# TOWN OF APPLE VALLEY, CALIFORNIA

## **AGENDA MATTER**

Subject Item:

## ACCEPT THE FINAL MAP FOR PARCEL MAP NO. 18336

## Applicant: Apple Valley Gateway, LLC. Location: Northwest Corner of Apple Valley Road and SR 18

### **Summary Statement:**

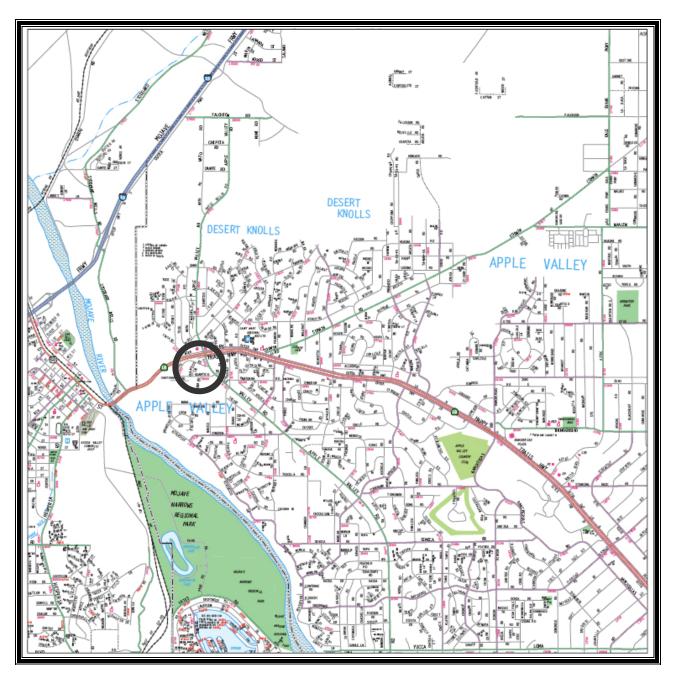
The applicant has complied with all Conditions of Approval required on Tentative Parcel Map No. 18336. The referenced project proposes to subdivide 0.83 acres into two (2) separate lots for future development of commercial retail. A location map and a copy of the parcel map are attached to this report. The Planning Commission approved the tentative parcel map on June 6, 2007.

Staff recommends that the Town Council accept the Final Map for Parcel Map No. 18336.

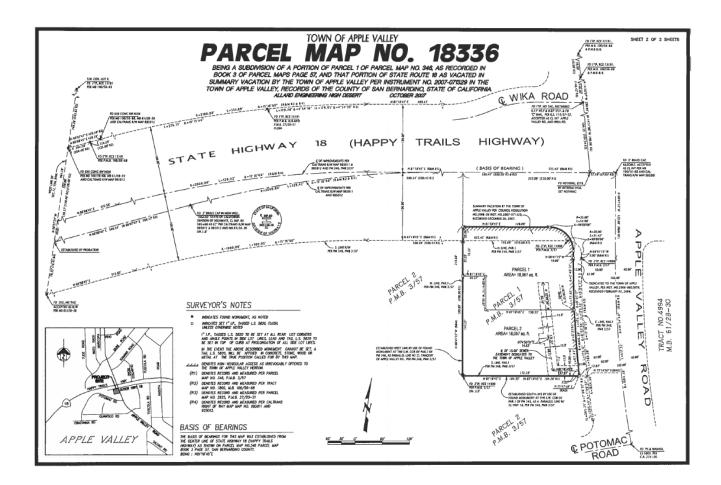
### **Recommended Action:**

Approve the final map for Parcel Map No. 18336.

| Proposed by:    | Engineering Division | Item Number                    |
|-----------------|----------------------|--------------------------------|
| T. M. Approval: |                      | Budgeted Item 🗌 Yes 🔲 No 🖂 N/A |



LOCATION MAP





Town of Apple Valley

A Better Way of Life

14955 Dale Evans Parkway, Apple Valley, California 92307

## TOWN OF APPLE VALLEY

# **RECOMMENDED CONDITIONS OF APPROVAL**

Case No. Tentative Parcel Map No. 18336/Development Permit No. 2006-033 and Special Use Permit No. 2006-010

**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 two (2) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the expiration date. The Development Permit and Special Use Permit will become effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. This tentative subdivision shall comply with the provisions of the State Subdivision Map Act and the Town Development Code. This tentative approval shall expire three (3) years from the date of approval by the Planning Commission/Town Council. A time extension may be approved in accordance with the State Map Act and Town Ordinance, if an extension application is filed and the appropriate fees are paid thirty (30) days prior to the expiration date. The Parcel Map becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P3. 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.
- P4. Prior to approval of the Final Map, the following agencies shall provide written verification to the Planning Division that all pertinent conditions of approval and applicable regulations have been met:

