



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA**

WEDNESDAY, MARCH 15, 2017

Regular Meeting 6:00 p.m.

Town Council Chambers
14955 Dale Evans Parkway

PLANNING COMMISSION MEMBERS

Mark Shoup, Chairman
B. R. "Bob" Tinsley, Vice-Chairman
Jason Lamoreaux, Commissioner
Doug Qualls, Commissioner
Bruce Kallen, 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 MARCH 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 _____; Qualls_____
Vice-Chairman Tinsley_____ and Chairman Shoup_____

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. Minutes for the Regular Meeting of February 15, 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 2016-003.** The applicant is requesting a Conditional Use Permit to allow the installation of a 499-gallon, upright propane tank as an accessory use to an existing convenience store and gas station. The project site is 1.9 acres in size and located within the General Commercial (C-G) zoning district.

APPLICANT: Mr. Jesus Hurtado, representing Apple Valley Gas Mart

LOCATION: 16801 Dale Evans Parkway (APN 0440-014-28)

ENVIRONMENTAL

DETERMINATION: Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15303 Class 3, the proposed request is Exempt from further environmental review.

CASE PLANNER: Ms. Pam Cupp, Associate Planner

RECOMMENDATION: Approval

3. **Tentative Tract Map No. 18186 Time Extension.** The applicant proposes a three (3) year time extension for a previously approved subdivision of approximately fourteen (14) acres into thirteen (13) single-family residential lots with a minimum lot size of 1.0 gross acre within the Residential Estate (R-E) zoning designation.

APPLICANT: Altec Engineering representing Mr. John Attiq

LOCATION: Located at the northeast corner of Quinnault and Mambe (Houston) Roads; APN 3080-121-04.

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 March 5, 2008 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. Pam Cupp, Associate Planner

RECOMMENDATION: Approval

OTHER BUSINESS

PLANNING COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT

In that there are no items scheduled for the April 5, 2017 meeting, the Planning Commission will adjourn to its next regularly scheduled Planning Commission meeting on April 19, 2017.

MINUTES

TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, February 15, 2017

CALL TO ORDER

Chairman Qualls called to order the Regular Meeting of the Planning Commission of the Town of Apple Valley for February 15, 2017 at 6:02 p.m.

ROLL CALL

Planning Commission

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

STAFF PRESENT

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

PLEDGE OF ALLEGIANCE

Commissioner Bruce Kallen led the Pledge of Allegiance.

ELECTION OF NEW OFFICERS

Commissioner Kallen made a motion, seconded by Commissioner Tinsley, that Commissioner Shoup be nominated as Chairman of the Apple Valley Planning Commission.

ROLL CALL VOTE

Ayes: Commissioner Kallen
Commissioner Tinsley

Chairman Qualls
Noes: None
Abstain: Vice-Chairman Shoup
Absent: Commissioner Lamoreaux
The motion carried by a 4-0-0-1 vote.

Chairman Shoup made a motion, seconded by Commissioner Qualls that Commissioner Tinsley be nominated as Vice-Chairman of the Apple Valley Planning Commission.

ROLL CALL VOTE

Ayes: Commissioner Kallen
Commissioner Qualls
Commissioner Tinsley
Chairman Shoup
Noes: None
Abstain: None
Absent: Commissioner Lamoreaux
The motion carried by a 4-0-0-1 vote.

RECESS FOR REORGANIZATION

MEETING RECONVENED

Chairman Shoup reconvened the meeting of the Planning Commission at 6:05 p.m.

1. APPROVAL OF MINUTES

1A. Minutes for the Regular Meeting of December 21, 2016.

Motion by Commissioner Kallen, and seconded by Commissioner Qualls, to approve the Minutes for the Regular Meeting of December 21, 2016.

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

1B. Minutes for the Special Meeting of January 11, 2017.

Chairman Shoup requested a modification be made to Page 3 of the minutes for the Special Meeting of January 11, 2017 as follows:

Commissioner Shoup refused to read the letters from Lozeau Drury and Johnson, Smith and Foy. Therefore, only the remaining four (4) Commissioners read the letters.

Chairman Shoup also noted there is a need to make a correction to the date of the Town Council meeting on Page 3; the correct date is November 18, 2014.

Motion by Vice-Chairman Tinsley, and seconded by Commissioner Qualls, to approve the Minutes for the Special Meeting of January 11, 2017, as amended.

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

PUBLIC HEARING ITEMS

- 2. Conditional Use Permit 2017-001.** 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.

Applicant: Mr. Jeff Navarro, Navarro Restoration

Location: 22390 Eyota Road, Suite D (APN 3087-392-27)

Chairman Shoup opened the public hearing at 6:09 p.m.

Pam Cupp, Associate Planner, presented the staff report as filed by the Planning Division. She commented on the deficient parking situation at the project site. She does not believe that the auto shop is going to create further negative impacts to the parking situation at the site.

Discussion ensued regarding future parking demands at the project site.

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

Mr. Jeff Navarro stated he agreed with all of the Conditions of Approval.

PUBLIC COMMENTS

None.

Chairman Shoup closed the public hearing at 6:15 p.m.

MOTION

Motion by Vice-Chairman Tinsley, seconded by Commissioner Kallen, 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.

ROLL CALL VOTE

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

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

- 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)

Chairman Shoup opened the public hearing at 6:17 p.m.

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

Discussion ensued regarding the need for a Variance due to the issues surrounding the retaining wall located on the property line.

Albert Carlucci, Applicant, commented on several solutions that he believed would help eliminate the issues surrounding the narrow lots, as well as the landscaping. He respectfully requested assistance from the Planning Commission to resolve the issues related to this project, and to look at future projects from a different stand point in order to avoid having to go through the same issues.

Vice-Chairman Tinsley commented on past discussions held by the Planning Commission as it relates to landscape code amendments. He stated the Commission agreed to look at these types of situations on a case by case basis. He would like to proceed without any amendments to the code.

Discussion ensued regarding whether or not the substandard lot meets the requirement for a Variance.

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

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

Chairman Shoup closed the public hearing at 6:33 p.m.

PUBLIC COMMENTS

Steve Richard, Architect, commented on the issues surrounding the property. He commented on solutions that he believed would help to resolve the problem with the narrow lots. Mr. Richard expressed his appreciation to staff for their hard work and efforts to help resolve these issues.

MOTION

Motion by Commissioner Kallen, seconded by Vice-Chairman Tinsley, 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. 15270(B), the proposed request is Exempt from further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval for 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.

ROLL CALL VOTE

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

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

- 4. Tentative Tract Map No. 16059 Phases 3-5 Time Extension.** 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.

Applicant: Nupac Investments LLC

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

Chairman Shoup opened the public hearing at 6:35 p.m.

Carol Miller, Principal Planner, presented the staff report as filed by the Planning Division. She noted the time extension is for the final three (3) phases of a previously approved subdivision.

Ms. Miller provided the Planning Commission with a brief overview of the history of time extensions for this project in accordance to the Subdivision Map Act and the state. She noted, for the record, the updates to the Conditions of Approval are related to public works and fire conditions.

