



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** March 13, 2018

From: Pam Cupp, Associate Planner **Item No:** 10
Community Development Department

Subject: **APPEAL NO. 2018-001, A REQUEST TO REMOVE CONDITIONS OF APPROVAL RELATING TO REQUIRED STREET IMPROVEMENTS FOR APPLE VALLEY ROAD, AND UNDERGROUNDING UTILITY LINES ALONG MONTE VERDE ROAD FOR TENTATIVE PARCEL MAP NO. 19878, WHICH WAS APPROVED BY THE PLANNING COMMISSION ON FEBRUARY 7, 2018**

Location: 14145 Apple Valley Road; APN 3112-071-09.

T.M. Approval: _____ **Budgeted Item:** Yes No N/A

RECOMMENDED ACTION:

**Move to open the public hearing and take testimony.
Close the public hearing. Then:**

1. **Find** that, as a minor subdivision of land, and pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15315 the proposal is Exempt from further environmental review.
2. **Find** the Facts presented in the staff report support the required Findings for approval and adopt the Findings for Tentative Parcel Map No. 19878.
4. **Approve** Tentative Parcel Map No. 19878, subject to the Conditions of Approval as approved by the Planning Commission on February 7, 2018 or as amended by the Town Council.

SUMMARY:

On February 7, 2018, the Planning Commission reviewed and approved Tentative Parcel Map No. 19878, which is a two (2)-lot subdivision. The applicant is seeking Town Council support in the removal of the following Conditions of Approval:

Condition No. EC5: Apple Valley Road adjacent to the property shall be improved to the Town's half-width Major Road standards. Option: a Frontage foot fee of \$220/lf for the improvements along Apple Valley Road shall be paid prior to final map approval. (Municipal Code 3.28.050 (A))

Condition No. EC11: Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)

ANALYSIS:

On February 7, 2018, the Planning Commission conducted a public hearing and approved Tentative Parcel Map No. 19878, which is subdivision of an 85,170 square foot (1.95 acres) lot into two (2) 42,585 square foot (0.98-acre) parcels. The site contains one (1) existing single-family residence. The subdivision would result with one (1) lot fronting Apple Valley Road, and a second lot fronting Monte Verde Road. The lot configuration is consistent with the lots located to the north and south of the project site.

During the public hearing the applicant contested the need for any street improvements and the need to underground the utility lines. A neighboring property owner spoke to the drainage issues on Monte Verde Road. Commission discussion focused upon street improvements and whether or not a two (2)-lot subdivision should be required to solve the drainage issues for the entire street.

On February 15, 2018, the applicant submitted an Appeal No. 2018-001 requesting that the Town Council remove Condition of Approval EC11 requiring undergrounding of the utility lines. The applicant is further asking for omission or reduction of the frontage foot fee as required by Condition of Approval EC5.

The Condition of Approval requiring undergrounding of the utility lines is standard to all development proposals. In accordance with Municipal Code Section 14.28.040, Exceptions, undergrounding the power pole at this location will not be required because the existing power pole services an adjacent lot. Electricity will need to underground between the pole and house.

Street improvements are required for all development proposals. Development Code Section 9.71.020 "General Subdivision Standards" subsection C.6. states that "A Tentative Tract or Parcel Map shall provide at least two (2) different standard routes of ingress and egress. A standard route is a road dedicated to the Town and paved to Town standards." Therefore, Conditions of Approval from the Engineering Division recommend

all streets abutting the development be improved a minimum half-width of twenty-eight (28) feet with curb, gutter and sidewalk on the development side (Condition EC3). Development Code Section 9.71.020 - General Subdivision Standards, subsection D. Street Layout, states, "Street layout and design shall be consistent with the Circulation Element of the General Plan and surrounding developments, except that curbs, gutters and sidewalks shall not be required for parcel map recordation unless specifically conditioned by the Commission for consistency with surrounding development at the time of Tentative Parcel Map approval."

