





Town of Apple Valley
Community Development

A Better Way of Life

April 5, 2018

Apple Valley SC, LLC
Brad Sobel
136 S. El Camino Dr #214
Beverly Hills, CA 90212

Subject: Conditional Use Permit No. 2018-002, Variance No. 2018-001 and Tentative Parcel Map No. 19937

Dear Mr. Sobel:

At the April 4, 2018 Planning Commission meeting, the Commission reviewed and approved the above referenced projects. In accordance with the required findings, the proposal has been approved subject to the attached Conditions of Approval.

This action of the Town of Apple Valley shall not be final for a period of ten (10) days from the date of Planning Commission action to allow for the filing of any appeal pursuant to the Town's Development Code, Section 9.12.250, with the Town Clerk of the Town of Apple Valley. Please submit to the Planning Division, a check made payable to the "Clerk of the Board of Supervisors" in the amount of \$50.00, the fee required to file the Notice of Exemption, as required under the California Environmental Quality Act (CEQA).

This approval shall expire three (3) years from the date of the action (on April 4, 2021), unless the use, approved under the Conditional Use Permit is commenced in accordance with the Development Code. This approval of the Tentative Parcel Map shall expire three (3) years from the date of action, unless the map is recorded or extended in accordance with the provision in the Development Code addressing time extensions. Any application for a time extension, and the appropriate fees, must be submitted to the Town of Apple Valley a minimum of thirty (30) days prior to the expiration date.

Enclosed you will find the conditions as amended and approved by the Planning Commission and as accepted by you at the public hearing. If you have any questions on this matter, please contact me at (760) 240-7200 ext. 7222, cmiller@applevalley.org. Town offices are open Monday through Thursday between 7:30 a.m. and 5:30 p.m., and alternating Fridays between 7:30 a.m. and 4:30 p.m. (**closed the subsequent Fridays**).

Sincerely,

Carol Miller
Assistant Director of Community Development

www.AppleValley.org

14955 Dale Evans Parkway • Apple Valley, California 92307 • 760.240.7000

FINAL CONDITIONS OF APPROVAL

Conditional Use Permit No. 2018-002, Variance No. 2018-001 & Tentative Parcel Map No. 19937

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 or alleviate the applicant and/or property owner from full conformance and adherence to all requirements of the Municipal Code.*

Planning Division Conditions of Approval:

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval for Conditional Use Permit No. 2018-002 and Variance No. 2018-001, if not exercised, shall expire three (3) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the expiration date. The approval 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. This tentative subdivision shall comply with the provisions of the State Subdivision Map Act and the Town Development Code. This tentative approval shall expire three (3) years from the date of approval by the Planning Commission/Town Council. A time extension may be approved in accordance with the State Map Act and Town Ordinance, if an extension application is filed and the appropriate fees are paid thirty (30) days prior to the expiration date. The Tentative Parcel Map becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P3. 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.
- P4. The approval of Conditional Use Permit No. 2018-002 and Variance No. 2018-001 by the Planning Commission is recognized as acknowledgment of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, *Appeals*, of the Town of Apple Valley Development Code.
- P5. Prior to issuance of a building permit, the following agencies shall provide written verification to the Planning Division that all pertinent conditions of approval and applicable regulations have been met:

Apple Valley Fire Protection District
Liberty Utility
Apple Valley Public Works Division
Apple Valley Engineering Division
Apple Valley Planning Division

- P6. The site plan and rendering presented to and approved with Conditions by the Planning Commission at the public hearing shall be the anticipated and expected appearance of the structure upon completion.
- P7. The Community Development Director or his/her designee, shall have the authority for minor architectural changes focusing around items such as window treatments, color combinations, façade treatments and architectural relief. Questions on the interpretation of this provision or changes not clearly within the scope of this provision shall be submitted to the Planning Commission for consideration under a Revision to the Development Permit.
- P8. The filing of a Notice of Exemption requires the County Clerk to collect a fee of \$50.00. The fee must be paid in a timely manner in accordance with Town procedures. The check shall be made payable to the Clerk of the Board of Supervisors.
- P9. No deviation, modification, alteration, adjustment or revision to or from the appearance, location, fixtures, features or appurtenances thereto of any type or extent shall be approved without said changes being first submitted to the Planning Division for consideration and approval.
- P10. All outdoor mechanical and electrical equipment, whether rooftop, side of structure, or on the ground, shall be screened from view from the public street by architectural elements designed to be an integral part of the building.
- P11. All front building setbacks and 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.
- P12. All required and installed landscaping shall incorporate and maintain a functioning automatic sprinkler system, and said landscaping shall be maintained in a neat, orderly, disease and weed free manner at all times.
- P13. Landscaping shall be installed with appropriate combinations of drought tolerant trees, shrubs, and ground cover, consistent with Chapter 9.75, *Water Conservation Landscape Regulations*, of this Code.
- P14. Final landscape and irrigation plans shall be submitted prior to the issuance of Building Permits and installed prior to issuance of occupancy permits subject to approval by the Planning Division.
- P15. All identification signs shall have a separate permit and are subject to final approval by the Town Planning Division.
- P16. Access to roofs shall be from the interior of the building. If roof access is on the exterior of the building, the roof access ladder shall be screened from view from any public street or public parking area and security shall be provided to prevent unauthorized access.
- P17. Parking requirements shall be met and be in compliance with Town standards. All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines.
- P18. Required parking spaces shall be provided for the handicapped in accordance with Town standards and in accordance with Title 24 of the California Administrative Code. The handicapped spaces shall be located as close as practical to the entrance of the facility.

