



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA
REGULAR MEETING
Wednesday, March 21, 2018 – 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: Shoup _____; Kallen _____; Qualls _____
Chairman Tinsley _____ and Vice-Chairman Lamoreaux _____

PLEDGE OF ALLEGIANCE

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.

APPROVAL OF MINUTES

- 1A. Minutes for the regular meeting of February 7, 2018.
- 1B. Minutes for the regular meeting of February 21, 2018.

PUBLIC HEARING ITEMS

2. **Development Code Amendment No 2017-002.** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying provisions relating to second dwelling units and accessory dwelling units, as required by California Government Code Section 65852.2 and California Health & Safety Code Section 17958.1. This amendment will also provide standards related to guest quarters and residential accessory structures used for recreational purposes.

APPLICANT: Town of Apple Valley

LOCATION: Town-wide

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. Pam Cupp, Associate Planner

RECOMMENDATION: Adopt Planning Commission Resolution No. 2018-003.

3. **Tentative Parcel Map No. 19575, Ext 1.** A request for a three (3) year time extension of a previously approved subdivision of eight (8) acres into eight (8) parcels for a planned commercial development. The project is located within the Regional Commercial (C-R) zoning designation.

APPLICANT: Mr. Thomas Steeno, representing Mr. Steven Farmer

LOCATION: Located at the northeast corner of Interstate 15 and Dale Evans Parkway, north of Willow Springs Road; APN 0472-232-21.

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 by the Planning Commission on April 6, 2016. 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

PLANNING COMMISSION COMMENTS

STAFF COMMENTS

OTHER BUSINESS

ADJOURNMENT

The Planning Commission will adjourn to its next regularly scheduled Planning Commission meeting on April 4, 2018.

MINUTES

**TOWN OF APPLE VALLEY
PLANNING COMMISSION
REGULAR MEETING**

February 7, 2018

CALL TO ORDER

Chairman Shoup called to order the regular meeting of the Town of Apple Valley Planning Commission at 6:01 p.m.

Roll Call

Present: Commissioners Bruce Kallen; Jason Lamoreaux; Vice-Chairman B. R. "Bob" Tinsley; Chairman Mark Shoup.

Absent: Commissioner Doug Qualls

Staff Present

Carol Miller, Assistant Director of Community Development, Pam Cupp, Associate Planner, Thomas Rice, Town Attorney, Richard Pedersen, Deputy Engineer, Yvonne Rivera, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice-Chairman Tinsley.

ELECTION OF NEW OFFICERS:

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

Vote: Motion carried 3-0-1-1

Yes: Commissioner Shoup; Vice-Chairman Lamoreaux; Chairman Tinsley.

Abstain: Commissioner Kallen

Absent: Commissioner Qualls

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

Vote: Motion carried 3-0-1-1

Yes: Commissioner Shoup; Vice-Chairman Lamoreaux; Chairman Tinsley.

Abstain: Commissioner Kallen

Absent: Commissioner Qualls

RECESS FOR REORGANIZATION

MEETING RECONVENED

Chairman Tinsley reconvened the meeting of the Planning Commission at 6:06 p.m.

APPROVAL OF MINUTES

1. **Approval of Minutes**

a. Regular Meeting of December 06, 2017

b. Regular Meeting of December 20, 2017

MOTION

Motion by Vice-Chairman Lamoreaux, seconded by Commissioner Shoup, to approve the minutes for the Regular Meeting of December 6, 2017.

Vote: Motion carried 3-0-1-1

Yes: Commissioner Shoup; Vice-Chairman Lamoreaux; Chairman Tinsley.

Abstain: Commissioner Kallen

Absent: Commissioner Qualls

MOTION

Motion by Vice-Chairman Lamoreaux, seconded by Commissioner Kallen, to approve the minutes for the Regular Meeting of December 20, 2017.

Vote: Motion carried 4-0-0-1

Yes: Commissioners Kallen; Shoup; Vice-Chairman Lamoreaux; Chairman Tinsley.

Absent: Commissioner Qualls

PUBLIC COMMENTS

None.

PUBLIC HEARINGS

- 2. Conditional Use Permit No. 2017-009.** A request to approve a Conditional Use Permit that will allow the construction of a 6,000-square foot church. The project will include paved parking, lighting and landscaping. The site is two and one-half (2.5) acres in size and located within the Single-Family Residential (R-SF) zoning designation.

Applicant: Mr. Greg Benson, for Hi-Desert Church of Christ

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

Pam Cupp, Associate Planner, presented the staff report as filed with the Planning Division. She recommended a condition be added that requires all church related activities end by 11:00 p.m. She also informed the Commission that she received a call from one of the commercial property owners who expressed concern regarding future liquor sales based on the proximity of the church.

Ms. Cupp informed the Commission of corrections made to Condition of Approval P26 which was to strike the words tract/parcel map and replace with "project site". Vice-Chairman Lamoreaux announced that he had a potential conflict of interest on this item; therefore, he recused himself from voting on this item.

VICE-CHAIRMAN LAMOREAUX RECUSED HIMSELF FROM THE DAIS AT 6:18 P.M.

Commissioner Kallen questioned liquor sales and separation requirements to churches.

Commissioner Shoup had questions regarding the project's prior. Staff noted that the foot print of the building is small than the previous approval. Staff further explained the location requirements for churches and places of assembly.

Commission Kallen questioned traffic generated by a church.

Richard Pedersen, Deputy Town Engineer, noted that peak traffic occurs between the hours of 4:00 p.m. and 6:00 p.m. during weekdays. Mr. Pedersen further noted that traffic impacts from churches are less than significant.

Chairman Tinsley asked the Applicant if he agreed with the Conditions of Approval.

Greg Benson, Applicant, stated that he was in agreement with the Conditions of Approval.

David Troester, Apple Valley, spoke in opposition of the proposed project. He noted that his property is located next to the church. He informed the Commission that he recently contacted the Code Enforcement Department regarding issues surrounding noise and lighting at the temple. He expressed concern regarding other issues at the temple including the parking and fencing at the site.

Ms. Cupp noted that the project is conditioned for a 6-foot tall perimeter block wall.

Monica Seielstad, Apple Valley, questioned how a residential lot can be purchased for the use of a church. She shared pictures with the Commission that demonstrated how the view from her home would be blocked with the construction of a church behind her property.

Mark Johnson, Apple Valley, spoke in opposition of the proposed project. He commented on the concerns he has regarding traffic that would come from the church. He also commented on drivers that would use Powhattan Road for U-turns in order to access the church.

Mr. Benson, Applicant, responded to the concerns expressed by the speakers as it related to the sale of alcohol at the church. He also requested clarification from staff regarding the zoning for which a church can be built.

Carol Miller, Assistant Director of Community Development, stated that the code limits it to residential or office professional (O-P) zoning.

A lengthy discussion ensued regarding various concerns related to traffic, lighting, the curfew time and the current code that allows a church to be built within Single-Family Residential (R-SF) zoning designation.

Mr. Benson noted that he would be in agreement of modifying the curfew time to 8:00 p.m.

Commissioner Kallen stated he would like to see another form of access to the property that goes away from Apple Valley Road. He would also like staff to come back to the Commission with recommendations that include restrictive lighting.

Mr. Rice cautioned the Commission of a federal law relating to the placement of churches that prohibits local jurisdictions from imposing substantial burdens on church facilities.

Ms. Cupp advised the Commission that staff can add a condition to dim the lights. She also noted that the maximum height for parking lot lighting is 15-feet.

Ms. Miller also commented on potential solutions for the lighting concerns including low voltage lighting similar to what has been approved on previous projects. She recommended that the Applicant provide a lighting plan in the way of a photometric study that shows there is no spillage of light.

Mr. Rice recommended that the Commission consider adding a condition that requires the Applicant to submit a lighting plan as recommended by staff for approval and in compliance with Condition P-15 which requires that light be directed away from the streets and adjoining properties.

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

Mr. Benson stated he agreed with all Conditions of Approval, including the new condition requiring that they provide a photometric lighting plan for staff approval and the modification to the curfew time to 8:00 p.m..

It was the consensus of the Commission to move forward with staff's recommendation, including the following modifications to the conditions of approval as recommended by staff:

- Modify Condition P-15 which requires the Applicant to provide a photometric lighting plan for staff approval.
- Amend Condition P-26, striking out "tracts/parcel map" and replace it with "project site"
- Modify Condition P27 and P28, changing the curfew set time to 8:00 p.m.

There being no additional requests to speak, Chairman Tinsley closed the public hearing at 6:35 p.m.

MOTION

Motion by Commissioner Kallen, and seconded by Chairman Tinsley to:

1. Find that pursuant to the California environmental Quality Act (CEQA), Section 15332, Class 32, the proposed requires is Exempt from further environmental review.
2. Find the facts presented in the staff report support the required Findings for approval of the Conditional Use Permit and adopt those Findings.
3. Approve Conditional Use Permit No. 2017-009 subject to the attached Conditions of Approval, as amended.
4. Direct staff to file a Notice of Exemption.

Vote: Motion carried 2-1-0-2

Yes: Commissioners Kallen; Chairman Tinsley.

