



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA**

WEDNESDAY, JUNE 21, 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 JUNE 21, 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 May 3, 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. **Specific Plan No. 2012-01 Amendment No 2 (TM No. 14484).** The applicant proposes a request to consider an Amendment to the Jess Ranch Planned Unit Development (PUD) to allow the future development of Lots 196 thru 204 within recorded TM 14484 to change from single family residential development lots to recreation vehicle (RV) lots in accordance with the medium density residential development standards of the Jess Ranch PUD, including the RV resort standards.

APPLICANT: Jim Keefe

LOCATION: The Jess Ranch Lakes RV Resort is located on the northeast corner of Jess Ranch Parkway and Apple Valley Road.

ENVIRONMENTAL

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

CASE PLANNER: Ms. Carol Miller, Principal Planner

RECOMMENDATION: Adopt Planning Commission Resolution No. 2017-02

3. **Conditional Use Permit 2001-008 Amendment No 2.**

APPLICANT: Plug Power, Inc. on behalf of Walmart Distribution Center

LOCATION: 21101 Johnson Road; APN 0463-231-58

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

4. **Tentative Tract Map No. 17888 Time Extension 1.** The applicant proposes a request for a three (3) year time extension for a previously approved subdivision of approximately nine (9) acres into sixteen (16) single-family residential lots. The project will have a minimum lot size of 20,597 square feet within the Equestrian Residential Estate (R-EQ) zoning designation.

APPLICANT: Mr. Jim Chapdelaine

LOCATION: The site is located on the east side of Navajo Road, approximately 330 feet north of Standing Rock Avenue; APN 3112-581-04.

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 May 2, 2007 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

5. Consideration of the use of Alumawood as a shade structure on the front of a residence.

PLANNING COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT

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

MINUTES

TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, May 3, 2017

CALL TO ORDER

Chairman Shoup called to order the Regular Meeting of the Planning Commission of the Town of Apple Valley for May 3, 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 Doug Qualls, Vice-Chairman B.R. "Bob" Tinsley, and Chairman Mark Shoup. Absent: None.

STAFF PRESENT

Carol Miller, Principal Planner, Haviva Shane, Town Attorney, Richard Pedersen, Deputy Town Engineer, and Yvonne Rivera, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

Vice-Chairman Tinsley led the Pledge of Allegiance.

1. APPROVAL OF MINUTES

1. Minutes for the Regular Meeting of March 15, 2017.

Chairman Shoup reminded staff that the minutes for the Regular Meeting of February 15, 2017 shall be continued to the next Regular Planning Commission Meeting on June 21, 2017 for approval.

Motion by Commissioner Lamoreaux, seconded by Commissioner Kallen, to approve the minutes for the Regular Meeting of March 15, 2017.

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

ROLL CALL VOTE

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

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

PUBLIC COMMENTS

None.

PUBLIC HEARING ITEMS

- 2. Tentative Tract Map No. 16922 Time Extension.** A request for a time extension of a previously approved subdivision of eighty-six (86) single-family residential lots within the Deep Creek Estates Specific Plan.

Applicant: ACTK Capital Partners, LLC.

Location: Located at the northwest corner of Deep Creek and Tussing Ranch Roads; APNs: 0434-201-14 & 48.

Chairman Shoup opened the public hearing at 6:08 p.m.

Ms. Carol Miller, Principal Planner, presented the staff report as filed with the Planning Division. She noted that the Applicant is requesting a 2-year time extension.

Ms. Miller commented on the modified Conditions. She stated that the most notable amendment is the addition of the Condition for clearance from Fish and Wild Life which addresses the blue line stream. She also noted that the added Condition would require approval from Fish and Wild Life as it relates to the Blue Line Stream and water quality issues (Reference Pages 35 and 36). Ms. Miller also commented on other changes related to sewer and fire conditions.

Discussion ensued regarding the location of the blue line area, as well as the need to include it as part of the conditions.

Ms. Miller noted there is a need to make a correction to the extension date on Page 2-2; the correct date is June 24, 2017. Therefore, the new expiration date is now June 24, 2020.

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

Mr. Andrew Pham stated he agreed with all Conditions of Approval, including the new expiration date, as amended.

PUBLIC COMMENTS

None.

Chairman Shoup closed the public hearing at 6:12 p.m.

MOTION

Motion by Commissioner Lamoreaux, 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 with the Mitigated Negative Declaration that was prepared for this project, and adopted by the Town Council on June 24, 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. 16922, subject to the attached Conditions of Approval, as amended.
4. Direct staff to file the Notice of Determination.

ROLL CALL VOTE

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

Noes: None
Abstain: None
Absent: None

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

- 3. Conditional Use Permit No. 2016-004.** This is a request for approval of a Conditional Use Permit to install a thirty-nine (39)-foot tall, wireless telecommunications pole within the public right-of-way. The project will also include the installation of a four(4)-foot tall utility pedestal adjacent to the pole.

Applicant: Mobilitie, LLC

Location: This site is located within the public right-of-way on the east side of Jess Ranch Parkway, approximately 730 feet south of Bear Valley Road.

Chairman Shoup opened the public hearing at 6:12 p.m.

Ms. Carol Miller, Principal Planner, informed the Planning Commission that the Applicant has withdrawn their application.

Ms. Miller also answered questions by the Planning Commission regarding cell phone towers, micro cells, and the locations of existing polls.

There was no action required by the Planning Commission as the Applicant withdrew their application.

PUBLIC COMMENTS

None.

Chairman Shoup closed the public hearing at 6:13 p.m.

- 4. Conditional Use Permit No. 2016-005.** This is a request for approval of a Conditional Use Permit to install a thirty-nine (39)-foot tall, wireless telecommunications pole within the public right-of-way. The project will also include the installation of a four (4)-foot tall utility pedestal adjacent to the pole.

Applicant: Mobilitie, LLC

Location: This site is located within the public right-of-way on the west side of Kasota Road, approximately sixty (60) feet south of Kokanee Road.

Chairman Shoup opened the public hearing at 6:13 p.m.

Ms. Carol Miller, Principal Planner, informed the Planning Commission that the Applicant has withdrawn their application.

Ms. Miller also answered questions by the Planning Commission regarding cell phone towers, micro cells, and the locations of existing polls.

There was no action required by the Planning Commission as the Applicant withdrew their application.

PUBLIC COMMENTS

None.

Chairman Shoup closed the public hearing at 6:13 p.m.

OTHER BUSINESS

5. Action on Subdivision Map Act Violations.

Applicant: Town of Apple Valley Engineering Department

Location: Location as identified in the Staff Report.

Mr. Richard Pedersen, Deputy Town Engineer, provided the staff report as filed with the Engineering Department.

Mr. Pedersen informed the Planning Commission that this is the latest Map Act in violation of the agreement with the Town. He also noted, for the record, that the property owners were properly notified and given the opportunity to contest the notice of violations.

There being no property owners present to contest the violation, it was the consensus of the Planning Commission to move forward with the recommendation by staff.

MOTION

Motion by Vice-Chairman Tinsley, seconded by Commissioner Kallen, to:

1. 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 the record with the County Recorder's Office for the County of San Bernardino.

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, staff recommends that the Planning Commission provide direction and authorize recordation of notices of violation against the violating property(ies).

ROLL CALL VOTE

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

Noes: None

Abstain: None

Absent: None

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

6. To consider a General Plan Conformity Finding for the Town's Capital Improvement Program (CIP) for fiscal year 2017-2018.

Applicant: Town of Apple Valley

Location: Town wide

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

Mr. Richard Pedersen, Deputy Town Engineer, answered questions by the Planning Commission regarding various projects within Apple Valley including High Desert Corridor and the Apple Valley Bike Path.

MOTION

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

1. Adopt Planning Commission Resolution No. 2017-001 which finds the proposal CIP for fiscal year 2017-2018 is consistent with the goals and policies of the Town's General Plan.

ROLL CALL VOTE

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

PUBLIC COMMENTS:

None

PLANNING COMMISSION COMMENTS:

Vice-Chairman Tinsley would like staff to come back to the Planning Commission with information on the grounds maintenance project at the Golf Course, as well as the road maintenance plan for various streets within Apple Valley. He would also like to know if business owners in Apple Valley will be made responsible for any of the repairs.

STAFF COMMENTS

None.

ADJOURNMENT

Commissioner Qualls commented on the recent passing of Mr. Richard "Dick" Allen. Mr. Allen was a community leader who served on the Planning Commission for eight (8) years. He announced that Memorial Services for Mr. Allen will be held Saturday, May 13, 2017 at Jess Ranch Community Church beginning at 2:00 p.m.

It was the consensus of the Planning Commission to adjourn the Regular Meeting of the Planning Commission in loving memory of Mr. Richard "Dick" Allen.

Motion by Commissioner Kallen, seconded by Commissioner Lamoreaux, and unanimously carried to adjourn the Regular Meeting of the Planning Commission at 6:39 p.m. to the Regular Planning Commission Meeting on June 21, 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:** June 21, 2017
- CASE NUMBER:** Specific Plan No. 2012-01, Amendment No. 2 (TM No. 14484)
- APPLICANT:** Mr. Jim Keefe
- PROPOSAL:** A request to consider an Amendment to the Jess Ranch Planned Unit Development (PUD) to allow the future development of Lots 196 thru 204 within recorded TM 14484 to change from single family residential development lots to recreation vehicle (RV) lots in accordance with the medium density residential development standards of the Jess Ranch PUD, including the RV resort standards.
- LOCATION:** The Jess Ranch Lakes RV Resort is located on the northeast corner of Jess Ranch Parkway and Apple Valley Road.
- GENERAL PLAN DESIGNATION:** Specific Plan
- EXISTING ZONING:** Specific Plan
- ENVIRONMENTAL DETERMINATION:** Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.
- CASE PLANNER:** Ms. Carol Miller, Principal Planner
- RECOMMENDATION:** Adopt Planning Commission Resolution No. 2017-02
- PROJECT SITE AND DESCRIPTION:**
- A. Project Size
Although not all developed, the overall project area encompasses approximately thirty-seven (37) acres. The proposal involves nine (9) lots.

