

**TOWN OF
APPLE VALLEY, CALIFORNIA
AGENDA MATTER**

Subject Item:

A REQUEST FOR THE TOWN COUNCIL TO REVIEW AND APPROVE GENERAL PLAN AMENDMENT NO. 2007-008 AND ZONE CHANGE NO. 2007-005 TO CHANGE THE CURRENT LAND USE DESIGNATION FROM SINGLE-FAMILY RESIDENTIAL (R-SF, 1 DU 0.4 TO 0.9 NET ACRES) TO MEDIUM DENSITY RESIDENTIAL (R-M, TWO (2) TO TWENTY (20) DWELLING UNITS PER ACRE); AND A CORRESPONDING REZONING CLASSIFICATION FROM RESIDENTIAL EQUESTRIAN (R-EQ, 1 DU PER 0.4 TO 0.9 NET ACRES) TO A RESIDENTIAL MULTI-FAMILY (R-M, TWO (2) TO TWENTY (20) DWELLING UNITS PER ACRE) ZONING CLASSIFICATION; AND A REQUEST TO APPROVE CONDITIONAL USE PERMIT NO. 2007-013 FOR 140 APARTMENT UNITS. THE PROJECT IS LOCATED AT THE SOUTHWEST CORNER OF OTTAWA AND NOMWAKET ROADS; APN(s) 3087-401-02, -03, -04, -05.

Recommended Action:

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

1. **Determine**, in conformance with the requirements of the State Guidelines to Implement the California Environmental Quality Act (CEQA) that the proposed General Plan Amendment No. 2007-008, Zone Change No. 2007-005 and Conditional Use Permit No. 2007-013 will not have a significant effect on the environment.
2. **Adopt** the Negative Declaration prepared for General Plan Amendment No. 2007-008, Zone Change No. 2007-005 and Conditional Use Permit No. 2007-013.
3. **Find** that the proposed Resolution and Ordinance are consistent with the Goals and Objectives of the adopted Town of Apple Valley General Plan and, as such, shall promote the health, safety and general welfare of the citizens of Apple Valley, and that Ordinance No. 389 approving conforming rezoning is consistent with the General Plan Amendment established by Resolution No. 2008-57.
4. **Find** the facts presented within the staff report including the attached Planning Commission staff report for August 6, 2008, support the required Findings for approval of the proposed General Plan Amendment, Zoning Map amendment of the Development Code and Conditional use Permit and adopt the Findings.
5. **Adopt** Resolution No. 2008-57, approving General Plan Amendment No. 2007-008
6. **Move** to waive the reading of Ordinance No. 389 in its entirety and read by title only.
7. **Introduce** Ordinance No. 389 amending that portion of Title 9 (Development Code) of the Town of Apple Valley Municipal Code, Section 9.05.040 "Adoption of the Official Zoning Map" subsection "B" by approving the conforming rezoning from Residential Equestrian (R-EQ, 1 du per 0.4 to 0.9 net acres to a Residential Multi-Family (R-M, two (2) to twenty (20) dwelling units per acre) Zoning classification for Assessor Parcel Number(s) 3087-401-02, -03, -04, -05.
8. **Direct** staff to file a Notice of Determination with the San Bernardino County Clerk of the Board.

(Continued on next page)

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

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

Town Council Meeting October 28, 2008

Summary Statement:

The Planning Commission conducted a public hearing on August 6, 2008 to review and take testimony for the above referenced project. Upon receiving staff's analysis, testimony from the applicant's representatives, the public testimony and subsequent Commission discussion, the Planning Commission adopted Planning Commission Resolution No. 2008-004, recommending that the Town Council approve the proposed General Plan Amendment, Zone Change and Conditional Use Permit.

In accordance with Town Council policy, each General Plan Amendment and Zone Change application is reviewed on a case-by-case basis relating to consideration of a specific project accompanying the application. In this instance, the Planning Commission also reviewed a Conditional Use Permit (CUP) for a 140 unit apartment complex. The details and project description are described in the Planning Commission staff report for August 8, 2008.

At its meeting of August 6, 2008, the Planning Commission adopted Planning Commission Resolution No. 2008-004, forwarding a recommendation that the Town Council find that the General Plan Amendment, Zone Change and Conditional Use Permit will not have a significant impact upon the environment. The Resolution recommends that the Council adopt findings of approval, find that the proposed General Plan Amendment, Zone Change and Conditional Use Permit are consistent with the Goals and Policies of the adopted General Plan and adopt a Council Resolution adopting General Plan Amendment 2007-008 for the subject site. Further, adopt a Council Ordinance amending the boundaries identified on the official Zoning Map of the Town of Apple Valley by changing the zoning classification on Assessor Parcel Number(s) 3087-401-02, -03, -04, -05 from Residential Equestrian (R-EQ, 1 du per 0.4 to 0.9 net acres); to a Residential Multi-Family (R-M, two (2) to twenty (20) dwelling units per acre) Zoning Classification as shown on the attached Exhibit "B" and incorporated herein by reference.

The October 28, 2008 Town Council meeting date has been designated by the Council as the date for the Council to evaluate all General Plan Amendments reviewed, and recommended for approval, by the Planning Commission during the past quarter. Attached to this agenda item, is Town Council Resolution No. 2008-_____ which amends the General Plan.

As a matter of information, the proposed R-M land use designation is consistent with the General Plan Update Preferred Land Use Alternative Map. On June 18, 2008, the Planning Commission accepted the General Plan Advisory Committee's recommendation to change the land use of the proposed project site from R-SF to R-M. In addition, the area on the east side of Nomwaket Road was changed from R-SF to Service Commercial (C-S) as part of the General Plan Update Preferred Land Use Alternative Map.

Attachments:

1. Draft Town Council Resolution No. 2008- _____ adopting General Plan Amendment
2. Draft Town Council Ordinance No. _____ adopting implementing zoning
3. Planning Commission staff report for August 6, 2008
4. Planning Commission Resolution No. 2008-004
5. Initial Study for GPA No. 2007-008 and ZC No. 2007-005
6. Initial Study for CUP No. 2007-013
7. Planning Commission minutes excerpts for August 6, 2008.

RESOLUTION NO. 2008-57

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND ADOPTING GENERAL PLAN AMENDMENT NO. 2007-008, AMENDING THE GENERAL PLAN LAND USE DESIGNATION FROM SINGLE-FAMILY (R-SF, 1 DU 0.4 TO 0.9 NET ACRES) TO MEDIUM DENSITY RESIDENTIAL (R-M, TWO (2) TO TWENTY (20) DWELLING UNITS PER ACRE), ZONE CHANGE NO. 2007-005, REZONING FROM RESIDENTIAL EQUESTRIAN (R-EQ, 1 DU PER 0.4 TO 0.9 NET ACRES) TO A RESIDENTIAL MULTI-FAMILY (R-M, TWO (2) TO TWENTY (20) DWELLING UNITS PER ACRE) ZONING CLASSIFICATION; AND A REQUEST TO APPROVE CONDITIONAL USE PERMIT NO. 2007-013 FOR 140 APARTMENT UNITS FOR THE APPROXIMATELY ELEVEN (11)-ACRE SITE LOCATED AT THE SOUTHWEST CORNER OF OTTAWA AND NOMWAKET ROADS; APN(s) 3087-401-02, -03, -04, -05.

WHEREAS, the Town of Apple Valley General Plan was adopted by the Town Council on October 27, 1998; and

WHEREAS, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on October 24, 2000; and

WHEREAS, Title 9 (Development Code), including Chapter 9.02 General Plan Administration, has been utilized to adopt one or more General Plan Amendments by the Town Council on the recommendation of the Planning Commission; and

WHEREAS, a General Plan Amendment has been proposed for four (4) parcels located at the southwest corner of Ottawa and Nomwaket Roads, Assessor Parcel Number(s) 3087-401-02, -03, -04, -05; and

WHEREAS, on August 6, 2008, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on General Plan Amendment No. 2007-008, Zone Change No. 2007-005 and Conditional Use Permit No. 2007-013 receiving testimony from the public and adopting Planning Commission Resolution No. 2008-004 forwarding a recommendation to the Council; and

WHEREAS, on October 3, 2008, proposed General Plan Amendment No. 2007-008 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed General Plan Amendment, Zone Change and Conditional Use Permit will not have a significant effect on the environment; therefore, a Negative Declaration has been prepared in compliance with the California Environmental Quality Act (CEQA) and State Guidelines for the Implementation of CEQA; and

WHEREAS, the Town Council finds on the basis of the whole record before it (including the initial study and any comments received) that there is no substantial evidence that the

project will have a significant effect on the environment and that the Negative Declaration reflects the Town Council's independent judgment and analysis, and

WHEREAS, the Town Council hereby finds that the Negative Declaration reflects its independent judgment. A copy of the Initial Study and Negative Declaration may be obtained at: Town of Apple Valley, Planning Division, 14955 Dale Evans Pkwy., Apple Valley, CA 92307, and

WHEREAS, on October 28, 2008, the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearing on General Plan Amendment No. 2007-008, Zone Change No. 2007-005 and Conditional Use Permit No. 2007-013 receiving testimony from the public and adopting Findings and Town Council Resolution No. _____, and

WHEREAS, proposed General Plan Amendment No. 2007-008, Zone Change No. 2007-005 and Conditional Use Permit No. 2007-013 is consistent with Town of Apple Valley General Plan and 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; and

WHEREAS, the Town Council conducted a duly noticed public hearing on October 28, 2008, and heard all testimony of any person wishing to speak on the issue and considered the written recommendation of the Planning Commission on the matter.

NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Based upon the information contained within the Initial Study prepared in conformance with the State Guidelines to Implement the California Environmental Quality Act (CEQA), General Plan Amendment No. 2007-008, will not have an impact upon the environment and, therefore, the Town of Apple Valley Town Council adopts a Negative Declaration for General Plan Amendment No. 2007-008.

Section 2. The Town Council finds that the changes proposed under General Plan Amendment No. 2007-008 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 3. The Town Council hereby approves and adopts the Findings required for approval for the General Plan Amendment No. 2007-008 as set forth in the staff report, including Findings and comments in the August 6, 2008 Planning Commission staff report and adopts General Plan Amendment No. 2007-008 as shown on the attached Exhibit "A" and incorporated herewith by reference.

Section 4. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this resolution.

Section 5. Effective Date. This Resolution shall become effective upon its adoption.

Section 6. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Resolution are declared to be severable.

Adopted by the Town Council and signed by the Mayor and attested to by the Town Clerk this 28th day of October, 2008.

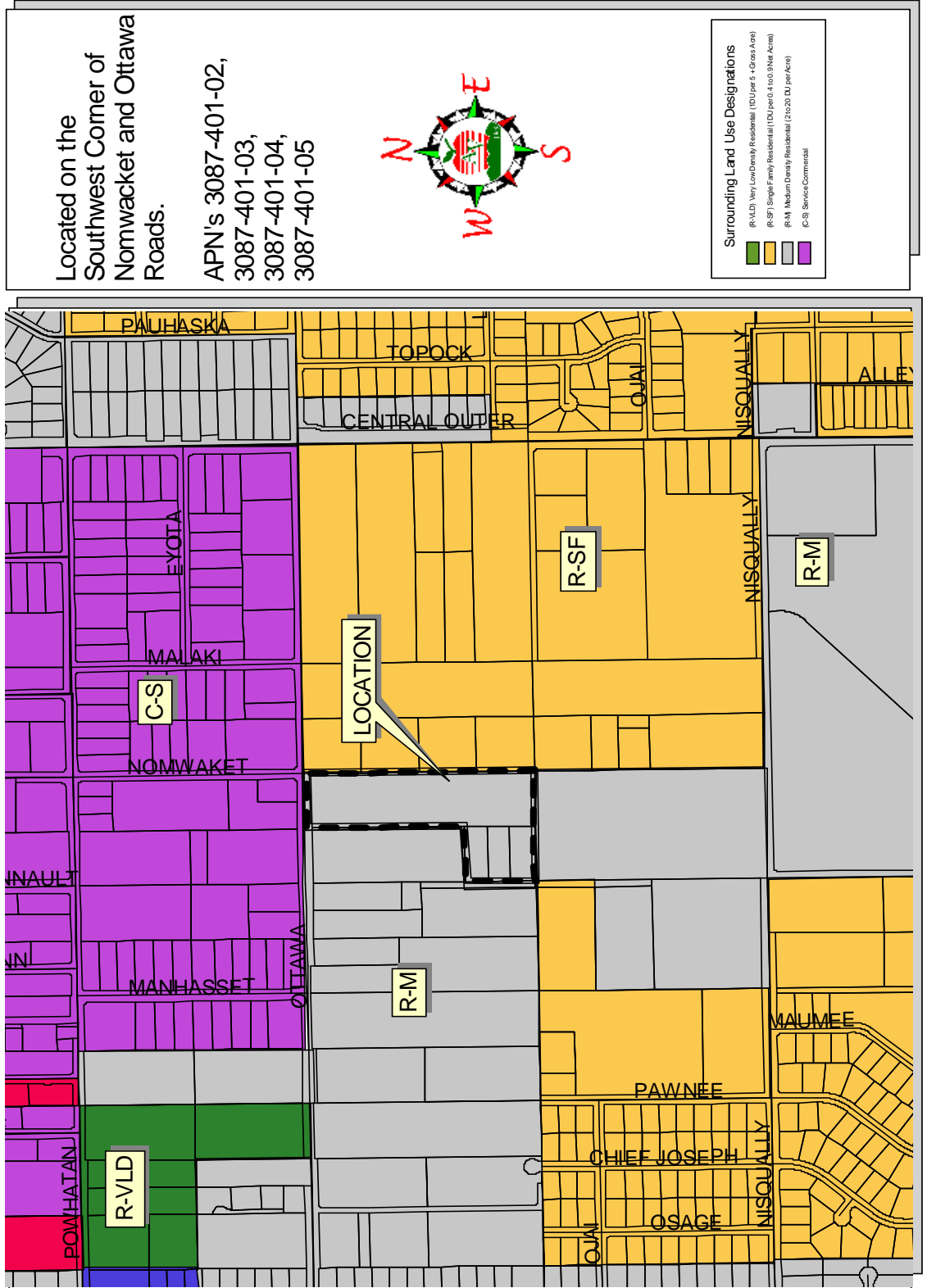
Honorable Timothy Jasper, Mayor

ATTEST:

Ms. La Vonda M. Pearson, Town Clerk

Proposed General Plan
 Land Use Designation
 (Exhibit A)

General Plan Amendment No. 2007-008
 Zone Change No. 2007-005
 Conditional Use Permit No. 2007-013



ORDINANCE NO. 389

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING DESIGNATION OF RESIDENTIAL EQUESTRIAN (R-EQ (R-SF, 1 DU 0.4 TO 0.9 NET ACRES) TO A RESIDENTIAL MULTI-FAMILY (R-M TWO (2) TO TWENTY (20) DWELLING UNITS PER ACRE) ZONING CLASSIFICATION FOR THE APPROXIMATELY ELEVEN (11)-ACRE SITE LOCATED AT THE SOUTHWEST CORNER OF OTTAWA AND NOMWAKET ROADS; APN(s) 3087-401-02, -03, -04, -05.

WHEREAS, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on October 24, 2000; 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 Chapter 9.05, Section 9.05.040 "Adoption of the Official Zoning Districts Map" of Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley by amending the zoning designation of a property from Residential Equestrian (R-EQ) to a Zoning designation of Residential Multi-Family (R-M); and

WHEREAS, on October 3, 2008 Zone Change No. 2007-005 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed Zone Change will not have a significant effect on the environment; therefore, a Negative Declaration has been prepared in compliance with the California Environmental Quality Act (CEQA) and State Guidelines for the Implementation of CEQA; and

WHEREAS, the Town Council finds on the basis of the whole record before it (including the initial study and any comments received) that there is not substantial evidence that the project will have a significant effect on the environment and that the Negative Declaration reflects the Town Council's independent judgment and analysis; and

WHEREAS, the Town Council hereby finds that the Negative Declaration reflects its independent judgment. A copy of the Initial Study and Negative Declaration, may be obtained at: Town of Apple Valley, Planning Division, 14955 Dale Evans Pkwy., Apple Valley, CA 92307; and

WHEREAS, proposed Zone Change 2007-005 is consistent with General Plan Amendment No. 2007-008 and is consistent with Town of Apple Valley General Plan and 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; and

WHEREAS, the Town Council conducted a duly noticed public hearing on October 28, 2008, and heard all testimony of any person wishing to speak on the issue and considered the written recommendation of the Planning Commission on the matter.

NOW, THEREFORE, the Town Council of the Town of Apple Valley, State of California, does ordain as follows:

Section 1. Based upon the information contained within the Initial Study prepared in conformance with the State Guidelines to Implement the California Environmental Quality Act (CEQA), Zone Change No. 2007-005 is not anticipated to have a significant impact upon the environment and, therefore, the Town Council of the Town of Apple Valley adopts a Negative Declaration for Zone Change No. 2007-005.

Section 2. Zone Change No. 2007-005 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.

Section 3. In consideration of the evidence received at the public hearing, and for the reasons discussed by the Council at said hearing, the Town Council of the Town of Apple Valley, California, finds that the change proposed by Zone Change No. 2007-005 is consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan and consistent with the General Plan Amendment No. 2007-008, as adopted by Ordinance No. _____.

Section 4. The Town Council does hereby amend that certain portion of Title 9 (Development Code) of the Town of Apple Valley Municipal Code, Section 9.05.040 "Adoption of the Official Zoning Map" subsection "B" by amending the boundaries identified on the Official Zoning Map of the Town of Apple Valley by changing the zoning designation on Assessor Parcel Numbers 3087-401-02, -03, -04, -05 from Residential Equestrian (R-EQ) to a Zoning designation of Residential Multi-Family (R-M) as shown on the attached Exhibit "B" and incorporated herewith by reference.

Section 5. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code of the State of California.

Section 6. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 7. Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Ordinance are declared to be severable.

Adopted by the Town Council and signed by the Mayor and attested to by the Town Clerk this 28th day of October, 2008.

Honorable Timothy Jasper, Mayor

ATTEST:

Ms. La Vonda M. Pearson, Town Clerk

Approved as to form:

Approved as to content:

Mr. John Brown, Town Attorney

Mr. Frank Robinson, Town Manager



TOWN OF APPLE VALLEY PLANNING COMMISSION

STAFF REPORT

AGENDA DATE:	August 6, 2008
CASE NUMBER(s):	General Plan Amendment No. 2007-008, Zone Change No. 2007-005 and Conditional Use Permit No. 2007-013
APPLICANT:	Mr. Bob Basen
PROPOSAL:	<p><u>General Plan Amendment and Zone Change</u> - A request to change the General Plan Land Use designation of Residential Single-Family (R-SF, one (1) dwelling unit per 0.4 to 0.9 net acres) to a General Plan Land Use designation of Medium Density Residential (R-M, two (2) to fifteen (15)¹ dwelling units per acre) and Zoning designation of Residential Equestrian (R-EQ, one (1) dwelling unit per 0.4 to 0.9 net acres) to a Zoning designation of Residential Multi-Family (R-M, two (2) to fifteen (15)² dwelling units per acre).</p> <p><u>Conditional Use Permit</u> - A request to construct 140 apartment units comprised of two (2) and three (3) bedroom units consisting of 1,411 square feet of livable space and a two (2) car garage. The project also includes a 1,224 square foot recreation building, pool area and barbecue areas.</p>
LOCATION:	Properties located on the southwest corner of Ottawa and Nomwaket Roads; APNs 3087-401-02, -03, -04, -05.
ENVIRONMENTAL DETERMINATION:	Based upon an Initial Study, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), a Negative Declaration has been prepared for this project.
CASE PLANNER:	Ms. Carol Miller, Senior Planner
RECOMMENDATION:	Approval

¹ Projects exceeding 2.5 acres may have densities up to 20 DU per acre

² Projects exceeding 2.5 acres may have densities up to 20 DU per acre

PROJECT AND SITE DESCRIPTION

A. Project Size:

The property consists of four (4) parcels comprised of three (3), one (1)-acre parcels and one eight (8.6)-acre parcel for a combined total of eleven (11.6) acres.

B. Surrounding General Plan Designations

North - Service Commercial (C-S),
 South - Medium Density Residential (R-M)
 East - Residential Single-Family (R-SF) – Proposed to be changed to Service Commercial (C-S) as part of the General Plan Update Preferred Land Use Alternative map.
 West – Medium Density Residential (R-M)

C. Surrounding Zoning and Land Use:

North – Service Commercial (C-S), Vacant, Equipment Yard and Church
 South – Residential Multi-Family (R-M), Vacant
 East - Residential Equestrian (R-EQ), Single-Family Residence and Vacant - Proposed to be changed to Service Commercial (C-S) as part of the General Plan Update Preferred Land Use Alternative map.
 West – Residential Multi-Family (R-M), Single-Family Residence

D. Existing and Proposed General Plan and Zoning designations:

APN	Lot Area (ac)	Existing General Plan Designation	Existing Zoning Designation	Proposed General Plan Designation	Proposed Zoning Designation
3087-401-02	1	Residential Single Family (R-SF)	Residential Equestrian (R-EQ)	Medium Density Residential (R-M)	Residential Multi-Family (R-M)
3087-401-03	1	Residential Single Family (R-SF)	Residential Equestrian (R-EQ)	Medium Density Residential (R-M)	Residential Multi-Family (R-M)
3087-401-04	1	Residential Single Family (R-SF)	Residential Equestrian (R-EQ)	Medium Density Residential (R-M)	Residential Multi-Family (R-M)
3087-401-05	8.6	Residential Single Family (R-SF)	Residential Equestrian (R-EQ)	Medium Density Residential (R-M)	Residential Multi-Family (R-M)

E. The Site Characteristics

The property is currently vacant and is located adjacent to a single-family residential home, and vacant land to the east, within the Residential Equestrian (R-EQ), Zoning designation. The property to the north is developed commercial property. The properties immediately west and south of the site are within the Residential Multi-Family (R-M)

Zoning designation and are vacant. There is native plant life and the property appears to have been disturbed or impacted by pedestrian traffic and surrounding land uses.