Each space must be provided with access ramps and clearly marked in accordance with Title 24 of the California Administrative Code.

- P19. Trash Enclosure shall be in accordance with Town Standards and is recommended to reflect the architectural design (trellis canopy or other similar feature) of approved project subject to the review and approval of the Planning Division.
- P20. A six (6) foot-high block wall shall be constructed along the northerly property line, adjacent to residential with a maximum four (4) foot height within the street setbacks.
- P21. All fencing and screening material shall be in conformance with the Development Code subject to approval by the Planning Division.
- P22. Exterior lighting shall be contained within the site. All lights shall be directed downward and fully shielded.
- P23. A low wall, berm or landscaping, thirty-six to forty-two (36 to 42) inches in height, shall be installed to screen automobile headlights from the public right-of-way.
- P24. The LPG tank and associated equipment shall be painted to complement the structure, subject to the review and approval of the Planning Division.
- P25. The LPG tank and/or any associated equipment shall not contain any non-regulatory, commercial or non-commercial signage.
- P26. Approval is granted for an eight (8)-foot high open decorative metal fence with metal mesh and ornamental designs subject to the review and approval of the Planning Division to surround the 14,738 square-foot outdoor storage area.
- P27. A shopping cart corral shall be provided outside of any required parking.
- P28. Where the proposed retaining wall along the westerly property line that requires a guard rail or safety fencing due to wall height, the combined height shall not exceed an overall height of eight (8) feet.
- P29. Approval is granted to allow an eight (8) foot landscape setback where a minimum twenty-five (25) setback is required for parking adjacent to residential.
- P30. The cornice/roof top eave shall not be less than a twenty-four (24) inch overhang and shall include decorative rafter tails.
- P31. In accordance with Development Code Section 9.70.020.H.6, the maximum height for parking lot lighting and/or security lighting is not to exceed twenty (20) feet in height. The light standards within the rear parking area and closest to the residential area shall be limited to a maximum height of fifteen (15) feet.
- P32. All equipment maintained in front of the store within the permanent sidewalk display area and the permanent trailer and equipment display area shall be arranged in a clean and orderly manner at all times.
- P33. All equipment positioned in front of the store within the permanent sidewalk display area shall be arranged in such a way that sufficient access is maintained in accordance with the Americans with Disabilities Act, while also allowing for sufficient vehicular overhang over the sidewalk.

P34. Pallets and other stacked merchandise stored within the enclosed outdoor storage area shall not exceed six (6) feet in height.

P35. Outdoor displays will be limited to only those areas identified on the site plan. No other outdoor display of merchandise is allowed outside of these designated areas.

Engineering Division Conditions of Approval

EC1. A final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider reducing the post-development site-developed flow to 90 percent of the pre-development flow for a 100-year design storm.

EC2. Street improvement plans shall be submitted to the Town Engineer for review and approval.

EC3. All streets abutting the development shall be improved a minimum half-width of twenty-eight (28) feet with curb, gutter and sidewalk on the development side.

EC4. Bear Valley Road adjacent to the property shall be improved to the Town's half-width Major Divided Arterial standards. The fulfillment of construction requirements for improvements adjacent to the remainder parcel shall not be required until a permit or other grant of approval for development is issued by the Town.

EC5. Mockingbird Avenue adjacent to the property shall be improved to the Town's half-width Industrial / Commercial local street standards. The fulfillment of construction requirements for improvements for the remainder parcel shall not be required until a permit or other grant of approval for development is issued by the Town.

EC6. Braeburn Road within the property shall be improved to the Town's full-width Industrial / Commercial street standards. The fulfillment of construction requirements for improvements adjacent to the remainder parcel shall not be required until a permit or other grant of approval for development is issued by the Town.

EC7. A sixty-eight (68)-foot wide half-width road dedication along Bear Valley Road adjacent to the property shall be granted to the Town of Apple Valley.

EC8. A thirty-three (33)-foot half-width road dedication along Mockingbird Avenue adjacent to the property shall be granted to the Town of Apple Valley.

EC9. A sixty-six (66)-foot half-width road dedication along Braeburn Road within the property shall be granted to the Town of Apple Valley.

EC10. 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.

EC11. All required improvements shall be constructed and approved or bonded in accordance with Town Development Code. The fulfillment of construction requirements for improvements for remainder parcel shall not be required until a permit or other grant of approval for development is issued by the Town.

