberty is required and must be in compliance with Rule #15 of the California Public Utilities Commission. An eight (8)-inch diameter pipeline will need to be extended from the existing main approximately 150 feet away which is at the eastern terminus of Branding Iron Road.
- LU3. The water mains and appurtenances are required to be installed in accordance with Liberty's standards and specifications.
- LU4. Fire hydrants are required per Liberty standard drawings and located in accordance with Apple Valley Fire Protection District's requirements.
- LU5. Water facilities need to be installed in dedicated public Rights-of-Ways and/or public utility easements and need to be identified and shown on the water improvement plans. These dedications and/or easements are needed to install, maintain, repair, connect, operate and inspect the proposed water facilities with unobstructed vehicular access.
- LU6. Domestic service lines will need to be installed from the proposed water main to the dedicated street right-of-way line for this development.
- LU7. A Supply Facility Fee is required which will fund development of new wells. This fee will be collected per meter which is presently at a rate of \$1,000 per 5/8" equivalent meter.
- LU8. A Supplemental Water Acquisition Fee is also required in order for Liberty to have the water rights to provide water to this project. This is a one-time charge that is subject to change and is determined at the time of construction. Presently, this fee is \$5,500 per residential lot or equivalent average residential water use.
- LU9. The owner or developer shall set up a meeting with the Liberty Utilities Engineering Department to review and provide any additional design parameters and requirements for this project.

**Public Works Division Conditions of Approval**

**Prior to Map Recordation:**

- 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.
- 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. Sewer connection fees required.
- PW4. Buy-in fees required.
- PW5. Sewer development impact fees required.
- PW6. Submit mylars along with three sets of approved plans upon completion of plan check. In addition, the plans must be provided in an electronic format of the Town's choosing. These requirements are the same for the approved plans and the As-Built plans.

**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. Prior to combustible construction, the development and each phase thereof, shall have two points of 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.
- FD3. Fire lanes shall be provided with a minimum width of twenty-six (26) feet, and maintained.  
Apple Valley Fire Protection District Ordinance 52
- FD4. 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. 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.
- FD5. An approved fire sprinkler system shall be installed throughout any new construction for a single family residence.  
Apple Valley Fire Protection District, Ordinance 52
- FD6. The developer shall submit a map showing complete street names within the development, to be approved by the Fire District prior to final map.
- FD7. The developer/builder shall install street markers at intersections, where applicable, within the newly developed project prior to any construction on site. The marker placement and assembly shall comply with the San Bernardino County Road Department current standards.

**END OF CONDITIONS**

Tpm 19705

# TENTATIVE PARCEL MAP NO. 19705

BEING A SUBDIVISION IN THE TOWN OF APPLE VALLEY OF PARCELS 2 AND 4 OF MAP NO. 11292 IN PARCEL MAP BOOK 135 PAGES 8 AND 9 OF OFFICIAL RECORDS, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, BEING A PORTION OF THE W. 1/2 OF THE S.E. 1/4 OF THE S.W. 1/4 OF SECTION 11, T. 5N., R. 4W., S.B.B.M. A.P.N. # 0473-141-74

CUBIT ENGINEERING, INC PREPARED OCTOBER, 2016

RECEIVED  
07/11/16  
Community Development

Community Development



### OWNERS/APPLICANTS

JOHN W. WALKER, III  
10841 APPLE VALLEY ROAD  
APPLE VALLEY, CA 92318  
(760) 257-0462

### MAP NOTES

- 4.87 ACRES OF CROSS AREA BEING DIVIDED FOR THIS MAP.
- 4 NUMBERED LOTS, 1 REMAINDER LOT.
- ADVERSE LOT SIZE CREATED IS .83 ACRES.
- CONTOUR INTERVAL SHOWN IS 1 FOOT.
- STREETS SHALL BE DESIGNED TO ACCOMMODATE TRUCKS AND DOUBLE-BUILDING TRUCKS.
- NO PROPOSED GRADING AT THIS TIME.
- A WELL SET EXISTING IN THE SOUTHWEST CORNER OF PARCEL 3.
- THERE ARE NO JOSSIA TREES ON THIS LOT.
- 115.77' L.O. OF PROPOSED HIGH STREET.
- BULL HEADS BEHIND STREET USE PER R-4-P ZONING STANDARDS.

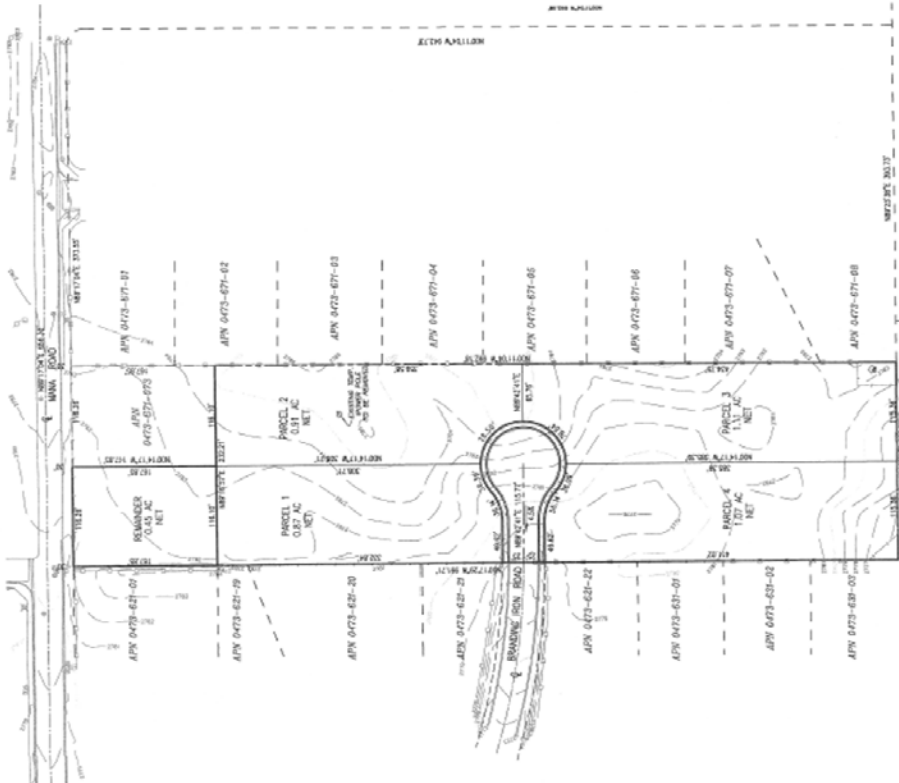
### PUBLIC UTILITIES

ELECTRICITY : SOUTHERN CALIFORNIA Edison  
WATER : APPLE VALLEY WATER COMPANY  
SEWER : TOWN OF APPLE VALLEY  
TELEPHONE : PACIFIC PACIFIC TELEPHONE  
CABLE : CABLE

### ZONING, LAND USE AND GENERAL PLAN USE

ZONING : SINGLE FAMILY RESIDENTIAL  
PRESENT ON SITE (R-4-P)  
PROPOSED ON SITE (R-4-P)  
NORTH (R-4)  
SOUTH (R-4-P)  
WEST (R-4-P)  
EAST (R-4-P)

