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**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA**

WEDNESDAY, FEBRUARY 15, 2017

Regular Meeting 6:00 p.m.

Town Council Chambers
14955 Dale Evans Parkway

PLANNING COMMISSION MEMBERS

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

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

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



**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY FEBRUARY 15, 2017 – 6:00 P.M.**

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

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

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

REGULAR MEETING

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

CALL TO ORDER

ROLL CALL

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

PLEDGE OF ALLEGIANCE

ELECTION OF NEW OFFICERS

1. Nomination for Chairperson
2. Nomination for Vice-Chairperson

RECESS FOR REORGANIZATION

APPROVAL OF MINUTES

- 1A. Minutes for the Regular Meeting of December 21, 2016
- 1B. Minutes for the Special Meeting of January 11, 2017.

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.

PUBLIC HEARING ITEMS

- 2. Conditional Use Permit 2017-001.** The applicant is requesting a Conditional Use Permit to operate an automobile repair and restoration facility within an existing 9,261 square foot industrial building. The project will occupy 1,404 square feet for auto repairs, storage and office space. The site is 0.75 acres in size and is located within the Service Commercial (C-S) zoning designation.

APPLICANT: Mr. Jeff Navarro, Navarro Restoration
LOCATION: 22390 Eyota Road, Suite D (APN 3087-392-27).
ENVIRONMENTAL DETERMINATION: Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301 Class 1, the proposed request is Exempt from further environmental review.
CASE PLANNER: Ms. Pam Cupp, Associate Planner
RECOMMENDATION: Approval
- 3. Development Permit No. 2016-005 and Variance No 2016-003.** A request for a Development Permit to construct a 2,847 square foot medical office building. The Variance is a request for relief from Development Code Section 9.72.060(B)(8) to eliminate the required five (5)-foot separation distance between the parking lot curb and the wall proposed along the southwest property line. The applicant is also requesting a one (1)-foot reduction to the required separation distance between the parking lot and the northerly property line. The project site is 0.24 acres in size and located within the General Commercial (C-G) zoning designation.

APPLICANT: Mr. Albert Carlucci
LOCATION: 16030 Kamana Road (APN 0473-412-09)
ENVIRONMENTAL DETERMINATION: Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), Sections 15303 and 15305, the proposed Variance and Development Permit are Categorically Exempt from further environmental review per Sections 15303 and 15305, Minor Alteration in Land Use Limitations.
CASE PLANNER: Pam Cupp, Associate Planner
RECOMMENDATION: Approval
- 4. Tentative Tract Map No. 16059 Phases 3 - 5 Time Extension.** The applicant proposes a one (1) year time extension for the final three (3) phases of a previously approved subdivision. Phases 1 & 2 have recorded. The remaining three phases consists of approximately 124 single-family residential lots in the Residential Single-Family (R-SF) zoning designation for future residential development.

Applicant: Nupac Investments LLC
Location: Located at the northeast corner of Sitting Bull and Apple Valley Roads; APN 3087-021-09.

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 on February 20, 2002 by the Planning Commission. 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

- 5 **Appeal No. 2017-003** Appeal of the Planning Director's approval of Special Use Permit No. 2014-01 Amendment No. 2 a request to waive sidewalk and landscaping requirement related to the use of vacant land as the school's outdoor play area. Special Use Permit No. 2014-01 Amendment No. 2 was approved by the Community Development Director on December 21, 2016

APPLICANT: Apple Valley Christian School

LOCATION: The vacant site is the lot adjacent to 22230 Ottawa Rd. APN. 3087-391-29

ENVIRONMENTAL

DETERMINATION: Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15332, Class 32, the proposed request is Exempt from further environmental review.

CASE PLANNER: Carol Miller, Principal Planner

RECOMMENDATION: Denial

OTHER BUSINESS

6. **Subdivision Map Act Violations** – Opportunity to Present Evidence to Legislative Body Per Government Code § 66499.36 Prior to Recordation of Notice of Violation.

PLANNING COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT

In that there are no items scheduled for the March 1, 2017 meeting, the Planning Commission will adjourn to its next regularly scheduled Planning Commission meeting on March 15, 2017.

MINUTES

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

CALL TO ORDER

Chairman Qualls called to order the Regular Meeting of the Planning Commission of the Town of Apple Valley for December 21, 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 and 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

Commissioner Kallen led the Pledge of Allegiance.

1. APPROVAL OF MINUTES

Minutes for the Regular Meeting of November 16, 2016.

Vice-Chairman Shoup commented on a change in the Minutes on Page 1-3; a correction to the name of the Town Attorney, Thomas Rice.

Motion by Commissioner Kallen, and seconded by Vice-Chairman Shoup, to approve the Minutes for the Regular Meeting of November 16, 2016, as amended.

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

Commissioner Lamoreaux arrived to the Planning Commission Meeting at 6:02 p.m.

PUBLIC COMMENT:

None.

PUBLIC HEARING ITEMS

2. **Development Code Amendment No. 2016-004.** 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”; as it pertains to setback reduction procedures within the Ranchos Residential Overlay District.

Applicant: Town of Apple Valley

Location: Town-wide Ranchos Residential Overlay District

Chairman Qualls opened the public hearing at 6:05 p.m.

Ms. Pam Cupp, Associate Planner, presented the staff report as filed by the Planning Division.

With there being no one in the audience wishing to speak under Public Comments, Chairman Qualls closed the Public Hearing at 6:06 p.m.

MOTION

Motion by Vice-Chairman Shoup, seconded by Commissioner Lamoreaux, that the Planning 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.

ROLL CALL VOTE

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

Noes: None

Abstain: None

Absent: Commissioner Tinsley

The motion carried by a 4-0-0-1 vote.

OTHER BUSINESS:

None.

PLANNING COMMISSION COMMENTS:

None.

STAFF COMMENTS:

Carol Miller, Principal Planner, announced that the Planning Commission meeting on January 4, 2017 has been cancelled. Planning Commission will reconvene for a Special Meeting on January 11, 2017.

ADJOURNMENT

Motion by Vice-Chairman Shoup, seconded by Commissioner Kallen, and unanimously carried to adjourn the meeting of the Planning Commission at 6:08 p.m. to the Special Meeting on January 11, 2017.

Respectfully Submitted by:

Yvonne Rivera
Planning Commission Secretary

Approved by:

Chairman Doug Qualls

MINUTES

TOWN OF APPLE VALLEY PLANNING COMMISSION Special Meeting Wednesday, January 11, 2017

CALL TO ORDER

Chairman Qualls called to order the Special Meeting of the Planning Commission of the Town of Apple Valley for January 11, 2017 at 6:00 p.m.

ROLL CALL

Planning Commission

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

STAFF PRESENT

Carol Miller, Principal Planner, Orlando Acevedo, Economic Development Manager, Richard Pedersen, Deputy Town Engineer, Thomas Rice, Town Attorney, Charity Schiller, Town Attorney, and Yvonne Rivera, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

Vice-Chairman Shoup led the Pledge of Allegiance.

PUBLIC HEARING ITEMS

1. **Appeal No. 2016-001 and Appeal No. 2016-002 (Relating to Site Plan Review 2015-001, Project Jupiter)** Appeal of the Planning Director's approval of Site Plan Review No. 2015-01 and Mitigated Negative Declaration for a request to construct a 1,360,875 square-foot distribution center and associated ancillary facilities on 106.5 acres within the existing North Apple Valley Industrial Specific Plan. Site Plan Review No. 2015-01 and Mitigated Negative Declaration were approved by the Director on November 28, 2016.
Appellants: Lozeau Drury LLP representing Laborers International Union of North America, Local Union No. 783; and

Blum Collins LLP representing Golden State Environmental Justice Alliance

Location: Southwest corner of Lafayette and Navajo Roads; Parcel No. 1 of Parcel Map 19645. New APN not yet assigned. Portion of APNs 0463-231-07, -08, -10, -26, -27, -28, -42, -43, & -60

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

Mr. Thomas Rice, Town Attorney, commented on a minor change made to Resolution No. 2016-010. He noted for the record that the revised Resolution is included as part of the staff report and is available for members of public to review.

The Planning Commission expressed concern regarding the large handout provided by the attorney for Appellant Laborers International Union of North America, Local Union No. 783, Ms. Meredith Wilensky of Lozeau Drury LLP, immediately prior to the meeting commencing.

Ms. Charity Schiller, Town Attorney, informed the Planning Commission that the handout has been reviewed and counsel has determined that the information contained therein is duplicative of information and arguments made in the initial appeal letter; therefore, she recommended that the Planning Commission move forward with the meeting. She also noted the information provided herein must be included as part of the administrative record.

Ms. Schiller explained, for the benefit of the Planning Commission, why the late submittal of the information may not constitute exhaustion under CEQA. Ms. Schiller further indicated that the responses to comments included with the original package address the issues raised in the large handout.

A lengthy discussion ensued regarding continuing the Special Meeting for a future date to allow the Planning Commission sufficient time to review the large handout provided by the Appellant.

Ms. Carol Miller, Principal Planner, presented the staff report as filed by the Planning Division. She noted there is no new information that would change the finding in the Mitigated Negative Declaration (MND).

Ms. Miller read into the record a summary of the Mitigation Measures from the MMD as it relates to the Climate Action Plan.

Ms. Schiller stated she did not believe the Applicant has prepared responses in terms of the individual items that are called out in the January 10 comment letter from Johnson,

Smith and Foy on behalf of the Sierra Club. However, the Applicant would be happy to address any questions by the Planning Commission as it relates to those individual items.

Ms. Miller responded to questions by the Planning Commission regarding whether or not the comments in the letter from the lawyer are in response to the proposed Mitigated Measures. She clarified it is not a new appeal, only comments to the notice that went out which indicate that they are in support of the appeal request and listed the reasons why.

Ms. Schiller also responded to concerns expressed by the Planning Commission regarding time limitations for comments. She provided the Planning Commission with a brief overview of the comment period established under CEQA. She stated for this Mitigated Negative Declaration, the comment period is 30 days; therefore, CEQA does not establish a hard and fast timeline for when comments have to be submitted by. In addition, any comments submitted as part of this hearing would constitute as part of the administrative record.

Mr. Rice recommended the Planning Commission call for a brief recess to allow the Commissioners to review the January 10 letter from Johnson, Smith and Foy.

The Planning Commission unanimously agreed to call a brief recess of the Planning Commission Special Meeting.

RECESS

Chairman Qualls called for a brief recess of the Planning Commission Special Meeting at 6:27 p.m.

RECONVENED

Chairman Qualls reconvened the Planning Commission Special Meeting at 6:35 p.m.

Upon returning, each member of the Planning Commission stated they read the letter from the office of Johnson, Smith and Foy on behalf of the Sierra Club.

Ms. Miller noted that at the November 18, 2006 Town Council meeting, Council amended the Climate Action Plan to modify Measure ND13 in order to require compliance with Title 24 Building Codes, not 10% beyond Title 24 Building Code.

Ms. Schiller, adding to the comments by Ms. Miller, stated that the climate action code does not include a binding target. However, it indicates that the Climate Action Plan will help the Town to reduce the greenhouse gas emissions and that the enforceable target is 15% below 2005 levels, and that reaching that greenhouse reduction target will be achieved by 2020. She also pointed out that the Climate Action Plan (Page 4-1) confirms

that all the measures included in the plan are “intended as a menu for existing and future development, and any combination of them can be implemented to reach the reduction targets on a project by project basis”.

Ms. Schiller noted that this specific project does incorporate a number of energy efficiency measures (GHG reduction measures). In addition, there are extensive Conditions of Approval which require that project design address architecture, HVAC Systems, plumbing and electrical.

PLANNING COMMISSION COMMENTS

Discussion ensued regarding the appeal process, as well as the initial planning of the North Apple Valley Industrial Specific Plan.

Mr. Rice explained that under the Specific Plan, a decision for an appeal is to be made by the Planning Director. He also noted that the plan, approved by the Town, is a stand-alone document that governs the existing area.

Ms. Nicole Criste, Terra Nova, provided the Planning Commission with a brief overview of the North Apple Valley Industrial Specific Plan. She also stated that the mitigated study, which includes potential impacts that have been reviewed and analyzed, shows that the project falls within the mitigated plan and does not indicate excessive uses. Therefore, the project is consistent with the information reported in the Environmental Impact Report (EIR).

Discussion ensued regarding information based on the traffic growth within the North Apple Valley Industrial area, as well as potential biological issues.

APPELLANT COMMENTS

Ms. Meredith Wilensky with Lozeau Drury LLP, representing Laborers International Union of North America, Local Union No. 783, apologized to the Planning Commission for the late submittal of the handout. She indicated that a large majority of the pages consist of a printout of the air quality model that their expert prepared. She further indicated that the handout and the exhibits did not raise new and additional issues. She proceeded to comment on the information provided in the handout regarding the EIR. She expressed concern that the proposed projects within the Apple Valley Industrial area will cause the emissions to exceed the 22% projected by the Town in 2006. She also commented on significant impacts to emissions due to numerous truck trips that will exceed the allotted thresholds, as well as issues surrounding biological impacts.

Ms. Wilensky questioned whether a fair argument was considered in the original EIR. She believes several issues were not considered in the 22% of presumed emissions reported in the EIR.

Lengthy discussion ensued regarding the 22% of emissions allotted for the proposed project as outlined in the initial EIR.

Mr. Josh Bourgeois, Golden State Environmental Justice Alliance, stated that they believe the EIR should be completed for said reasons in the letter.

APPLICANT COMMENTS

Ms. Deborah Quick, Applicant for Project Jupiter, provided the Planning Commission with a brief overview of the EIR for the Industrial Specific Plan. She felt that the Specific Plan was well done and addressed any impacts, including those related to CEQA. She also commented on the reasons why she believed the Appellant is unwilling to admit the uses will be different, the impacts will vary, and that emission standards will continue to evolve. Ms. Quick thanked staff for their work on the project and respectfully requested that the Planning Commission move forward with staff's recommendation.

PUBLIC COMMENTS

Mr. Brian Baker, Apple Valley, spoke on behalf of the Sierra Club Mojave Group. He stated that the group is against the proposed projects. He informed the Planning Commission that they believe the concerns written in the letter from their attorney regarding the EIR were not addressed by the Town. He respectfully requested that the Planning Commission not move forward with the project.

