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**TOWN OF APPLE VALLEY  
PLANNING COMMISSION AGENDA**

**WEDNESDAY, MARCH 18, 2020**

**Regular Meeting 6:00 p.m.**

***Town Council Chambers***  
**14955 Dale Evans Parkway**

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**PLANNING COMMISSION MEMBERS**

Bruce Kallen, Chairman  
Joel Harrison, Vice-Chairman  
B.R. "Bob" Tinsley, Commissioner  
Mike Arias Jr., Commissioner  
Tom Lanyon, Commissioner

**PLANNING DIVISION OFFICE: (760) 240-7000 Ext. 7200**  
**[www.AVPlanning.org](http://www.AVPlanning.org)**

***Monday - Thursday 7:30 a.m. to 5:30 p.m.***  
***Alternating Fridays 7:30 a.m. to 4:30 p.m.***



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY  
PLANNING COMMISSION AGENDA  
REGULAR MEETING  
WEDNESDAY MARCH 18, 2020 – 6:00 P.M.**

**PUBLIC PARTICIPATION IS INVITED.** Planning Commission meetings are held in the Town Council Chambers located at 14955 Dale Evans Parkway, Apple Valley, California. If you wish to be heard on any item on the agenda during the Commission's consideration of that item, or earlier if determined by the Commission, please so indicate by filling out a "REQUEST TO SPEAK" form at the Commission meeting. Place the request in the Speaker Request Box on the table near the Secretary, or hand it to the Secretary at the Commission meeting. (G.C. 54954.3 {a}).

Materials related to an item on this agenda, submitted to the Commission after distribution of the agenda packet, are available for public inspection in the Town Clerk's Office at 14955 Dale Evans Parkway, Apple Valley, CA during normal business hours. Such documents are also available on the Town of Apple Valley website at [www.applevalley.org](http://www.applevalley.org) subject to staff's ability to post the documents before the meeting.

*The Town of Apple Valley recognizes its obligation to provide equal access to those individuals with disabilities. Please contact the Town Clerk's Office, at (760) 240-7000, two working days prior to the scheduled meeting for any requests for reasonable accommodations.*

**REGULAR MEETING**

The Regular meeting is open to the public and will begin at 6:00 p.m.

**CALL TO ORDER**

**ROLL CALL**

Commissioners: Tinsley \_\_\_\_\_; Arias \_\_\_\_\_; Lanyon \_\_\_\_\_  
Chairman Kallen \_\_\_\_\_; Vice-Chairman Harrison \_\_\_\_\_

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

Anyone wishing to address an item not on the agenda, or an item that is not scheduled for a public hearing at this meeting, may do so at this time. California State Law does not allow the Commission to act on items not on the agenda; except in very limited circumstances. Your concerns may be referred to staff or placed on a future agenda.

## APPROVAL OF MINUTES

1. Minutes for the Regular Meeting of February 19, 2020.

## PUBLIC HEARING ITEMS

2. **Conditional Use Permit No. 2019-005 and Deviation No. 2019-005.** A request for approval of a Conditional Use Permit to allow seventy-five (75)-foot tall wireless telecommunications tower designed as a mono-eucalyptus.

The Deviation is a request to allow the wireless communication tower to be located less than 500 feet to residentially zoned property and located less than 750 feet to an existing tower.

**APPLICANT:** Crown Castle Towers LLC

**LOCATION:** 19235 Yucca Loma Road, APN 3088-431-29

### ENVIRONMENTAL

**DETERMINATION:** Staff has determined the project is characterized as the new construction of a small structure with a minor alteration to the land. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303 and 15304, the proposal is exempt from further environmental review.

**CASE PLANNER:** Carol Miller, Assistant Director of Community Development

**RECOMMENDATION:** Continuance to April 1, 2020 meeting.

3. **Conditional Use Permit No. 2019-006.** A request to operate an open-air Farmer's Market allowing vendors the opportunity to sell farm produce and other artisan goods. The project will include the installation of temporary vendor kiosks, tenant improvements of an existing structure for the purpose of alcohol sales, parking lot improvements and landscaping. The project site will be located on a previously developed, three (3)-acre site within the Village Commercial (C-V) zoning designation.

**APPLICANT:** Chet Hitt, The Market at Townsend

**LOCATION:** 22092 Highway 18; APN 3112-651-23

### ENVIRONMENTAL

**DETERMINATION:** The project is characterized as the new construction of a small structure with a minor alteration to the land. Therefore, pursuant to the State Guidelines to Implement the California

Environmental Quality Act (CEQA) Section 15303 and 15304, the proposal is exempt from further environmental review.

**CASE PLANNER:** Pam Cupp, Senior Planner

**RECOMMENDATION:** Approval

4. **Development Permit No. 2019-007, Special Use Permit No. 2019-003, Tentative Parcel No. 20017** (*Cont. from March 4, 2020*). A request to approve a Development Permit and Special Use Permit to allow a 6,557 square-foot commercial building that will accommodate a 4,988 square-foot convenience store and a 1,569 square-foot restaurant with drive-thru lane. The proposal also includes gasoline pump islands and 200-gallon propane tank.

A request to subdivide approximately twelve (12) acre parcel into two (2) parcels consisting of a 1.26 acre and a 10.96-acre parcels.

**APPLICANT:** Steeno Design representing Abdallah Hourany

**LOCATION:** Southwest corner of Deep Creek and Bear Valley Roads, APN 0434-032-27

**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 proposal.

**CASE PLANNER:** Carol Miller, Assistant Director of Community Development

**RECOMMENDATION:** Approval

5. **Development Permit No. 2019-002 and Special Use Permit No. 2019-001** (*Cont. from March 4, 2020*). A request for approval of a Development Permit and Special Use Permit to allow for the construction of a 3,800-fuel station/convenience store, drive-through car wash and 2,400 square feet of additional leased space. The project will include the elimination of Outer Highway 18 South between Central Road and the project site's western boundary, 330 feet east of Tonikan Road. The project site is 2.25 acres in size and is located within the Service Commercial (C-S) zoning designation.

**APPLICANT:** A & S Engineering, representing Mr. Nadir Khan Malik

**LOCATION:** 22499 Highway 18; APN 3087-382-05

**ENVIRONMENTAL**

**DETERMINATION:** The project is consistent with the General Plan, utilities are available, and the site has no value as habitat for endangered, rare or threatened species. The project is not anticipated to result in any significant effects relating to traffic, noise, air quality or water quality. As a 2.25 acre, previously developed site, the project is classified as in-fill; therefore, pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15332, Class 32, the proposed request is Exempt from further environmental review.

**CASE PLANNER:** Pam Cupp, Senior Planner

**RECOMMENDATION:** Approval

**6. Tentative Parcel No. 20255** (*Cont. from March 4, 2020*). A request to subdivide approximately forty (40) acres into sixty-five (65) single-family lots and three (3) lettered lots. The lots will range in size from 18,035 to 37,964 square feet with an average lot size of 20,523 square feet. There is no housing product proposed at this time. The project is located within the Equestrian Residential (R-EQ) zoning designation

**APPLICANT:** Red Brick Solution for Nielsen Development

**LOCATION:** Southwest corner of Wren Street and Caribou Avenue; APN 0434-201-17.

**ENVIRONMENTAL**

**DETERMINATION:** Based upon an Initial Study, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration has been prepared for this proposal.

**CASE PLANNER:** Pam Cupp, Senior Planner

**RECOMMENDATION:** Approval

**OTHER BUSINESS**

**PLANNING COMMISSION COMMENTS**

**STAFF COMMENTS**

## **ADJOURNMENT**

The Planning Commission will adjourn to the regular Planning Commission Meeting on April 1, 2020.

**MINUTES  
TOWN OF APPLE VALLEY  
PLANNING COMMISSION  
REGULAR MEETING  
February 19, 2020**

<b>CALL TO ORDER</b>
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Vice-Chairman Kallen called to order the regular meeting of the Town of Apple Valley Planning Commission at 6:00p.m.

Roll Call

Present: Vice-Chairman Kallen; Commissioner Tinsley; Commissioner Harrison; Commissioner Arias; Commissioner Lanyon

Absent: None

Staff Present

Carol Miller, Assistant Director of Community Development, Albert Maldonado, Town Attorney, Maribel Hernandez, Planning Commission Secretary.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Commissioner Joel Harrison.