GENERAL PLAN AND ZONE CHANGE ANALYSIS

A. General:

The applicant is requesting to change the General Plan Land Use designation of Residential Single-Family (R-SF) to a General Plan Land Use designation of Medium Density Residential (R-M) and Zoning designation of Residential Equestrian (R-EQ) to a Zoning designation of Residential Multi-Family (R-M).

The Town Council has directed that each General Plan Amendment and Zone Change application to be reviewed on a case-by-case basis with consideration of whether a specific project is to accompany the application. The applicant has submitted a Conditional Use Permit that proposes 140 apartment units with recreational amenities. The review of the General Plan Amendment must include an evaluation of whether or not the proposed amendment is consistent with the Goals and Policies of the General Plan and, if it is appropriate, to change the land use designation. Although the proposed multi-family development is consistent with the Multi-Family Residential development standards, there is the issue of zoning compatibility that must be addressed by the Commission.

B. General Plan Consistency

The review of the General Plan Amendment must include an evaluation of whether or not the proposed amendment is consistent with the Goals and Policies of the General Plan and, if it is appropriate, to change the land use designation. In evaluating the appropriateness of changing the General Plan land use and Zoning designations for this site, consideration must also be given to the surrounding land use pattern.

As previously mentioned, the properties immediately west and south of the site are within the Residential Multi-Family (R-M) Zoning designation which make the proposed request to change the land use and zoning designations to R-M to be considered a logical extension of the R-M designation and, although the proposed amendment would remove the R-EQ land use designation from the subject properties, Nomwaket Road will serve as a logical land use break between the multi-family and single-family residential.

The surrounding area is predominately vacant with the exception of a single-family residence to the east, across Nomwaket Road. The area is not considered an established residential neighborhood, nor is it an established/developed equestrian neighborhood. The site is not adjacent to any proposed Lifeline Trails as identified in the General Plan.

As a matter of information, the proposed R-M land use designation is consistent with the General Plan Update Preferred Land Use Alternative Map. On June 18, 2008, the Planning Commission accepted the General Plan Advisory Committees recommendation to change the land use of the proposed project site from R-SF to R-M. In addition, the area on the east side of Nomwaket Road was changed from R-SF to Service Commercial (C-S) as part of the General Plan Update Preferred Land Use Alternative Map.

The current General Plan Land Use Element states the following:

*“Medium Density Residential R-M (2 to 20 dwelling units per acre)
This designation applies to a variety of higher density housing types, including single-family detached, single-family attached and multi-family homes such as duplexes, condominiums, townhouses, apartments and senior housing developments. All such areas are located in proximity to arterial corridors and commercial centers.”*

The subject site is adjacent to Ottawa Road, a secondary roadway which is capable of handling the incremental increase in traffic generated from a multi-family project. The subject site also has sewer and water available to serve the site.

The proposed General Plan Amendment and Zone Change comply with the General Plan as identified with the following Land Use, Circulation and Housing Elements goals and policies:

GOAL LU-2: The Town will manage growth in an orderly manner in accordance with a long range plan which protects and enhances community values, and which does not exceed the provisions of requisite facilities and services.

Policy LU-2.1: Development is encouraged to occur in a sequential manner, adjacent to previously developed areas in ways which allow for clear linkages to circulation and infrastructure systems.

Policy C-1-4: Arterial roads should carry through traffic and be improved to maintain Level of Service C or better.

GOAL H-1: Encourage a range of housing by location, type and price to meet the growth needs of the Town.

Policy H-1.1: Encourage a variety of residential development opportunities in Apple Valley, ranging from very low density (1.0 dwelling unit per 5 acres) to medium density (20 units per acre), on the Land Use Policy map.

The General Plan Amendment and Zone Change are also consistent with the Town Council’s Vision 2010 long range vision for Apple Valley as an up-scale community with a high-quality residential character.

CONDITIONAL USE PERMIT DEVELOPMENT ANALYSIS:

A. General

Pursuant to the Development Code, a Conditional Use Permit (CUP) is required for all new multi-family residential projects that exceed fifty-one (51) units to provide the Planning Commission and general public the opportunity to review and comment on the proposed development. The applicant is requesting that the Planning Commission approve the use and architectural appearance of a 140-unit, two (2) story units within the Medium-Density Land Use designation and the Multi-Family Residential (R-M) Zoning District following Town Council approval of the requested General Plan Amendment and Zone Change.

B. Building/Unit Analysis

Required: 2-bedroom units require a minimum of 1,000 square feet of livable area.

Proposed: 2 bedroom units consist of 1,411 square feet of livable area.

Required: 3-bedrooms or more require a minimum of 1,200 square feet of livable area.

Proposed: 3-bedroom units consist of 1,411 square feet of livable area.

C.	<u>Building Height</u>	Permitted Maximum:	35 ft.
		Proposed Maximum:	27 ft.
D.	<u>Setback Analysis</u>	Required	Proposed
		Front (Ottawa)	40 ft. 63.9 ft.
		Street Sides	25 ft. 25 & 34.5 ft.
		Interior Side	10 ft. 10 & 25 ft.
E.	<u>Parking Analysis</u>		
	Required:	2-bedroom unit: Minimum three (3) spaces per unit (Including a two-car garage (20' x 20') per unit plus one (1) guest space per two (2) units for a total requirement of 190 spaces.	
		3-bedroom unit: Minimum two (2) spaces per unit (Including a two-car garage (20' x 20') per unit plus one (1) guest space per two (2) units for a total requirement of 224 spaces.	
		Required Parking: 140 two-car enclosed garages, 64 uncovered spaces, 70 guest spaces for a total of 414 spaces.	
	Proposed:	140 two-car enclosed garages, 140 uncovered parking spaces and 140 guest parking spaces.	
		Proposed Parking	615 spaces.
F.	<u>Lot Coverage</u>	Permitted Maximum:	50%
		Proposed Maximum:	27%
G.	<u>Landscaping</u>	Required:	15%
		Proposed:	20%
H.	<u>Common Open Space</u>	Required:	72,527 square feet 15%
		Proposed:	113,235 square feet 23%
I.	<u>Project Amenity</u>	Required:	28,000 square feet
		Proposed:	30,000 square feet

J. Site Analysis:
The proposed development meets or exceeds the building setbacks of forty (40) feet for the front; twenty-five (25) feet for street sides and ten (10) feet for the interior sides. The submitted site plan shows the front yard setback at sixty-four (64) feet; street sides range from twenty-five (25) to thirty-two (32) feet and the interior sides range from ten (10) to twenty-five (25) feet. The Code states that the minimum separation distance between habitable structures containing three (3) or more units shall have a minimum separation distance of twenty-five (25) feet unless the Planning Commission approves a

reduction of the separation distance to a minimum of ten (10) feet. Habitable structures containing three (3) units or less shall have a minimum separation distance of ten (10) feet. As proposed, the site plan indicates the separation distance between the four (4) unit structures ranging from nine (9) to fifteen (15) feet. In accordance with the Development Code, Condition of Approval No. P32 requires a structure separation of not less than ten (10) feet between the habitable structures. Structures with a separation less than twenty-five (25) feet, but greater than ten (10) feet, shall be as approved by the Planning Commission.

All multi-family developments are required to have a minimum 0.50 guest space for every unit. Based on 140 units, a total of seventy (70) guest parking spaces are required. Parking for the proposed development includes 140 guest spaces, which exceeds the Code requirement. It is noted that, of the seventy (70) required guest spaces, only fifty-two (52) are unassigned and located in areas along the interior drive aisle where all other remaining required spaces are assigned to a unit located at the garage entrance. Typically, guest parking is unassigned so it can be used by all visitors, although the Development Code does not specifically state this. This parking issue is being identified since there are only six (6) unassigned guest parking stalls within Phase 3 to serve sixty-one (61) units. Phases 1 and 2 both propose twenty (20) unassigned guest spaces for each phase. Unassigned guest parking can be an issue when a tenant has guests arriving in more than one car. If the Commission determines that the guest parking spaces should be unassigned and appropriately distributed throughout the project, a Condition of Approval will need to be added.

All multi-family developments must provide a minimum of fifteen (15) percent of the net site area for common open space. Included within the common open space must be 200 square feet per unit devoted to recreational amenities. Projects containing 101 to 200 units are required to provide a minimum of four (4) amenities and a community focal point. The recreation building and pool area is provided as the community focal point and is located at the entrance at Nomwaket Road. For this proposal, a total of 72,527 square feet of common open space is required that would include a minimum of 28,000 square feet devoted to recreational amenities. The project shows approximately 113,235 square feet of common open space and includes more than four (4) required amenities which consist of a 9,111 square foot recreation center composed of a recreation building, pool and picnic area, approximately 8,700 square foot park area with a picnic area and additional picnic areas located throughout the project. The amenity package proposed is in conformance with Code requirements.

The landscaped open space areas will be integrated with the perimeter landscaping and will meet Code standards. A final landscape and irrigation plan is required to be submitted for review and approval by the Planning Division prior to issuance of any building permit. All landscaping and irrigation must be installed for each phase prior to the final inspection for occupancy of any unit within a phase. The plan submitted for plan check shall ensure that all buffer areas are fully landscaped in accordance with the Development Code. Further, there are picnic areas within the street side yards with limited landscaping to achieve the necessary buffering between the picnic areas and the street. Staff is recommending that the landscaping be provided that provides a densely planted buffer for those areas where the picnic area is located within the street landscape setback for the purpose of providing a buffer and screening from the adjacent streets (Condition of Approval No. P15).

The site plan indicates two (2) shade shelters within the street side yard setback along Quinnault Road. Shade structures are not permitted within the twenty-five (25)-foot street side yard building setback; therefore, it is recommended that these be removed outside the side street building setback. (Condition of Approval No. P25).

The site plan indicates access is provided by three (3) driveways. One thirty-three (33)-foot wide driveway from Ottawa Road, a thirty-three (33)-foot wide driveway and thirty-four (34)-foot wide driveway from Nomwaket Road. No driveways are proposed from Macauley or Quinnault Roads. As proposed, there are no distinguishing design differences between driveways where the Development Code requires all projects with ten (10) or more units be designed with a vehicular entry statement. This may include hardscape and landscape treatments to enhance the overall image of the development. These design elements may consist of at least two (2) items, such as decorative garden walls with berming, decorative gates, trellises, large specimen trees (24-inch box minimum), boulder groupings, textured or stamped concrete and monument signage. In accordance with the Development Code, Condition of Approval No. P31 is recommended that requires enhancements to the proposed entry statement with additional design elements, such as textured or stamped concrete and/or other decorative features in conformance with the Development Code.

The Development Code requires one (1) trash bin per eight (8) units. The trash enclosures should also be conveniently located to the units it serves. Based on the number of units, no less than eighteen (18) bins are required to serve this project. The project proposes twenty (20) trash bins within seven (7) trash enclosures, which complies with the Development Code. However, there is an issue as to whether these trash enclosures are conveniently located and distributed properly throughout the site. For example, the eight (8) units located directly behind the recreation center have no trash bins that are not already required for the units they are conveniently located near. If trash bins and enclosures are not distributed properly throughout the project, some trash bins will be over loaded with trash. Also, within Phase 3, three (3) oversized trash enclosures are proposed to accommodate twelve (12) trash bins. This grouping does not necessarily make it convenient for all units. Staff would recommend trash enclosures accommodate fewer bins and are distributed evenly throughout Phase 3, as provided for in Phases 1 and 2. If the Commission determines that the trash bin enclosures should be distributed throughout the project, a Condition of Approval will need to be added.

The site plan includes a six (6)-foot high ornamental wrought-iron decorative fence for the project frontages along Ottawa, Nomwaket and Macauley Roads. The applicant has not provided an illustration detail of the fence; however, the Code allows six (6)-foot high decorative fences/walls consisting of wrought iron or combination of a two (2)-foot high solid and four (4)-foot high open fencing within the front yard setback area. The applicant must conform to Development Code requirements for front yard fencing (Condition of Approval No. P26).

The project area is comprised of four (4) separate legal parcels. A lot merger or subdivision map for condominium purposes shall be recorded prior to the issuance of Building Permits (Condition of Approval No. P27).

In accordance with state law, the project has been conditioned (Condition of Approval No. P35) an on-site property manager reside within the development prior to occupancy of the fifteenth (15)-unit. Since many of the multi-family projects within the Town are less than fifteen (15)-units. This requirement is unique to larger, for-rent, multi-family projects. This project is a market-rate, for-rent project.

1. Drainage

The project will include impervious areas (such as driveways, parking areas and structures), which may create additional surface runoff. The Engineering Division has recommended a condition (Condition No. EC1) which requires that a final drainage plan be submitted for review and approval to the Town Engineer, showing provisions for receiving and conveying off-site and on-site tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties.

2. Traffic and Circulation

The site will ultimately be accessed from three (3) driveways. One (1) driveway is at Ottawa Road and two (2) driveways on Nomwaket Road. The proposed multi-family project will increase vehicle trips and traffic congestion impacts, although the impacts will be less than significant with the recommended Conditions of Approval. In addition, the project requires payment of a Traffic Impact Fee to reduce regional traffic impacts.

Vehicular circulation to the project site will be from Ottawa Road from the east and west. Ottawa Road is currently improved, but will be required to provide half-street rights-of-way, curb, gutter and sidewalks for the site. Nomwaket, Macauley and Quinnault Roads are currently unimproved and will also be required to provide half-street rights-of-way, paving, curb, gutter and sidewalks for the project boundary to the south, east and west.

3. Phasing

The site plan indicates the construction of on-site and off-site improvement to be developed over three (3) phases. Each phase is required to provide two (2) points of access. As proposed, each phasing will have access to at least two (2) driveways.

Phase No. 1 consists of the construction of forty (40) residential units, recreation building, pool and picnic areas, landscaping and internal drive aisles. Off-site improvements would include the entire Ottawa Road frontage and approximately 500 feet of frontage along Nomwaket Road.

Phase No. 2 consists of the construction of thirty-nine (39) residential units, park and BBQ areas, landscaping and internal drive aisles. Off-site improvements would include approximately 450 feet of frontage along Nomwaket Road.

Phase No. 3 consists of the construction of sixty-one (61) residential units, BBQ areas and landscaping and internal drive aisles. Off-site improvements would include improving the remainder of Nomwaket Road and the entire street frontages of Macauley and Quinnault Roads.

The Engineering Division is not recommending any special conditions of approval related to phasing. Nevertheless, the Planning Commission has the ability to comment, modify and/or condition the phasing where it deems necessary.

K. Architecture Analysis:

The project consists of one (1) primary elevation with two (2) similar floor plans offering either a two (2) or three (3) bedroom floor plan. The project incorporates several architectural elements that include stucco wall pop-outs, stone veneer and decorative exterior elements. Each unit will be two (2)-stories and offer either a two (2) or three (3) bedroom floor plan in addition to an attached two (2)-car enclosed garage. Each floor plan offers a living room, kitchen and dining area and master suite on the second floor. The two (2) bedroom unit offers one (1) bedroom and a bath on the first floor, while the three (3) bedroom floor plan offers two (2) bedrooms and a bathroom located on the first floor with access to the front and patio.

The applicant has provided building elevations that have the same maximum height, but provides varying roof lines. The submitted building elevations and the color and materials sample illustrate two (2) color themes consisting of two (2) tones of color, an accent color, cultured stone (Ledgestone) to accent the columns and column base, and concrete tile roofs to provide articulation and visual interest.

The recreation building is shown with a similar architectural style as the apartment buildings, utilizing the same cultured stone columns to emphasize the porch that surrounds the recreation building. The building proposes the same tile roof and stucco material as the apartment buildings. The building is proposed at 3,151 square feet, including the patio area. The floor plan shows a large multi-use room, weight room, restrooms, office and access onto the patio and pool area. The recreation building is considered the community focal point and, as noted previously, the project amenities meet Code requirements for minimum square footage.

L. Summary

The applicant is requesting that the Planning Commission review and approve the use and architectural appearance of a 140-unit, two-story, attached apartment project within the Multi-Family Residential (R-M) zoning district if the General Plan Amendment and Zone Change are adopted by the Town Council. The General Plan designation of Medium Density Residential and zoning of Multi-Family Residential is intended to provide an area for higher density housing types, including single-family detached, single-family attached and multi-family homes, such as duplexes, condominiums, townhouses, apartments and senior housing developments. The 140-unit, apartment project meets all other Development Code requirements.

M. Environmental Assessment

Pursuant to the California Environmental Quality Act (CEQA), an Initial Study was prepared. Based on the findings of the Initial Study, the proposed project will not have a significant environmental impact and, therefore, a Negative Declaration has been prepared. 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.

N. Noticing:

General Plan Amendment No. 2007-008, Zone Change No. 2007-005 and Conditional Use Permit No. 2007-013 were advertised as a public hearing in the Apple Valley News newspaper on July 18, 2008 as required under Development Code Section 9.13.030 *Notice of Public Hearings*. Additionally, a sign is posted on the property as required under Development Code Section 9.13.030 (9).

GENERAL PLAN AND ZONING FINDINGS

In considering any General Plan Amendment or Zone Change request, these specific findings must be made. Section 9.02.040.H.3 of the Development Code requires the following General Plan Amendment findings:

1. The proposed General Plan amendment is consistent with the goals, policies and standards of all elements of General Plan and will further those goals, policies and standards;

Comment: The request is consistent with the goals, policies and standards of all General Plan Elements and will further their implementation. The subject property is suitable for development and will be a logical extension of the multi-family land use designation due to the site's proximity to the commercial corridor of the Village area. Water and sewer lines, as well as streets, can be readily extended to the site. Development will occur in a developing area and in ways which allow for clear linkages to circulation and vehicular access via Ottawa and Nomwaket Roads. Any future development will be complementary to the surrounding residential neighborhoods.

2. The General Plan, as amended, will comprise an integrated, internally consistent and compatible statement of policies for the Town.

Comment: The request is consistent with, and complementary to, an integrated, internally consistent and compatible statement of policies for the Town's General Plan. The General Plan encourages a range of housing by location, type and price to meet the growth needs of the Town. The construction of multi-family units complies with this policy.

3. The General Plan Amendment furthers the public interest and promotes the general welfare of the Town by providing for a logical pattern of land uses and clarifying various land use policies for the Town.

Comment: The subject property is suitable for multi-family development and will be a logical extension of the Medium Density Residential (R-M) designation to the south and west and a higher density to support the Village area.

Development Code section 9.06.060 requires the following findings be made in order to approve Zone Change Amendments to the Development Code:

1. The proposed amendment is consistent with the General Plan

Comment: The request is consistent with the goals, policies and standards of all General Plan Elements and will further their implementation. The subject property is suitable for development and will be a logical extension of the Multi-Family Residential (R-M) designation to the south and west. Water and sewer lines, as well as streets, can be readily extended to the site.

2. The proposed Amendment will not be detrimental to the public health, safety or welfare of the Town or its residents.

Comment: The request will not adversely affect those residing in the area and will not be detrimental to the surrounding uses or enjoyment of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to public health, safety or welfare. Adequate sewer and water capacity exists to serve the project. The project has adequate street access via Ottawa, Nomwaket, Macauley and Quinnault Roads. The recommended Conditions of Approval will allow the project to stay within the Town's adopted LOS C for impacted intersections.

CONDITIONAL USE PERMIT FINDINGS:

As required under Section 9.16.090 of the Development Code, prior to approval of a Conditional Use Permit, the Planning Commission must make the following findings:

1. That the proposed location, size, design and operating characteristics of the proposed use is consistent with the General Plan, the purpose of this Code, the purpose of the zoning district in which the site is located, and the development policies and standards of the Town;

Comment: Upon the adoption of the General Plan Amendment and Zone Change, the proposed 140-unit multi-family development is located within the Multi-Family Residential zoning designation and is in compliance with the General Plan Land Use and Zoning District that allows new construction of multi-family attached, or detached, units subject to approval of a Conditional Use Permit on the subject property.

2. That the location, size, design and operating characteristics of the proposed use will be compatible with, and will not adversely affect nor be materially detrimental to, adjacent uses, residents, buildings, structures or natural resources;

Comment: Upon the adoption of the General Plan Amendment and Zone Change, the property will be located within the Multi-Family Residential (R-M) zoning designation. The project is compatible with existing residential development and is a permitted use subject to the approval of a Conditional Use Permit. The colors selected for the project are compatible with the Town's desert environment.

3. That the proposed use is compatible in scale, bulk, lot coverage, and density with adjacent uses;

Comment: The proposed 140-unit multi-family development will be a compatible use because the site has been designed with adequate setbacks, parking and access points. The project site will be built with two-story structures at a maximum building height of twenty-seven (27) feet, which is in conformance with the

permitted building height for a multi-family zoning designation. Although, the new structures will occupy a currently vacant lot, the area was anticipated to have structures with heights of up to thirty-five (35) feet. As the surrounding area develops, the proposed structures will appear less out of scale.

4. That there are public facilities, services and utilities available at the appropriate levels, or that these will be installed at the appropriate time to serve the project as they are needed;

Comment: The proposed project will be located within the Multi-Family Residential zoning designation. The project will require the extension of water and sewer facilities to the site. The project is conditioned to provide street improvements and is also conditioned to provide sewage disposal by connecting to the Town of Apple Valley sewer system. The proposal, with adherence to the recommended Conditions of Approval, will be compatible with the surrounding neighborhood.

5. That there will not be a harmful effect upon desirable neighborhood characteristics;

Comment: The location, size, design and operating characteristics of the proposed multi-family development, and the conditions under which it will be operated and maintained, will not be a harmful upon the neighborhood characteristics.

6. That the generation of traffic will not adversely impact the capacity and physical character of surrounding streets;

Comment: Traffic generated from the project will not adversely impact the surrounding area, based upon the submitted Traffic Impact Analysis (TIA) prepared by Urban Crossroads. The TIA recommends construction of half-width street improvements along all street frontages, a turn-lane on Nomwaket and a through-lane on Ottawa Road. The project is also subject to the Town of Apple Valley's Traffic Fee Ordinance. The proposed project will be located adjacent to commercial and residential uses and along a secondary roadway, which can accommodate traffic generated from the proposed use. The project will contain paved on-site parking that meets the requirements as specified in the Development Code.