Lengthy discussion ensued regarding certain factors that may cause the emissions to exceed 22% as projected in the initial study by the Town.

Ms. Criste pointed out that the 22% of emissions is for long term operation only; it does not include construction. She also answered questions by the Planning Commission regarding model data basis as it relates to species.

There being no one else wishing to speak under public comments, Chairman Qualls closed the public hearing at 7:57 p.m.

PLANNING COMMISSION DISCUSSION

*After lengthy discussion, it was the consensus of the Planning Commission to move forward with denial of Appeal No. 2016-01 and 02.

Mr. Rice read into the record the Motion, as amended by the Planning Commission:

That the Planning Commission deny Appeal No. 2016-01 and 02 by adopting Planning Commission Resolution No. 2016-010, as amended, which: (1) denies the appeals of the approvals previously issued for Site Plan Review No. 2015-01; (2) adopts a Mitigated Negative Declaration; (3) approves a Mitigation Monitoring and Reporting Program; and (4) approves Site Plan Review No. 2015-01 based on the facts presented in the staff report and as discussed by the Planning Commission at their Special Meeting held January 11, 2017.

MOTION

Motion by Commissioner Lamoreaux, seconded by Commissioner Kallen, that the Planning Commission deny Appeal No. 2016-01 and 02 by adopting Planning Commission Resolution No. 2016-010, as amended, which: (1) denies the appeals of the approvals previously issued for Site Plan Review No. 2015-01 (Project Jupiter); (2) adopts a Mitigated Negative Declaration; (3) approves a Mitigation Monitoring and Reporting Program; and (4) approves the Site Plan Review No. 2015-01 based on the facts presented in the staff report and as discussed by the Planning Commission at their Special Meeting held January 11, 2017.

ROLL CALL VOTE

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

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

OTHER BUSINESS

None.

PLANNING COMMISSION COMMENTS

None.

STAFF COMMENTS

Ms. Miller announced that the next regular Planning Commission meeting will be held on February 15, 2017 at 6:00 p.m.

ADJOURNMENT

Motion by Vice-Chairman Shoup, seconded by Commissioner Kallen, and unanimously carried to adjourn the Special Meeting of the Planning Commission at 8:08 p.m. to the Regular Planning Commission Meeting on February 15, 2017.

Respectfully Submitted by:

Yvonne Rivera
Planning Commission Secretary

Approved by:

Chairman Doug Qualls



TOWN OF APPLE VALLEY PLANNING COMMISSION

Staff Report

- AGENDA DATE:** February 15, 2017
- CASE NUMBER:** Conditional Use Permit No. 2017-001
- APPLICANT:** Mr. Jeff Navarro, Navarro Restoration
- PROPOSAL:** A request to approve a Conditional Use Permit to operate an automobile repair and restoration facility within an existing 9,261 square foot industrial building. The project will occupy 1,404 square feet for auto repairs, storage and office space. The site is 0.75 acres in size and is located within the Service Commercial (C-S) zoning designation.
- LOCATION:** 22390 Eyota Road, Suite D (APN 3087-392-27).
- ENVIRONMENTAL DETERMINATION:** Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301 Class 1, the proposed request is Exempt from further environmental review.
- CASE PLANNER:** Ms. Pam Cupp, Associate Planner
- RECOMMENDATION:** Approval

PROJECT AND SITE DESCRIPTION:

- A. Project Size:
The project site is 0.75 acres in size and improved with a 9,261 square foot of industrial building.
- B. General Plan Designations:
- Site - C-S, Service Commercial
 - North - C-S, Service Commercial
 - South - C-S, Service Commercial
 - East - C-S, Service Commercial
 - West - C-S, Service Commercial

C. Zoning/Existing Use:

- Site - C-S, Service Commercial, Industrial Building
- North - C-S, Service Commercial, Industrial Building and Uses
- South - C-S, Service Commercial, Vacant
- East - C-S, Service Commercial, Vacant
- West - C-S, Service Commercial, Industrial Building and Uses, Church and Vacant

D. Site Characteristics:

The subject site is a level parcel that has been developed with an industrial building. The site has existing paved parking, lighting and landscaping. The building has a total floor area of 9,261 square feet and is located within the Service Commercial (C-S) zoning designation. The surrounding properties are also within the C-S zoning designation.

E. Parking Calculations:

Type of Use	Square Footage	Parking Ratio	Number of Spaces Required	Number of Spaces Provided
Auto Repair	1,404	1/400	4	4
Police Activities				
League (PAL) Gym	1,404	1/100	14	4
CrossFit Gym	2,300	1/100	23	9
Office/Other	1,345	1/300	4	
Vacant Industrial Space	2,808	3/1000	8	8
Total	9,261		53	29

As shown above, this industrial building is deficient in parking based upon the existing uses. PAL has after-school hours, and with parent drop-offs, the parking used is considerably less than what the Code requires for an adult gym. The business owner for the cross-fit gym has indicated that class sizes consist of eight to twelve clients per session. The building's owner is aware that any future tenants may not have parking demands beyond those required for industrial uses.

ANALYSIS:

A. General:

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

The applicant proposes to occupy one (1) suite with a total floor area of 1,404 square feet. The leased space consists of one (1) large receiving door and one (1) man door, office space, work benches and restroom facilities. The business is owner-operated with no

additional employees at this time. The automotive repair facility will operate between the hours of 9:00 a.m. to 4:00 p.m., Monday through Friday and Saturdays by appointment only. The operation will include vehicle restoration activities; however, there is no paint booth proposed at this time.

The industrial building consists of 9,261 square feet of floor space divided into five (5) suites. Other uses within the building include a cross-fit gym and the Police Activities League (PAL) youth gym. The available on-site parking is deficient based upon the Code's parking requirements for the individual uses. The cross-fit gym peak hours are between 4:00 a.m. and 9:00 a.m. and in the evenings between 4:00 p.m. and 8:00 p.m. The business owner for the cross-fit gym has indicated that class sizes consist of eight to twelve clients per session. Based upon the scattered hours of operations and the anticipated patronage of the gyms, parking required for the auto-repair business will not create a negative impact upon parking availability for this site.

Due to the nature of the business, it may be necessary to store vehicles overnight. Because of the parking deficit, staff is including Condition of Approval No. P9, which requires that all vehicles awaiting or undergoing repairs be parked within the enclosed building. In addition, staff is recommending Condition of Approval No. P10, which requires that all repairs be done within an enclosed building and P14 which prohibits vehicle from being displayed for sale upon the premises.

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

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

B. Development Review

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

C. Environmental Assessment:

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

D. Noticing:

The project was legally noticed in the Apple Valley News on February 3, 2017 and notices were mailed to all property owners within 300-feet of the project site.

CONDITIONAL USE PERMIT FINDINGS:

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

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

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

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

Comment: The proposed 1,404-square foot, auto-repair business is within the Service Commercial (C-S) zoning designation. The use is compatible with other industrial uses within the vicinity. With adherence to the recommended Conditions of Approval, there will be no adverse effects to adjacent uses, residents, buildings, structures or natural resources.

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

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

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

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

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

Comment: The location, size, design and operating characteristics of the proposed auto-repair business, and the conditions under which it will be operated and maintained, will not be detrimental to the public health, safety or welfare, nor will it be materially injurious to properties or improvements in the vicinity. All activities associated with the auto-repair business will occur

within an enclosed structure. In addition, the project is required to conform to the Noise Control Ordinance of the Development Code.

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

Comment: Traffic generated from the project will not adversely impact the surrounding area. The proposed auto-repair business will be located within an existing industrial building which is sited along an improved local commercial road, which can accommodate traffic generated from the proposed use without any negative impacts.

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

Comment: The proposed auto-repair business will be located on Eyota Road, which can accommodate traffic generated from the project site. Traffic generated from the project will not adversely impact the surrounding area.

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

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

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

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

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

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

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

Comment: The proposed auto-repair business can operate in conformance to the Development Code, subject to approval of a Conditional Use Permit and adherence to the recommended Conditions of Approval.
12. That the materials, textures and details of the proposed construction, to the extent feasible, are compatible with the adjacent and neighboring structures;

Comment: The proposed auto-repair facility will be located within an existing, permitted industrial building. No modifications are proposed to the structure or the site.
13. That the development proposal does not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings with respect to mass and scale to an extent unnecessary and inappropriate to the use;

Comment: The proposed auto-repair facility will be located within an existing, permitted industrial building. No modifications are proposed to the structure or the site.
14. That quality in architectural design is maintained in order to enhance the visual environment of the Town and to protect the economic value of existing structures;

Comment: The proposed auto-repair facility will be located within an existing, permitted industrial building. No modifications are proposed to the structure or the site.
15. That access to the site and circulation on- and off-site is safe and convenient for pedestrians, bicyclists, equestrians and motorists.

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

Recommendation:

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

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section No.15301, Class 1, the proposed request is Exempt from further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve Conditional Use Permit No. 2017-001, subject to the attached Conditions of Approval.

4. Direct Staff to file the Notice of Exemption.

Prepared By:

Reviewed By:

Pam Cupp
Associate Planner

Carol Miller
Principal Planner

ATTACHMENTS:

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

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Case No. Conditional Use Permit No. 2017-001

Planning Division Conditions of Approval:

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval, if not exercised, shall expire three (3) years from the date of action, February 15, 2020, of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the expiration date. The Conditional Use Permit becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. The applicant shall agree to defend at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P3. The filing of a Notice of Determination requires the County Clerk to collect a documentary handling fee of fifty dollars (\$50.00). The fee must be paid in a timely manner in accordance with Town procedures. No permits may be issued until such fee is paid.
- P4. The approval of Conditional Use Permit No. 2017-001 by the Planning Commission is recognized as acknowledgment of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, *Appeals*, of the Town of Apple Valley Development Code.
- P5. Parking requirements must be met and be in compliance with Town standards. All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines.
- P6. Required parking spaces will be provided for the handicapped in accordance with Town standards and in accordance with Title 24 of the California Administrative Code. The handicapped spaces shall be located as close as practical to the entrance of the facility. Each space must be provided with access ramps and clearly marked in accordance with Title 24 of the California Administrative Code.
- P7. All signs shall have a separate permit and are subject to final approval by the Town of Apple Valley.
- P8. Lighting fixtures shall be of a type and be located in such a manner that no light or reflected glare is directed off-site and shall provide that no light is directed above a horizontal plane passing through the bottom of the fixture. All glare shall be directed onto the site and away from adjacent properties.

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

Building and Safety Division Conditions of Approval

No Conditions, floor plan meets 2016 Building Codes.

Apple Valley Fire Protection District Conditions of Approval

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

- FD1. Approved numbers or addresses shall be placed on all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background. Additional non-illuminated contrasting (18) inch numbers shall be displayed and the location will be determined by fire department prior to installation.
- FD2. Provide a strip sign above the main entrance door which reads: "This Door To Remain Unlocked When Building is Occupied."
- FD3. Every exit door with the exception of the main entrance shall be openable from the inside without the use of a key, tool or special knowledge or effort. Special locking devices shall be of an approved type.
- FD4. Fire Extinguishers with a minimum rating of 2A40BC shall be provided, as per inspection, prior to Certificate of Occupancy.

~End of Conditions~

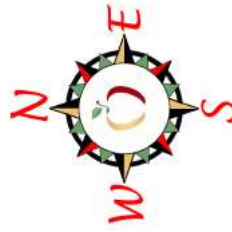
Navarro Restoration
22390 Eyota Rd.
Applevalley, Ca.





Conditional Use Permit No. 2017-001

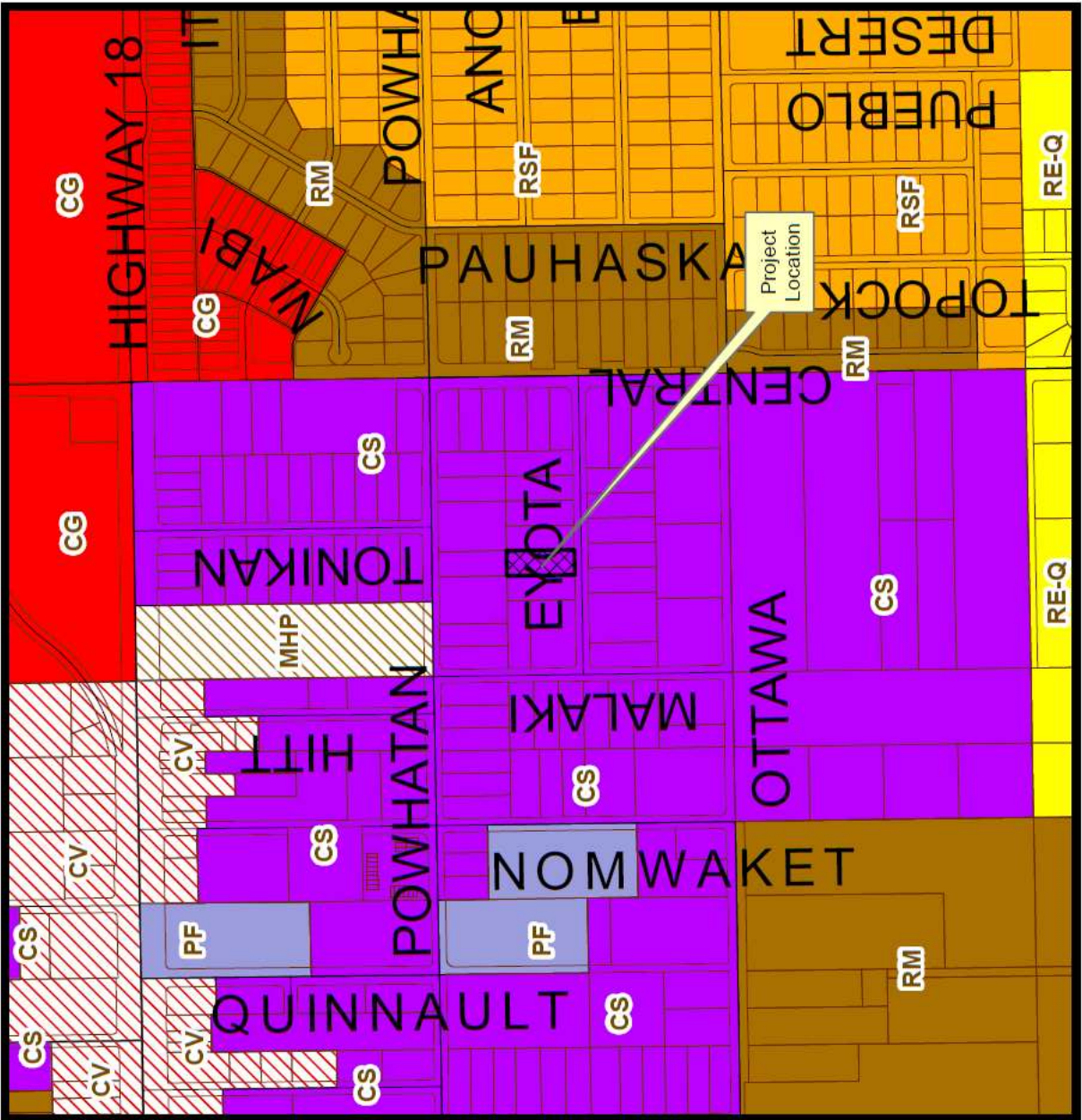
22390 Eyota Road
 APN 3087-392-27



- Legend**
- CUP 2017-001
 - Equestrian Residential (1 du/0.4 to 0.9 net acre)
 - Single Family Residential (1du/0.4 to 0.9 net acre)
 - Multi-Family Residential (2 to 20 du/net acre)
 - Mobile Home Park
 - General Commercial
 - Village Commercial
 - Service Commercial
 - Public Facilities