**ELECTION OF NEW OFFICERS:**

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

**ROLL CALL VOTE**

Yes: Commissioner Arias  
Commissioner Harrison  
Commissioner Lanyon  
Commissioner Tinsley

Noes: None

Abstain: Vice-Chairman Kallen

Absent: None

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

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

**ROLL CALL VOTE**

Yes: Commissioner Tinsley  
Commissioner Arias  
Commissioner Lanyon  
Vice-Chairman Kallen  
Noes: None  
Abstain: Commissioner Harrison  
Absent: None

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

**RECESS FOR REORGANIZATION**

Vice-Chairman Kallen reconvened the meeting of the Planning Commission at 6:06 p.m.

**PUBLIC COMMENTS**

None

**APPROVAL OF MINUTES**

**1a. Minutes for the Regular Meeting of December 4, 2019.**

Motion by, Commissioner Tinsley, second by Commissioner Arias to approve the minutes of December 4, 2019.

**ROLL CALL VOTE**

Yes: Chairman Kallen  
Vice-Chairman Harrison  
Commissioner Tinsley  
Commissioner Arias  
Commissioner Lanyon  
Noes: None  
Abstain: None  
Absent: None

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

**1b. Minutes for the Regular Meeting of December 19, 2019.**

Motion by, Vice-Chairman Harrison, second by Commissioner Arias to approve the minutes of December 19, 2019.

**ROLL CALL VOTE**

Yes: Chairman Kallen  
Vice-Chairman Harrison  
Commissioner Arias  
Commissioner Lanyon



Noes: None  
Abstain: Commissioner Tinsley  
Absent: None  
The motion carried by a 4-0-1-0 vote

**PUBLIC COMMENTS**

None

**PUBLIC HEARINGS**

2. **Conditional Use Permit No. 2019-004 and Deviation No. 2019-004.** A request for approval of a Conditional Use Permit to replace an existing thirty-five (35)-foot tall monopole with a new fifty-five (55)-foot tall wireless telecommunications tower designed as a mono-eucalyptus that will accommodate two (2) wireless carriers. The wireless communication tower will be situated within the west side building setback area and adjacent to a new 312 square-foot enclosure that accommodates the related equipment.

The Deviation is a request to allow a thirteen (13)-foot eight (8)-inch setback where a twenty-nine (29)-foot setback is required, to allow a tower to be located within 800 feet of an existing tower where a minimum separation of 1,050 feet is required, to allow a tower to be located less than 700 feet to residentially zoned property and residential use, and to allow a fifty-five (55)-foot tall tower where a maximum fifty (50)-foot tall tower is allowed.

**APPLICANT:** Crown Castle Towers LLC

Chairman Kallen opened the public hearing at 6:07 p.m.

Carol Miller, Assistant Director of Community Development, presented the staff the report as filed with the Planning Division.

Vice-Chairman Harrison asked if there was an expectation for maintaining the antennas, as he has seen some that over the course of several years are now sticks as the foliage has started falling off.

Ms. Miller said they are required to maintain the antennas and referenced to P4 on the conditions of approval where it discusses the maintaining of the antennas.

Vice-Chairman Harrison asked if staff kept pictures of the finalized antennas so staff could ensure the maintenance is being done.

Ms. Miller said staff has just started keeping pictures of the antennas in their original appearance.

Chairman Kallen asked if staff received any correspondence from surrounding residents.

Ms. Miller said no response was received for this item and the radius of notifications for residents was 1500 feet.

Rachael Davidson, Representative for Crown Castle Towers LLC was present.

Chairman Kallen asked Ms. Davidson for more information as to what other sites were explored for possible site.

Ms. Davidson said they did consider Corwin Park as a location for the antenna, but the park was small and there would not be enough space.

Chairman Kallen then asked if there was only one carrier on the antenna, if it would be a shorter tower.

Ms. Davidson said with the change in technology the antennas could not be at the same level because it would cause interruption between carriers.

David Hernandez, Apple Valley resident wanted to thank the Commission for showing concern for the residents and he is also not in favor of cell towers.

Theodore Wiggins, Apple Valley resident is not in favor of cell towers in residential areas as he feels the antennas cause health issues.

Ms. Davidson added a response to the comments that her company does several studies and said they are 100 times below the FCC levels and the antennas are safe.

Chairman Kallen closed the public hearing at 6:47pm.

Vice-Chairman Harrison said he felt the new look will be better than what's currently in place.

Commissioner Tinsley spoke with the Fire Chief and he did say this would help with the dropped 911 calls in the area.

Chairman Kallen feels the applicant did not make the effort to find a preferred location and would like to deny the project and have the applicant resubmit.

Commissioner Lanyon said the new antenna would have a better appearance than what is currently in place, and most of the surrounding area was mostly commercial and residential.

Chairman Kallen asked if more foliage could be added to help the appearance.

Ms. Miller said there was a condition added, P9 to include the installation of simulated bark cladding from the base of the tower up to a minimum of 25 feet and then foliage shall begin above the 25 feet base of the pole.

Chairman Kallen called for a 5-minute recess at 7:08p.m.

Chairman Kallen called the meeting back to order at 7:13p.m.

Motion by, Commissioner Tinsley, second by Commissioner Lanyon to approve Conditional Use Permit No. 2019-004 and Deviation No. 2019-004.

**ROLL CALL VOTE**

Yes: Vice-Chairman Harrison  
Commissioner Tinsley  
Commissioner Lanyon

Noes: Chairman Kallen  
Commissioner Arias

Abstain: None

Absent: None

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

3. **Conditional Use Permit No. 2019-005 and Deviation No. 2019-005.** A request for approval of a Conditional Use Permit to allow seventy-five (75)-foot tall wireless telecommunications tower designed as a mono-eucalyptus.

The Deviation is a request to allow the wireless communication tower to be located less than 500 feet to residentially zoned property and located less than 750 feet to an existing tower.

**APPLICANT:** Crown Castle Towers LLC

Chairman Kallen opened the public hearing at 7:20 p.m.

Carol Miller, Assistant Director of Community Development, presented the staff the report as filed with the Planning Division. The applicant is requesting a continuance to the March 18, 2020 meeting but asked Commission to open the item for public comment.

Timiko Fermin, Jeanne Lyles, Lisa Fox, Theodore Wiggins, David Hernandez all residents of Apple Valley spoke in opposition to the item.

Chairman Kallen close the public comment at 7:35 p.m.

Motion by, Commissioner Tinsley, second by Commissioner Arias to continue Conditional Use Permit No. 2019-005 and Deviation No. 2019-005 to the March 18, 2020 meeting.

**OTHER BUSINESS**

4. Staff is requesting the Commission to appoint two members of the Planning Commission to serve on the Ad-Hoc Committee to review the Multi-Family Development Code standards.

Carol Miller, Assistant Director of Community Development, presented the staff the report as filed with the Planning Division.

Chairman Kallen asked the Commission if anyone would like to volunteer to be on the Ad-Hoc Committee.

Commissioner Arias and Commissioner Lanyon have volunteered to be on the committee.

Motion by, Chairman Kallen, second by Commissioner Tinsley and unanimously carried, to appoint Commissioner Arias and Lanyon to the Ad-Hoc Multi Family Committee.

**PLANNING COMMISSION COMMENTS**

None

**STAFF COMMENTS**

Ms. Miller said there would be two meeting in March.

**ADJOURNMENT**

Motion by, Commissioner Arias, second by Vice-Chairman Harrison and unanimously carried, to adjourn the meeting to its next regularly scheduled Planning Commission meeting on March 18, 2020.

Respectfully Submitted by:

\_\_\_\_\_  
Maribel Hernandez  
Planning Commission Secretary

Approved by:

\_\_\_\_\_  
Chairman, Bruce Kallen



## Planning Commission Agenda Report

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**Date:** March 18, 2020 **Item No. 2**

**To:** Planning Commission

**Case Number:** Conditional Use Permit No. 2019-005 and Deviation No. 2019-005

**Applicant:** Crown Castle Towers LLC

**Proposal:** A request for approval of a Conditional Use Permit to allow seventy-five (75)-foot tall wireless telecommunications tower designed as a mono-eucalyptus.