Engineering Conditioned for street improvements for both Monte Verde Road and Apple Valley Road. Leaving the determination up to the Planning Commission to determine consistency with the surrounding development. As a result, the Planning Commission determined that curbs and gutters would not be consistent with the surrounding developments, and overruled Engineering's condition of approval for street improvements for Monte Verde Road and waived this condition.

Because Apple Valley Road is on the Arterial Network Street system, requirements for street improvements (curb, gutter, sidewalk and network travel lanes) are required for all development projects. Construction of curbs and gutters along the frontage of Apple Valley Road is not consistent with surrounding development; therefore, Engineering conditioned the project for in-lieu fees (Frontage Foot Fee) for curb, gutter and sidewalk, not travel lanes. The Planning Commission may have the authority to waive the requirements for curbs, gutters, and sidewalks for a parcel map along local street frontage because it is not consistent with the surrounding area but might not have the authority to waive the Frontage Foot Fee or Traffic Impact Fee for a street on the Arterial Network Street System.

Municipal Code Section 3.28 Arterial Street System Development Fee, establishes a Traffic Impact Fee and a Front Footage Fee that imposes upon future development an equitable share of the costs of future arterial system improvements. The Front Footage Fee is to be imposed upon all development projects except development projects involving only a change of use. The fee is based upon the estimated cost of constructing curbs, gutter and sidewalk, which is a development standard required for all subdivisions. The Traffic Impact Fee charged for construction activities covers the traffic impacts.

Municipal Code Section 3.28.070 Fee Adjustment, allows a developer to apply to the Town Council for a reduction or adjustment to that fee, or a waiver of the fee, based upon the absence of any reasonable relationship or nexus between the traffic impacts of the development and either the amount of the fee charged or the type of facilities to be financed. The applicant is using the Appeal process to request the Front Footage Fee be reduced or waived for Tentative Parcel Map No. 19878.

The Town Engineer does not support a removal or reduction of the Frontage Foot Fee. This is because the Frontage Foot Fee is collected for the future installation of curb, gutter and sidewalks, which is not a traffic mitigation. The construction of a single-family home will require the payment of a traffic impact fee, which does mitigate traffic impacts and is

an equitable contribution for constructing a fair share portion of the travel lanes on the regional facilities. Should the Town Council find that there is not a nexus between the required fee and the impacts of the two (2) lot parcel, the Condition may be removed.

FISCAL IMPACT:

Not Applicable

ATTACHMENTS:

1. Appeal Application
2. Final Conditions of Approval
3. Planning Commission Staff Report



Town of Apple Valley Appeal Application



Ret. 30

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

FOR TOWN USE ONLY ApL 2018-001

Date Submitted: 2/15/18 Case No.: TPM 19878 Received By: [Signature]

Planning Fee: 253.- Other Fees: _____ Case Planner: [Signature]

Type or print legibly in ink only

PROPERTY ADDRESS 14145 Apple Valley Rd.

FEE

	<u>Initial Deposit</u>	<u>Actual Cost not to exceed</u>
<input checked="" type="checkbox"/> Appeal Fee – To Planning Commission	\$253	\$253
<input checked="" type="checkbox"/> Appeal Fee – To Town Council	\$253	\$253

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

APPELLANT INFORMATION

Name Omar Alfaro Telephone 760-559-9945

Fax _____ Email omar@OmarAlfaro.com

Address 11774 Hesperia Rd. Suite B

City Hesperia State CA Zip 92345

PROJECT INFORMATION

Project Number Being Appealed Tentative Parcel MAP 19878

Project Description subdivide an 85,170 square foot (1.95 acres) lot into two (2) 42,585 square foot (0.98-acre) parcels. The site contains one (1) existing single-family residence.