7. That traffic improvements and/or mitigation measures are provided in a manner adequate to maintain the existing service level or a Level of Service (LOS) C or better on arterial roads and are consistent with the Circulation Element of the General Plan;

Comment: A Traffic Impact Analysis prepared by Urban Crossroads was completed and required that Ottawa, Nomwaket, Macauley and Quinnault Roads be developed with street improvements in

compliance with Town Standards. According to the Traffic Impact Analysis, with the required improvements, the intersection of Nomwaket and Ottawa is projected to experience acceptable levels of service during the peak hours which is in conformance with the goals and objectives of the General Plan.

8. That there will not be significant harmful effects upon environmental quality and natural resources;

Comment: Under the State guidelines to implement the California Environmental Quality Act (CEQA), an Initial Study has been prepared and, based upon the information provided, with implementation of proper mitigation measures as defined and required in the various Codes and standards applicable to all development within the community, the proposed project will not produce adverse impacts upon the sites nor the surrounding properties.

9. That there are no other relevant negative impacts of the proposed use that cannot be reasonably mitigated;

Comment: Under the State guidelines to implement the California Environmental Quality Act (CEQA), an Initial Study has been prepared and, based upon the information provided, with implementation of proper mitigation measures as defined and required in the various Codes and standards applicable to all development within the community, the proposed project will not produce adverse impacts upon the sites nor the surrounding properties.

10. That the impacts, as described in paragraphs 1 through 9 above, and the proposed location, size, design and operating characteristics of the proposed use and the conditions under which it would be maintained will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity, nor be contrary to the adopted General Plan;

Comment: The location, size, design and operating characteristics of the proposed development, and the recommended conditions under which it will be operated and maintained, will not be detrimental to the public health, safety or welfare, nor will it be materially injurious to properties or improvements in the vicinity.

11. That the proposed conditional use will comply with all of the applicable provisions of this title.

Comment: The proposed 140-unit multi-family development is in conformance with the Development Code, subject to approval of a Conditional Use Permit and adherence to the recommended Conditions of Approval.

12. That the materials, textures and details of the proposed construction, to the extent feasible, are compatible with the adjacent and neighboring structures;

Comment: The surrounding area is primarily vacant and, therefore, the neighborhood has no established architectural style. Nevertheless, the design, materials and details of the proposed multi-family residential development will complement the limited number of structures within in the immediate area and any future development. The proposal, with adherence to the suggested Conditions of Approval, conforms to Code requirements.

13. That the development proposal does not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings with respect to mass and scale to an extent unnecessary and inappropriate to the use;

Comment: Since the area is primarily vacant, the proposed building heights of twenty-seven (27) feet will create the appearance of excessive building height. However, the proposed building height is within the permitted thirty-five (35) feet as allowed by the Development Code. As the area develops with multi-family projects, the proposed multi-family residential development will appear more in scale to other residential developments in the area.

14. That quality in architectural design is maintained in order to enhance the visual environment of the Town and to protect the economic value of existing structures.

Comment: The proposed multi-family residential development has been designed to provide a quality appearance which complements the surrounding development. Multi-family residential development containing fifty-one (51) or more units, with adherence to recommended Conditions of Approval, are permitted subject to approval of a Conditional Use Permit.

15. That access to the site and circulation on and off-site is safe and convenient for pedestrians, bicyclists, equestrians and motorists.

Comment: The proposed multi-family project will include three (3) points of ingress/egress, one off Ottawa Road, and two (2) driveways off Nomwaket Road. In addition, the project will be required to provide improvements along all adjacent roads and along the corresponding property frontages, to include curb, gutter and sidewalks that will enhance overall circulation on and around the project site.

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 adopt Planning Commission Resolution No. 2008-004 to recommend to the Town Council:

1. Determine that the proposed General Plan Amendment, Zone Change and Conditional Use Permit will not have a significant effect on the environment.
2. Adopt the Negative Declaration for General Plan Amendment No. 2007-008, Zone Change No. 2007-005 and Conditional Use Permit No. 2007-013 finding that, on the basis of the whole record before the Planning Commission, including the Initial Study and any comments received, 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. The Initial Study and Negative Declaration are available at the Town's Planning Division which constitutes the record of proceedings upon which its decision is based.
3. Find that the facts presented in the staff report support the required Findings for approval and adopt those findings.
4. Approve Planning Commission Resolution No. 2008-004, forwarding to the Town Council a recommendation for approval for General Plan Amendment No. 2007-008 and Zone Change No. 2007-005.
5. Find the facts presented in the staff report support the required findings for approval of the Conditional Use Permit and adopt those findings.
6. Approve Conditional Use Permit No. 2007-013 subject to the attached Conditions of Approval.
7. Direct staff to file a Notice of Determination.

Prepared By:

Reviewed By:

Carol Miller
Senior Planner

Lori Lamson
Assistant Director of Community Development

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Site Plan
3. Building Elevations
4. Floor plan
5. Existing and Proposed Zoning Maps
6. Existing and Proposed General Plan Maps
7. Planning Commission Resolution No. 2008-004

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Case No. Conditional Use Permit No. 2007-013

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

Planning Division Conditions of Approval

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval, if not exercised, shall expire 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 Conditional Use 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.
- 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 Ranchos Water Company
Apple Valley Public Works Division
Apple Valley Engineering Division
Apple Valley Planning Division
- P3. Conditional Use Permit No. 2007-013 shall adhere to all requirements of the Development Code.
- P4. The applicant shall agree to defend, at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P5. The filing of a Notice of Determination requires the County Clerk to collect a documentary handling fee of fifty dollars (\$50.00). Additionally, as of January 1, 2008, a fee of \$1,876.75 is required to be collected by the County for the processing of a Notice of Determination (NOD) for the State Fish & Game fees. The fees must be paid within five (5) days of the approval of this application in order to reduce the Statute of

Limitations to thirty (30) days. 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 procedures. No permits may be issued until such fee is paid.

- P6. The approval of Conditional Use Permit No. 2007-013 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.
- P7. 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.
- P8. 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 center. Each space must be provided with access ramps and clearly marked in accordance with Title 24 of the California Administrative Code.
- P9. 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 onto the site and away from adjacent properties.
- P10. Light standards shall blend architecturally with buildings, pedestrian areas and other hardscape elements.
- P11. All lighting used in parking lots for security purposes or safety-related uses shall be scheduled so light rays emitted by the fixture are projected below the imaginary horizontal plane passing through the lowest point of the fixture and in such a manner that the light is directed away from streets and adjoining properties.
- P12. It is the sole responsibility of the applicant on any Permit, or other appropriate discretionary review application for any structure to submit plans, specifications and/or illustrations with the application that will fully and accurately represent and portray the structures, facilities and appurtenances, thereto, that are to be installed or erected if approved by the Commission. Any such plans, specifications and/or illustrations that are reviewed and approved by the Planning Commission at an advertised public hearing shall accurately reflect the structures, facilities and appurtenances expected and required to be installed at the approved location without substantive deviations, modifications, alterations, adjustments or revisions of any nature.
- P13. Final landscape and irrigation plans shall be submitted prior to building permit issuance 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.
- P14. 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.

- P15. The landscape plan submitted for plan check shall be revised to include the following:
- a. The quantity of street trees and shrubs shall be provided along all streets in accordance with Chapter 9.75, Water Conservation Landscape Regulations, of this Code.
 - b. The ten (10)-foot wide landscape buffer shall include additional trees to achieve a proper buffering. This area shall also be improved with ground cover in accordance with the Development Code.
 - c. The planter areas located between the buildings shall include trees and shrubs.
 - d. The landscaping in those locations where the picnic areas are located within the street side landscape setback shall be densely planted and enhanced to provide buffering and screening from the adjacent streets
- P16. 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.
- P17. 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.
- P18. The rendering(s) presented to and approved by the Planning Commission at the public hearing shall be the anticipated and expected appearance of the structure upon completion.
- P19. All identification signs shall have a separate permit and are subject to final approval by the Town Planning Division.
- P20. No major deviation, modification, alteration, adjustment or revision to or from the appearance, location, fixtures, features or appurtenances thereto of any type or extent shall be approved without said changes being first submitted to the Planning Commission for consideration and approval. Said review shall not rise to the level of a revision to the original Permit or other discretionary review, therefore necessitating a new public hearing, but shall, instead, constitute a clarification of the Planning Commission's original approval.
- P21. All on-site, circulation aisle ways, landscaping and amenities improvements shall be constructed as part of the first phase 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.
- P22. Solid decorative perimeter walls shall buffer the site from any existing residential district and uses. The wall must reflect the approved architecture style and materials (~~not split face block~~) of the project.
- P23. Roof top mechanical and electrical equipment shall be screened as an integral part of the architecture.

- P24. Each building shall incorporate an identifying feature that may include but not limited to: different trim color on the building or on doors/windows; distinctive entries, variations in building embellishments or architectural details, subject to review and approval by the Planning Division.
- P25. The plans submitted for plan check shall remove the shade structures from the street side yard setback along Quinnault Road.
- P26. Walls and fences shall comply with the height and setback requirements of the Development Code. Six (6)-foot high block wall is not permitted within the front setback along Ottawa and street side yards.
- P27. A lot merger or a tentative tract map for condominium purposes shall be recorded prior to the issuance of Building Permits.
- P28. If the project 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.
- P29. Each dwelling unit shall be provided a minimum of 400 cubic feet of private enclosed lockable storage space within the garage or immediately adjacent to the dwelling unit.
- P30. Prior to the issuance of a grading permit a biological survey shall be conducted. In the event evidence of Burrowing Owls is found, a mitigation plan shall be prepared at the applicant's expense and approved by California Department of Fish & Game. The project site is located within the known range of the Mohave Ground Squirrel, therefore, if the survey determines that the site contains suitable habitat for the Mohave Ground Squirrel, a California Department of Fish and Game 2081 Incidental Take Permit or a Focused Trapping Survey is required. Prior to issuance of grading permits, written clearance from the California Department of Fish and Game is required. A pre-construction survey shall be conducted prior to land clearing to ensure the special status species (Desert Tortoise, burrowing owl, sharp-shinned hawk and loggerhead shrike) have not moved on to the site.
- P31. A vehicular entry statement shall be provided in accordance with Section 9.31.040C.
- P32. In accordance with the Development Code, there shall be no less than ten (10) feet between the habitable structures. Those structures with a separation greater than ten (10) but less than twenty-five (25) feet, shall be as approved by the Planning Commission
- P33. This project is subject to applicable Quimby Fees. Quimby Fees shall be collected at time of issuance of building permit and shall be the fee adopted by the Town Council.
- P34. If the entrances are proposed to be gated, adequate vehicle stacking space shall be in accordance with the Development Code.

- P35. As required by State Law, an on-site property manager shall reside within the development. This unit and the property manager shall be in place prior to occupancy of the fifteenth (15)-unit. The owner shall also participate in the Town's Crime Free Multi-Family Housing Program.

Engineering 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 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. Ottawa Road adjacent to the property shall be improved to the Town's half-width Secondary Road standards.
- EC4. Nomwaket Road adjacent to the property shall be improved to the Town's half-width Local Road Standards.
- EC5. Macauley Road adjacent to the property shall be improved to the Town's half-width Local Road Standards.
- EC6. Quinnault Road adjacent to the property shall be improved to the Town's half-width Local Road Standards.
- EC7. A forty-four (44)-foot (an additional 4 feet) wide half-width road dedication along Ottawa Road adjacent to the property shall be granted to the Town of Apple Valley.
- EC8. A forty (40)-foot wide (30 + 10) half-width road dedication along Nomwaket Road adjacent to the property shall be granted to the Town of Apple Valley.
- EC9. A forty (40)-foot wide (30 + 10) half-width road dedication along Macauley Road adjacent to the property shall be granted to the Town of Apple Valley.
- EC10. A thirty (30)-foot wide half-width road dedication along Quinnault Road adjacent to the property shall be granted to the Town of Apple Valley.
- EC11. 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.
- EC12. All required improvements shall be constructed and approved or bonded in accordance with Town Development Code.
- EC13. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.

- EC14. 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.
- EC15. 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.
- EC16. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)
- 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. Any required street striping shall be thermoplastic as approved by the Town Engineer.
- EC20. Maintenance of the landscaping along all streets, street lights, and retention basins, shall be performed by a Homeowner's Association or property management agreement with the Town formed by the developer. In addition, the developer shall form an assessment district with the Town to provide a guarantee that if the Homeowner's Association or the property management does not perform its duties with regard to maintenance, then the Town shall activate the assessment district to provide for maintenance.
- EC21. Street lights shall be required in accordance with Town standards.
- EC22. 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.
- EC23. 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.
- EC24. Ottawa Road shall be striped to provide one (1) through lane in each direction and a two-way or continuous left turn lane along Ottawa, along the project frontage.

EC25. Provide a westbound left turn pocket of a minimum length of seventy-five (75) feet for the intersection of Nomwaket Road and Ottawa Road.

Building and Safety Division Conditions of Approval

- BS1. 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.
- BS2. Grading and draining plans including a soils report must be submitted to and approved by the Building and Engineering Departments prior to grading permit issuance.
- BS3. Submit plans, engineering and end obtain permits for all structures, retaining walls, and signs.
- BS4. 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.
- BS5. 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.
- BS6. All utilities shall be placed underground in compliance with Town ordinance No. 89.
- BS7. Comply with State of California Disability Access requirements.
- BS8. A pre-grading meeting is required prior to beginning of 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.
- BS9. Page 2 of the submitted building plans will be the conditions of approval.
- BS10. Construction must comply with 2007 California Building Codes.
- BS11. Best Management practices (BPM's) are required for the site during construction.

Public Works Division Conditions of Approval

- PW1. An engineering evaluation is required to determine sewer capacity requirements and specific improvements necessary to serve the project. This evaluation shall be reviewed and approved by Apple Valley Public Works.
- 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. All Existing manholes within project boundaries shall be brought to current Town of Apple Valley Standards. Frame and cover shall be Long Beach Iron Works Inc. X-106E, Alhambra Foundry Inc. LTD. A-1254 or approved equal.

Apple Valley Fire Protection District

FD1. The above referenced project is protected by the Apple Valley Fire Protection District. Prior to construction occurring on any parcel, the owner shall contact the Fire District for verification of current fire protection development requirements.

FD2. 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

FD3. Fire lanes shall be provided with a minimum width of twenty four (24) feet, maintained, and identified.

Apple Valley Fire Protection District Ordinance 41
Install per A.V.F.P.D. Standard Series #202

FD4. 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.

Uniform Fire Code, Section 902.
Apple Valley Fire Protection District
Ordinance 22, Section 1 (e)
Install per A.V.F.P.D. Standard Series #202

FD5. Plans for fire protection systems designed to meet the fire flow requirements specified in the Conditions of Approval for this project shall be submitted to and approved by the Apple Valley Fire Protection District and water purveyor prior to the installation of said systems.

Apple Valley Fire Protection District, Ordinance 42

A. Unless otherwise approved by the Fire Chief, on-site fire protection water systems shall be designed to be looped and fed from two (2) remote points. The minimum water main size for residential development, 8".

B. System Standards:

*Fire Flow	1,500	GPM @ 20 psi	Residual Pressure
Duration	4	Hour(s)	
Hydrant Spacing	330	Feet	

*If blank, flow to be determined by calculation when additional construction information is received.

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

C. A total of 9-10 fire hydrant(s) will be required at time of building permit issuance. It is the responsibility of the owner/developer to provide all new fire hydrants with

reflective pavement markers set into pavement and curb identification per A.V.F.D. Standard.

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

- FD6. 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
 - Two stories or greater.

Apple Valley Fire Protection District, Ordinance 41

- FD7. A letter shall be furnished to the Fire District from the water purveyor stating that the required fire flow for the project can be met prior to the Formal Development Review Committee meeting.

- FD8. 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

STEVENSON ARCHITECTURE DESIGN + PLANNING
 1774 HERVILLA ROAD, SUITE 100, HERVILLA, CA 92540
 PHONE (714) 841-8800 • FAX (714) 841-8818
 E-MAIL: STEVENSON@STEVENS.COM

DATE PRINTED
 MARCH 2008

REVISIONS
 MAY 2007
 FINISH

PROJECT: APARTMENT COMPLEX
 9070 BOY BLDG.
 APT - 070
 SHEET: A-1

OWNER: JOHN SAROYAN
 1234 MAIN ST.
 HERVILLA, CA 92540
 (714) 792-8822

DESIGNER: JOHN SAROYAN
 1234 MAIN ST.
 HERVILLA, CA 92540
 (714) 792-8822

CONTRACTOR: BAKER DEVELOPMENT INC.
 1234 MAIN ST.
 HERVILLA, CA 92540
 (714) 792-8822

ALL PLANS & REVISIONS SHALL BE UNLAWFUL UNLESS THEY ARE APPROVED BY THE ARCHITECT. THE ARCHITECT SHALL BE UNLAWFUL UNLESS THEY ARE APPROVED BY THE ARCHITECT.

PRELIMINARY FLOOR PLAN SCALE: 3/4" = 1'-0"

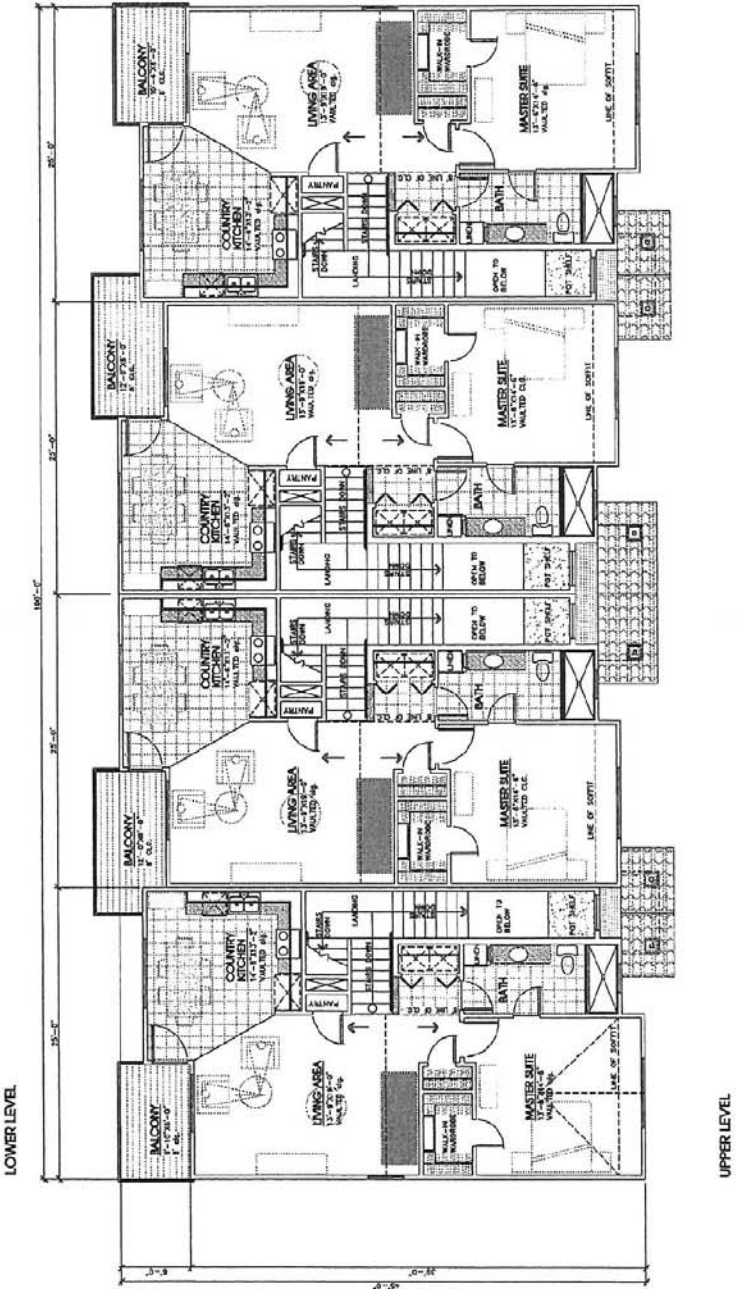
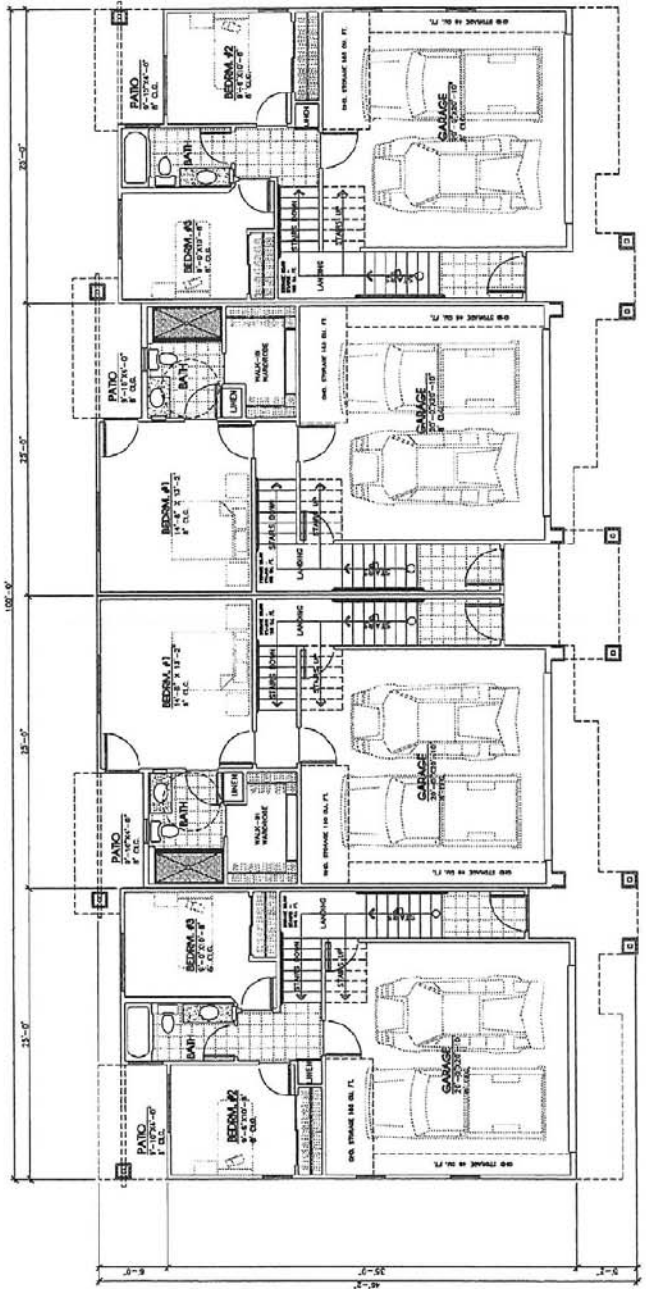
AREA TABULATIONS

THREE BEDROOM (2)

LIVING AREA (LOWER LEVEL)	= 483.50 FT.
LIVING AREA (UPPER LEVEL)	= 238.50 FT.
LIVING AREA	= 722.00 FT.
2-CAR GARAGE	= 133.50 FT.
PATIO	= 31.50 FT.
BALCONY	= 38.50 FT.
TOTAL AREA	= 1064.50 FT.