A question was raised as to the approval date of the time extension verses the original approval date. Ms. Miller noted, for the record, that February 20, 2002 marks the approval date; therefore, all extensions will stem from this date and the expiration date of the map, with this approval, will be February 20, 2018.

Chairman Shoup asked the Applicant if he agreed to the Conditions of Approval, with the condition that he will work with staff regarding the type of barrier used at the project site.

Mr. Andrew Pham stated he agreed with the Conditions of Approval, as amended.

Chairman Shoup closed the public hearing at 6:41 p.m.

PUBLIC COMMENTS

Mr. Horst Weiner, Apple Valley, expressed concern regarding the dangers that come from those that use the dirt lot as a short cut. He requested to know if the owner of the vacant lot would be responsible for putting up a fence to help eliminate the unsafe conditions.

PLANNING COMMISSION COMMENTS:

Vice-Chairman Tinsley expressed concern regarding the unsafe conditions that come from drivers that use the vacant property as an alternate route because Ottawa Road dead-ends. He requested to know if the property owner is open to solving the issues at hand.

Commissioner Kallen asked a series of questions regarding whether or not there is flexibility in the fence program.

Ms. Miller commented on Condition EC-25 on Page 4-10, that requires a section of Ottawa Road and Paraiso Road to be vacated, removed and landscaped which is included as part of this time extension.

Discussion ensued regarding the extension of the time process, as well as implementing a condition that would require the Applicant to place fencing on the property.

Thomas Rice, Town Attorney, stated that as part of the time extension, it would be appropriate to approach the Applicant regarding putting up a fence in order to prohibit unsafe conditions.

Craig Potter, Nupac Investments LLC, informed the Commission that the area where Ottawa Road meets the project site will be completely landscape; and therefore will be no dirt road where one can go through Ottawa Road onto the vacant property.

Horst Weiner, Apple Valley, clarified it is the road between Ottawa Road passing Paraiso Road where drivers drive through at high speeds onto the vacant property because there is no fence.

Mr. Rice stated that according to Google Maps, there appears to be evidence of a fence at some point; therefore, it may appropriate to ask the Applicant to put the fence back up.

Richard Pedersen, Deputy Town Engineer, commented on the reasons why the Town typically does not block private property. He explained that if the Commissioners wanted to implement a condition for a fence, the timeframe of when the fence goes in would have to be established.

Discussion ensued regarding alternatives to a chain link fence, such as natural barriers, in an effort to prevent trespassing onto the vacant lot.

Ms. Miller commented on alternatives to a chain link fence that would be acceptable by the Town including natural barrier, such as large rocks or wood.

MOTION

Motion by Commissioner Kallen, seconded by Commissioner Qualls, 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 requires is not subject to further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve a one (1) year extension of time for Tentative Tract Map No. 16059 Phases 3-5, subject to the attached, Conditions of Approval, as modified with the condition to install a barrier at the end of Ottawa Rd.

4. Direct staff to file the Notice of Determination.

ROLL CALL VOTE

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

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

- 5. Appeal No. 2017-03.** 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, 2017.
Applicant: Mr. Jeff Navarro, Navarro Restoration
Location: 22390 Eyota Road, Suite D (APN 3087-392-27)

Chairman Shoup opened the public hearing at 6:56 p.m.

Carol Miller, Principal Planner, presented the staff report as filed by the Planning Division. She commented on the Appeal submitted by the Applicant, as it relates to their ability to utilize the entire lot as a play area for the school without the improvement requirements.

Discussion ensued regarding the issues that triggered the landscape setback requirement, as well as the portion of the lot that was not included as part of Amendment No.1.

Mr. Thomas Rice, Town Attorney, clarified the issue at hand is whether or not the Town will grant them a permit to build a play area.

Ms. Miller informed the Commission that a new issue has arisen as it relates to fencing the vacant property.

Discussion ensued regarding the waiving of the sidewalk requirements approved by staff.

PUBLIC COMMENTS

Steve Richard, Appellant, stated that for purposes of tonight's discussion, he would like to define playground as far as the Applicant goes. He commented on the handout provided to the Commissions which outlines the design of the playground including a basketball court, as well as a gymnasium that is slated for the future.

Mr. Richard expressed concern regarding some confusion regarding the amendment made to the approved conditions, as well as information he received from staff as it relates to approval of their appeal to waive the street improvements. He also commented on the approval letter received from staff included the removal of a non-permitted chain link fence.

Mr. Richard read into the record the following section (P-8) from Amendment No. 2 regarding perimeter fencing:

Fencing shall be limited to the area immediately surrounding the playground as shown on the site plan.

Mr. Richard stated the above describes the wrought iron fence that staff prefers to be installed around the playground, to totally define the playground.

Mr. Richard stated the following quote from Amendment No. 2 is what forced them to appeal:

The remainder of the lot shall not be used as a play area unless approved by the Planning Commission.

John Richarts, Apple Valley Christian School, commented on the reasons why the school needs to improve and expand the playground. He also commented on the dirt lot that is used by the students for physical education purposes, referring to it as a bridge until they build the gym. He respectfully requested the support of the Commission for this project.

Chairman Shoup called for a short recess at 7:28 p.m.

Chairman Shoup reconvened the Planning Commission meeting at 7:32 p.m.

Mr. Richarts stated that the dirt area is also used for fire emergency drills. He informed the Commission that the school does not receive any funding for activities.

Chairman Shoup requested that the record show the handout provided by the Appellant regarding the design and planning of the playground be included in the minutes.

Ms. Miller answered questions by the Commission regarding the use of the vacant land as an expansion of the school campus. She noted the vacant lot was not part of the original Special Use Permit (SUP).

Mr. Rice stated that the Appeal was properly noticed in accordance to the Brown Act. He clarified for the record that the Appellant is seeking approval of their Appeal to remove the last sentence of Condition P8 as outlined in the handout provided by the Appellant.

Chairman Shoup closed the public hearing at 8:09 p.m.

PUBLIC COMMENTS:

The following individuals spoke in favor of the playground:

Berry Bai, Apple Valley, CA
Anthony Delgado, Apple Valley, CA
Mr. Pretzel, Apple Valley, CA
Michael Wang, Apple Valley, CA
Meghan Steen, Apple Valley, CA

Ms. Miller answered questions by the Commission regarding the chain link fence currently around the playground.

Mr. Richard reiterated the reasons for their Appeal and their desire to respond to Amendment No. 2.

Lengthy discussion ensued regarding the types of uses that trigger improvements such as sidewalk and landscape requirements.

Ms. Miller clarified that applications submitted for various projects are what trigger the improvements rather than uses. Ms. Miller also commented on the benefits that come from phasing projects including the fact that staff can condition a project by a phase and also approve it at staff level.

Mr. Rice stated that although staff prefers that the Appellant come back with a phased plan, the Commission has the authority to approve, uphold and deny the Appeal. He stated they also have the authority to modify the Appeal; therefore, they have the authority to modify the Conditions of Approval this evening.

Vice-Chairman Tinsley spoke in support of the playground. He would like the Planning Commission to move forward with approval so that the children have a safe place to play.

