

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

APEAL (NO. 2008-002) OF THE PLANNING COMMISSION'S APPROVAL OF TENTATIVE TRACT MAP NO. 17180 EXTENSION OF TIME NO. 1, A REQUEST TO EXTEND TENTATIVE TRACT MAP NO. 17180 FOR AN ADDITIONAL THREE (3) YEARS, SPECIFICALLY CONDITION OF APPROVAL NOS. P13 AND P14 WHICH RELATE TO SUBDIVISION WALLS. TENTATIVE TRACT MAP NO. 17180 IS A REQUEST TO SUBDIVIDE THREE (3) ACRES INTO SIX (6) SINGLE FAMILY RESIDENTIAL LOTS.

Appeal Applicant:

Mr. William Grammenos

Location:

Tentative Tract Map No. 17180 is located on the south side of Geronimo Road at Highline Drive and north of Pah-Ute Road; APN 3087-201-03.

Summary Statement:

At the regularly scheduled July 16, 2008 Planning Commission meeting, the Planning Commission reviewed and approved Tentative Tract Map No. 17180 Extension of Time No. 1, a request to extend the tentative tract map for an additional three (3) years subject to the Conditions of Approval as amended. Pursuant to Development Code Section 9.12.250 *Appeals*, the applicant or anyone who is dissatisfied with the decision may appeal that decision within ten (10) days from the date of the decision. On July 24, 2008, an appeal of the Planning Commission's approval of Tentative Tract Map No. 17180 Extension of Time No. 1 was filed.

(Continued on next page)

Recommended Action:

Open the public hearing and take testimony.

Close the public hearing. Then move to:

1. **Find** that pursuant to the California Environmental Quality Act (CEQA), Section 15315, the proposed request is Exempt from further environmental review.
2. **Move** to deny Appeal No. 2008-002 and uphold the Planning Commission's approval of Tentative Tract Map No. 17180 Extension of Time No. 1.

Proposed by: Planning Division **Item Number** _____

Town Manager Approval: _____ **Budget Item** Yes No N/A

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Summary Statement (continued from page 1):

The appellant, Mr. William Grammenos, is appealing the Planning Commission's July 16, 2008 approval of the extension of time for the proposed tentative tract map, including amended Conditions of Approval. The appellant is requesting clarification of Condition of Approval Nos. P13 and P14 in terms of determining whose responsibility it is to construct a masonry wall between the proposed subdivision and the southern adjacent three (3) properties. The appellant believes the intent of Condition Nos. P13 and P14 is that the developer of TTM No. 17180 should be required to construct a subdivision wall.

Both Condition of Approval Nos. P13 and P14 are standard Conditions of Approval applied to all tract maps. In 2007, the Town Council was concerned that requirements for subdivision perimeter walls would create double fencing when a tract abuts an existing development that already has a fence or wall. A standard condition was created (Condition No. P14), which requires the developer to identify how a proposed new wall or fence would relate to existing walls and fences and not create a double fencing issue. This condition does not require the developer to install a wall or fence. The double fencing issue is a concern because it creates an area, six (6) inches or greater of "no man's land", that is not maintained between the new wall/fence and the existing wall/fence. The intent of Condition No. P13 is to ensure that, if subdivision walls are proposed, they be constructed of quality decorative material. This condition is not a requirement to install a subdivision wall. These Conditions read as follows:

- P13. Subdivision walls shall be constructed of slump stone, split face or masonry material, along the perimeter of the property lines. Prior to recordation of the Final Map, the Developer/applicant shall submit detailed plans showing all proposed walls for this subdivision subject to approval by the Director of Economic and Community Development (or designee).

- P14. If the tract/parcel map is adjacent to existing development, a fence/wall plan shall be submitted with the grading and landscape/irrigation plans to identify how new fencing or walls will relate to any existing fences or walls located around the perimeter of the tract/parcel map. The developer shall be required to connect to the existing fencing/walls or collaborate with the adjacent property owners to provide new fencing/walls and remove the existing fence/wall, both options at the developer's expense. Double fencing shall be avoided and review and approval of the fencing/wall plan is required prior to issuance of grading permits.

Condition No. P13 was included with the original staff report and presented at the July 20, 2005 Planning Commission meeting. This condition does not infer that a subdivision wall is required but, rather, it specifies the type of construction material for a subdivision wall. At the July 16, 2008 Planning Commission meeting, Condition No. P14 was included as an amended condition. This condition's intent is to prevent the construction of double fencing in cases of existing walls/fencing being adjacent to a newly constructed wall/fence.

The appellant also states within the Appeal application his concern with development of future homes on the site with respect to constructing two (2)-story residences. The developer is not required to specify the type or style of residences to be built at the Tentative Tract phase. Condition No. P12 requires any future homes to be developed on the site to conform to the Custom Home Policy or submit a Development Permit, which would specify the type, size and style of residences.

P12. Unless all future residential development consists of custom homes in conformance with the Planning Commission's Custom Home Policy, a separate Development Permit, approved by the Planning Commission, is required prior to new single-family residential construction. The submittal shall include a Development Plan consisting of plot plans, a minimum of three (3) floor plans and six (6) building elevations, demonstrating a cohesive design that incorporates a variety of heights, setbacks, roof shapes and trim to create an aesthetically pleasing streetscape.

The July 16, 2008 Planning Commission staff report and minutes are attached for reference to the Town Council.