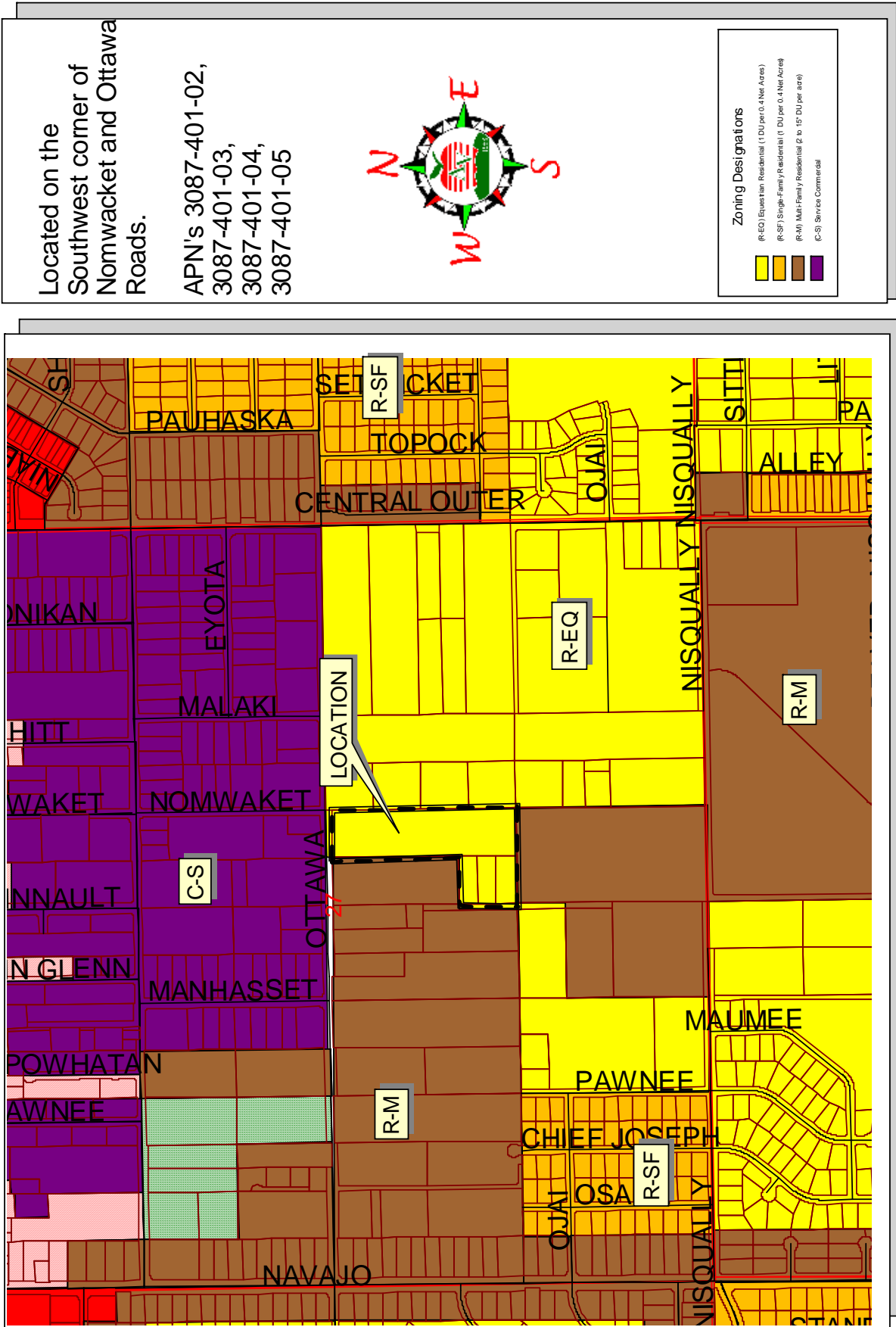
TWO BEDROOM (2)

LIVING AREA (LOWER LEVEL)	= 483.50 FT.
LIVING AREA (UPPER LEVEL)	= 238.50 FT.
LIVING AREA	= 722.00 FT.
2-CAR GARAGE	= 133.50 FT.
PATIO	= 31.50 FT.
BALCONY	= 38.50 FT.
TOTAL AREA	= 1064.50 FT.



General Plan Amendment No. 2007-008
 Zone Change No. 2007-005
 Conditional Use Permit No. 2007-013

EXISTING ZONING MAP



Located on the Southwest corner of Nomwaket and Ottawa Roads.

APN's 3087-401-02,
 3087-401-03,
 3087-401-04,
 3087-401-05

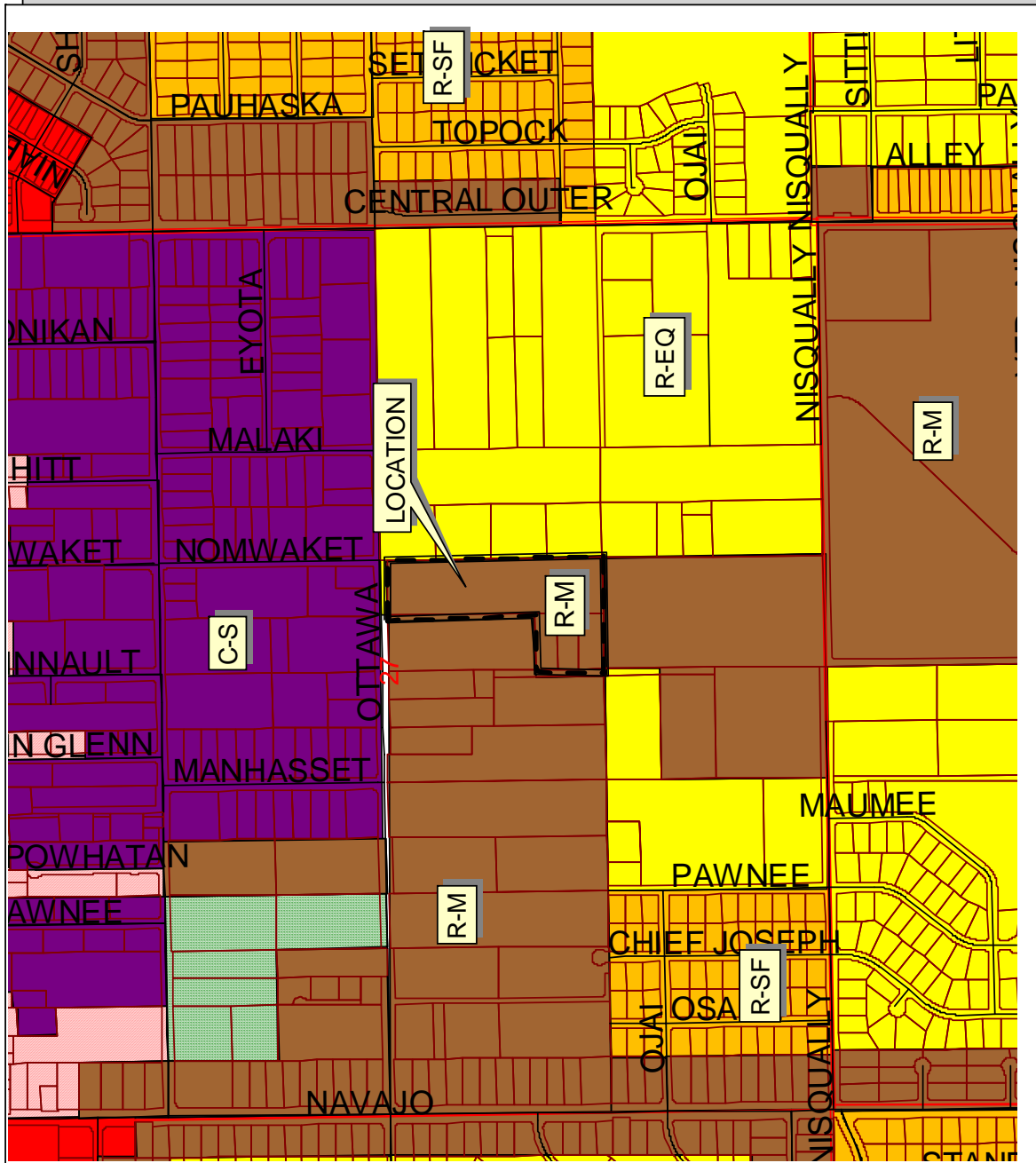


Zoning Designations

■	R-EQ Equestrian Residential (1 DU per 0.4 Net Acres)
■	R-SF Single-Family Residential (1 DU per 0.4 Net Acres)
■	R-M Multi-Family Residential (2 to 15 DU per acre)
■	C-S Service Commercial

General Plan Amendment No. 2007-008
 Zone Change No. 2007-005
 Conditional Use Permit No. 2007-013

PROPOSED ZONING MAP



Located on the
 Southwest corner of
 Nomwaket and Ottawa
 Roads.

APN's 3087-401-02,
 3087-401-03,
 3087-401-04,
 3087-401-05

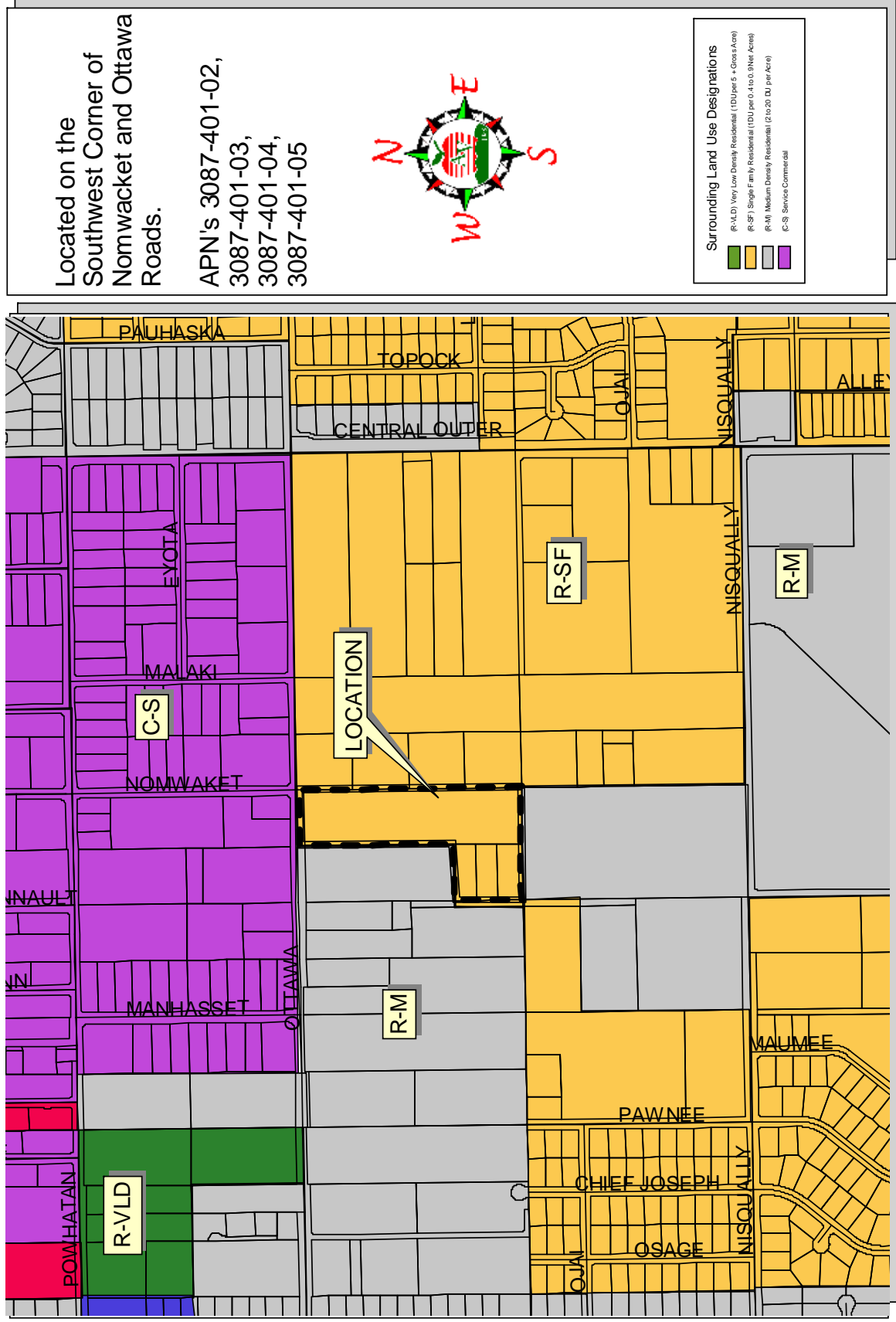


Zoning Designations

	(R-ED) Equestrian Residential (1 DU per 0.4 Net Acres)
	(R-SF) Single-Family Residential (1 DU per 0.4 Net Acres)
	(R-M) Multi-Family Residential (2 to 16 DU per acre)
	(C-S) Service Commercial

Existing General Plan Land Use Designation

General Plan Amendment No. 2007-008
 Zone Change No. 2007-005
 Conditional Use Permit No. 2007-013



Located on the
 Southwest Corner of
 Nomwaket and Ottawa
 Roads.

APN's 3087-401-02,
 3087-401-03,
 3087-401-04,
 3087-401-05

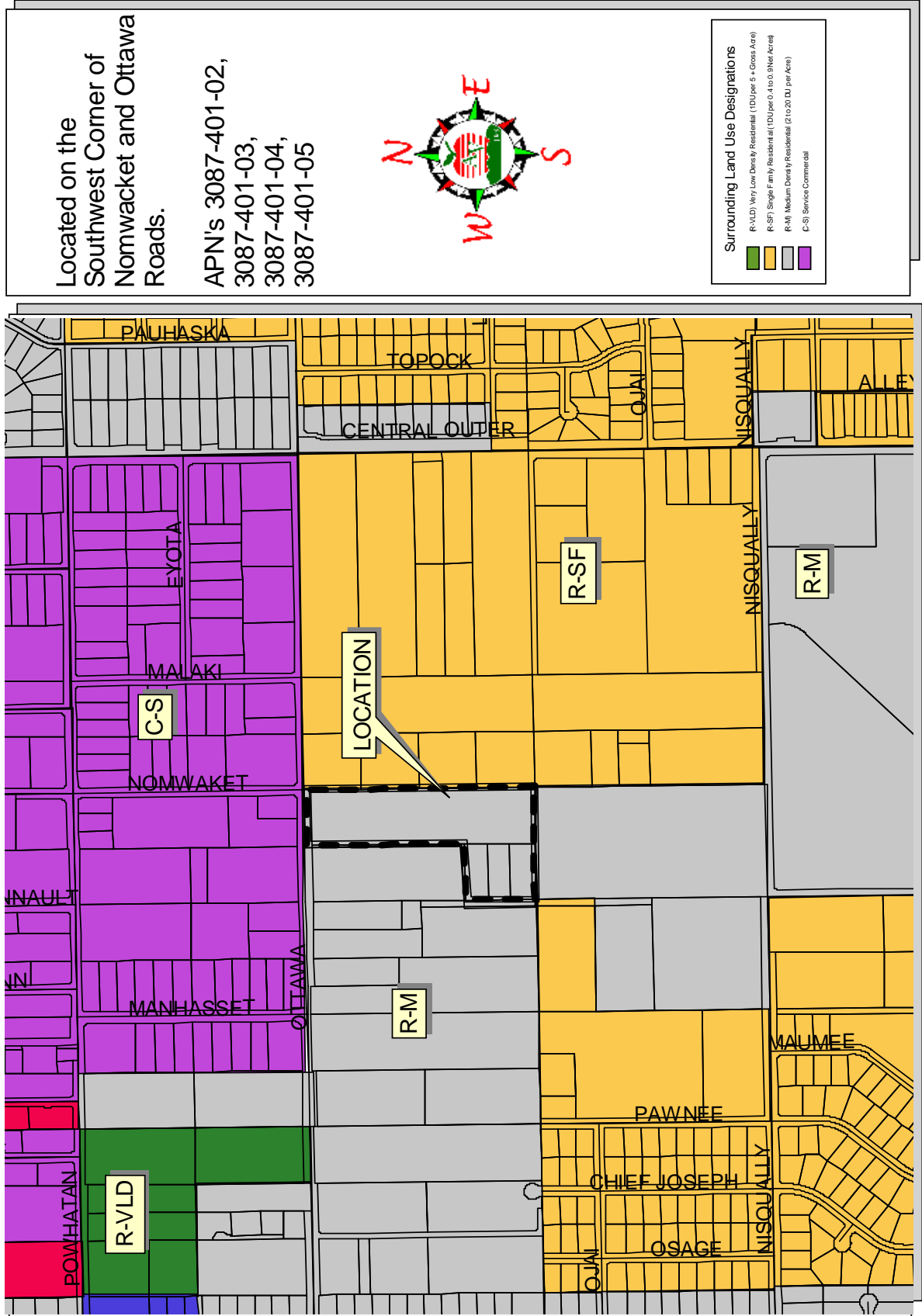


Surrounding Land Use Designations

Green	R-VLD Very Low Density Residential (1 DU per 5+ Gross Acre)
Yellow	R-SF Single Family Residential (1 DU per 0.4 to 0.5 Net Acre)
Grey	R-M Medium Density Residential (2 to 20 DU per Acre)
Purple	C-S Service Commercial

Proposed General Plan Land Use Designation

General Plan Amendment No. 2007-008
 Zone Change No. 2007-005
 Conditional Use Permit No. 2007-013



PLANNING COMMISSION RESOLUTION NO. 2008-004

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL APPROVE A GENERAL PLAN AMENDMENT AND ZONE CHANGE TO CHANGE THE CURRENT LAND USE DESIGNATION FROM SINGLE-FAMILY (R-SF, 1 DU 0.4 TO 0.9 NET ACRES) TO MEDIUM DENSITY RESIDENTIAL (R-M, TWO (2) TO TWENTY (20) DWELLING UNITS PER ACRE); AND A CORRESPONDING REZONING CLASSIFICATION FROM RESIDENTIAL EQUESTRIAN (R-EQ, 1 DU PER 0.4 TO 0.9 NET ACRES); TO A RESIDENTIAL MULTI-FAMILY (R-M, TWO (2) TO TWENTY (20) DWELLING UNITS PER ACRE) ZONING CLASSIFICATION; AND A REQUEST TO APPROVE A CONDITIONAL USE PERMIT (CUP) FOR 140 APARTMENT UNITS. THE PROJECT ALSO INCLUDES A RECREATION BUILDING, POOL AREA AND BARBECUE AREAS. PROJECT IS LOCATED AT THE SOUTHWEST CORNER OF OTTAWA AND NOMWAKET ROADS; APNS 3087-401-02, -03, -04, -05.

WHEREAS, the Town of Apple Valley General Plan was adopted by the Town Council on October 22, 1998; and

WHEREAS, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on October 24, 2000; and

WHEREAS, The General Plan and Title 9 (Development Code), including the Official Zoning Districts Map of the Municipal Code of the Town of Apple Valley have been previously amended by the Town Council on the recommendation of the Planning Commission; and

WHEREAS, specific changes are proposed to the Land Use Map of the General Plan of the Town of Apple Valley by amending the land use designation of four (4) parcels, at the southwest corner of Ottawa and Nomwaket Roads from R-SF to R-M: APNs 3087-401-02, -03, -04, -05; and

WHEREAS, specific changes are proposed to Chapter 9.05, Section 9.05.040 "Adoption of the Official Zoning Districts Map" of Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley by amending the zoning designation of four (4) parcels, at the southwest corner of Ottawa and Nomwaket Roads; APNs 3087-401-02, -03, -04, -05; and

WHEREAS, on, July 18, 2008, General Plan Amendment No. 2007-008, Zone Change No. 2007-005 and Conditional Use Permit No. 2007-013 were duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed General Plan Amendment No. 2007-008, Zone Change No. 2007-005 and Conditional Use Permit No. 2007-013 could not have a significant effect on the environment; a Negative Declaration has been prepared in compliance with the California Environmental Quality Act (CEQA) and State Guidelines for the Implementation of CEQA; and

WHEREAS, the Planning Commission finds on the basis of the whole record before it (including the initial study and any comments received) that there is no substantial evidence that the project will have a significant effect on the environment and that the Negative Declaration reflects the Planning Commission's independent judgment and analysis, and

WHEREAS, the Planning Commission hereby finds that the Negative Declaration reflects its independent judgment. A copy of the Initial Study and Negative Declaration may be obtained at: Town of Apple Valley, Planning Division, 14955 Dale Evans Pkwy., Apple Valley, CA 92307, and

WHEREAS, on August 6, 2008, the Planning Commission of the Town of Apple Valley opened a duly noticed and advertised public hearing on General Plan Amendment No. 2007-008, Zone Change No. 2007-005 and Conditional Use Permit No. 2007-013, and

WHEREAS, the proposed General Plan Amendment No. 2007-008, Zone Change No. 2007-005 (Exhibits A and B) and Conditional Use Permit No. 2007-013, are consistent with Town of Apple Valley General Plan and 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, DETERMINED AND ORDERED THE PLANNING COMMISSION RECOMMENDS AS FOLLOWS:

Section 1. In consideration of the evidence received at the public hearing, and for the reasons discussed by the Commissioners at said hearings, the Planning Commission of the Town of Apple Valley, California, adopts the findings and recommendations in the staff report and finds that the changes proposed under General Plan Amendment No. 2007-008, Zone Change No. 2007-005 (Exhibits A and B) and Conditional Use Permit No. 2007-013 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 2. Based upon the information contained within the Initial Study and Negative Declaration prepared in conformance with the State Guidelines to Implement the California Environmental Quality Act (CEQA), that General Plan Amendment No. 2007-008, Zone Change No. 2007-005 and Conditional Use Permit No. 2007-013, may have an impact upon the environment if not mitigated and, that based on the whole record, therefore, the Town Council of the Town of Apple Valley adopt the Negative Declaration for General Plan Amendment No. 2007-008 and Zone Change No. 2007-005.