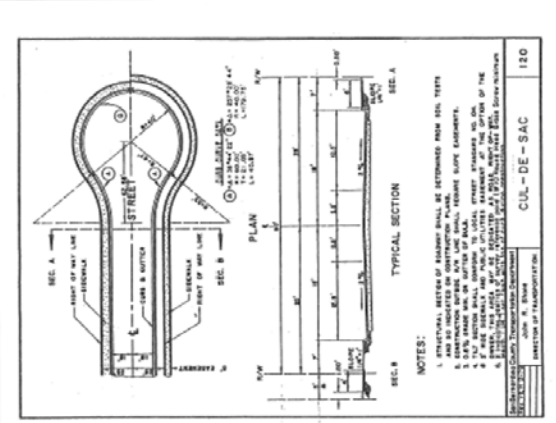
PREPARED BY  
**CUBIT ENGINEERING**  
18400 VAN ALST ST.  
HESPERIA, CA 92345  
800.888.1115  
cubitengineering.com



#### LIST OF PARCELS-NET ACREAGE

PARCEL 1	1.13 AC
PARCEL 2	1.13 AC
PARCEL 3	1.13 AC
PARCEL 4	1.13 AC
REMAINDER PARCEL	11.36828 AC
STREET TOTAL	11.36828 AC

**EASEMENTS**  
② CORNER OF UNINCORPORATED WITH FOR FILE LINES UNDERGROUND CONDUITS, AND PROVISIONAL PURPOSES IN TOWN OF CALIFORNIA ELECTRIC POWER CO. AND INTERSTATE TELEPHONE CO. PER DEC. 2011/19/19 O.R.

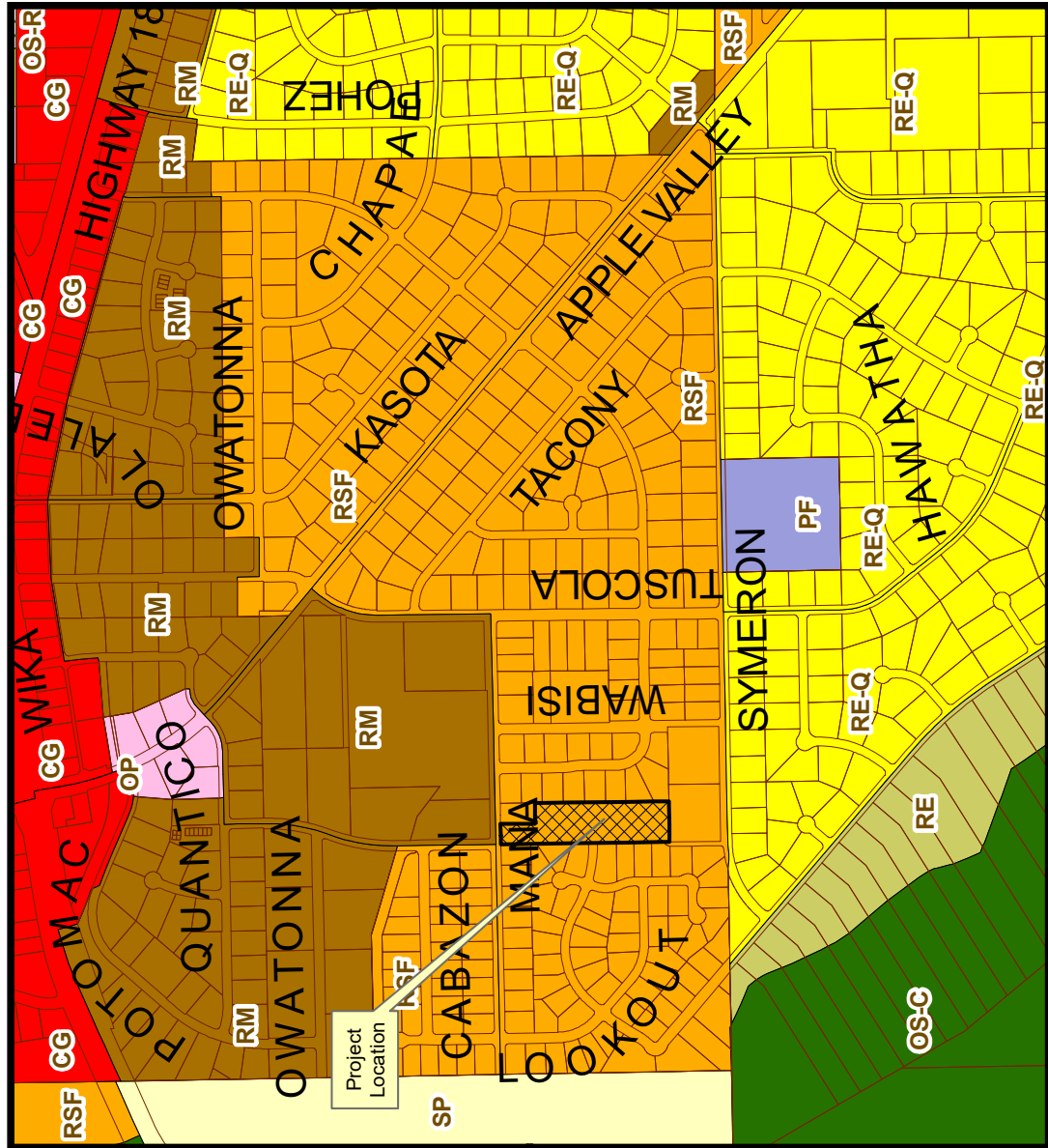


#### RIGHT OF WAY CURVE TABLE

CURVE	LENGTH	50/00'	4724.25'
C1	36.14'	50.00'	4724.25'
C2	36.14'	50.00'	4724.25'
C3	36.14'	50.00'	4724.25'
C4	36.14'	50.00'	4724.25'
C5	36.14'	50.00'	4724.25'
C6	36.14'	50.00'	4724.25'

# ZONING/LOCATION MAP

## Tentative Parcel Map No. 19705



The project is located at the southeast corner of Mana and Aniwa Roads and the eastern terminus of Branding Iron Road.

APN 0473-141-74.



**Legend**

	Tentative Parcel Map No. 19705
	Estate Residential (11 duft to 2.5 gross acres)
	Equation Residential (1 duft to 0.9 net acre)
	Single Family Residential (1 duft to 0.9 net acre)
	Multi-Family Residential (2 to 20 subject acre)
	General Commercial
	Office Professional
	Public Facilities
	Open Space Conservation
	Open Space Recreation
	Specific Plan (A-E)

Date: 11/9/2016



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## TOWN OF APPLE VALLEY PLANNING COMMISSION

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# Staff Report

<b>AGENDA DATE:</b>	November 16, 2016 <i>(Continued from October 19, 2016)</i>
<b>CASE NUMBER:</b>	Development Code Amendment No. 2016-004
<b>APPLICANT:</b>	Town of Apple Valley
<b>PROPOSAL:</b>	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.
<b>LOCATION:</b>	Town-wide Ranchos Residential Overlay District
<b>ENVIRONMENTAL DETERMINATION:</b>	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.
<b>PROJECT PLANNER:</b>	Ms. Pam Cupp, Associate Planner
<b>RECOMMENDATION:</b>	Adopt Planning Commission Resolution No. 2016-008.

## **BACKGROUND & DISCUSSION**

This item was initially reviewed by the Planning Commission on October 19, 2016. As requested by the Commission, Development Code Amendment 2016-004 was continued to November 16, 2016 for review and discussion by a full quorum. Additionally, the Commission requested graphics to assist with its deliberations.