B. Site Characteristics

The subject area consists of a partially developed RV resort subdivision. Approximately seventy (70) lots comprise the area that has been developed as RV lots with the remaining lots within the subdivision as undeveloped. The existing amenities include a laundry facility, clubhouse and pool area.

BACKGROUND

The original Jess Ranch Planned Unit Development (PUD) was approved by the County of San Bernardino in 1981 with subsequent Amendments by the Town of Apple Valley in 1990 (Amendment No. 2), 1994 (Amendment No. 2), and 1998 (Amendment No. 3). Among other changes, Amendment No. 3 allowed a RV Resort within the Medium Density Residential (MDR) land use classification for Phase "Y" (TM No. 14484) with a Commercial Recreation Overlay, now known as the Jess Ranch Lakes Recreational Vehicle Resort.

Tract Map No. 14484 consists of 228 lots with private streets and common open space managed by the Homeowners Association. When Tract Map No. 14484 was approved in 1991 and phases recorded in 1993 and 1994, it was in conformance with the Medium Density Residential (MDR) standards as a single-family residential development. That changed in 1998 with Amendment No. 3 that placed a Commercial Recreation Overlay over Phase "Y" (TM No. 14484) to allow the subdivision to be developed as a RV resort for full-time RVers. This land use change required no amendment to the recorded map.

In May of 2015, an amendment specific to Tract Map No. 14484 was approved to allow the future development of Lot Nos. 69 thru 204 and Lot Nos. 210 thru 219 within recorded Tract Map No. 14484 to change from a recreation vehicle (RV) lot development to single-family residential in accordance with the Medium Density Residential (MDR) development standards of the Jess Ranch PUD. Lot Nos. 1 thru 68 and Lots 220 thru 227 were to remain as RV lots within the Jess Ranch Lakes Recreational Vehicle (RV) Resort.

The applicant met with staff to discuss the proposal prior to the application submittal. Staff's recommendation was that any change back to RV lots would still have to maintain a logical break between lots used for RVs and single-family homes due to their contrasting characteristics.

ANALYSIS

As indicated above, an amendment was approved to allow the future development within the recorded Tract Map to change from a recreation vehicle (RV) lot development to single-family residential. The applicant and owner of the nine (9) lots in question is now requesting the lots be taken out of the single-family residential portion and revert back to RV lots. The area in question include Lot Nos. 196 thru 204. If approved, the RV resort portion would include Lot Nos. 1 thru 68, 196-204 and 220 thru 227, and the single-family residential portion would include Lot Nos. 69 thru 195 and Lots 210 thru 219. The attached exhibit represents this change.

As with the previous Amendment analysis, for any changes to be supported by staff there had to be a delineation between project areas that made for a logical break and then Conditions of Approval for TM No. 14484 be modified accordingly. In review of the proposal, the separation between uses continues to be logical, and in fact eliminates some of the awkwardness of the opposing uses facing one another under the previous Amendment. The lots on Birdie Way face the clubhouse.

Although this is a Specific Plan Amendment which just involves changes to text within the document, changes to the Conditions of Approval for the underlying map are necessary. Therefore, staff is recommending that, in addition to the changes to the PUD document, the

Conditions of Approval for Tract Map No. 14484 be revised as appropriate to accommodate the two (2) development types and the proposed change.

Prior to the issuance of a permit for either development type, whichever occurs first, shall construct a six (6)-foot high block wall, outside of any front or street side setback that separate the two development types. This would include along the rear property lines between those lots fronting Birdie Way and those fronting on Augusta Circle.

As matter of information, it should be noted that the Fire District has indicated that any further development may trigger a secondary access in accordance with Condition No. 25.

Attached are the original Conditions of Approval for TM No. 14484 as modified by the Planning Commission in May of 2015. Changes to the Conditons are noted by ~~strikeout~~ and underline.

Recommended PUD Changes

Proposed amendment to Section 2.5 Commercial Recreation to read as follows:

2.5 Commercial Recreation

Phase "Y" (TM 14484), currently zoned Medium Density Residential, shall have placed upon it a Commercial Recreation overlay to allow for Lot Nos. 1 through 68, 196 through 204 and 220 through 227 to be developed and used as RV lots in accordance with Section 3.4 Subsection D (Jess Ranch Lakes Recreational Vehicle Resort – Tract Map No. 14484).

Proposed amendment to Section 3.4 Medium Density Areas to amend the heading of Subsection D to read as follows:

- D. Jess Ranch Lakes Recreational Vehicle Resort – Tract Map No. 14484 (Lot Nos. 1 thru 68, 196 thru 204 and 220 thru 227)

Environmental Assessment

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

Noticing

This item was advertised as a public hearing in the Apple Valley News newspaper on June 9, 2017 and notices were mailed to all property owners within 700 feet of the project site. At this time, staff has not received any comments on this request.

Findings

Development Code Section 9.03.050 requires that the following Findings be made in order to approve a Specific Plan Amendment:

- A. The proposed Specific Plan meets all of the following content criteria:
1. Specifies through text and/or diagrams, the distribution, location and extent of the uses of land, including open space, within the area covered by the plan;

Comment: The Planned Unit Development already details land-use designations, permitted and conditionally permitted uses, and development standards to assure cohesive development within the Specific Plan area as approved in 1998 with Amendment No. 3 that placed a Commercial Recreation Overlay over TM No. 14484 to allow the subdivision to be developed as a RV resort for full-time RVers. The proposal will revert nine (9) lots back to their Commercial Recreation Overlay designation.

2. Specifies through text and/or diagrams, the proposed distribution, location and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid-waste disposal, energy and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan;

Comment: The approved Planned Unit Development already details distribution, location and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid-waste disposal, energy and other essential facilities within the PUD area. The Amendment is considered minor and will be integrated into the document, and will not affect its format.

3. Specifies through text and/or diagrams, the standards and criteria by which development will proceed, and standards for the conservation, development and utilization of natural resources, where applicable;

Comment: The development standards already included in the approved Planned Unit Development include text and graphic representations of the requirements for development. The amendment to Sections 2.5 and 3.4(D) will clarify the development standards for a recorded tract map within the Planned Unit Development between the existing RV and proposed single-family residential. The standards for the conservation, development and utilization of natural resources within the PUD will not change.

4. Specifies a program of implementation measures, including regulations, programs, public works projects, and financing measures necessary to carry out Findings A.1, A.2 and A.3 above;

Comment: The proposed Amendment does not affect existing or projected build-out.

5. Include a statement of the relationship of the Specific Plan to the General Plan, Development Code and other applicable plans or ordinances;

Comment: As amended per staff recommendation, the proposed Amendment does not affect the PUD's consistency with the General Plan because the underlying Medium Density Residential land use designation does not change. The Commercial Recreation designation is just an overlay over a portion of the lots.

6. Address any other subjects that are necessary for implementation of the General Plan;

Comment: As amended per staff recommendation, the proposed Amendment does not affect the PUD's consistency with the General Plan because the underlying Medium Density Residential land use designation does not change. The Commercial Recreation designation is just an overlay over a portion of the lots.

7. The location and design of the proposed development will be consistent with the goals and policies of the General Plan and with any other applicable plan or policies adopted by the Town and with any other applicable provisions of the Development Code.

Comment: As amended per staff recommendation, the proposed Amendment does not affect the PUD's consistency with the General Plan because the underlying Medium Density Residential land use designation does not change. The Commercial Recreation designation is just an overlay over a portion of the lots.

8. The proposed location will allow the development to be well integrated with, or adequately buffered from, its surroundings, as appropriate.

Comment: The proposed Amendment is a change in text only and will not alter any existing or future development within the Jess Ranch PUD because when Tract Map No. 14484 was approved in 1991 and phases recorded in 1993 and 1994, it was in conformance with the Medium Density Residential standards as a single-family residential development. The proposal will revert the area back to its originally intended use as single-family residential.

9. All vehicular traffic generated by the development, either in phased increments or at build-out, will be accommodated safely and without causing significantly increased congestion upon adjoining streets.

Comment: The proposed Amendment is consistent with the adopted PUD and do not constitute a change in build out potential because when Tract Map No. 14484 was approved in 1991 and phases recorded in 1993 and 1994, it was in conformance with the Medium Density Residential standards as a single-family residential development. The proposal reverts the area to its original intended use as single-family residential. Therefore, no traffic impact analysis was prepared since the Amendment will not alter levels of service throughout the project's development and at build out.

10. The final Specific Plan will identify a methodology to allow land uses to be adequately serviced by existing or proposed public facilities and services. In appropriate circumstances, and as provided elsewhere by this Development Code, the Town may require that suitable areas be reserved for uses such as schools, parks and pedestrian ways; public open spaces may be dedicated or reserved by private covenant for the common use of residents, establishments or operations in the development.

Comment: The proposed Amendment does not affect public services because when Tract Map No. 14484 recorded in 1993 and 1994, in conformance with the Medium Density Residential standards as a single-family residential development. This proposal is not increasing the density that would impact the schools or require additional open space.

11. In accordance with the requirements of the California Environmental Quality Act (CEQA), environmental impacts have been reduced to a level of insignificance, or in the case where such impacts remain; a statement of overriding considerations must be adopted to justify the merits of project implementation after certification of the Environmental Impact Report.

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

12. The proposed Specific Plan should contribute to a balance of land uses so local residents may work and shop in the community in which they live.

Comment: The purpose of the PUD is, in part, to provide housing opportunities and the Amendment does not lessen these opportunities.