Section 3. Adopt a Town Council Resolution approving a General Plan Amendment as requested on the Assessor's Parcel(s). The approximate 11.6 acre site is located at the southwest corner of Ottawa and Nomwaket Roads; APN(S) 3087-401-02, -03, -04, -05 as shown on Exhibit(s) "A" attached to this Resolution.

Section 4. Adopt an ordinance amending that certain portion of Title 9 (Development Code) of the Town of Apple Valley Municipal Code, Section 9.05.040 "Adoption of the Official Zoning Map" Exhibit(s) "B" by approving the requested Zone Change Residential Equestrian (R-EQ, 1 DU per 0.4 to 0.9 Net Acres); Acres) to a Multi-Family Residential (R-M) zoning classification for APN(S) 3087-401-02, -03, -04, -05 as shown on Exhibit(s) "B": attached to this Resolution.

Section 5. Adopt Conditional Use Permit No. 2007-013 subject to the Conditions of Approval recommended in the Planning Commission Staff Report and effective upon the date of the Town Council adoption of General Plan Amendment 2007-008 and Zone Change 2007-005.

Section 6. Direct staff to file a Notice of Determination.

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 6th day of August, 2008.

David Hernandez, Chairman

ATTEST:

I, Patty Hevle, 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 day of August 6th, 2008, by the following vote, to-wit:

AYES:

NOES:

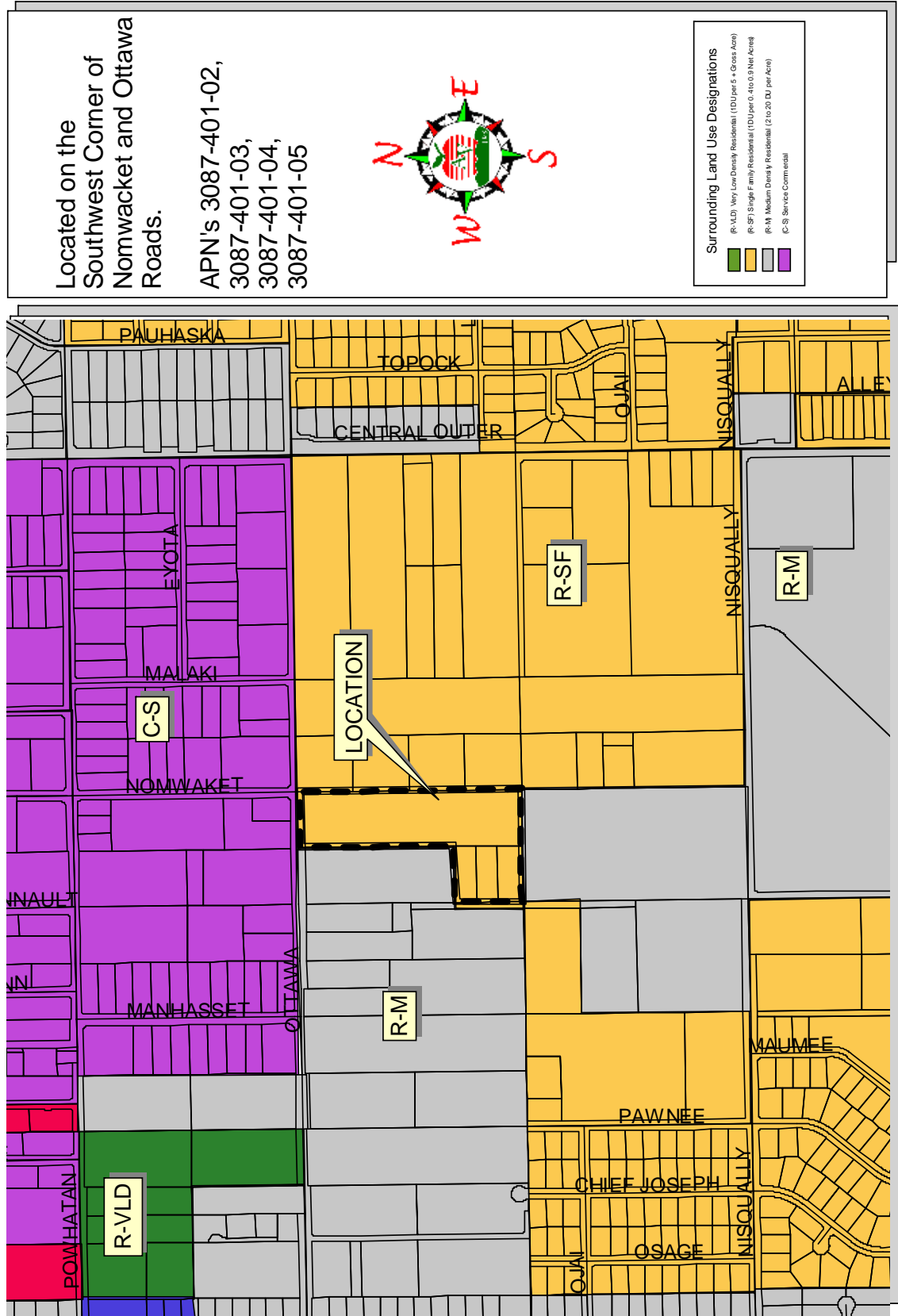
ABSENT:

ABSTAIN:

Patty Hevle, Planning Commission Secretary

General Plan Amendment No. 2007-008
 Zone Change No. 2007-005
 Conditional Use Permit No. 2007-013

Existing General Plan
 Land Use Designation



General Plan Amendment No. 2007-008
 Zone Change No. 2007-005
 Conditional Use Permit No. 2007-013

Proposed General Plan
 Land Use Designation
 (Exhibit A)

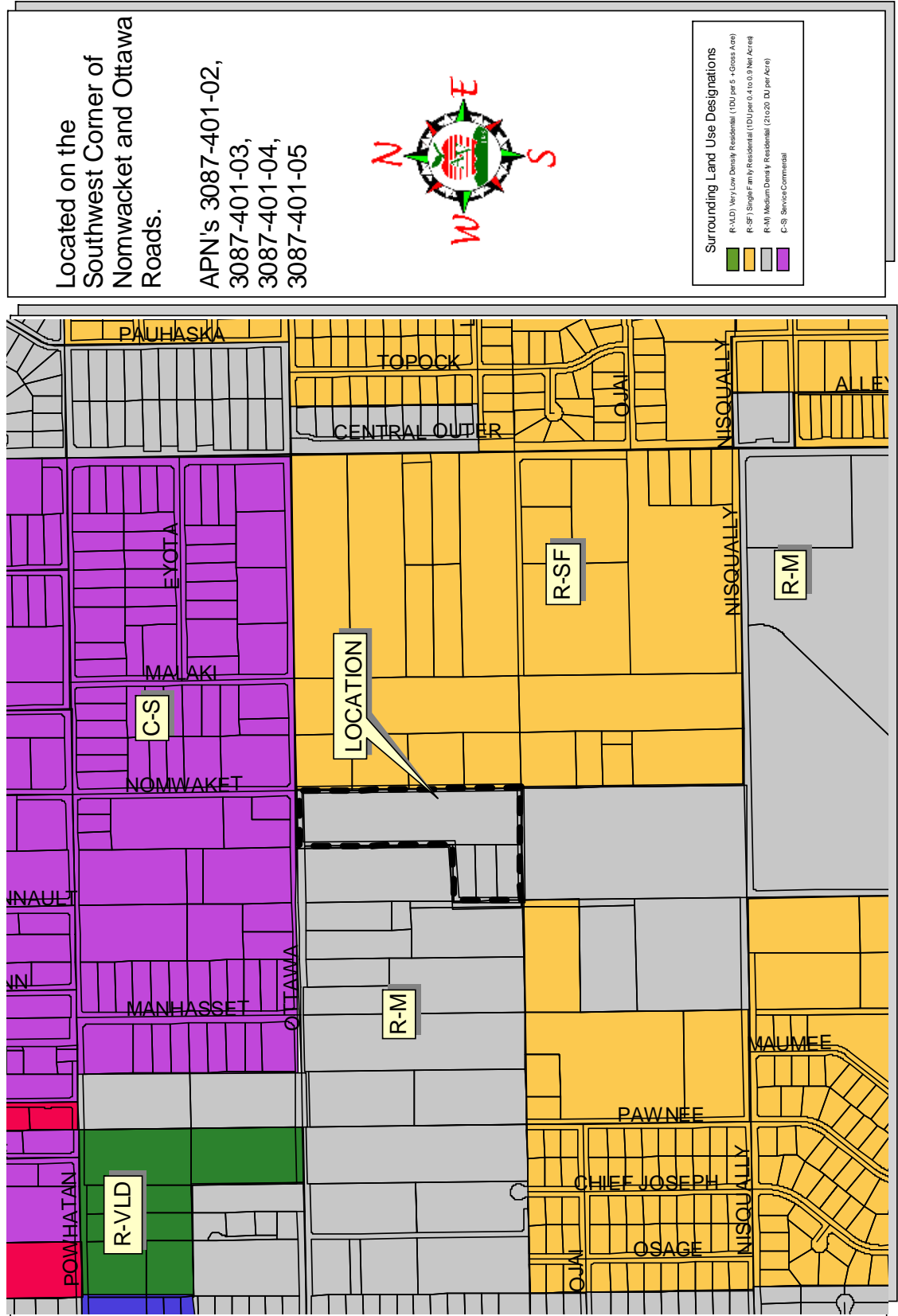
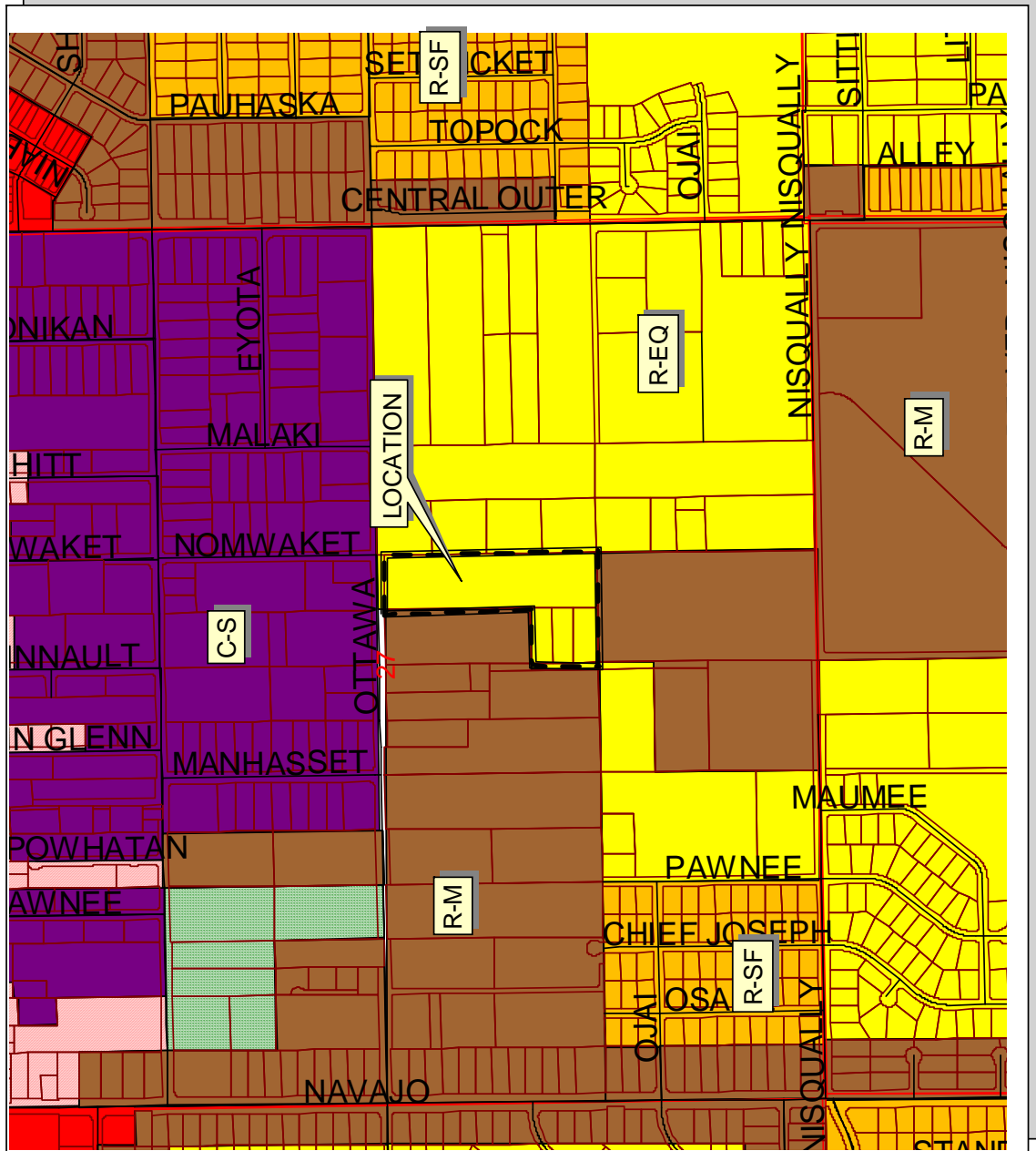


Exhibit "B"

General Plan Amendment No. 2007-008
 Zone Change No. 2007-005
 Conditional Use Permit No. 2007-013

EXISTING ZONING MAP



Located on the
 Southwest corner of
 Nomwaket and Ottawa
 Roads.

APN's 3087-401-02,
 3087-401-03,
 3087-401-04,
 3087-401-05



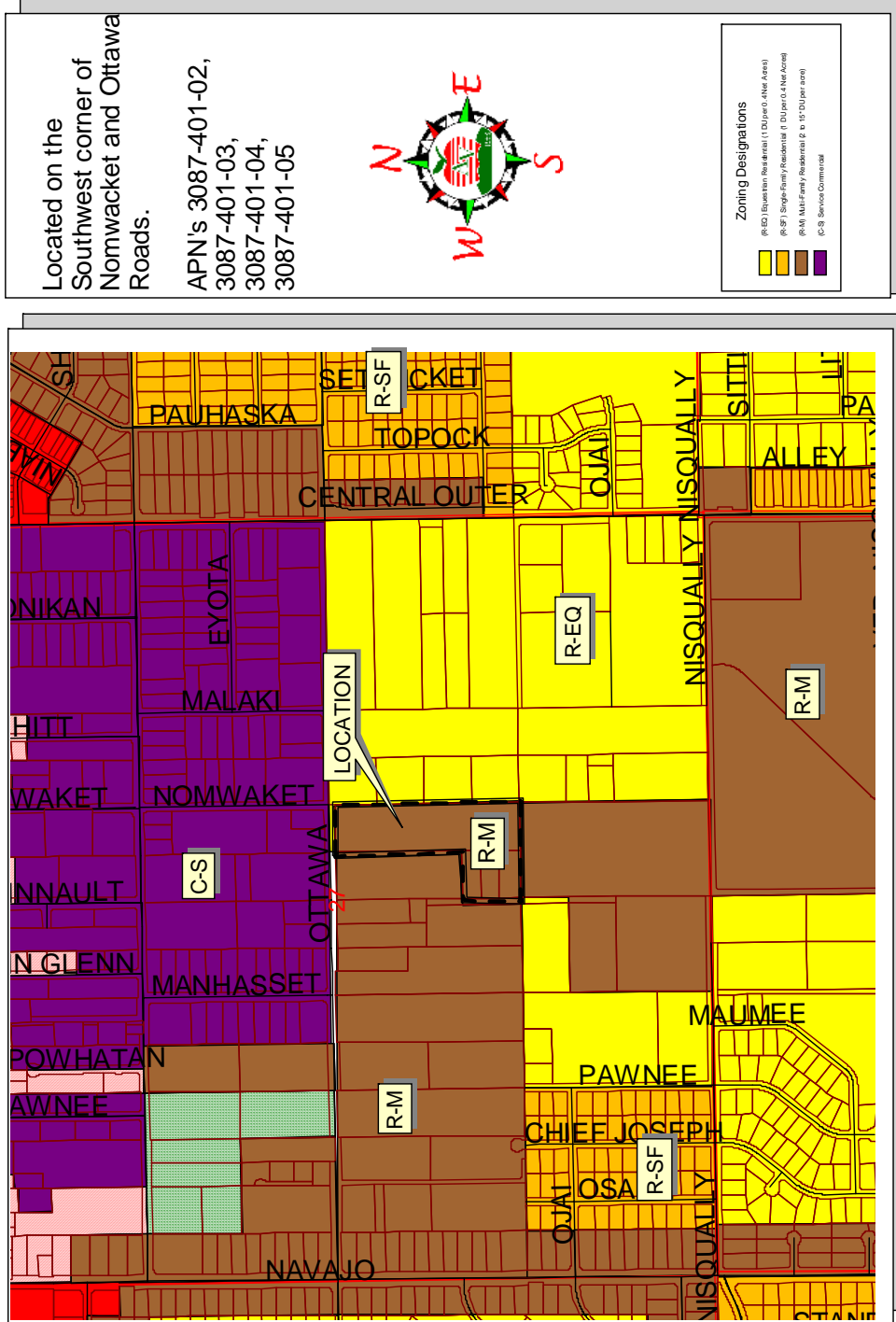
Zoning Designations

Yellow	R-EQ) Executive Residential (1 DU per 0.4 Net Acre)
Light Brown	R-SF) Single-Family Residential (1 DU per 0.4 Net Acre)
Dark Brown	R-M) Multi-Family Residential (2 to 15 DU per acre)
Purple	C-S) Service Commercial

Exhibit "B"

General Plan Amendment No. 2007-008
 Zone Change No. 2007-005
 Conditional Use Permit No. 2007-013

PROPOSED ZONING MAP (Exhibit B)



Located on the Southwest corner of Nomwaket and Ottawa Roads.

APN's 3087-401-02,
 3087-401-03,
 3087-401-04,
 3087-401-05



Zoning Designations

(R-EO) Executive Residential (1 DU per 0.41 ac Area)
(R-SF) Single-Family Residential (1 DU per 0.41 ac Area)
(R-M) Multi-Family Residential (2 to 15 DU per acre)
(C-S) Services Commercial



**ENVIRONMENTAL CHECKLIST FORM
(INITIAL STUDY)**

FOR

**PROPOSED
*General Plan Amendment No. 2007-008
and
Zone Change No. 2007-005***

**Prepared by :
Carol Miller
Senior Planner**

**Town of Apple Valley
Planning Division
June 26, 2008**

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**TOWN OF APPLE VALLEY
INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM**

This form and the descriptive information in the application package constitute the contents of Initial Study pursuant to Town of Apple Valley Development Code and Section 15063 of the State CEQA Guidelines.

PROJECT INFORMATION

1. Project title:
GPA No. 2007-008 and ZC 2007-005
T,R,Section: **N. ½, S.E. ¼ Sec 27 T.5N., R3W.**

2. Lead agency name and address:
**Town of Apple Valley
Planning Division
14955 Dale Evans Parkway
Apple Valley, CA 92307**
Thomas Bros: **4388 A-3**
Location: **Town of Apple Valley**
Town Zoning: **Residential Equestrian (R-EQ)**

3. Contact person and phone number:
**Carol Miller, Senior Planner
240-7000 ext 7222**
APNs: **3087-401-02, -03, -04, -05.**

4. Project location:
Property located on the southwest corner of Ottawa and Nomwaket Roads.

5. Description of project:
A request to change the General Plan Land Use designation of Residential Single Family (R-SF) to a General Plan Land Use designation of Medium Density Residential (R-M) and Zoning designation of Residential Equestrian (R-EQ) to a Zoning designation of Residential Multi-Family (R-M).

ENVIRONMENTAL/EXISTING SITE CONDITIONS

The subject site is vacant and generally a level site that is covered with native vegetation. There are no structures on the site. The remainder of the surrounding property is generally vacant with the exception of a single family residence to the east and commercial to the north.

	EXISTING LAND USE	TOWN OF APPLE VALLEY ZONING AND GENERAL PLAN DESIGNATION
North	Vacant	C-S
South	Vacant	R-M
East	Vacant and Single Family Residence	R-SF / R-EQ
West	Vacant	R-M

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural/Paleontological | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation / Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the following finding is made:

- The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Carol Miller
Senior Planner

Date

Lori Lamson
Assistant Director of Community Development

Date

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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I. AESTHETICS

Would the project:

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION (check ___ if project is located within the viewshed of any Scenic Route listed in the General Plan):

a-c: The proposed General Plan Amendment and Zone Change which, in and of itself does not directly involve the development of the site. Nevertheless, the site is not located along, nor within the viewshed of a Scenic Route listed in the County General Plan, Town General Plan or designated by the State of California. This is a request to amend the general plan designation and zoning for approximately eleven (11) acres for future multi-family residential. The area to the north (across Ottawa Road) is developed with commercial and vacant properties. With the exception of one (1) single family residence to the east, the surrounding area is predominately vacant.

d: The proposal is a General Plan Amendment and Zone Change only. The future development of the site will be required to conform to the Development Code requirements for lighting.