Noes: Commissioner Shoup

Absent: Commissioner Qualls; Vice-Chairman Lamoreaux (absent from dais)

VICE-CHAIRMAN LAMOREAUX RETURNED TO THE DAIS AT 6:35 P.M.

3. **Tentative Parcel Map No. 19878.** 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.

Applicant: Mr. David Warren representing Omar Alfaro

Chairman Tinsley opened the public hearing at 6:36 p.m.

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

Vice-Chairman Lamoreaux asked questioned when the improvements would be required.

Ms. Cupp stated that the improvements are typically done prior to lot recordation, unless they are bonded. She also noted that the adjacent lots do not currently have any improvements.

Tom Steeno, Architect, congratulated Chairman Tinsley and Vice-Chairman Lamoreaux on their newly appointed seats. He commented on the concerns he had regarding the fees for street improvements for Apple Valley Road and respectfully requested that the Commission waive the fees for the street improvements. He also commented on issues related to the conditions for the storm water prevention plan, utilities underground, as well as the requirement that all streets be paved.

Beverly Wilson, Apple Valley, expressed concern regarding the drainage that goes onto her property following heavy rain. She stated that although grading was done in an effort to detour the drainage away from her property, flooding continues to flow onto her driveway. She would like to know if there are any plans for drainage improvements.

There being no additional requests to speak, Chairman Tinsley closed the public hearing at 7:15 p.m.

Vice-Chairman Lamoreaux responded to Mr. Steeno's concerns regarding the bonding. He asked if there was a mechanism in place that would allow the Town to waive the bond until a later date.

Richard Pedersen, Deputy Engineer, explained the bond requirements according to the subdivision map act. He stated that in exchange for additional lots, the Applicant is responsible for putting in the street improvements.

Discussion ensued amongst the Commission regarding the subdivision of lots and the requirements for underground utilities.

Vice-Chairman Lamoreaux questioned if underground utilities would be required as part of approving the conditions.

Carol Miller, Assistant Director of Community Development, noted for the record, that if an overhead line is also serving an adjacent resident, then the Applicant would not have to install underground utilities.

Thomas Rice, Town Attorney, read into the record the exception that applies under Section 14.28.070 which reads as follows:

“When technology or economic scale require a permit or delay in the underground installation required in the application in this Chapter 14.28, then the cost of undergrounding shall be estimated by the Town and a cash deposit of the estimated amount shall be deposited with the Town, and the cash deposit to be placed in the underground utility fund and used solely for the purpose of undergrounding distribution lines as required by this chapter throughout the Town.”

Mr. Rice also commented on the arterial street system fees and whether it can be delayed as listed under Provision EC5. He noted that there is a procedure in the code for fee adjustments that requires an application to the Town Council 30 days prior to the public hearing for the development permit. He stated that if the Applicant desired to move forward with the application, then the public hearing would have to be continued to a date and time certain beyond the 30-day window to allow the Applicant the opportunity to file that request.

Discussion ensued regarding whether or not to continue the item to allow the Applicant an opportunity to work with the Town for further clarification.

It was the consensus of the Commission to move forward with staff's recommendations for Tentative Parcel Map 19878, with the elimination of EC4.

There being no additional requests to speak, Chairman Tinsley closed the public hearing at 7:43 p.m.

MOTION

Motion by Vice-Chairman Lamoreaux, and seconded by Commissioner Shoup 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 that 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, as amended.
4. Direct staff to file the Notice of Exemption.

Vote: Motion carried 4-0-0-1

Yes: Commissioners Kallen; Shoup; Vice-Chairman Lamoreaux; Chairman Tinsley.

Absent: Commissioner Qualls

CHAIRMAN TINSLEY CALLED FOR A RECESS OF THE PLANNING COMMISSION MEETING AT 7:44 P.M.

CHAIRMAN TINSLEY RECONVENED THE PLANNING COMMISSION MEETING AT 7:48 P.M.

4. **General Plan Amendment No. 2017-002 and Zone Change No. 2017-002 (Continued from January 17, 2018)** – General Plan Amendment No. 2017-002 is a request to consider a change in land use designation from Medium Density Residential (R-M) to Single Family Residential (R-SF). Zone Change No. 2017-002 is a request to consider a modification of the zoning designation from Multi-Family Residential (R-M) to Single-Family Residential (R-SF).

Applicant: Town of Apple Valley

Chairman Tinsley opened the public hearing at 7:49 p.m.

Pam Cupp, Associate Planner, presented the staff report as filed with the Planning Division. She noted that at the request of the Commission, staff has added one additional lot.

Cecil Volsch, Apple Valley, commented on lots that he believed are not buildable.

There being no additional requests to speak, Chairman Tinsley closed the public hearing at 7:51 p.m.

MOTION

Motion by Commissioner Shoup, and seconded by Commissioner Kallen to recommend to the Town Council:

1. Determine that the proposed General Plan Amendment and Zone Change will not have a significant effect on the environment.

2. Adopt the Negative Declaration finding for General Plan Amendment No. 2017-002 and Zone Change No. 2017-002 on the basis of the whole record before the Planning Commission, including the Initial Study and any comments received, and there is no substantial evidence that the project will have a significant effect on the environment and that the Negative Declaration reflects the Town's independent judgment and analysis.
3. Find that the Facts presented in the staff report support the required Findings for approval and adopt those findings.
4. Adopt Planning Commission Resolution No. 2017-03 recommending the Town Council's approval of General Plan Amendment No. 2017-002 and Zone Change No. 2017-002 changing land use and zoning designations as identified in the attached exhibit.

Vote: Motion carried 4-0-0-1

Yes: Commissioners Kallen; Shoup; Vice-Chairman Lamoreaux; Chairman Tinsley.

Absent: Commissioner Qualls

OTHER BUSINESS

None.

PLANNING COMMISSION COMMENTS

Vice-Chairman Lamoreaux thanked Commissioner Shoup for serving as Chairman for the Planning Commission.

Chairman Tinsley requested information on the Planning Commission Academy. Ms. Miller informed the Commission that due to budget constraints, the Planning Commission Academy is not scheduled for this year.

STAFF COMMENTS

None.

ADJOURNMENT

Chairman Tinsley sadly announced the passing of Commissioner Qualls' wife and mother this month. He requested that the Planning Commission meeting be adjourned in their memory.

Motion by Chairman Tinsley, seconded by Vice-Chairman Lamoreaux and unanimously carried, to adjourn the meeting of the Planning Commission at 7:51 p.m. to its next regularly scheduled meeting on February 21, 2018, in loving memory of Bernice Qualls and Janie Qualls.

Respectfully Submitted by:

Yvonne Rivera
Planning Secretary

Approved by:

Chairman B.R. "Bob" Tinsley

MINUTES

TOWN OF APPLE VALLEY PLANNING COMMISSION REGULAR MEETING

February 21, 2018

CALL TO ORDER

Chairman Tinsley called to order the regular meeting of the Town of Apple Valley Planning Commission at 6:00 p.m.

Roll Call

Present: Commissioners Bruce Kallen; Mark Shoup; Vice-Chairman Jason Lamoreaux; Chairman B.R. "Bob" Tinsley
Absent: Commissioner Doug Qualls

Staff Present

Carol Miller, Assistant Director of Community Development, Pam Cupp, Associate Planner, Thomas Rice, Town Attorney, Yvonne Rivera, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairman Tinsley.

APPROVAL OF MINUTES

1. **Approval of Minutes**

a. Regular Meeting of January 17, 2018.

Commissioner Shoup noted the following corrections to Pages 1-5 and 1-6 for the minutes of January 17, 2018:

1. Strike out the sentence listed under the Motion on Page 1-5 that reads:

"It was the consensus of the Planning Commission to continue the General Plan Amendment to the next Planning Commission meeting on February 7, 2018."

2. On the second to the last paragraph, Page 1-6, the name of the Commissioner inquiring about the Mountain Vista area provisions should be changed to Chairman Shoup.

MOTION

Motion by Commissioner Shoup, seconded by Commissioner Kallen, to approve the minutes for the Regular Meeting of January 17, 2018, as amended.

Vote: Motion carried 4-0-0-1

Yes: Commissioners Kallen; Shoup; Vice-Chairman Lamoreaux; Chairman Tinsley.

Absent: Commissioner Qualls

PUBLIC COMMENTS

None.

PUBLIC HEARINGS

- 2. Development Permit No. 2018-001.** A request to approve a Development Permit allowing the construction of seventeen (17) single-family tract homes within the Ravenswood subdivision, Tract 16059. The proposal consists of four (4) floor plans ranging from 2,950 to 4,197 square feet of indoor living area. The project area is approximately nine (9) acres in size and located within the Single-family Residential (R-SF) zoning designation.

Applicant: Mr. Jeff Simonetti, representing Ravenswood 17, LLC

Chairman Tinsley opened the public hearing at 6:03 p.m.

Pam Cupp, Associate Planner, presented the staff report as filed with the Planning Division. She recommended that no more than three (3) houses in a row shall have the same garage door pattern, which is also a requirement in the development code. She also noted that the plotting plan shows that Lot No. 42 does not have the ability to construct any of the models without a deviation; therefore, she is asking that the Applicant apply for the deviation, which will give them a reduction to their rear set-back to twenty (20)-percent or the side yard of ten (10)-percent.