The Deviation is a request to allow the wireless communication tower to be located less than 500 feet to residentially zoned property and located less than 750 feet to an existing tower.

**Location:** 19235 Yucca Loma Road, APN 3088-431-29

**Environmental Determination:** The project is characterized as the new construction of a small structure with a minor alteration to the land. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303 and 15304, the proposal is exempt from further environmental review.

**Prepared By:** Carol Miller, Assistant Director of Community Development

**Recommendation:** Continue to the April 1, 2020 meeting

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At the February 19, 2020 Planning Commission meeting, the applicant requested a continuance to the March 18, 2020 meeting. The applicant is requesting another continuance to allow additional time for a revised site plan to be prepared that addresses the parking deficiency and identify locations for future wireless carriers equipment enclosures.

Prepared By:

Carol Miller  
Assistant Director of Community Development



## Planning Commission Agenda Report

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**DATE:** March 18, 2020 **Item No. 3**

**CASE NUMBER:** Conditional Use Permit No. 2019-006

**APPLICANT:** Chet Hitt, The Market at Townsend

**PROPOSAL:** A request to operate an open-air Farmer's Market allowing vendors the opportunity to sell farm produce and other artisan goods. The project will include the installation of temporary vendor kiosks, tenant improvements of an existing structure for the purpose of alcohol sales, parking lot improvements and landscaping. The project site will be located on a previously developed, three (3)-acre site within the Village Commercial (C-V) zoning designation.

**LOCATION:** 22092 Highway 18; APN 3112-651-23

**ENVIRONMENTAL DETERMINATION:** The project is characterized as the new construction of a small structure with a minor alteration to the land. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303 and 15304, the proposal is exempt from further environmental review.

**CASE PLANNER:** Pam Cupp, Senior Planner

**RECOMMENDATION:** Approval

### PROJECT SITE

A. Project Size

The Farmers market will occupy approximately 27,800 square feet of the three (3)-acre site.

B. General Plan Designations:

Project Site - General Commercial (C-G)

North - Single-Family Residential (R-SF)

South - General Commercial (C-G)

East - General Commercial (C-G)

West - General Commercial (C-G) and Service Commercial (C-S)

C. Surrounding Zoning and Land Use:

Project Site- Village Commercial (C-V), Vacant Commercial Buildings  
 North - Equestrian Residential (R-EQ), Single-Family Residences  
 South - Village Commercial (C-V), Commercial Office/Retail  
 East - Village Commercial (C-V), Commercial Center and Bus Terminal  
 West - Village Commercial (C-V), Auto Collision Center and Service  
 Commercial (C-S) Future Parking for Restaurant/Distillery

D. Parking Analysis:

Type of Use	Square Footage	<u>Parking Ratio</u>	Number of Spaces Required Phase I	Number of Spaces Required Phase II
Vendor Booths (west side)	(88 Booths)	1 per booth	88	0
Vendor Booths (east side)	(77 Booths)	1 per booth	0	77
Farmers Market/ Vintage flea market (west side)	15,400	1/500 sf	31	0
Farmers Market/Vintage Flea Market (east side)	12,400	1/500 sf	0	25
Barrel House Bar	1,206	1 per 45 sf	27	0
Total Required			146	102
On-site Parking			59	24
Shared Parking Adjacent Property (east side Vendors)*				165
Shared Parking Townsend			124	0
Total Provided			183	188

*\*Parking agreement has not been contracted yet. This additional parking will be necessary to operate east side of Farmer's Market area.*

<u>E. Setback Analysis:</u>	<u>Proposed Minimum</u>	<u>Permitted Minimum</u>
Front	10 ft	10 ft
Side	12.5 ft (PUE)	12.5 ft (PUE)
Street Side	7 ft	10 ft
Rear	22.5 ft	25 ft

## ANALYSIS

### A. General:

The applicant is requesting approval a Conditional Use Permit to operate an open-air, Farmers Market. Additionally, the applicant is requesting of offer on-site alcoholic beverage service during the Farmers Market/Vintage Flea Market events. Pursuant to the Development Code, a Conditional Use Permit is required for the operation of a Farmers Market and for the sale of distilled spirits for on-site consumption. The Conditional Use Permit process allows the Town to evaluate whether the permit should be approved by weighing the proposed use, the public need, and the benefits to be derived from the use against the impacts it may cause.

### B. Analysis:

The project consists of an adaptive reuse of a former hardware/lumber store (Bar Lumber) and most recently, an appliance liquidator (Little Depot). The conceptual plans for the site include the following:

#### Phase I

- Farmer's Market/Vintage Flea Market (west side);
- Alcohol sales (including distilled spirits) for consumption on- and off-site in the bar known as the Barrel House;
- Liquor barrel storage associated with the previously approved distillery;

#### Phase II

- Farmer's Market/Vintage Flea Market (east side);
- 

#### Phase III

- Outdoor events and concert venue;
- Indoor marketplace;
- Industrial space for custom sign manufacturing;
- Goat soap production;
- Small banquet area; and
- Coffee shop.

Conditional Use Permit No. 2019-006 includes only the entitlement for Phase I and Phase II. Phase III will come at a later date under separate permits. A noise study will be required for the outdoor concert events that is part of Phase III. The noise analysis



will determine if the sound created by outdoor music can be mitigated to a level that complies with the Town's Noise Ordinance and not create a negative impact upon the surrounding residential uses. At this time, the open-air market (Farmer's Market/Flea Market) is the priority; therefore, Conditional Use Permit No. 2019-006 is being presented to the Planning Commission for its consideration without the proposed outdoor music/event venue. Condition No. P29 has been included prohibiting the live entertainment or amplified sound systems for Phase I and Phase II.

The Farmer's Market will provide the local community with options for farm fresh fruits and vegetables in addition to a wide variety of artisan products, including but not limited to jewelry, soaps and lotions, honey, jams, baked goods and other hand-crafted products. The proposed hours of operation are Sundays from 8:00 a.m. to 2:00 p.m. and Wednesday evenings from 4:00 p.m. to 10:00 p.m. On occasional Saturdays, the Marketplace will also host a Vintage Flea Market. The applicant is also requesting approval to have on-site alcohol service available during all the Farmers Market and bi-monthly flea market events, located in the on-site bar known as the Barrel House.

The applicant proposes to install 165 removable, metal kiosks for use by the vendors. Each kiosk is 100 square feet in size. The Marketplace at Townsend and the Townend Restaurant and Distillery will be similar in design featuring the industrial farm style of architecture. The Farmers Market kiosks will be constructed of steel, which also carries over the industrial farm style of architecture. The kiosks are temporary in nature and can be moved to suit various vendors. Because the kiosks are not permanent, staff is supportive of a 2.5 foot encroachment into the street side and rear setbacks. If the kiosks were ever to become permanent, a ten (10)-foot street side setback and a twenty-five (25)-foot rear setback would be required.

Access to the Farmer's Market is available from Highway 18, with two (2) driveways located on Quinnault Road. The Farmers Market will be located to the rear (north) of the site and will occupy approximately 27,800 square feet of the three (3) acre site. The kiosks are secured and screened from public view with a six (6) foot high, decorative metal fence along Quinnault. There is an existing eight (8)-foot tall block wall located near the rear of the property that serves as a visual screen and sound buffer between the Marketplace at Townsend and the single-family residence located to the north of the site.

Parking required for a Farmers Market is calculated like that of a swap meet, which requires one (1) space per 500 square feet of outdoor display area. This seems logical for customer parking but does not give consideration to parking required for the vendors. It is anticipated that the Farmers Market will have up to 165 100-square foot booths and could accommodate up to 165 vendors. The site has an existing parking lot with containing forty-two (42) paved and striped parking spaces with an additional seventeen (17) spaces to be installed, for a total of fifty-nine (59) spaces. In addition to customer parking, staff is requiring one (1) additional space per kiosk for vendor parking. Once the applicant has provided a shared parking agreement with the adjacent property owner (or other available parking within the vicinity) that will provide

the space necessary for required vendor parking, the entire east side of the proposed Market may be occupied. Opening of the east side of the Market will be in Phase II. Until such time, without a parking agreement for additional spaces, only the westerly portion of the Market may be occupied as Phase I. Condition No. P28 has been included, allowing staff to administratively review the agreement and allow the easterly portion of the Market to be occupied with proof of additional parking.