II. AGRICULTURE RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

SUBSTANTIATION (check __ if project is located in the Important Farmlands Overlay):

a-c: No impact is anticipated. The site is not located in an area that has been designated by the California Department of Conservation as an Important Farmland, and it is not being used for agricultural purposes. No Williamson Act Contracts exist for the subject parcel and use of the site as a residential subdivision. The project will not result in the conversion of farmland to a non-agricultural use.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

a-c: The proposed General Plan Amendment and Zone Change, in and of itself will not violate any air quality standards. However, the project area is located within the Mojave Desert Air Quality Management District (MDAQMD) which lies in the San Bernardino County portion of the Mojave Desert Air Basin (MDAB). This portion of the basin has been designated as a 'non-attainment' area with respect to violating National Air Quality Standards for particulate matter classified as equal to, or smaller than, 10 microns in diameter (PM₁₀). Because the proposed site disturbance will be greater than ½ acre, the 11-acre site is subject to the regulatory provisions of Rule 403.2 (Fugitive Dust Control for the Mojave Desert Planning Area) which requires a number of operating conditions to reduce fugitive dust generation to the lowest extent possible.

In order to estimate the emission levels of criteria pollutants, the MDAQMD accepts the use of equipment emissions factors which have been adopted by the South Coast Air Quality Management District. These factors have been used to calculate expected construction-related emissions for this project. Projects with a construction phase of under one year can be compared to the Daily Significance Thresholds listed in the MDAQMD and AVAPCD Draft "CEQA and Federal Conformity Guidelines" for a determination of their significance.³

Air quality will be impacted by dust generated during future construction and exhaust emissions from the equipment used to construct the improvements. Those effects that occur will be temporary, limited to the construction period. Upon completion of construction activities, no increased air quality impacts are expected to occur due to operations. As stated in the negative declaration done for MDAQMD Rule 403.2, compliance with the control and contingency measures listed in the Rule is presumed to reduce air quality impacts from fugitive dust (PM₁₀) to a level which meets federal PM₁₀ standards and improves ambient air quality.

d-e: The proposed General Plan Amendment and Zone Change from single family to multi-family residential, will not in and of itself impact any land uses considered to be sensitive receptors or generate odor. There are sensitive receptors within the area. Apple Valley Christian School, Senior Center and Willow Park High School are located within a ¼ and ½ mile of the site. The project will not include any sources of odor producers not commonly found within a residential area, which would cause impacts to the surrounding area. Any future development shall meet and/or exceed all of the Town's adopted development standards to minimize any potential impacts. Less than significant and no impact is anticipated.

IV. BIOLOGICAL RESOURCES

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

³ Alan De Salvio, MDAQMD, personal communication

- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

SUBSTANTIATION (check if project is located in the Biological Resources Overlay ___ or contains habitat for any species listed in the California Natural Diversity Database ___):

- a: The site is vacant and surrounded by predominately vacant land. The site does contain natural desert vegetation which could be considered suitable habitat for Mohave Ground Squirrel and Burrowing Owl. A biological report is required prior to any grading of the site and, should the study indicate that either of the two (2) special-status species has the potential to occur on the project site, written clearance must be obtained from the Department of Fish and Game and during all phases of the project.
- b: The proposed General Plan Amendment and Zone Change which, in and of itself does not directly involve the development of the site. Nevertheless, no riparian areas, therefore, any further development will not have a substantial adverse effect on any riparian habitat or other sensitive natural community, therefore; there is no impact.
- c: There is no protected wetlands on the site, therefore; there is no impact.
- d: The proposed project will not have any adverse effect on the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors as the area is not identified as a protected path for the native residents or migratory fish or wildlife species. Any future development shall meet and/or exceed all of the Town's adopted development standards to minimize any potential impacts to biological resources. No impact is anticipated.
- e: The site contains stands of Creosote bushes and desert grasses. All future development must comply with all of the Town's adopted development standards to minimize any potential impacts. Less than significant impact is anticipated .
- f: The site is not located within any adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional or state habitat conservation plan. Therefore, no impact anticipated.

V. CULTURAL RESOURCES

Would the project:

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|--------------------------------|---|------------------------------|-----------|
| Potentially Significant Impact | Less than Significant with Mitigation Incorp. | Less than Significant Impact | No Impact |
|--------------------------------|---|------------------------------|-----------|

- | | | | | |
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| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION (check if the project is located in the Cultural ___ or Paleontologic ___ Resources overlays or cite results of cultural resource review):

a: There are no structures on-site which may be considered historic. Therefore, there will be no impact of historical resources as defined in §15064.5. (Title 14. California Code of Regulations, Chapter 3, Guidelines for Implementation of the California Quality Act).

b: According to the Town's General Plan, materials of historic and prehistoric nature are likely to occur in the vicinity of the Mojave River. The project site is located approximately four (4) miles east of the Mojave River. Surrounding land uses include single-family residences to the east and vacant properties to the south, west and east. Based on the site's location from the river, lack of historical structures, and existing surrounding land uses, there would be no impact of historical resources as defined in § 15064.5.

Based on the location of the project site from the Mojave River there is low potential for yielding any historic or archaeological resources. The proposed project would not cause a substantial adverse change to an archaeological resource, because there are no such resources presently identified on the site. Therefore, no impacts to a historical resource would occur as a result of the project as defined in § 15064.5.

c: The project site, as most of the area within the Town of Apple Valley, is comprised predominantly of unconsolidated alluvium. The alluvium is derived from granitic rock of the Fairview Mountains. More specifically, the alluvial soils on-site are classified as Bryman loamy fine sand, 2 to 5 percent slopes. According to the U.S. Department of Agriculture, Natural Resources Conservation Service, this very deep, well drained soil is on terraces, and formed in alluvium derived from granitic material.

Older Alluvium has high potential to contain significant nonrenewable resources throughout its extent and, therefore, is assigned high paleontologic sensitivity. Exposures of Pleistocene older alluvial sediments in the nearby Victorville and Hesperia area were documented to contain fossil resources. The Town of Apple Valley addresses archaeological resources in its Open Space/Conservation Element of the General Plan. Implementation of policies contained in the General Plan would ensure impacts to paleontological resources from future development of the site are minimized. Therefore, there will be a less than significant impact to paleontological resource.

d: The project site is vacant and is not known to contain human remains. Should remains be uncovered during future grading of the site, appropriate authorities would be contacted as required by State law. Therefore, there will be a less than significant impact.

VI. GEOLOGY AND SOILS

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION (check if project is located in the Geologic Hazards Overlay District):

a (i-iv). The General Plan indicates that the project site is not located within a special studies (Alquist-Priolo) zone and, therefore, does not require a geologic study. Future residential development would subject residents to geologic hazards such as earthquakes that occur from time to time in the Southern California area. The closest mapped fault is the North Frontal Fault, which lies approximately five (5) miles southeast of the project site. The Mojave Desert is a seismically active region; however, safety provisions identified in the Uniform Building Code shall be required when development occurs which would reduce potential impact as a result ground shaking hazards to a less than significant level. The project site is not within a known area which may be susceptible to the effects of liquefaction, and no hills or mountains surround the site that would subject future development to landslides or rock falls. Safety provisions identified in the Uniform Building Code shall be required when development occurs

which will reduce potential ground shaking hazards to a level below significance. Apple Valley, like most cities in California, is located in a seismically active region. It can be expected, therefore, that the project site could experience strong seismic ground shaking at some point in time. Any future construction on-site shall be seismically designed to mitigate anticipated ground shaking. Topographically, the site consists of generally flat terrain. Landslides are not expected to impact areas of this type.

- b: According to the Soil Survey of San Bernardino County (Mojave River Area, Sheet No. 32 – Apple Valley Quadrangle), on-site soils occur within the Bryman series, specifically the 106 Bryman loamy fine sand, and can generally be classified as very deep, well drained soils located on terraces. These soils formed in alluvium derived from granitic material. Permeability of this Bryman soil is moderately slow. Runoff is slow, and the hazard of water erosion is slight. The hazard of soil blowing is high.

The State of California is authorized to administer various aspects of the National Pollution Discharge Elimination System (NPDES). Construction activities covered under the State's General Construction permit include removal of vegetation, grading, excavation, or any other activity that causes the disturbance of one acre or more. The General Construction permit requires developments of one acre or more to reduce or eliminate non-storm water discharges into storm water systems, and to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). These permits are administered by the SWRCB through the Regional Water Quality Control Board (RWQCB) Lahontan Region. Currently, no requirements have been adopted by the RWQCB, Lahontan Region. However, the Town of Apple Valley was encouraged to require a SWPPP for all development disturbing one acre or more. Submittal of a SWPPP is a standard Condition of Approval applicable to future development of this project site. According to the Town's Public Works Department, the SWPPP must include Best Management Practices (BMP's) to prevent construction of the project to pollute surface waters. BMP's would include, but would not be limited to street sweeping of adjacent roads during construction, and the use of hay bales or sand bags to control erosion during the rainy season. These are discussed in greater detail in Section 8, Hydrology and Water Quality, within this Initial Study. Therefore, there is a less than significant impact of soil erosion occurring at this project site with proper construction methods, conformance to MDAQMD standards and development standards as defined in the Town of Apple Valley Development Code and the latest UBC regulations. Less than significant impact is anticipated.

- c-d: The project site is relatively flat. The potential of unstable soil condition, landslide, lateral spreading, subsidence, liquefaction or collapse is present because of the geographical make up of the area and the frequency of earthquake occurrences in Southern California. The General Plan indicates that the project site is not located within a special studies zone or an earthquake fault zone. Any project within the area of Southern California shall meet the latest UBC standards to minimize the potential impact caused by an earthquake. However, any future project will meet and/or exceed the development standards set by the Town of Apple Valley. Therefore, there is a less than significant impact of soil erosion or instability occurring at this project site with proper construction methods and development standards as defined in the Town of Apple Valley Development Code and the latest UBC regulations. No impact is anticipated.
- e: A multi-family project does require a sewer system to be installed with all mainlines, manholes and laterals built to Town of Apple Valley Standards and Specifications. Future development will be conditioned, in conformance with the Town's adopted sewer use ordinance and sewer connection policies. Financial arrangements, plans and improvement agreements must be approved by the Town of Apple Valley Public Works Department. Therefore less than significant impacts will occur.

VII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

a-c: The proposed General Plan Land Use designation of Medium Density Residential (R-M) and Zoning designation of Residential Equestrian (R-EQ) to a Zoning designation of Residential Multi-Family (R-M) will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school. The project would not create a hazard

to the public or environment through the routine transport, use or disposal of hazardous materials. The nearest school, No impact is anticipated.

- d: This project site is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, this project would not create a significant hazard to the public or the environment. No impact is anticipated.
- e-f: The project site is not located within two miles of a public airport or public use airport. The nearest airport is the Apple Valley Airport located approximately five (5) miles north of the project site. The Osborne Airstrip is the nearest private airstrip and is located approximately ten (10) miles northwest of the project site. No impacts related to air traffic are anticipated to occur.
- g: The proposed General Plan Amendment and Zone Change which, in and of itself does not directly involve the development of the site and therefore, will not impair or interfere with the Town's adopted emergency evacuation plan. No impact is anticipated.
- h: The Apple Valley Fire District reviews development projects to ensure applicable development requirements are met. The Fire District reviewed the project for compliance with current fire protection requirements. The District issued fire protection requirements to become Conditions of Approval. Prior to construction, the owner is required to contact the Fire District for verification of current fire protection development requirements. Upon implementation of conditions of approval, impacts from fire hazards would be reduced to a less than significant level.

VIII. HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION:

- a: Future development at the project site would disturb approximately eleven (11) acres and is therefore subject to the National Pollution Discharge Elimination System (NPDES) permit requirements. The State of California is authorized to administer various aspects of the NPDES. Construction activities covered under the State's General Construction permit include removal of vegetation, grading, excavating, or any other activity that causes the disturbance of one acre or more. The General Construction permit requires recipients to reduce or eliminate non-storm water discharges into stormwater systems, and to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). The purpose of a SWPPP is to: 1) identify pollutant sources that may affect the quality of discharges of stormwater associated with construction activities; and 2) identify, construct and implement stormwater pollution control measures to reduce pollutants in stormwater discharges from the construction site during and after construction.

Permits are administered by the SWRCB through the RWQCB, Lahontan Region. Currently, no requirements have been adopted by the RWQCB, Lahontan Region. However, the Town of Apple Valley was encouraged to require a SWPPP for all development disturbing one acre or more. Submittal of a SWPPP is a standard Condition of Approval applicable to future development of this project site. According to the Town's Engineering Department, the SWPPP must include Best Management Practices (BMP's) to prevent construction of the project from polluting surface waters. BMP's would include, but would not be limited to street sweeping of adjacent roads during construction, and the use of hay bales or sand bags to control erosion during the rainy season.

Prior to issuance of grading permits, the applicant is required to submit a Notice of Intent (NOI) to the Town Engineer to comply with obtaining coverage under the NPDES General Construction Storm Water Permit from the SWRCB. Evidence that this has been obtained (i.e., a copy of the Waste Dischargers Identification Number) must be submitted to the Town Engineer for coverage under the NPDES General Construction Permit. Implementation of requirements set forth by the Town of Apple Valley would ensure impacts to water quality are reduced to a less than significant level.

b-f: The site is not presently used for or designated for groundwater recharge. Future development at the project site would cause changes in absorption rates, drainage patterns, and the rate and amount of surface water runoff due to the amount of new building and hardscape proposed on site; however, development would not alter the course of any stream or river. No rivers exist adjacent to or near the project site. The closest river is the Mojave River located over four (4) miles west of the project site. The Town Engineer must approve a grading and drainage plan prior to the issuance of grading permits. Implementation of requirements set forth by the Town of Apple Valley would ensure impacts to water quality are reduced to a less than significant level.

The Lahontan Regional Water Quality Control Board (RWQCB) and the adopted Mojave River Basin Plan establishes the permitted level of septic tank density that has been determined to provide protection of the groundwater basin. Since the density level for the R-M designation establishes up to twenty (20) dwelling units per acre and exceeds the allowable densities up to two (2) dwelling units, future development will be conditioned in conformance with the Town’s adopted sewer use ordinance and sewer connection policies. Financial arrangements, plans and improvement agreements must be approved by the Town of Apple Valley Public Works Department. Therefore, less than significant impacts will occur.

g-h: The project site is not located within the 100-year Flood Zone as indicated in the Town of Apple Valley General Plan. At the time of development, the applicant must conform to FEMA requirements and the Town’s regulations to mitigate any potential flood hazards.

i-j: No levees, dams or large bodies of water are located near the development site which would subject people to flooding, seiche, tsunami or mudflow. The nearest area prone to seiche and tsunami is approximately 100 miles west from the project site.

IX. LAND USE AND PLANNING

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

a: No impact is anticipated. The applicant is requesting R-M (Multi-Family Residential) zone district that allows for development of multi-family development, subject to a Development Permit or Conditional Use

Permit. The site is adjacent to R-M zoning to the west and south, therefore it would not divide a neighborhood.

- b: Minimal impact is anticipated. If approved, this General Plan amendment would reduce the available land for the construction of single-family residential units but would increase the land available for multi-family and possibly the Town’s availability of affordable housing. Government Code 65863 provides that the Town can only reduce the amount of R-M designated land if off-setting land is designated R-M or certain findings are made. If the requested General Plan Amendment and Zone Change are granted the project will be within the proper General Plan designation and zoning classification, therefore, there will be no conflict with the General Plan and/or Zoning other than the need to address Government Code 65863 (b) requirements.
- c: No impact is anticipated. There is no known applicable habitat conservation plan for this area. This project will not conflict with any applicable habitat conservation plan or natural community conservation plan.

X. MINERAL RESOURCES

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION (check ___ if project is located within the Mineral Resource Zone Overlay):

a-b: There is no known mineral resource identified at this location. Therefore, no impact is anticipated.

XI. NOISE

Would the project result in:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION (check if the project is located in the Noise Hazard Overlay District ___ or is subject to severe noise levels according to the General Plan Noise Element __):

- a: The proposed General Plan Amendment and Zone Change which, in and of itself does not directly involve the development of the site and therefore, will not expose persons to or generation of noise levels in excess of Town standards.
- b-d: The proposed General Plan Amendment and Zone Change which, in and of itself does not directly involve the development of the site. Some incremental increase in ambient noise levels will occur during future construction. Noise levels generated by the development would be consistent with levels anticipated for the site. Some incremental increase in ambient noise levels would occur during construction activities. However, construction activities would be short-term. Therefore, less than significant impact is anticipated.
- e-f: The project site is not located within two (2) miles of a public airport or public use airport (the nearest airport is the Apple Valley Airport located approximately eight (8) miles north of the project site. The Osborne Airstrip is the nearest private airstrip and is located approximately ten (10) miles north of the project site. Therefore, no impact is anticipated.

XII. POPULATION AND HOUSING

Would the project:

- | | Potentially Significant Impact | Less than Significant with Mitigation Incorp. | Less than Significant Impact | No Impact |
|---|--------------------------------|---|-------------------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION:

- a: This is a request to change the General Plan Land Use designation of Residential Single Family (R-SF) to a General Plan Land Use designation of Medium Density Residential (R-M) and Zoning designation of Residential Equestrian (R-EQ) to a Zoning designation of Residential Multi-Family (R-M) resulting in an incremental increase in population. However, given the size of the subject site, the increase will not be substantial, therefore, less than significant impact is anticipated.
- b-c: Currently, there are no existing homes on the project site and will not displace any people. Therefore, this project would not induce a population growth more than anticipated and identified in the General Plan. No impact is anticipated.

XIII. PUBLIC SERVICES

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

- a: No impact is anticipated. The project is a General Plan Amendment and Zone Change only. Required services are available. Implementation of Conditions of Approval set forth by the Fire District would ensure that future development would not create a fire hazard or endanger the surrounding area. Any subsequent development will be required to pay any applicable fire impact fees.
- . The Apple Valley Police Department would provide police protection to the future development of the site. This is a request to change the General Plan Land Use designation of Residential Single Family (R-SF) to a General Plan Land Use designation of Medium Density Residential (R-M) and Zoning designation of Residential Equestrian (R-EQ) to a Zoning designation of Residential Multi-Family (R-M) resulting in an incremental increase in population and the potential for increase in service calls. However, given the size of the subject site, the increase will not be substantial, therefore, any impact is less than significant.

Schools services within the Town of Apple Valley are provided by the Apple Valley Unified School District. The Town mitigates impacts on school services through the collection of development fees. Under Section 65995 of the California Government Code, school districts may charge development fees to help finance local school services. However, the code prohibits State or local agencies from imposing school impact fees, dedications, or other requirements in excess of the maximum allowable fee. The applicant would be required to pay appropriate school fees associated with new residential development to off-set impacts to schools. No impact is anticipated.

Approval of this request to change the General Plan Land Use designation of Residential Single Family (R-SF) to a General Plan Land Use designation of Medium Density Residential (R-M) and Zoning designation of Residential Equestrian (R-EQ) to a Zoning designation of Residential Multi-Family (R-M). Future residential development would be subject to applicable Quimby fees. Prior to issuance of building permit, the developer would be required to pay park fees as a Condition of Approval. No impact is anticipated.

XIV. RECREATION

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

a-b: This is a request to change the General Plan Land Use designation of Residential Single Family (R-SF) to a General Plan Land Use designation of Medium Density Residential (R-M) and Zoning designation of Residential Equestrian (R-EQ) to a Zoning designation of Residential Multi-Family (R-M). This will increase the use of existing neighborhood and regional parks or other recreational facilities. Per the Town Code, the Park Development fee will be assessed per dwelling unit. The proposed project does include recreational facilities and would not induce the need for any construction or expansion of recreational facilities. No impact is anticipated.

XV. TRANSPORTATION/TRAFFIC

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of				

service standard established by the county congestion management agency for designated roads or highways?

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

e) Result in inadequate emergency access?

f) Result in inadequate parking capacity?

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

SUBSTANTIATION:

a-b: This is a request to change the General Plan Land Use designation of Residential Single Family (R-SF) to a General Plan Land Use designation of Medium Density Residential (R-M) and Zoning designation of Residential Equestrian (R-EQ) to a Zoning designation of Residential Multi-Family (R-M) for future multi-family residential development. Future development will result in an incremental increase in vehicle trips and traffic congestion impacts than what was anticipated under the current R-SF General Plan designation. The roadways adjacent to the development will be required to be improved to the Town's road standards. The future project requires payment of traffic impact fees to reduce regional traffic impacts. Therefore, there will be a less than significant impact.

c: The project site is not located within two miles of a public airport or public use airport. The nearest airport is the Apple Valley Airport located approximately eight (8) miles north of the project site. No impact is anticipated.

d-e: This is a request to change the General Plan Land Use designation of Residential Single Family (R-SF) to a General Plan Land Use designation of Medium Density Residential (R-M) and Zoning designation of Residential Equestrian (R-EQ) to a Zoning designation of Residential Multi-Family (R-M) for future multi-family residential development. Future development will be reviewed by the Apple Valley Fire Protection District to determine adequate emergency access, and developed requirements to be adopted as Conditions of Approval. No impact is anticipated.

f-g: The proposed General Plan Amendment and Zone Change which, in and of itself does not directly involve the development of the site. Future development of the site will be in accordance with the Development Code.

XVI. UTILITIES AND SERVICE SYSTEMS

Would the project:

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

a) Exceed wastewater treatment requirements of the

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Be served by a landfill(s) with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION:

- a-b & e: The proposed General Plan Amendment and Zone Change which, in and of itself does not directly involve the development of the site. However, based on the proposed density, any future development will require connection to the Town of Apple Valley sewer system.
- c: The proposed General Plan Amendment and Zone Change which, in and of itself does not directly involve the development of the site. Future development will require a final drainage plan for review and approval by the Town Engineer. Potential impacts will be mitigated through proper site grading. There will be a less than significant impact to storm drainage facilities.
- d: The site is currently within Apple Valley Ranchos Water Company service area. A letter from the water agency indicating their ability to supply water to the development was received.
- f-g: Future solid waste generated by future multi-family residential development would be ultimately transported to the Victorville Regional Sanitary Landfill. Recently, the County of San Bernardino Solid Waste Management Division requested an approval of the expansion of the landfill. Based on San Bernardino Associated Governments (SCAG) San Bernardino High Desert population projections to 2025, the landfill site life was calculated using a 2.7 percent growth rate per year. The County of San Bernardino Solid Waste Management Division prepared an Environmental Impact Report to review the environmental effects of expanding the landfill to accommodate future growth. The expansion project was approved, and extended the landfill projected closure date from 2005 to 2081. Based on approval of the expansion at the

Victorville Regional Landfill, solid waste generated by future development at the project site would have a less than significant impact on the permitted capacity.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Does the project have environmental effects which will cause Substantial adverse effects on human beings, either directly Or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

a-d: The proposed General Plan Amendment and Zone Change is not associated with providing short-term environmental goals to the disadvantage of long-term environmental goals. No impact is anticipated.