13. The proposed Specific Plan will not be detrimental to the public health, safety or welfare of the Town.

Comment: The Amendment is designed to assure that development within the Jess Ranch Lakes RV Resort and the single-family residential is of high-quality and does not impact public health, safety or welfare.

RECOMMENDATION:

Following receipt of public input and discussion by the Commission, it is recommended that the Commission move to approve Planning Commission Resolution No. 2017-02, forwarding a recommendation that the Town Council amend the Jess Ranch Planned Unit Development Sections 2.5 and 3.4.

Prepared By:

Reviewed By:

Carol Miller
Principal Planner

Lori Lamson
Assistant Town Manager

ATTACHMENTS:

1. Map Exhibit
2. Planning Commission Resolution No. 2017-02
3. Conditions of Approval TM No. 14484.



PLANNING COMMISSION RESOLUTION NO. 2017-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT SPECIFIC PLAN NO. 2012-01, AMENDMENT NO. 2 BY AMENDING SECTIONS 2.5 and 3.4 OF THE JESS RANCH PLANNED UNIT DEVELOPMENT.

WHEREAS, the Jess Ranch Planned Unit Development was approved by the County of San Bernardino in 1981 with subsequent Amendments by the Town of Apple Valley in 1990 (Amendment No. 2), 1994 (Amendment No. 2), and 1998 (Amendment No. 3); and

WHEREAS, specific changes are proposed to the Jess Ranch Planned Unit Development by amending Sections 2.5 and 3.4(D) as it relates to the future development of Lots 196 thru 204 within recorded Tract Map No. 14484 from single-family residential development to recreation vehicle (RV) lot; and

WHEREAS, on June 9, 2017, Specific Plan 2012-01, Amendment No. 2(TM No. 14484), was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

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

WHEREAS, on June 21, 2017, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Specific Plan No. 2012-01, Amendment No. 2 (TM No. 14484), receiving testimony from the public; and

WHEREAS, the proposed Amendment is consistent with Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

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

Section 1. In consideration of the evidence received at the public hearing, and for the reasons discussed by the Commissioners at said hearing, that the Town Council of the Town of Apple Valley, California, finds that the changes proposed under Specific Plan No. 2012-01, Amendment No. 2 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 2. Based upon the facts presented within the staff analysis, public testimony and pursuant to Government Code Section 65863(b), the Planning Commission of the Town of Apple Valley, California, finds that the proposed Amendment to the Jess Ranch PUD is consistent with the General Plan goals for a broader economic base for the Town.

Section 3. The Amendment currently proposed is consistent with the adopted Planned Unit Development and does not constitute a change in build out potential. Further, pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

Section 4. Amending Section 2.5 (Commercial recreation) in its entirety to read as follows:

Phase "Y" (TM 14484), currently zoned Medium Density Residential, shall have placed upon it a Commercial Recreation overlay to allow for Lot Nos. 1 through 69, 196 through 209 and 220 through 227 to be developed and used as RV lots in accordance with Section 3.4 Subsection D (Jess Ranch Lakes Recreational Vehicle Resort – Tract Map No. 14484).

Section 5. Amend Section 3.4.D (Medium Density Residential Areas) by amending the heading of Subsection "D" to read as follows:

- D. Jess Ranch Lakes Recreational Vehicle Resort – Tract Map No. 14484 (Lot Nos. 1 thru 68, 196 thru 204 and 220 thru 227)

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 18th day of March 2015.

Chairman Mark Shoup

ATTEST:

I, Yvonne Rivera, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 21st day of June 2017 by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ms. Yvonne Rivera, Planning Commission Secretary

TOWN OF APPLE VALLEY CONDITIONS OF APPROVAL

Development Permit No. 209 (TM 14484)

Planning Department

1. This tentative subdivision shall comply with the provisions of the State Subdivision Map Act and the Town Development Code and the requirements of the Jess Ranch PUD. This tentative approval shall expire three (3) years from the date of approval by the Planning Commission/Town Council and/or Planning Department. 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 at least 30 days prior to the expiration date.
2. Subdivision phasing, including proposed common open space phasing, shall be as shown on the approved Tentative Tract map.
3. Prior to the recordation of the Final Map/issuance of a building permit, the following agencies shall provide written verification to the Engineering Department/Building and Safety Department that all pertinent Conditions of Approval and applicable regulations have been met:
 - Planning Department
 - Apple Valley Unified School District
 - Fire District
 - Engineering Department
 - Apple Valley Water District
 - Park and Recreation District
4. A Homeowners Association shall be established for maintenance of Lots A-G, I, K-M and Q, Open space. The developer/applicant shall pay for all costs relating to establishment of the district. A maintenance district may be formed for publicly owned lots subject to the approval of the Town Engineer.
5. Sidewalks shall be provided along all secondary and major streets per Town standards or as necessary for safe and adequate pedestrian circulation.
6. A Homeowners Association shall be established for maintenance of Lots A-Q, Open Space/Common Area and all sidewalks and the developer/applicant shall pay for all costs relating to establishment of the Homeowners Association.
7. All slopes over three (3)-feet in height shall be landscaped and irrigated according to Town Interim Development Guidelines.
8. In compliance with Town Ordinance #2684, the applicant shall agree 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.

9. Prior to recordation of the Final Map, the developer or his assignee, must conform to the park district Quimby Ordinance unless waived to time of issuance of a building permit. This Condition does not apply if the Covenants, Conditions and Restrictions (CC&Rs) limit this project to seniors, age 55 and over.
10. Three (3) sets of detailed landscaping and irrigation plans, prepared by a qualified professional, shall be submitted to the Town Planner for review and approval prior to the issuance of building permits.
11. All site amenities, including landscaping and irrigation, as shown on plans approved by the Town Planning Department, shall be installed prior to issuance of the Certificate of Occupancy. Landscaping shall utilize drought tolerant/desert-appropriate landscaping wherever feasible.
12. Applicant shall submit the site plan, as approved by the Planning Department, to the Department of Building and Safety concurrent with application for building permits.
13. In accordance with County Ordinance No. 1963, the applicant/developer shall submit a tree relocation plan to the Chief Building Official for review and approval.
14. Signs shall be approved by separate permit.
15. Reverse frontage wall and landscaping plans must be approved prior to issuance of building permits.
16. All utility service boxes and connections shall be painted to match the building exterior on which they are located.
17. All existing overhead utility services and wiring shall be relocated underground.
18. No roof-mounted equipment shall be placed on any building unless screened as specifically approved by the Planning Department (except for solar collection panels).
19. All utility systems including gas, electric, telephone, water, sewer and cable TV shall be provided for underground, with easements provided as required, and designed and constructed in accordance with Town Codes and the utility provided. Telephone, cable TV, shall be pre-wired in the residence.
20. The CC&Rs shall be reviewed and approved by the Planning Department prior to final approval of the tract maps. The CC&Rs shall include liability insurance and methods of maintaining the open space, recreation areas, parking areas, private roads, and exterior of all buildings. Revised or new CC&R's shall be submitted for review and approval by the Planning Department specific to the single-family residential development.
21. No lot or dwelling unit in the development shall be sold unless a corporation, association, property owner's group, or similar entity has been formed with the right to assess all properties individually owned or jointly owned which have any rights or interest in the use of the common areas and common facilities in the development, such assessment power to be sufficient to meet the expenses of such entity, and with authority to control, and the duty to maintain, all of said mutually available features of the development. Such entity shall operate under recorded CC&Rs which shall include compulsory membership of all owners of lots and/or dwelling units and flexibility of assessments to meet hanging cost of

- maintenance, repairs and services. Recorded CC&Rs shall permit enforcement by the Town of provisions required by the Town as Conditions of Approval. The developer shall submit evidence of compliance with this requirement to, and receive approval of, the Town prior to making any such sale. This Condition shall not apply to land dedicated to the Town for public purposes.
22. Every owner of a dwelling unit or lot shall own as an appurtenance to such dwelling unit or lot, either (1) an undivided interest in the common areas and facilities, or (2) as share in the corporation, or voting membership in an association, owning the common areas and facilities.
 23. Maintenance for all landscaped and open areas, including parkways, shall be provided in the CC&Rs.
 24. Prior to issuance of any grading or building permit, the applicant(s) shall sign and complete an "Acknowledgement of Conditions", and shall return the executed original to the Planning Department for inclusion in the case records.
 25. Each phase with a single access greater than 600-feet in length shall have a fully improved secondary access acceptable to the Town and the Fire District.
 26. A minimum ten (10)-foot greenbelt shall be provided with this tract along the north boundary (Section C of the Landscape plan shows a greenbelt by others).
 27. Provide a minimum twenty (20)-foot greenbelt along the southern boundary with this project (Section O of the Landscape Plan shows a sixteen (16)-foot parkway by others).
 28. Provide garage door openers on all units.
 29. Provide an accurate count of the number of residential units.
 30. The typical lot layout shall show a minimum front setback of ten (10) feet with a minimum difference in staggered setbacks of three (3) feet.
 31. Lot Nos. 69 thru 195 and 210 thru 219 within recorded Tract Map No. 14484 shall be developed as single-family residential in accordance with the medium density residential development standards of the Jess Ranch PUD. Lots Nos. 1 thru 68, 196 thru 209 and 220 thru 227 shall develop as RV lots within the Jess Ranch Lakes RV Resort in accordance with the RV lot standards for development.
 32. Prior to the issuance of a building permit an enhanced gated entryway shall be provided at the northeasterly access point (Westmond Drive). A plan shall be submitted to the Planning Division for review and approval.
 33. Prior to the issuance of a building permit, a six (6)-foot high tract boundary wall shall be constructed.
 34. Prior to a certificate of occupancy all single-family lots that back-up to Lot "C" shall be improved with a six (6)-foot high combination block wall and wrought iron fencing. Except within the front setback, a six (6)-foot high wall shall be installed along the westerly property line of Lot No. ~~69, 195, 196, 204,~~ 219 and the southerly property line of Lot No. 104. Prior to the issuance of a permit for either development type, whichever occurs first, shall construct a six (6)-foot high block wall, outside of any front setback that separate the two

development types. This would include the lot line along the rear property lines between those lots fronting Birdie Way and those fronting on Augusta Circle.