Date: 2/3/2017

ZONING/LOCATION MAP





TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

Staff Report

- AGENDA DATE:** February 15, 2017
- CASE NUMBER:** Development Permit No. 2016-005 and Variance No. 2016-003
- APPLICANT:** Mr. Albert Carlucci
- PROPOSAL:** A request for a Development Permit to construct a 2,847 square foot medical office building. The Variance is a request for relief from Development Code Section 9.72.060(B)(8) to eliminate the required five (5)-foot separation distance between the parking lot curb and the wall proposed along the southwest property line. The applicant is also requesting a one (1)-foot reduction to the required separation distance between the parking lot and the northerly property line. The project site is 0.24 acres in size and located within the General Commercial (C-G) zoning designation.
- LOCATION:** 16030 Kamana Road (APN 0473-412-09).
- ENVIRONMENTAL DETERMINATION:** Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), Sections 15303 and 15305, the proposed Variance and Development Permit are Categorically Exempt from further environmental review per Sections 15303 and 15305, Minor Alteration in Land Use Limitations.
- CASE PLANNER:** Pam Cupp, Associate Planner
- RECOMMENDATION:** Approval

PROJECT SITE AND DESCRIPTION

- A. Project Size
The project site is 10,500 square feet (0.24 acres) in size.

B. General Plan Designations

- Project Site - General Commercial (C-G)
- Northeast - General Commercial (C-G)
- Northwest - Multi-family Residential (R-M)
- Southeast - General Commercial (C-G)
- Southwest - General Commercial (C-G)

C. Surrounding Zoning and Land Use

- Site - General Commercial (C-G), Vacant
- Northeast - General Commercial (C-G), vacant
- Northwest - Multi-family Residential (R-M), apartments
- Southeast - General Commercial (C-G), office building
- Southwest - General Commercial (C-G), office building

D. Site Characteristics

The project site is currently vacant with sloping topography. There is approximately a ten (10)-foot grade differential from the high and low point of the lot. The parcel contains natural desert vegetation; however, no protected plant species are evident.

E. Building/Unit Analysis:

The proposed medical building will be 2,847 square feet in size.

F. <u>Building Height:</u>	Permitted Maximum Adjacent to Residential:	25 feet
	Proposed Maximum Adjacent to Residential:	18.3 feet
	Permitted Maximum Adjacent to Nonresidential:	35 feet
	Proposed Maximum Adjacent to Nonresidential:	18.3 feet

G. <u>Setback Analysis:</u>	Required	Proposed
	Front	82 ft.
	Side	0 ft.
	Rear (alley)	27.92 ft.

H. <u>Landscaping:</u>	Required:	10%
	Proposed:	16%

I. <u>Parking Analysis:</u>	Required:	14 Spaces
	Proposed:	14 Spaces

J. <u>F.A.R.:</u>	Permitted Maximum	50%
	Proposed	27%

ANALYSIS

A. General:

The applicant is requesting approval of a Development Permit to construct a 2,847 square foot, medical office building. Pursuant to the Development Code, a Development Permit is required for all new commercial/industrial construction to allow the Planning Commission and/or staff, together with the public, the opportunity to review the site planning and architectural/aesthetics of the proposal. The applicant is also requesting approval of a Variance to allow the elimination of the required five (5)-foot separation distance between the parking lot curb and the property line.

B. Site Analysis:

The project site is 10,500 square feet (0.24 acres) in size and located within the General Commercial (C-G) zoning designation. The minimum lot width within the General Commercial (C-G) zone is seventy-five (75) feet; however, the project site is considered substandard with a lot width of sixty (60) feet. The topography of the site is sloped and will require the construction of retaining walls along the side property lines and at the rear of the building. The substandard lot width together with the requirements for retaining walls impedes the developer's ability to meet the minimum five (5)-foot separation required between the parking lot curbs and property lines.

The property line to the southwest has an existing retaining wall that is in disrepair. A new retaining wall is proposed at this location. The retaining wall will be between two (2) and four (4) feet in height. Unless the developer can reach an agreement with the neighboring property owner, side-by-side retaining walls will be necessary. A retaining wall is also proposed at the rear of the building. Parking along the back alley will be at natural grade and a retaining wall will separate the parking area from the structure. A staircase will provide access to the building from the back parking area.

There are two (2) parallel parking spaces proposed along the southwest property line, adjacent to the retaining wall. The applicant proposes a one (1)-foot separation distance between the parking lot curb and the wall, which does not meet the separation distance of five (5) feet, which is required by the Development Code.

A retaining wall ranging from eight (8) inches to three (3) feet, four (4) inches will be required along the northeasterly property line. In addition to the retaining wall, a four (4)-foot wide, unobstructed sidewalk is required to provide an accessible path of travel from the public right-of-way. The parking lot curb together with the sidewalk will provide a total separation distance of four (4) feet, instead of the required five (5)-foot separation distance. The applicant has requested a Variance providing relief from Development Code Section 9.72.060 (B)(8), which states the following:

- "a. Continuous concrete curbing shall be provided a minimum of five (5) feet from any wall, fence, property line, walkway, or structure where parking and/or drive aisles are located adjacent thereto (Figure 9.72.060-G). Refer to Section 9.25.030 E for deviations to this requirement.
- b. The area between the curb and the wall, fence, property line, walkway, or structure shall be landscaped or constructed with a sidewalk providing connection to building entrance. Walkways adjacent to overhanging parked cars shall have a clear width of four (4) feet. Refer to Section 9.25.030 E for deviations to this requirement."

As submitted, the proposal meets the required building setbacks, parking ratios and the minimum required landscape areas. Based upon the substandard lot width and topography issues, positive Variance Findings are recommended for the Commission's consideration.

Primary access to the site is from Kamana Road with secondary access available from a public alley. There is existing curb and gutter along Kamana Road; however, the installation of sidewalks will be required. The project will create impervious surfaces (such as the building, driveways and parking areas) that will create additional surface water runoff. The

applicant proposes a subsurface retention system for storm water control. Public sewer is available to the location and connection would be required.

C. Architecture Analysis:

The applicant proposes to construct a 2,847 square foot, eighteen (18)-foot tall, medical office building. The proposed architecture is contemporary in design and incorporates symmetrical pop-outs and recesses creating visual interest. The materials selected for the structure include stucco and stacked stone. The color palette is comprised of light and dark gray tones that are compatible with the stacked stone. The covered entry exhibits typical store front glass double doors. The window placement accentuates the structures modern design. The architectural appearance of the structure will be compatible with existing commercial buildings within the vicinity.

D. Environmental Assessment:

Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), Sections 15303 and 15305, the proposed Variance and Development Permit are Categorically Exempt from further environmental review per Sections 15303 and 15305, Minor Alteration in Land Use Limitations.

E. Noticing:

This item was advertised as a public hearing in the Apple Valley News newspaper on February 3, 2017.

F. Variance Findings:

As required under Section 9.24.070 of the Development Code, prior to approval/denial of a Variance, the Planning Commission must make the following Findings:

1. That, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Code deprives such property of privileges enjoyed by other properties in the vicinity and under the identical zoning classification;

Comment: The property is a rectangular lot; however, its width is substandard by twenty (20) percent. Additionally, physical topography of the site requires the installation of retaining walls. Many of the lots located within the vicinity are also substandard in width, but due to level topography, have been developed with larger structures. This is because the topography did not require the use of retaining walls. Strict application of this Code would result in a much smaller building requiring less parking spaces and would deprive the applicant from privileges enjoyed by other properties within the general vicinity.

2. That granting the Variance will be consistent with the general intent and purpose of the Development Code provisions for the district in which the property is located;

Comment: The purpose of the development standards is to promote good quality design, improve and maintain a quality living environment and to provide basic standards that insure compatibility and consistency between new and existing development. The development proposal is consistent with the general intent and

purpose of the Development Code provisions within the General Commercial (C-G) zone.

3. That granting the Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and zoning district and denied to the property for which the Variance is sought;

Comment: There are existing commercial developments within vicinity that have been developed in conformance with the development standards; however, there was not a substantial grade difference. Granting the Variance would allow this substandard, sloped parcel the opportunity to develop in a manner consistent with other properties within the vicinity.

4. That granting the Variance will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located;

Comment: Permitting a reduction to the required separation distance between the parking lot curb and property line wall will not cause a detriment to the surrounding neighborhood and will not be injurious to the development for which the variance is granted.

5. That granting the Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the zoning district and General Plan land use designation such property is located; and

Comment: Permitting a reduction to the required separation distance between the parking lot curb and property line will not constitute a special privilege because the subject parcel is substandard in width and the sloped topography creates a need for retaining walls that occupy much of the required separation area.

6. That granting the Variance does allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.

Comment: Medical offices are a permitted use within the General Commercial (C-G) subject to approval of a Development Permit.

G. Development Permit Findings:

As required under Section 9.16.090 of the Development Code, prior to approval of a Development Permit, the Planning Commission must make positive findings to approve this proposal. These Findings, as well as a comment to address each, are presented below.

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

Comment: The proposed 2,847 square-foot medical office building is consistent with the General Commercial (C-G) Land Use and zoning designation. The project meets most site development standard. A Variance approval is necessary to allow a reduction to the minimum required separation distance between a parking lot curb and property line wall.

2. That the location, size and design of the proposed structures and improvements are compatible with the site's natural landforms, surrounding sites, structures and streetscapes;

Comment: The site planning and proposed grading of the 2,847 square-foot medical office building has responded well to the site's natural topography and has been designed to reflect the Town's desert environment and will aesthetically blend with the vicinity in which it will be located.

3. That the proposed development produces compatible transitions in the scale, bulk, coverage, density and character of development between adjacent land uses;

Comment: The proposed 2,847 medical office building is similar in size and scale to the existing medical office located to the southwest. The scale and lot coverage produces a compatible transition from the adjacent multi-family development.

4. That the building, site and architectural design are accomplished in an energy efficient manner;

Comment: The proposed 2,847 square-foot medical office building will be constructed in accordance with the Uniform Building Code and will be oriented in a manner that will optimize efficient energy resources. The project must also comply with requirements from the Building and Safety Division as well as UBC Title 24 requirements.

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

Comment: The design, materials and details of the finished structure will blend well with existing development in the area with the use of complementary colors and design features.

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

Comment: The proposal is in conformance with Code requirements for required setbacks. The project will include landscaping which will minimize any potential visual impact. The proposal will not block public or private views and is in scale to other structures in the area.

7. That the amount, location, and design of open space and landscaping conforms to the requirements of this Code, enhances the visual appeal and is compatible with the design and function of the structure(s), site and surrounding area;

Comment: The preliminary landscape plan illustrates drought tolerant plant materials compatible with the desert environment. The base of the structure will be softened with landscape planters. Sixteen (16) percent of the lot area will be landscaped, which exceeds the ten (10) percent required by the Development Code.
8. That quality in architectural design is maintained in order to enhance the visual environment of the Town and to protect the economic value of existing structures;

Comment: The design, materials and details of the finished structure will blend well with existing development in the area with the use of complementary colors and design features.
9. That excessive and unsightly grading of hillsides does not occur, and the character of natural landforms and existing vegetation are preserved where feasible and as required by this Code;

Comment: The site is not located on a hillside nor are there any natural landforms or vegetation on the property. All areas not covered in building or parking will be landscaped in accordance with the Town's water conservation and landscaping regulations.
10. That historically significant structures and sites are protected as much as possible in a manner consistent with their historic values;

Comment: The site is vacant and with no known historical structures on site or in the vicinity.
11. That there are public facilities, services and utilities available at the appropriate levels, or that these shall be installed at the appropriate time, to serve the project as they are needed;

Comment: There are existing improvements available to serve the site.
12. That access to the site and circulation on and off-site is safe and convenient for pedestrians, bicyclists, equestrians and motorists;

Comment: The proposed 2,847 square-foot medical office building will be located on a commercial site that fronts improved roadways. Therefore, the proposal will not adversely impact access, circulation and the physical character of surrounding streets.
13. That the proposed development's generation of traffic will not adversely impact the capacity and physical character of surrounding streets;

Comment: The proposed 2,847 square-foot medical office building will be located on a commercial site that fronts Kamana Road, which is an

improved roadways designed to accommodate commercial traffic. Therefore, the proposal will not adversely impact the capacity and physical character of surrounding streets.

14. That traffic improvements and or mitigation measures are provided in a manner adequate to maintain a Level of Service C or better on arterial roads and are consistent with the Circulation Element of the Town General Plan;

Comment: Traffic generated by the proposed 2,847 square-foot medical office building will not adversely impact the surrounding area. The proposed development will be located along improved roadways that can accommodate traffic generated from the project site.