While future increases in population and housing will occur within the Town, the rate of growth would be consistent with SCAG rates. Since population growth is anticipated by SCAG, the proposed project would not cumulatively result in substantial unanticipated population growth. Although not significant on its own, the project would contribute to cumulative air emissions in the region, as would all future development in the region.

REFERENCES

(List author or agency, date, title)

Alquist-Priolo Special Studies Zone Act Map Series (PRC 27500)

California Department of Water Resources, Bulletin #118 (Critical Regional Aquifers), 1975.

County of San Bernardino, Countywide Integrated Waste Management Plan, March 1995

County of San Bernardino Hazard Overlay Maps

County of San Bernardino Identified Hazardous Materials Waste Sites List, April 1998

Environmental Impact Report, San Bernardino County General Plan, 1989

Federal Emergency Management Agency Flood Insurance Rate Map and Flood Boundary Map (Map #).

Mojave Desert Air Quality Management District, Mojave Desert Planning Area – Federal Particulate Matter (PM10) Attainment Plan, July 1995

Mojave Desert Air Quality Management District, Rule 403.2: Fugitive Dust Control Planning Area, July 1996



**ENVIRONMENTAL CHECKLIST FORM
(INITIAL STUDY)**

FOR

**PROPOSED
CONDITIONAL USE PERMIT NO. 2007-013**

**Prepared by :
Carol Miller
Senior Planner**

**Town of Apple Valley
Planning Division
July 10, 2008**

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**TOWN OF APPLE VALLEY
INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM**

This form and the descriptive information in the application package constitute the contents of Initial Study pursuant to Town of Apple Valley Development Code and Section 15063 of the State CEQA Guidelines.

PROJECT INFORMATION

1. Project title:

Conditional Use Permit No. 2005-028	USGS Quad:	Apple Valley North
	T,R,Section:	N. ½, S.E. ¼ Sec 27 T.5N., R3W.

2. Lead agency name and address:

Town of Apple Valley Planning Division 14955 Dale Evans Parkway Apple Valley, CA 92307	Thomas Bros:	4388 A-3
	Location:	Town of Apple Valley
	Town Zoning:	Residential Equestrian (R-EQ proposed Multi-Family Residential (R-M)

3. Contact person and phone number:

Carol Miller, (760) 240-7000 ext. 7222 Senior Planner	APN:	3087-401-02, -03, -04, -05.
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5. Project location:

Property located on the southwest corner of Ottawa and Nomwaket Roads.

5. Description of project:

The applicant is requesting approval of a Conditional Use Permit to construct a 140-unit, two (2) story multi-family development. The units will consist of two (2) and three (3) bedrooms and 2 baths ranging in size from 1,411 square feet in size with two (2)-car enclosed garages. Project site consists of 11.6 acres within the proposed Residential Multi-Family (R-M) zoning designation. The project will include perimeter fencing, pedestrian pathways, paved parking, lighting, landscaping, club house, pool and common recreational areas.

ENVIRONMENTAL/EXISTING SITE CONDITIONS

The subject site is vacant and generally a level site that is covered with native vegetation. The site contains no Joshua Trees. There are no structures on the site. The remainder of the surrounding property is generally vacant with the exception of a single family residence to the east and commercial to the north.

	EXISTING LAND USE	TOWN OF APPLE VALLEY ZONING AND GENERAL PLAN DESIGNATION
North	Vacant and Commercial	C-S
South	Vacant	R-M
East	Vacant and Single Family Residence	R-SF / R-EQ

West	Vacant	R-M
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ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural/Paleontological | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation / Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the following finding is made:

- The proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- The proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- The proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Carol Miller
Senior Planner

Date

Lori Lamson
Assistant Director of Community Development

Date

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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I. AESTHETICS

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION (check ___ if project is located within the viewshed of any Scenic Route listed in the General Plan):

a-c: The site is not located along, nor within the viewshed of, a Scenic Route listed in the County General Plan, Town General Plan or designated by the State of California. Less than significant impact is anticipated. This is a request to construct a 140-unit, two (2) story multi-family development. Upon the adoption of the General Plan Amendment and Zone Change, the proposal will be consistent with the General Plan and the Town Development Code for the Multi-Family Residential (R-M) zoning designation. The project site will be built with two-story structures at a maximum elevation of approximately twenty-seven (27) feet, which is below the permitted maximum elevation for a single-family house. Although, the new structure will occupy the currently vacant lot, the area is permitted by the Development Code to have structures with heights of up to thirty-five (35) feet. The surrounding area is developed with a single-family residence and vacant property. No unique rock outcroppings or historic buildings are located on the site, and the proposed multi-family residential development will be compatible with surrounding land uses. This multi-family residential project shall also provide a landscaped parkway along all street frontages with Town approved combination trees, shrubs and ground covers. In addition, the developer shall comply with the Town's adopted Ordinance that requires curb, gutter and sidewalk to improve the roadways, for function and aesthetics. Any new development will meet or exceed the development standards that include buffering, building setbacks and landscaping to minimize impacts. Therefore, there will be less than significant impacts on the existing visual character or quality of the site and its surroundings.

d: This is a request to construct a 140-unit, two (2) story multi-family development. Although, the new structures will occupy the currently vacant lot, the area is permitted by the Development Code to have structures with heights of up to thirty-five (35) feet. Any new development will meet or exceed the Town's Dark Sky Policy and Standard Uniform Building Code requirements for construction of lighting facilities require that they be located at specific intersections within site boundaries. The resultant incremental increase in new light or glare which may occur from street lights does not constitute a significant impact.

II. AGRICULTURE RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California

Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION (check if project is located in the Important Farmlands Overlay):

a-c: The project site is proposed to be designated for multi-family residential land use designation. The property consists of low-lying natural desert vegetation and is not located in an area that has been designated by the California Department of Conservation as an Important Farmland, and it is not being used for agricultural purposes. No Williamson Act Contracts exist for the subject parcel and use of the site as a residential retail center will not result in the conversion of farmland to a non-agricultural use. No impact is anticipated.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- | | Potentially Significant Impact | Less than Significant with Mitigation Incorp. | Less than Significant Impact | No Impact |
|---|--------------------------------|---|-------------------------------------|--------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create objectionable odors affecting a substantial | | | | |

number of people?

SUBSTANTIATION:

a-c: The project area is located within the Mojave Desert Air Quality Management District (MDAQMD) which lies in the San Bernardino County portion of the Mojave Desert Air Basin (MDAB). This portion of the basin has been designated as a 'non-attainment' area with respect to violating National Air Quality Standards for particulate matter classified as equal to, or smaller than, 10 microns in diameter (PM₁₀). Because the proposed site disturbance will be greater than ½ acre, the eleven (11) acre residential project is subject to the regulatory provisions of Rule 403.2 (Fugitive Dust Control for the Mojave Desert Planning Area), which requires a number of operating conditions to reduce fugitive dust generation to the lowest extent possible.

In order to estimate the emission levels of criteria pollutants, the MDAQMD accepts the use of equipment emissions factors which have been adopted by the South Coast Air Quality Management District. These factors have been used to calculate expected construction-related emissions for this project. Projects with a construction phase of under one year can be compared to the Daily Significance Thresholds listed in the MDAQMD and AVAPCD Draft "CEQA and Federal Conformity Guidelines" for a determination of their significance.

The highest daily emissions will occur during grading and trenching activities for development of future residential development. Daily emissions during building construction are expected to be minimal. Using a worst case scenario of the use of one tractor, one loader, two haul trucks and one trencher working continuously for eight (8) hours per day simultaneously, the following daily construction emissions were estimated using the fuel type (diesel or gas) of highest impact for each type of equipment:

Emission Source*	Criteria Pollutant				
	VOC	NO _x	PM ₁₀	CO	SO _x
Equipment Emissions					
Tractor	.96	10.08	.90	2.80	1.12
Wheeled Loader	4.12	15.20	1.36	124.56	1.46
Haul Trucks (2)	3.04	66.72	4.16	28.80	7.20
Trencher	.21	.18	.01	4.56	.02
Earthmoving Activities (< 1 acre per day)[BASED ON FACTOR OF 26.4 LBS PER DAY PER ACRE OF PM ₁₀]	N/A	N/A	26.40	N/A	N/A
Total Daily Estimated Emissions: Lbs/Day	8.33	92.18	32.83	160.72	9.80
MDAQMD Daily Threshold of Significance**: Lbs/Day	137.00	137.00	82.00	548.00	137.00
Threshold Exceeded?	NO	NO	NO	NO	NO

*Source: SCAQMD handbook, 1958 update

**Source: MDAQMD, Draft CEQA and Federal Conformity Guidelines

As the above table illustrates, the proposed multi-family residential development will not have the potential to generate significant air emissions. Because the project emissions are less than significant, significant deterioration of ambient air quality will not occur. Impacts to air quality are expected to be minimal and well below established thresholds of significance. Air quality will be impacted by dust generated during future construction and exhaust emissions from the equipment used to construct the improvements. Those effects that occur will be temporary, limited to the construction period. The project is proposed to be constructed in three (3) phases which will reduce land disturbance until such time as the phase is constructed which will reduce fugitive dust issues which can result from premature grading. Upon completion of construction activities, no increased air quality impacts are expected to occur due to operations as patronage and travel distances are expected to remain at existing levels or increase only slightly. As stated in the negative declaration done for MDAQMD Rule 403.2, compliance with the control and contingency measures listed in the Rule is presumed to reduce air quality impacts from fugitive dust (PM₁₀) to a level which meets federal PM₁₀ standards and improves ambient air quality.

d-e: This is a request to construct a 140-unit, two (2) story multi-family development on eleven (11) acres within the proposed Residential Multi-Family (R-M) zoning designation. There are sensitive receptors within the area. Apple Valley Christian School, Senior Center and Willow Park High School are located within a ¼ and ½ mile of the site. The project will not include any sources of odor producers not commonly found within a residential area, which would cause impacts to the surrounding area. Any future development shall meet and/or exceed all of the Town's adopted development standards to minimize any potential impacts. Less than significant and no impact is anticipated.

IV. BIOLOGICAL RESOURCES

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION (check if project is located in the Biological Resources Overlay ___ or contains habitat for any species listed in the California Natural Diversity Database __):

a. The site is vacant and surrounded by predominately vacant land. The site does contain natural desert vegetation which could be considered suitable habitat for Mohave Ground Squirrel and Burrowing Owl. A biological report is required prior to any grading of the site and, should the study indicate that either of the

two (2) special-status species has the potential to occur on the project site, written clearance must be obtained from the Department of Fish and Game and during all phases of the project.

- b-c. There are no sensitive natural communities on-site. The project will not have a substantial adverse effect on any riparian habitat or federally protected wetland. The site is located in the Mojave Desert and is not within any waterway. No perennial or ephemeral stream courses exist on site. Any future development shall meet and/or exceed all of the Town's adopted development standards to minimize any potential impacts. No impact is anticipated.
- d. The proposed project will not have any adverse effect on the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors as the area is not identified as a protected path for the native residents or migratory fish or wildlife species. Any future development shall meet and/or exceed all of the Town's adopted development standards to minimize any potential impacts to biological resources. No impact is anticipated.
- e. There are no Joshua Trees on the site. The proposed development shall meet and/or exceed all of the Town's adopted development standards to minimize any potential impacts. The proposed project will not conflict with any local policies or ordinances protecting biological resources. No impact is anticipated.
- f. The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional or state habitat conservation plan. The West Mojave Plan is currently being reviewed and would include the areas within Town limits. The project site is not within any conservation area delineated in the draft Plan. The project site is not within any conservation area delineated in the draft Plan. No impact is anticipated.

V. CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION (check if the project is located in the Cultural ___ or Paleontologic ___ Resources overlays or cite results of cultural resource review):

- a-b. The Town of Apple Valley addresses archaeological resources in its Open Space/Conservation Element of the General Plan. For the purposes of this discussion, these resources are assumed to include historic, prehistoric and paleontologic resources. Historic and prehistoric materials are generally known to be located in the vicinity of the Mojave River. Applicable Goals and Policies of the Open Space/Conservation Element of the General Plan are:

Goal OSC-4 The Town will encourage and support the preservation of historic and cultural resources. This goal is implemented through policies OSC-4-1 and OSC-4-2.

Policy OSC-4-1 The Town will require that archaeological resources in the planning area are preserved and or salvaged if threatened by development.

Policy OSC-4-2 The Town will require that prehistoric and historic archaeological resources and historic structures will be inventoried in identified areas and evaluated according to CEQA regulations and appropriate California Office of Historic Preservation guidelines prior to adoption of mitigation measures and the acceptance of conditions of approval and permit approvals.

According to the Town's General Plan, materials of historic and prehistoric nature are likely to occur in the vicinity of the Mojave River. The project site is located over five (5) miles east of the Mojave River. The project site is void of any structures. Surrounding land uses include single-family residence, vacant land and commercial. Based on the site's distance from the river and lack of structures, no significant impacts would occur to historical resources as defined in § 15064.5. Should resources be uncovered during construction activities, implementation of Town policy OSC-4-2 would ensure impacts are minimized.

Based on the location of the project site from the Mojave River, there is low potential for yielding any historic or archaeological resources. The proposed project would not cause a substantial adverse change to an archaeological resource, because there are no such resources presently identified on the site. Therefore, no impacts to a historical resource would occur as a result of the project as defined in § 15064.5.

- c. The project site, as most of the area within the Town of Apple Valley, is comprised predominantly of unconsolidated alluvium. The alluvium is derived from granitic rock of the Fairview Mountains. More specifically, the alluvial soils on-site are classified as Bryman loamy fine sand, 2 to 5 percent slopes. According to the U.S. Department of Agriculture, Natural Resources Conservation Service, this very deep, well drained soil is on terraces, and formed in alluvium derived from granitic material.

Older Alluvium has high potential to contain significant nonrenewable resources throughout its extent and, therefore, is assigned high paleontologic sensitivity. Exposures of Pleistocene older alluvial sediments in the nearby Victorville and Hesperia area were documented to contain fossil resources. The Town of Apple Valley addresses archaeological resources in its Open Space/Conservation Element of the General Plan. Implementation of policies contained in the General Plan would ensure impacts to paleontological resources from future development of the site are minimized. Therefore, there will be a less than significant impact to paleontological resource.

- d. The project site is vacant and is not known to contain human remains. Should remains be uncovered during future grading of the site, appropriate authorities would be contacted as required by State law. Therefore, less than significant impact is anticipated.

VI. GEOLOGY AND SOILS

Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
 - ii) Strong seismic ground shaking?

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 18 1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION (check if project is located in the Geologic Hazards Overlay District):

- a (i-iv). The General Plan indicates that the project site is not located within a special studies (Alquist-Priolo) zone and, therefore, does not require a geologic study. Future residential development would subject residents to geologic hazards such as earthquakes that occur from time to time in the Southern California area. The closest mapped fault is the Helendale Fault, which lies approximately eight (8) miles northeast of the project site. The Mojave Desert is a seismically active region; however, safety provisions identified in the Uniform Building Code shall be required when development occurs which would reduce potential ground shaking hazards to a less than significant level. The project site is not within a known area which may be susceptible to the effects of liquefaction, and no hills or mountains surround the site that would subject future development to landslides or rock falls. Safety provisions identified in the Uniform Building Code shall be required when development occurs which will reduce potential ground shaking hazards to a level below significance. Apple Valley, like most cities in California, is located in a seismically active region. It can be expected, therefore, that the project site could experience strong seismic ground shaking at some point in time. Any future construction on-site shall be seismically designed to mitigate anticipated ground shaking. Elevations on-site are approximately 2,950 feet above mean sea level. Topographically, the site consists of generally flat terrain. Landslides are not expected to impact areas of this type.
- b. According to the Soil Survey of San Bernardino County (Mojave River Area, Sheet No. 32 – Apple Valley Quadrangle), on-site soils occur within the Bryman series, specifically the 106 Bryman loamy fine sand, and can generally be classified as very deep, well drained soils located on terraces. These soils formed in alluvium derived from granitic material. Permeability of this Bryman soil is moderately slow. Runoff is slow, and the hazard of water erosion is slight. The hazard of soil blowing is high.

The State of California is authorized to administer various aspects of the National Pollution Discharge Elimination System (NPDES). Construction activities covered under the State's General Construction permit include removal of vegetation, grading, excavation, or any other activity that causes the disturbance of one acre or more. The General Construction permit requires developments of one acre or more to reduce or eliminate non-storm water discharges into storm water systems, and to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). These permits are administered by the SWRCB

through the Regional Water Quality Control Board (RWQCB) Lahontan Region. Currently, no requirements have been adopted by the RWQCB, Lahontan Region. However the Town of Apple Valley was encourage to require a SWPPP for all development disturbing one acre or more. Submittal of a SWPPP is a standard condition of approval applicable to future development of this project site. According to the Town's Public Works Department, the SWPPP must include Best Management Practices (BMP's) to prevent construction of the project to pollute surface waters. BMP's would include, but would not be limited to street sweeping of adjacent roads during construction, and the use of hay bales or sand bags to control erosion during the rainy season. These are discussed in greater detail in Section 8, Hydrology and Water Quality, within this Initial Study. Therefore, there is a less than significant impact of soil erosion occurring at this project site with proper construction methods, conformance to MDAQMD standards and development standards as defined in the Town of Apple Valley Development Code and the latest UBC regulations. Less than significant impact is anticipated.

- c-d: The project site is relatively flat. The potential of unstable soil condition, landslide, lateral spreading, subsidence, liquefaction or collapse is present because of the geographical make up of the area and the frequency of earthquake occurrences in Southern California. The General Plan indicates that the project site is not located within a special studies zone or an earthquake fault zone. Any project within the area of Southern California shall meet the latest UBC standards to minimize the potential impact caused by an earthquake. However, any future project will meet and/or exceed the development standards set by the Town of Apple Valley. Therefore, there is a less than significant impact of soil erosion or instability occurring at this project site with proper construction methods and development standards as defined in the Town of Apple Valley Development Code and the latest UBC regulations. No impact is anticipated.
- e. The proposed multi-family residential development will be required to connect to the existing sewer facility provided by the Town of Apple Valley. An engineering evaluation is required to determine sewer capacity requirements and specific improvements necessary to serve the residential development. Financial arrangements, plans and improvement agreements must be approved by the Town. Since the project will be required to connect to the existing sewer system, there is no need for alternative waste water disposal systems and less than significant impacts will occur.

VII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

SUBSTANTIATION:

- a-c: This is a request to construct a 140-unit, two (2) story multi-family development on eleven (11) acres within the proposed Residential Multi-Family (R-M) zoning designation. A site survey was performed and there are no known hazardous materials on the project site. Limited quantities of gasoline for landscape maintenance and paint/solvents for building maintenance are likely to be stored in separate storage areas and are not a significant hazard. The proposed project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school. Therefore, the project would not create a hazard to the public or environment through the routine transport, use or disposal of hazardous materials. The nearest school, Apple Valley Christian School, Senior Center and Willow Park High School are located within a ¼ and ½ mile of the site.
- d: This project is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, this project would not create a significant hazard to the public or the environment. No impact is anticipated.
- e-f: The project site is not located within two miles of a public airport or public use airport. The nearest airport is the Apple Valley Airport located approximately five (5) miles north of the project site. The Osborne Airstrip is the nearest private airstrip and is located approximately ten (10) miles northwest of the project site. No impacts related to air traffic are anticipated to occur.
- g: The proposed multi-family residential project is located adjacent to Ottawa Road, which is not a designated evacuation route and; therefore, would not impair or interfere with the Town’s adopted emergency evacuation plan. No impact is anticipated.
- h: The Apple Valley Fire District reviews development projects to ensure applicable development requirements are met. The Fire District reviewed CUP No. 2007-013 for compliance with current fire protection requirements. The District issued fire protection requirements to become conditions of approval. Prior to construction, the owner is required to contact the Fire District for verification of current fire protection development requirements. Upon implementation of conditions of approval, impacts from fire hazards would be reduced to a less than significant level. There is currently water resources and system capacity to provide service to the subject site. However, upon completion of special facilities and satisfactory financial arrangements under the Apple Valley Ranchos Water Company subdivision rules and

regulations on file with Public Utilities Commission of the State of California, Apple Valley Ranchos Water Company will be able to serve both potable domestic water and fire service in compliance with the applicable local requirements to the project site in it's Apple Valley customer services area. Less than significant impact is anticipated.

VIII. HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

- a: Future development at the project site would disturb approximately eleven (11) acres and, is therefore subject to the National Pollution Discharge Elimination System (NPDES) permit requirements. The State of

California is authorized to administer various aspects of the NPDES. Construction activities covered under the State's General Construction permit include removal of vegetation, grading, excavating, or any other activity that causes the disturbance of one acre or more. The General Construction permit requires recipients to reduce or eliminate non-storm water discharges into stormwater systems, and to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). The purpose of a SWPPP is to: 1) identify pollutant sources that may affect the quality of discharges of stormwater associated with construction activities; and 2) identify, construct and implement stormwater pollution control measures to reduce pollutants in stormwater discharges from the construction site during and after construction.