Environmental and Trans. Services Conditions of Approval

- ER1. 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**)
- ER2. 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 landfilled. (Town of Apple Valley Municipal Code Section 8.19.020(a))
- ER3. 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 materials 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)
- ER4. 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 percent (50%) 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 landfilled;
 - (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)
- ER5. 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

- EC12. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC13. 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.
- EC14. 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.
- EC15. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)
- EC16. The developer shall make a good faith effort to acquire the required off-site property interests. If the developer fails to acquire those interests the developer shall, at least 120 days prior to submittal of the final map for approval, enter into an agreement to complete the improvements pursuant to Government Code Section 66462 at such time as the Town acquires the property interests required for the improvements. Such agreement shall provide for payment by the developer of all costs incurred by Town to acquire the off-site property interests required in connection with the subdivision. Security for a portion of these costs shall be in the form of a cash deposit in the amount given in an appraisal report obtained by the developer, at the developer's cost. The appraiser shall have been approved by the Town prior to commencement of the appraisal. Additional security may be required as recommended by the Town Engineer and Town Attorney.
- EC17. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC18. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- 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.
- EC20. A Storm Water Pollution Prevention Plan (SWPPP) in accordance with the National Pollutant Discharge Elimination System (NPDES) shall be required.
- EC21. The final map shall be revised to show Parcel 1 and a remainder.

Public Works Department Conditions of Approval

- PW1. Sewage disposal shall be by connection to the Town of Apple Valley sewer system. Financial arrangements, plans and improvement agreements must be approved by the Town of Apple Valley Public Works Department.
- PW2. Sewer connection fees required.

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.

Building and Safety Conditions of Approval

- BC1. An engineered grading report including soils report shall be submitted to and approved by the Building Official prior to recordation of the final map or issuance of permits for grading in excess of 1,000 cubic yards.
- BC2. Grading and drainage plans must be submitted to and approved by the Building Official, Planning Department and Town Engineer prior to permit issuance.
- BC3. Submit plans and obtain permits for all structures and retaining walls, signs.
- BC4. A pre-construction permit and inspection are required prior to any land disturbing activity to verify requirements for erosion control, flood hazard, native plant protection and desert tortoise habitat.
- BC5. A Notice of Intent (NOI) and Storm Water Prevention Plan (SWPP) must be submitted to and approved by the Engineering and Building Departments prior to issuance of a grading permit and or any land disturbance.
- BC6. All utilities shall be placed underground in compliance with Town Ordinance No. 89.
- BC7. All cross lot drainage requires easements and may require improvements at the time of development.
- BC8. Comply with the State of California Disability Access requirements.
- BC9. A pre-grading meeting is required prior to beginning any land disturbance. This meeting will include the Building Inspector, General Contractor, Grading Contractor, soils technician and any other parties required to be present during the grading process such as a Biologist and/or Paleontologist.
- BC10. A dust palliative or hydro seed will be required on those portions of the site graded but not constructed upon or landscaped.
- BC11. Page two (2) of the submitted building plans will be the Conditions of Approval.
- BC12. Construction must comply with the California Building Codes and California Green Building Code effective at the time of submittal.
- BC13. Best Management Practices (BMP's) are required for the site during construction.
- BC14. Provide Water Quality Management Plan (WQMP) or Alternative Compliance Plan.

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.
- 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.
- 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.
- FD6. A turnaround shall be required at the end of each roadway one hundred fifty (150) feet or more in length and shall be approved by the Fire District. Cul-de-sac length shall not exceed 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. 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. Said 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 6 inches and shall contrast with their background. (Apple Valley Fire Protection District, Ordinance 55)
- FD8. 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 1500 GPM @ 20 psi Residual Pressure
 Duration 2 Hour(s)
 Hydrant Spacing 330 Feet
 *If blank, flow to be determined by calculation when additional construction information is received.

- C. A total of 1 fire hydrant will be required. It is the responsibility of the owner/developer to provide all new fire hydrants with reflective pavement markers set into pavement and curb identification. A total of 1 additional fire hydrant will be required on site for the fire protection. It is the responsibility of the owner/developer to provide all new fire hydrants with reflective pavement markers set into pavement and curb identification.

- FD9. An approved fire sprinkler system shall be installed throughout any building:
- Exceeds 4,999 square feet
 - Two stories or greater.
 - Existing building(s) with intensification of use, or
 - Other per California Building Code requirements.
 - High piled storage for combustible materials.

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

- FD11. A Knox Box Rapid Entry System shall be required for this project. (Apple Valley Fire Protection District Ordinance 55)

- FD12. Propane Tank location shall be a minimum of 10 feet from a building or public way. NO Smoking sign shall be posted. Smoking within 15 feet of a point of transfer, while filling operations are in progress at containers or vehicles, shall be prohibited. Provide bollards every three feet around tank and call for a pre-inspection prior to concrete pour. Provide (1) one 4A40BC minimum rating fire extinguisher mounted at or in the cage. Fire extinguisher needs to be serviced by a certified company.

END OF CONDITIONS