Assessor's Parcel No. (s) 3112-071-09 Tract _____ Lot _____

APPEAL STATEMENT

- I am/We do hereby appeal the findings/conditions/interpretations of the Town of Apple Valley:
(Check one)
 Planning Commission _____ Planning Director
 Public Works Director _____ Building Official
 Town Engineer _____ Fire Chief

2. I/We appeal to the Town of Apple Valley:
(check one)
 Planning Commission Town Council

3. I/We am/are appealing the project action taken to:
(Check those which apply)
 Deny the project Adopt a Negative Declaration
 Approve the project
 *Approve the project condition of (specify):

Other: _____

4. Detail what is being appealed and what action or change you seek. Specifically address the findings, mitigation measures and/or policies with which you disagree. Also state exactly what action/changes you would seek.

The issue of the requirements to pay for future street improvements when the rest of the entire street will not have to. Also, the requirement of the underground utility lines on Monte Verde when the remainder of the street high tension lines will be unaffected and which will remain in place. We are seeking omission or reduction of the requirement to have to pay for street improvements.

I/We understand that as appellant I/We have the burden of proof in this matter:

Dale P. [Signature]
Signature _____

Signature _____

Date 2/15/18

Town of Apple Valley

FINAL CONDITIONS OF APPROVAL Tentative Parcel Map No. 19878

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

Planning Division Conditions of Approval

- P1. This tentative subdivision shall comply with the provisions of the State Subdivision Map Act and the Town Development Code. This tentative approval shall expire three (3) years from the date of approval by the Planning Commission/Town Council. A time extension may be approved in accordance with the State Map Act and Town Ordinance, if an extension application is filed and the appropriate fees are paid thirty (30) days prior to the expiration date. The Tentative Parcel Map becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. Prior to approval of the Final Map, the following agencies shall provide written verification to the Planning Division that all pertinent conditions of approval and applicable regulations have been met:
- a. Apple Valley Fire Protection District
 - b. Liberty Utilities
 - c. Apple Valley Public Works Division
 - d. Apple Valley Engineering Division
 - e. Apple Valley Planning Division
- P3. The filing of a Notice of Exemption requires the County Clerk to collect a documentary handling fee of fifty dollars (\$50.00). The fee must be paid in a timely manner in accordance with Town procedures. All checks shall be made payable to the Clerk of the Board of Supervisors.
- P4. Tentative Parcel Map No. 19878 shall adhere to all requirements of the Development Code.
- P5. The applicant shall defend at his sole expense (with attorneys approved by the Town), and indemnify the Town against any action brought against the Town, its agents, officers or employees resulting from or relating to this approval. The applicant shall reimburse the Town, its agents, officers or employees for any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of these obligations under this condition.

- P6. Approval of the Tentative Parcel Map No. 19878 by the Planning Commission is understood as acknowledgement of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, Appeals, of the Town of Apple Valley Development Code.
- P7. Prior to recordation the applicant shall provide the Planning Division with a copy of the subdivision in an electronic format compatible with the Town's current technology.
- P8. Any protected desert plants or Joshua trees impacted by development are subject to the regulations specified in Section 9.76.020 (Plant Protection and Management) of the Development Code. Prior to the issuance of a Grading Permit, a study by a qualified Native Plant Expert shall be prepared to determine if the identified trees will be saved, located or removed, in compliance with the Town's Native Plant Protection Ordinance.
- P9. The project shall conform to the Equestrian Residential (R-EQ), development standards for front, side and rear yard-building setbacks.
- 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. All new development of residential structures shall be designed and constructed in compliance with the "Single Family Infill Plotting Criteria" subject to the review and approved by the Planning Division.
- P12. Landscape and irrigation plans shall be submitted prior to the issuance of Building Permits in accordance with Chapter 9.31 "Residential Design Standards" and Chapter 9.75 "Water Conservation/Landscape Regulations" of the Development Code and installed prior to issuance of occupancy permits subject to approval by the Planning Division.
- P13. Prior to final map review, all structures located upon Parcel 2 shall be removed.

Park District Conditions of Approval

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

Building and Safety Division Conditions of Approval

- BC1. An engineered grading report including soils report shall be submitted to and approved by the Building official prior to recordation of the final map or issuance of permits for grading in excess of 1,000 cubic yards.
- BC2. Grading and drainage plans must be submitted to and approved by the Building Official, Planning Department and Town Engineer prior to permit issuance.
- BC3. Submit plans and obtain permits for all structures and retaining walls, signs.