Ms. Cupp advised the Commission that the Town Attorney recommended the following modifications to staff's recommended actions:

1. Item No. 1 should be revised to read as follows:

Determine that the project fits within the scope of the previously approved Mitigated Negative Declaration adopted by the Planning Commission for Tentative Tract Map 16059 on February 20, 2002. Further, find that no changes are proposed in the project that would require major revisions to the Mitigated Negative Declaration and

there is no new information of substantial importance, showing the project would have a significant impact on the environment. As a result, no subsequent environmental document is required for this project.

2. Strike Recommendation No. 4 directing staff to file the Notice of Exemption.

Ms. Cupp explained, for the benefit of the Commission, why the project required a Deviation permit rather than a Variance.

Todd Tatum, representative for the Applicant, thanked the Commission for the opportunity to build the tract. He introduced Mr. Stan Mullens who recently purchased the remaining lots located in the Stonebrook Tract.

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

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

There being no requests to speak, Chairman Tinsley closed the public hearing at 6:11 p.m.

MOTION

Motion by Commissioner Shoup, and seconded by Vice-Chairman Lamoreaux to:

1. Determine that the project fits within the scope of the previously approved Mitigated Negative Declaration adopted by the Planning Commission for Tentative Tract Map 16059 on February 20, 2002. Further, find that no changes are proposed in the project that would require major revisions to the Mitigated Negative Declaration and there is no new information of substantial importance, showing the project would have a significant impact on the environment. As a result, no subsequent environmental document is required for this project.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve Development Permit No. 2018-001, subject to the attached Conditions of Approval.

Vote: Motion carried 4-0-0-1

Yes: Commissioners Kallen; Shoup; Vice-Chairman Lamoreaux; Chairman Tinsley.

Absent: Commissioner Qualls

OTHER BUSINESS

None.

PLANNING COMMISSION COMMENTS

None.

STAFF COMMENTS

Thomas Rice, Town Attorney, provided the Commission with an update of the Town of Apple Valley's lawsuit against Apple Valley Ranchos Water Company to acquire the water system through eminent domain. He noted that the Town was subsequently sued over the environmental review submitted as part of the process. However, the Town won the case and can now continue with its eminent domain action.

ADJOURNMENT

Motion by Vice-Chairman Lamoreaux, seconded by Commissioner Kallen, and unanimously carried, to adjourn the meeting of the Planning Commission at 6:13 p.m. to its next regularly scheduled meeting on March 7, 2018.

Respectfully Submitted by:

Yvonne Rivera, Planning Secretary

Approved by:

Chairman B.R. "Bob" Tinsley



TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

Staff Report

AGENDA DATE:	March 21, 2018
CASE NUMBER:	Development Code Amendment No. 2017-002
APPLICANT:	Town of Apple Valley
PROPOSAL:	An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying provisions relating to second dwelling units and accessory dwelling units, as required by California Government Code Section 65852.2 and California Health & Safety Code Section 17958.1. This amendment will also provide standards related to guest quarters and residential accessory structures used for recreational purposes.
LOCATION:	Town-wide
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.
PROJECT PLANNER:	Ms. Pam Cupp, Associate Planner
RECOMMENDATION:	Adopt Planning Commission Resolution No. 2018-003.

BACKGROUND

On October 8, 2017 Governor Brown signed into law two (2) pieces of legislation, SB 229 and AB 494, both of which relate to regulations governing accessory dwelling units, formally referred to as second dwelling units. The purpose of Development Code Amendment No. 2017-002, is to bring the Town in compliance with State Law. The intent of the State regulations is to address barriers, streamline approval and expand potential capacity for accessory dwelling units. Accessory dwelling units can provide housing for family members, students, the elderly, in-home health care providers, the disabled and others at below market prices within existing neighborhoods.

ANALYSIS

Government Code Section 65852.2 allows local governments to apply development standards and may designate where accessory dwelling units are permitted. Accessory dwelling units located within existing structure must be allowed in all single family residential zones. For accessory dwelling units consisting of new additions or construction of a detached accessory structure, development standards can be established with certain limitations. However, standards and allowable areas must not be designed or applied in a manner that burdens the development of accessory dwelling units and should maximize the potential for accessory unit development.

The Town's current Code limits second dwelling units to lots of one (1) acre or more in size, which is consistent with Measure "N", two (2) dwelling units per acre. The State has determined that accessory dwelling units are to be considered an accessory use only and should not be counted for the purposes of calculating allowable density under the General Plan and Zoning. While accessory dwelling units are not counted in allowable density, the Town can include accessory dwelling units in its affordable housing numbers. The State allows local governments to include provisions relating to sewer availability, reasonable size limits and architectural compatibility. The Town may also require restrictive covenants, such as owner occupancy and prohibiting the accessory dwelling unit from being sold or conveyed separately from the primary dwelling unit.

Based upon the new regulations, and for ease of implementation, it is necessary to update the Town's definitions and development standards relating to habitable accessory structures. Development Code Amendment No. 2017-002 will remove the existing language within Development Code Section 9.29.120, "Second Dwelling Units", and replace it with development standards as required within California Government Code Section 65852.2.

If an ordinance effecting these modifications is ultimately approved by the Town Council, the Town is required by California Government Code Section 65852.2(h) to submit a copy of the ordinance to the California Department of Housing and Community Development (HCD) within sixty (60) days of the adoption. HCD may review and comment on the ordinance but is not authorized to certify or invalidate the ordinance.

Staff is offering for the Commission's consideration the following modifications as identified by strike-through text for deletions and underlined text for additions. Because Section 9.29.120 is being replaced in its entirety, the new language will include bold/italicized comments identifying substantive changes to the development standards.

Chapter 9.08 Definitions

Second Accessory Dwelling Unit

~~A self-contained living unit, either attached to or detached from, and in addition to, the primary residential unit of a single lot, and which includes permanent provisions for living, sleeping, eating,~~

~~cooking and sanitation on the same parcel as the single family dwelling is situated, and also as referenced in California Government Code, Section 65852.2.~~

An attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An efficiency unit, as defined in Section 17958.1 of the California Health and Safety Code shall also constitute an accessory dwelling unit.

Guest Quarters

Any structure, whether attached to or detached from the main residence on a residential lot, or a lot used for residential purposes, containing living quarters for the use by temporary guests of the residents of the main residential structure on the same premises. ~~No such guest quarters shall consist of more than four hundred (400) square feet, contain more than two (2) rooms and one bathroom and there shall be no kitchen or cooking facilities, nor shall such quarters be rented or otherwise used as a dwelling unit.~~ ***This portion moved to 9.29.020(G)***

Habitable Floor Area

Interior residential space used for living purposes that contains heat, plumbing, and electricity. It includes foyers, hallways, bedrooms, kitchen, restrooms, closets, storage, and other common areas within a building. Habitable Floor Area does not include patio, porch, garage, carport or other accessory structures.

Habitable Structure

A structure building which includes ~~habitable~~ space for living, sleeping, eating or cooking. This can include bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas ~~are not considered habitable space.~~

Table 9.28.030-A Permitted Uses

TYPE OF USE	R-VLD	R-A	R-LD	R-E	R-E ¾	R-EQ	R-SF	R-M	MHP	M-U	PRD ²
G. Accessory Uses and Structures											
1. Non-Commercial antennas and satellite dishes.	P	P	P	P	P	P	P	P	P	P	P
Commercial antennas and satellite dishes	-	-	-	-	-	-	-	-	-	CUP	-
2. Habitable/Nonhabitable accessory structures	P	P	P	P	P	P	P	P	P	P	P
3. Off campus dormitory	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	-	CUP	CUP
4. Private recreational courts with exterior lighting and/or recreational fencing over six (6) feet in height	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
5. Private swimming pools and accessory equipment	P	P	P	P	P	P	P	P	P	P	P
Accessory Second Dwelling Units	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
7. Water Storage tanks less than 5,000 gallon	P	P	P	P	P	P	P	-	-	-	P
more than 5,000 gallons	CUP	CUP	CUP	CUP	CUP	CUP	CUP	-	-	-	CUP
8. Liquid, petroleum or Gas (LPG) Tanks not exceeding 200 gallons	P	P	P	P	P	P	P	P	P	P	P

9.29.020 Accessory Uses and Structures

G. Guest Quarters are permitted and subject to the following:

1. May be attached to or detached from the main residential structure.
2. The maximum floor area is 400 square feet.
3. There shall be no kitchen or cooking facilities.
4. Independent access to the guest quarters shall not be located on the same elevation as the access to the primary dwelling.
5. Guest quarters are for the exclusive use of the residents of the primary dwelling unit and may not be rented or otherwise used as a dwelling unit.

H. Detached habitable structures consisting of pool houses, art or music studios, or other structures intended for recreational purposes are permitted subject to the following: **The Code does not address habitable accessory structures. Often times, plans for a “pool house” contain all the components of a single-family home.**

1. Habitable accessory structures shall be architecturally compatible with the design of the main dwelling and shall incorporate the same architectural features, colors and materials of the primary unit.
2. There shall be no indoor kitchen or bedrooms, except as identified within this section.
3. One (1) detached habitable structure is permitted per lot.
4. An accessory dwelling unit or guest quarters may occupy a portion of the habitable structure; however, access shall not be permitted from the interior.
5. Unless permitted as an accessory dwelling unit, detached habitable structures shall not be rented or otherwise used as a dwelling unit.