The applicant did not provide a floor plan for the proposed Barrel House Bar; therefore, staff has calculated the required parking at one (1) space per forty-five (45) square feet of floor area. A total of twenty-seven (27) parking spaces will be required for the bar. It should be further noted that approval of the sale of alcohol for on-site and o is contingent upon only operating during Market hours. Should the applicant wish to operate the bar independently, a separate permit (Condition P31).

Staff is requiring that all new parking spaces be paved, striped and landscaped in compliance with the Development Code. While the Town requires available on-site parking for all uses, it is anticipated that vehicles will also park within the right-of-way. To protect the surrounding residential neighborhood from negative traffic or parking impacts, staff is recommending Condition No. 30 requiring the placement of temporary "No Event Parking" at the northern boundary of the project site, and at the northwest corner of Quinnault and Arapahoe roads during the Farmers Market or other similar events.

C. Environmental Assessment:

The project is characterized as the new construction of a small structure with a minor alteration to the land. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Sections 15303 and 15304, the proposal is exempt from further environmental review.

D. Noticing:

This item was advertised as a public hearing in the Apple Valley News newspaper on March 6, 2020 and notices mailed to all property owners within a 300-foot radius.

E. 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 positive findings to approve this proposal. These Findings, as well as a comment to address each, are presented below.

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: The proposed Farmer's Market will be located within the Village Commercial (C-V) zoning designation on a property with frontage on

Quinnault Road and Outer Highway 18. With the approval of a Conditional Use Permit, the project is in compliance with the Development Code of the Town of Apple Valley and adopted General Plan.

2. That the proposed location, size, design and operating characteristics of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity, adjacent uses, residents, buildings, structures or natural resources.

Comment: The proposed Farmer's Market is located on the north half of a developed, three (3)-acre parcel. There are residential uses to the north and commercial uses to the south, east and west. The project has been designed with adequate setbacks and with adherence to the recommended conditions, the project will not be detrimental to adjacent uses. The propose Farmer's Market will operate two (2) days per week. Sunday mornings and Wednesday evenings. With compliance with the recommended Conditions of Approval, there will not be a harmful effect upon the neighborhood characteristics.

3. 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: There are existing utilities and public facilities available to service the project site.

4. That the generation of traffic will not adversely impact the capacity and physical character of surrounding streets and that the traffic improvements and/or mitigation measures are provided in a manner consistent with the Circulation Element of the General Plan.

Comment: The proposed Farmers Market will be located on a commercial site with access from Outer Highway 18 and Quinnault Road, which are improved roadways designed to accommodate traffic generated from this business. Therefore, the proposal will not adversely impact the capacity and physical character of surrounding streets.

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

Comment: The proposed Farmer's Market is located within the Village Commercial (C-V) zoning district. The site is void of any significant vegetation and is outside of any known environmentally unique or

fragile areas. The site is void of any protected plants. The project is characterized as the new construction of a small structure with a minor alteration to the land. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Sections 15303 and 15304, the proposal is exempt from further environmental review. Under the State guidelines to implement the California Environmental Quality Act (CEQA), the project is not anticipated to have any direct or indirect impact upon the environment.

6. That Use Permits requiring new construction also meet the Required Findings set forth with Chapter 9.17 "Development Permits".

Comment: N/A

### RECOMMENDATION

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

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Sections 15303 and 15304, the proposed request is Exempt from further environmental review.
2. Find the facts presented in the staff report support the required Findings for Approval for Conditional Use Permit No. 2019-006.
3. Adopt the Findings as provided in the staff report and Conditional Use Permit No. 2019-006.
4. Direct staff to file the Notice of Exemption.

### ATTACHMENTS:

1. Recommended Conditions of Approval
2. Site Plan
3. Kiosk Elevations
4. Zoning Map

Town of Apple Valley

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Recommended Conditions of Approval  
Conditional Use Permit No. 2019-006

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

**Planning Division Conditions of Approval:**

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval, if not exercised, shall expire three (3) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the expiration date. The approval becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. The applicant shall defend, at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P3. The approval of Conditional Use Permit No. 2019-006 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.
- P4. The site plan and rendering presented to and approved with Conditions by the Planning Commission at the public hearing shall be the anticipated and expected appearance of the structure upon completion.
- P5. The Community Development Director or his/her designee shall have the authority for minor architectural changes focusing around items such as window treatments, color combinations, façade treatments and architectural relief. Questions on the interpretation of this provision or changes not clearly within the scope of this

provision shall be submitted to the Planning Commission for consideration under a Revision to the Development Permit.

- P6. The filing of a Notice of Exemption requires the County Clerk to collect a fee of \$50.00. The fee must be paid in a timely manner in accordance with Town procedures. No permits, including Certificate of Occupancy, may be issued until such fee is paid. The check shall be made payable to the Clerk of the Board of Supervisors.
- P7. Conditional Use Permit No. 2019-006 may be reviewed annually or more often, if deemed necessary by the Community Development Department, to ensure compliance with the conditions contained herein. Additional conditions may be recommended to and imposed by the Planning Commission to mitigate any negative impacts resulting from the business operations not contained within the scope of this permit.
- P8. No deviation, modification, alteration, adjustment or revision to or from the appearance, location, fixtures, features or appurtenances thereto of any type or extent shall be approved without said changes being first submitted to the Planning Division for consideration and approval.
- P9. Noise generated from the site shall not exceed fifty (50) dBA as measured from the north and property line. Nuisance noise may result in revocation of this Conditional Use Permit.
- P10. Light standards shall blend architecturally with approved project design.
- P11. All lighting 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. Light poles in parking lot shall not exceed twenty (20) feet in height.
- P12. 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.
- P13. 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.
- 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. Final landscape and irrigation plans shall be submitted prior to the issuance of Building Permits and installed prior to issuance of occupancy permits subject to approval by the Planning Division.
- P16. Temporary signage shall be permitted during the hours of operation, subject to the review and approval of a Sign Program.
- P17. Parking requirements shall be met and be in compliance with Town standards. All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines.
- P18. Required parking spaces shall be provided for the handicapped in accordance with Town standards and in accordance with Title 24 of the California Administrative Code. The handicapped spaces shall be located as close as practical to the entrance of the facility. Each space must be provided with access ramps and clearly marked in accordance with Title 24 of the California Administrative Code.
- P19. Trash Enclosure shall be in accordance with Town Standards and covered to reflect the architectural design of approved project subject to the review and approval of the Planning Division.
- P20. The steel shall be treated in a manner that will prevent metal contaminants from entering any stormwater runoff and to ensure the adjacent sidewalk, curb or gutter remain rust-stain free.
- P21. Sales of food items shall comply with the requirements of the Health Department and Agricultural Commissioner. The operator shall ensure that all vendors have obtained any required permits.
- P22. The site shall be kept clear of any litter or debris and shall be returned to its original condition upon completion of each event.
- P23. Trash receptacles shall be provided for rubbish and recyclable materials. The site shall be cleared of all trash immediately following each day of sale.
- P24. Sales activities shall not be permitted within the public right-of-way during the Farmer's Market.
- P25. The Farmers Market hours of operation shall be limited to two (2) days per week, Sundays 8:00 a.m. to 2:00 p.m. and Wednesdays 4:00 p.m. to 9:00 p.m.
- P26. The approval of Conditional Use Permit shall allow a Vintage Flea Market to operate twice monthly on Saturdays between the hours of 8:00 a.m. and 2:00 p.m.
- P27. Sanitary facilities shall be provided. Temporary sanitary facilities may be utilized for a period not to exceed one year. Permanent facilities must be installed and

operational prior to March 18, 2021. Should permanent facilities not be completed, all operations approved under Conditional Use Permit No 2019-006 shall be suspended until said facilities are completed and operational.