There are approximately 1,400 vacant, residential lots remaining within the original Ranchos Tracts (Exhibit 1). Many of these lots may 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 (RRO). 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. These design standards 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 an existing primary structure could also seek setback relief through the Deviation process. At no time would a Deviation Permit allow an encroachment beyond the minimum setback required for the zoning district.

The Commission expressed concern that allowing additions to encroach to the setback line determined by the zoning designation could be detrimental to the fabric of the Ranchos Tracts. As requested, staff has provided aerial imagery to demonstrate potential encroachments into the required front yard setbacks. Exhibit 2 illustrates three (3) vacant parcels within the Single-family Residential (R-SF) zone that have an RRO setback of fifty (50) feet. Exhibit 3 illustrates three (3) vacant parcels within the Estate Residential (R-E) zone that have a RRO setback of seventy-five (75) feet. The example shown in Exhibit 4 demonstrates potential encroachments within the Multi-family residential zones that are also subject to the RRO front yard setback of fifty (50) feet.



The RRO District includes numerous lots that are zoned for commercial development. Approximately 190 of these properties are vacant, which may be due to development constraints. The Development Code contains existing provisions for a commercial lot to encroach up to twenty (20) percent into any setback with a Deviation Permit. Several of the commercially zoned, Ranchos Residential Overlay properties have recorded front yard setbacks of up to eighty (80) feet, which is much greater than what is permitted with today's development standards. Exhibits 5, 6, and 7 illustrate numerous vacant, commercial parcels with some recorded setbacks that are more than double those determined by the zoning designation. 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, based upon an RRO setback, be eligible for an encroachment beyond the minimum setback required for the zoning district.

### **ANALYSIS**

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".

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 construction of single-family residences and alterations or additions to the primary structure, 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 construction of single-family residences and alterations or additions to the primary structure, 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 16th day of November, 2016.

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Chairman Doug Qualls

ATTEST:

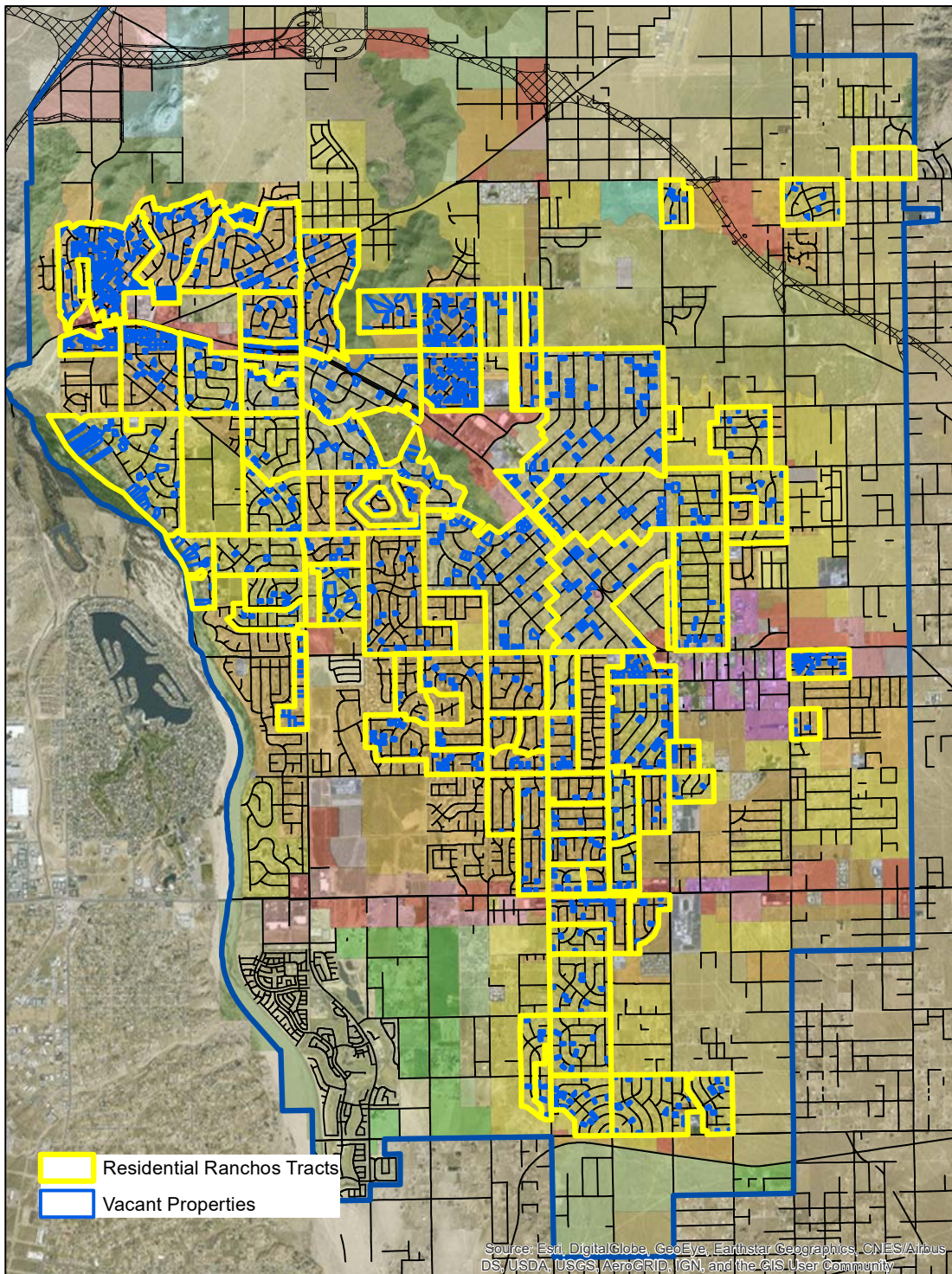
I, Yvonne Rivera, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 16th day of November, 2016, by the following vote, to-wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