9.29.120 Accessory Dwelling Units

A. Purpose The purpose of this Section is to expand the variety of housing opportunities in the Town by implementing State Government Code (65852.2) as it pertains to accessory dwelling units. Implementation of these regulations will insure that accessory dwelling units are located in areas where services are adequate to support them and that accessory dwelling units are designed and maintained as a compatible and integral part of the Town's residential zoning districts.

B. Applicability. In compliance with the provisions of Government Code 65852.2, the provisions of this Chapter shall apply to all lots that are occupied with a single-family dwelling unit and zoned residential. **Current code restricts construction to one (1)-acre minimum lot size.**

C. General Standards

1. Applications for accessory dwelling units shall be approved or disapproved ministerially pursuant to the requirements of this Section within 120 days of a

determination that the application is complete, as required by Gov. Code, § 65852.2(b).

2. The parcel upon which the accessory dwelling unit is to be built shall comply with all development standards for the district in which it is located.
3. An accessory dwelling unit may only be permitted on a lot zoned for residential uses on which there is already built, or currently under construction, a single-family detached dwelling (primary dwelling).
4. No more than one (1) accessory dwelling unit shall be permitted on any parcel or lot.
5. The accessory dwelling unit shall have adequate water supply pursuant to specifications of the Uniform Plumbing Code.
6. Parcels on which an accessory dwelling unit is to be located must be connected to sewer, unless otherwise specified herein.
7. The primary dwelling, accessory dwelling unit, or both must be occupied by the property ***This is new and will require recordation of a restrictive covenant.***
8. The ADU may be rented separate from the primary residence but may not be sold or otherwise conveyed separate from the primary residence. ***This is new and will require recordation of a restrictive covenant.***
9. The rental term for an accessory dwelling unit shall not be less than thirty (30) days. ***Current Code does not address rentals.***
10. The accessory dwelling unit may be either attached or detached from the primary dwelling.
11. Fire sprinklers shall only be required if required for the primary residential structure. ***State mandate.***
12. At no time may the primary dwelling unit be converted to the extent that it becomes substandard in size as a single-family residence. Except that a 150 square foot maximum, efficiency unit with a partial kitchen or bathroom as authorized by California Health & Safety Code Section 17958.1, shall be permitted upon any lot containing a single-family residence and shall be considered an accessory dwelling unit. ***The State requires all single family residences be permitted an efficiency unit regardless the size of the primary dwelling.***
13. ***Restrictive Covenant.*** Prior to the issuance of a building permit for an accessory dwelling unit, a restrictive covenant against the land, which is binding on the property owner and their successors in interest, shall be recorded with the office of the San Bernardino County Recorder, which specifies that the following:
 - a. The use of the accessory dwelling unit as an independent living space may continue only if one dwelling on the lot is occupied by the property owner.
 - b. The accessory dwelling unit may not be sold or otherwise conveyed separate from the primary residence.
 - c. The property may only contain one (1) rented unit. ***Current Code has no requirement for owner occupancy.***

D. Attached Accessory Dwelling Unit Development Standard

Along with the general standards prescribed by subsection D, the following development standards apply to detached accessory dwelling units:

1. The maximum size for an attached accessory dwelling unit is thirty (30) percent of the habitable floor area of the primary dwelling, not to exceed 1,200 square feet.
2. Independent access to the accessory dwelling unit shall not be located on the same elevation as the access to the primary dwelling. **This is to avoid the appearance of a duplex.**
3. If existing bedrooms are converted to an accessory dwelling unit, availability of sewer may not be required, subject to the review and approval of the Building Official.

E. Detached Accessory Dwelling Units

Along with the general standards prescribed by subsection D, the following development standards apply to detached accessory dwelling units:

1. Detached accessory dwelling units are subject to all provision within Section 9.29.020 "Accessory Uses and Structures".
2. The maximum floor area of an accessory dwelling unit is fifty (50) percent of the existing habitable floor area of the primary dwelling, not to exceed 1,200 square feet. **The current Code does not reference the living area of the primary dwelling, only that it cannot exceed seventy-five (75) percent of the footprint.**
3. An accessory dwelling unit may occupy all, or a portion of, an existing detached accessory structure meeting the architectural guidelines set forth in this chapter. **State mandate, except for the architectural requirements, which the Town is allowed to apply.**
4. Sewer connection is required unless the lot is one (1)-acre or more in size and located outside of any sewer service area. **The Sewer Master Plan and the LAMP require a minimum lot size of one acre for septic.**
5. The driveway serving the primary dwelling shall be used to serve the accessory dwelling unit whenever feasible.
6. The accessory dwelling unit may be metered separately from the main dwelling for gas, electricity and water/sewer services.
7. The accessory dwelling unit shall be architecturally compatible with the design of the main dwelling and shall match with the same colors and materials of the primary unit.

FINDINGS

An amendment to the Development Code requires that the Planning Commission address two (2) required "Findings", as listed within Development Code Section 9.06.060. For Commission consideration, the required Findings are listed below, along with a comment addressing each. If the Commission concurs with these comments, they may be adopted and forwarded to the Council for its consideration of the Development Code Amendment. If the Commission wishes modifications to the offered comments, after considering input and public testimony at the public hearing, modifications to the Findings and Code Amendment recommendations can be included into the information forwarded to the Council for consideration.

A. The proposed amendment is consistent with the General Plan; and

Comment: The General Plan is the blueprint for the community's future growth. Specific Goals and Objectives are provided within each of the adopted General Plan's State-mandated Elements. The Housing Element encourages housing for special needs households, including the elderly, single parent households,

large households, the disabled and the homeless. Additionally, the Housing Element encourages the development of second units. Development Code Amendment No. 2017-002 will provide standards for accessory dwelling units that will encourage additional development while providing quality site planning and design that enhances the aesthetics and economy of the Town.

- B. The proposed amendment will not be detrimental to the public health, safety or welfare of the Town or its residents.

Comment: Amending the Code as proposed under Development Code Amendment No. 2017-002 will provide a simplified permitting process, which should encourage property owners to come forward and obtain the necessary permits required. Additionally, the permit process will ensure there are adequate services available to the accessory dwelling unit so the accessory use will not be detrimental to the public health, safety or welfare of the community

NOTICING

Development Code Amendment No. 2017-002 was advertised as a public hearing in the Apple Valley News newspaper on March 9, 2018.

ENVIRONMENTAL REVIEW

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.

RECOMMENDATION

Following receipt of public input and discussion by the Commission, it is recommended that the Commission move to approve Planning Commission Resolution No. 2018-003 forwarding a recommendation that the Town Council amend Title 9 "Development Code" of the Town of Apple Valley Municipal Code as outlined within the staff report.

Prepared By:

Reviewed By:

Pam Cupp
Associate Planner

Carol Miller
Assistant Director of Community Development

Attachment:

Draft Planning Commission Resolution No. 2018-003

PLANNING COMMISSION RESOLUTION NO. 2018-003

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2017-002 AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING CHAPTER 9.08 “DEFINITIONS”, CHAPTER 9.28 “RESIDENTIAL DISTRICTS” AND CHAPTER 9.29 “ SPECIFIC USE REGULATIONS” AS IT PERTAINS TO HABITABLE ACCESSORY STRUCTURES AND ACCESSORY DWELLING UNITS.

WHEREAS, Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; and

WHEREAS, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

WHEREAS, specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by amending Chapter 9.08 “Definitions”, Chapter 9.28 “Residential Districts” and Chapter 9.29 “Specific Use Regulations” as it pertains to habitable accessory structures and accessory dwelling units; and,

WHEREAS, on March 9, 2018, Development Code Amendment No. 2017-002 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, 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; and

WHEREAS, on March 21, 2018 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2017-002, receiving testimony from the public; and

WHEREAS, Development Code Amendment No. 2017-002 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, does hereby resolve, order and determine as follows and recommends that the Town Council make the following findings and take the following actions:

Section 1. Find that the changes proposed by Development Code Amendment No. 2017-002 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 2. 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.

Section 3. Amend Chapter 9.08 “Definitions” as follows:

“Accessory Dwelling Unit

An attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An efficiency unit, as defined in Section 17958.1 of the California Health and Safety Code shall also constitute an accessory dwelling unit.

Guest Quarters

Any structure, whether attached to or detached from the main residence on a residential lot, or a lot used for residential purposes, containing living quarters for the use by temporary guests of the residents of the main residential structure on the same premises.

Habitable Floor Area

Interior residential space used for living purposes that contains heat, plumbing, and electricity. It includes foyers, hallways, bedrooms, kitchen, restrooms, closets, storage, and other common areas within a building. Habitable Floor Area does not include patio, porch, garage, carport or other accessory structures.”

Habitable Structure

A building which includes space for living, sleeping, eating or cooking. This can include bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas.”