Apple Valley Ranchos Water Company Conditions of Approval

35. Water mains must be extended to provide fire protection to this tract in accordance with Apple Valley Fire Protection District's conditions.
36. A water main extension contract will be required in compliance with Rule #15 of the California Public Utilities Commission.
37. Water mains and appurtenances are required to be looped and installed throughout the tract in accordance with AVRWC standards and specifications. The proposed water mains in Augusta Circle and Chlory Way need to be eight (8) inch in diameter. They are to join the existing twelve (12) inch water main in Wedgewood Drive and the existing six (6) inch main in Tournament Lane. In addition to the closing water main loop in Augusta Circle, an eight (8) inch water line needs to be extended in Chlory Way to Westmont Drive and then north on Westmont Drive to the edge of the tract boundary.
38. Fire hydrants are required per AVRWC standards drawings and located in accordance with Apple Valley Fire Protection District's requirements.
39. Water facilities need to be installed in dedicated public Rights-of-Ways or easements. These dedications and easements are needed to install, maintain, connect and operate (unobstructed vehicular access) the proposed water facilities.
40. Domestic service lines will need to be installed from the proposed water main to the street right-of-way for each residential lot.
41. A supply facility fee for water supply will not be collected because this area of Jess Ranch is exempt from the fee.
42. The project is exempt from the water acquisition fee since there is an agreement in place with Jess Ranch for water rights.

Engineering Department

43. 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 provision for receiving and conducting off-site and on-site tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider retaining on-site drainage flows from a 100-year design storm.
44. Street improvement plans shall be submitted to the Town Engineer for review and approval.
45. All interior streets shall be improved to Town P.U.D. standards with curb, gutter and street pavement. Minimum residential width of streets shall be thirty-six (36) feet curb to curb.
46. 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.
47. Apple Valley Road shall be improved to the Town's Full-Width Modified Major Divided Road standards, as approved by the Town Engineer.

48. An eighty-six (86) full-width road dedication along Apple Valley Road shall be granted to the Town of Apple Valley prior to Final Map Approval.
49. 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 feet.
50. All required improvements shall be bonded, in accordance with Town Development Code, unless constructed and approved prior to approval and recordation on the Final Map.
51. An encroachment permit shall be obtained from the Town prior to performing any work in a public rights-of-way.
52. 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.
53. 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.
54. Street lights shall be required and shall conform to the Town's standards for such. The developer shall form or annex into an assessment district to provide for the ongoing maintenance of the street lights.
55. All road names shall be approved by the Town and such approval shall be coordinated through the Town Engineer.
56. Prior to Town acceptance of the Final Map, subdivider shall present evidence to the Town Engineer that it 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.
57. Utility lines shall be placed underground in accordance with the requirements of the Town.
58. The developer shall make a good faith effort to acquire any required off-site property interests, and if failing 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 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 Town prior to commencement of the appraisal, together with such additional security as may be required by the Town Engineer or Town Attorney.
59. Traffic impact fees, pursuant to Town Ordinance No. 42, shall be paid by the developer.
60. Any developer fees, such as drainage fees, shall be paid by the developer.
61. Any required street striping shall be thermoplastic as approved by the Town Engineer.

62. All interior streets shall remain private and shall not be entered into the Town's Maintained Street List.
63. A full width, approximately 120-foot wide, irrevocable offer of dedication along Apple Valley Road shall be granted to the Town of Apple Valley prior to final map approval as shown on the Apple Valley Road plans on file with the Town Engineer.
64. Replacement bonds based on an engineers estimate for the incomplete improvements and streets shall be provided prior to the issuance of a building permit.
65. Paved access shall be provided in accordance with Town standards to the nearest Town maintained road (Town Center Drive) from the northeasterly access point of the tract.

Building and Safety Department

66. A preliminary soils report shall be filed, with and approved by the Building Official, prior to recordation of the final map.
67. Grading plans are to be submitted to, and approved by, the Department of Building and Safety.
68. Obtain a demolition permit for building(s) to be demolished. Underground structures must be broken in, back-filled and inspected before covering.
69. Submit plans and obtain building permits for required walls.
70. A pre-construction inspection and permit is required prior to any land disturbance activity to verify requirements for erosion and sediment control, flood hazard and native plant protection and management.
71. Define and delineate the setback boundary from the Mojave Flood Plain on the Final Development Plan as necessary.



TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

Staff Report

AGENDA DATE: June 21, 2017

CASE NUMBER: Conditional Use Permit No. 2001-008, Amendment No. 2

APPLICANT: Plug Power, Inc. on behalf of Walmart Distribution Center

PROPOSAL: A request for approval of an Amendment to previously approved Conditional Use Permit No. 2001-008 that will allow the installation of the infrastructure necessary for the generation of hydrogen, hydrogen storage and refueling system for hydrogen powered forklifts at the Walmart Distribution Center.

LOCATION: 21101 Johnson Road; APN 0463-231-58

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: Pam Cupp, Associate Planner

RECOMMENDATION: Approval

- A. Project Size:
The project will occupy approximately 11,500 square feet of the existing 254-acre, developed industrial site.
- B. General Plan Designations:
- | | |
|----------------|---------------------------------|
| Project Site - | Specific Plan (SP) |
| North - | Specific Plan (SP) |
| South - | Specific Plan (SP) |
| East - | Specific Plan (SP) |
| West - | Medium Density Residential (RM) |

C. Surrounding Zoning and Land Use:

Project Site- Specific Plan (SP) Walmart Distribution Center
North - Specific Plan (SP), Vacant
South - Specific Plan (SP), Vacant
East - Specific Plan (SP), Emergency Response Training Facility
West - Multi-Family Residential (RM) Vacant

D. Site Characteristics:

The project site is 274 acres in size and developed with a 1.1 million-square foot distribution center. The proposed location is a 11,500-square foot, graded area located between the employee parking and trailer storage areas.

ANALYSIS

A. General:

On June 11, 2002, the Town Council approved Conditional Use Permit No. 2001-008 which approved the construction of the Walmart Distribution Center. The Conditional Use Permit allowed a specified quantity of liquid storage tanks at the distribution facility. The previously approved storage tanks included the installation of two (2) 20,000 gallon underground diesel fuel storage tanks, one (1) 500-gallon above ground diesel fuel storage tank; one (1) 300-gallon above ground diesel fuel storage tank; one (1) 6,000 underground new oil storage tank; one (1) 2,500-gallon underground waste oil storage tank and one (1) 300,000-gallon ground level water storage tank.

In 2009, Conditional Use Permit No. 2001-008 Amendment No. 1 was approved that allowed the installation of two (2) liquid natural gas (LNG) tanks with a total storage capacity of approximately 6,000 gallons. The project was ultimately cancelled by Walmart and never moved forward.

The applicant is now requesting a second amendment to its Conditional Use Permit No. 2001-008 to allow the installation of a hydrogen storage and refueling system to power its fleet of materials handling equipment. The proposal will include the installation of a 9,000-gallon liquid hydrogen storage tank and fifteen (15) gaseous hydrogen storage tubes with a capacity of 2,690 gallons of gaseous hydrogen. The North Apple Valley Industrial Specific Plan (NAVISP), requires the approval of a Conditional Use Permit for the installation of any liquid, petroleum or gas (LPG) tank greater than 2,500 gallons. Although hydrogen storage is not a specified use, staff has determined this proposal like and similar to other fuel storage uses.

B. Site Analysis:

The project will be located within an 11,500-square foot equipment enclosure. The enclosure will be located in front of the distribution center, approximately 550 feet from Johnson Road and 185 feet from the distribution facility. The employee parking area is located to the west with truck and trailer parking located to the east of the proposed equipment enclosure. Accessory uses are not encouraged to be sited in front of the primary structure; however, based upon the extended setbacks, location of the on-site utilities and the floor plan within the distribution center, this is the only feasible location for the project.

The open roof, equipment enclosure will contain all equipment necessary for the hydrogen production, storage and refueling of Walmart's material handling equipment (forklifts). The equipment enclosure is approximately sixty-two (62) feet wide and 137 feet long. The project will require an extension to the existing on-site drive aisle to ensure delivery vehicles are

maneuvering on a paved surface. The operational equipment and storage vessels will be installed upon concrete pads. The walkways, parking spaces and loading areas shall also be paved with concrete. Other areas may be gravel and must be maintained in a dust-free manner.

The existing site utilizes fencing consisting of six (6)-foot tall chain link with barbed wire on top. When the distribution center was approved, the North Apple Valley Industrial Specific Plan (NAVISP) had not yet been adopted. Development standards within the NAVISP do not permit the use of chain link fencing along the street frontage or where visible from public vantage points. Because the project is now within the NAVISP, screening for the equipment will consist of a ten (10)-foot tall, concrete wall along the north and west sides of the equipment compound. The wall will be painted to match the distribution facility and constructed in accordance with the NAVISP design standards for walls and fences. The east and south shall be screened with a ten (10)-foot tall wrought iron with metal mesh backing. All required access points shall also be constructed of wrought iron with metal mesh backing.

The ten (10)-foot screening will not entirely block all the equipment from view. The project includes a thirty-two (32)-foot tall liquid hydrogen storage tank, a sixteen (16)-foot tall vaporizer and two (2), twenty (20)-foot tall vent stacks. Staff is recommending the installation of a landscape buffer along the base of the masonry walls. Tree plantings within this area will minimize the visual impact from the public right-of-way. Staff is also recommending that the storage tank be painted to match the warehouse (Condition of Approval P16).