Summary:

The appeal submitted by Mr. Grammenos is requesting clarification of whether a requirement that the developer construct a wall at the rear of the lots on the south perimeter of the tract was required. At the July 20, 2005 Planning Commission meeting, Mr. Grammenos voiced concerns regarding implementing a requirement to build the wall; however, the Planning Commission did not adopt Conditions of Approval to require the construction of the wall. Condition No. P13, which was part of the original approval, only required the developer to construct a wall of decorative material if a wall was being proposed. Subsequently, at the July 16, 2008 Planning Commission hearing, there was no condition added that requires the developer to construct the wall. Condition No. P14 requires the developer to ensure that, if a wall is proposed, the issue of double fencing, next to a subdivided and developed area, would not occur. In addition, there was no requirement that two (2)-story residences be restricted from being developed on this site. This issue is, typically, discussed and possibly conditioned at the Development Permit phase. The developer also has the option of constructing custom homes on these lots which could be two (2)-story and would not require a Development Permit.

Attachments:

1. Staff Report from June 16, 2008 Planning Commission meeting
2. Minute Excerpt from July 16, 2008 Planning Commission meeting
3. Minute Excerpt from July 20, 2005 Planning Commission meeting
4. Tentative Tract Map No. 17180
5. Zoning Map for Tentative Tract Map No. 17180
6. Appeal Application
7. Letter from Mr. William Grammenos



TOWN OF APPLE VALLEY PLANNING COMMISSION

STAFF REPORT

AGENDA DATE: July 16, 2008

CASE NUMBER: Tentative Tract Map No. 17180 Extension of Time No. 1

APPLICANT: Mr. Craig Sundgren, Cubit Engineering

PROPOSAL: A request for approval of a three (3) year time extension for Tentative Tract Map No. 17180, originally approved July 20, 2005. The Tentative Tract map is a request to subdivide three (3) acres into six (6) single-family lots within the Single-Family Residential (R-SF) zoning designation.

LOCATION: The site is located south of Geronimo Road and Highline Drive and north of Pah-Ute Road; APN 3087-201-03.

ENVIRONMENTAL DETERMINATION: This project is within the scope of the approved Negative Declaration that was adopted by the Planning Commission for Tentative Tract Map No. 17180 on July 20, 2005. Pursuant to the California Environmental Quality Act (CEQA), Section 15162, this proposal (Extension of Time) is exempt and does not require further environmental review.

CASE PLANNER: Mr. Conrad Olmedo, Assistant Planner

RECOMMENDATION: Approval

PROJECT SITE AND DESCRIPTION

A. Project Size

The property consists of a three (3)-acre parcel within the Single Family Residential (R-SF) zoning designation. The Tentative Tract Map indicates lot sizes between 18,770 square feet to 18,789 square feet.

B. General Plan Designations

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

C. Surrounding Zoning and Land Use:

- Site - Single Family Residential (R-SF), Vacant
- North - Single Family Residential (R-SF), Vacant, Single Family Homes
- South - Single Family Residential (R-SF), Single Family Homes
- East - Single Family Residential (R-SF), Vacant
- West - Single Family Residential (R-SF), Under Construction

ANALYSIS

A. Background:

Tentative Tract Map No. 17180 was approved by the Planning Commission on July 20, 2005. 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 (3) of the Subdivision Map Act which allows tentative maps to be extended for a total of five (5) years.

B. General:

The proposed tract map is consistent with the R-SF General Plan and zoning designation meeting Development Code requirements in terms of lot width, depth, and size (Measure "N"). The property appears to have no significant changes or improvements since the original tentative tract map approval. If circumstances, conditions and requirements have changed sufficiently to warrant new conditions (such as updated park/recreation fees, general Town street standards or the need to conform to equestrian trail provision requirements), and the applicant will not agree to those new conditions, the Commission has the authority and responsibility to deny the Time Extension, citing the fact(s) that the Tentative Map would not be consistent with the requirements applicable today.

For the Commission's convenience, staff has included the original Conditions of Approval with recommended modifications in ~~strikeout~~ (deletions) and underline (additions).

C. Environmental Assessment:

Pursuant to the California Environmental Quality Act (CEQA), Section 15162, this proposal (Extension of Time) is exempt and does not require further environmental review (although the map is still required to fulfill all environmental requirements stipulated within the map's initial approval).

D. Noticing:

The proposed Tentative Tract Map Time Extension was legally noticed in the Apple Valley Newspaper on July 4, 2008.

E. Findings:

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

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

Comment: The subject property has a General Plan land use designation of Residential Single-Family (R-SF), and by size, shape and configuration has the ability to be used in a manner consistent with the General Plan Land Use Element and Zoning designations. The project is a proposal to subdivide the property into six (6) single-family lots and with adherence to staff recommended conditions, will meet the minimum requirements for lot size, width and depth as prescribed by the Code.

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

Comment: The proposal consists of a land subdivision located on residentially designated land for the purpose of future residential development at the maximum density allowed by the underlying zoning. No houses are being removed and housing needs will not be negatively impacted.

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

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

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

Comment: The project is a residential land subdivision and is required to connect to the Town of Apple Valley sewer system and requires approval of the Town of Apple Valley Public Works Division in order to meet the requirements of the Town.

RECOMMENDATION:

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

1. Determine that, pursuant to the California Environmental Quality Act (CEQA), Section 15162, the proposed time extension is Exempt and does not require further environmental review (although the map is still required to fulfill all environmental requirements stipulated within the map's initial approval).
2. Find that the facts presented in the staff report support the required Findings for approval and adopt those Findings.
3. Approve a three (3) year Extension of Time for Tentative Tract Map No. 17180, subject to the attached Conditions of Approval.
4. Direct staff to file a Notice of Exemption.

Prepared By:

Reviewed By:

Conrad Olmedo
Assistant Planner

Lori Lamson
Assistant Director of Community Development

ATTACHMENTS:

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

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Case No. Tentative Tract Map No. 17180 Extension of Time No. 1

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

For the Commission's convenience, staff has included the original Conditions of Approval with recommended modifications in ~~strikeout~~ (deletions) and underline (additions).