15. That environmentally unique and fragile areas such as the knolls, areas of dense Joshua trees, and the Mojave River area shall remain adequately protected;

Comment: The proposal is within a General Commercial (C-G) zoning district, with minimal vegetation and is outside of any known environmentally unique or fragile areas. The site is void of any protected plants.

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

Comment: Under the State guidelines to implement the California Environmental Quality Act (CEQA), the project is not anticipated to have any direct or indirect impact upon the environment.

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

Comment: Under the State guidelines to implement the California Environmental Quality Act (CEQA), the project is not anticipated to have any direct or indirect impact upon the environment, as it has been determined that the proposed request is Exempt from further environmental review.

18. That the impacts which could result from the proposed development, and the proposed location, size, design and operating characteristics of the proposed development, and the conditions under which it would be operated or maintained, will not be detrimental to the public health, safety and welfare of the community or be materially injurious to properties or improvements in the vicinity, nor be contrary to the adopted General Plan; and

Comment: The office building is a low impact, permitted use within the General Commercial (C-G) zoning designation. The project has been designed to blend with existing structures within the vicinity. Site plan design includes setbacks, parking and landscaped areas greater than the minimum required and will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity.

19. That the proposed development will comply with each of the applicable provisions of this Code and applicable Town policies, except approved variances.

Comment: The project meets most site development standard. A Variance approval is necessary to allow a reduction to the minimum required separation distance between a parking lot curb and property line wall.

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 15270 (b), the proposed request is Exempt from further environmental review.
2. Find the facts presented in the staff report do not support the required Findings for Approval for Development Permit No. 2016-005 and Variance No. 2016-003.
3. Adopt the Findings as provided in the staff report and approve Development Permit No. 2016-005 and Variance No. 2016-003.
4. Direct staff to file the Notice of Exemption.

Prepared By:

Reviewed By:

Pam Cupp
Associate Planner

Carol Miller
Principal Planner

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Applicant's Variance Findings
3. Site Plan
4. Floor Plan
5. Building Elevations
6. Zoning Map

Town of Apple Valley

Recommended Conditions of Approval
Development Permit No. 2016-005 and Variance 2016-003

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 or alleviate 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 project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval, if not exercised, shall expire two (2) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the expiration date. The approval becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. The applicant shall defend, at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P3. The approval of Development Permit No. 2016-005 and Variance No. 2016-003 by the Planning Commission is recognized as acknowledgment of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, *Appeals*, of the Town of Apple Valley Development Code.
- P4. The site plan and rendering presented to and approved with Conditions by the Planning Commission at the public hearing shall be the anticipated and expected appearance of the structure upon completion.
- P5. The Community Development Director or his/her designee, shall have the authority for minor architectural changes focusing around items such as window treatments, color combinations, façade treatments and architectural relief. Questions on the interpretation of this provision or changes not clearly within the scope of this provision shall be submitted to the Planning Commission for consideration under a Revision to the Development Permit.
- P6. The filing of a Notice of Exemption requires the County Clerk to collect a fee of \$50.00. The fee must be paid in a timely manner in accordance with Town procedures. No permits, including Certificate of Occupancy, may be issued until such fee is paid. The check shall be made payable to the Clerk of the Board of Supervisors.

- P7. No deviation, modification, alteration, adjustment or revision to or from the appearance, location, fixtures, features or appurtenances thereto of any type or extent shall be approved without said changes being first submitted to the Planning Division for consideration and approval.
- P8. All outdoor mechanical and electrical equipment, whether rooftop, side of structure, or on the ground, shall be screen from view from the public street by architectural elements designed to be an integral part of the building.
- P9. Light standards shall blend architecturally with approved project design.
- P10. All lighting shall be scheduled so light rays emitted by the fixture are projected below the imaginary horizontal plane passing through the lowest point of the fixture and in such a manner that the light is directed away from streets and adjoining properties. Light poles in parking lot shall not exceed twenty (20) feet in height.
- P11. All front building setbacks and street right-of-way areas located between on-site improvements and the back of existing or future public sidewalks or street curbs, except needed access driveways, shall be fully landscaped.
- P12. All required and installed landscaping shall incorporate and maintain a functioning automatic sprinkler system, and said landscaping shall be maintained in a neat, orderly, disease and weed free manner at all times.
- P13. Landscaping shall be installed with appropriate combinations of drought tolerant trees, shrubs, and ground cover, consistent with Chapter 9.75, *Water Conservation Landscape Regulations*, of this Code.
- P14. Final landscape and irrigation plans shall be submitted prior to the issuance of Building Permits and installed prior to issuance of occupancy permits subject to approval by the Planning Division.
- P15. All identification signs shall have a separate permit and are subject to final approval by the Town Planning Division.
- P16. Access to roofs shall be from the interior of the building. If roof access is on the exterior of the building, the roof access ladder shall be screened from view from any public street or public parking area and security shall be provided to prevent unauthorized access.
- P17. Parking requirements shall be met and be in compliance with Town standards. All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines.
- P18. Required parking spaces shall be provided for the handicapped in accordance with Town standards and in accordance with Title 24 of the California Administrative Code. The handicapped spaces shall be located as close as practical to the entrance of the facility. Each space must be provided with access ramps and clearly marked in accordance with Title 24 of the California Administrative Code.

- P19. Trash Enclosure shall be in accordance with Town Standards and is recommended to reflect the architectural design of approved project subject to the review and approval of the Planning Division.
- P20. If the project 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.
- P21. All fencing and screening material shall be in conformance with the Development Code subject to approval by the Planning Division.
- P22. Construction drawings shall comply with the Town's Climate Action Plan.

Public Works Department Conditions of Approval

- PW1. Sewage disposal shall be by connection to the Town of Apple Valley sewer system. Financial arrangements, plans and improvement agreements must be approved by the Town of Apple Valley Public Works Department.
- PW2. Sewer connection fees required.

Environmental and Transit Services Conditions of Approval

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

Public Resource Code Section 42910-42912

- ER2. The developer shall complete and submit a Waste Management Plan ("WMP"), on a WMP form approved by the Town for this purpose as part of the application packet for the building or demolition permit. The completed WMP shall indicate all of the following:
 - (1) The estimated volume or weight of project C&D debris to be generated;
 - (2) The estimated volume or weight of such materials that can feasibly be diverted via reuse or recycling;
 - (3) The vendor or facility that the Developer proposes to use to collect or receive that material; and
 - (4) The estimated volume or weight of C&D materials that will be landfilled.

Town of Apple Valley Municipal Code Section 8.19.020(a)

- ER3. Compliance with Condition of Approval No. ER2 shall be met by any of the following:
 - (1) Contract for hauling services with Town's franchise hauler, with all Project debris delivered to San Bernardino County self-haul landfill diversion program, provided the

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

Town of Apple Valley Municipal Code Section 8.19.030

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

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

Town of Apple Valley Municipal Code Section 8.19.050

ER5. The developer shall make reasonable efforts to ensure that all C&D debris diverted or landfilled are measured and recorded using the most accurate method of measurement available. To the extent practical, all C&D debris shall be weighed by measurement on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For C&D debris for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the developer shall use the Standardized Conversion Rates approved by the Town for this purpose.

Building and Safety 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 upon or landscaped.
- BC11. Page two (2) of the submitted building plans will be the Conditions of Approval.
- BC12. Construction must comply with the California Building Codes and California Green Building Code effective at the time of submittal.
- BC13. Best Management Practices (BMP's) are required for the site during construction.
- BC14. Provide Water Quality Management Plan (WQMP) or Alternative Compliance Plan.

Engineering Division Conditions of Approval

- EC1. Prior to issuance of a grading permit, a final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider reducing the post-development site-developed flow to 90 percent of the pre-development flow for a 100 year design storm. (Town Resolution 2000-50; Development Code 9.28.050.C, 9.28.100)
- EC2. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC3. 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.
- EC4. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)

- EC5. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC6. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC7. Sidewalk shall be constructed to Town standards on Kamana Road adjacent to the property.
- EC8. The alley abutting the development shall be resurfaced with a Slurry Seal coat or A.C. pavement overlay as approved by the Town Engineer.
- EC9. A Storm Water Pollution Prevention Plan (SWPPP) in accordance with the National Pollutant Discharge Elimination System (NPDES) shall be required.

Apple Valley Fire Protection District Conditions of Approval

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

SITE PLAN:

- FD1. Fire lanes that were submitted are accepted due to the public right of way on two sides of the building and fire lanes shall be maintained, and identified as submitted on plans.

ARCHITECTURAL/STRUCTURAL:

- FD2. Approved numbers or addresses shall be placed on all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.
- FD3. Commercial and industrial developments shall have street addresses and location approved by the Fire District.

Additional non-illuminated contrasting (18) inch numbers shall be displayed at the property entrance. When these developments have rear doors of each unit, the unit number shall be a minimum of 6 inches and shall contrast with their background.
- FD4. Compressed Medical Gas System plans are to be submitted to the Fire District for approval and permits, and shall be in accordance with the California Fire Code before any system installation is done. Work may not commence until approved plans and permits have been issued by the Fire District.
- FD5. Provide quantity and cubic square feet of any other compressed gases stored on-site.
- FD6. Provide Material Safety Data Sheets on all medical gases stored.

FD7. The Medical Gas Room shall be exhausted through a duct to the exterior. Approved mechanical ventilation shall comply with the California Mechanical Code and be provided at a minimum rate of one CFM per square foot of the area of the room.

MECHANICAL:

FD8. Air-moving systems supplying air in excess of 2,000 CFM shall have an automatic shut off for smoke control. Where fire detection or alarm systems are provided for the building, the smoke detectors required by this section shall be supervised by such systems.

ELECTRICAL:

FD9. Install illuminated exit signs at exits. Exit signs shall be energized from separate circuits. Illumination shall normally be provided by the premises wiring system. In the event of failure of this system, illumination shall be automatically provided from an emergency system.

LANDSCAPE:

No Conditions.

FIRE PROTECTION SYSTEMS:

FD10. Fire Extinguishers with a minimum rating of 2A10BC shall be provided, as per inspection, prior to Certificate of Occupancy.

APPLE VALLEY FIRE DISTRICT NOTES:

FD11. The approved plans and job card SHALL be picked up at the Fire District Headquarters Station within 30 working days and presented to the Town of Apple Valley, Building & Safety Dept. to receive your building permit. The Town of Apple Valley has been notified of the Fire District conditions for this project.

END OF CONDITIONS

SUPPLEMENTAL VARIANCE STATEMENT

The applicant must provide detailed answers to the questions listed below. You should include specific evidence, details and/or qualities of the proposed structure or other project. Additional pages or supporting documentation such as photographs, previous variance approval, etc., may be attached.

1. Specific Development Code Section for which relief is being sought:

? Code Section 9.72.060(B)(8)

2. Explain the hardship or practical difficulty that would result from the strict interpretation and enforcement of this Code.

The 2' Planter is not possible anymore due to the topography of the land and new ADA requirements to the streets. The lots in these areas are hard to work with.

3. What is the alternative means of compliance being proposed?

Eliminate planters on the sides to help with parking spaces to maximize sq footage to building.

4. What are the special circumstances that apply only to the property to which the application pertains, and do not apply generally to the other properties in the vicinity?

lots are very narrow and retaining walls are needed on both side of property which so there for leave us no room for planters on the sides.

5. Explain how, if the Variance is approved, it will not constitute a granting of special privilege which will not be available to other properties in the vicinity?

~~Should~~ Should be available to other properties to have the same problems.

Signed Allee Carr Date 11-3-16

Print Name _____

FINDINGS REQUIRED TO GRANT A VARIANCE

The Town of Apple Valley Community Development Department
14955 Dale Evans Parkway, Apple Valley, CA 92307 • (760) 240-7000 • Fax: (760) 240-7399

Variance/Deviation (Effective July 1, 2016 - Resolution No. 2016-17)

Page 5 of 9

The applicant must provide specific justification for each of the findings listed below. You should include specific evidence, details and/or qualities of the proposed structure or other project. Additional pages or supporting documentation such as photographs, previous variance approval, etc., may be attached.

1. Special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Town Development Code deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

Narrow 60' wide lots are not walkable with new ADA Access
IN DEMAND FROM CURB SIDEWALK TO FRONT ENTRANCE OF BUILDING. ~~THE~~
TOPO AND ELEVATION MAKE EVEN HARDER BECAUSE OF
RETAINING WALLS NEEDED ON EACH SIDE OF PROPERTY

2. Granting the variance will be consistent with the general intent and purpose of the Development Code provisions for the district in which the property is located.

ALL OF THE NARROW LOTS IN TRACT 7802 WILL ~~BE~~ RUN
INTO THE SAME PROBLEMS. THERE IS VERY LITTLE
LANDSCAPING THAT WILL NOT BE THERE
BUT CAN BE ENHANCED IN OTHER AREAS.

3. Granting of the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zoning district and denied to the property for which the Variance is sought.

THE VARIANCE WE ASKING FOR HAS ALREADY BEEN
DONE IN THE SAME TRACT BECAUSE IT MADE
TO MAKE IT USABLE WITHOUT ANY FAULTS

4. Granting of the variance will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located.

NO
THIS VARIANCE DOES ~~NOT~~ RELATE TO ANYTHING
THAT CAN BE HARMFUL IN ANYWAY

5. Granting of the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the zoning district and General Plan land use designation such property is located.

THE VARIANCE HELPS ALL THE OTHER LOTS THAT
WILL FACE THE SAME ISSUES, AND WILL MAKE
THE LOTS USEABLE FOR WHAT THEY WERE INTENDED
FOR

6. Granting of the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.

NO

Please read and initial the following statement:

I understand that in lieu of a Variance I have the option of altering my plan and requesting a Deviation Permit in conformance with Section 9.03.0500 of the Town of Apple Valley Development Code. _____

FINDING REQUIRED TO GRANT A DEVIATION

1. Granting the deviation will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in the vicinity and land use district in which the property is located.