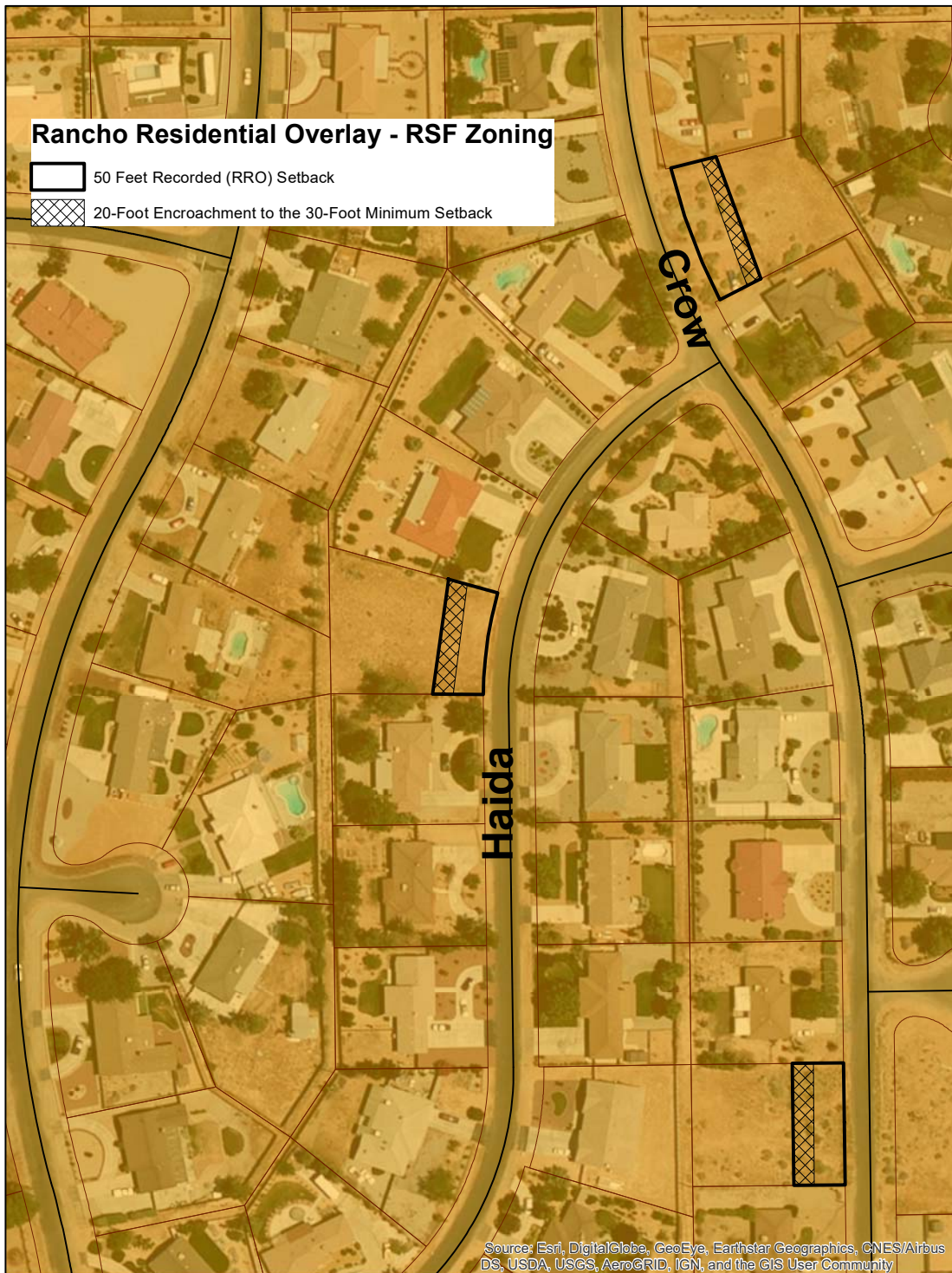
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Ms. Yvonne Rivera, Planning Commission Secretary

EXHIBIT 1



**EXHIBIT 2**





**EXHIBIT 3**

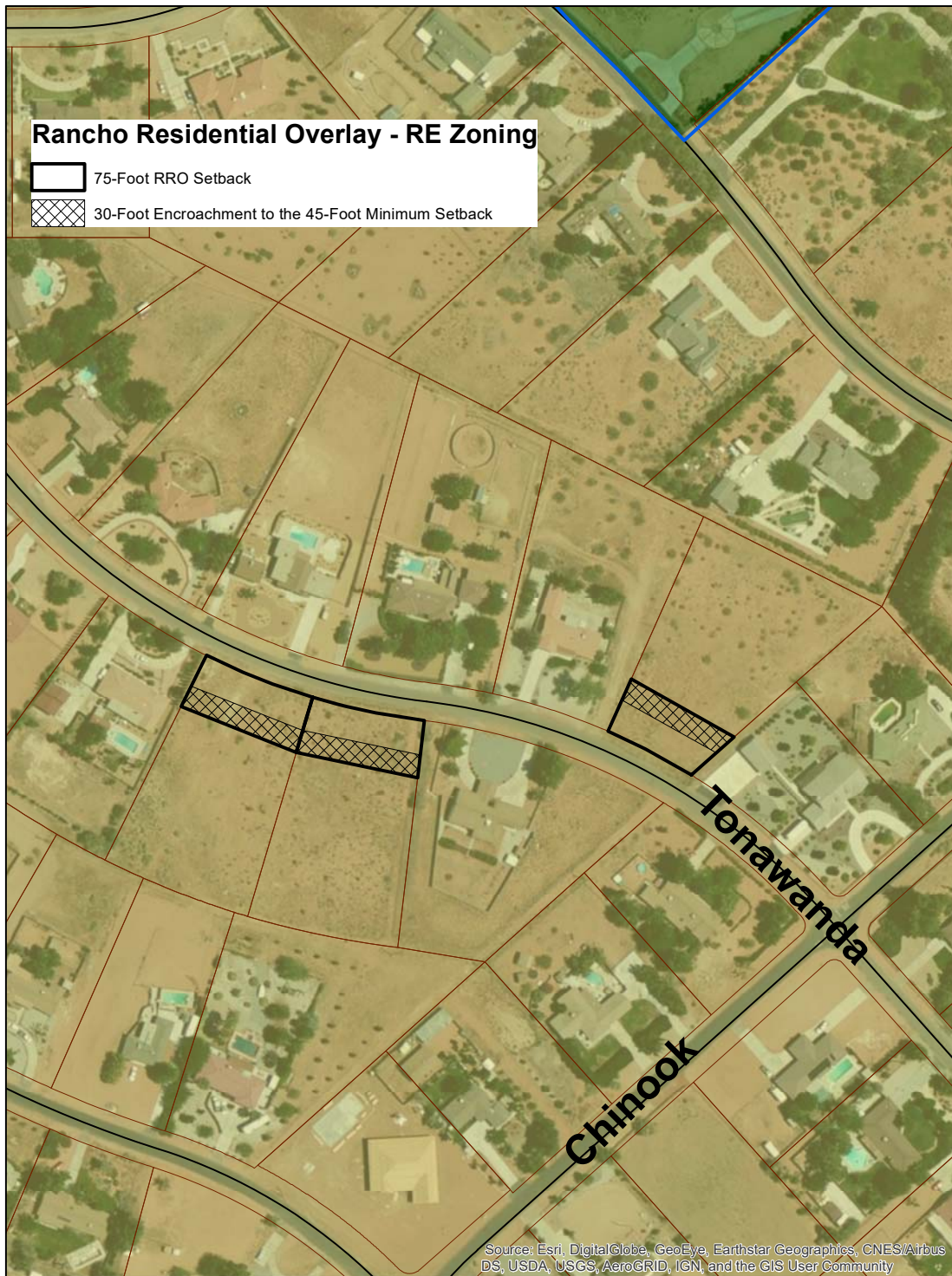
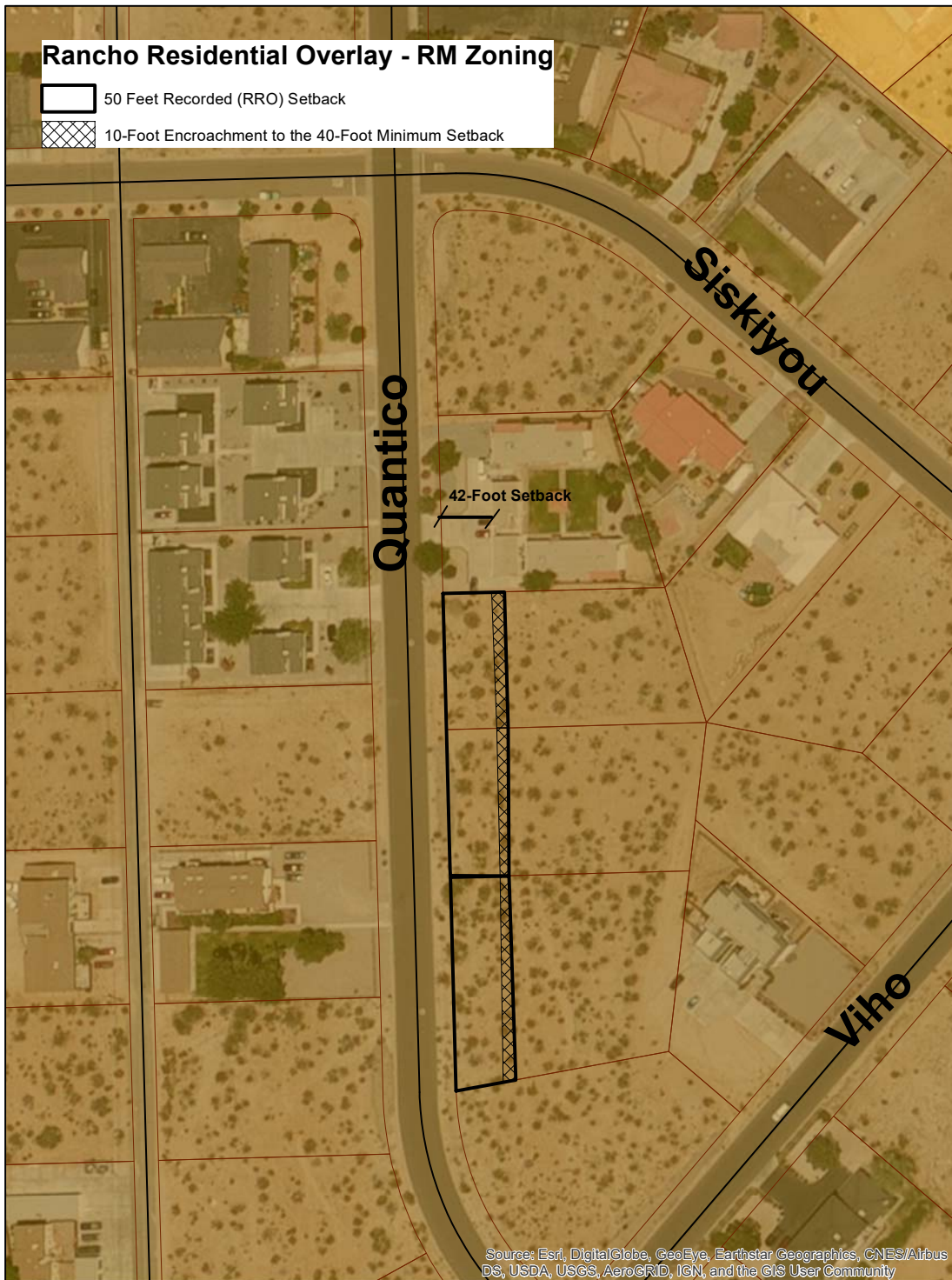