Mr. Rice recommended that approval of Amendment No. 2 be modified to eliminate the last sentence of Condition P8 for Amendment No. 2, and replace the last sentence as follows:

Further development on the vacant parcel shall be subject Conditions P8, P9 P10 and EC-2 of Amendment No. 1 Conditions which are included in the staff report.

It was the consensus of the Planning Commission to proceed with the above revised motion.

Prior to agreeing to the above amendment, Mr. Richard, Architect, requested clarification that the above amendment to the Motion includes fencing around the entire dirt field area, and that the front area be replaced with wrought iron fencing.

Discussion ensued regarding the implementation of phasing as part of the future development.

Chairman Shoup asked the Applicant if he agreed to the Conditions of Approval, as amended.

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

MOTION

Motion by Commissioner Qualls, seconded by Vice-Chairman Tinsley, 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. Approve the appeal of the Conditions of Approval for previously approved SUP No. 2014-01 Amendment No. 2 subject to the Conditions of Approval, as amended.

ROLL CALL VOTE

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

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

OTHER BUSINESS

6. Action on Subdivision Map Act Violations

Applicant: Town of Apple Valley Engineering Department

Location: Multiple Locations as Identified in the Staff Report.

Mr. Richard Pedersen, Deputy Town Engineer, presented the staff report as filed by the Planning Division.

PUBLIC COMMENTS

None.

MOTION

Motion by Commissioner Kallen, seconded by Vice-Chairman Tinsley, it is recommended that the Planning Commission move to:

1. Authorize the recordation of the Notice of Violation.

ROLL CALL VOTE

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

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

PLANNING COMMISSION COMMENTS

Commissioner Kallen would like staff to come back to the Planning Commission with a future item to discuss the lots on Kamana Road. He thanked staff for their efforts and hard work.

Vice-Chairman Tinsley applauded staff for their willingness to go over and above in order to help the customer.

Commissioner Qualls commended staff for going over and above in an effort to help the customer. He is confident a reasonable conclusion will be met that works best for the Town and Applicant.

STAFF COMMENTS

Ms. Miller informed the Planning Commission that Big Lots was considered by the Town Council last week; they denied the Appeal and upheld the Director's approval.

ADJOURNMENT

Motion by Chairman Shoup, seconded by Commissioner Kallen, and unanimously carried to adjourn the Special Meeting of the Planning Commission at 8:50 p.m. to the Regular Planning Commission Meeting on March 15, 2017.

Respectfully Submitted by:

Yvonne Rivera
Planning Commission Secretary

Approved by:

Chairman Mark Shoup



TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

Staff Report

AGENDA DATE:	March 15, 2017
CASE NUMBER:	Conditional Use Permit No. 2016-003
APPLICANT:	Mr. Jesus Hurtado, representing Apple Valley Gas Mart
PROPOSAL:	A request for approval of a Conditional Use Permit to allow the installation of a 499-gallon, upright propane tank as an accessory use to an existing convenience store and gas station. The project site is 1.9 acres in size and located within the General Commercial (C-G) zoning district.
LOCATION:	16801 Dale Evans Parkway (APN 0440-014-28)
ENVIRONMENTAL DETERMINATION:	Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15303 Class 3, the proposed request is Exempt from further environmental review.
CASE PLANNER:	Ms. Pam Cupp, Associate Planner
RECOMMENDATION:	Approval

PROJECT SITE AND DESCRIPTION

- A. Project Size:
The project site is 1.9 acres in size.
- B. General Plan Designations:
 - Project Site - General Commercial (C-G)
 - North - General Commercial (C-G)
 - South - General Commercial (C-G)
 - East - Residential Single Family (R-SF)
 - West - General Commercial (C-G) and Mobile Home Park (MHP)

C. Surrounding Zoning and Land Use:

Project Site - General Commercial (C-G), Convenience Store and Gas Station
North - General Commercial (C-G), Vacant
South - General Commercial (C-G), Vacant
East - Residential Single Family (R-SF), Vacant
West - General Commercial (C-G) and Mobile Home Park (MHP), vacant and Mobile Home Park

D. Site Characteristics:

The project site is developed with a convenience store and gas station. The site contains existing parking, lighting and landscaping. The western portion of the site, approximately 0.75 acres, remains vacant at this time.

ANALYSIS

A. General:

The applicant is requesting the Planning Commission's approval of a Conditional Use Permit to allow the installation of a 499-gallon, above ground, liquid petroleum gas (LPG) tank. The applicant intends to expand the services of the existing convenience store and gas station to include propane sales to the general public. LPG storage tanks with a capacity of 200 gallons or less are a permitted use within all commercial zoning designations. However, the Development Code requires the review and approval of a Conditional Use Permit by the Planning Commission prior to installing any LPG or other flammable liquid tank exceeding a 200-gallon capacity.

B. Site Analysis:

The subject site is 1.9 acres in size and has been developed with a 3,080 square foot convenience store and gas station. The fuel island contains twelve (12) fuel pumps with a 3,250 square foot canopy. The convenience store was constructed with a drive-through lane for a future restaurant; however, the restaurant use has not yet been initiated.

The project is located at the southeast corner of Dale Evans Parkway and Waalew Road with ingress and egress available from either road. The LPG tank will be installed at the rear of the convenience store and will be setback approximately thirty-nine (39) feet from the interior side (south) property line and 110 feet from the rear (east) property line. The LPG tank will be setback approximately 220 feet from Dale Evans Parkway and 150 feet from Waalew Road. The Fire District requires a minimum separation distance of ten (10) feet between the LPG tank and the convenience store. The applicant proposes a separation distance of approximately thirty-five (35) feet.

The LPG tank and dispensing equipment will be installed vertically with a maximum height of ten (10) feet and will occupy approximately fifty (50) square feet. The tank would be installed outside of any existing parking or maneuvering areas. Staff is recommending Condition of Approval No. P8 requiring the tank to be painted to match the building. Staff is further recommending Condition of Approval No. P9 prohibiting the tank or associated equipment from containing any non-regulatory, commercial or not commercial signage. Four (4)-foot high, concrete filled bollards will be required every three (3) feet surrounding the tank. The project site has existing bollards located near the northwest corner of the site. These bollards do not appear to be necessary since the LPG tank will not be installed at that particular location. Staff is recommending Condition No. P10 requiring nonessential bollards be removed.

C. Noticing:

The notice of public hearing for Conditional Use Permit No. 2016-003 was mailed to all property owners within a 300-foot radius of the project site and legally noticed in the Apple Valley News on March 3, 2017.

D. 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 findings. The following are the findings along with a comment to address each.

1. That the proposed location, size, design and operating characteristics of the proposed use is consistent with the General Plan and Specific 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 installation of an above ground liquid petroleum gas (LPG) tank is in compliance with the Development Code, the adopted General Plan, and upon the review and approval of a Conditional Use Permit by the Planning Commission. The tank is required to be installed, maintained and used as specified by the manufacturer and subject to the recommended Conditions of Approval. The project must also conform to the Development Code Section 9.70 "Performance Standards".