Signed _____ Date _____

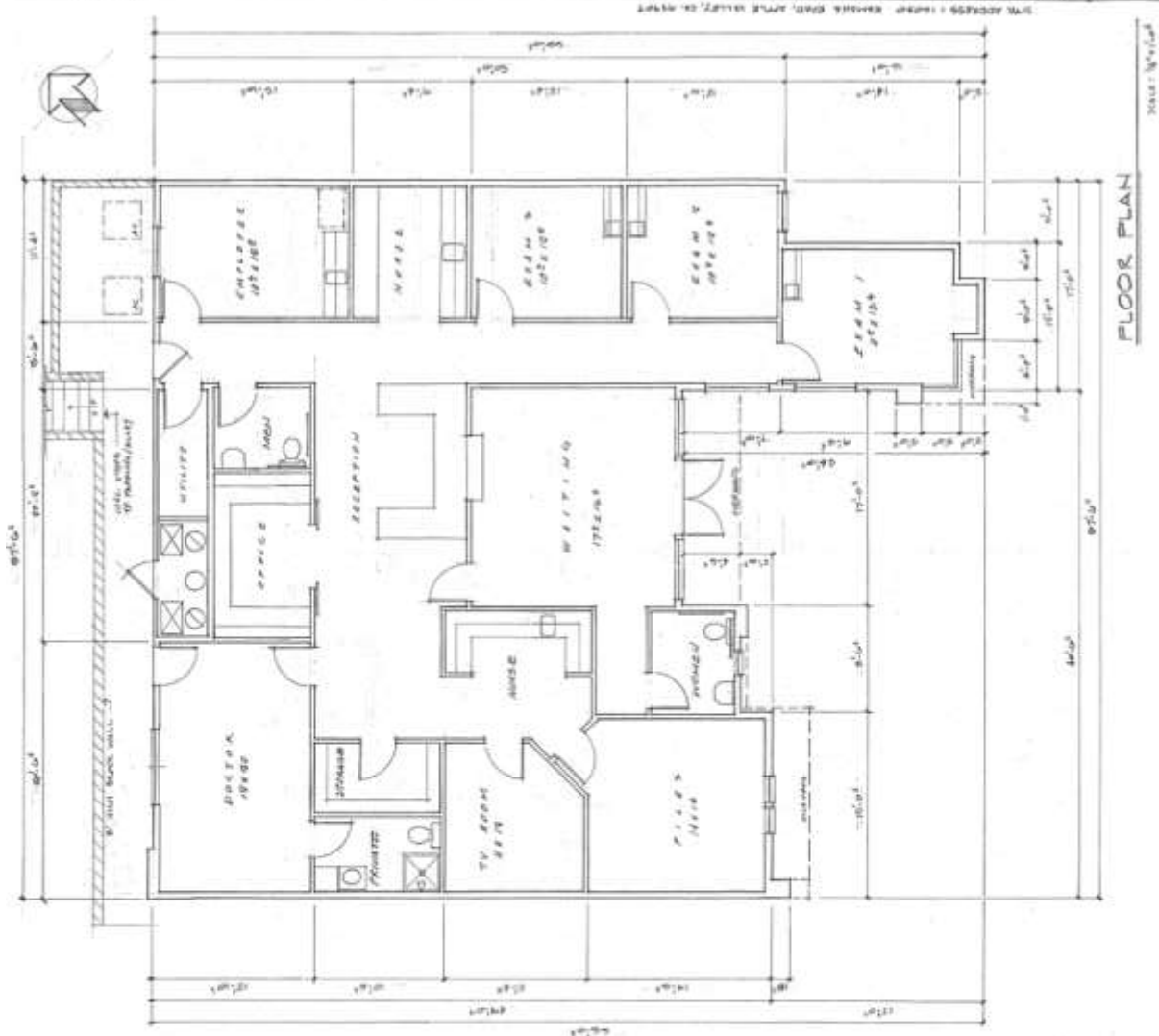
Print Name _____

DEVIATION PERMIT FINDINGS FOR A WIRELESS TELECOMMUNICATION FACILITY

1. That the applicant has provided supporting documentation of the identified need that cannot be met in any other manner;

2. That there are unique circumstances associated with the proposed location necessitating the requested Deviations;

G.M. BENSON DESIGN INC., INC. 10000 W. 10TH AVE., SUITE 100, DENVER, CO 80231	ALBERT CARLUCCI GENERAL CONTRACTOR 8888 W. BOX VICTORIE, CA 90295 760-333-9318	DATE: 11/20/16 SHEET NO: 01/01 PROJECT: 16-005	A3 SHEET 01/01
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Development Permit No. 2016-005
and Variance No. 2016-003

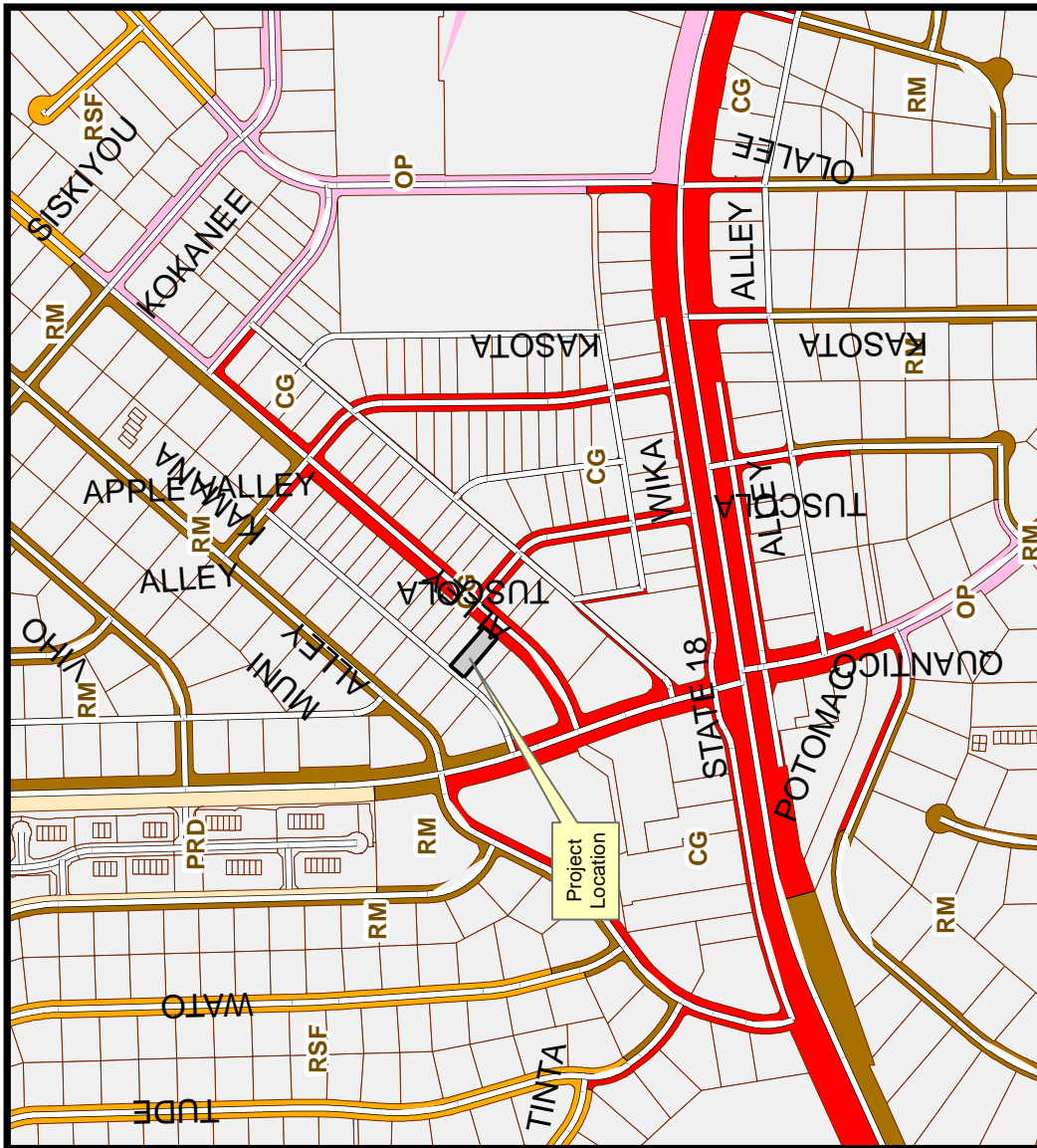
16030 Kamana Road
APN 0473-412-09



Legend	
[Black outline]	DP 2016-005 and VAR 2016-003
[Yellow fill]	R-SF1 Single Family Residential (1 to 0.4100.9 net acre)
[Orange fill]	R-M Multi-Family Residential (2 to 20 allowed units)
[Light blue fill]	PRD Planned Residential Development
[Red fill]	C-G General Commercial
[Pink fill]	OP Office Professional

Date: 2/7/2017

ZONING/LOCATION MAP





Get a Slice of the Apple.

TOWN OF APPLE VALLEY PLANNING COMMISSION

Staff Report

- AGENDA DATE:** February 15, 2017
- CASE NUMBER:** Tentative Tract Map No. 16059 Phases 3-5 Time Extension
- APPLICANT:** Nupac Investments LLC
- PROPOSAL:** This is a request for a one (1) year time extension for the final three (3) phases of a previously approved subdivision. Phases 1 & 2 have recorded. The remaining three phases consists of approximately 124 single-family residential lots in the Residential Single-Family (R-SF) zoning designation for future residential development.
- LOCATION:** Located at the northeast corner of Sitting Bull and Apple Valley Roads; APN 3087-021-09.
- 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 on February 20, 2002 by the Planning Commission. 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 subject property includes Phases three (3) through five (5) of Tract Map No. 16059 which consists of one (1) approximately seventy-one (71) acre parcel.
- 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) |

West - Residential Single-Family (R-SF)

C. Surrounding Zoning and Land Use:

Project Site - Residential Single-Family (R-SF), Single-Residences and Vacant
North- Specific Plan (SP), Vacant
South- Residential Single-Family (R-SF), Single-Family Residences
East- Residential Single-Family (R-SF), Single-Family Residences
West - Residential Single-Family (R-SF), Single-Family Residences

D. Site Characteristics

The unrecorded portion of the subject tract is approximately seventy-one (71) acres and 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.

ANALYSIS

A. Background

The Planning Commission approved Tentative Tract Map No. 16059 on February 20, 2002 with an expiration date of February 20, 2005. On February 6, 2008, in accordance with the Town of Apple Valley Development Code, a three (3) year time extension was approved by the Planning Commission. An additional three (3) years was granted with an expiration date of February 20, 2011 in accordance with the Subdivision Map Act (SMA) because there were off-site improvements outside of the project boundary installed that exceeded the dollar amount specified in the SMA.

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 February 20, 2017. 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 one (1) 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. The proposed subdivision remains in compliance with the site development standards. The project originally included five phases for recordation purposes; however, only Phases 1 and 2 were recorded.

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

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

C. Environmental Assessment:

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 February 20, 2002. 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 February 3, 2017.

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 remaining seventy-one (71) acres into 124 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 February 20, 2002. 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 one (1)-year extension of time for Tentative Tract Map No.16059 Phases 3-5, subject to the attached, Conditions of Approval, as amended.
4. Direct Staff to file the Notice of Determination

Prepared By:

Carol Miller
Principal Planner

ATTACHMENTS:

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

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Case No. Tentative Tract Map No. 16059 Time Extension No. 2

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, Section 9.03.0180.
- P2. Prior to approval of the Final Map, the following agencies shall provide written verification to the Planning Division that all pertinent conditions of approval and applicable regulations have been met:
- Apple Valley Fire Protection District
~~Apple Valley Ranchos Water Company~~ Liberty Utility
Apple Valley Public Services Division
Apple Valley Engineering Division
Apple Valley Planning Division
- P3. The applicant agrees to defend at its 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 its obligations under this condition.
- P4. Subdivision phasing shall be as shown on the approved Tentative Tract Map.
- P5. Prior to final map approval, the applicant(s) shall sign the approved "Conditions of Approval" and provide same to the Town Planning Division for inclusion in the case records.
- P6. 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.

- P7. The project shall conform to the R-SF, Single Family Residential, development standards for front, side and rear yard-building setbacks.
- P8. 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.
- P9. All slopes over three (3) feet in height shall be landscaped and irrigated according to Town standards.
- P10. Prior to recordation of Final Map, three sets of detailed landscaping and irrigation plans, 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.
- P11. The Covenants, Conditions and Restrictions (CC&Rs) shall be reviewed by the Planning Division prior to final approval of the tract map. The CC&Rs shall include a Homeowner's Association and shall contain provisions for liability insurance and methods of maintaining open space, private roads, equestrian trail, retention basin, gated entry areas, subdivision perimeter walls and decorative block walls, subject to approval by the Director of Economic and Community Development (or designee), the Town Engineer and the Town Attorney.
- P12. Prior to recordation of the Final Map, the Developer/applicant shall submit detailed plans showing all proposed walls for this subdivision, including the gated entry areas, subdivision perimeter walls and decorative block walls. Subdivision walls shall be articulated by regularly spaced pilasters or landscape insets, decorative caps and landscaping, subject to approval by the Director of Economic and Community Development (or designee).
- P13. Prior to map recordation, the applicant shall provide an equestrian/bike trail easement along the north side of Sitting Bull Road, in addition to the 80-foot right-of-way. The design of the easement including landscaping and fencing shall match the adjacent development to the east and shall conform to Equestrian Trail Standards. Plans shall be submitted and approved by the Planning Commission at the time that a Development Permit is reviewed for the homes to be built.
- P14. A phasing plan shall be coordinated with the Town Engineer in conjunction with required street improvements for Apple Valley Road. Approval of Phase 1 construction shall be reviewed by the Director of Economic and Community Development (or designee) and Town Engineer.
- P15. The developer shall 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 within the boundaries of a Landscaping and Lighting Assessment District for the maintenance of drainage, landscaping, fencing and other similar improvement and that an annual landscaping maintenance charge will be levied.

- 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 applicant/developer shall install the landscaping along the perimeter of the development and within the retention/detention basin. The applicant/developer shall form a Home Owners Association (HOA) to maintain the landscaping and lighting standards of the development, and any retention basin created.
- P18. All walls constructed along the perimeter of the property lines, shall be constructed of slump stone, split face or masonry material. Prior to recordation of the Final Map, the Developer/applicant shall submit detailed plans showing all proposed walls for this subdivision subject to approval by the Assistant Director of Community Development (or designee).
- P19. 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/wall 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.