Section 4. Amend Table 9.28.030-A “Permitted Uses” of Chapter 9.28 “Residential Districts” as follows:

Table 9.28.030-A Permitted Uses

TYPE OF USE	R-VLD	R-A	R-LD	R-E	R-E ¾	R-EQ	R-SF	R-M	MHP	M-U	PRD²
G. Accessory Uses and Structures											
1. Non-Commercial antennas and satellite dishes.	P	P	P	P	P	P	P	P	P	P	P
Commercial antennas and satellite dishes	-	-	-	-	-	-	-	-	-	CUP	-
2. Habitable/Nonhabitable accessory structures	P	P	P	P	P	P	P	P	P	P	P
3. Off campus dormitory	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	-	CUP
4. Private recreational courts with exterior lighting and/or recreational fencing over six (6) feet in height	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
5. Private swimming pools and accessory equipment	P	P	P	P	P	P	P	P	P	P	P
6. Accessory Dwelling Units	P	P	P	P	P	P	P	P	P	P	P
7. Water Storage tanks less than 5,000 gallon more than 5,000 gallons	P CUP	P CUP	P CUP	P CUP	P CUP	P CUP	P CUP	P CUP	- -	- -	- -
8. Liquid, petroleum or Gas (LPG) Tanks not exceeding 200 gallons	P	P	P	P	P	P	P	P	P	P	P

Section 5. Amend Section 9.29.020 “Accessory Uses and Structures” ” of Chapter 9.29 “Specific Use Regulations for Residential Districts” to add the following subsections:

“G. Guest Quarters are permitted and subject to the following:

1. May be attached to or detached from the main residential structure.
2. The maximum floor area is 400 square feet.
3. There shall be no kitchen or cooking facilities.
4. Independent access to the guest quarters shall not be located on the same elevation as the access to the primary dwelling.
5. Guest quarters are for the exclusive use of the residents of the primary dwelling unit and may not be rented or otherwise used as a dwelling unit.

H. Detached habitable structures consisting of pool houses, art or music studios, or other structures intended for recreational purposes are permitted subject to the following:

1. Habitable accessory structures shall be architecturally compatible with the design of the main dwelling and shall incorporate the same architectural features, colors and materials of the primary unit.
2. There shall be no indoor kitchen or bedrooms, except as identified within this section.
3. One (1) detached habitable structure is permitted per lot.
4. An accessory dwelling unit or guest quarters may occupy a portion of the habitable structure; however, access shall not be permitted from the interior.
5. Unless permitted as an accessory dwelling unit, detached habitable structures shall not be rented or otherwise used as a dwelling unit.”

Section 6. Replace Section 9.29.120 “Second Dwelling Units” in its entirety with the following:

“9.29.120 Accessory Dwelling Units

- A. Purpose. The purpose of this Section is to expand the variety of housing opportunities in the Town by implementing State Government Code (65852.2) as it pertains to accessory dwelling units. Implementation of these regulations will insure that accessory dwelling units are located in areas where services are adequate to support them and that accessory dwelling units are designed and maintained as a compatible and integral part of the Town's residential zoning districts.
- B. Applicability. In compliance with the provisions of Government Code 65852.2, the provisions of this Chapter shall apply to all lots that are occupied with a single-family dwelling unit and zoned residential.
- C. General Standards
 1. Applications for accessory dwelling units shall be approved or disapproved ministerially pursuant to the requirements of this Section within 120 days of a determination that the application is complete, as required by Gov. Code, § 65852.2(b).

2. The parcel upon which the accessory dwelling unit is to be built shall comply with all development standards for the district in which it is located.
3. An accessory dwelling unit may only be permitted on a lot zoned for residential uses on which there is already built, or currently under construction, a single-family detached dwelling (primary dwelling).
4. No more than one (1) accessory dwelling unit shall be permitted on any parcel or lot.
5. The accessory dwelling unit shall have adequate water supply pursuant to specifications of the Uniform Plumbing Code.
6. Parcels on which an accessory dwelling unit is to be located must be connected to sewer, unless otherwise specified herein.
7. The primary dwelling, accessory dwelling unit, or both must be occupied by the property owner
8. The accessory dwelling unit may be rented separate from the primary residence but may not be sold or otherwise conveyed separate from the primary residence.
9. The rental term for an accessory dwelling unit shall not be less than thirty (30) days.
10. The accessory dwelling unit may be either attached or detached from the primary dwelling.
11. Fire sprinklers shall only be required if required for the primary residential structure.
12. At no time may the primary dwelling unit be converted to the extent that it becomes substandard in size as a single-family residence. Except that a 150 square foot maximum, efficiency unit with a partial kitchen or bathroom as authorized by California Health & Safety Code Section 17958.1, shall be permitted upon any lot containing a single-family residence and shall be considered an accessory dwelling unit.
13. *Restrictive Covenant.* Prior to the issuance of a building permit for an accessory dwelling unit, a restrictive covenant against the land, which is binding on the property owner and their successors in interest, shall be recorded with the office of the San Bernardino County Recorder, which specifies that the following:
 - a. The use of the accessory dwelling unit as an independent living space may continue only if one dwelling on the lot is occupied by the property owner.
 - b. The accessory dwelling unit may not be sold or otherwise conveyed separate from the primary residence.
 - c. The property may only contain one (1) rented unit.

D. Attached Accessory Dwelling Unit Development Standard

Along with the general standards prescribed by subsection D, the following development standards apply to detached accessory dwelling units:

1. The maximum size for an attached accessory dwelling unit is thirty (30) percent of the habitable floor area of the primary dwelling, not to exceed 1,200 square feet.
2. Independent access to the accessory dwelling unit shall not be located on the same elevation as the access to the primary dwelling.

3. If existing bedrooms are converted to an accessory dwelling unit, availability of sewer may not be required, subject to the review and approval of the Building Official.

E. Detached Accessory Dwelling Units

Along with the general standards prescribed by subsection D, the following development standards apply to detached accessory dwelling units:

1. Detached accessory dwelling units are subject to all provision within Section 9.29.020 "Accessory Uses and Structures".
2. The maximum floor area of an accessory dwelling unit is fifty (50) percent of the existing habitable floor area of the primary dwelling, not to exceed 1,200 square feet.
3. An accessory dwelling unit may occupy all, or a portion, of an existing detached accessory structure meeting the architectural guidelines set forth in this chapter.
4. Sewer connection is required unless the lot is one (1)-acre or more in size and located outside of any sewer service area
5. The driveway serving the primary dwelling shall be used to serve the accessory dwelling unit whenever feasible.
6. The accessory dwelling unit may be metered separately from the main dwelling for gas, electricity and water/sewer services.
7. The accessory dwelling unit shall be architecturally compatible with the design of the main dwelling and shall match with the same colors and materials of the primary unit."

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 21st day of March, 2018.

Chairman B.R. "Bob" Tinsley

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 March, 2018, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ms. Yvonne Rivera, Planning Commission Secretary



TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

Staff Report

AGENDA DATE:	March 21, 2018
CASE NUMBER:	Tentative Parcel Map No. 19575, Extension of Time
APPLICANT:	Mr. Thomas Steeno, representing Mr. Steven Farmer
PROPOSAL:	This is a request for a three (3) year time extension of a previously approved subdivision of eight (8) acres into eight (8) parcels for a planned commercial development. The project is located within the Regional Commercial (C-R) zoning designation.
LOCATION:	Located at the northeast corner of Interstate 15 and Dale Evans Parkway, north of Willow Springs Road; APN 0472-232-21.
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 by the Planning Commission on April 6, 2016. Therefore, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162, the proposed request is not subject to further environmental review.
CASE PLANNER:	Pam Cupp, Associate Planner
RECOMMENDATION:	Approval

PROJECT SITE AND DESCRIPTION

- A. Project Size:
The project will subdivide eight acres into eight (8) parcels.

B. General Plan Designations:

Project Site - Regional Commercial (C-R)
North - Resource Conservation (County)
South - Regional Commercial (C-R)
East - Regional Commercial (C-R)
West - Resource Conservation (County)

C. Surrounding Zoning and Land Use:

Project Site- Regional Commercial (C-R), vacant
North - Resource Conservation (County), vacant
South - Regional Commercial (C-R), vacant
East - Regional Commercial (C-R), vacant
West - Resource Conservation (County), I-15 and vacant

ANALYSIS

A. Background

On April 6, 2016, the Planning Commission reviewed and approved Tentative Parcel Map No. 19575 with an expiration date of April 6, 2018. In accordance with the Town of Apple Valley Development Code, tentative maps may be permitted a time extension from one (1) year to a maximum of three (3) years following the initial three (3) year approval in which to record the map. A three (3) year time extension would be in compliance with Section 66452.6 (e) of the Subdivision Map Act which allows tentative maps to be extended for a total of five (5) years.

B. General

The Regional Commercial (C-R) zoning district is intended for the development of a full range of retail stores, offices and personal and business services on a scale to serve the needs of the Town and the surrounding region. The minimum lot size within the C-R zone is 8.1 acres, unless part of an approved Development Permit. This subdivision will facilitate the development of a commercial center.

The Planning Commission reviewed and approved Tentative Parcel Map No. 19575 together with Development Permit No. 2015-005, Special Use Permit No. 2015-015 and Variance No. 2016-001. The proposal includes a 43,000 square foot hotel, two (2) gas stations, a sit-down restaurant, three (3) drive-through restaurants and two (2) pads containing buildings with leased space not yet identified. The proposed map will create eight (8) commercial lots ranging from 0.6-acres to 2.6-acres. Each parcel is designed to accommodate the required amount of on-site parking for each identified use.