EXHIBIT 4



**EXHIBIT 5**

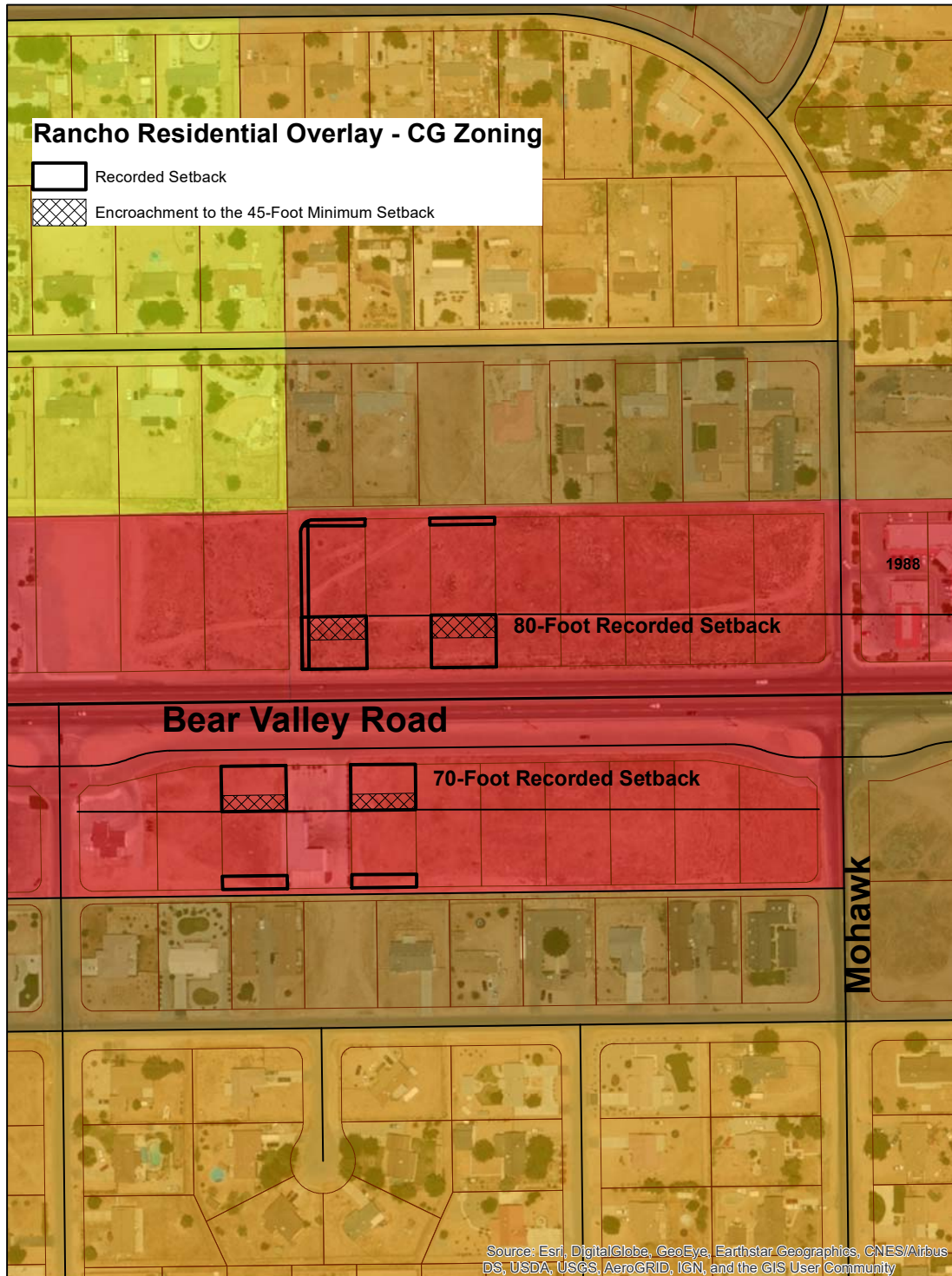


EXHIBIT 7

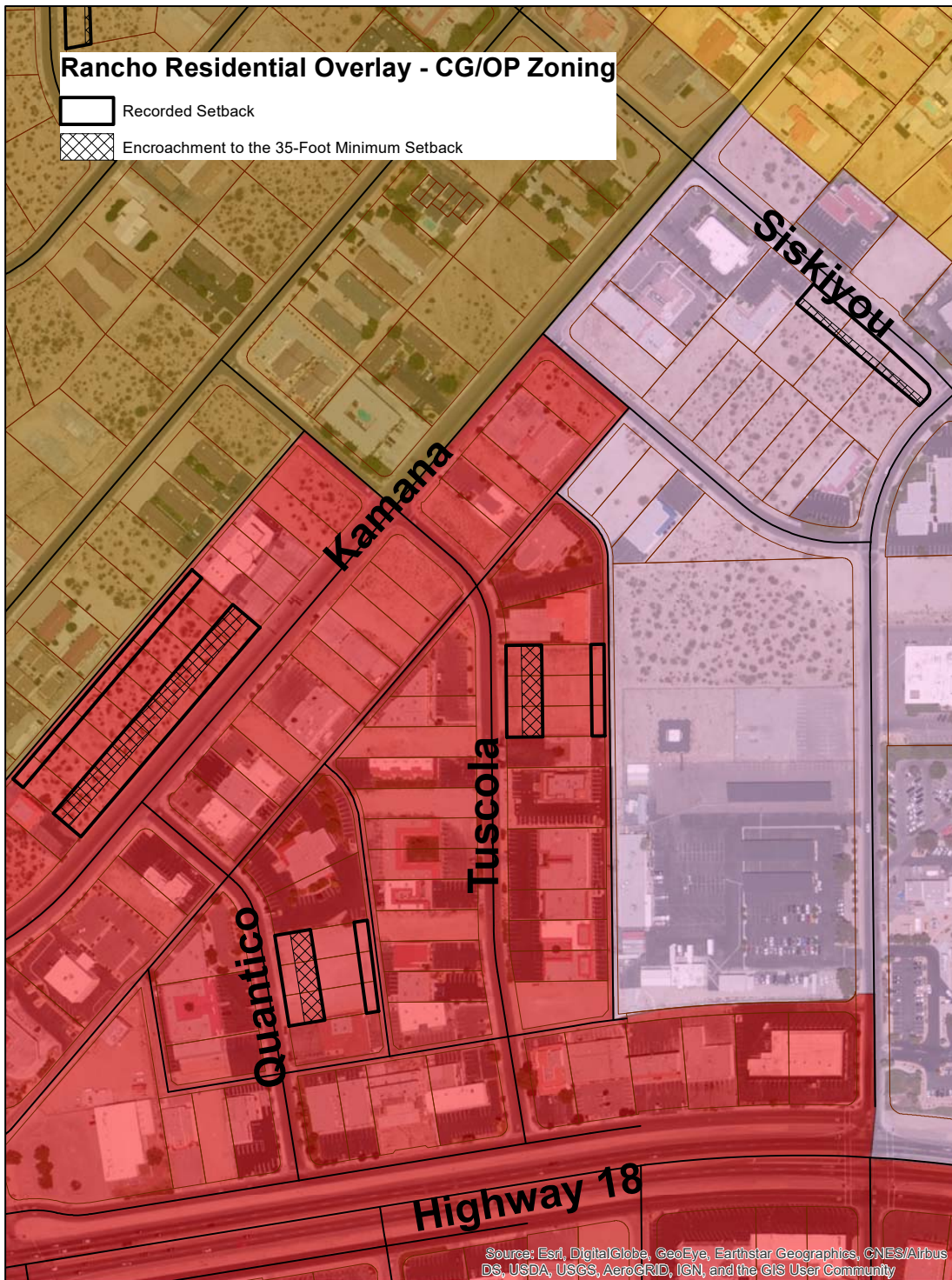