- BC4. A pre-construction permit and inspection are required prior to any land disturbing activity to verify requirements for erosion control, flood hazard native plant protection and desert tortoise habitat.
- BC5. A Notice of Intent (NOI) and Storm Water Prevention Plan (SWPP) must be submitted to and approved by the Engineering and Building Departments prior to issuance of a grading permit and or any land disturbance.
- BC6. All utilities shall be placed underground in compliance with Town Ordinance No. 89.
- BC7. All cross lot drainage requires easements and may require improvements at the time of development.
- BC8. Comply with the State of California Disability Access requirements.
- BC9. A pre-grading meeting is required prior to beginning any land disturbance. This meeting will include the Building Inspector, General Contractor, Grading Contractor, soils technician and any other parties required to be present during the grading process such as a Biologist and/or Paleontologist.
- BC10. A dust palliative or hydro seed will be required on those portions of the site graded but not constructed (phased construction)
- BC11. Construction must comply with the applicable California Building Codes and green Building Code.
- BC12. Best Management Practices (BMP's) are required for the site during construction.
- BC13. Provide Water Quality Management Plan (WQMP) or Alternative Compliance Plan.

Engineering Division Conditions of Approval

- EC1. A final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider reducing the post-development site-developed flow to 90 percent of the pre-development flow for a 100-year design storm.
- EC2. Street improvement plans shall be submitted to the Town Engineer for review and approval.
- EC3. All streets abutting the development shall be improved a minimum half-width of 28 feet with curb, gutter and sidewalk on the development side.
- EC4. ~~Monte Verde Road adjacent to the property shall be improved to the Town's half-width Local Street standards. (Removed by Planning Commission 2/7/2018.)~~
- EC5. Apple Valley Road adjacent to the property shall be improved to the Town's half-width Major Road standards. Option: a Frontage foot fee of \$220/lf for the improvements along Apple Valley Road shall be paid prior to final map approval. (Municipal Code 3.28.050 (A))

- EC6. During the grading of the streets, soils testing of the street subgrades by a qualified soils engineering firm shall be performed to determine appropriate structural street section. Minimum asphalt concrete thickness for all streets shall be 0.33 ft.
- EC7. All required improvements shall be constructed and approved or bonded in accordance with Town Development Code.
- EC8. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC9. Final improvement plans and profiles shall indicate the location of any existing utility which would affect construction and shall provide for its relocation at no cost to the Town.
- EC10. The developer shall present evidence to the Town Engineer that he has made a reasonable effort to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
- EC11. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)
- EC12. The developer shall make a good faith effort to acquire the required off-site property interests. If the developer fails to acquire those interests the developer shall, at least 120 days prior to submittal of the final map for approval, enter into an agreement to complete the improvements pursuant to Government Code Section 66462 at such time as the Town acquires the property interests required for the improvements. Such agreement shall provide for payment by the developer of all costs incurred by Town to acquire the off-site property interests required in connection with the subdivision. Security for a portion of these costs shall be in the form of a cash deposit in the amount given in an appraisal report obtained by the developer, at the developer's cost. The appraiser shall have been approved by the Town prior to commencement of the appraisal. Additional security may be required as recommended by the Town Engineer and Town Attorney.
- EC13. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC14. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC15. In the event that an applicant/developer chooses to seek Council approval of the Final Map prior to completion of the required improvements, an "Agreement for Construction of Improvements" shall be required. In accordance with the California Labor Code, any such Agreement will contain a statement advising the developer that certain types of improvements will constitute a public project as defined in California Labor Code, Sections 1720, and following, and shall be performed as a public work, including, without limitation, compliance with all prevailing wage requirements.
- EC16. A Storm Water Pollution Prevention Plan (SWPPP) in accordance with the National Pollutant Discharge Elimination System (NPDES) shall be required.