Apple Valley Fire Protection District Apple Valley Ranchos Water Company Apple Valley Public Services Division Apple Valley Engineering Division Apple Valley Planning Division

- P5. The approval of Tentative Parcel Map No. 18336, Development Permit No. 2006-033, and Special Use Permit No. 2006-010 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. 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.
- P7. The site plan rendering presented to and approved with conditions by the Planning Commission at the public hearing shall be the anticipated and expected appearance of the structure upon completion.
- P8. 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.
- P9. 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.
- P10. All outdoor mechanical and electrical equipment, whether rooftop, side of structure, or on the ground, shall be screen from view from the public street by architectural elements designed to be an integral part of the building, including the roof access ladder and its relocation.
- P11. Light standards shall blend architecturally with buildings, pedestrian areas, and other hardscape elements.
- P12. All lighting used in parking lots 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.
- P13. Landscaping shall be installed with appropriate combinations of drought tolerant trees, shrubs, and ground cover, consistent with Chapter 9.75, *Water Conservation Landscape Regulations*, of this Code.
- P14. All front building setbacks and street right-of-way areas located between on-site improvements and the back of existing or future public sidewalks or street curbs, except needed access driveways, shall be fully landscaped.
- P15. 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.
- P16. All signs shall be submitted under a separate Sign Program application and are subject to final approval by the Planning Commission.

- P17. Prior to issuance of Building Permits for Development Permit No. 2006-033 and Special Use Permit No. 2006-010, the applicant shall provide proof of recordation of Tentative Parcel Map No. 18336 to the Planning and Engineering Divisions.
- P18. Access to roofs shall be from the interior of the building or screened from view from any public street or public parking area. If roof access is on the exterior of the building, security shall be provided to prevent unauthorized access.
- P19. Rooftop mechanical and electrical equipment shall be screened as an integral part of the architecture.
- P20. Parking requirements shall be met and be in compliance with Town standards. All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines.
- P21. Required parking spaces shall be provided for the handicapped in accordance with Town standards and in accordance with Title 24 of the California Administrative Code. The handicapped spaces shall be located as close as practical to the entrance of the facility. Each space must be provided with access ramps and clearly marked in accordance with Title 24 of the California Administrative Code.

| P22. | The approval of Development Permit No. 2006-008 authorizes the following construction: |               |  |
|------|--|---------------|--|
|      | Pad A-1 (Restaurant w/ Drive-thru)   | 1,720 sq. ft. |  |
|      | Pad B (Restaurant w/ Drive-thru)   | 2,155 sq. ft. |  |

- P23. Prior to the issuance of any permit or prior to, or conjunction with, the recordation of Final Map No. 18336, whichever occurs first, an agreement to grant circulation access easements shall be submitted to extend over and across those areas designated as driveways, driving lanes and parking areas of the respective parcels with the adjacent parcel shall be recorded.
- P24. A thirty-six (36) to forty-two (42)-inch high decorative masonry wall, hedge or landscaped berm, as measured from the finished grade of the parking area, shall be used adjacent to public rights-of-way to screen the parking area.
- P25. The landscape plans, in addition to overall site landscaping, shall show the project's north and east property line and areas adjacent to the drive through lanes/windows with dense landscaping consisting of trees, shrubs and/or berms to provide vertical height.
- P26. The approval of a Special Use Permit authorizes the inclusion of drive-through uses for developments located on Parcel Nos. 1 and 2 of Tentative Parcel Map No. 18336.
- P27. Drive-through stacking lanes shall be a minimum of 120 feet in length and shown with appropriate striping to designate the drive-through or with signs identifying the drive aisle lanes, subject to review and approval by the Planning Division.
- P28. The drive-through window/lane located on the north side of building Pad-A shall be buffered from public view from Highway 18 and the drive-through window/lane located on the south side of building Pad-B shall be buffered from public view from Apple Valley Road by the use of landscaping, berming, decorative walls or a combination thereof.
- P29. The upper tower design of Pad A shall be consistent on all elevations. In addition, the stone wainscot shall be continued to the north side on the tower element.
- P30. All canvas awnings shall be maintained in good repair (not torn or faded).

- P31. The architectural features such as the stone wainscot be applied to all four (4) sides of Pad B and the stone veneer for Pad B, north elevation shall be applied to the building entry pop-out similar to that of the west elevation of Pad A.
- P32. The back side of the tower element for Pad B extending above the parapet walls shall be fully finished.