Development Permits are valid for a period of two (2) years, and by request, may be extended with Director approval for an additional three (3) years. The original approval of Tentative Parcel Map No. 19575 was also for two (2) years to coincide with the expiration of the Development permit. It should be noted that the Development Permit has been extended for an additional three (3) years, and approval of this time extension would result in both projects having an expiration date of April 6, 2021. As with the original project approval, the Conditions of Approval are based upon the entire development proposal.

There have been no physical alterations or improvements made to the property; however, if circumstances, conditions and requirements have changed sufficiently to warrant new

conditions (such as updated park/recreation fees, Town road 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. There are very few modifications to the recommended Conditions of Approval. For the Commission's convenience, staff has included the original Conditions of Approval with recommended substantive 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 April 6, 2016. 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 Notice of Public Hearing for Tentative Parcel Map No. 19575, Extension of Time was published in the Apple Valley News, with notices mailed to all property owners within a 500-foot radius, on March 9, 2018.

E. Findings:

As required under Section 9.71.040 (A5) of the Development Code, prior to approval of a Tentative Parcel Map, the Planning Commission must make the following Findings:

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 project is a proposal to subdivide approximately 8.7- acres into eight (8) parcels that meet the Development Code Table 9.35.040-A criteria for minimum lot size, for lots within the Regional Commercial District that are part of an approved Development Permit. The property has a General Plan land use designation of Regional Commercial (C-R) and, by size, shape and configuration, has the ability to be developed in a manner consistent with the General Plan Land Use Element and zoning designations.

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 within the Regional Commercial (C-R) zoning designation. No houses are being removed, and housing needs will not be negatively impacted. The proposed subdivision will allow the property owner to develop the proposed center in a manner that is consistent with the Town's General Plan Goals and Objectives to promote commercial 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 commercial parcels created under this subdivision are appropriate in size to provide natural heating and cooling opportunities for development of the site. The subdivision proposal will facilitate the development of the center and will not conflict with the provisions of any adopted, applicable plan, policy or regulation. As development occurs, the individual lots are subject to the implementation of natural heating and cooling requirements pursuant to Title 24 energy requirements and the Town's Climate Action Plan.

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 commercial land subdivision and is required to connect to the Town of Apple Valley's sewer system. The proposed development can be accommodated by the existing capacity of the sewer system. Applicable fees to connect to these existing infrastructure facilities is a required condition of approval. The requirement to hook up to existing sewer and wastewater lines will comply with California Water Code.

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 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 April 6, 2016. Therefore, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162, the proposed request is not subject to further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve a three (3)-year extension of time for Tentative Parcel Map No. 19575, subject the attached Conditions of Approval.

Prepared By:

Pam Cupp
Associate Planner

Reviewed By:

Carol Miller
Assistant Director of Community Development

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Tentative Parcel Map No. 19575
3. Zoning/Location Map

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Development Permit No. 2014-05, SUP No. 2015-015 and TPM No. 19575

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 Tentative Parcel Map No. 19575 and associated development permits, if not exercised in conformance to any conditions, shall become void April 6, 2021. ~~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 void date.~~ The Development 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, Section 9.03.0180.
- P2. The applicant shall defend, at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P3. The filing of a Notice of Determination and mitigated Negative Declaration requires the County Clerk to collect a documentary handling fee of \$2,260.25 (including State Fish and Wildlife). All fees must be submitted prior to the issuance of any permits. The fee must be paid in a timely manner in accordance with Town's procedures. No permits may be issued until such a fee is paid.
- P4. The approval of Development Permit No. 2015-005, SUP No 2015-015, TPM No. 19575, and Variance No. 2016-001 by the Planning Commission are recognized as acknowledgment of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, Appeals, of the Town of Apple Valley Development Code.
- P5. It is the sole responsibility of the applicant on any Permit, or other appropriate discretionary review applications 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.
- P6. The rendering presented and approved by Planning Commission shall be anticipated and expected appearance. The Assistant Town Manager shall have the authority for minor architectural changes focusing around items such as window treatments, color combinations, and façade treatments if they are consistent with the overall appearance and intent of the center design as approved by the Planning Commission. Changes not clearly within the scope of this provision shall be submitted to the Planning Commission for consideration under a Revision to the Development Permit.
- P7. Any protected desert plants or discovered Joshua Tree pups impacted by development are subject to the regulations specified in Section 9.76.020 (Plant Protection and Management) of the Development Code.
- P8. Final landscape and irrigation plans shall be submitted and approved prior to building permit issuance and installed prior to issuance of occupancy permits, subject to approval by the Planning Division.
- P9. 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.
- P10. 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.
- P11. All required and installed landscaping shall incorporate and maintain a functioning irrigation system, and said landscaping shall be maintained in a neat, orderly, disease and weed-free manner at all times.
- P12. All on-site, circulation aisle ways, landscaping and amenity's improvements shall be constructed as part of the first phase and prior to recordation of the Final Map whichever comes first, and the undeveloped pad areas of the remaining phases shall be hydro seeded, or another form of permanent dust control treatment applied to pad areas.
- P13. All slopes over three (3) feet in height shall be landscaped and irrigated according to Town's standards.
- P14. Final landscape and irrigation plans shall be submitted and installed prior to issuance of occupancy permits, subject to approval by the Planning Division. A report from a licensed landscape architect shall be provided describing the types of trees proposed and their ability to sustain and grow within the high desert climate. In addition, this report shall provide a water budget that complies with the Town of Apple Valley Landscape Irrigation Ordinance and State of California's Water Efficiency Landscape Ordinance.
- P15. The minimum amount of trees within the center shall be at least twenty (20) percent of the required trees be twenty-four (24)-inch box size specimen. At least one-half of the accent

- trees located in the areas of the entrances to the site shall be a minimum of thirty-six (36)-inch box size specimen.
- P16. Required parking spaces shall be provided for the handicapped in accordance with Town's 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 center. Each space must be provided with access ramps and clearly marked in accordance with Title 24 of the California Administrative Code
- P17. Parking requirements shall be met and be in compliance with Town's standards. All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines.
- P18. Lighting fixtures throughout the site shall be of a type and be located in such a manner that no light or reflected glare is directed off-site and shall provide that no light is directed above a horizontal plane passing through the bottom of the fixture. All glare shall be directed to the site and away from adjacent properties.
- P19. Light standards shall blend architecturally with buildings, pedestrian areas and other hardscape elements.
- P20. Plans shall reflect the deletion of the cloth awnings, and replaced with either metal or wood trellis louver style awnings, all building, elevation and other corresponding and related plans shall reflect this condition at plan check.
- P21. Walls and fences shall comply with the height and setback requirements of the Development Code.
- P22. Any equipment, whether on the roof, side of the structure or ground, shall be screened from public view from adjacent property or from a public right-of-way. The method of screening shall be integrated into the architectural design of the building and/or landscaping.
- P23. Prior to the issuance of building permits, the applicant shall provide the Planning Division with a copy of the subdivision in an electronic format compatible with the Town's current technology.
- P24. Prior to final map or first building permit, a reciprocal vehicular and pedestrian ingress, egress, and parking easement shall be recorded. Proof of recordation shall be provided.
- P25. Bricks, pavers or decorative stamped concrete shall be used to accent and highlight street entries, main travel lanes and pedestrian walkways in parking areas or focal areas.
- P26. 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.
- P27. The height of any architectural element/feature shall "not" exceed a height of forty-five (45) feet. All building, elevation and other corresponding and related plans shall reflect this condition at plan check and confirmed by staff on final field inspection.

- P28. All litter shall be removed from the exterior area around the premises including adjacent public sidewalk areas and parking areas no less frequently than once each day that the business is open.
- P29. The premises shall be maintained in a clean, weed-free and landscaping shall be maintained in a disease-free manner at all times.
- P30. The applicant will need to submit a Sign Program before any issuance of a sign permit.
- P31. A combination of a low decorative wall and/or landscape berm shall provide a buffer of the drive-through lanes and windows, outdoor pedestrian seating and plaza areas that are adjacent to public right-of-ways, drive aisles, and parking lot which front along Willow Springs Road. Such areas shall include a trellis feature or other cover structures over the drive-through lane, and pedestrian plaza areas that are adjacent to the building.
- P32. All shall be in compliance with the approved Sign Program (submitted at a future date) and shall have a separate permit and are subject to final approval by the Town Planning Division.
- P33. Variance No. 2016-001 allows a fifteen (15)-foot rear yard encroachment for the 1.2 acre parcel east of Willow Springs Road.
- P34. The approval of Special Use Permit No. 2015-015, authorize drive-through uses for Pad(s) B, C, D E, F and the parcel east of Willow Springs Road. Pads C, and D are approved for gas stations with convenience store.
- P35. Per Section 9.35.090 of the Development Code regarding trash enclosures, all standards and design criteria all trash enclosures shall be designed per the Town's regulations.
- P36. Biological Resources
BIO-1 - If any sensitive species are observed on the property during future development activities, CDFW and USFWS (as applicable) shall be contacted to discuss specific mitigation measures which may be required for the individual species. CDFW and USFWS are the only agencies which can grant authorization for the "take" of any special status species.