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 installation of the above ground LPG tank is consistent in color and a compatible use with the existing convenience store and gas station. 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 above ground LPG tank will occupy fifty (50) square feet with a maximum height of ten (10) feet and will be located behind the 3,080 square foot convenience store. The project has been designed to exceed the minimum required setbacks and is a compatible addition to the site and surrounding uses.

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

Comment: There are existing improvements to serve the proposed site. The proposed installation an above ground LPG tank, with adherence to

the recommended Conditions of Approval, will not create a need for additional services.

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

Comment: The proposed LPG tanks will be constructed to withstand significant stress and physical impacts. The storage tank must be installed, maintained and used per the manufacturer's specifications, and comply with State fire and building regulations; therefore, the tank will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity of the site.

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

Comment: The proposed installation an above ground LPG tank shall not generate new traffic to the site, nor create a change to existing traffic patterns. The proposal will not adversely impact the capacity and physical character of surrounding streets.

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 installation of the above ground LPG tank will result in a negligible increase in traffic volume based upon additional sales. The increase in traffic is not anticipated to adversely impact the capacity or physical character of surrounding streets.

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

Comment: The project involves the installation of small, new equipment and, pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303 Class 3, the Project is Categorically Exempt from further environmental review.

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

Comment: Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303 Class 3, the Project is Categorically Exempt from further environmental review.

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 proposed LPG tank will be constructed to withstand significant stress and physical impacts. The storage tank must be installed, maintained and used per the manufacturer's specifications, and comply with State fire and building regulations; therefore, the tank will not be detrimental to the public health, safety or welfare, nor materially injurious to properties or improvements in the vicinity of the site.

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

Comment: The proposed installation of an LPG tank is in conformance with the Development Code, subject to approval of a Conditional Use Permit and adherence to the manufacturer's specifications and 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 project is in conformance with Development standards for height and size, and meets the required setbacks for the General Commercial zoning designation. With adherence to the Conditions of Approval, there will be no substantial adverse impact on the existing visual character or quality of the site and its surroundings.

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 proposal will have a maximum height of ten (10) feet and will not block views or dominate its surroundings.

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

Comment: The project is in conformance with Development standards for height and size, and meets the required setbacks for the General Commercial zoning designation. With adherence to the Conditions of Approval, there will be no substantial adverse impact on the existing visual character or quality of the site and its surroundings.

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 installation of a 499-gallon, above ground LPG tank will not restrict pedestrian, bicyclist, equestrian, or motorist access to the building.

RECOMMENDATION:

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

1. Determine that proposed Conditional Use Permit No. 2016-003 will not have a significant effect on the environment, with adherence to the Conditions of Approval recommended in this report.
2. Find that the facts presented in the staff report support the required Findings for approval and adopt those Findings.
3. Approve Conditional Use Permit No. 2016-003, subject to the attached Conditions of Approval.
4. Direct staff to file a 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. Tank Elevations
4. Zoning Map

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Case No. Conditional Use Permit No. 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 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 Conditional Use Permit becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. The applicant shall agree to defend at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P3. The filing of a Notice of Exemption requires the County Clerk to collect a documentary handling fee of fifty dollars (\$50.00). The fee must be paid in a timely manner with a check made payable to the Clerk of the Board of Supervisors. No permits may be issued until such fee is paid.
- P4. The approval of Conditional Use Permit 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.
- P5. The rendering presented to and approved by the Planning Commission at the public hearing shall be the anticipated and expected appearance of the structure upon completion.
- P6. It is the sole responsibility of the applicant on any Permit, or other appropriate discretionary review application for any structure to submit plans, specifications and/or illustrations with the application that will fully and accurately represent and portray the structures, facilities and appurtenances thereto that are to be installed or erected if approved by the Commission. Any such plans, specifications and/or illustrations that are reviewed and approved by the Planning Commission at an advertised public hearing shall accurately reflect the structures, facilities and appurtenances expected and required to be installed

at the approved location without substantive deviations, modifications, alterations, adjustments or revisions of any nature.

- 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 Commission for consideration and approval. Said review shall not rise to the level of a revision to the original Permit or other discretionary review, therefore necessitating a new public hearing, but shall, instead, constitute a clarification of the Planning Commission's original approval.
- P8. The LPG tank and associated equipment shall be painted to complement the existing structure, subject to the review and approval of the Planning Division.
- P9. The LPG tank and/or any associated equipment shall not contain any non-regulatory, commercial or non-commercial signage.
- P10. Inessential bollards shall be removed from the project site.

Building and Safety Division Conditions of Approval:

- BC1. Submit plans, engineering and obtain all required permits.
- BC2. All utilities shall be placed underground in compliance with Town Ordinance No. 89.
- BC3. Compliance with the State of California Disability Access is required.

Apple Valley Fire Protection District Conditions of Approval:

FD1. SITE PLAN:

- a. Tank Location shall be a minimum of ten (10) feet from a building or public way
- b. NO SMOKING sign shall be posted. Smoking within fifteen (15) feet of a point of transfer, while filling operations are in progress at containers or vehicles, shall be prohibited.
- c. Provide bollards every three feet around tank and call for a pre-inspection prior to concrete pour.

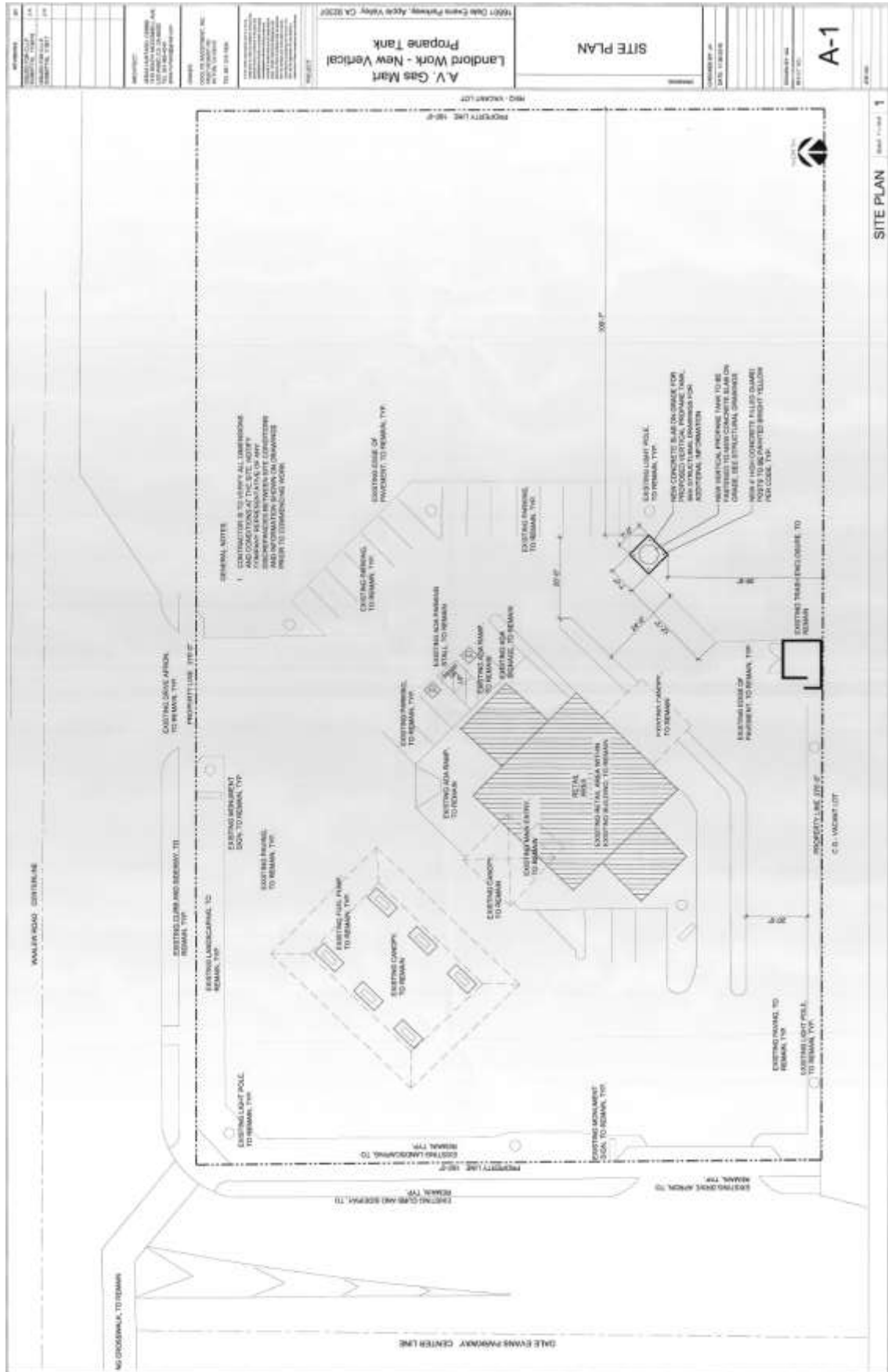
FD2. FIRE PROTECTION SYSTEMS:

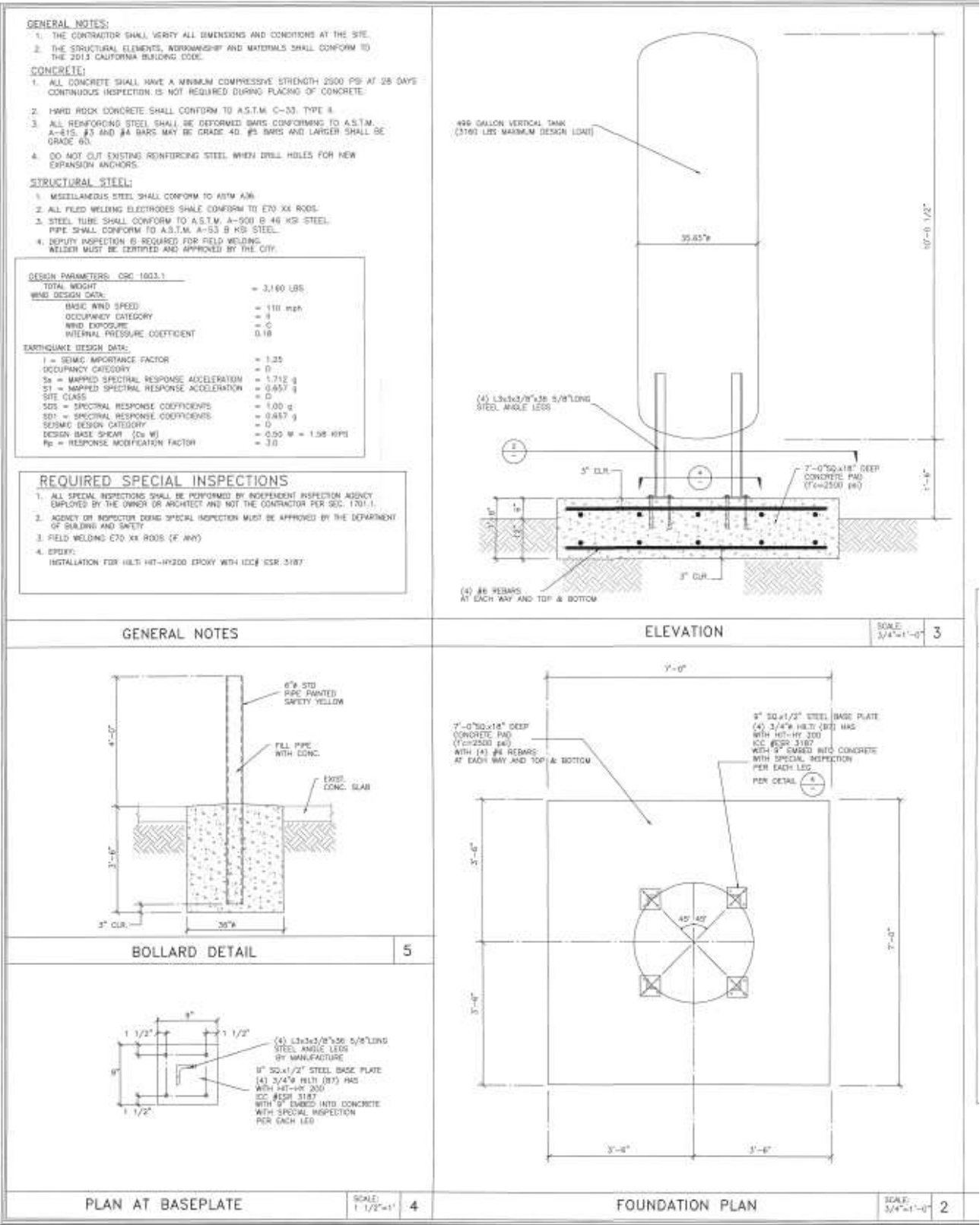
- a. Provide (1) one 4A40BC minimum rating fire extinguisher mounted at or in the cage. Fire extinguisher needs to be serviced by a certified company.

FD3. APPLE VALLEY FIRE DISTRICT NOTES:

- a. The approved plans and job card SHALL be picked up at the Fire District Headquarters Station within thirty (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.