Planning Division Conditions of Approval

- P1. This tentative subdivision shall comply with the provisions of the State Subdivision Map Act and the Town Development Code. This tentative approval shall expire three (3) years from the date of approval by the Planning Commission/Town Council. A time extension may be approved in accordance with the State Map Act and Town Ordinance, if an extension application is filed and the appropriate fees are paid thirty (30) days prior to the expiration date. The Tentative Tract/Parcel Map becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. Prior to approval of the Final Map, the following agencies shall provide written verification to the Planning Division that all pertinent conditions of approval and applicable regulations have been met:
- Apple Valley Fire Protection District
 - Apple Valley Water District
 - Apple Valley Public Services Department
 - Apple Valley Engineering Division
 - Apple Valley Planning Division
- P3. Upon approval of the Tentative Tract Map No. 17180 the applicant shall be responsible for the payment of all CEQA mandated environmental review and filing fees to the Department of Fish and Game and/or the San Bernardino County Clerk of the Board of Supervisors.
- P4. Tentative Tract Map No. 17180 shall adhere to all requirements of the Development Code.
- P5. The applicant shall agree to defend at his sole expense (with attorneys approved by the Town), and indemnify the Town against any action brought against the Town, its agents, officers or employees resulting from or relating to this approval. The applicant shall reimburse the Town, its agents, officers or employees for any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate at its own

expense in the defense of any such action, but such participation shall not relieve the applicant of these obligations under this condition.

- P6. Approval of the Tentative Tract Map No. 17180 by the Planning Commission is understood as acknowledgement of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, Appeals, of the Town of Apple Valley Development Code.
- P7. Prior to recordation the applicant shall provide the Planning Division with a copy of the subdivision in an electronic format compatible with the Town's current technology.
- P8. All slopes over three (3) feet in height shall be landscaped and irrigated according to Town standards.
- P9. Any protected desert plants or Joshua trees impacted by development are subject to the regulations specified in Section 9.76.020 (Plant Protection and Management) of the Development Code. Prior to the issuance of a Grading Permit, a study by a qualified Native Plant Expert shall be prepared to determine if the identified trees will be saved, located or removed, in compliance with the Town's Native Plant Protection Ordinance.
- P10. All lots shall have a minimum area of 18,000 square feet, except corner lots, which shall have a minimum area of 20,000 square feet. All lots shall have a minimum depth of 150 feet and a minimum width of one-hundred (100) feet, except corner lots which shall have a minimum depth of 150 feet and a minimum width of 115 feet. In addition, each lot on a cul-de-sac or on a curved street, where the side lot lines thereof are diverging from the front to rear of the lot, shall have a front lot width of not less than sixty (60) feet and a lot width of not less than 100 feet at the minimum building setback line, ~~of 40 feet.~~
- P11. ~~A separate Development Permit, approved by the Planning Commission, is required prior to new single-family residential construction. The submittal shall include a Development Plan consisting of plot plans, a minimum of four floor plans and building elevations, demonstrating a variety of heights, setbacks, roof shapes and trim to create visually pleasing aesthetics within a cohesive design.~~
- P12. Unless all future residential development consists of custom homes in conformance with the Planning Commission's Custom Home Policy, a separate Development Permit, approved by the Planning Commission, is required prior to new single-family residential construction. The submittal shall include a Development Plan consisting of plot plans, a minimum of three (3) floor plans and six (6) building elevations, demonstrating a cohesive design that incorporates a variety of heights, setbacks, roof shapes and trim to create an aesthetically pleasing streetscape.
- P13. Subdivision walls shall be constructed of slump stone, split face or masonry material, along the perimeter of the property lines. Prior to recordation of the Final Map, the Developer/applicant shall submit detailed plans showing all proposed walls for this subdivision subject to approval by the Director of Economic and Community Development (or designee).
- P14. If the tract/parcel map is adjacent to existing development, a fence/wall plan shall be submitted with the grading and landscape/irrigation plans to identify how new fencing or walls will relate to any existing fences or walls located around the perimeter of the

tract/parcel map. The developer shall be required to connect to the existing fencing/walls or collaborate with the adjacent property owners to provide new fencing/walls and remove the existing fence/wall, both options at the developer's expense. Double fencing shall be avoided and review and approval of the fencing/wall plan is required prior to issuance of grading permits.

P15. The project shall incorporate sidewalks, which shall be shown on Engineered improvement plans, subject to approval by the Director of Economic and Community Development (or designee).

P16. The project shall conform to the Single-Family Residential (R-SF), development standards for front, side and rear yard-building setbacks, ~~as follows:~~

Front: ~~_____~~ 40 feet minimum, 45 average
Street side: ~~_____~~ 25 feet minimum
Interior side: ~~_____~~ 15/10 feet minimum
Rear: ~~_____~~ 25 feet minimum

P17. A copy of the final grading plan shall be submitted to the Planning Division for review and approval:

- a. All on-site cut and fill slopes shall be limited to a maximum slope ratio of 2 to 1 and a maximum vertical height of thirty (30) feet. Setbacks from top and bottom of slopes shall be a minimum of one-half the slope height.
- b. Slopes shall be contour graded to blend with existing natural contours.
- c. Slopes shall be a part of the downhill lot when within or between individual lots.
- d. No mass grading will be permitted. Grading shall be limited to those areas necessary for infrastructure installation. Pad grading shall be limited to thirty (30) feet beyond the pad area.