EXHIBIT 8

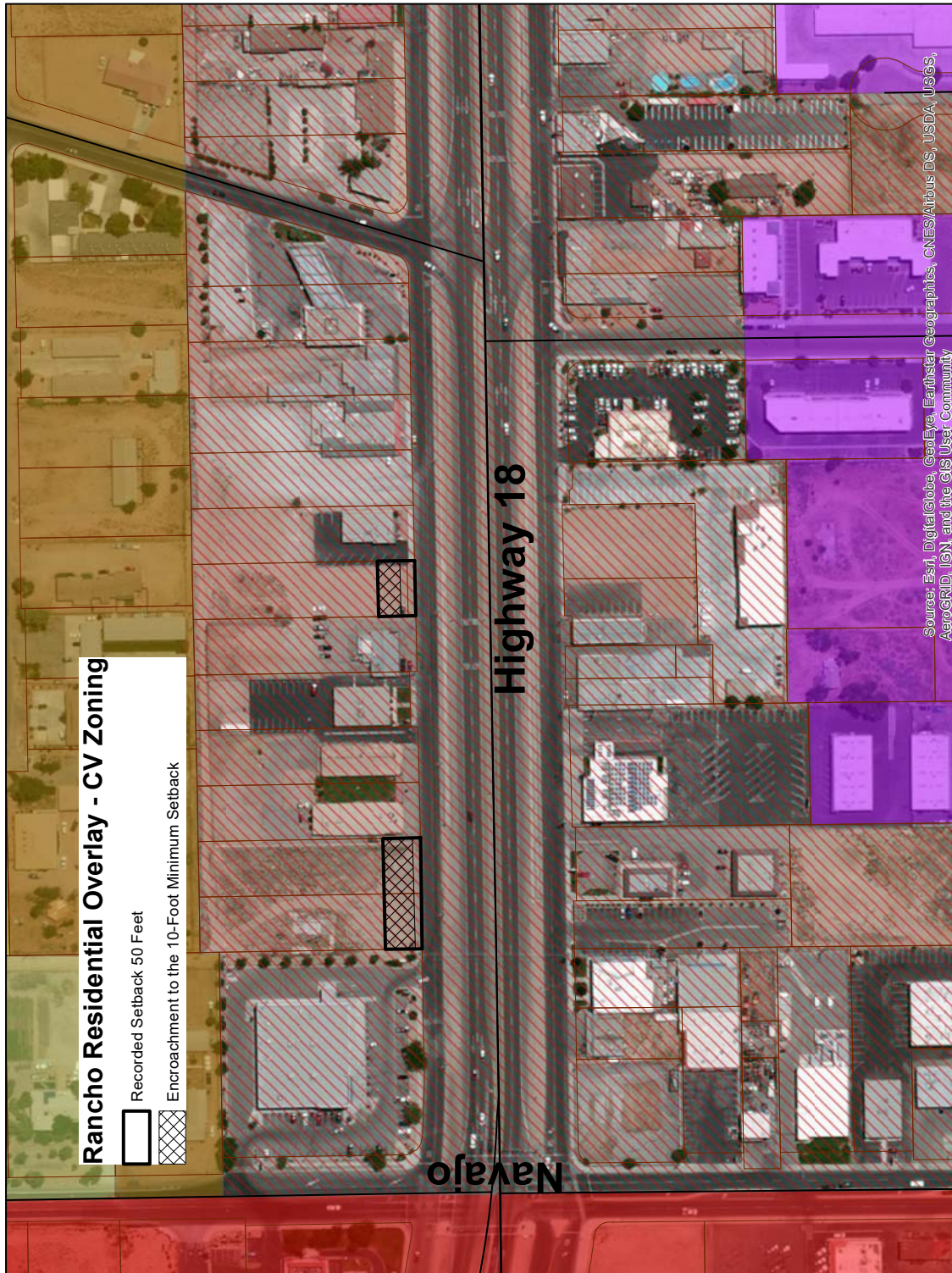
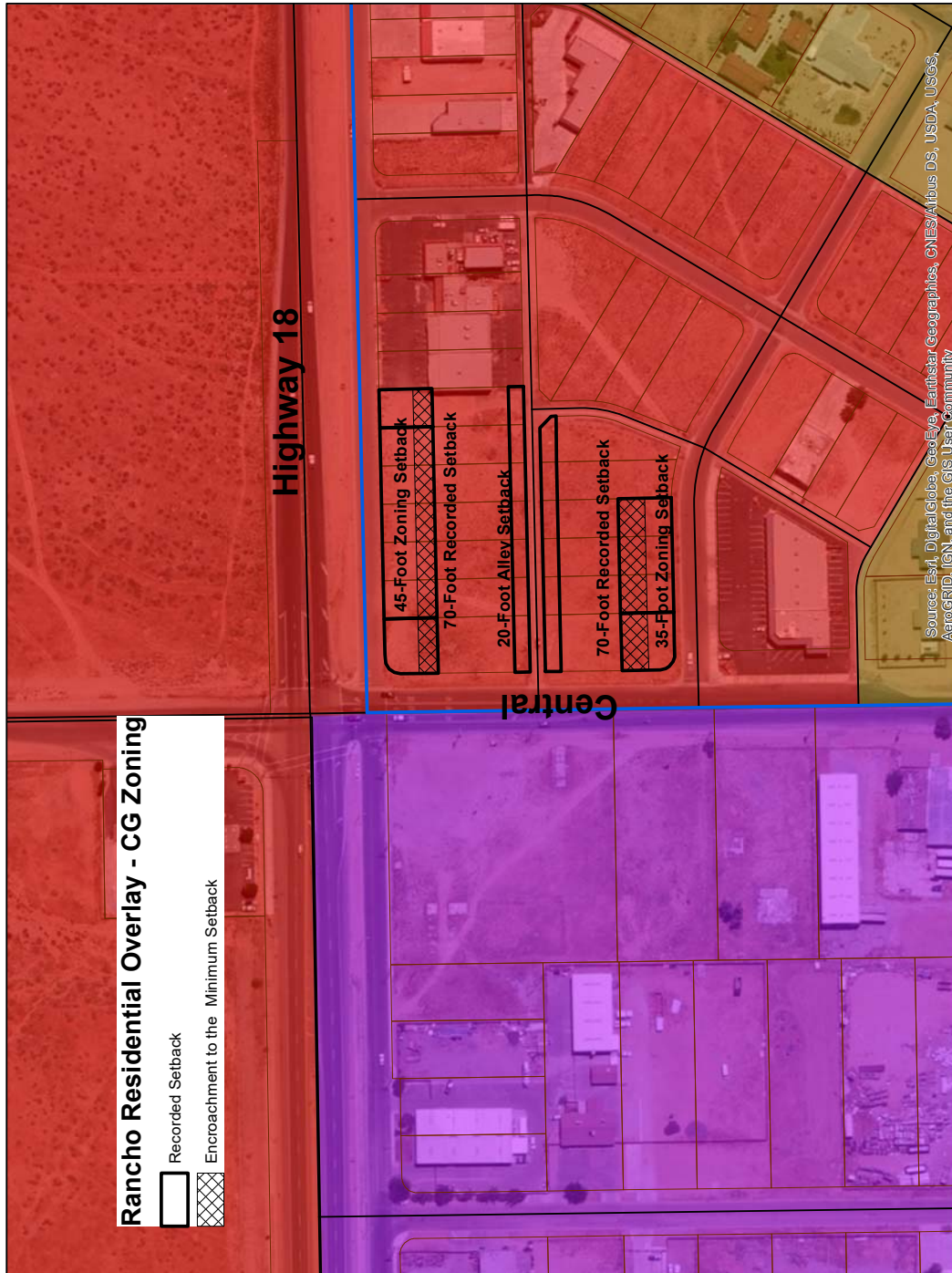