- P28. Conditional Use Permit 2019-006 authorizes Phase I, which includes 88 vendor booths on the west side. Phase II, which includes 77 vendor booths on the east side, shall be contingent upon staff approval of shared parking agreement(s) with surrounding property owner(s) for additional required parking. Off-site parking shall be required for all vendors (1 parking space per vendor), subject to review and approval of the Planning Division.
- P29. Live entertainment and/or use of any amplified sound system is prohibited. Live entertainment shall be reviewed under a separate permit.
- P30. During Market events, temporary "Event Parking Prohibited" signs shall be placed at the boundaries of the adjacent residential neighborhood (north end of the project site and west of Quinnault along Arapahoe) prohibiting event parking.
- P31. The Barrel House Bar, which provides on and off-site sales and consumption of alcohol, shall only operate during the same hours as the Farmers Market or Vintage Flea Market. Independent operation of a bar or tavern requires review and approval under a separate permit.

### **Environmental and Regulatory Compliance Conditions of Approval**

- EC1. Pursuant to AVMC § 8.19.020(a) et seq., the construction contractor shall complete and submit a Waste Management Plan (WMP), on a WMP form approved by the Town for this purpose as part of the application packet for the building or tenant improvement permit.
- EC2. Pursuant to AVMC § 8.19.050(a) et seq., and prior to the issuance of a Certificate of Occupancy, the contractor shall submit documentation proving that the project has met the diversion requirement. The diversion requirement shall be at least fifty (50) percent of the total C&D debris generated by the project via reuse or recycling.
- EC3. As of January 1, 2019, businesses that generate four (4) cubic yards or more of commercial solid waste per week shall arrange for organic waste recycling services with limited exceptions. Contact Burrtec Waste Industries at (760) 245-8607 for further information.
- EC4. If waste tires are to be generated at the facility, the operator shall comply with all storage and disposal provisions within Chapter 16 of the Public Resources Code, commencing with section 42800.
- EC5. Businesses that generate 4 cubic yards or more of commercial solid waste per week shall arrange for organic waste recycling services.



**Building and Safety Conditions of Approval**

- BC1. Comply with the State of California Disability Access requirements.
- BC2. Page two (2) of the submitted building plans will be the Conditions of Approval.
- BC3. Construction must comply with the current California Building Codes and California Green Building Code.
- BC4. Best Management Practices (BMP's) are required for the site during construction.

**Public Works Conditions of Approval**

- PW1. Sewage disposal shall be by connection to the Town of Apple Valley sewer system. Plans must be approved by the Town of Apple Valley Public Works Department.
- PW2. A six (6) inch sewer lateral is required. The entire property must connect to a new 6-inch sewer lateral. The existing 4-inch lateral may not be used.
- PW3. Sewer connection fees required.

**Engineering Division Conditions of Approval**

- EC1. Engineering Department does not have any conditions of approval at this time. The proposed use will generate about the same impacts that the previous use generated. This phase will not be required to provide street improvements.
- EC2. Any future phases of the project that use the existing structures will add additional impacts. Offsite improvements will be required at that time.

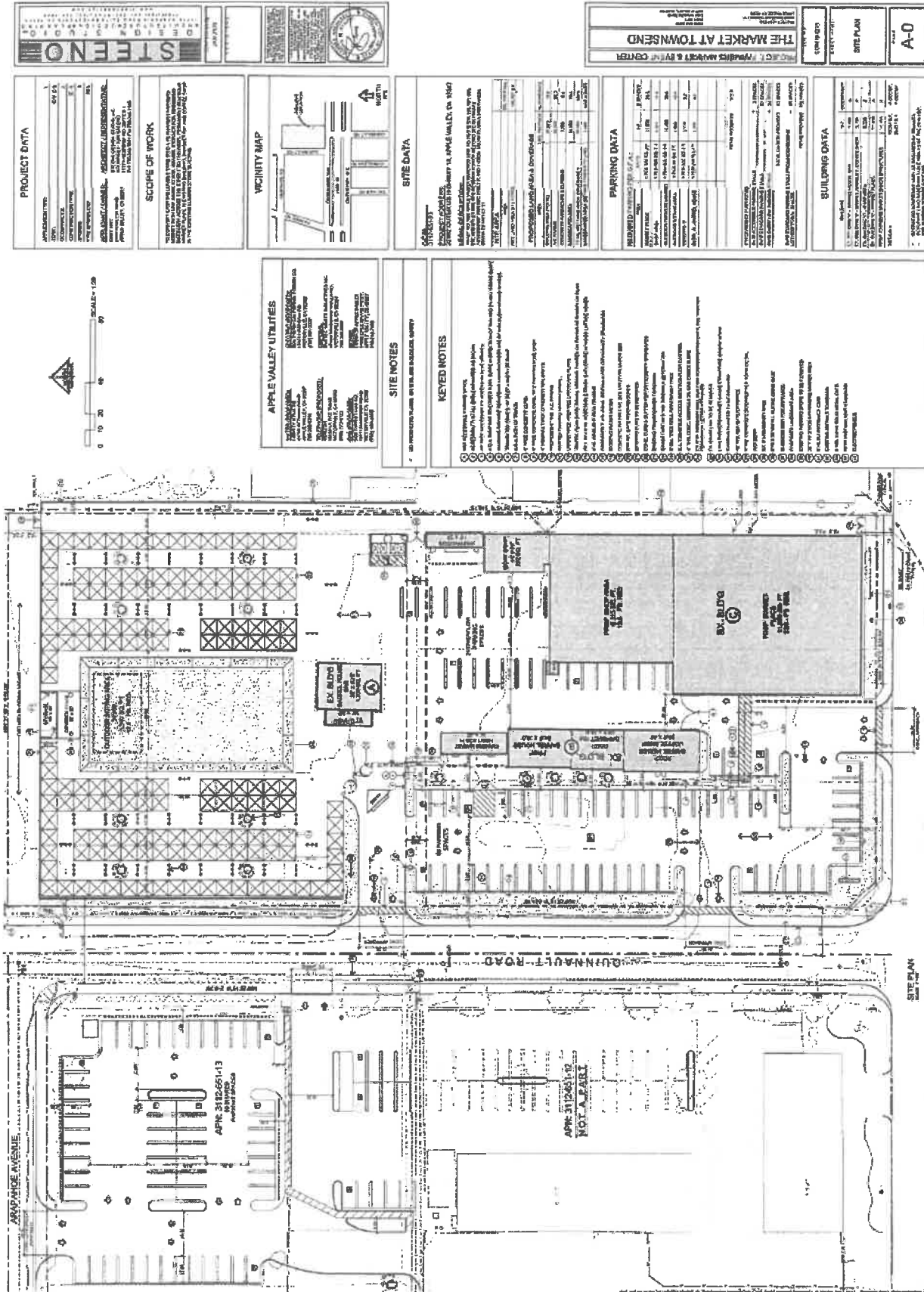
**Apple Valley Fire Protection District Conditions of Approval**

- FD1. The above referenced project is protected by the Apple Valley Fire Protection District. Prior to construction occurring on any parcel, the owner shall contact the Fire District for verification of current fire protection development requirements.
- FD2. Fire lanes shall be provided with a minimum width of twenty-six (26) feet and maintained.  

Apple Valley Fire Protection District Ordinance 57
- FD3. Provide 2-A-10-BC minimum rating fire extinguisher, mounted and serviced by a certified company every seventy-five (75) feet of travel in the area of the Farmers market.

- FD4. Any new building or existing building that are added onto may require Fire Sprinkler and Alarm to be installed.
- FD5. Have five (5)-year certification completed on the sprinkler system for existing building.
- FD6. Perform annual testing and maintenance on the fire alarm system.
- FD7. Fire Inspections required of booths and buildings prior to first event.
- FD8. Other conditions may come up during the plan review of the building.

**End of Conditions**



<b>PROJECT DATA</b> APP. SUBMITTED: 04/24 DATE: 04/24 CITY: STENO PROJECT NAME: THE MARKET AT TOWNSEND PROJECT NO.: 19-006 PROJECT OWNER: THE MARKET AT TOWNSEND PROJECT DESIGNER: STEVENSON & ASSOCIATES, INC. PROJECT LOCATION: 10000 PARADISE AVENUE, SUITE 100, STENO, NEVADA 89422	
<b>SCOPE OF WORK</b> PREPARE ARCHITECTURAL AND ENGINEERING DRAWINGS FOR THE PROPOSED CONSTRUCTION OF THE MARKET AT TOWNSEND.	
<b>VICINITY MAP</b> A small map showing the project location within the local street grid, with a north arrow and a scale of 1" = 100'.	