P18. ~~Any desert native plants and trees as identified in the Development Code, which will be impacted by development, are required to be relocated under the authorization of the County Agricultural Commissioner.~~

P19. During grading of any phase of the project, the site shall be monitored to ensure that the presence of any sensitive or special status animal species is not evident. A pre-construction survey shall be conducted prior to land clearing to ensure the special status species (Desert Tortoise, Mohave ground squirrel, burrowing owl, sharp-shinned hawk and loggerhead shrike) have not moved on to the site. In the event evidence of special status species are present, appropriate permits shall be obtained from the U.S. Fish and Wildlife Service and California Department of Fish and Game (CDFG).

P20. Grading and/or grubbing of the project site shall not be permitted prior to grading and/or building permit issuance from the Building and Safety Division

- P21. The development of single-family residences will require the installation of landscaping within the required front and street-side yard setbacks. Landscaping shall be installed and maintained from the back of curb.
- P22. 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.
- P23. Final landscape and irrigation plans shall be submitted prior to the issuance of any Building permits and installed prior to issuance of occupancy permits subject to approval by the Planning Division.

Parks and Recreation Department Conditions of Approval

- PR1. Prior to issuance of building permits for new construction, the developer, or assignee, is subject to fees in compliance to the Park and Recreation Department Quimby Ordinance, subject to review by the Planning Division.

Engineering Division Conditions of Approval

- EC1. A final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider reducing the post-development site-developed flow to 90 percent of the pre-development flow for a 100 year design storm. (Town Resolution 2000-50; Development Code 9.28.050.C, 9.28.100)
- EC2. Street improvement plans shall be submitted to the Town Engineer for review and approval.
- EC3. All streets abutting the development shall be improved a minimum half-width of 28 feet with curb, gutter and sidewalk on the development side.
- EC4: Geronimo Road adjacent to the property shall be improved to the Town's modified half-width Local Road standards, twenty-two (22) feet of pavement from centerline to the back of curb.
- EC4. A thirty (30)-foot wide half-width road dedication along Geronimo Road adjacent to the property shall be granted to the Town of Apple Valley.
- EC5. During the grading of the streets, soils testing of the street subgrades by a qualified soils engineering firm shall be performed to determine appropriate structural street section. Minimum asphalt concrete thickness for all streets shall be 0.33 ft.
- EC6. All required improvements shall be constructed and approved or bonded in accordance with Town Development Code.
- EC7. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.

- EC8. 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.
- EC9. A final grading plan shall be approved by the Town Engineer prior to issuance of a grading permit. A grading permit shall not be issued until street improvement plans have been submitted to the Town Engineer for review and substantial completion of the street plans has been attained as determined by the Town Engineer.
- EC10. The developer shall form or annex into an assessment district to provide for the ongoing maintenance of an existing adjacent retention basin and accessory structures. (Town Council Resolution 2000-50)
- EC11. The developer shall present evidence to the Town Engineer that he has made a reasonable effort to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
- EC12. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)
- EC13. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC14. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC15. Cross lot drainage is unacceptable and backyard retention is not allowed. Drainage shall be designed in a manner such that storm water runoff is directed to the street and towards a retention area as approved by the Town Engineer.
- EC16. The developer shall obtain and submit to the Planning Division prior to occupancy, the following signed statement by the purchasers of the homes located within the Landscape and Lighting Assessment district (subject to final approval by the Town Attorney): "In purchasing the home, I am aware that the home is located in the boundaries of a Landscape and Lighting Assessment District for the maintenance of drainage, landscaping, fencing and other similar improvements and that an annual landscaping maintenance charge will be levied.
- EC17. 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 soils engineering and engineering geology, shall be filed with and approved by the Building Official prior to recordation of final map.

- B2. Grading and drainage plans are to be submitted to, and approved by the Building Official prior to permit issuance.
- B3. Submit plans and obtain building permits for all structures and walls.
- B4. A pre-construction permit and inspection are required prior to any land disturbing activity to verify requirements for erosion control, flood hazard, native plant protection and desert tortoise habitat.
- B5. Erosion control plans are to be submitted and approved by the Building Official prior to issuance of permits.
- B6. All utilities are required to 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. Check with the State of California Water resources Board to determine if a general construction activity storm water permit is required prior to any work beginning.

Public Works Division Conditions of Approval

Prior to Map Recordation:

- 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. Water purveyor shall be Apple Valley Ranchos Water Company.~~

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 Uniform Fire Code, Uniform 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 points of paved access for fire and other emergency equipment, and for routes of escape which will safely handle evacuations. Each of these points of access shall provide an independent route into the area in which the development is located.

Apple Valley Fire Protection District
Ordinance 22, Section (I)
Install per A.V.F.P.D. Standard ARI #8

- FD4. 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 ~~six hundred (600) feet~~ one thousand (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.

Uniform Fire Code, Section 902.2.2.3
Apple Valley Fire Protection District
Ordinance 22, Section 1 (e)
Install per A.V.F.P.D. Standard Series #202

- FD5. ~~Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.~~

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

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

- FD6. ~~Plans for fire protection systems designed to meet the fire flow requirements specified in the Conditions of Approval for this project shall be submitted to and approved by the Apple Valley Fire Protection District and water purveyor prior to the installation of said systems.~~

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

- FD7. ~~An approved fire sprinkler system shall be installed throughout any building:~~

~~➤ 5,000 square feet or greater, including garage and enclosed areas under roof, or~~

➤ ~~Other per California Building Code requirements.~~

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

- FD8. ~~Apple Valley Fire Protection District Final Subdivision/Tract/Development fees shall be paid to the Fire District prior to final map acceptance according to the current Apple Valley Fire Protection District Fee Ordinance~~
- FD9. Prior to issuance of Building Permit, the developer shall pay all applicable fees as identified in the Apple Valley Fire Protection District Ordinance.

End of Conditions

**MINUTES
TOWN OF APPLE VALLEY
PLANNING COMMISSION
Regular Meeting
Wednesday, July 16, 2008**

CALL TO ORDER

At 6:03 p.m., the regular meeting of the Planning Commission of the Town of Apple Valley for July 16, 2008, was called to order by Chairman Hernandez.