BIO-2 - A pre-construction survey shall be completed by a qualified biologist within 7 days of the initiation of any earth moving activity on the site. The pre-construction survey shall include an intensive site survey for desert tortoise, burrowing owl and migratory birds. Should any affected species be identified, the biologist shall include recommendations for avoidance in the report.
- P37. Cultural Resources
CR-1 - If buried cultural materials are discovered during earth-moving operations associated with the project, all work in that area should be halted or diverted until a qualified archeologist can evaluate the nature and significance of the finds. In the event that earth moving activities uncover human remains, all earth moving shall stop. The contractor shall immediately notify the Town and the County Coroner. The Coroner shall determine whether the remains are prehistoric, historic or modern-day. Should the remains be prehistoric, the Coroner shall be required to make Tribal contact, and the disposition of the remains shall be undertaken

consistent with PRC 5097.98. The Coroner shall be responsible for determining when earth moving activities can resume.

P38. Noise

N-1: - A noise study shall be prepared prior to the issuance of any building permit for the hotel to determine the appropriate sound attenuating measures necessary to ensure interior noise levels comply with the Development Code and General Plan Noise Element.

Engineering Division Conditions of Approval

- EC1. Prior to issuance of a grading permit, a final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner, which will not adversely affect adjacent or downstream properties. This plan shall consider retaining onsite drainage flows from a 100 year design storm.
- EC2. Street improvement plans shall be submitted to the Town Engineer for review and approval.
- EC3. All streets abutting the development shall be improved a minimum with curb and gutter and sidewalk on the development side.
- EC4. Willow Springs Road shall be improved to the Town's full-width Commercial Road standards with a Two-way left-turn lane and sidewalks as approved by the Town Engineer, from Dale Evans Parkway to the north boundary of the project.
- EC5. The west leg (eastbound) of Dale Evans Parkway at the intersection of Willow Springs Road shall be widened to accommodate a 100-ft left-turn lane. The east leg (westbound) of Dale Evans Parkway shall be widened to accommodate a 200-foot right turn lane. The north leg, Willow Springs Road, at Dale Evans Parkway (southbound) shall be widened to provide a 150-foot left-turn lane, a through lane and a 150-foot right turn lane.
- EC6. Prior to Final Map approval, a sixty-six 66-ft full-width road dedication along Willow Springs Road within the property shall be granted to the Town of Apple Valley. Willow Springs Road along the boundary of the project, a minimum half-width of forty-three (43) feet (thirty-three (33) feet half-width, plus ten (10) feet) road dedicated shall be granted to the Town of Apple Valley.
- EC7. During the grading of the roads, soil's testing of the road sub grades by a qualified soil's engineering firm shall be performed to determine appropriate structural road section. Minimum asphalt concrete thickness for all streets shall be 0.33 ft.
- EC8. 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.
- EC9. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC10. Final improvement plans and profiles shall indicate the location of any existing utility, which would affect construction and shall provide for its relocation at no cost to the Town.

- EC11. A final grading plan shall be submitted to the Town Engineer prior to issuance of a grading permit for review and approval. A grading permit shall not be issued until street improvement plans have been submitted to the Town Engineer for review and substantial completion of the street plans has been attained as determined by the Town Engineer.
- EC12. Prior to Town's acceptance of the Final Map, Subdivider shall present evidence to the Town Engineer whom 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.
- EC13. Utility lines shall be placed underground in accordance with the requirements of the Town.
- EC14. The developer shall make a good-faith effort to acquire the required off-site property interests, and if he or she should fail to do so, the developer shall at least 120 days prior to submittal of the final map for approval, enter into an agreement to complete the improvements pursuant to Government Code Section 66462 at such time as the Town acquires the property interests required for the improvements. Such agreement shall provide for payment by the developer of all costs incurred by Town to acquire the 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.
- EC15. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC16. Any developer fees, including but not limited to drainage fees shall be paid by the developer as per Town's enactment.
- EC17. Any required street striping shall be thermoplastic as approved by the Town Engineer.
- EC18. A fair share contribution for a future traffic signal at the intersection of Dale Evans Parkway and Willow Springs Road shall be paid prior to final occupancy.
- EC19. 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.

Building and Safety Division Conditions of Approval

- B1. An engineered grading report, including soil's 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 1000 cubic yards.
- B2. Grading and drainage plans, including a soil's report must be submitted to and approved by the Building Department and Engineering Department prior to grading permit issuance.
- B3. Submit plans, engineering and obtain permits for all structures, retaining walls, and signs.

- B4. A pre-construction permit and inspection are required prior to any land disturbing activity to verify requirements for erosion control; flood hazards native plant protection and desert tortoise habitat.
- B5. A Notice of Intent (NOI) and a Storm Water Prevention Plan (SWPP) must be submitted to and approved by the Engineering and Building Departments prior to issuance of a grading permit and or any land disturbance.
- B6. All utilities shall be placed underground in compliance with Town Ordinance No. 89.
- B7. All cross-lot drainage requires easements and may require improvements at the time of development.
- B8. Comply with State of California Disability Access requirements.
- B9. A pre-grading meeting is required prior to beginning any land disturbance. This meeting will include the Building Inspector, General Contractor, Grading Contractor, soil's technician and any other parties required to be present during the grading process such as Biologist, Paleontologist.
- B10. A dust palliative or hydro seed will be required on those portions of the site graded but not constructed (phased construction).
- B11. Page two (2) of the submitted building plans will be the conditions of approval.
- B12. Construction must comply with ~~2013~~ 2016 California Building Codes.
- B13. Best Managements Practices (BMP's) are required for the site during construction.
- B14. Provide Water Quality Management Plan (WQMP) or Alternative Compliance Plan.

Environmental & Transit Services Conditions of Approval

- ET1. The project must provide adequate areas for collecting and loading recyclable materials in compliance with AB 341. The trash enclosure must comply with the newly adopted recycling standards.

Public Resource Code Section 42910-42912

- ET2. The developer shall complete and submit a Waste Management Plan ("WMP"), on a WMP form approved by the Town for this purpose as part of the application packet for the building or demolition permit. The completed WMP shall indicate all of the following:
 - (1) The estimated volume or weight of project C&D debris to be generated;
 - (2) The estimated volume or weight of such materials that can feasibly be diverted via reuse or recycling;
 - (3) The vendor or facility that the Developer proposes to use to collect or receive that material; and
 - (4) The estimated volume or weight of C&D materials that will be landfill.

Town of Apple Valley Municipal Code Section 8.19.020(a)

- ET3. Compliance with Condition of Approval No. ER2 shall be met by any of the following:
- (1) Contract for hauling services with Town's franchise hauler, with all Project debris delivered to San Bernardino County self-haul landfill diversion program, provided the diversion program is currently operating; and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP.
 - (2) Self-haul all Project debris to San Bernardino County self-haul landfill diversion program, provided the diversion program is currently operating; and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP.
 - (3) Self-haul all Project debris to a construction material recycling facility, and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP.
 - (4) Contract with a construction site cleanup company to recycle at least 50% of the Project construction debris, and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP.

Town of Apple Valley Municipal Code Section 8.19.030

- ET4. Prior to issuance of Certificate of Occupancy, the developer shall submit to the WMP Compliance Official documentation proving that it has met the Diversion Requirement for the Project. The Diversion Requirement shall be that the developer has diverted at least fifty (50) percent of the total C&D debris generated by the Project via reuse or recycling. This documentation shall include all of the following:
- (1) Receipts from the vendor or facility that collected or received each material showing the actual weight or volume of that material;
 - (2) A copy of the previously submitted WMP for the Project adding the actual volume or weight of each material diverted and landfill;
 - (3) Any additional information the Developer believes is relevant to determining its efforts to comply in good faith with this Chapter 8.19.

Town of Apple Valley Municipal Code Section 8.19.050

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

Public Work Division Condition of Approval

- PW1. A sewer feasibility study is required to determine 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) to determine procedure and costs associated with completing said study.

- 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. Buy-in fees will be required prior to Building Permit / Recordation. Contact the Public Works Department for costs associated with said fees.
- PW4. Sewer connection fees required.
- PW5. Sewer development impact fees required.
- PW6. 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.
- PW7. 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.

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. All combustible vegetation, such as dead shrubbery and dry grasses, shall be removed from each building site a minimum distance of thirty (30) feet from any combustible building material, including the finished structure. This does not apply to single specimens of trees, ornamental shrubbery, or similar plants, which are used as ground cover if they do not form a means of transmitting fire. California Public Resources Code, Sec. 4291
- FD4. Prior to combustible construction, the development and each phase thereof, shall have two (2) points of paved access for fire and other emergency equipment, and for routes of escape which will safely handle evacuations. Each of these points of access shall provide an independent route into the area in which the development is located.
- FD5. Fire lanes shall be provided with a minimum width of twenty-six (26) feet, maintained, and identified. Twenty-six (26) feet access will start at both points of ingress and continue through the site. Apple Valley Fire Protection District Ordinance 55
- FD6. 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 percent (12) unless approved by the Chief. Apple Valley Fire Protection District Ordinance 55

FD7. 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. The numbers shall contrast with their background. Commercial and industrial developments shall have street addresses and location approved by the Fire District. Where the building setback exceeds 200 feet from the roadway, additional non-illuminated contrasting eighteen (18) inch numbers shall be displayed at the property entrance. When these developments have rear doors of each unit, the unit number shall be a minimum of six (6) inches and shall contrast with their background.