<b>SITE DATA</b> PROJECT NO.: 19-006 PROJECT NAME: THE MARKET AT TOWNSEND PROJECT LOCATION: 10000 PARADISE AVENUE, SUITE 100, STENO, NEVADA 89422 PROJECT DESIGNER: STEVENSON & ASSOCIATES, INC. PROJECT OWNER: THE MARKET AT TOWNSEND	
<b>PARKING DATA</b> TOTAL PARKING SPACES: 100 TOTAL GARAGE SPACES: 100 TOTAL SURFACE SPACES: 0 TOTAL BIKE SPACES: 0 TOTAL MOTORCYCLE SPACES: 0 TOTAL TRUCK SPACES: 0 TOTAL CARPOOL SPACES: 0 TOTAL ACCESSIBLE SPACES: 0 TOTAL UNASSIGNED SPACES: 0 TOTAL UNASSIGNED GARAGE SPACES: 0 TOTAL UNASSIGNED SURFACE SPACES: 0 TOTAL UNASSIGNED BIKE SPACES: 0 TOTAL UNASSIGNED MOTORCYCLE SPACES: 0 TOTAL UNASSIGNED TRUCK SPACES: 0 TOTAL UNASSIGNED CARPOOL SPACES: 0 TOTAL UNASSIGNED ACCESSIBLE SPACES: 0	

<b>BUILDING DATA</b> TOTAL FLOOR AREA: 100,000 SQ. FT. TOTAL GARAGE FLOOR AREA: 100,000 SQ. FT. TOTAL SURFACE FLOOR AREA: 0 SQ. FT. TOTAL BIKE FLOOR AREA: 0 SQ. FT. TOTAL MOTORCYCLE FLOOR AREA: 0 SQ. FT. TOTAL TRUCK FLOOR AREA: 0 SQ. FT. TOTAL CARPOOL FLOOR AREA: 0 SQ. FT. TOTAL ACCESSIBLE FLOOR AREA: 0 SQ. FT. TOTAL UNASSIGNED FLOOR AREA: 0 SQ. FT. TOTAL UNASSIGNED GARAGE FLOOR AREA: 0 SQ. FT. TOTAL UNASSIGNED SURFACE FLOOR AREA: 0 SQ. FT. TOTAL UNASSIGNED BIKE FLOOR AREA: 0 SQ. FT. TOTAL UNASSIGNED MOTORCYCLE FLOOR AREA: 0 SQ. FT. TOTAL UNASSIGNED TRUCK FLOOR AREA: 0 SQ. FT. TOTAL UNASSIGNED CARPOOL FLOOR AREA: 0 SQ. FT. TOTAL UNASSIGNED ACCESSIBLE FLOOR AREA: 0 SQ. FT.	
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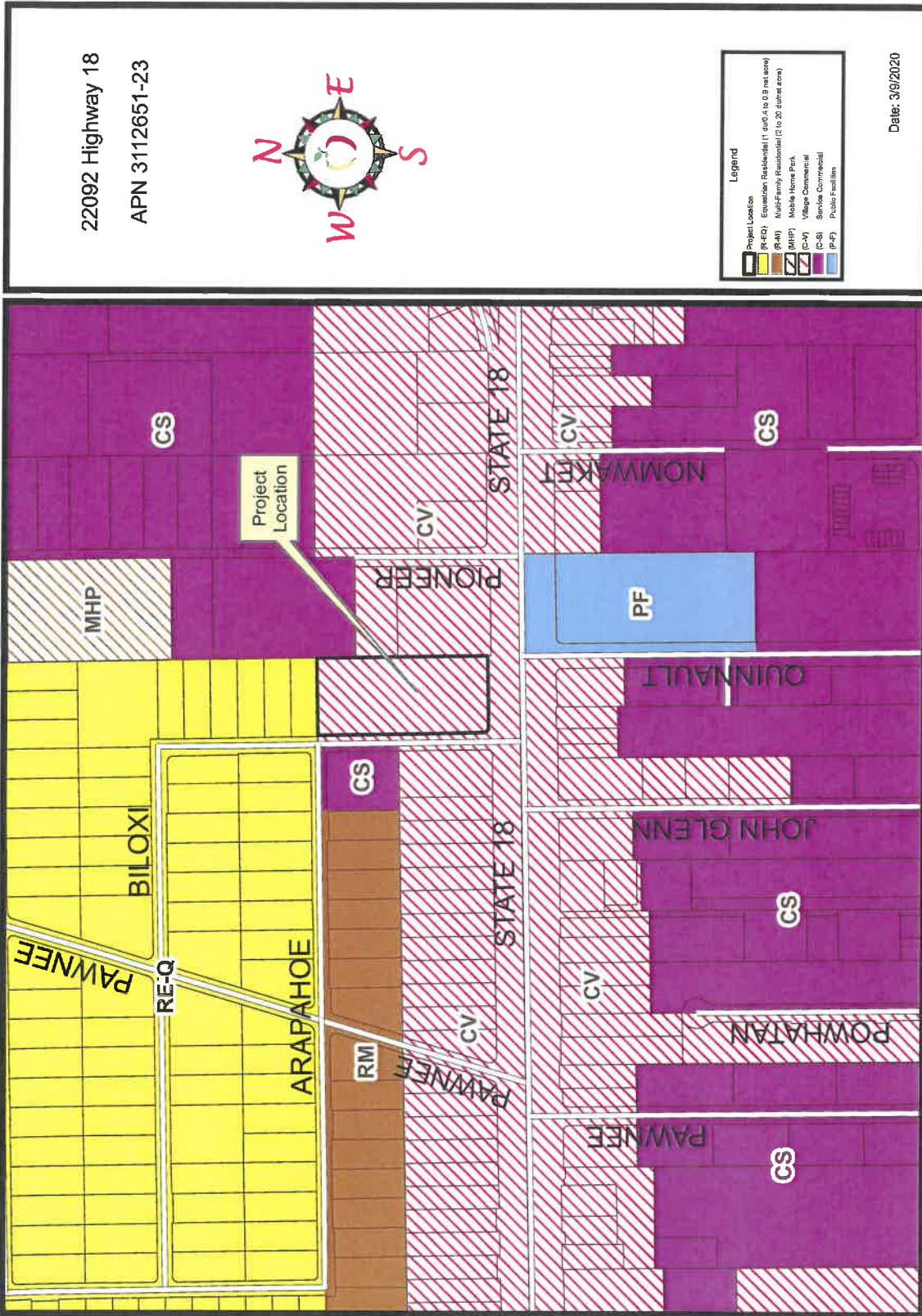
<b>APPLE VALLEY UTILITIES</b> APPLE VALLEY WATER: 10000 PARADISE AVENUE, SUITE 100, STENO, NEVADA 89422 APPLE VALLEY SEWER: 10000 PARADISE AVENUE, SUITE 100, STENO, NEVADA 89422 APPLE VALLEY GAS: 10000 PARADISE AVENUE, SUITE 100, STENO, NEVADA 89422 APPLE VALLEY ELECTRIC: 10000 PARADISE AVENUE, SUITE 100, STENO, NEVADA 89422 APPLE VALLEY TELEPHONE: 10000 PARADISE AVENUE, SUITE 100, STENO, NEVADA 89422 APPLE VALLEY CABLE: 10000 PARADISE AVENUE, SUITE 100, STENO, NEVADA 89422 APPLE VALLEY OPTICAL FIBER: 10000 PARADISE AVENUE, SUITE 100, STENO, NEVADA 89422	
<b>KEYED NOTES</b> 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2015 INTERNATIONAL BUILDING CODE (IBC) AND THE 2015 INTERNATIONAL PLUMBING CODE (IPC). 3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2015 INTERNATIONAL MECHANICAL AND ELECTRICAL CODE (IMC) AND THE 2015 NATIONAL ELECTRICAL CODE (NEC). 4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2015 INTERNATIONAL FIRE AND SAFETY CODE (IFSC) AND THE 2015 INTERNATIONAL FIRE AND SAFETY CODE (IFSC). 5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2015 INTERNATIONAL SCHEDULE OF MATERIALS (ISM) AND THE 2015 INTERNATIONAL SCHEDULE OF MATERIALS (ISM). 6. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2015 INTERNATIONAL SCHEDULE OF MATERIALS (ISM) AND THE 2015 INTERNATIONAL SCHEDULE OF MATERIALS (ISM). 7. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2015 INTERNATIONAL SCHEDULE OF MATERIALS (ISM) AND THE 2015 INTERNATIONAL SCHEDULE OF MATERIALS (ISM). 8. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2015 INTERNATIONAL SCHEDULE OF MATERIALS (ISM) AND THE 2015 INTERNATIONAL SCHEDULE OF MATERIALS (ISM). 9. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2015 INTERNATIONAL SCHEDULE OF MATERIALS (ISM) AND THE 2015 INTERNATIONAL SCHEDULE OF MATERIALS (ISM). 10. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2015 INTERNATIONAL SCHEDULE OF MATERIALS (ISM) AND THE 2015 INTERNATIONAL SCHEDULE OF MATERIALS (ISM).	