ROLL CALL

Roll call was taken with the following members present: Commissioner Richard "Dick" Allen; Commissioner Bruce Kallen; Commissioner John Putko; Chairman David Hernandez. Absent: Vice-Chairman B.R. "Bob" Tinsley

STAFF PRESENT

Ken Henderson, Director of Economic and Community Development; Becky Reynolds, Principal Planner; Carol Miller, Senior Planner; Richard Pedersen, Deputy Town Engineer; Pam Cupp, Associate Planner; Conrad Olmedo, Assistant Planner, and Patty Hevle, Planning Commission Secretary.

9. Tentative Tract Map No. 17180, Extension No. 1

Applicant: Mr. Craig Sundgren, Cubit Engineering

Location: The site is located south of Geronimo Road and Highline Drive and north of Pah-Ute Road; APN 3087-201-03.

Chairman Hernandez opened the public hearing at 8:40 p.m.

Mr. Conrad Olmedo, Assistant Planner, presented the staff report as filed by the Planning Division. He informed the Commission that, just recently, the Governor passed a law that would automatically grant a one (1) year extension of time for these projects.

Mr. Richard Pedersen, Deputy Town Engineer, commented that the applicant was asking for three (3) additional years and with the new law it would be a total time extension of four (4) years.

Ms. Amy Tellez, the applicant, stated that, based upon the Governor's new law, they would like to withdraw their Extension request, but only if they could get a refund on their application fee.

Ms. Becky Reynolds, Principal Planner, stated that, since the application had already been processed, the staff report prepared and noticing done, there would not be much left for a refund.

Ms. Tellez stated if that was the case, then she would go forward with the application for the three (3) year time extension. She stated she agreed with all of the Conditions of Approval.

Commissioner Kallen had questions concerning a fee reimbursement.

Mr. Ken Henderson, Director of Economic and Community Development, explained that the fees are established by ordinance by the Town Council and it would be difficult to establish a reimbursement program after the services has been provided. He stated that any exceptions would have to be granted by the Council.

Mr. Bill Grammenos of Apple Valley, requested to know if the homes would be two (2) or single story structures.

Ms. Reynolds stated that the application is just for the subdivision of the land and not for homes at this time.

Since there was no one else in the audience requesting to speak to this item, Chairman Hernandez closed the public hearing at 8:50 p.m.

MOTION:

Motion by Commissioner Putko, seconded by Commissioner Kallen that the Planning Commission move to:

1. Determine that, pursuant to the California Environmental Quality Act (CEQA), Section 15162, the proposed time extension is Exempt and does not require further environmental review (although the map is still required to fulfill all environmental requirements stipulated within the map's initial approval.
2. Find that the facts presented in the staff report support the required Findings for Approval and adopt those Findings.
3. Approve a three (3) year Extension of Time for Tentative Tract Map No. 17180, subject to the attached Conditions of Approval.
4. Direct staff to file a Notice of Exemption.

ROLL CALL VOTE:

Ayes: Commissioner Allen
Commissioner Kallen
Commissioner Putko
Chairman Hernandez

Noes: None

Abstain: None

Absent: Vice-Chairman Tinsley

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

**MINUTES
TOWN OF APPLE VALLEY
PLANNING COMMISSION
Regular Meeting
Wednesday, July 20, 2005**

CALL TO ORDER

At 6:00 p.m., the regular meeting of the Planning Commission of the Town of Apple Valley for July 20, 2005, was called to order by Chairman Tinsley.

ROLL CALL

Roll call was taken with the following members present: Commissioner Peter Allan; Commissioner Darryl Evey; Commissioner Brian Hawley; Vice-Chairman David Hernandez; and, Chairman B.R. "Bob" Tinsley.

STAFF PRESENT

Charles LaClaire, Assistant Director of Community Development; Lori Lamson, Principal Planner; Becky Reynolds, Senior Planner; Richard Pedersen, Deputy Town Engineer; Pam Cupp, Assistant Planner; Kevin LaClaire, Planning Intern; and, Patty Hevle, Planning Commission Secretary.

6. Tentative Tract Map No. 17180.

Applicant: Ms. Amy Tellez

Location: Approximately 1,320 feet east of Deep Creek Road on the south side of Geronimo Road; APN 3087-201-03.

Chairman Tinsley opened the public hearing at 7:31 p.m.

Mr. Kevin LaClaire, Planning Intern, presented the staff report as filed by the Planning Division.

Commissioner Hawley expressed concerns about utility easements and restrictions. He asked if the applicant would be willing to abandon the easement. The applicant's representative commented that the applicant does plan on abandoning the easement on final map.

Mr. Ron Gardner, of Cubit engineering, representing the applicant, expressed concerns with Conditions of Approval numbers P11, P12, EC1 1 and EC16. Mr. Gardner stated instead of the requirement of Condition EC16, they would be willing to place onsite retention in the front yard of the residences that would allow the natural flow of the drainage.

Mr. LaClaire commented that Condition Nos. PC11 and PC12 are Development Code requirements; however; the applicant can inform future buyers that they are subject to development review. He stated that the applicant could submit a Variance request to ask for elimination of the block wall, if he so desired.

Mr. Richard Pedersen, Deputy Town Engineer, commented on Condition No. EC1 1, stating that there is a retention basin in the area and that the applicant can annex into that existing assessment district. He also stated that Engineering would be agreeable to onsite retention in the front yards.

Mr. Gardner stated that they would be agreeable to the suggested solutions. Commissioner Evey suggested a Condition to state that the final map could not be recorded until the easement is abandoned.