The use of hydrogen fuel cells is an emerging technology. An air quality analysis was completed with the results indicating that the hydrogen fuel celled forklifts will produce zero emissions. Even factoring in the reforming processes, resultant emissions are still less than that produced when charging and using the existing leaded batteries.

The piece of equipment that extracts the hydrogen from the natural gas is called the reformer. The reformer uses steam to extract the hydrogen from the natural gas. The gaseous hydrogen passes through to the compressors and then to the storage cylinders where it is then carried to the refueling equipment within the distribution center. The gaseous form of the hydrogen will be stored with fifteen (15) cylinders that have a combined capacity of 2,690 gallons. The gas will then be transferred to the refueling stations located within the distribution center. This project will also require delivery and storage of liquid hydrogen. The liquid will be delivered and stored within a 9,000 gallon, thirty-five (35)-foot tall storage tank. Vaporous hydrogen is captured from the liquid tank and also transferred to the refueling stations. The hydrogen generated and stored at this facility is an accessory use only and intended for use by the distribution facility. Staff is recommending Condition of Approval P20 prohibiting the distribution of the hydrogen for off-site consumption.

The Apple Valley Fire Protection District is recommending Condition FD3, which requires the installing company to coordinate training with Fire District personnel once the system is installed and functional. The proposal is required to be compliant with all state, federal and local laws relating to installation, operation, inspections and the filing of all appropriate documents related to the use of hazardous materials. The County of San Bernardino Fire Department Hazardous Materials Division required a business emergency contingency plan be on file when Conditional Use Permit No. 2001-008 was approved. This plan identifies the types of hazardous materials stored on-site. The preparation of a contingency plan is designed to reduce or eliminate the potential for accidental spills of hazardous materials from occurring.

Inspections by applicable regulatory agencies are required at specific intervals for the life of the Conditional Use.

C. Environmental Assessment:

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.

D. Noticing:

The notice of public hearing for Conditional Use Permit No. 2001-008, Amendment No. 2 was mailed to all property owners within a 1,300-foot radius of the project site and legally noticed in Apple Valley News on June 9, 2017.

E. 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 infrastructure for hydrogen generation and refueling complies with the North Apple Valley Industrial Specific Plan, Development Code, and the adopted General Plan, upon the review and approval of a Conditional Use Permit by the Planning Commission. The hydrogen infrastructure 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 infrastructure for hydrogen generation and refueling shall be consistent and compatible with the existing distribution facility on the site and future development within the North Apple Valley Industrial Specific Plan. With adherence to the recommended Conditions of Approval, there will be no adverse affects 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 installation of infrastructure for hydrogen generation and refueling will occupy approximately 11,500 square feet of the 274-acre site and is compatible in scale, bulk, lot coverage and

density with adjacent uses. The project has been designed with adequate setbacks, parking and access points.

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 of infrastructure for hydrogen generation and refueling will not create a need for additional services.

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

Comment: The proposed installation of infrastructure for hydrogen generation and refueling will be constructed to withstand significant stress and physical impacts. The equipment must be installed, maintained and used per the manufacturer's specifications, and comply with State and UBC regulations; therefore, the project 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 of infrastructure for hydrogen generation and refueling will 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 infrastructure for hydrogen generation and refueling will not cause any increase in traffic volume.

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

Comment: Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301, Class 1, the proposed request is Exempt from further environmental review. The proposal involves no expansion of use beyond that approved with the lead agency's approval of Conditional Use Permit No. 2001-008 and certification of the Environmental Impact Report (SCH No. 2001101105) on June 11, 2002.

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 proposed request is characterized as the installation of new, small equipment and 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 installation of infrastructure for hydrogen generation and refueling 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 and UBC 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 infrastructure for hydrogen generation and refueling will be 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 proposed liquid natural gas storage tanks will be located over 550 feet from Johnson Road and 185 feet from the main distribution center. The project is in conformance with Development standards for height and size, and meets the required setbacks for the Industrial Specific Plan zoning designation within the North Apple Valley Industrial Specific Plan. Therefore, there is 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 proposed installation of infrastructure for hydrogen generation and refueling is located 550 feet from Johnson Road and 185 feet

from the 1.1 million square foot distribution center. The proposal will not block public views or dominate its surrounds.

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 liquid natural gas storage tanks will be located over 250 feet from Johnson Road, adjacent to an existing fueling station. The project is in conformance with Development standards for height and size, and meets the required setbacks for the Industrial Specific Plan zoning designation within the North Apple Valley Industrial Specific Plan. Therefore, there is 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 infrastructure for hydrogen generation and refueling will not modify or restrict the existing 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. 2001-008, Amendment No. 2 will not have a significant effect on the environment, with adherence to the Conditions of Approval recommended in this report.
2. Direct staff to file a Notice of Exemption.
3. Find that the facts presented in the staff report support the required Findings for approval and adopt those Findings.
4. Approve Conditional Use Permit No. 2001-008, Amendment No. 2, subject to the attached Conditions of Approval.

Prepared by:

Reviewed By:

Pam Cupp
Associate Planner

Carol Miller
Principal Planner

ATTACHMENTS:

- 1) Recommended Conditions of Approval
- 2) Site Plan
- 3) Equipment Enclosure Plan
- 4) Elevations
- 5) Zoning Map

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL
Conditional Use Permit No. 2008-001, Amendment 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 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. 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.
- P4. The filing of a Notice of Exemption requires the County Clerk to collect a documentary handling fee of fifty dollars (\$50.00). The fee must be paid in a timely manner in accordance with Town procedures. No permits may be issued until such fee is paid.
- P5. The approval of Conditional Use Permit No. 2001-008, Amendment No. 2 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.

- P6. Hazardous materials that are stored, used, or generated at this location, will require that a State of California mandated Business Contingency Plan be filed with the San Bernardino County Environmental Health Services Department and compliance with any other regulation relative to hazardous waste, as prescribed by that agency. This shall occur prior to Final Occupancy of the project.
- P7. 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.
- P8. 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.
- P9. All other Conditions of Approval for Conditional Use Permit No. 2001-008 shall remain in effect as applicable.
- P10. A ten (10)-foot tall, solid masonry wall shall be constructed along the north and west boundary of the project area. The wall shall be painted to match the wall of the primary structure.
- P11. A four (4)-foot wide, densely planted landscape buffer shall be installed along the base of the perimeter wall. Trees shall be planted that will, at maturity, will screen the equipment from public views.
- P12. 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.
- P13. 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.
- P14. 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.
- P15. A ten (10)-foot tall wrought iron and metal mesh backing shall be installed along the east and south project boundary. The wall shall be shall be painted to match the adjacent wall of the distribution center.
- P16. The thirty-five (35)-foot storage vessel shall be painted to match the adjacent wall of the distribution center.
- P17. All lighting used for security purposes or safety-related uses 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.

- P18. The Economic and 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 Conditional Use Permit.
- P19. All parking and maneuvering areas be paved with asphalt, concrete or other all-weather impervious surface as approved by the Town Engineer and Planning Division.
- P20. The hydrogen generated or stored on-site may not be distributed for off-site consumption.

Public Works Conditions of Approval:

- PW1. This project is connected to the Town Sewer System. Sewer connection fees are required if any new plumbing fixtures are being installed or if any existing fixtures were not previously permitted. Plans must be approved by the Town of Apple Valley Public Works Department.

Building and Safety Division Conditions of Approval:

- BC1. Submit plans and obtain permits for all structures and retaining walls, signs.
- BC2. All utilities shall be placed underground in compliance with Town Ordinance No. 89.
- BC3. Comply with the State of California Disability Access requirements.
- BC4. 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.
- BC5. A dust palliative or hydro seed will be required on those portions of the site graded but not constructed (phased construction)
- BC6. Page two (2) of the submitted building plans will be conditions of approval.
- BC7. Construction must comply with California Building Codes and green Building Code effective at time of Plan Submittal.
- BC8. Best Management Practices (BMP's) are required for the site during construction.
- BC9. Provide Water Quality Management Plan (WQMP) or Alternative Compliance Plan