Park and Recreation Department Conditions of Approval

- PR1. Prior to recordation of the Final Map, the developer, or his assignee, shall provide written verification of compliance to the Town Quimby Ordinance, subject to review by the Planning Division. The Recreation and Park District fee, in lieu of the development of park, is calculated at \$70,818.00 for the project.

Building and Safety Division Conditions of Approval

- B1. An engineered grading report including soils engineering and engineering geology shall be file 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. No work is to be done prior to approvals and permit issuance.
- 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. Erosion control plans are to be submitted to and approved by the Building Official prior to issuance of permits.
- B6. All utilities are re required to be placed underground in compliance with Town Ordinance No. 89.

- B7. All cross lot drainage require easements and may require improvements at the time of development.
- B8. Check with the State of California Water Resources Board to determine if a general construction activity storm water permit is required prior to any work beginning.

Engineering Division Conditions of Approval

- EC1. Prior to issuance of a grading permit, a final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider retaining onsite drainage flows from a 100-year design storm.
- EC2. Street improvement plans shall be submitted to the Town Engineer for review and approval.
- EC3. All interior streets shall be improved to Town standards with curb, gutter and street pavement. Minimum residential width of streets shall be thirty-six (36) feet curb to curb.
- EC4. All streets abutting the development shall be improved a minimum half-width of twenty-eight (28) feet with curb and gutter on the development side.
- EC5. The street Apple Valley Road shall be improved to the Town's half-width Major Arterial street standard adjacent to the project boundaries. The street Sitting Bull Road shall be improved to the Town's half-width Secondary Road street standard within the project boundaries.
- EC6. A sixty (60)-ft wide half-width road dedication along Apple Valley Road shall be granted to the Town of Apple Valley prior to Final Map Approval.

A forty (40)-ft wide half-width road dedication along Sitting Bull Road shall be granted to the Town of Apple Valley prior to Final Map Approval.
- EC7. During the grading of the roads, soils testing of the road subgrades by a qualified soils engineering firm shall be performed to determine appropriate structural road section. Minimum asphalt concrete thickness for all streets shall be 0.25 ft.
- EC8. All required improvements shall be bonded in accordance with the Town Development Code unless constructed and approved prior to approval and recordation of the Final Map.
- EC9. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC10. Final improvement plans and profiles shall indicate the location of any existing utility which would affect construction and shall provide for its relocation at no cost to the Town.
- EC11. A final grading plan shall be submitted to the Town Engineer prior to issuance of a grading permit for review and approval. A grading permit shall not be issued until street improvement plans have been submitted to the Town Engineer for review and substantial completion of the street plans has been attained as determined by the Town Engineer.

- EC12. The developer shall form or annex into an assessment district to provide for the ongoing maintenance of the retention basin.
- EC13. Streetlights shall be required and shall conform to Town's standards for such. The developer shall form or annex into an assessment district to provide for the ongoing maintenance of the streetlights.
- EC14. All road names shall be approved by the Town and such approval shall be coordinated through the Town Engineer.
- EC15. Prior to Town acceptance of the Final Map, subdivider shall present evidence to the Town Engineer that he has made a reasonable effort to obtain a non interference letter from any utility company that may have rights of easement within the property boundaries.
- EC16. Utility lines shall be placed underground in accordance with the requirements of the Town.
- EC17. The developer shall make a good faith effort to acquire the required offsite property interests, and if he or she should fail to do so, 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 offsite 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 developers cost. The appraiser shall have been approved by the Town prior to commencement of the appraisal. Additional security may be required as recommended by the Town Engineer and Town Attorney.
- EC18. Traffic impact fees adopted by the Town, Ordinance No. 42, shall be paid by the developer.
- EC19. Any developer fees including but not limited to drainage fees shall be paid by the developer as per Town enactment.
- EC20. Any required street striping shall be thermoplastic as approved by the Town Engineer.
- EC21. The applicant shall construct the traffic mitigation measures as detailed in the traffic study dated October 26, 2001, which includes the payment of traffic impact fees totaling \$309,050.
- EC22. Storm drain improvements as outlined in the preliminary drainage study dated February 7, 2002, shall be required to be designed and constructed in a manner that is approved by the Town Engineer, as a part of this development. In particular, the proposed storm drain to be located in Ottawa Road shall be constructed as a part of Phase 2 of the proposed phasing plan as shown in the preliminary drainage report.
- EC23. Applicant shall construct a free right turn lane for eastbound to southbound traffic at the intersection of Highway 18 and Apple Valley Road prior to the issuance of the first building permit for this project. Said improvements shall be fully bonded prior to final map approval if not constructed.
- EC24. The Town of Apple Valley will construct Apple Valley Road adjacent to the tract boundaries. Therefore, in addition to traffic Impact fees required of this project, the applicant will be required to deposit with the Town sufficient monies as approved by the Town Engineer for improvements

outside of the travel lanes (parking lane, curb and gutter and sidewalks) that will be constructed by the Town of Apple Valley on the developer's behalf.

EC25. The section of Ottawa Road west of Paraiso Road in Tract No. 14090 shall be vacated, removed and landscaped as approved by the Town Engineer and the Planning Division. Street improvements, including curb and gutter, shall be constructed along the west side of Paraiso Road at Ottawa Road. *Improvements shall be deferred until completion of Phase 3, as approved by the Town Engineer. (Modified by P.C. 2/20/02)*

EC26. The developer shall form or annex into an assessment district to provide for the ongoing maintenance of the parkway landscaping within the public right-of-way along Apple Valley Road and Sitting Bull Road adjacent to the project boundaries.

Public Works Division Conditions of Approval

Prior to Map Recordation:

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

~~PW2. Buy-In Fees/Pay-Back Fees will be required prior to Building Permit/Recordation. Contact the Public Works Division for costs associated with said fees.~~

~~PW3. Water purveyor shall be Apple Valley Ranchos Water Company.~~

PW2. Construct the sewer collector lines and laterals to each lot to connect to the trunk sewer system or other system as approved in advance by the Town.

PW3. All existing manholes within project boundaries shall be brought to current Town of Apple Valley Standards. Frame and cover shall be Long Beach Iron Works Inc. X-106E, Alhambra Foundry Inc. LTD. A-1254 or approved equal.

PW4. Sewer connection fees required.

PW5. Buy-in fees required.

PW6. Sewer development impact fees required.

PW7. Submit mylars and three sets of As-Built plans upon completion of sewer installation. In addition, the plans must be provided in an electronic format of the Town's choosing.

Non Standard Condition of Approval:

~~PW4. Feasibility Study will be required to determine capacity and connection to the Town of Apple Valley sewer.~~

Apple Valley Fire Protection District Conditions of Approval

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

- FD2. Prior to combustible construction, 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. 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, maintained, and identified. Apple Valley Fire Protection District Ordinance 41. Install per A.V.F.P.D. Standard Series #202
- ~~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 one thousand (1,000) feet. Turning radius on all roads within the facility shall not be less than twenty-two (22) feet inside and minimum of forty (40) feet outside turning radius with no parking on street, or forty-seven (47) feet with parking. ~~Uniform Fire Code, Section 902. 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. The minimum water main size for commercial is twelve (12) inches, for residential development, eight (8) inches.
- B. System Standards:
*Fire Flow 500 GPM @ 20 psi Residual Pressure
Duration 1 Hour(s)
Hydrant Spacing 660 Feet
~~*If blank, flow to be determined by calculation when additional construction information is received.~~
- C. A total TBD fire hydrant(s) will be required at time of building permit issuance. 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.D. Standard. Install per A.V.F.P.D. Standard Series #101

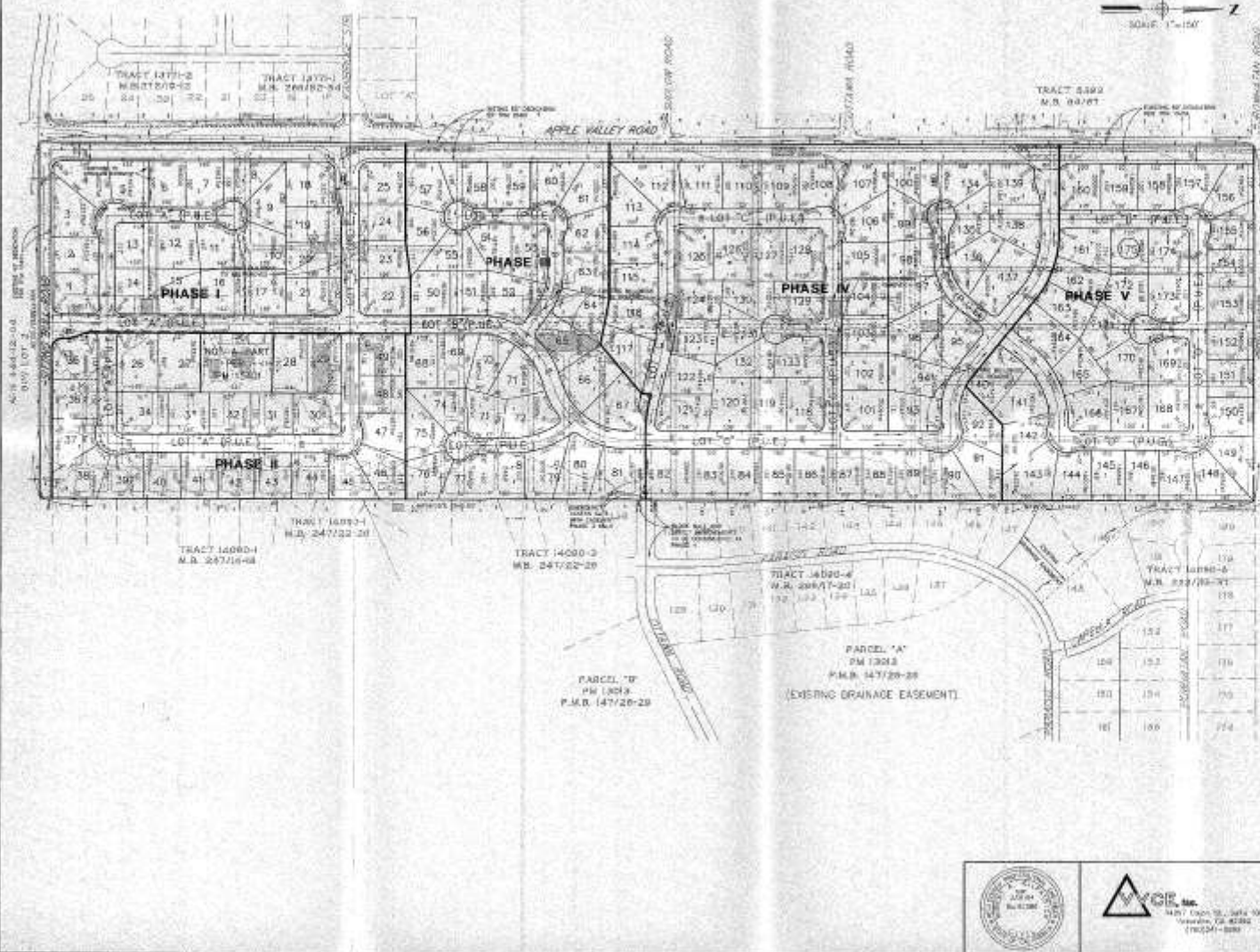
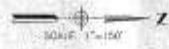
NFPA 13D (RESIDENTIAL AUTOMATIC FIRE SPRINKLER SYSTEM): REQUIRED

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.**

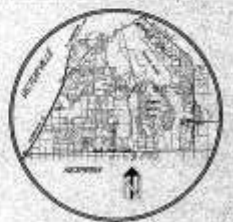
- ~~FD6. An approved fire sprinkler system shall be installed throughout any building:~~
- ~~➤ 5,000 square feet or greater, including garage and enclosed areas under roof, or~~
 - ~~➤ Other per California Building Code requirements. Apple Valley Fire Protection District, Ordinance 41~~
- FD7. Apple 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.
- FD8. The developer shall submit a map showing complete street names within the development, to be approved by the Fire District prior to final map.
- FD9. Prior to issuance of Building Permit, the developer shall pay all applicable fees as identified in the Apple Valley Fire Protection District Ordinance.
- FD10. A Knox Box Rapid Entry System shall be required at entry gates for this project. ~~Uniform Fire Code, Section 902.4 Install per A.V. F.P.D. ARI #5~~