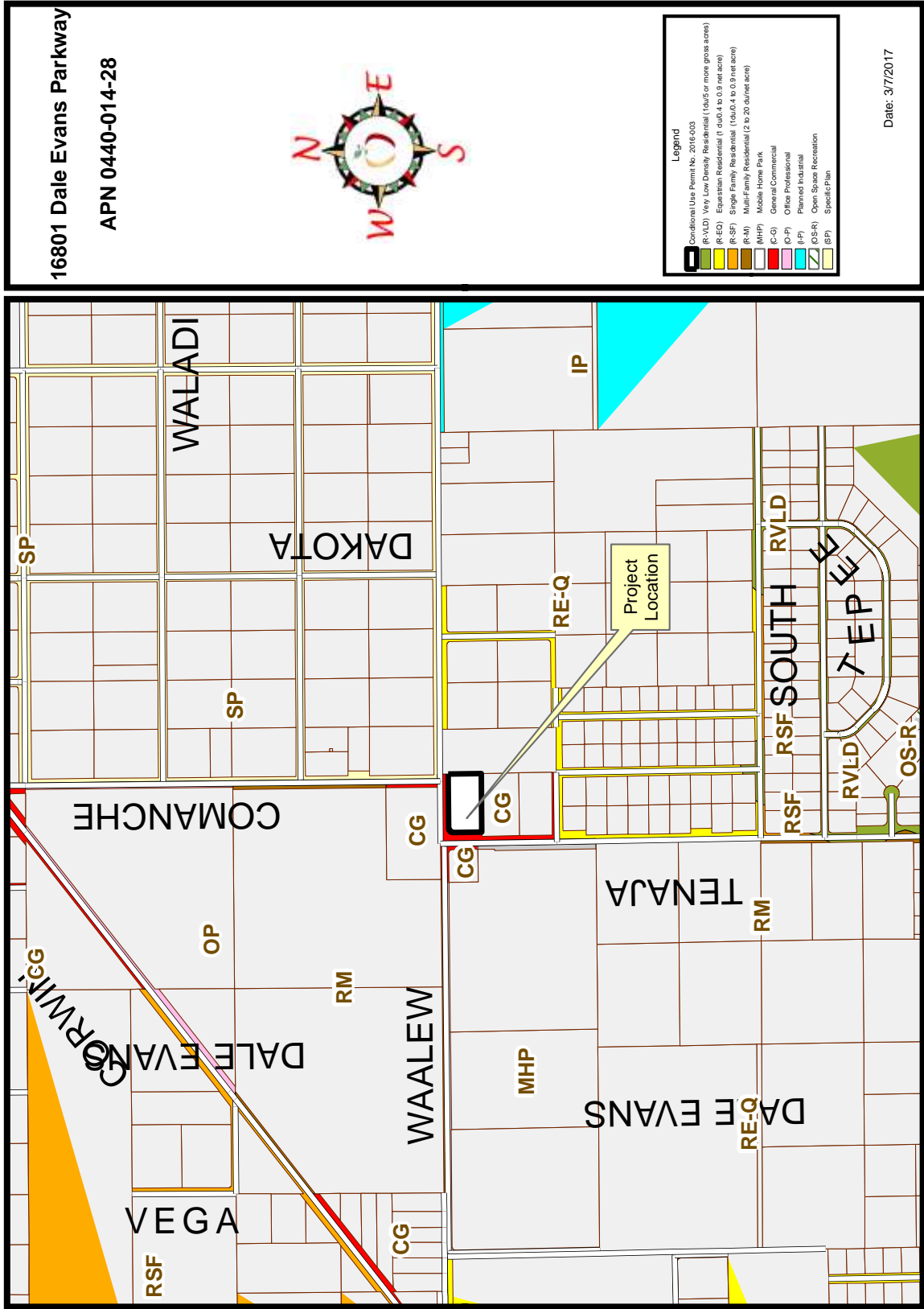
END OF CONDITIONS





ZONING/LOCATION MAP

Conditional Use Permit No. 2016-003





TOWN OF APPLE VALLEY PLANNING COMMISSION

Staff Report

- AGENDA DATE:** March 15, 2017
- CASE NUMBER:** Tentative Tract Map No. 18186 Extension of Time No. 1
- APPLICANT:** Altec Engineering representing Mr. John Attiq
- PROPOSAL:** This is a request for a three (3) year time extension for a previously approved subdivision of approximately fourteen (14) acres into thirteen (13) single-family residential lots with a minimum lot size of 1.0 gross acre within the Residential Estate (R-E) zoning designation.
- LOCATION:** The site is located at the northeast corner of Quinnault and Mambe (Houston) Roads; APN 3080-121-04.
- 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 March 5, 2008 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. Pam Cupp, Associate Planner
- RECOMMENDATION:** Approval

PROJECT SITE AND DESCRIPTION

- A. Project Density:
The subject site is approximately fourteen (14) acres in size and zoned Estate Residential (R-E), which allows one (1) dwelling unit per 1.0 to 2.5 gross acres. The Tentative Tract Map shows minimum lot sizes of 43,560 square feet (1.0 gross acre), meeting the minimum size requirement of the Municipal Code.

B. General Plan Designations:

Project Site - Residential Estate (R-E)
North - Residential Estate (R-E)
South - Residential Estate (R-E)
East - Residential Estate (R-E)
West - Residential Single-Family (R-SF)

C. Surrounding Zoning and Land Use:

Project Site - Residential Estate (R-E), Vacant
North- Residential Estate (R-E), Vacant
South- Residential Estate (R-E), Single-Family Residence, Vacant and Tentative Tract Map 17772
East- Residential Estate (R-E), Vacant
West - Residential Equestrian (R-EQ), Single-Family Residences

D. Site Characteristics

The property is relatively flat terrain, with natural desert vegetation and four (4) Joshua Trees. Properties to the west of the site are developed with single-family homes on 18,000 square foot lots with a zoning designation of Residential Equestrian (R-EQ). The properties to the south are developed with a single-family residence and vacant property; on the north and east are vacant properties with a zoning designation of Residential Estate (R-E).

ANALYSIS

A. Background

The Planning Commission approved Tentative Tract Map No. 18186 on March 5, 2008 with an expiration date of March 5, 2011. The tentative map was eligible for three (3) legislative time extensions (AB 333, AB 208 and AB 116), that collectively extended this expiration date by an additional six (6) years to March 5, 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 three (3) year extension of time. Unless extended through additional legislative actions, this is the final map extension.

B. General:

The R-E zoning designation requires that each lot created have a minimum lot area of 1.0 gross acre (43,560 square feet) with a minimum lot width of 125 feet and a minimum lot depth of 250 feet. The proposed lots are in conformance with the minimum lot dimensions. Pursuant to the Code, the R-E zoning implements the General Plan Estate Residential (R-E) land use which includes a density range of one (1) dwelling unit per 1.0 to 2.5 gross acres. The proposed lots meet the minimum site development standards for the Residential Estate (R-E) zoning designation and are in conformance with the maximum density allowed under Measure "N" (i.e., no more than two lots per acre).

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.

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 March 8, 2008. 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 March 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 Estate Residential (R-E) 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 approximately fourteen (14) gross acres into thirteen (13) lots for future residential development. With adherence to recommended conditions, the proposed subdivision will meet the minimum site development standards as prescribed by the Code.

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

Comment: The proposal consists of a land subdivision, located on residentially-designated land, for the purpose of future residential development at the maximum density allowed by the underlying zoning. 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 are appropriate in size to provide natural heating and cooling opportunities for development of the site. As development occurs, the individual lots are subject to the implementation of natural heating and cooling requirements pursuant to Title 24 energy requirements.

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

Comment: The project is a residential land subdivision with lot sizes conducive to subsurface disposal systems. With the submission of an approved soil percolation test, the project will not connect to the public sewer system.

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 March 5, 2008. Therefore, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162, the proposed request is not subject to further environmental review.
2. Find that the facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve a three (3) year extension of time for Tentative Tract Map No.18186, subject to the attached, Conditions of Approval, as amended.
4. Direct Staff to file the Notice of Exemption.