### **Engineering Division Conditions of Approval**

- EC1. A final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider reducing the post-development site-developed flow to 90 percent of the pre-development flow for a 100 year design storm. (Town Resolution 2000-50; Development Code 9.28.050.C, 9.28.100)
- EC2. Street improvement plans shall be submitted to the Town Engineer for review and approval.
- EC3. All streets abutting the development shall be improved a minimum half-width of twenty-eight (28) feet with curb, gutter and sidewalk on the development side.
- EC4. Apple Valley Road adjacent to the property shall be improved to the Town's half-width Major Road standards.
- EC5. An additional twelve (12)-foot wide road dedication along Apple Valley Road adjacent to the property shall be granted to the Town of Apple Valley.
- EC6. A thirty-five (35)-foot radius road dedication at the corner of Apple Valley Road and Highway 18 adjacent to the property shall be granted to the Town of Apple Valley.
- EC7. The applicant shall apply for and complete the entire process, including obtaining the approval of the Town Council, for the vacation of an existing twenty (20)-foot wide road dedication along Highway 18 adjacent to the property.
- EC8. 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.
- EC9. All required improvements shall be constructed and approved or bonded in accordance with Town Development Code.
- EC10. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC11. 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.
- EC12. 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.
- EC13. 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.

- EC14. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)
- EC15. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC16. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC17. Any required street striping shall be thermoplastic as approved by the Town Engineer.
- EC18. 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.
- EC19. A dedicated right turn lane shall be constructed on Apple Valley Road adjacent to the property to the driveway.
- EC20. A northbound left turn pocket shall be constructed on Apple Valley Road at the entrance to the driveway. The opposing median shall be modified with a southbound left turn pocket at the entrance to the driveway.
- EC21. A raised median shall be constructed in the drive aisle at Apple Valley Road to prevent vehicles from using the first driveway as anything other than a right in only.

#### **Public Works Division Conditions of Approval**

Prior to issuance of Building Permits:

- PW1. Sewage disposal shall be by connection to the Town of Apple Valley sewer system. Financial arrangements, plans and improvement agreements must be approved by the Town of Apple Valley Public Works Division.
- PW2. Buy in fees will be required prior to Building Permit. Contact the Public Works Department for costs associated with said fees.
- PW3. A grease interceptor with minimum capacity of 750 gallons shall be required for all floor drains and service sinks, and all other receptors of grease and oil-bearing wastes.

#### **Apple Valley Fire Protection District**

- 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. A turnaround shall be required at the end of each roadway one hundred fifty (150) feet or more in length and shall be approved by the Fire District. Turning radius on all roads within the facility shall not be less than twenty-two (22) feet inside and minimum of forty (40) feet outside turning radius with no parking on street, or forty-seven (47) feet with parking.

Uniform Fire Code, Section 902. Apple Valley Fire Protection District Ordinance 22, Section 1 (e) FD3. Plans for fire protection systems designed to meet the fire flow requirements specified in the Conditions of Approval for this project shall be submitted to and approved by the Apple Valley Fire Protection District and water purveyor prior to the installation of said systems.

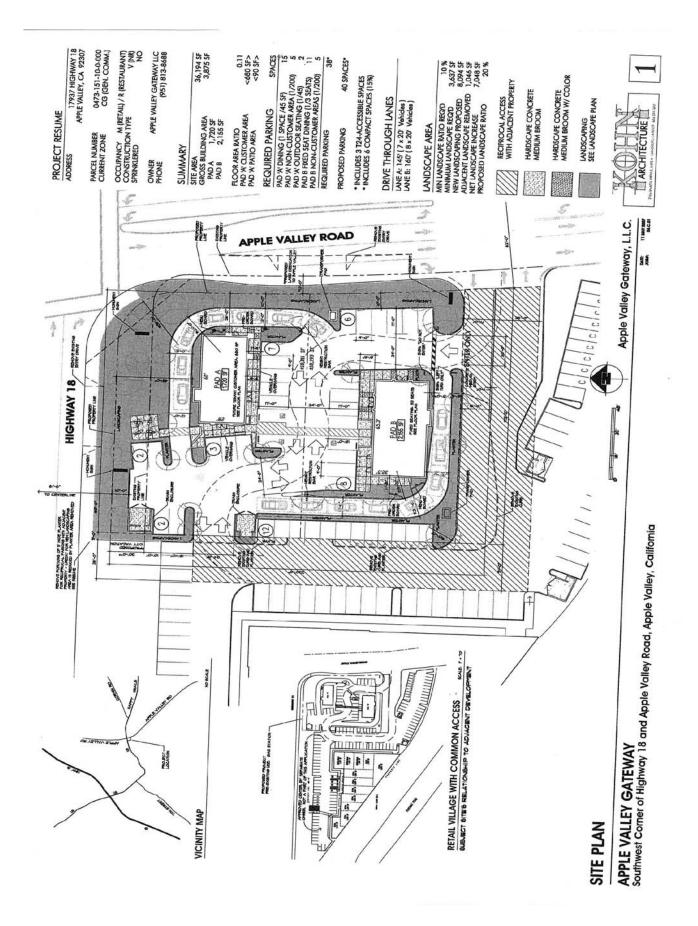
Apple Valley Fire Protection District, Ordinance 42