Mr. Phillip Underwood, Apple Valley, expressed concerns about removing the block wall requirement.

Mr. Bill Grammenos, Apple Valley, commented about requiring the block wall for separation and whether or not any of the homes would be two (2)- story. He further stated that he lives next to the property and received no notification of the project.

Mr. Gardner, the applicant, commented that he accepted all of the Conditions of Approval, including the added Condition regarding the abandonment of the easement.

Chairman Tinsley asked that Mr. Grammenos be notified when the project comes up for Development Review. Mr. LaClaire stated that staff would place him on the mailing list for notification.

Since there was no one else in the audience requesting to speak to this item, Chairman Tinsley closed the public hearing at 7:56 p.m.

MOTION:

Motion by Vice-Chairman Hernandez, seconded by Commissioner Evey, to approve the project with the addition of Condition No. P18 and the modification of Condition No. EC16 as follows:

P18. Easement "A" as shown on the Tentative Tract Map No. 17180 shall be abandoned prior to approval of the Final Map.

EC16. Cross-lot drainage is unacceptable and backyard retention is not allowed. Drainage shall be designed in a manner such that storm water runoff is directed to the street as approved by the Town Engineer.

And to:

1.
 - a. Determine that the proposed Tentative Tract Map will not have a significant effect on the environment, with adherence to the Conditions of Approval recommended in this report.
 - b. Determine that there is no evidence before the Town that the proposed project will have any potential for adverse effect on wildlife resources and, therefore, the impacts of the project are found to be De Minimis pursuant to Section 711.4 of the Fish and Game Code.

2. Adopt the Negative Declaration and De Minimis Impact Finding for Tentative Tract Map No. 17180.
3. Find that the facts presented in the staff report support the required Findings for approval and adopt those Findings.
4. Approve Tentative Tract Map No. 17180, subject to the attached amended Conditions of Approval.
5. Direct staff to file a Notice of Determination.

ROLL CALL VOTE:

Ayes: Commissioner Allan
 Commissioner Evey
 Commissioner Hawley
 Vice-Chairman Hernandez
 Chairman Tinsley
Noes: None
Abstain: None
Absent: None

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

DATE: OCTOBER 2004

OWNER/APPLICANT

AVI TELLE
17110 HIGHLAND DRIVE
VICTORVILLE, CA 92392
(760) 924-4149

PUBLIC UTILITIES

ELECTRICITY: SOUTHERN CALIFORNIA Edison
17000 VICTORVILLE, CALIF. 92392
760-241-3888

Gas: SOUTHWEST GAS COMPANY
1400 W. WATSON BLVD., SUITE 100
VICTORVILLE, CA 92392
760-241-4221

WATER: APPLE VALLEY ANNESED WATER CO.
21740 COTTAGE ROAD / P.O. BOX 7008
VICTORVILLE, CA 92392
(760) 241-2244

SEWER: TOWN OF APPLE VALLEY
17000 VICTORVILLE, CALIF. 92392
760-241-3888

ZONING & LAND USE

PRESENT OR SITE: R-2F VACANT

PROPOSED OR SITE: R-2F SINGLE FAMILY RES.

NORTH: R-2F VACANT / SINGLE FAMILY RES.

SOUTH: R-2F VACANT / SINGLE FAMILY RES.

EAST: R-2F VACANT

WEST: R-2F VACANT

NOTES

NO PROPOSED CHANGES AT THIS TIME.

0 L.F. NEW STREETS

4 MARKED LOTS

0.4 AC. GROSS AREA

0.4 AC. GROSS AREA

0.4 AC. GROSS AREA

5.1 AC. GROSS AREA BEING DIVIDED.

AVERAGE SLOPE OF BOTH FEASIBLE ACCESS ROUTES AND EXISTING DRAINAGE DITCH DOES NOT EXCEED 2% FOR EACH ROUTE.

EASEMENTS

① EASEMENT FOR ROAD AND PUBLIC UTILITY PURPOSES, IN FAVOR OF THE PUBLIC BOND COUNTY HIGHWAY AND PUBLIC UTILITY PURPOSES IN FAVOR OF THE COUNTY OF SAN BERNARDINO RECORDED BOOK 1747, AT PAGE 47, OFFICIAL RECORDS OF SAN BERNARDINO COUNTY.

② EASEMENT FOR PUBLIC BOND COUNTY HIGHWAY AND PUBLIC UTILITY PURPOSES IN FAVOR OF THE COUNTY OF SAN BERNARDINO RECORDED BOOK 1747, AT PAGE 47, OFFICIAL RECORDS OF SAN BERNARDINO COUNTY.