Prepared by:

Reviewed By:

Pam Cupp
Associate Planner

Carol Miller
Principal Planner

ATTACHMENTS:

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

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Case No. Tentative Tract Map No. 18186, Extension of Time No. 1

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

Planning Division Conditions of Approval

- P1. This tentative subdivision shall comply with the provisions of the State Subdivision Map Act and the Town Development Code. This tentative approval shall expire three (3) years from the date of approval by the Planning Commission/Town Council. ~~A time extension may be approved in accordance with the State Map Act and Town Ordinance, if an extension application is filed and the appropriate fees are paid thirty (30) days prior to the expiration date.~~ Unless extended through California legislative action, this is the final map extension that may be approved. The Tentative Tract Map becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.

- P2. Prior to approval of the Final Map, the following agencies shall provide written verification to the Planning Division that all pertinent conditions of approval and applicable regulations have been met:
 - Apple Valley Fire Protection District
 - Golden State Water Company
 - Apple Valley Public Services Division
 - Apple Valley Engineering Division
 - Apple Valley Planning Division

- P3. The applicant shall agree to defend at his sole expense (with attorneys approved by the Town), and indemnify the Town against any action brought against the Town, its agents, officers or employees resulting from or relating to this approval. The applicant shall reimburse the Town, its agents, officers or employees for any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of these obligations under this condition.

- P4. Prior to recordation the applicant shall provide the Planning Division with a copy of the subdivision in an electronic format compatible with the Town's current technology.

- P5. The filing fee for a Notice of Determination (NOD) Exemption (NOE) requires the County Clerk to collect a handling fee of \$50.00. ~~Additionally, as of January 1, 2008, a fee of \$1,876.75 is required to be collected by the County for the processing of a NOD for the State Fish & Game fees.~~ The fees must be paid within five (5) days of the approval of this application in order to reduce the Statute of Limitations to thirty (30) days. All fees must

be submitted prior to the issuance of any permits. All checks shall be made payable to the San Bernardino County Clerk of the Board.

- P6. The approval of Tentative Tract Map No. 18186 by the Planning Commission is recognized as acknowledgment of Conditions of Approval by the applicant, unless an appeal is filed in accordance with the Town’s Development Code.
- P7. Unless future development consists of custom homes, a separate Development Permit will be required prior to new single-family residential construction. The submittal shall include a Development Plan consisting of plot plans, a minimum of four floor plans and building elevations, demonstrating a variety of heights, setbacks, roof shapes and trim to create visually pleasing aesthetics within a cohesive design.
- P8. Prior to recordation of Final Map, three (3) sets of detailed landscaping and irrigation plans, for the areas subject to the Landscape and Lighting Assessment District. Plans shall be 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.
- P9. If the tract/parcel map is adjacent to existing development, a fence/wall plan shall be submitted with the grading and landscape/irrigation plans to identify how new fencing or walls will relate to any existing fences or walls located around the perimeter of the tract/parcel map. The developer shall be required to connect to the existing fencing/walls or collaborate with the adjacent property owners to provide new fencing/walls and remove the existing fence/wall, both options at the developer’s expense. Double fencing shall be avoided and review and approval of the fencing/wall plan is required prior to issuance of grading permits.
- P10. The project shall conform to the R-E, Estate Residential, development standards for front, side and rear yard-building setbacks. ~~as follows:~~
 - _____ Front: _____ 45 feet minimum, 50 feet average
 - _____ Street side: _____ 40 feet minimum
 - _____ Interior side: _____ 20 feet minimum
 - _____ Rear: _____ 30 feet minimum
- P11. During grading of any phase of the project, the site shall be monitored to ensure that the presence of any sensitive or special status animal species is not evident. A pre-construction survey shall be conducted prior to land clearing to ensure the special status species (Desert Tortoise, Mohave Ground Squirrel, Burrowing Owl, Sharp-Shinned Hawk and Loggerhead Shrike) have not moved onto the site since the July 14, 2006 date of the Biological Survey.
- P12. A copy of the final grading plan shall be submitted to the Planning Division for review and approval.
 - a. All onsite 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.

- P13. Prior to the issuance of a Grading Permit, any protected desert plants or Joshua Trees impacted by development are subject to the regulations specified in Section 9.76.020 (Plant Protection and Management) of the Development Code. Joshua Trees determined to be healthy and are located outside of the right-of-way, drainage channel or building pad must be protected in place. Joshua Trees must be preserved in place unless Findings for Removal can be made in accordance with Code Section 9.26.040F. All others may be removed or transplanted by a native plant expert as outlined in the Joshua Tree Survey.
- P14. All local streets shall be dedicated and developed with a nine (9)-foot wide trail, and a three (3)-foot wide separation between curb face and trail, within the right-of-way (in lieu of sidewalk), on the north and west side.
- P15. All trails shall be developed in conformance with the Multi-Use and Equestrian Trails Standards.
- P16. The development of single-family residences will require the installation of landscaping within the required front and street-side yard setbacks. ~~Landscaping shall be installed and maintained from the back of curb.~~
- P17. 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.
- P18. Final landscape and irrigation plans for the single-family residences shall be submitted prior to the issuance of any Building permits and installed prior to issuance of occupancy permits subject to approval by the Planning Division.
- P19. 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.

Parks and Recreation Department Condition of Approval

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

Building and Safety Division Conditions of Approval

- B1. An engineered grading report, including soils report, shall be submitted to 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, Planning Division and Town Engineer prior to permit issuance.
- B3. Submit plans for approval and obtain all permits for all structures and retaining walls.
- B4. A pre-construction permit and inspection are required prior to any land disturbing activity to verify requirements for erosion control, flood hazard, native plant protection and Desert Tortoise habitat.

- B5. A Notice of Intent (NOI) and a Storm Water Prevention Plan (SWPP) must be submitted to, and approved by, the Engineering and Building Departments prior to issuance of a grading permit and or any land disturbance.
- B6. All cross lot drainage requires easements and may require improvements at the time of development.
- B7. Comply with State of California Disability Access requirements.
- B8. A pre-grading meeting is required prior to beginning any land disturbance. This meeting will include the Building Inspector, General Contractor, Grading Contractor, Soils Technician and any other parties required to be present during the grading process such as a Biologist, Paleontologist.
- B9. A dust palliative or hydro seed will be required on those portions of the site graded but not constructed (phased construction).
- B10. Page two (2) of the submitted building plans will be the Conditions of Approval.
- B11. Construction must comply with all applicable California Building Codes.
- B12. Best Managements Practices (BMPs) are required for the site during construction.

Engineering Division Conditions of Approval

- EC1. A final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider reducing the post-development site-developed flow to 90 percent of the pre-development flow for a 100 year design storm. (Town Resolution 2000-50; Development Code 9.28.050.C, 9.28.100)
- EC2. Street improvement plans shall be submitted to the Town Engineer for review and approval.
- EC3. All interior streets shall be improved to Town standards as approved by the Town Engineer. Minimum width of local residential streets shall be thirty-six (36) feet curb to curb.
- EC4. Minimum right of way dedication for interior residential streets shall be sixty (60) feet full width. Minimum right of way dedication width for cul-de-sacs shall be fifty (50) feet full width.
- EC5. All streets abutting the development shall be improved a minimum half-width of twenty-eight (28) feet with curb, gutter and sidewalk on the development side.
- EC6. Quinnault Road adjacent to the property shall be improved to the Town's half-width Local Street standards.