Apple Valley Fire Protection District, Ordinance 55

FD8. All buildings to be fire sprinklered as well as alarmed with smoke detection throughout.

FD9. 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	1,500-2,250	GPM @ 20 psi Residual Pressure
Duration	2	Hour(s)
Hydrant Spacing	330	Feet

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

The system shall be supervised and connected to an approved alarm monitoring station and provide local alarm which will give an audible signal at a protected location. Supervision to be both water flow and tamper. Sprinkler work may not commence until approved plans and permits have been issued by the Fire District.

Apple Valley Fire Protection District, Ordinance 55

FD10. A letter shall be furnished to the Fire District from the water purveyor stating that the required fire flow for the project can be met prior to the Formal Development Review Committee meeting.

FD11. Prior to issuance of building permit, the developer shall pay all applicable fees as identified in the Apple Valley Fire Protection District Ordinance.

FD12. A Knox Box Rapid Entry System shall be required for this project.

Apple Valley Fire Protection District Ordinance 55

Liberty Utilities Conditions of Approval

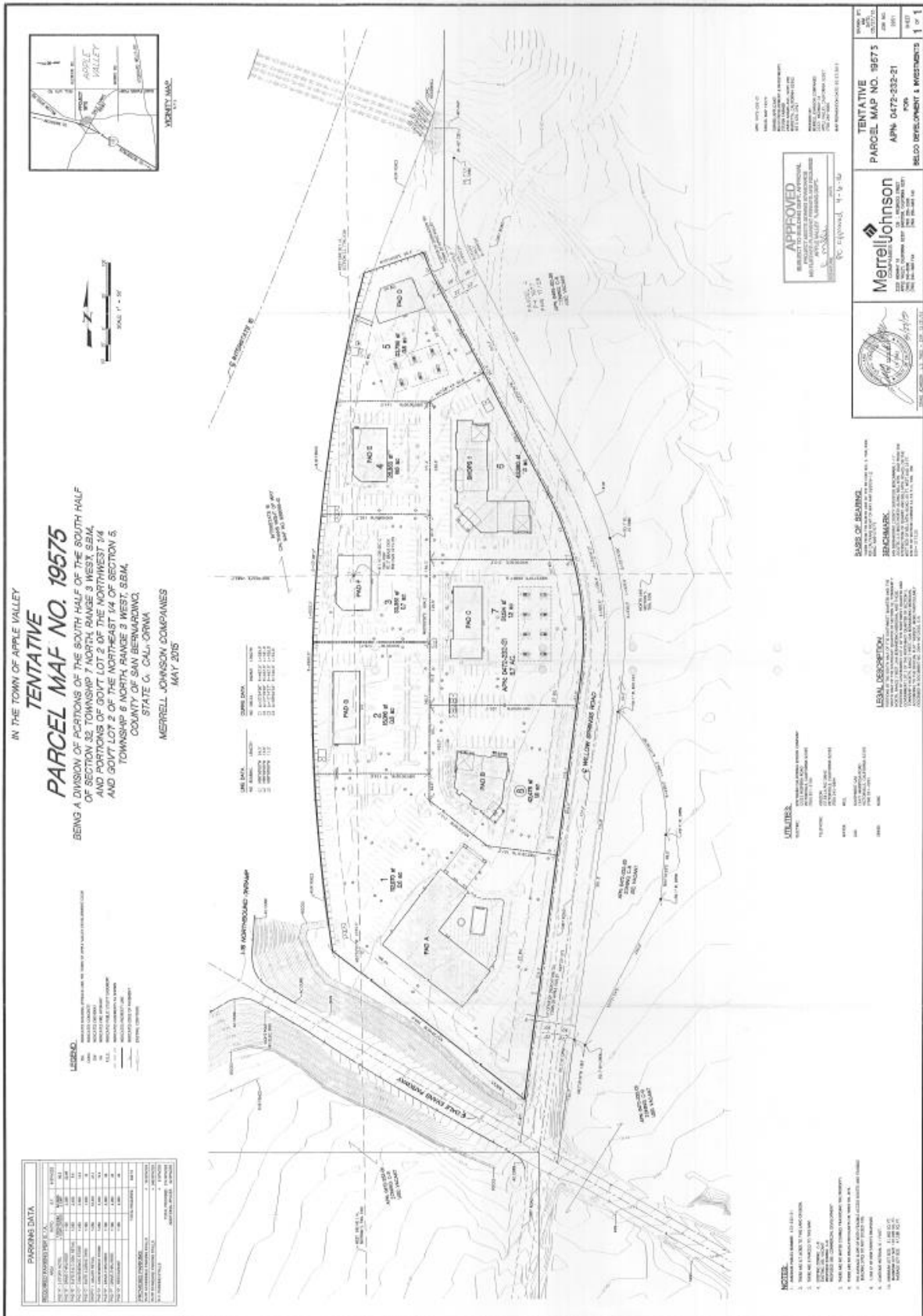
LU1. A water main must be extended to provide fire protection for this development in accordance with Apple Valley Fire Protection District's conditions and must comply with Rule #16 of the California Public Utilities Commission.

LU2. A water main extension contract with the developer and Liberty is required and must be in compliance with Rule #15 of the California Public Utilities Commission. A 16" diameter pipeline will need to be extended from the existing main approximately 4,000 feet away which is south of the High Desert Detention Center on Dale Evans Parkway.

- LU3. The water mains and appurtenances are required to be installed in accordance with Liberty's standards and specifications.
- LU4. Fire hydrants are required per Liberty standards drawings and located in accordance with Apple Valley Fire Protection District's requirements.
- LU5. Water facilities need to be installed in dedicated public Rights-of-Ways and/or public utility easements and need to be identified and shown on water improvement plans. These dedications and/or easements are needed to install, maintain, repair, connect, operate and inspect the proposed water facilities with unobstructed vehicular access.
- LU6. Domestic service lines will need to be installed from the proposed water main to the dedicated street right-of-way line for this development.
- LU7. A Supply Facility Fee is required which will fund development of new wells. This fee will be collected per meter which is presently at a rate of \$1000 per 5/8" equivalent meter.
- LU8. A Supplemental Water Acquisition Fee is also required in order for Liberty to have the water rights to provide water to this project. This is a onetime charge that is subject to change and is determined at the time of construction. Presently, this fee is \$5,500 per residential lot of equivalent average residential water use.

End of Conditions

Tentative Parcel Map No. 19575 Extension of Time
 March 21, 2018 Planning Commission Meeting



PARKING DATA

REQUIRED PARKING PER 1,000 SQ. FT.	ACTUAL PARKING PER 1,000 SQ. FT.	PERCENTAGE
10	10	100%
15	15	100%
20	20	100%
25	25	100%
30	30	100%
35	35	100%
40	40	100%
45	45	100%
50	50	100%
55	55	100%
60	60	100%
65	65	100%
70	70	100%
75	75	100%
80	80	100%
85	85	100%
90	90	100%
95	95	100%
100	100	100%

- NOTES:**
1. THIS MAP IS SUBJECT TO THE LATEST CHANGES.
 2. THIS MAP IS SUBJECT TO THE LATEST CHANGES.
 3. THIS MAP IS SUBJECT TO THE LATEST CHANGES.
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 9. THIS MAP IS SUBJECT TO THE LATEST CHANGES.
 10. THIS MAP IS SUBJECT TO THE LATEST CHANGES.

UTILITIES

UTILITY	TYPE	DEPTH	LOCATION
WATER	12" DUCT IRON	36"	ALONG S. HOLLOW CREEK ROAD
SEWER	12" DUCT IRON	36"	ALONG S. HOLLOW CREEK ROAD
ELECTRIC	4" DUCT IRON	36"	ALONG S. HOLLOW CREEK ROAD
TELEPHONE	4" DUCT IRON	36"	ALONG S. HOLLOW CREEK ROAD

LEGAL DESCRIPTION
 BEING A DIVISION OF PORTIONS OF THE SOUTH HALF OF SECTION 32, TOWNSHIP 7 NORTH, RANGE 3 WEST, SEAM, AND PORTIONS OF GOVT LOT 2 OF THE NORTHWEST 1/4 AND GOVT LOT 2 OF THE NORTHEAST 1/4 OF SECTION 5, TOWNSHIP 6 NORTH, RANGE 3 WEST, SEAM, COUNTY OF SAN BERNARDINO, STATE OF CALIF., ORWA.

BASE OF BEARING
 THE BEARING OF THE BOUNDARIES OF THE TRACT IS AS SHOWN ON THE PLAT.

BENCHMARK
 THE BENCHMARK IS AS SHOWN ON THE PLAT.

APPROVED
 FOR THE PLANNING COMMISSION

TENTATIVE PARCEL MAP NO. 19575
 APRIL 0472-032-21
 FOR
 BELO DEVELOPMENT & INVESTMENTS

Tentative Parcel Map No. 19575
 Extension of Time

ZONING/LOCATION MAP