CUBIT ENGINEERING INCORPORATED

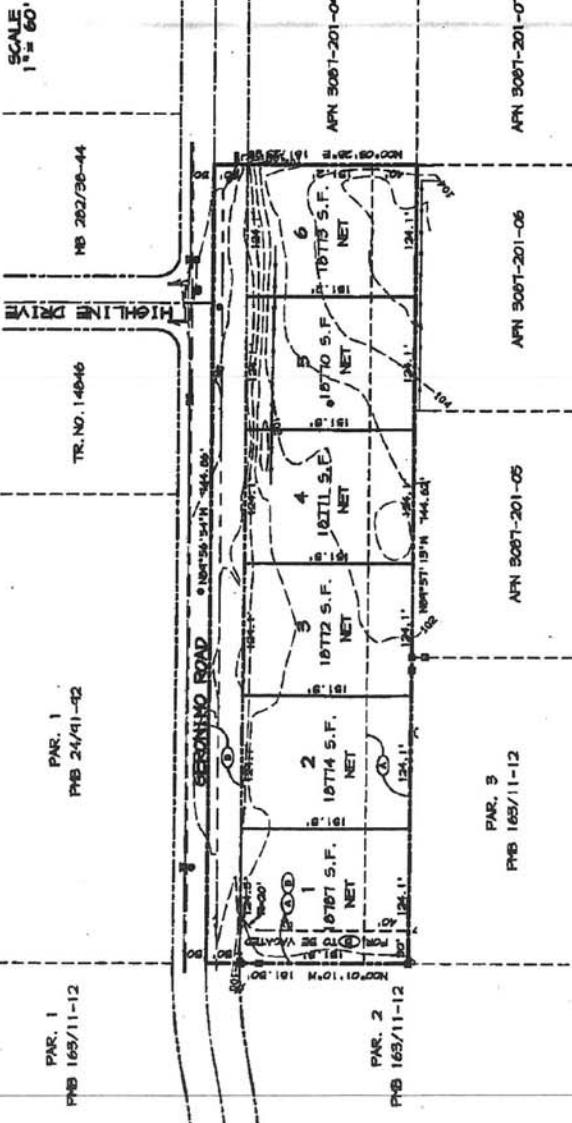
16400 MALIBU ST.
SUITE 213
VICTORVILLE, CA 92392
(760) 244-2247
cubiteng@verizon.net

AVI 05050004

IN THE TOWN OF APPLE VALLEY
TENTATIVE TRACT MAP NO. 17180

BEING A DIVISION OF A PORTION OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 5 NORTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.

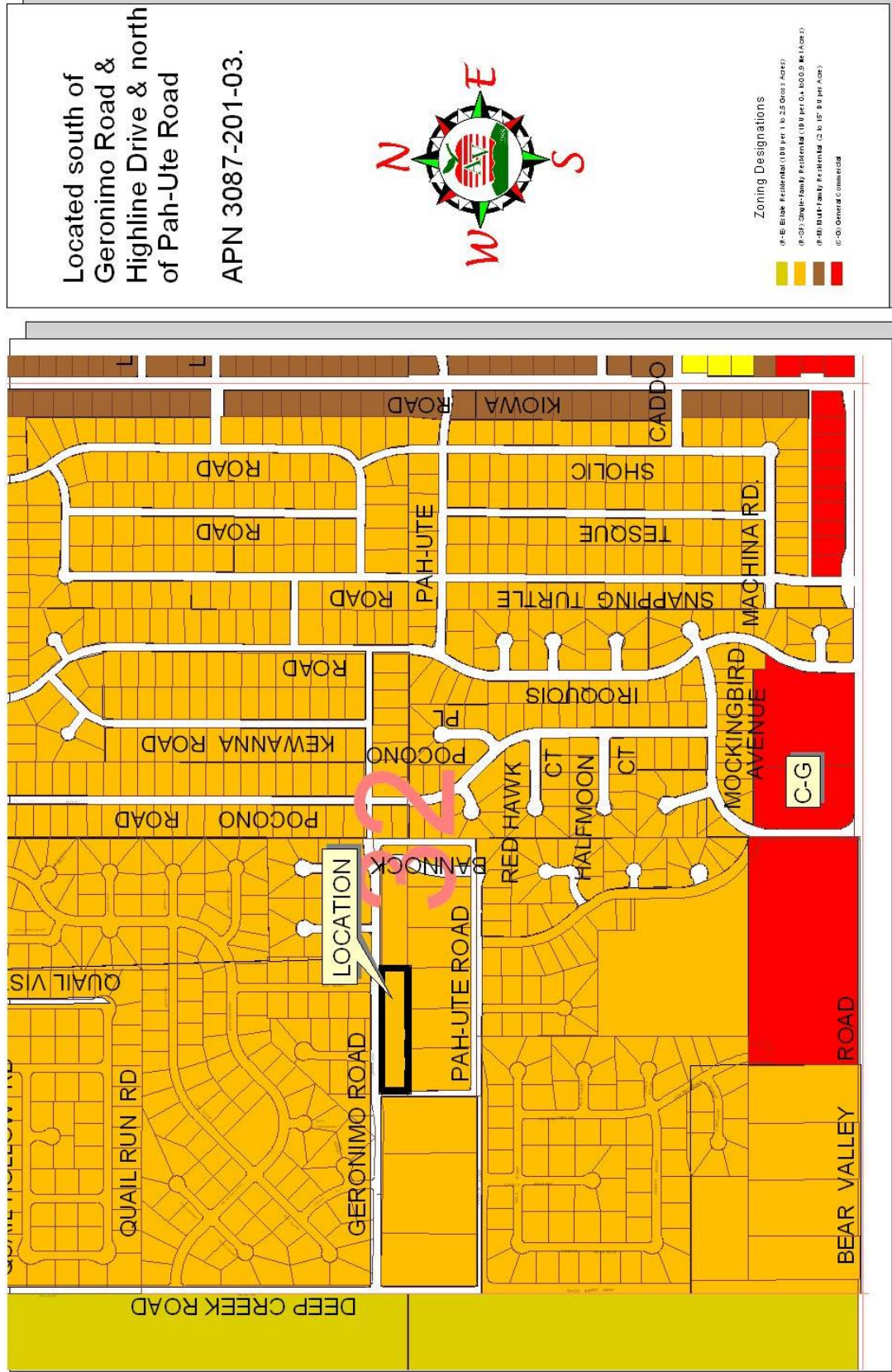
A.P.N. 9087-201-03



VICINITY MAP
NOT TO SCALE

ZONING MAP

TENTATIVE TRACT MAP NO. 17180
EXTENSION NO. 1



APL 2008-002
7/24/08



APPEAL

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

Type or print legibly in ink only

PROPERTY ADDRESS _____

FEE

	<u>Initial Deposit</u>	<u>Actual Cost not to exceed</u>
<input type="checkbox"/> Appeal Fee – To Planning Commission	\$224.00	\$224.00
<input checked="" type="checkbox"/> Appeal Fee – To Town Council	\$224.00	\$224.00