EXHIBIT 9





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Agenda Item No. 5

## TOWN OF APPLE VALLEY PLANNING COMMISSION

# Staff Report

**AGENDA DATE:** November 16, 2016

**APPLICANT:** Town of Apple Valley Engineering Department

**PROPOSAL:** Action on Subdivision Map Act Violations

**LOCATION:** Multiple Locations as Identified in the Staff Report

**ENVIRONMENTAL  
DETERMINATION:**

Pursuant to Section 15061(b)(3) of the State Guidelines to implement the California Environmental Quality Act (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.

**STAFF PERSON:** Brad Miller, Town Engineer

**RECOMMENDATION:**

1. Provide an Opportunity for Property Owners to Present Evidence to the Planning Commission Per Government Code section 66499.36;
2. If the Owner Does not appear to present evidence and/or if the Planning Commission determines that a property has been illegally divided after considering evidence presented by the Owner, provide direction and authorize recordation of notices of violation against the violating property(ies).

**BACKGROUND**

The Town of Apple Valley (“Town”) entered into multiple subdivision agreements with developers for subdivisions within the Town pursuant to the Subdivision Map Act, Government Code section 66410, *et seq.* (the “Map Act”). These agreements provided for a two-year period following recordation of the final tract map for completion of various improvements including, but not limited to, street improvements, landscaping, and monumentation. The agreements provided for extensions upon request. As part of entering into these agreements, developers submitted performance bonds as security for completion of the improvements under the agreements. As a result of the economic downturn, some of the subdivision projects have stalled, and the improvements were not completed within the specified timeframe. Certain

developers did not request extensions under the subdivision agreements, even though they did not complete the improvements within the required timeframe. Any developers that did not complete the improvements as required, and that did not extend the term of their respective subdivision agreement, are in default under the Map Act and the Town considers these properties as illegally divided. Some of the properties are no longer owned by the same developer that entered into the original agreements.

One of the remedies the Map Act provides for real property that has been divided in violation of the Act is filing and recording a notice of violation against the offending property.

Pursuant to Government Code section 66499.36, whenever a local agency has knowledge that real property has been divided in violation of the Map Act or of local ordinances enacted pursuant to it, the local agency may mail by certified mail to the then-current owner of record of the property a notice of intention to record a notice of violation. The notice of intention must describe the real property in detail, name the owners thereof, and state that an opportunity will be given to the owner to present evidence ("Notice of Intention"). The Notice of Intention must specify a time, date, and place for a meeting at which the owner may present evidence to the legislative body supporting why the notice should not be recorded. The Notice of Intention must also contain a description of the violations and an explanation as to why the subject parcel is not lawful under subdivision (a) or (b) of Section 66412.6.

The purpose of filing a notice of violation against a property that is out of compliance is to place the property owner, as well as any potential purchasers or lenders, on notice of the incomplete improvements, and of the Map Act violations. The Town will not issue building permits or certificates of occupancy for these properties unless and until the violations are corrected.

Other than completion of the improvements, a violation may be corrected at this time if the property owner enters into a new subdivision agreement with the Town, and issues new bonds.

#### ANALYSIS

The Town Engineering Department identified the following properties as out of compliance with the Map Act for the general reasons described above:

<u>Tract/Parcel Map</u>	<u>Property Owner Name/Company ("Owner")</u>
14310	Lee & Associates
14310	Quartz Trust and Fireside Circle Trust
16059-1	Ravenswood Homeowners Association
16059-2	Freestone Capital Management
14484-2	Brennan Family LP
14484-2	Hsientein Investments LLC
14484-3	Hsientein Investments LLC
14484-4	Hsientein Investments LLC
14484-4	Keefe Family LP

#### NOTICING

The Town mailed Notices of Intention to the Owners identified above in accordance with Government Code section 66499.36. The Notices of Intention are on file at the Offices of the Town. The Notices of Intention identified the date and time of the prior Planning Commission meeting as the date for the hearing described below. That meeting was cancelled, and the Town informed the Owners that the meeting to present evidence was continued to November 16, 2016.