Public Works Division Conditions of Approval

No Conditions

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, Development Code, Community Plans, and other statutes, ordinances, rules, and regulations regarding fires and fire prevention adopted by the State, County, Town of Apple Valley, or Apple Valley Fire Protection District.
- FD3. The development and each phase thereof shall have two (2) points of paved access for fire and other emergency equipment, and for routes of escape which will safely handle evacuations. Each of these points of access shall provide an independent route into the area in which the development is located. This shall be completed prior to any combustible constructions.
- FD4. 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 four (4)-inch numbers visible from the street, and during the hours of darkness the numbers shall be internally illuminated. Where building setbacks exceed seventy-five (75) feet from the roadway, additional contrasting four (4)-inch numbers shall be displayed at the property entrance.
- FD5. Plans for fire protection systems designed to meet the fire flow requirements specified in the Conditions of Approval for this project shall be submitted to and approved by the Apple Valley Fire Protection District and water purveyor prior to the installation of said systems.
- A. Unless otherwise approved by the Fire Chief, on-site fire protection water systems shall be designed to be looped and fed from two (2) remote points.
- B. System Standards:
Fire Flow: 500 GPM @ 20 psi Residual Pressure on eight (8)-inch minimum water main size.
Duration: One (1) Hour
Hydrant Spacing 660 Feet
- FD6. **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.**

- FD7. A letter shall be furnished to the Fire District from the water purveyor stating that the required fire flow for the project can be met prior to the Formal Development Review Committee meeting.
- FD8. Apple Valley Fire Protection District Final Subdivision/Tract/Development fees shall be paid to the Fire District prior to final map acceptance according the current Apple Valley Fire Protection District Fee Ordinance.

END OF CONDITIONS



TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

STAFF REPORT

- AGENDA DATE:** February 7, 2018
- CASE NUMBER:** Tentative Parcel Map No. 19878
- APPLICANT:** Mr. David Warren representing Mr. Omar Alfaro
- PROPOSAL:** A request to subdivide an 85,170 square foot (1.95 acres) lot into two (2) 42,585 square foot (0.98-acre) parcels. The site contains one (1) existing single-family residence. The project is located within the Equestrian Residential (R-EQ) zoning designation.
- LOCATION:** 14145 Apple Valley Road; APN 3112-071-09.
- ENVIRONMENTAL DETERMINATION:** Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15315 the proposal is Exempt from further environmental review.
- CASE PLANNER:** Ms. Pam Cupp, Associate Planner
- RECOMMENDATION:** Approval

PROJECT SITE AND DESCRIPTION

- A. Project Size:
The existing parcel is approximately two (2) acres in size.
- B. General Plan Designations:
Project Site - Single-Family Residential (R-SF)
North - Single-Family Residential (R-SF)
South - Single-Family Residential (R-SF)
East - Single-Family Residential (R-SF)
West - Single-Family Residential (R-SF)

C. Surrounding Zoning and Land Use:

Project Site- Equestrian Residential (R-EQ), Single-family residence
North - Equestrian Residential (R-EQ), Single-family residence
South - Equestrian Residential (R-EQ), Single-family residence
East - Equestrian Residential (R-EQ), Single-family residence
West - Equestrian Residential (R-EQ), Single-family residence

D. Site Characteristics:

The property is a 1.95-acre parcel and contains an existing single-family residence located on the western portion of the lot. The site slopes roughly four (4) percent downward towards Apple Valley Road. There are several Joshua Trees present on the rear portion of Parcel 2.

ANALYSIS

A. General:

The applicant is seeking approval of Tentative Parcel Map No. 19878 that will subdivide 1.95 acres into two (2) lots. The Single-Family Residential (R-SF) zoning designation sets minimum property size standards for land uses, subject to conformance with the provisions of the Development Code. The R-SF zoning designation requires a minimum lot size of 0.4 acre (18,000 square feet), minimum lot width of 100 feet and a minimum lot depth of 150 feet.