End of Conditions

TENTATIVE TRACT 16059



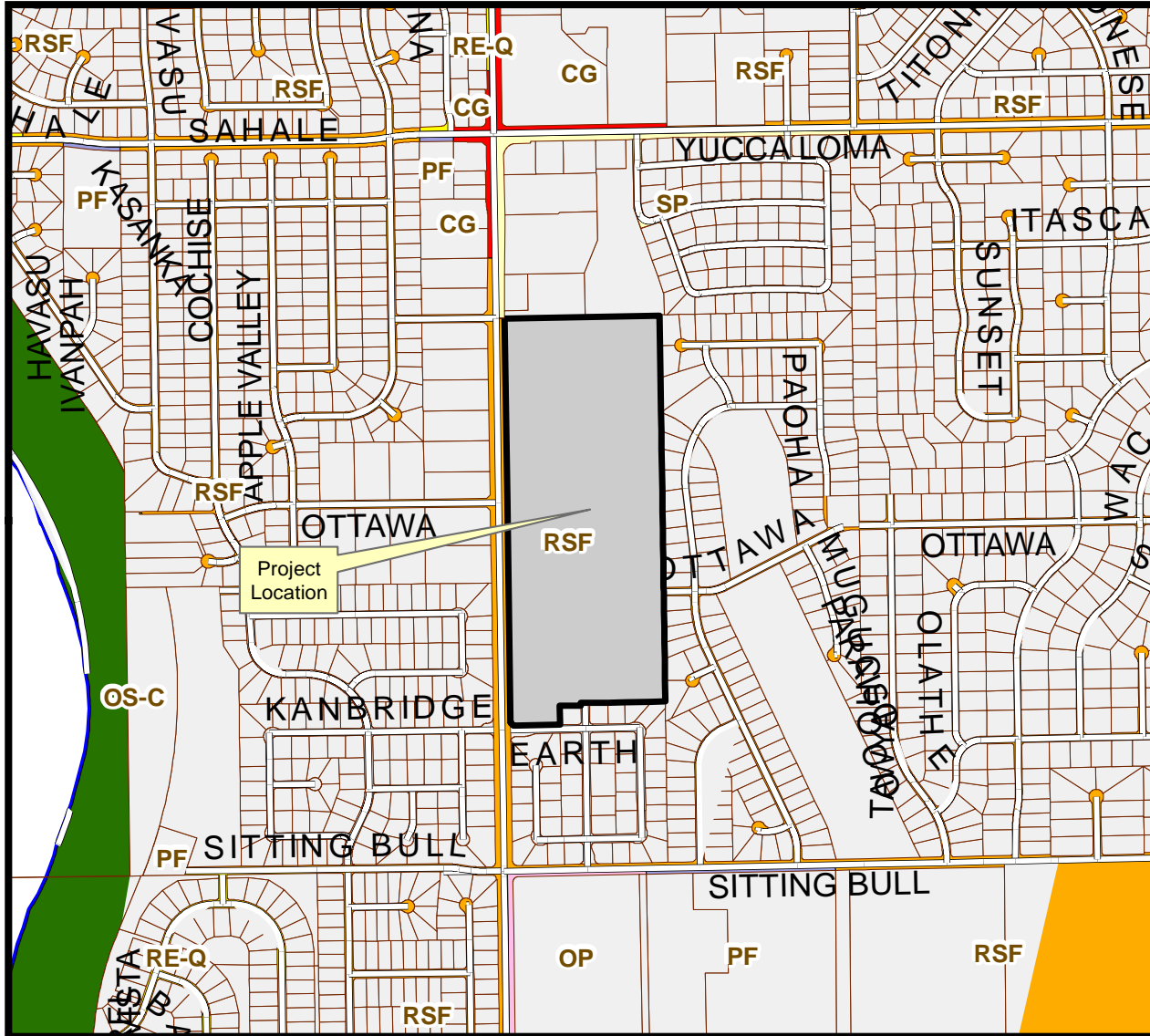
- OWNER:** HP DEVELOPMENT CO.
P.O. BOX 2011
APPLE VALLEY, CA 92520
(714) 241-2544
- ENGINEER:** HPC INC.
1625 GOLF CIRCLE, SUITE 300
VICTORVILLE, CA 92382
(951) 241-6000
- LEGAL:** A PORTION OF THE WEST 1/2 OF THE WEST 1/2 OF SECTION 20, T.8S., R.3E., S.18.
- UTILITY COMPANIES**
- ELECTRICITY:** SOUTHWEST CALIFORNIA Edison
12333 HARBOR ROAD
VICTORVILLE, CA 92382
(714) 468-4200
- GAS:** SOUTHWEST GAS COMPANY
1237 HARBOR ROAD
VICTORVILLE, CA 92382
(760) 241-8100
- SEWERAGE:** METRO
1595 LA PALME DRIVE
VICTORVILLE, CA 92382
(714) 207-7100
- WATER:** APPLE VALLEY RAINFALL WATER DISTRICT
2150 STEVEN ROAD
APPLE VALLEY, CA 92308
(760) 241-5454
- SEWER:** ANNE ARKIN COUNTY WATER DISTRICT
2000 HARBOR ROAD
VICTORVILLE, CA 92382
(760) 241-1000
- WASTE DISPOSAL:** TOWN OF APPLE VALLEY
10201 SHAWNEE ROAD
APPLE VALLEY, CA 92308
(760) 241-7000
- FIRE PROTECTION:** APPLE VALLEY FIRE DEPARTMENT
2100 HARBOR ROAD
VICTORVILLE, CA 92382
(760) 241-7616
- POSTAGE:** METRO POST OFFICE
- LAND USE:** UNRESIDENTIAL SINGLE-FAMILY DETACHED DWELLING
PLU: UC-174. LOT 100/500/400/40.
- ZONING:** R-20
- STREETS:** 1500 FT.
- ADDITIONAL NOTES:** ALL LOTS TO BE DEVELOPED WITH SEWERAGE. SEE SET TO A 14.125' ON STREET SIDE.
- NUMBERS:** 13 - 115
LINED LOTS - 4
MINIMUM LOT SIZE - 25,000 sq. ft.
MINIMUM LOT SIZE - 10,000 sq. ft. (NEARBY LOTS)
MINIMUM LOT SIZE - 10,000 sq. ft.
CONTIGUOUS AT 1" WIDENANCE



		TENTATIVE TRACT 16059		SHEET NO. 04/000
		APN 444-101-04		SHEET 1
HP DEVELOPMENT CO.		SCALE: 1" = 100'		DATE: 7/21/04 DRAWN BY: [Name] CHECKED BY: [Name]

ZONING/LOCATION MAP

Tentative Tract Map No. 16059



Located at the northeast corner of Sitting Bull and Apple Valley Roads.

APN 3087-021-09



Legend	
	Tentative Tract Map No. 16059
	(R-EQ) Equestrian Residential (1 du/0.4 to 0.9 net acre)
	(R-SF) Single Family Residential (1du/0.4 to 0.9 net acre)
	(C-G) General Commercial
	(O-P) Office Professional
	(P-F) Public Facilities
	(OS-C) Open Space Conservation
	(SP) Specific Plan

Date: 2/9/2017



A Better Way of Life

TOWN OF APPLE VALLEY PLANNING COMMISSION

Staff Report

AGENDA DATE: February 15, 2017

CASE NUMBER: Appeal No. 2017-03

APPELLANT: Apple Valley Christian School

PROPOSAL: Appeal of the Planning Director's approval of Special Use Permit No. 2014-01 Amendment No. 2 a request to waive sidewalk and landscaping requirement related to the use of vacant land as the school's outdoor play area. Special Use Permit No. 2014-01 Amendment No. 2 was approved by the Community Development Director on December 21, 2016.

LOCATION: The vacant site is the lot adjacent to 22230 Ottawa Rd. APN. 3087-391-29

ENVIRONMENTAL DETERMINATION: Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15332, Class 32, the proposed request is Exempt from further environmental review.

CASE PLANNER: Carol Miller, Principal Planner

RECOMMENDATION: Denial

BACKGROUND:

On March 1, 2014, Apple Valley Christian School submitted an application to allow a private school to occupy an existing 39,565 square-foot building. Under the Service Commercial (C-S) zoning designation, a private school is a permitted use subject to the approval of a Special Use Permit. On May 16, 2014, after making the appropriate required Findings, the Director of Community Development approved Special Use Permit No. 2014-01, subject to the Conditions of Approval.

On September 14, 2016, the applicant submitted an amendment application to allow an expansion of the school to include the adjacent vacant parcel for the purposes of a playground. A portion of the lot would be improved with a basketball court and play equipment with the remaining area to be utilized as an unimproved play area for the school kids. On October 19, 2016, after making the appropriate required Findings, the Director of Community Development approved Special Use Permit No. 2014-01 Amendment No. 1, subject to the Conditions of Approval.

Following the approval of Amendment No. 1, a second amendment application was submitted on November 11, 2016 for modifications to the Conditions of Approval. Specifically the applicant was

requesting the sidewalk, landscaping and decorative fencing requirements be deleted. On December 21, 2016, after making the appropriate required Findings, the Director of Community Development approved Special Use Permit No. 2014-01 Amendment No. 2, subject to the Conditions of Approval as modified. Modifications to conditions of approval included eliminating landscaping and sidewalk requirements. The basis to allow these modifications to requirements was that usage of the vacant parcel would be limited to just the improved fenced area where the basketball court and play equipment would be located.

On January 4, 2017, Apple Valley Christian School filed an appeal of the Director of Community Development's decision to limit the usage of the lot to just the improved/fenced play area. The appellant is requesting the ability to utilize the entire lot as an improved and unimproved outdoor play area for the school without the improvement requirements associated with new development.

DISCUSSION:

As indicated above, an amendment to the original Special Use Permit (SUP) was a request to expand the school campus to include the adjacent vacant lot for the purposes of establishing a school outdoor play area that included both improved and unimproved play area. As such, off-site and on-site improvement requirements are required in accordance with the Development Code where deficient. For the subject site, paving, curb and gutter exist but no sidewalk, thus sidewalk was required. Also, the site is void of any landscaping, thus a landscape setback is required. These are the improvements the appellant does not want to install at this time. Although the Code gives the Planning Commission the ability to waive road improvement at the recommendation of the Town Engineer, the landscaping is a Code requirement when development occurs. Utilization of a vacant parcel that requires a discretionary approval triggers the landscape improvements. Development Code Section 9.75.020 identifies the trigger for landscaping improvements. It specifies that:

9.75.020 APPLICABILITY

- A. All persons owning, developing or maintaining property subject to the provisions of this Chapter shall comply with all applicable provisions contained herein. The landscape standards and requirements established by this Chapter shall apply to all new developments that require the approval of a building permit, site development plan or development permit.

Therefore, the filing of Conditional or Special Use Permit falls within this section. Staff did technically step outside the Code in an attempt to help the school by justifying the waiver of the landscaping and sidewalk requirement by limiting the use of the site to the small area consisting of the basketball court and play equipment. However, the school does not wish to be limited in the usage of the property as a playground for the school. Therefore, in accordance with the Development Code, the Conditions of Approval as specified in SUP No. 2014-01 Amendment 1 will apply (Attached). To waive the landscape requirement would necessitate the filing of a Variance application, including the required findings.

In summary, the use of the vacant land as an expansion of the school campus triggers the sidewalk and landscaping requirement.

Environmental

Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15332, Class 32, the proposed request is Exempt from further environmental review.

Noticing:

The public hearing was noticed in the Apple Valley News, and provided to all property owners within a 300-foot radius on February 3, 2017.

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. Deny the appeal of the Conditions of Approval for previously approved SUP No. 2014-01 Amendment No. 2 subject to the Conditions of Approval.

ATTACHMENTS:

1. Appeal Applications
2. Conditions of Approval SUP # 2014-01 Amd. 1.
3. Site Plan
4. Zoning/Location Map



Town of Apple Valley Appeal Application



This request must be filed with the Planning Division within ten (10) calendar days following the date of action. An Appeal request received after this time *will not be accepted*. Appeals requiring Town Council consideration will be forwarded to the Town Clerk by the Director.

FOR TOWN USE ONLY

Date Submitted: 1/4/17 Case No.: APL 2017-~~02~~⁰³ Received By: CM
 Planning Fee: 246 Other Fees: _____ Case Planner: CM

Type or print legibly in ink only

PROPERTY ADDRESS 22230 Ottawa Road

FEE

	<u>Initial Deposit</u>	<u>Actual Cost not to exceed</u>
<input checked="" type="checkbox"/> Appeal Fee – To Planning Commission <i>fees to be charged to balance of SUP 2014-001 Amnd 2.</i>	\$246	\$246
<input type="checkbox"/> Appeal Fee – To Town Council	\$246	\$246

The Appeal Fee does not apply to permits the Planning Commission acted to revoke or amend.

APPELLANT INFORMATION

Name Apple Valley Christian School Telephone 760-995-3516
 Fax _____ Email _____
 Address 22230 Ottawa Rd
 City Apple Valley State CA Zip 92308

PROJECT INFORMATION

Project Number Being Appealed SUP 2014-001 Amendment No. 2
 Project Description Expansion of existing school onto the adjacent vacant parcel for the purposes of allowing an un-improvement and improved school playground

Assessor's Parcel No. (s) 3087-391-29 Tract _____ Lot _____

APPEAL STATEMENT

1. I am/We do hereby appeal the findings/conditions/interpretations of the Town of Apple Valley:

(Check one)

- Planning Commission Planning Director
 Public Works Director Building Official
 Town Engineer Fire Chief

The Town of Apple Valley

14955 Dale Evans Parkway, Apple Valley, CA 92307 • (760) 240-7000 • Fax: (760) 240-7399

Appeal Application (Effective July 1, 2016, Resolution 2016-17)

Page 1 of 2



APPLE VALLEY CHRISTIAN SCHOOL

Training Christian Leaders Committed to Excellence

RECEIVED
mailed in
JAN 4 2017

Pastor John Richart, Administrator
22230 Ottawa Road, Apple Valley, CA 92308
760.995.3516 Fax: 760.995.3524
www.avcschool.com office@avcschool.com

Community Development

December 22, 2016

To Whom It May Concern,

This shall serve as a formal appeal. Thank you for your letter regarding our playground and our desire to have a proper play area for the children of our school and the community. While I appreciate the revised list of conditions, I fully agree with Mr. Steve Richard in the email sent on December 21, 2016 – please see his email copied below:

While I appreciate the practical and thoughtful approach staff has recently adopted on some aspects of the playground, the latest conditions continue to echo items which are prohibitive to installing a playground.

This office and school representatives presented an application for Planning Commission (PC) appeal and paid multiple fees to get there. Had we been made aware of latest conditions, we would have insisted on presenting the conversation to PC; not to usurp staff authority, but to address important items which appear to be outside of staff's discretion. What bewilders me is staff taking it upon themselves to cancel our entitlement to speak to PC ?

This office, school representatives and others had Dec. 21 scheduled to appear. After 12 months of discussions, applications, appeals, etc...we re-arranged our lives to attend an important meeting, which is why I called when we did not receive notification or PC agenda or other notification.

Generally, redundant or new conditions which remain unresolved:

1. Hydrology and street studies required by engineering. This is contrary to what engineering indicated to me in the conversations which led to our appeal application.
2. For security strategies, the rear fence was installed and per my drawing, we wish to leave in place.
3. The school has every intention of removing Nomwaket temporary fence.

Please understand that I am not disappointed in you or other staff. I am, however, saddened by a system which layers and layers unnecessary weight on simple things with requirements that tip the balance of reason in favor of not installing a playground.

We would appreciate that staff reschedule our appeal before PC and at the earliest opportunity.
Please advise and thoughtfully consider not asking anyone to pay another fee or provide another application.