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

APPELLANT INFORMATION

Name William Grammenos Telephone 1-760-247-9110
 Fax _____ Email _____
 Address 20258 PAH-UTE
 City Apple Valley State California Zip 92308

PROJECT INFORMATION

Project Number Being Appealed TENTATIVE TRACT MAP NO. 17180
 Project Description TENTATIVE SUBDIVISION OF THREE (3) ACRES
 INTO SIX (6) SINGLE FAMILY LOTS FOR SINGLE FAMILY
 RESIDENCE LOCATED NORTH OF 20258, 20344, 20254 PAH-UTE RD.
 Assessor's Parcel No. (s) APN:3087-201-03 Tract 17180 Lot _____

APPEAL STATEMENT

1. I am/We do hereby appeal the findings/conditions/interpretations of the Town of Apple Valley:
- (Check one)
- | | |
|---|-------------------------|
| <input checked="" type="checkbox"/> Planning Commission | _____ Planning Director |
| _____ Public Works Director | _____ Building Official |
| _____ Town Engineer | _____ Fire Chief |

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

3. I/We am/are appealing the project action taken to:
(Check those which apply)
 Deny the project Adopt a Negative Declaration
 Approve the project
 *Approve the project condition of (specify):
P 13 - P 14 Specifically The development
Provide A Block Wall / Subdivision Parameter wall
Other: _____

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

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

William J. [Signature]
Signature

Signature

Date 7-24-08

TOWN OF APPLE VALLEY

PLANNING COMMISSION

William Grammenos
20258 Pah-Ute Rd.
Apple Valley, Ca. 92308
Date July 24, 2008

PUBLIC HEARING ITEM # 9 TENTATIVE TRACT MAP NO. 17180
APN # 3087-201—03

SUBJECT: CLARIFICATION OF TOWN COUNCIL RECOMMENDATIONS
NOTED IN THE HEARINGS DATED JULY 20,2005 AND JULY 16, 2008.

Council Members,

The recommendations by the Planning Commission on both Town Council meetings state that the developer would provide masonry wall, which is noted in item P13, and P14 of the Planning Commissions requirements for Tentative Tract Map No. 17180.

On July 20, 2005, the town council reviewed and discussed the Tentative Tract Map No. 17180, and approved the request to subdivide three (3) acres into six (6) Single Family Residential (R-SF) zoning designation. I attended this meeting with my neighbor Phillip Underwood who resides at 20344, Pah-Ute Rd.

During the council meeting it was noted in item P13, a subdivision wall shall be constructed of masonry material, along the perimeter of the property lines. This wall would be north of the adjacent three properties addressed 20254,20258,20344, Pah-Ute Rd.

Item P14, States if the tract/parcel map is adjacent to existing development, a fence/wall plan shall be submitted with grading, landscaping and irrigation plans. The wall is defined in P13, as being constructed of masonry (block wall) as a subdivision between the property under development and the existing three (3) lots facing the street of Pah-Ute

On the July 20, 2005, the town council stipulated that a privacy wall consisting of masonry (block wall) would be provided by the developer as a condition of final approval of the subdivision consisting of six (6) Single Family Residential homes. This stipulation came about after a lengthy discussion concerning another development previously approved which was located on or near Central Avenue in Apple Valley. The issue was creating a one-acre buffer zone between the development and the existing residents. One council members pointed out that no such buffer zone is required for the proposed development on Map No.17180, therefore it was requested by the council the developer provide a masonry wall between the existing residents and the proposed project. Based upon the lot size and the required easements and set backs the homes would be very close to the existing lots south of the subdivision.

On July 16, 2008, at 6:P.M., I attended the scheduled hearing before the Town of Apple Valley Planning Commission to consider the Tentative Tract Map No. 17180 Extension No. 1. The project was previously approved on July 20, 2005.

After the meeting the developer of Tentative Tract Map No. 17180, indicated to me that he had reached an agreement with the Town Council that he did not have to construct a masonry wall because he was not considered to be a developer.

The person developing the six (6) lots by subdividing the properties, providing the needed infrastructure to sell and profit from the project may not consider himself a developer however the processes he is providing to the city of Apple Valley is that of a developer. Therefore, as a developer I feel he is obligated to provide the masonry wall as requested originally by the Town Council on July 20, 2005.

The developer told me that it would be up to me to negotiate with the multiple property owners who would have there back yards parallel the property line of all three properties. Each of us would have to deal with at least three separate owners adjacent to our property. I feel this is creating a stressful situation that we must endure just so this developer can profit without any consideration how this will affect our lives. The other concerns I have are all the property owners building their homes to be required to provide a masonry wall? The under standing that my neighbor and I heard at the previous meeting was that only a masonry wall was to be constructed at a height of at least six (6) feet.

One other concern that was related to me by my neighbor would the constructed homes be one (1) story like the surrounding area? If the homes are two (2) stories this will destroy what ever is left of a view and curtail any existing privacy especially if there exists no requirements for a masonry wall separating the development from resident owners of the three properties facing the street of Pah-Ute.

Both meetings on July 20, 2005 and July 16, 2008, note in the minutes of the Town Council meeting the Planning Commissions requirements regarding a masonry wall be constructed by the developer.

In reading all the requirements and expectations required by the Planning Commission I am just requesting clarification of the recommendations presented by the Town Council.

I am not nor my neighbors appealing the construction of the development of the six (6) Single Family Residential Homes. We are just requesting clarification regarding who's responsibility it would be to construct the masonry privacy wall between the proposed development and the existing three lots south of the project.

Respectfully Submitted,

William J. Grammenos
William J. Grammenos