Permits are administered by the SWRCB through the RWQCB, Lahontan Region. Currently, no requirements have been adopted by the RWQCB, Lahontan Region. However the Town of Apple Valley was encouraged to require a SWPPP for all development disturbing one acre or more. Submittal of a SWPPP is a standard condition of approval applicable to future development of this project site. According to the Town's Engineering Department, the SWPPP must include Best Management Practices (BMP's) to prevent construction of the project from polluting surface waters. BMP's would include, but would not be limited to street sweeping of adjacent roads during construction, and the use of hay bales or sand bags to control erosion during the rainy season.

Prior to issuance of grading permits, the applicant is required to submit a Notice of Intent (NOI) to the Town Engineer to comply with obtaining coverage under the NPDES General Construction Storm Water Permit from the SWRCB. Evidence that this has been obtained (i.e., a copy of the Waste Dischargers Identification Number) must be submitted to the Town Engineer for coverage under the NPDES General Construction Permit. Implementation of requirements set forth by the Town of Apple Valley would ensure impacts to water quality are reduced to a less than significant level.

b-f: This is a request to construct a 140-unit, two (2) story multi-family development on eleven (11) acres within the proposed Residential Multi-Family (R-M) zoning designation. The site is not presently used for or designated for groundwater recharge. Future development at the project site would cause changes in absorption rates, drainage patterns, and the rate and amount of surface water runoff due to the amount of new buildings and hardscape proposed on site; however, development would not alter the course of any stream or river. No rivers exist adjacent to or near the project site. The closest river is the Mojave River located five (5) miles west of the project site. All runoff would be conveyed to retention ponds located within the landscape buffer areas. The Town would require landscaping of all non-hardscape areas to prevent erosion. The Town Engineer must approve a grading and drainage plan prior to the issuance of grading permits. Implementation of requirements set forth by the Town of Apple Valley would ensure impacts to water quality are reduced to a less than significant level.

g-h: The project site is not located within the 100-year Flood Zone as indicated in the Town of Apple Valley General Plan. At the time of development, the applicant must conform to FEMA requirements and the Town's regulations to mitigate any potential flood hazards. No impact is anticipated

i-j: No levees, dams or large bodies of water are located near the development site which would subject people to flooding, seiche, tsunami or mudflow. The nearest area prone to seiche and tsunami is approximately 100 miles west from the project site. No impact is anticipated.

IX. LAND USE AND PLANNING

Would the project:

- | | Potentially Significant Impact | Less than Significant with Mitigation Incorp. | Less than Significant Impact | No Impact |
|---|--------------------------------|---|------------------------------|-------------------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or | | | | |

regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

SUBSTANTIATION:

a-c: The project site is located within a proposed R-M land use and zoning designations and would include future development of multi-family residential structures on an existing residential site and will not create any physical obstruction which would divide the community. No habitat conservation plan or natural community conservation plan exists over this site at this time. The proposed use is consistent with other uses in the vicinity and no land use conflicts are anticipated. Proposed residential uses are consistent with the General Plan and the Town Development Code for the R-M zoning designation. Therefore, no impact is anticipated.

X. MINERAL RESOURCES

Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

SUBSTANTIATION (check ___ if project is located within the Mineral Resource Zone Overlay):

a-b: This is a request to construct a 140-unit, two (2) story multi-family development on eleven (11) acres within the proposed Residential Multi-Family (R-M) zoning designation. There is no known mineral resource identified at this location. Therefore, no impact is anticipated.

XI. NOISE

Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

d) A substantial temporary or periodic increase in

ambient noise levels in the project vicinity above levels existing without the project?

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

SUBSTANTIATION (check if the project is located in the Noise Hazard Overlay District ___ or is subject to severe noise levels according to the General Plan Noise Element __):

a-d: This is a request to construct a 140-unit, two (2) story multi-family development on eleven (11) acres within the proposed Residential Multi-Family (R-M) zoning designation.

The project will not expose persons to or generate noise levels in excess of standards established in the General Plan. However, compliance with the Town’s construction hours of 7:00 a.m. to 7:00 p.m. which will mitigate temporary noise impacts during night time hours. After the construction, there will not be a substantial amount of additional ambient noise produced by the project. Therefore, less than significant impact is anticipated.

e-f: The project site is not located within two (2) miles of a public airport or public use airport (the nearest airport is the Apple Valley Airport located approximately four (4) miles northwest of the project site. The Osborne Airstrip is the nearest private airstrip and is located approximately eight (8) miles north of the project site. Therefore, no impact is anticipated.

XII. POPULATION AND HOUSING

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

a. This is a request to construct a 140-unit, two (2) story multi-family development on eleven (11) acres within the proposed Residential Multi-Family (R-M) zoning designation. The General Plan identifies the area as a residential zone. However, the amount of population anticipated from this project meets the intent of the General Plan under this zone. Less than significant impact is anticipated.

b-c. Currently, there are no existing homes on the project site and will not displace any people. Therefore, this project would not induce a population growth more than anticipated and identified in the General Plan. No impact is anticipated.

XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

a. The Apple Valley Fire Protection District provides fire protection for the Town. The nearest fire station is located on the northwest corner of Central Road and Headquarters Way, approximately two (2) miles north of the project site. The Town maintains a joint response/automatic aid agreement with the fire departments in neighboring cities including Victorville, and Hesperia. The District also participates in the California Master Mutual Aid Agreement. Implementation of conditions of approval set forth by the Fire District would ensure that future development would not create a fire hazard or endanger the surrounding area. Any subsequent development will be required to pay any applicable fire impact fees.

The Apple Valley Fire Protection District reviews development projects to ensure applicable development requirements are met. The District reviewed CUP No. 2007-013 for compliance with current fire protection requirements. The District issued fire protection requirements to become conditions of approval. Prior to construction, the owner is required to contact the Fire District for verification of current fire protection development requirements. Upon implementation of conditions of approval, impacts from fire hazards would be reduced to a less than significant level. The District issued fire protection requirements to become conditions of approval. Prior to construction, the owner is required to contact the Fire District for verification of current fire protection development requirements. Upon implementation of conditions of approval, impacts from fire hazards would be reduced to a less than significant level. There is currently sufficient water resource and system capacity to provide service to the subject site. Therefore, there will be a less than significant impact.

The Apple Valley Police Department would provide police protection to the future development of the site. The General Plan identifies the area as a residential zone and residential structures are anticipated from approval of the Conditional Use that meets the intent of the General Plan. No impact is anticipated.

Schools services within the Town of Apple Valley are provided by the Apple Valley Unified School District. The Town mitigates impacts on school services through the collection of development fees. Under Section 65995 of the California Government Code, school districts may charge development fees to help finance local school services. However, the code prohibits State or local agencies from imposing school

impact fees, dedications, or other requirements in excess of the maximum allowable fee. The applicant would be required to pay appropriate school fees associated with new residential development to off-set impacts to schools. No impact is anticipated.

Approval of Conditional Use Permit No. 2007-013 would result in future development of 140 residential units within an R-M zoning designation. The proposed residential project would not result in additional need for Town's park and recreation system beyond that anticipated in establishing this site's General Plan and zoning designations. The multi-family residential structures themselves, resulting from the approval of the Conditional Use Permit, would be required to pay any and all applicable fees to provide the project's fair share of any identified public facilities needed. No impact is anticipated.

XIV. RECREATION

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

a-b: This is a request to construct a 140-unit, two (2) story multi-family development on eleven (11) acres within the proposed Residential Multi-Family (R-M) zoning designation. This will not increase the use of existing neighborhood and regional parks or other recreational facilities. The proposed project includes recreational facilities and would not induce the need for any construction or expansion of recreational facilities. Quimby fees for this project will be paid to assist in the construction and improvements to new and existing parks within the community. No impact is anticipated.

XV. TRANSPORTATION/TRAFFIC

Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

f) Result in inadequate parking capacity?

- g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

SUBSTANTIATION:

- a-b: This is a request to construct a 140-unit, two (2) story multi-family development on eleven (11) acres within the proposed Residential Multi-Family (R-M) zoning designation. The proposed residential project may increase vehicle trips and traffic congestion impacts. The submitted Traffic Impact Analysis Report (TIA) prepared by Urban Crossroads, recommends improvements in accordance with Town Standards. Ottawa Road is required to be improved to the Town’s Secondary road standards and Nomwaket, Macauley and Quinnault Roads will be required to be improved to the Town’s Local road standards, consistent with the Circulation Map. The project requires payment of traffic impact fees to reduce regional traffic impacts. Therefore, there will be a less than significant impact.
- c: The project site is not located within two (2) miles of a public airport or public use airport (the nearest airport is the Apple Valley Airport located approximately four (4) miles northwest of the project site. The Osborne Airstrip is the nearest private airstrip and is located approximately eight (8) miles northwest of the project site. Therefore, no impact is anticipated.
- d-e. The project will not include the development of any potentially dangerous intersections or road curvatures. Standard conditions of approval would ensure traffic safety hazards are minimized. The project will not include the development of any potentially dangerous intersections or road curvatures. The Apple Valley Fire Protection District reviewed the proposed residential development for adequate emergency access, and developed requirements to be adopted as conditions of approval. No impact is anticipated.
- f. This is a request to construct a 140-unit, two (2) story multi-family development on eleven (11) acres within the proposed Residential Multi-Family (R-M) zoning designation. This project shall provide adequate parking to provide for the needs of the residents in accordance to the requirements of the Town of Apple Valley Development Code.
- g. The project design provides ample area for pedestrian access and is required and unobstructed path of travel in accordance with ADA standards. The project would not interfere with any existing or proposed bus stops. The site is not adjacent to any bike route or multi-use trail. No impact is anticipated.

XVI. UTILITIES AND SERVICE SYSTEMS

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?
- e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- f) Be served by a landfill(s) with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- g) Comply with federal, state, and local statutes and regulations related to solid waste?

SUBSTANTIATION:

a-b & e: Sewage disposal shall be by connection to the Apple Valley Sewer System. Financial arrangements, plans and improvement agreements must be approved by the Town of Apple Valley Public Works Division. This project will meet the adopted wastewater discharge criteria and will not exceed wastewater treatment requirements of the Regional Water Quality Control Board. Future wastewater would be carried via sewer lines from the Town of Apple Valley to the Victor Valley Regional Wastewater Reclamation Plant. Extension of the Town's sewer system would be required, and would be paid for by development fees levied on the development. The project wastewater would be carried via sewer lines from the Town of Apple Valley to the Victor Valley Regional Wastewater Reclamation Plant. This project shall implement all Town adopted requirements for the wastewater discharge through the Public Services Department. With the Town requirements in place, this project will not have a significant impact to the wastewater discharge. There will be a less than significant impact related to wastewater treatment anticipated with the development of this project.

c: This is a request to construct a 140-unit, two (2) story multi-family development on eleven (11) acres within the proposed Residential Multi-Family (R-M) zoning designation. A final drainage plan is required for review and approval by the Town Engineer. Potential impacts will be mitigated through proper site grading. There will be a less than significant impact to storm drainage facilities.

d: The applicant has obtained a "will-serve" letter from the Apple Valley Ranchos Water Company to serve this site. Therefore, the project will not deplete groundwater supplies or interfere substantially with groundwater recharge beyond that identified and anticipated within the Apple Valley Ranchos Water Company's adopted Master Plan.

f-g: Future solid waste generated by the residential development would be ultimately transported to the Victorville Regional Sanitary Landfill. Recently, the County of San Bernardino Solid Waste Management Division requested an approval of the expansion of the landfill. Based on San Bernardino Associated Governments (SCAG) San Bernardino High Desert population projections to 2025, the landfill site life was calculated using a 2.7 percent growth rate per year. The County of San Bernardino Solid Waste Management Division prepared an Environmental Impact Report to review the environmental effects of expanding the landfill to accommodate future growth. The expansion project was approved, and extended the landfill projected closure date from 2005 to 2081, a period of 76 years. Based on approval of the expansion at the Victorville Regional Landfill, solid waste generated by future development at the project site would have a less than significant impact on the permitted capacity.

As required by Assembly Bill 939 (AB939) of the California Integrated Waste Management Act, all cities and counties within the state must divert 50 percent of their wastes from landfills by the year 2000. According to tonnage reports, the Town has met the 50 percent diversion mandate. To achieve the State-mandated diversion goal, the Town has implemented a variety of programs that seek to reduce the volume of solid waste generated, encourage reuse, and support recycling efforts. This development shall be required to comply with Construction and Demolition (C&D) waste standards.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
c) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Does the project have environmental effects which will cause Substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

a-d: The site is surrounded by vacant and sparsely developed residential and vacant properties. The site contains low-lying desert grasses which precludes the site from being considered suitable habitat for any species of concern. However, the site is within the historical range of the Mohave Ground Squirrel, therefore, clearances for the MGS shall be required by California Department of Fish and Game (CDFG) prior to issuance of grading permits. A biological survey is required and will be conducted prior to land clearing to ensure the special status species are not on to the site. The site is located in the Mojave Desert and is not within any waterway. No perennial or ephemeral stream courses exist on site. Any future development shall be required to meet and/or exceed the Town’s adopted development standards to minimize any potential impacts to biological resources. The project is not anticipated to have the potential to degrade the quality of the environment, substantially reduce the habitat or a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. Less than significant impact is anticipated.

The proposed multi-family residential project is not associated with providing short-term environmental goals to the disadvantage of long-term environmental goals. No impact is anticipated.

While future increases in population and housing will occur within the Town, the rate of growth would be consistent with SCAG rates. Since population growth is anticipated by SCAG, the proposed project would not cumulatively result in substantial unanticipated population growth. Although not significant on its own, the project would contribute to cumulative air emissions in the region, as would all future development in the region.

Future development at the site would not cause substantial adverse effects on human beings, either directly or indirectly. The Initial Study identifies construction-related emissions and operational emissions of criteria pollutants as having a less than significant impact.

REFERENCES

(List author or agency, date, title)

Alquist-Priolo Special Studies Zone Act Map Series (PRC 27500)

California Department of Water Resources, Bulletin #118 (Critical Regional Aquifers), 1975.

County Museum Archaeological Information Center, Historical Resources Review, August 10, 1999

County of San Bernardino, Countywide Integrated Waste Management Plan, March 1995

County of San Bernardino Hazard Overlay Maps

County of San Bernardino Identified Hazardous Materials Waste Sites List, April 1998

Environmental Impact Report, San Bernardino County General Plan, 1989

Federal Emergency Management Agency Flood Insurance Rate Map and Flood Boundary Map (Map # 06071C5840F dated 3/18/96).

Mojave Desert Air Quality Management District, Mojave Desert Planning Area – Federal Particulate Matter (PM10) Attainment Plan, July 1995

Mojave Desert Air Quality Management District, Rule 403.2: Fugitive Dust Control Planning Area, July 1996

MINUTES

TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, August 6, 2008

CALL TO ORDER

At 6:03 p.m., the regular meeting of the Planning Commission of the Town of Apple Valley for August 6, 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, Vice-Chairman B.R. "Bob" Tinsley, and Chairman David Hernandez.

STAFF PRESENT

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

2. **General Plan Amendment No. 2007-008, Zone Change No. 2007-005 and Conditional Use Permit No. 2007-013.**

Applicant: Mr. Bob Basen for Mr. John Saroyan

Location: Property is located on the southwest corner of Ottawa and Nomwaket Roads; APNs 3087-401-02, -03, -04, and -05.

Chairman Hernandez opened the public hearing at 7:06 p.m.

Ms. Carol Miller, Senior Planner, presented the staff report as filed by the Planning Division. She commented about the building separation distance being less than the minimum Development Code requirement; however, the Commission can approve the project with less separation distance.

Ms. Miller further commented that staff was concerned about the distribution and placement of the trash bins in Phase Three (3). She suggested adding a Condition that would stipulate the enclosures contain fewer bins and be more evenly distributed.

Commissioner Kallen requested to know if the Equestrian Advisory Committee had reviewed this project.

Ms. Lori Lamson, Assistant Director of Community Development, responded that the General Plan Advisory Committee (GPAC) and the Planning Commission had recommended the zone change for this property during the General Plan update process and that staff did not refer this project to the Equestrian Advisory Committee.

Ms. Miller stated there were no lifeline trails that affected the property.

Commissioner Kallen requested to know when the pool and recreation building would be built.

Ms. Miller stated it would be built during Phase One (1). She further commented that she had received a letter from the adjacent property owner expressing their opposition to the project. She stated they were present and would be speaking.

Mr. Tom Steeno, the architect for the applicant, stated that all units were over 1,400 square feet and were handicap accessible. He stated that a ten (10)-foot wide separation between structures was common and was what they had proposed for the project. Mr. Steeno further commented they were proposing approximately twenty-three (23) percent open space for the project. He stated the parking, as well as the amenities, exceed Code requirements.

Mr. Steeno pointed out where all of the trash dumpsters will be located and stated that the amount of trash enclosures also exceeds Code requirements.

Mr. Steeno stated that, concerning Condition No. FD3, they were requesting a twenty-six (26)-foot fire lane instead of the Town Standard of twenty-eight (28) feet.

Ms. Lamson stated that staff had discussed this request with Chief Bishop of the Apple Valley Fire Protection District and the Fire District did not recommend changing the Town standard. She stated a Variance request would be needed for such a change.

Mr. Steeno stated, in that case, he would agree with the twenty-eight (28)-foot requirement, as well as all of the other Conditions of Approval.

Commissioner Kallen expressed concerns regarding the lack of ingress and egress on the west side of the property.

Mr. Steeno responded that according to the required traffic study, the traffic circulation would be adequate for a complex of this size.

Commissioner Allen had questions concerning assigned and unassigned parking spaces.

Mr. Steeno stated there were four (4) assigned spaces per unit: two (2) covered and two (2) uncovered located directly in front of the units.

Chairman Hernandez asked questions concerning building elevations.

Mr. Steeno responded there were two (2) elevations: some staggered, some grouped and there were different roof tiles, stones and architectural treatments.

Ms. Nicell Johnson of Apple Valley, stated they lived on the west side of the project and were concerned about renters and were opposed to the project. She referred to a letter she had written and distributed to the Commission.

Mr. Maurice Clayton, Apple Valley, stated he was strongly opposed to the project due to traffic concerns, crime, and diminishing property values in the area.

Mr. Bob Basen, the applicant, addressed the concerns of those in opposition. He stated there will be an on-site manager at the location at all times.

Mr. Steeno commented that all of the units will face one another and only one (1) unit will face the street with a setback of sixty-five (65) feet. The property will be surrounded by wrought-iron fencing, as well as a masonry wall, which will separate the neighbors to the west.

Since there was no one else in the audience requesting to speak to this item, Chairman Hernandez closed the public hearing at 7:45 p.m.

Commissioner Kallen stated he was still concerned about the lack of ingress and egress from the west side of the property.

Mr. Richard Pedersen, Deputy Town Engineer, indicated he had required a detailed focused traffic study because he also had been concerned about the circulation of traffic. He stated staff was satisfied with the findings of the study which stated that the project's size can be supported with the current three (3) driveways.

Commissioner Kallen questioned whether or not there would be a bus route to service the facility.

Ms. Lamson stated the area is currently not on the bus route and that bus routes are typically assigned to major and secondary roads.

Mr. Pedersen stated that Ottawa Road would need to be completely built-out before they could determine the necessity of a bus route.

Commissioner Kallen had questions on the proposed recreation building.

Ms. Miller responded that the floor plan indicates a large room that could accommodate billiards, ping pong, a weight room and an office. There will be two (2) restrooms and a sitting area also. She stated that most of the residents will be walking to the facility, eliminating the need for a lot of parking around the facility.

Chairman Hernandez expressed concerns about the lack of unassigned parking in Phase Three (3).

Commissioner Allen requested to know the Level of Service (LOS) at Navajo and Ottawa Roads.

Mr. Pedersen responded that the intersection had an LOS of "A".

Chief Bishop of the Apple Valley Fire Protection District commented that they had agreed with staff on the twenty-eight (28)-foot driveways and would be updating the Fire District requirements to comply with the Town's requirements in the near future. He also indicated that the ingress/egress for the project met the Fire District's standards.

Commissioner Allen stated he would like to add a Condition that would require the applicant and/or property manager to participate in the Crime Free Multi-Housing Program.

Ms. Miller stated that Condition No. P35 could be modified to add that requirement.

Chairman Hernandez suggested adding a Condition on Phase Three (3) to require more guest parking.

Commissioner Kallen stated that if a unit was removed it would solve the parking issue as well as add ingress and egress to that side of the complex.

Chairman Hernandez responded that he was not in agreement with adding another ingress and egress, since Town staff, the applicant's engineer and the Deputy Fire Chief had not recommended it.

Vice-Chairman Tinsley stated the project was well designed, in a good location, and felt it would bring value to the area as well as solve some of the existing traffic and signal problems.

MOTION:

Motion by Vice-Chairman Tinsley, seconded by Commissioner Allen, that the Planning Commission, with the addition of a Condition to require participation in the Crime Free Multi-Housing Program, move to adopt Planning Commission Resolution No. 2008-004 to recommend to the Town Council:

1. Determine that the proposed General Plan Amendment, Zone Change and Conditional Use Permit will not have a significant effect on the environment.
2. Adopt the Negative Declaration for General Plan Amendment No. 2007-008, Zone Change No. 2007-005 and Conditional Use Permit No. 2007-013 finding that, on the basis of the whole record before the Planning Commission, including the Initial Study and any comments received, 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. The Initial Study and Negative Declaration, which constitute the record of proceedings upon which its decision is based, are available at the Town's Planning Division.
3. Find that the facts presented in the staff report support the required Findings for Approval and adopt those findings.
4. Approve Planning Commission Resolution No. 2008-004, forwarding to the Town Council a recommendation for approval for General Plan Amendment No. 2007-008 and Zone Change 2007-005.
5. Find the facts presented in the staff report support the required Findings for approval of the Conditional Use Permit and adopt those findings.
6. Approve Conditional Use Permit No. 2007-013 subject to the amended Conditions of Approval.
7. Direct staff to file a Notice of Determination.

ROLL CALL VOTE:

Ayes: Commissioner Allen
 Commissioner Kallen
 Commissioner Putko
 Vice-Chairman Tinsley

Noes: Chairman Hernandez

Abstain: None

Absent: None

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

Chairman Hernandez indicated after the vote that his opposition to the project was due to the lack of guest parking in Phase Three (3) of the project.