<b>KEYED NOTES</b> 11. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2015 INTERNATIONAL BUILDING CODE (IBC) AND THE 2015 INTERNATIONAL PLUMBING CODE (IPC). 12. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2015 INTERNATIONAL MECHANICAL AND ELECTRICAL CODE (IMC) AND THE 2015 NATIONAL ELECTRICAL CODE (NEC). 13. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2015 INTERNATIONAL FIRE AND SAFETY CODE (IFSC) AND THE 2015 INTERNATIONAL FIRE AND SAFETY CODE (IFSC). 14. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2015 INTERNATIONAL SCHEDULE OF MATERIALS (ISM) AND THE 2015 INTERNATIONAL SCHEDULE OF MATERIALS (ISM). 15. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2015 INTERNATIONAL SCHEDULE OF MATERIALS (ISM) AND THE 2015 INTERNATIONAL SCHEDULE OF MATERIALS (ISM). 16. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2015 INTERNATIONAL SCHEDULE OF MATERIALS (ISM) AND THE 2015 INTERNATIONAL SCHEDULE OF MATERIALS (ISM). 17. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2015 INTERNATIONAL SCHEDULE OF MATERIALS (ISM) AND THE 2015 INTERNATIONAL SCHEDULE OF MATERIALS (ISM). 18. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2015 INTERNATIONAL SCHEDULE OF MATERIALS (ISM) AND THE 2015 INTERNATIONAL SCHEDULE OF MATERIALS (ISM). 19. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2015 INTERNATIONAL SCHEDULE OF MATERIALS (ISM) AND THE 2015 INTERNATIONAL SCHEDULE OF MATERIALS (ISM). 20. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2015 INTERNATIONAL SCHEDULE OF MATERIALS (ISM) AND THE 2015 INTERNATIONAL SCHEDULE OF MATERIALS (ISM).	
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**ZONING/LOCATION MAP**

Conditional Use Permit No. 2019-006



22092 Highway 18

APN 3112651-23



**Legend**

	Project Location
	Residential Single-Family (R 400' x 100' min lot size)
	Residential Medium Density (R 200' x 100' min lot size)
	Mobile Home Park
	Community Village
	Community Service
	Professional Office

Date: 3/9/2020



## Planning Commission Agenda Report

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<b>DATE:</b>	March 18, 2020 ( <i>Cont. from March 4, 2020</i> )	<b>Item No. 4</b>
<b>CASE NUMBER:</b>	Development Permit No. 2019-007 Special Use Permit No. 2019-003 Tentative Parcel Map No. 20017	
<b>APPLICANT:</b>	Steen Design representing Abdallah Hourany	
<b>PROPOSAL:</b>	<p>A request to approve a Development Permit and Special Use Permit to allow a 6,557 square-foot commercial building that will accommodate a 4,988 square-foot convenience store and a 1,569 square-foot restaurant with drive-thru lane. The proposal also includes gasoline pump islands and 200-gallon propane tank.</p> <p>A request to subdivide approximately twelve (12) acre parcel into two (2) parcels consisting of a 1.26 acre and a 10.96-acre parcels.</p>	
<b>LOCATION:</b>	Southwest corner of Deep Creek and Bear Valley Roads, APN 0434-032-27	
<b>ENVIRONMENTAL DETERMINATION:</b>	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 proposal.	
<b>CASE PLANNER:</b>	Carol Miller, Assistant Director of Community Development	
<b>RECOMMENDATION:</b>	Approval	

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### PROJECT SITE AND DESCRIPTION

#### A. Project Size

The subject site is approximately twelve (12) acres in size. Following the recordation of the map, the gas station with convenience store and fast food restaurant will occupy Parcel 1 which consists of one and a quarter (1.26) acres. Parcel 2 which has no proposed development at this time will consist of approximately eleven (11) acres.

B. General Plan Designations

Project Site - General Commercial (C-G)  
 North - Regional Commercial (C-R)  
 South - Low Density Residential (R-LD)  
 East - Mixed Use (M-U)  
 West - General Commercial (C-G)

C. Surrounding Zoning and Land Use

Project Site - General Commercial (C-G), Vacant land  
 North - Regional Commercial (C-R), Vacant  
 South - Residential Agricultural (R-A), Single-family residences  
 East - Mixed Use (M-U), Vacant and Single-family residences  
 West - General Commercial (C-G), Vacant

D. Site Characteristics

The project site is currently vacant with no sloping topography. The parcel is void of any significant native vegetation.

E. Building/Unit Analysis

The project will include a 6,557 square feet of retail/lease space and a 4,200 square-foot pump island canopy.

F. Building Height

Permitted Maximum Height	35 Feet
Proposed Maximum Height	22 Feet

G. Building Setback Analysis

	<u>Required</u>	<u>Proposed</u>
Bear Valley Rd	45 ft.	170 ft.
Deep Creek Rd	45 ft.	65 ft.
Rear (South)	5 ft.	30 ft.
Side (West)	5 ft.	33 ft.

H. Canopy Setback Analysis

	<u>Required</u>	<u>Proposed</u>
Bear Valley Rd	10 ft.	59 ft.
Deep Creek Rd	10 ft.	68 ft.
Side (West)	10 ft.	48 ft.

I. Fuel Pump Islands Setback Analysis

	<u>Required</u>	<u>Proposed</u>
Bear Valley Rd	20 ft.	66 ft.
Deep Creek Rd	20 ft.	78 ft.
Side (West)	20 ft.	58 ft.

J. Landscaping

Required: 10 %  
 Proposed: 10.6%

K. Parking Analysis

Use	Sq Ft	Parking Ratio	Required Parking	Provided Parking
Retail	4,988	1/250	20	21
Restaurant Customer Area Non-Customer	1,569 Unknown Unknown	1/45 1/200	Undetermined- See analysis	17
Total				38

L. Floor Area Ratio (F.A.R.):

Permitted Maximum 50%  
 Proposed Maximum 20%

ANALYSIS

A. General:

The applicant is requesting approval of a Development Permit to construct a 4,988 square foot convenience store and an additional 1,569 square feet of attached lease space with drive-through lane. The applicant is also requesting approval of a Special Use Permit to allow the construction of a 4,200 square foot fuel island canopy and operation of a gas station and fast food restaurant with a drive-through lane. Two underground storage tanks including a 20,000-gallon tank for unleaded fuel, and a 20,000-gallon split tank that would store 8,000 gallons of premium, and 12,000 gallons of diesel.

The applicant is also requesting approval of a tentative parcel map that subdivides an approximately twelve (12) acre parcel into two (2) parcels consisting of a 1.26 acre parcel to accommodate the gas station and a 10.96-acre parcel for future development.

B. Site Analysis:

The proposed gas station with convenience store is located at the northeast corner of the property and within proposed Parcel No. 1. The proposed frontage along Bear Valley Road is 175 feet and 250 feet of frontage along Deep Creek Road. Parcel 2 has 270 feet of frontage along Bear Valley Road and 854 feet of frontage along Deep Creek Road.

The site plan shows six (6) fuel pumps, with twelve (12) fueling positions, under a 4,200 square foot canopy. The fueling canopy is located in front of the building, at the north side of the site. The primary structure consists of a convenience store and one lease suite to accommodate a restaurant with drive-thru lane. The drive-through



lane will be located to the side and rear of the building. The trash enclosure is located at the west side of the building. A 200-gallon propane tank is located on the west side of the site. As designed, the project meets all Code requirements for a service station. Access to the site is from Bear Valley Road and Deep Creek Road from thirty-two (32)-foot wide driveways on each road.