B. Lot Analysis:

The proposed subdivision will create two (2) parcels that are each 42,585 square feet (0.98 acre) in size. The resultant lots will have a lot width of 165 feet and a lot depth of approximately 258 feet. The lot configurations proposed for Tentative Parcel Map No. 19878 are consistent with the surrounding lots located to the north and south of the planned subdivision. As presented, the project meets the required lot area, lot dimensions, and is in compliance Measure "N".

The existing parcel is a reverse frontage lot with Apple Valley Road to the west and Monte Verde Road to the east. The property has been previously developed with a single-family residence with its primary access from Apple Valley Road. Once divided, Parcel 2 would be available for the construction of an infill, single-family residence with its access from Monte Verde Road. In addition to the single-family residence, there are two (2) sheds on the property. Proposed parcel 2 contains a shed; therefore, staff is recommending removal of all structures located on Parcel 2 prior to final map review (Condition P13).

1. Traffic and Circulation

The Engineering Division is recommending half-width street improvements along Apple Valley and Monte Verde Roads. It should be noted that the properties to the north and south have no curb, gutter or sidewalk. On previously reviewed subdivisions, the Commission has waived the requirement for street improvements on local roads (Condition EC3 and EC4). Since Apple Valley Road is a Major Road in the Town's Street System, improvements cannot be waived. As an alternative, the developer may pay a Frontage Foot Fee of \$220.00 per lineal foot (\$36,300) for future Apple Valley Road improvements prior to final map approval (Condition EC5).

2. Drainage

Prior to issuance of a grading permit, a final drainage plan shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting off-site and on-site tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. The proposal is required to retain onsite drainage flows from a 100-year design storm by way of a retention basin, dry-wells or any combination thereof.

3. Sewer Connection

The Public Works Division will not require connection to the public sewer for this proposal.

C. Environmental Assessment:

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

D. Noticing:

The public hearing for proposed Tentative Parcel Map 19878 was legally noticed on January 26, 2018.

E. Findings:

In considering any Tentative Parcel Map, the Commission is required by the Development Code to make specific Findings. The following are the Findings for a Tentative Parcel Map required under Section 9.71.040 (A5) of the Development Code and a comment to address each:

1. The proposed Subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and any applicable Specific Plan. The proposed subdivision or land use is compatible with the objectives, policies, general land uses and programs specified in the General Plan and any applicable Specific Plan (Subdivision Map Act 66473.5).

Comment: The subject property has a General Plan land use designation Single-Family Residential (R-SF) and a Zoning Designation of Equestrian Residential (R-EQ) and by size, shape and configuration has the ability to be used in a manner consistent with the General Plan Land Use Element and zoning designations. The project is a proposal to divide 1.95 acres into two (2), 0.98 acre lots. With adherence to the recommended conditions, will meet the minimum requirements for lot size, width and depth as prescribed by the Code.

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

Comment: The proposal consists of a land subdivision located on residentially designated land for the purpose of future residential development at the density allowed by the underlying zoning. The proposed subdivision will allow the property owner to develop the property in

a manner that is consistent with the Town's General Plan Goals and Objectives to promote single-family residential development.

3. The design of the subdivision provides, to the extent feasible, for the future passive or natural heating or cooling opportunities in the subdivision.

Comment: The lots created under this subdivision are appropriate in size to provide natural heating and cooling opportunities for development of the site. As development occurs, the individual lots are subject to the implementation of natural heating and cooling requirements pursuant to Title 24 energy requirements.

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

Comment: The project is a residential land subdivision, and based upon the proposed lot sizes of 0.98 acres each, will be allowed to use private septic systems for waste disposal.

RECOMMENDATION

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

1. Find that pursuant to the California Environmental Quality Act (CEQA), Section 15315, the proposed request is Exempt from further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve Tentative Parcel Map No. 19878, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

Prepared By:

Reviewed By:

Pam Cupp
Associate Planner

Carol Miller
Assistant Director of Community Development

ATTACHMENTS:

Council Meeting Date: 03/13/2018

10-16

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

RECOMMENDED CONDITIONS OF APPROVAL
Tentative Parcel Map No. 19878

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.