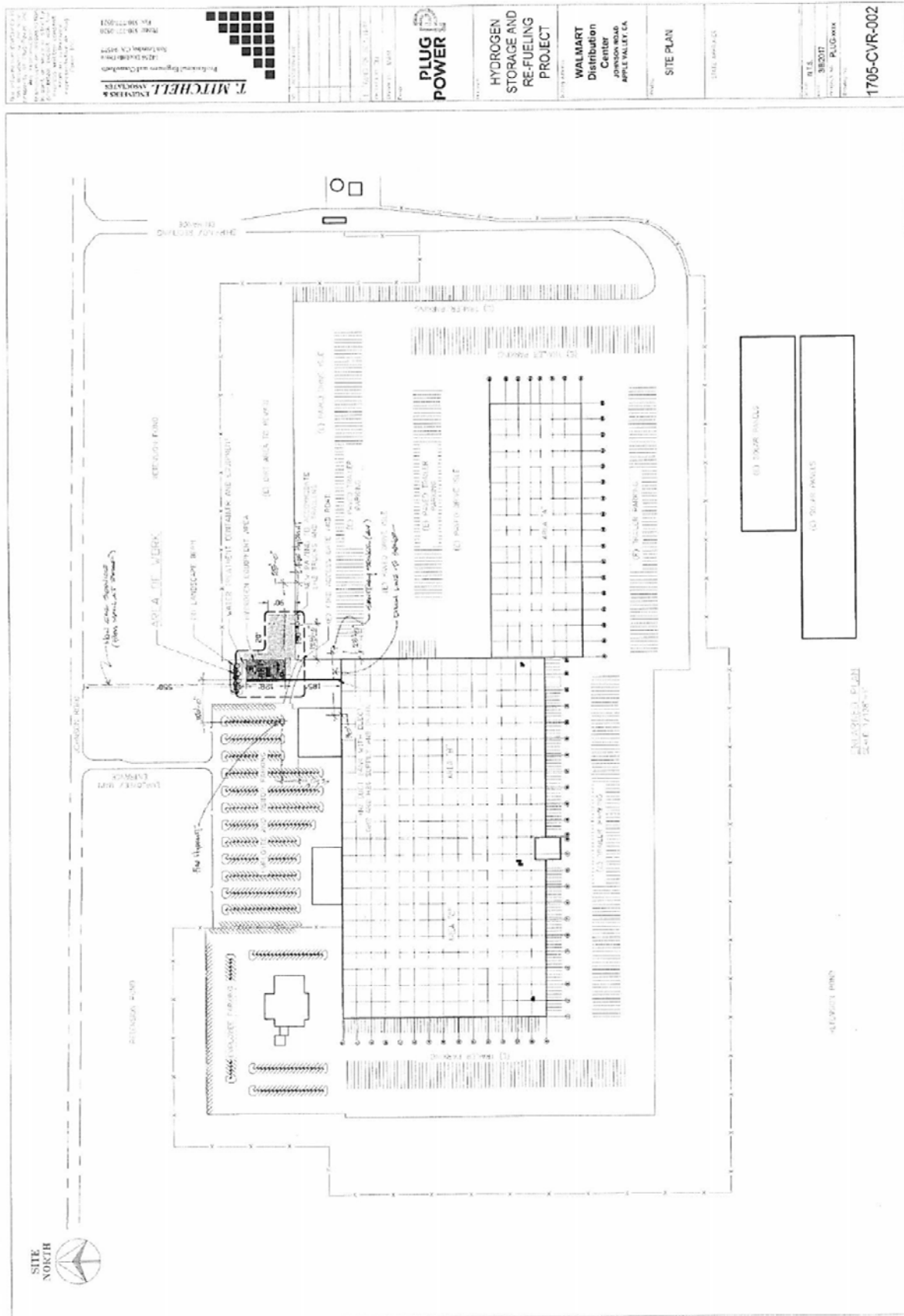
Engineering Division Conditions of Approval:

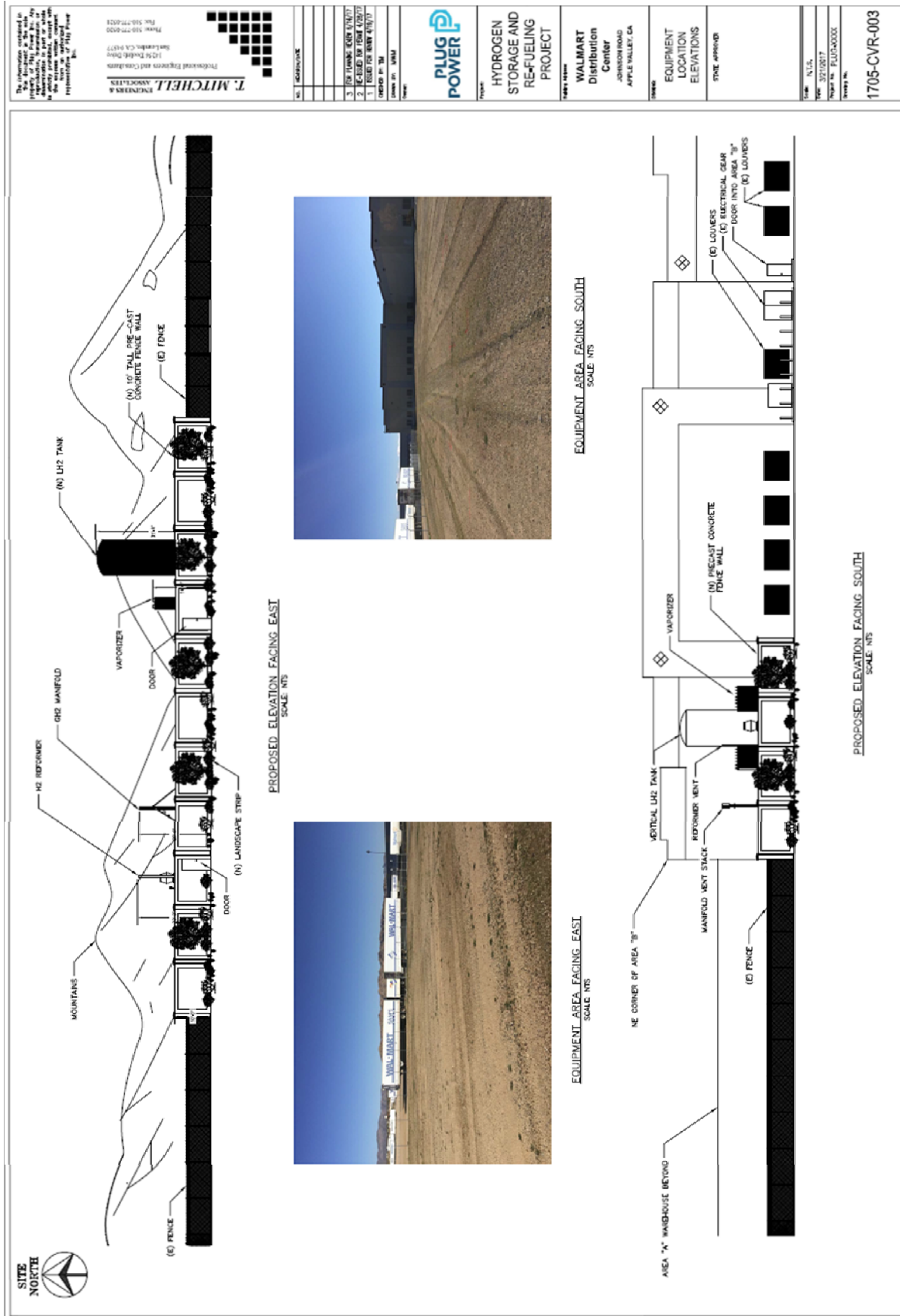
None

Apple Valley Fire Protection District Conditions of Approval:

- FD1. All new construction shall comply with applicable sections of the California 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.
- FD2. Fire lanes and Fire Department access shall be MAINTAINED provided with a minimum width of twenty-six (26) feet, maintained, and identified. Access will start at both points on ingress and continue through the site.
Apple Valley Fire Protection District Ordinance 55
- FD3. Plans with a California registered mechanical engineers stamp required with final signoff (3rd party) performed with Fire District Inspector.
- FD4. Installing company will coordinate training with Fire District personnel once installed and functional.
- FD5. Other conditions may arise at the time of final plan review.

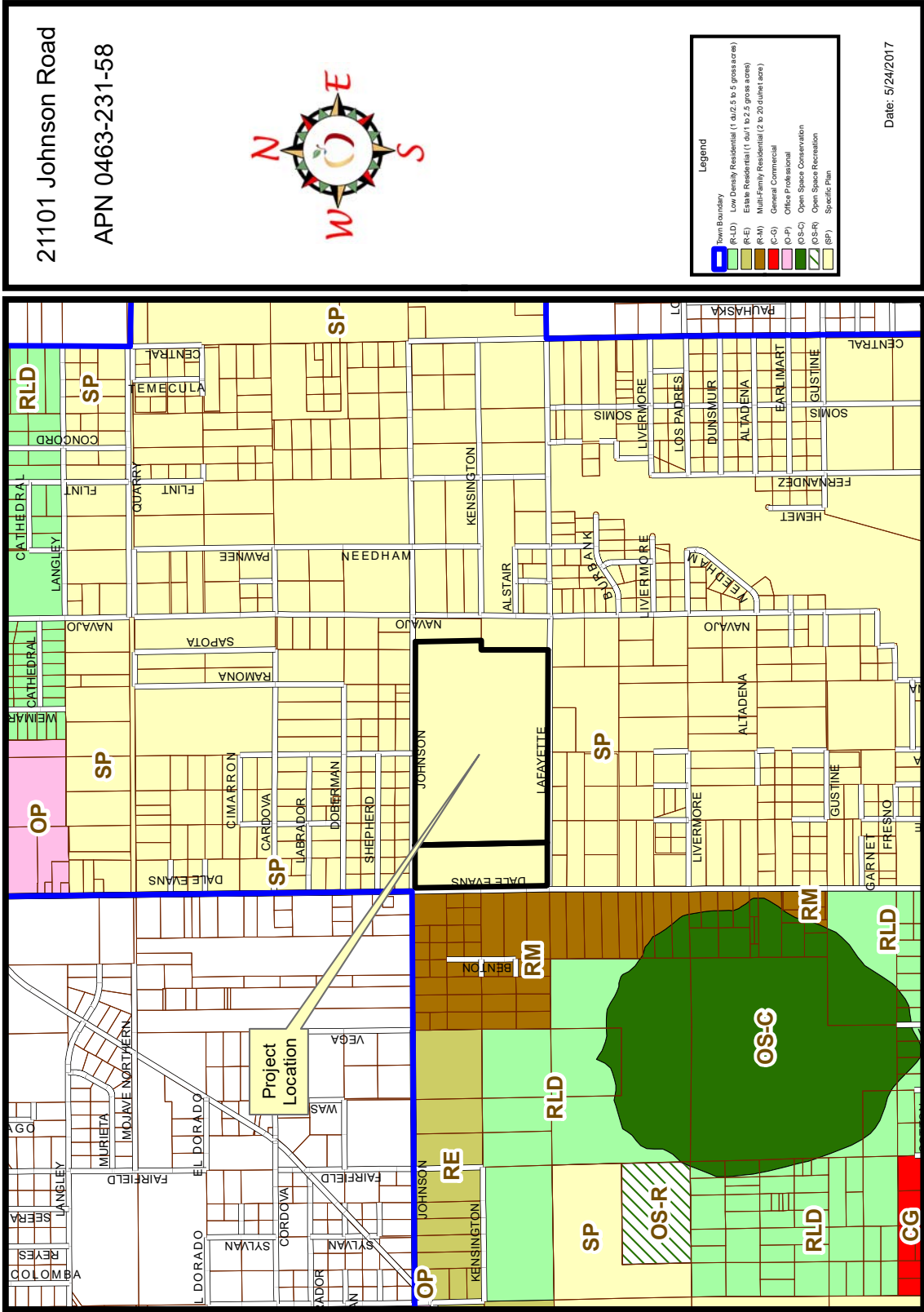
End of Conditions





Conditional Use Permit No. 2001-008
 Amendment No. 2

ZONING/LOCATION MAP





Get a Slice of the Apple.