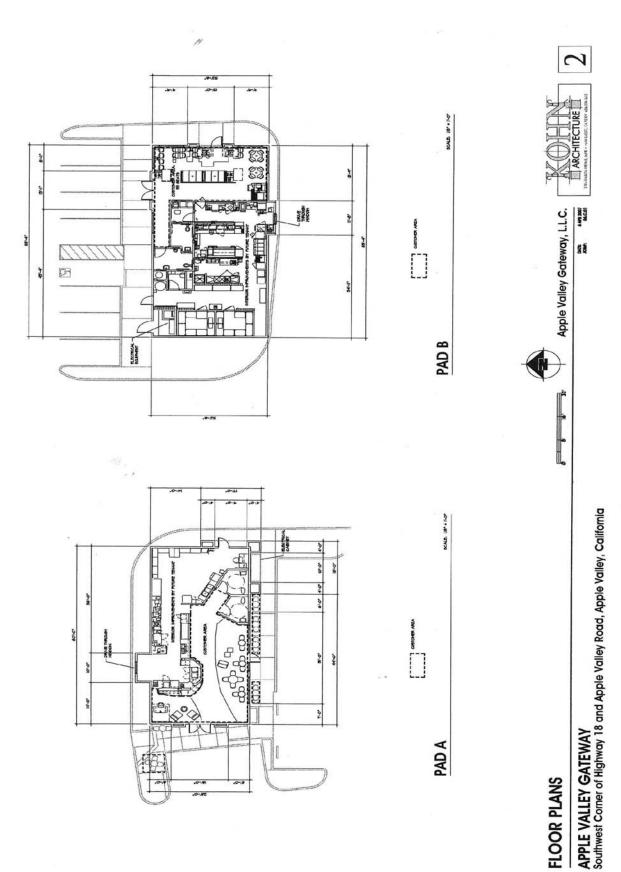
- A. Unless otherwise approved by the Fire Chief, on-site fire protection water systems shall be designed to be looped and fed from two (2) remote points.
- B. System Standards:
  \*Fire Flow 1,500 GPM @ 20 psi Residual Pressure Duration 4 Hour(s) Hydrant Spacing 330 Feet
  \*If blank, flow to be determined by calculation when additional construction information is received. Install per A.V.F.P.D. Standard Series #101
- C. A total of 2 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.

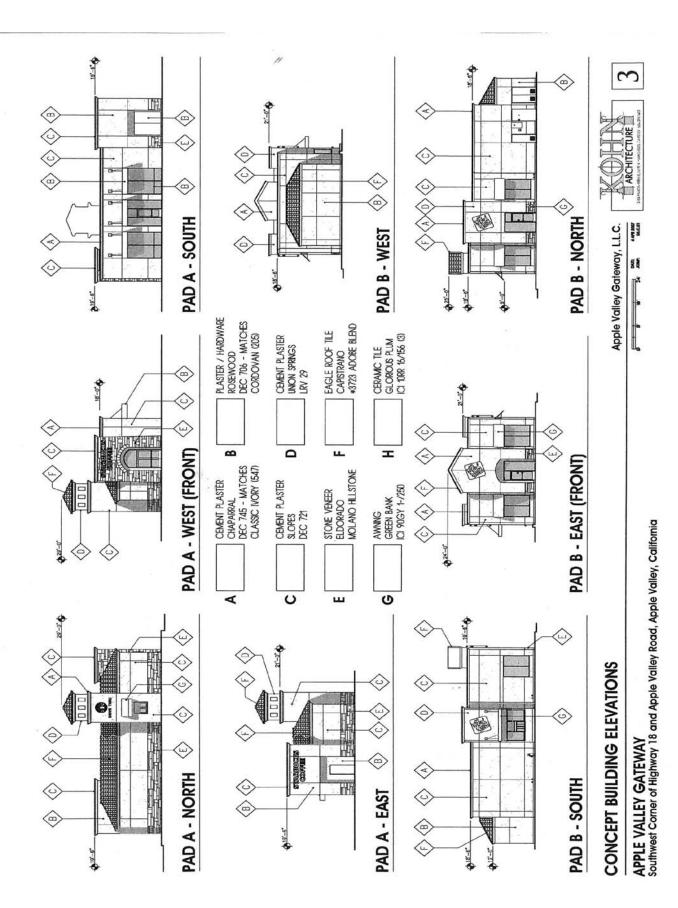
Install per A.V.F.P.D. Standard Series #101