- EC7. Mambe Road adjacent to the property shall be improved to the Town's half-width Local Street standards.
- EC8. Buena Vista Road adjacent to the property shall be improved to the Town's half-width Local Street standards.
- EC9. A thirty (30)-foot wide half-width road dedication along Mambe Road adjacent to the property shall be granted to the Town of Apple Valley.
- EC10. A forty (40)-foot wide (30 feet + 10 feet) half-width road dedication along Buena Vista Road adjacent to the property shall be granted to the Town of Apple Valley.
- EC11. A thirty (30)-foot wide half-width road dedication along Quinnault Road adjacent to the property shall be granted to the Town of Apple Valley.
- EC12. A Tract or Parcel Map shall provide at least two (2) different standard routes of ingress and egress. A standard route is a road dedicated to the Town and paved to Town standards. (Development Code Section 9.71.020.C.6) Minimum pavement width shall be twenty-eight (28) feet, minimum asphalt thickness shall be 0.33 feet.
- EC13. During the grading of the streets, soils testing of the street subgrades by a qualified soils engineering firm shall be performed to determine appropriate structural street section. Minimum asphalt concrete thickness for all streets shall be 0.33 feet.
- EC14. All required improvements shall be constructed and approved or bonded in accordance with Town Development Code.
- EC15. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC16. 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.
- EC17. A final grading plan shall be approved by the Town Engineer prior to issuance of a grading permit. A grading permit shall not be issued until street improvement plans have been submitted to the Town Engineer for review and substantial completion of the street plans has been attained as determined by the Town Engineer.
- EC18. The developer shall form or annex into an assessment district to provide for the ongoing maintenance of the retention basin and accessory structures. (Town Council Resolution 2000-50)
- EC19. All drainage easements, brow ditches, swales, etc. shall be submitted to the Town Engineer for review and approval. All cross-lot drainage shall be in improved concrete swales which are to be approved by the Town Engineer and maintained by the assessment district.
- EC20. Street lights shall be required in accordance with Town standards. The developer shall form or annex into an assessment district to provide for the ongoing operation and maintenance of the street lights.

- EC21. All street names shall be approved by the Town and such approval shall be coordinated through the Town Engineer.
- EC22. The developer shall present evidence to the Town Engineer that he has made a reasonable effort to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
- EC23. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)
- EC24. The developer shall make a good faith effort to acquire the required off-site property interests. If the developer fails to acquire those interests the developer shall, at least 120 days prior to submittal of the final map for approval, enter into an agreement to complete the improvements pursuant to Government Code Section 66462 at such time as the Town acquires the property interests required for the improvements. Such agreement shall provide for payment by the developer of all costs incurred by Town to acquire the off-site property interests required in connection with the subdivision. Security for a portion of these costs shall be in the form of a cash deposit in the amount given in an appraisal report obtained by the developer, at the developer's cost. The appraiser shall have been approved by the Town prior to commencement of the appraisal. Additional security may be required as recommended by the Town Engineer and Town Attorney.
- EC25. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC26. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC27. Any required street striping shall be thermoplastic as approved by the Town Engineer.
- EC28. 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 in the boundaries of a Landscape and Lighting Assessment District for the maintenance of drainage, landscaping, fencing and other similar improvements and that an annual landscaping maintenance charge will be levied.
- EC29. In the event that an applicant/developer chooses to seek Council approval of the Final Map prior to completion of the required improvements, an "Agreement for Construction of Improvements" shall be required. In accordance with the California Labor Code, any such Agreement will contain a statement advising the developer that certain types of improvements will constitute a public project as defined in California Labor Code, Sections 1720, and following, and shall be performed as a public work, including, without limitation, compliance with all prevailing wage requirements.

Public Works Division Conditions of Approval

Prior to Map Recordation:

- PW1. Soil percolation testing for the subsurface disposal system shall meet the requirements of the Town. Submit test results and appropriate fee to the Town Engineer for review.

Municipal Services Conditions of Approval

- MS1. During construction the builder/developer must take steps to see that at least 50% of the waste generated on site is recycled, in accordance with Municipal Code § 8.19. Available means to recycle debris are as follows:
 - a. Contract for hauling services with Town’s franchise hauler, with all Project debris delivered to Victorville self-haul 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.
 - b. Self-haul all Project debris to Victorville Landfill self-haul 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.
 - c. 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.
 - d. Contract with a construction site cleanup company to recycle at least fifty (50) percent of the Project construction debris, and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets.

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 (2) 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~~

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

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

FD4. Fire lanes shall be provided with a minimum width of ~~twenty-four (24)~~ twenty-six (26) feet, maintained, and identified.

Apple Valley Fire Protection District Ordinance 44 55
Install per A.V.F.P.D. Standard Series #202

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

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

~~Uniform Fire Code, Section 902.2.2.3~~

~~Apple Valley Fire Protection District~~

~~Ordinance 22 55, Section 1 (e)~~

~~Install per A.V.F.P.D. Standard Series #202~~

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

FD7. New dwelling addresses shall be posted with a minimum of 4-inch numbers visible from the street, and during the hours of darkness the numbers shall be internally illuminated. Where building setbacks exceed 75 feet from the roadway, additional contrasting 4-inch numbers shall be displayed at the property entrance.

FD8. Plans for fire protection systems designed to meet the fire flow requirements specified in the Conditions of Approval for this project shall be submitted to and approved by the Apple Valley Fire Protection District and water purveyor prior to the installation of said systems.

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

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

B. System Standards:

*Fire Flow 500 GPM @ 20 psi Residual Pressure

Duration 1 Hour(s)

Hydrant Spacing 660 Feet

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

~~Install per A.V.F.P.D. Standard Series #101~~

C. A total of TBD fire hydrant(s) will be required. It is the responsibility of the owner/developer to provide all new fire hydrants with reflective pavement markers set into pavement and curb identification per A.V.F.P.D. Standard.

~~Install per A.V.F.P.D. Standard Series #101.~~

~~FD9. 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~~

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.**

- FD10. A letter shall be furnished to the Fire District from the water purveyor stating that the required fire flow for the project can be met prior to the Formal Development Review Committee meeting.
- FD11. Apple Valley Fire Protection District Final Subdivision/Tract/Development fees shall be paid to the Fire District prior to final map acceptance according to the current Apple Valley Fire Protection District Fee Ordinance.
- FD12. The developer shall submit a map showing complete street names within the development, to be approved by the Fire District prior to final map.
- FD13. Prior to issuance of Building Permit, the developer shall pay all applicable fees as identified in the Apple Valley Fire Protection District Ordinance.

End of Conditions

**Tentative Tract Map No. 18186
 Extension of Time No. 1**

ZONING/LOCATION MAP