TOWN OF APPLE VALLEY PLANNING COMMISSION

Staff Report

- AGENDA DATE:** June 21, 2017
- CASE NUMBER:** Tentative Tract Map No. 17888 Extension of Time No. 1
- APPLICANT:** Mr. Jim Chapdelaine
- PROPOSAL:** This is a request for a three (3) year time extension for a previously approved subdivision of approximately nine (9) acres into sixteen (16) single-family residential lots. The project will have a minimum lot size of 20,597 square feet within the Equestrian Residential Estate (R-EQ) zoning designation.
- LOCATION:** The site is located on the east side of Navajo Road, approximately 330 feet north of Standing Rock Avenue; APN 3112-581-04.
- 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 May 2, 2007 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 nine (9) acres in size and zoned Equestrian Residential (R-EQ), which allows one (1) dwelling unit per 0.4 to 0.9 net acres. The Tentative Tract Map shows a minimum lot size of 20,597 square feet (0.47 net acre), meeting the minimum size requirement of the Municipal Code.

B. General Plan Designations:

Project Site - Single-Family Residential (R-SF)

North - Single-Family Residential (R-SF)

South - Single-Family Residential (R-SF) and Estate Residential (R-E)

East - Single-Family Residential (R-SF)

West - Estate Residential (R-E)

C. Surrounding Zoning and Land Use:

Project Site – Equestrian Residential (R-EQ), Vacant

North - Equestrian Residential (R-EQ), Vacant

South - Equestrian Residential (R-EQ) and Estate Residential (R-E), Single-Family Residences

East - Equestrian Residential (R-EQ), Vacant

West - Estate Residential (R-E), Single-Family residences

D. Site Characteristics

The subject site is currently vacant and is surrounded by both vacant lots and scattered single-family residential homes. The property is characterized by flat terrain and contains no known endangered species based upon the submitted Biological Assessment (1/30/06). However, the site contains five (5) Joshua Trees that are subject to the Town's Native Plant Ordinance.

ANALYSIS

A. Background

The Planning Commission approved Tentative Tract Map No. 17888 on May 2, 2007 with an expiration date of May 2, 2010. 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 May 2, 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-EQ zoning designation sets minimum property size standards for land uses, subject to conformance with the provisions of the Development Code. The R-EQ zoning designation requires a minimum lot size of 0.4 acre (18,000 square feet), minimum lot width of 100 feet and a minimum lot depth of 150 feet. The proposed map will create sixteen (16) lots with an average lot size of 20,843 square feet, which exceeds the minimum site development standards as identified in the Development Code and complies with Measure "N" (i.e., no more than two (2) 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; however, the General Plan update of 2009 has determined that Navajo Road, adjacent to the project site, will have noise levels necessitating sound reduction design features to assure a good quality of life for the residents. Staff is recommending Condition of Approval P17 requiring a sound attenuation study be submitted prior to the development of the single-family homes. There have been no physical alterations or improvements made to the property that necessitates changes to

the Conditions of Approval, however; additional changes to the Conditions of Approval are recommended 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 May 2, 2007. 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 time extension to Tentative Tract Map No 17888 was legally noticed to all property owners within 500 feet and published in a local newspaper on June 9, 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 nine (9)-gross acre property into sixteen (16) single-family lots and, with adherence to recommended conditions, will meet the minimum requirements for lot size, width and depth as prescribed by the Code.

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

Comment: The proposal consists of a land subdivision, located on residentially-designated land, for the purpose of future residential development at the

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 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 May 2, 2007. 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.17888, 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. 17888, 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
 - Liberty Utilities
 - 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. As of January 1, ~~2008~~ 2017, a fee of ~~\$1,876.75~~ \$2,266.25 is required to be collected by the County for the processing of a Notice of Determination for the State Fish & ~~Game~~ Wildlife 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. 17888 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. A separate Development Permit is required prior to new single-family residential construction. The submittal shall include a Development Plan consisting of plot plans, a minimum of four floor plans and building elevations, demonstrating a variety of heights, setbacks, roof shapes and trim to create visually pleasing aesthetics within a cohesive design.
- P8. Prior to recordation of Final Map, three (3) sets of detailed landscaping and irrigation plans, for the parkway area and subdivision entrances 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. All subdivision walls proposed for construction along the perimeter of the property lines, shall be constructed of decorative slump stone, split face or other decorative masonry material. Prior to the issuance of a grading permit, Developer/applicant shall submit detailed plans showing all proposed walls for this subdivision subject to approval by the Director of Economic and Community Development (or designee).
- P10. 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.
- P11. The project shall conform to the R-EQ, Equestrian Residential, development standards for front, side and rear yard-building setbacks as follows:
- P12. 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 January 30, 2006 date of the Biological Survey. The project site is located within the known range of the Mohave Ground Squirrel; therefore, a California Department of Fish and Game 2081 Incidental Take Permit or a Focused Trapping Survey is required. Prior to issuance of grading permits, written clearance from the California Department of Fish and Game is required.
- P13. 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.
- P14. 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 9.76.040.F. All others may be removed or transplanted by a native plant expert as outlined in the Joshua Tree Survey.
- P15. 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.
- P16. All trails shall be developed in conformance with the Multi-Use and Equestrian Trails Standards.
- P17. A noise study shall be required prior to the issuance of any building permits to determine the appropriate sound attenuating measures necessary to ensure interior and exterior noise levels comply with Development Code standards.
- P18. The development of single-family residences will require the installation of landscaping within the required front and street-side yard setbacks.
- P19. 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.
- P20. 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.
- P21. 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 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. Comply with State of California Disability Access requirements.
- B7. A pre-grading meeting is required prior to beginning any land disturbance. This meeting will include the Building Inspector, General Contractor, Grading Contractor, Soils Technician and any other parties required to be present during the grading process such as a Biologist, Paleontologist.

Engineering Division Conditions of Approval

- EC1. A final drainage plan, with street layouts, showing provisions for receiving and conducting off-site and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties, shall be submitted for review and approved by the Town Engineer. This plan shall consider reducing the post-development site-developed flow to ninety (90) percent of the pre-development flow for a 100 year design storm. (Town Resolution 2000-50; Development Code 9.28.050.C, 9.28.100)
- EC2. Street improvement plans shall be submitted to the Town Engineer for review and approval.
- EC3. All interior streets shall be improved to Town standards as approved by the Town Engineer. Minimum width of local residential streets shall be 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. Navajo Road adjacent to the property shall be improved to the Town's half-width Major Road standards.
- EC7. A fifty-two (52)-foot wide, half-width road dedication along Navajo Road adjacent to the property shall be granted to the Town of Apple Valley.

- EC8. A 40-foot wide (30 feet + 10 feet) half-width road dedication along Shandin Street adjacent to the property shall be granted to the Town of Apple Valley.
- EC9. During the grading of the streets, soils testing of the street subgrades by a qualified soils engineering firm shall be performed to determine appropriate structural street section. Minimum asphalt concrete thickness for all streets shall be 0.33 ft.
- EC10. All required improvements shall be constructed and approved, or bonded in accordance with Town Development Code.
- EC11. An Encroachment Permit shall be obtained from the Town prior to performing any work in any public right-of-way.
- EC12. 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.
- EC13. 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.
- EC14. The developer shall form, or annex into, an assessment district to provide for the ongoing maintenance of the retention basin and accessory structures, and the landscaping along Navajo Road. (Town Council Resolution 2000-50)
- EC15. 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.
- EC16. All street names shall be approved by the Town and such approval shall be coordinated through the Town Engineer.
- EC17. 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.
- EC18. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)
- EC19. 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.

- EC20. Traffic Impact Fees adopted by the Town shall be paid by the developer.
- EC21. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC22. Any required street striping shall be thermoplastic as approved by the Town Engineer.
- EC23. 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.
- EC24. 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.
- EC25. The developer shall provide for a twelve (12)-foot wide bike path abutting Navajo Road along the development. A cross-section of this bike path shall be included in the street plans for Navajo Road.

Public Works Division Conditions of Approval

Prior to Map Recordation:

- PW1. You are required to submit a sewer feasibility study to demonstrate how public sewer collection can be provided by the Town of Apple Valley. Contact the Apple Valley Public Works Department (760-240-7000 ext. 7500) for further details.
- PW2. 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.
- PW3. 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.
- PW4. 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.
- PW1. Sewer connection fees required.
- PW2. Buy-in fees required.
- PW3. Sewer development impact fees required.

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

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. 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
- 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

Apple Valley Fire Protection District
Ordinance 55

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

New dwelling addresses shall be posted with a minimum 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.