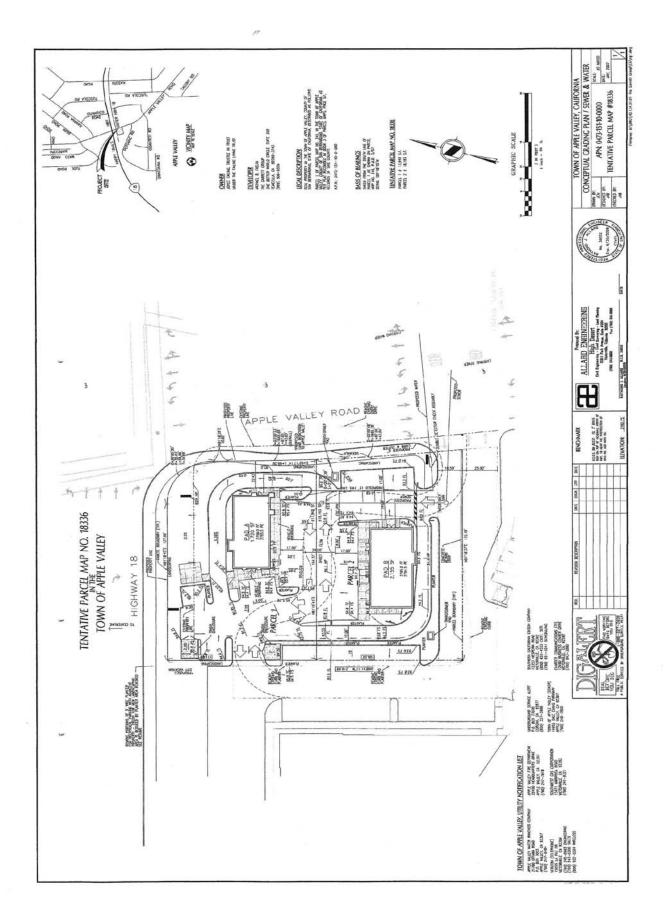
FD4. Prior to issuance of Building Permit, the developer shall pay all applicable fees as identified in the Apple Valley Fire Protection District Ordinance.

### END OF CONDITIONS

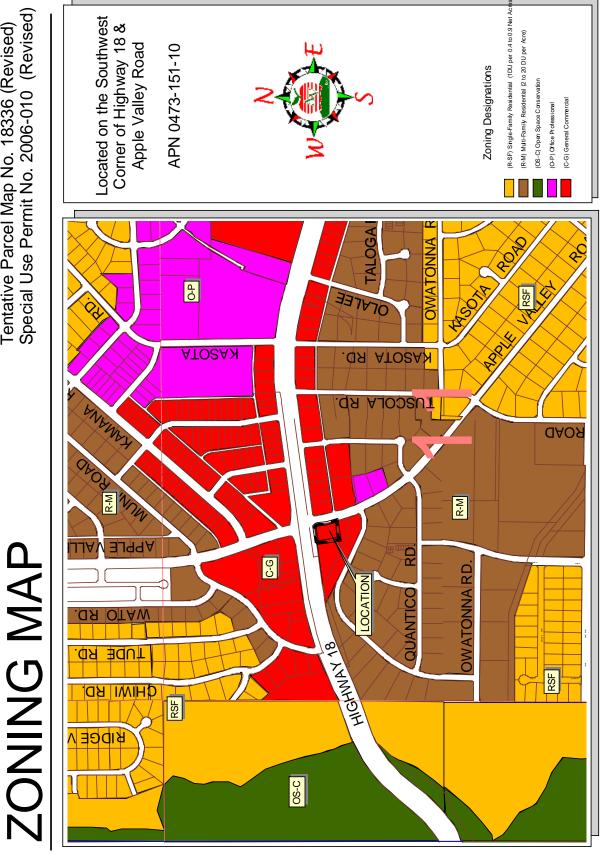








Development Permit No. 2006-033 (Revised) Special Use Permit No. 2006-010 (Revised) Tentative Parcel Map No. 18336 (Revised)



Town of Apple Valley Planning Division

June 6, 2007