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- P6. Approval of the Tentative Parcel Map No. 19878 by the Planning Commission is understood as acknowledgement of Conditions of Approval by the applicant, unless an

appeal is filed in accordance with Section 9.12.250, Appeals, of the Town of Apple Valley Development Code.

- P7. Prior to recordation the applicant shall provide the Planning Division with a copy of the subdivision in an electronic format compatible with the Town's current technology.
- P8. Any protected desert plants or Joshua trees impacted by development are subject to the regulations specified in Section 9.76.020 (Plant Protection and Management) of the Development Code. Prior to the issuance of a Grading Permit, a study by a qualified Native Plant Expert shall be prepared to determine if the identified trees will be saved, located or removed, in compliance with the Town's Native Plant Protection Ordinance.
- P9. The project shall conform to the Equestrian Residential (R-EQ), development standards for front, side and rear yard-building setbacks.
- 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. All new development of residential structures shall be designed and constructed in compliance with the "Single Family Infill Plotting Criteria" subject to the review and approved by the Planning Division.
- P12. Landscape and irrigation plans shall be submitted prior to the issuance of Building Permits in accordance with Chapter 9.31 "Residential Design Standards" and Chapter 9.75 "Water Conservation/Landscape Regulations" of the Development Code and installed prior to issuance of occupancy permits subject to approval by the Planning Division.
- P13. Prior to final map review, all structures located upon Parcel 2 shall be removed.

Park District Conditions of Approval

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

Building and Safety Division Conditions of Approval

- BC1. An engineered grading report including soils report shall be submitted to and approved by the Building official prior to recordation of the final map or issuance of permits for grading in excess of 1,000 cubic yards.
- BC2. Grading and drainage plans must be submitted to and approved by the Building Official, Planning Department and Town Engineer prior to permit issuance.

- BC3. Submit plans and obtain permits for all structures and retaining walls, signs.
- BC4. A pre-construction permit and inspection are required prior to any land disturbing activity to verify requirements for erosion control, flood hazard native plant protection and desert tortoise habitat.
- BC5. A Notice of Intent (NOI) and Storm Water Prevention Plan (SWPP) must be submitted to and approved by the Engineering and Building Departments prior to issuance of a grading permit and or any land disturbance.
- BC6. All utilities shall be placed underground in compliance with Town Ordinance No. 89.
- BC7. All cross lot drainage requires easements and may require improvements at the time of development.
- BC8. Comply with the State of California Disability Access requirements.
- BC9. A pre-grading meeting is required prior to beginning any land disturbance. This meeting will include the Building Inspector, General Contractor, Grading Contractor, soils technician and any other parties required to be present during the grading process such as a Biologist and/or Paleontologist.
- BC10. A dust palliative or hydro seed will be required on those portions of the site graded but not constructed (phased construction)
- BC11. Construction must comply with the applicable California Building Codes and green Building Code.
- BC12. Best Management Practices (BMP's) are required for the site during construction.
- BC13. Provide Water Quality Management Plan (WQMP) or Alternative Compliance Plan.

Engineering Division Conditions of Approval

- EC1. A final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider reducing the post-development site-developed flow to 90 percent of the pre-development flow for a 100-year design storm.
- EC2. Street improvement plans shall be submitted to the Town Engineer for review and approval.
- EC3. All streets abutting the development shall be improved a minimum half-width of 28 feet with curb, gutter and sidewalk on the development side.
- EC4. Monte Verde Road adjacent to the property shall be improved to the Town's half-width Local Street standards.