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

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

B. System Standards:

*Fire Flow	500	GPM @ 20 psi	Residual Pressure
Duration	1	Hour(s)	
Hydrant Spacing	660	Feet	

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

C. A total of 2-3 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.

~~FD8. 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.~~

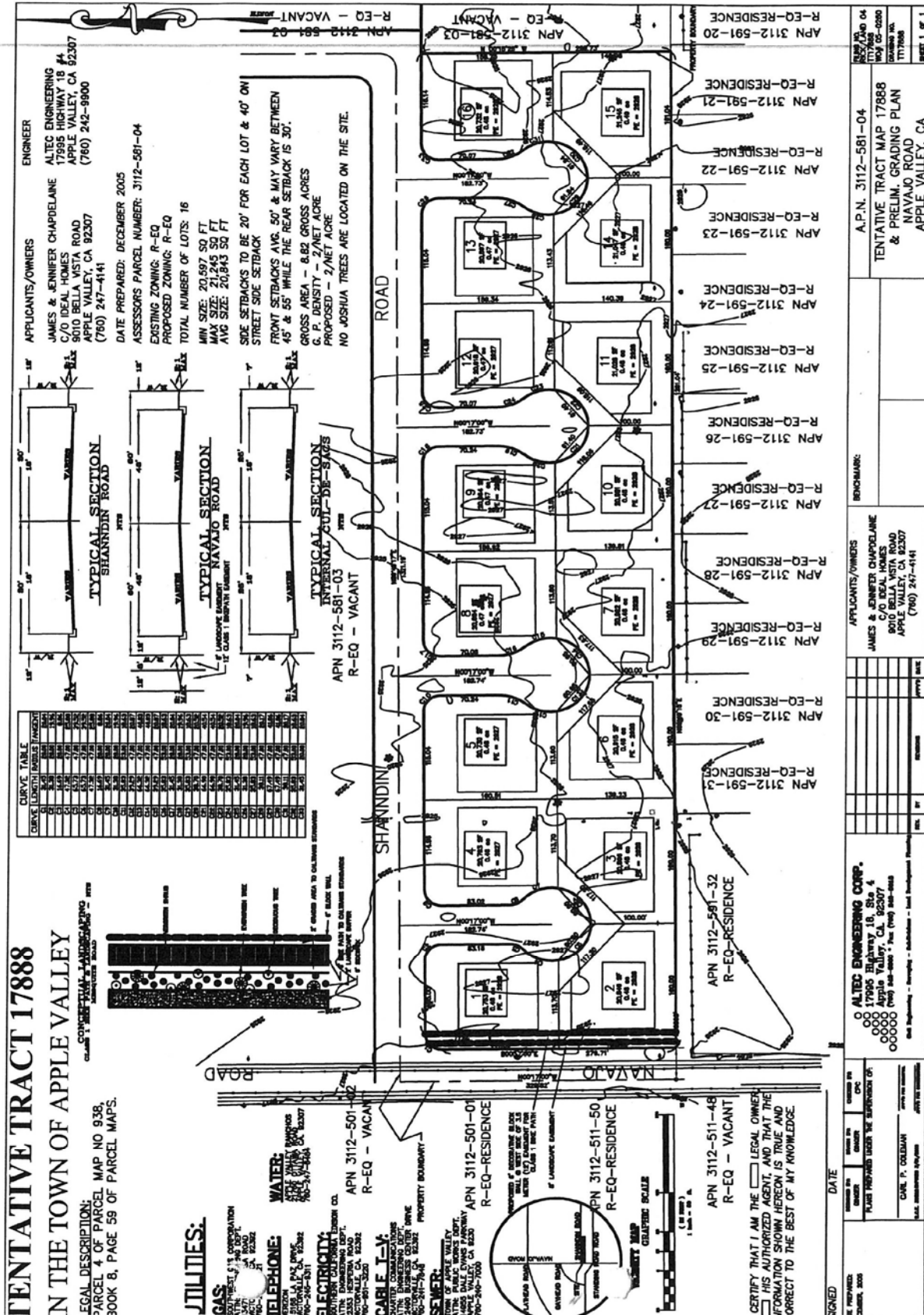
~~-Apple Valley Fire Protection District, Ordinance 41~~

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.**

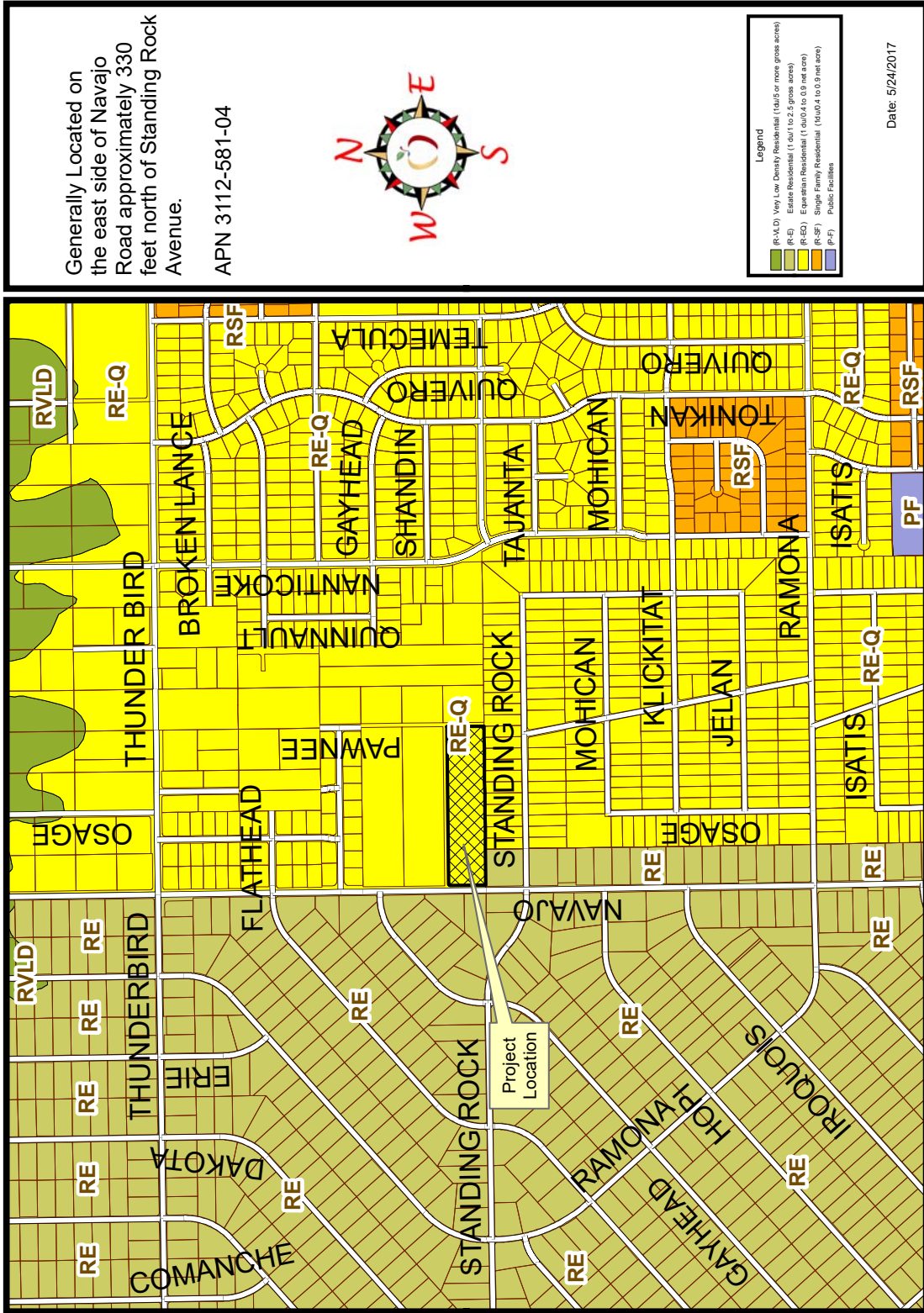
- FD9. A letter shall be furnished to the Fire District from the water purveyor stating that the required fire flow for the project can be met prior to the Formal Development Review Committee meeting.
- FD10. Apple Valley Fire Protection District Final Subdivision/Tract/Development fees shall be paid to the Fire District prior to final map acceptance according to the current Apple Valley Fire Protection District Fee Ordinance.
- FD11. The developer shall submit a map showing complete street names within the development, to be approved by the Fire District prior to final map.
- ~~FD12. Prior to subdivision final map approval, the developer/owner shall either form or annex to a Mello-Reos Community Facilities District for Apple Valley Fire Protection District in order to provide, operate, and maintain fire protection facilities and/or to provide fire protection services. All "up front" costs associated with the formation of such district, or annexation to such a district shall be borne by the developer/owner.~~
- 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. 17888
 Extension of Time No. 1**

ZONING/LOCATION MAP





TOWN OF APPLE VALLEY MEMORANDUM

Get a Slice of the Apple.

TO: Planning Commission
FROM: Carol Miller, Principal Planner
SUBJECT: Consideration of an aluminum front porch for 13970 Cronese Road
DATE: June 21,2017

The property owner is requesting Planning Commission consideration of a lattice aluminum front shade structure. Staff did not sign off on the permit request due to the type of material being used as well as the fact the structure does not meet the separation requirement between a detached structure and the primary structure.

As a matter of information only, if the material is approved, the structure would have to be attached to the house or a Variance be approved for the encroachment.

The Development Code gives the Planning Commission the authority to review the use of metal or aluminum siding on a case-by-case basis. Development Code Section 9.31.030(D) Single Family Architectural Design Standards states the following:

D. *Building Materials.*

1. Metal or aluminum siding, reflective materials and finishes, and unfinished concrete block shall be avoided unless they are necessary as a part of an established or common architectural style upon review and approval of the Planning Commission on a case-by-case basis.

Stone, brick, masonry, stucco, adobe and smooth plasters are required when such architectural treatments are used upon the main structure on site. The use of corrugated metal on any exterior is prohibited.

2. The use of plywood products on any exterior will require Director review and approval. Approval shall be based upon product quality and proven durability.
3. The use of corrugated metal on any exterior is prohibited.



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(NO ROUND POSTS)
(4) SQUARE POSTS