**RECOMMENDATION**

Provide the Owner an opportunity to contest the notice of violation and to present evidence to the Planning Commission as to why the notice of violation should not be recorded. If, after the Owner has presented evidence, the Planning Commission determines that there has been no violation, the Town will mail a clearance letter to the Owner. If, after the Owner has presented evidence, the Planning Commission determines that the property has in fact been illegally divided, the Town will record the notice of violation for record with the County Recorder's Office for the County of San Bernardino.

If the Owner does not appear to present evidence and/or if the Planning Commission determines that a property has been illegally divided after considering evidence presented by the Owner, staff recommends that the Planning Commission provide direction and authorize recordation of notices of violation against the violating property(ies).

**Prepared By:**

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Nick Gambrell  
Engineering Associate



Get a Slice of the Apple.

## TOWN OF APPLE VALLEY MEMORANDUM

**TO:** Planning Commission

**FROM:** Pam Cupp, Associate Planner

**SUBJECT:** Development Code Interpretation No. 2016-001 regarding Section 9.28.120  
“Fences Walls and Hedges”

**DATE:** November 16, 2016

Staff was recently approached by a Council Member regarding an ornamental wire fencing material and a request that it be considered decorative, open fencing, therefore allowing a six (6)-foot height in the required front yard. The product presented is made out of recyclable steel panels and consisting of powder coated, galvanized wire. The product is available in several styles with both residential and commercial applications. The Development Code is clear that chain link fencing is not considered decorative; however, making a determination regarding the decorative nature of other fencing materials is purely subjective.

Development Code Section 9.28.120(B)(2) contains the following statement relating to fencing that may exceed four (4) feet in height:

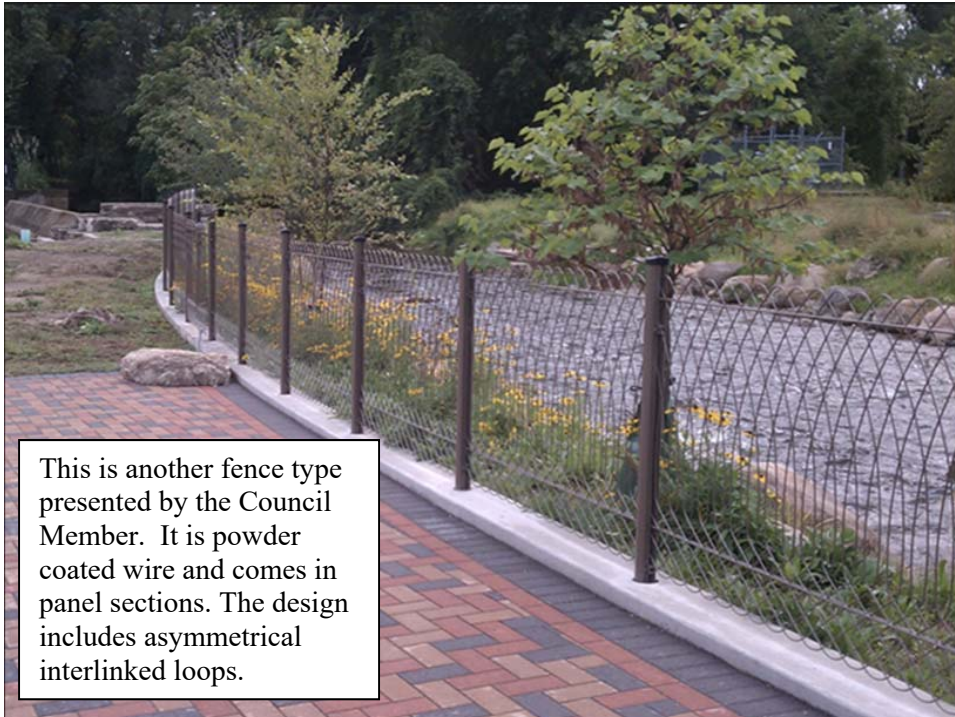
“Wrought-iron or other open fencing incorporating decorative features such as pilasters and spires or **other embellishments**, may obtain a height of six (6) feet within the front yard or street side yard setback. For purposes of extending the fence height from four (4) to six (6) feet, chain link shall not be considered decorative.”

The language used within the above section is not clear regarding the meaning of “other embellishments” that would justify a six (6)-foot height within the front yard. Research revealed a number of ornamental wire fences that could be considered decorative open fencing; however, most of these fence types would not be appropriate within the front yard. Staff has provided pictorial examples of ornamental wire fences.

Staff is asking for the Commission’s concurrence that powder coated, ornamental wire mesh fencing consisting of non-woven panels with an asymmetrical, interlinked looped design be considered an embellishment worthy of a six (6) foot height.



This is the fence type presented by the Council Member. It is powder coated wire and comes in panel sections. The design includes asymmetrical interlinked loops.



This is another fence type presented by the Council Member. It is powder coated wire and comes in panel sections. The design includes asymmetrical interlinked loops.



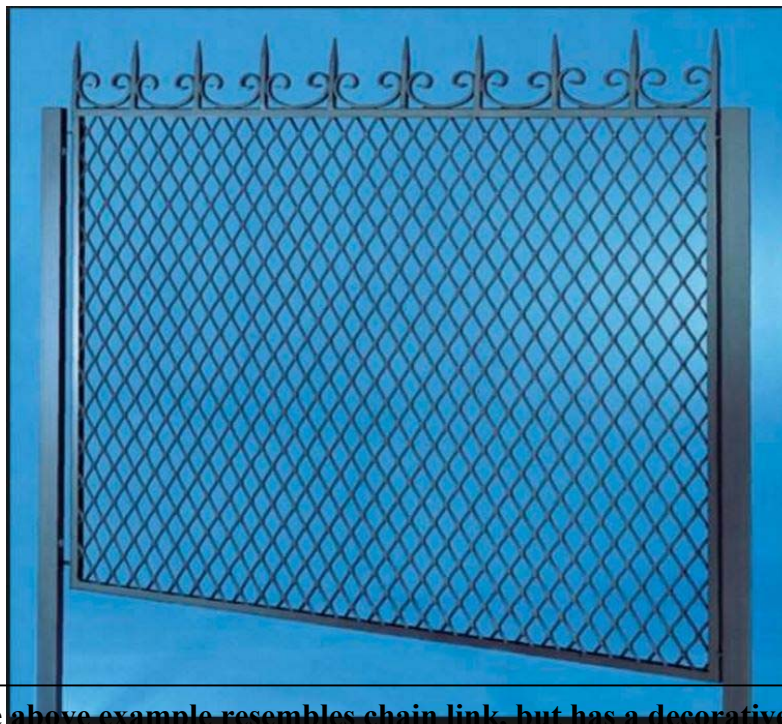
**The above example has a decorative arched elements and posts; however, the wire is very symmetrical and closely resembles agricultural fencing. This has a loop element, but not interwoven loops.**



**The above example is also symmetrical and closely resembles agricultural fencing.**



**The above example contains loops; however that material is rolled with the wires that are woven and twisted together.**



**The above example resembles chain link, but has a decorative element in the spires and comes powder coated in panels, not rolls. Its resemblance to chain link would prohibit a height above four (4) feet in the front yard.**