Best Regards,

John Richart

TOWN OF APPLE VALLEY

CONDITIONS OF APPROVAL

Special Use Permit No. 2014-001 Amendment No. 1

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

Planning Division Conditions of Approval

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval, if not exercised, shall expire three (3) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the expiration date. The Special Use Permit becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. Prior to approval of the Special Use Permit, 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 Engineering Division
Apple Valley Planning Division
- P3. Special Use Permit (SUP) No. 2014-001 Amendment No. 1 shall adhere to all requirements of the Development Code.
- P4. The applicant shall agree to defend, at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P5. The filing of a Notice of Exemption requires the County Clerk to collect a documentary handling fee of \$50.00. The fee must be paid in a timely manner in accordance with Town procedures. No permits may be issued until such fee is paid. Check shall be made payable to the Clerk of the Board of Supervisors
- P6. The applicant shall sign and date the Acknowledgement of Conditions form and return it to the Planning Division for inclusion into the permanent record.
- P7. Should lighting fixtures be installed throughout the site, the lighting shall be of a type and be located in such a manner that no light or reflected glare is directed off-site and shall provide

that no light is directed above a horizontal plane passing through the bottom of the fixture. All glare shall be directed onto the site and away from adjacent properties.

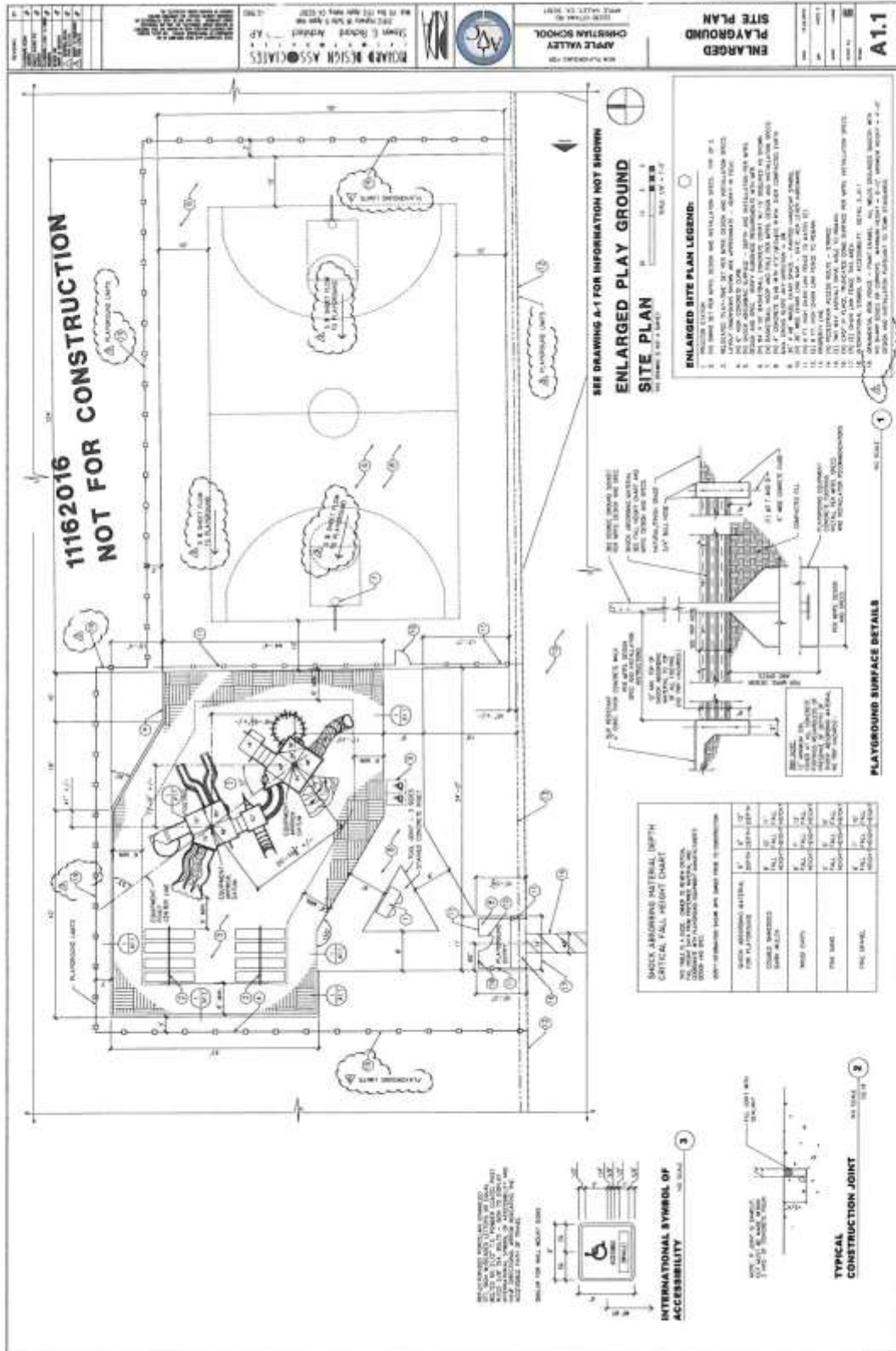
- P8. Prior to issuance of a permit, a ten (10)-foot wide landscape setback shall be provided along the street frontage.
- P9. Final landscape and irrigation plans shall be submitted prior to permit issuance and installed prior to issuance of occupancy permits, subject to approval by the Planning Division.
- P10. Landscaping shall be installed with appropriate combinations of drought tolerant trees, shrubs, and ground cover, consistent with Chapter 9.75, Water Conservation Landscape Regulations, of this Code.
- P11. All front building setbacks and street right-of-way areas located between on-site improvements and the back of existing or future public sidewalks or street curbs, except needed access driveways, shall be fully landscaped.
- P12. All required and installed landscaping shall incorporate and maintain a functioning automatic sprinkler system, and said landscaping shall be maintained in a neat, orderly, disease and weed free manner at all times.
- P13. Open view fencing shall be decorative in nature, such as wrought iron or equivalent. Contrary to the site plan, there is no existing fencing except along the southerly property line.
- P14. No major deviation, modification, alteration, adjustment or revision to or from the appearance, location, fixtures, features or appurtenances thereto of any type or extent shall be approved without said changes being first submitted to the Planning Division for consideration and approval.
- P15. All Conditions of Approval for SUP No. 2014-001 shall remain in effect, and where applicable shall apply to this amendment.

Engineering Conditions of Approval

- EC1. A final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider reducing the post-development site-developed flow to 90 percent of the pre-development flow for a 100 year design storm.
- EC2. Street improvement plans shall be submitted to the Town Engineer for review and approval. Plans shall show all sidewalk and ADA access improvements along the frontage of the development.
- EC3. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC4. 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.

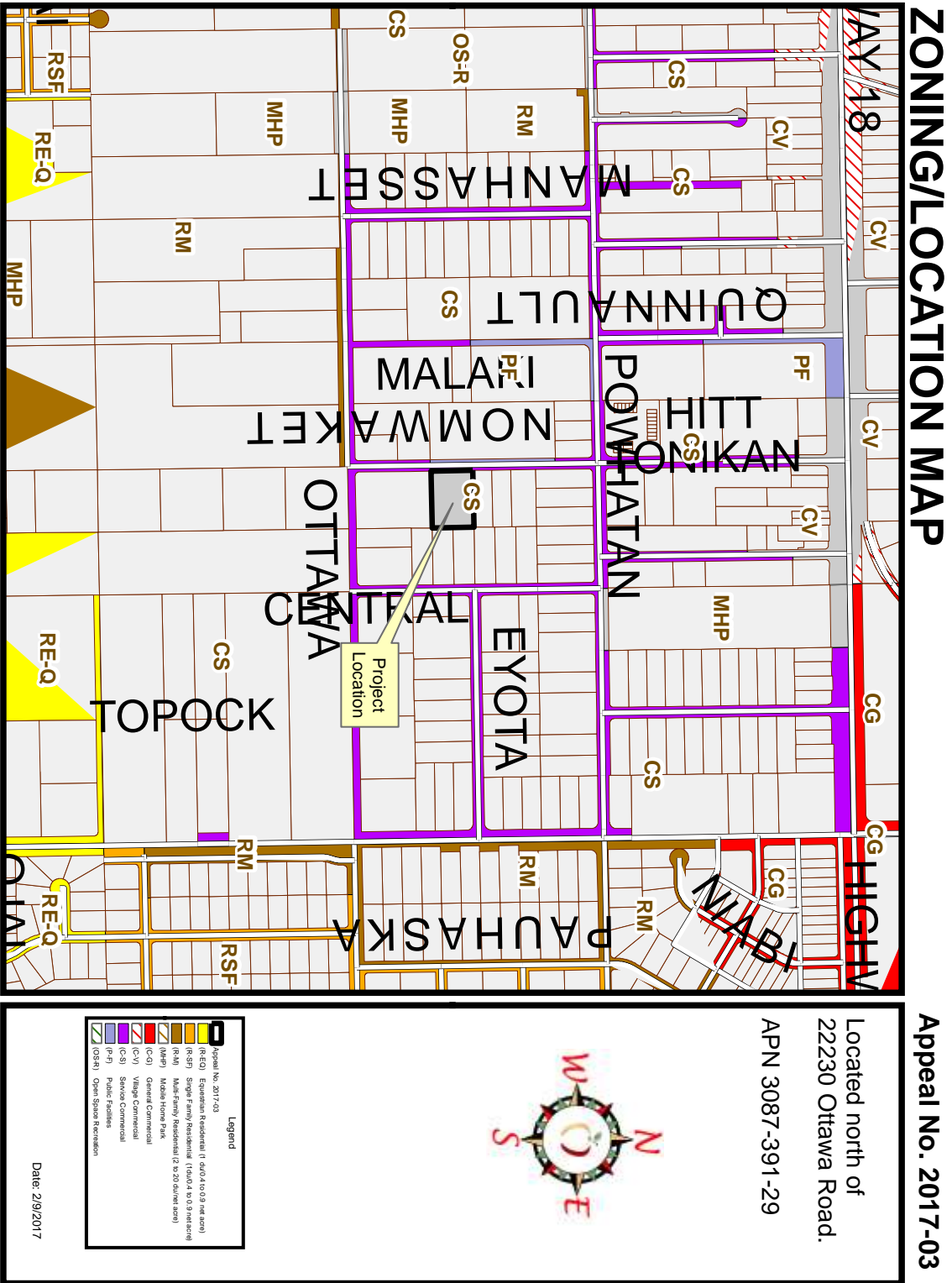
- EC5. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)
- EC6. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC7. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC8. A Storm Water Pollution Prevention Plan (SWPPP) in accordance with the National Pollutant Discharge Elimination System (NPDES) shall be required.

END OF CONDITIONS











**TOWN OF APPLE VALLEY
PLANNING COMMISSION**

Staff Report

AGENDA DATE: February 15, 2017

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 properties.

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>
14994	Stan Mullins

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 attached to this Staff Report and set forth in detail the alleged violations on each of the identified properties. The Notices of Intention identified the date and time of the Planning Commission meeting as September 21, 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 properties.

Prepared By:

Nicholas Gambrell
Engineering Associate

82/103

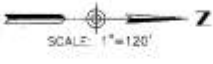
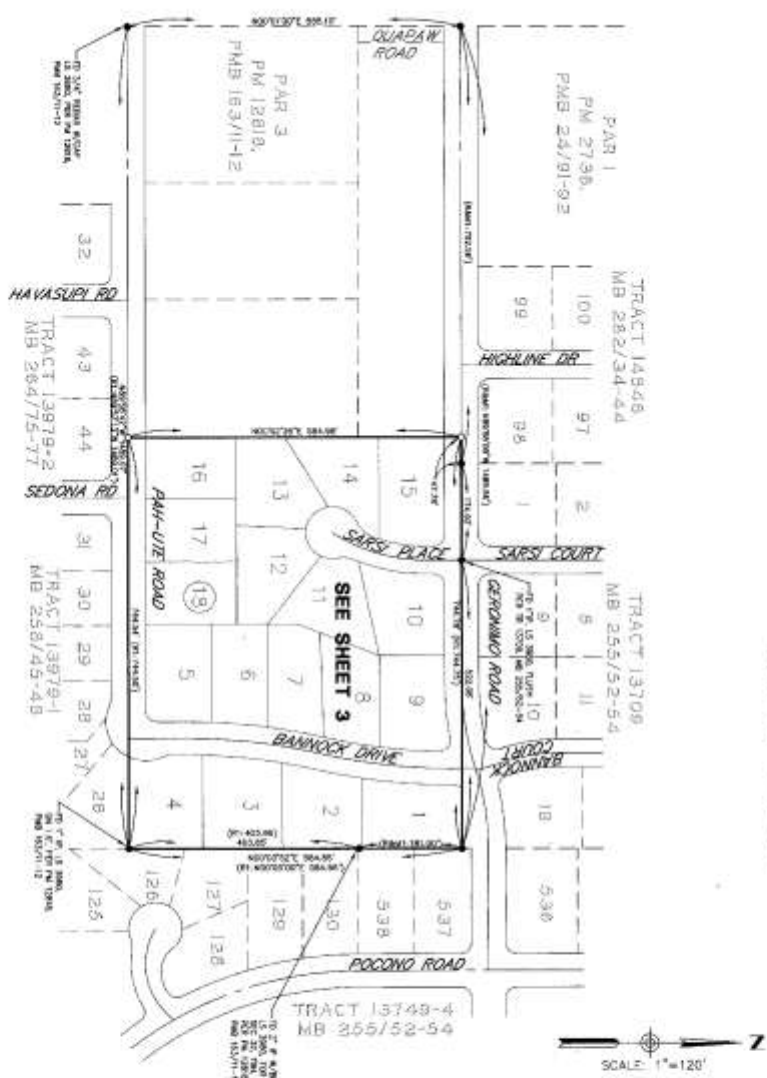
IN THE TOWN OF APPLE VALLEY

TRACT MAP 14994

BEING A SUBDIVISION OF A PORTION OF THE ~~SECTION 14~~ SECTION 14 OF THE ~~TOWNSHIP 12N~~ TOWNSHIP 12N, RANGE 3W, SBM COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

WVCE, INC., APRIL 2002

SHEET 2 OF 3 SHEETS



SURVEYOR'S NOTES:

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