- EC5.** Apple Valley Road adjacent to the property shall be improved to the Town's half-width Major Road standards. Option: a Frontage foot fee of \$220/lf for the improvements along Apple Valley Road shall be paid prior to final map approval. (Municipal Code 3.28.050 (A))
- EC6. During the grading of the streets, soils testing of the street subgrades by a qualified soils engineering firm shall be performed to determine appropriate structural street section. Minimum asphalt concrete thickness for all streets shall be 0.33 ft.
- EC7. All required improvements shall be constructed and approved or bonded in accordance with Town Development Code.
- EC8. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC9. Final improvement plans and profiles shall indicate the location of any existing utility which would affect construction and shall provide for its relocation at no cost to the Town.
- EC10. The developer shall present evidence to the Town Engineer that he has made a reasonable effort to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
- EC11. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)
- EC12. The developer shall make a good faith effort to acquire the required off-site property interests. If the developer fails to acquire those interests the developer shall, at least 120 days prior to submittal of the final map for approval, enter into an agreement to complete the improvements pursuant to Government Code Section 66462 at such time as the Town acquires the property interests required for the improvements. Such agreement shall provide for payment by the developer of all costs incurred by Town to acquire the off-site property interests required in connection with the subdivision. Security for a portion of these costs shall be in the form of a cash deposit in the amount given in an appraisal report obtained by the developer, at the developer's cost. The appraiser shall have been approved by the Town prior to commencement of the appraisal. Additional security may be required as recommended by the Town Engineer and Town Attorney.
- EC13. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC14. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC15. In the event that an applicant/developer chooses to seek Council approval of the Final Map prior to completion of the required improvements, an "Agreement for Construction of Improvements" shall be required. In accordance with the California Labor Code, any such Agreement will contain a statement advising the developer that certain types of improvements will constitute a public project as defined in California Labor Code, Sections 1720, and following, and shall be performed as a public work, including, without limitation, compliance with all prevailing wage requirements.

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

Public Works Division Conditions of Approval

No Conditions

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, Development Code, Community Plans, and other statutes, ordinances, rules, and regulations regarding fires and fire prevention adopted by the State, County, Town of Apple Valley, or Apple Valley Fire Protection District.
- FD3. The development and each phase thereof shall have two (2) points of paved access for fire and other emergency equipment, and for routes of escape which will safely handle evacuations. Each of these points of access shall provide an independent route into the area in which the development is located. This shall be completed prior to any combustible constructions.
- FD4. 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 four (4)-inch numbers visible from the street, and during the hours of darkness the numbers shall be internally illuminated. Where building setbacks exceed seventy-five (75) feet from the roadway, additional contrasting four (4)-inch numbers shall be displayed at the property entrance.
- FD5. Plans for fire protection systems designed to meet the fire flow requirements specified in the Conditions of Approval for this project shall be submitted to and approved by the Apple Valley Fire Protection District and water purveyor prior to the installation of said systems.
- A. Unless otherwise approved by the Fire Chief, on-site fire protection water systems shall be designed to be looped and fed from two (2) remote points.
- B. System Standards:
Fire Flow: 500 GPM @ 20 psi Residual Pressure on eight (8)-inch minimum water main size.
Duration: One (1) Hour
Hydrant Spacing 660 Feet
- FD6. **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.**

- FD7. A letter shall be furnished to the Fire District from the water purveyor stating that the required fire flow for the project can be met prior to the Formal Development Review Committee meeting.
- FD8. Apple Valley Fire Protection District Final Subdivision/Tract/Development fees shall be paid to the Fire District prior to final map acceptance according the current Apple Valley Fire Protection District Fee Ordinance.

END OF CONDITIONS

ZONING/LOCATION MAP

Tentative Parcel Map No. 19878

14145 Apple Valley Road

APN 3112-071-09



Legend

[Black outline]	Tentative Parcel Map No. 19878
[Light Blue]	(R-EQ) Equestrian Residential (1.6 to 0.4 to 0.9 net acre)
[Light Green]	(R-SF) Single Family Residential (1 to 0.4 to 0.9 net acre)
[Light Yellow]	(C-G) General Commercial
[Light Purple]	(P-F) Public Facilities
[Light Orange]	(OS-R) Open Space Recreation
[Light Pink]	(SP) Specific Plan

Date: 1/19/2018