In accordance with the Development Code, the parking requirement for food establishments specifies that for customer areas, one (1) space per three (3) seats where there are fixed seats; or one (1) space per forty-five (45) square-feet of customer area, plus one (1) space per 200 square-feet of non-customer area. The applicant has based the parking tabulation based on a ratio of one (1) space per one hundred (100) square-feet. Since no user has been identified and no floor plan has been provided to collaborate the parking breakdown, a Condition of Approval is recommended that required parking will be determined as tenant improvement plans are submitted for the interior development of the suite. As designed seventeen (17) spaces have been allocated for the restaurant.

The site plan does not indicate the placement of any light standards; however, the project is required to comply with all Development Code standards relating to lighting, which are included as standard Conditions of Approval. Canopy lighting can create a source of light glare; therefore, recommended Condition of Approval will require that all canopy lighting be recessed.

For headlight glare avoidance, the project is required in accordance with Section 9.36.140.C.4, berming and landscaping be provided to screen the entire drive-thru area.

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

C. Architecture Analysis:

The architecture incorporates a modern contemporary design with the use of metal, stucco and stone. The color palette consists of various tones of gray with a highlight of red on portions of the storefront. Aluminum is used for the cantilever metal façade, painted red. The maximum height of the structure is twenty-two (22) feet as measured to the top of the highest element. Parapets of the building facades are designed to screen roof-mounted equipment from the adjacent rights-of-way. The varied roof heights also provide character to the eclectic design of the project.

D. Tentative Parcel Map

This subdivision will create two (2) parcels. The two (2) commercial lots comprise a one and a quarter (1.26) acre parcel and a 10.96 acre parcel. The minimum lot size for lots within the General Commercial (C-G) District is 10,000 square feet.

Parcel 1 is being created to accommodate the proposed commercial building and gasoline pump islands. Parcel 2 has no proposed development at this time. Engineering Division is recommending a condition of approval that specifies that Parcel 2 be labeled as a remainder parcel for final map which enables the road improvements to be deferred until such time as the parcel develops.

E. Environmental Assessment:

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 proposal.

F. Noticing:

This item was advertised as a public hearing in the Apple Valley News newspaper on February 14, 2020.

This item was advertised as a public hearing in the Apple Valley News newspaper on February 21, 2020 then again on March 6, 2020 to correctly identify the case number.

G. Development Permit Findings:

As required under Section 9.17.080 of the Development Code, prior to approval of a Development Permit, the Planning Commission must make the following Findings:

1. That the location, size, design, density and intensity of the proposed development 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: The proposed gas station with drive-thru restaurant is located within the General Commercial (C-G) zoning designation and in compliance with the General Plan Land Use and Zoning District that allows new construction of such uses subject to approval of a Development Permit and Special Use Permit. As proposed, the project complies with all applicable design and development standards.

2. That the location, size and design of the proposed structures and improvements are compatible with the site's natural landforms, surrounding sites, structures and streetscapes and does not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings;

Comment: The proposed building will have a roofline with a maximum height of twenty-two (22) feet. The project has a 20% floor area ratio, which is well below the permitted 50% and increased front, side and rear setbacks. As proposed the project will blend well with the surrounding development.

3. That the materials, textures and details of the proposed construction, to the extent feasible, are compatible with the adjacent and neighboring structures and that quality in architectural design is maintained in order to enhance the visual environment of the Town;

Comment: The subject site is relatively flat, with no topographic features or constraints and, although the development will occupy a vacant lot within a predominately undeveloped area with scattered single family residences, the area is anticipated to develop in accordance with the various commercial development standards.

4. That the amount, location, and design of open space and landscaping conforms to the requirements of this Code, enhances the visual appeal and is compatible with the design and function of the structure(s), site and surrounding area;

Comment: The project meets the minimum landscaping requirements.

5. That excessive and unsightly grading of hillsides does not occur, and the character of natural landforms such as knolls and the Mojave River and that existing vegetation and Joshua Trees are adequately protected and preserved where feasible as required by this Code;

Comment: The site is a level parcel and is essentially void of any native vegetation or natural landforms. Do reduce the potential for trespass onto the portion of the site not proposed for development at this time, a condition of approval requires that temporary barriers be installed at the joint use drive aisle openings.

6. That the proposed development's generation of traffic will not adversely impact the capacity and physical character of surrounding streets and that traffic improvements and or mitigation measures are provided in a manner consistent with the Circulation Element of the Town General Plan;

Comment: The project site is located along Bear Valley and Deep Creek Roads, which are public streets designed to accommodate all traffic generated by the project. The project is required half-width street improvements to both streets adjacent to the proposed project.

7. That there will be no negative impacts upon the environment from the proposed structure(s) that cannot be mitigated; and

Comment: The project is consistent with the General Plan, utilities are available, and the site has no value as habitat for endangered, rare or threatened species. The project is not anticipated to result in any significant effects relating to the environment as discussed in the attached Initial Study.

- 8 That the proposed development, and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety and welfare of the community or be materially injurious to properties or improvements in the vicinity nor be contrary to the adopted General Plan.

Comment: The project will not be detrimental to the public health, safety and welfare of the community or be materially injurious to properties or improvements in the vicinity nor be contrary to the adopted General Plan because the proposed project is located within the General Commercial zoning designations and in compliance with the General Plan Land Use and Zoning District that allows this type of construction subject to the approval of a Development Permit Special Use Permit.

H. Special Use Permit Findings:

As required under Section 9.16.090 of the Development Code, prior to approval of a Development 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: The proposed gas station and drive-thru lane are located within the General Commercial zoning designation and in compliance with the General Plan Land Use and Zoning District that allows new construction of both, subject to approval of a Special Use Permit and consistency with all Development Code requirements.

2. That the proposed location, size, design and operating characteristics of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity, adjacent uses, residents, buildings, structures or natural resources.

Comment: The project will not be detrimental to the public health, safety and welfare of the community or be materially injurious to properties or

improvements in the vicinity nor be contrary to the adopted General Plan because the proposed gas station and drive-thru lane will be located within the General Commercial zone and is a permitted use, subject to the approval of a Development Permit and Special Use Permit, and subject to all applicable development standards.

3. 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 project will be located at the corner of Bear Valley and Deep Creek Roads. The project will require road dedication and improvements to the adjacent streets. All public utilities, except sewer is available to serve the site

4. That the generation of traffic will not adversely impact the capacity and physical character of surrounding streets and that the traffic improvements and/or mitigation measures are provided in a manner consistent with the Circulation Element of the General Plan;

Comment: The project site is located along Bear Valley and Deep Creek Roads, which are public streets designed to accommodate all traffic generated by the project. The project will require half-width street improvements to both adjacent streets.

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

Comment: The project is consistent with the General Plan, utilities are available, and the site has no value as habitat for endangered, rare or threatened species. The project is not anticipated to result in any significant effects relating to the environment.

6. That Use Permits requiring new construction also meet the Required Findings set forth within Chapter 9.17 "Development Permits".

Comment: Required Findings set forth within chapter 9.17 "Development Permit have been made as outlined above.

I. Parcel Map Findings:

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

1. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and any applicable Specific Plan. The proposed subdivision or land use is compatible with the objectives,

policies, general land uses and programs specified in the General Plan and any applicable Specific Plan (Subdivision Map Act 66473.5).

Comment: The project is a proposal to subdivide approximately twelve (12) acres into two (2) parcels that meet the Development Code Table 9.35.040-A criteria for minimum lot size, for lots within the General Commercial zoning district. The property has a General Plan land use designation of General Commercial (C-G) and, by size, shape and configuration, can be developed in a manner consistent with the General Plan Land Use Element and zoning designations. The subject site is vacant, and the surrounding properties are vacant, commercial development and single family residential.

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

Comment: The proposal consists of a land subdivision within the General Commercial (C-G) zoning designation. No houses are being removed, and housing needs will not be negatively impacted. The proposed subdivision will allow the property owner to develop the proposed center in a manner that is consistent with the Town's General Plan Goals and Objectives to promote commercial development.

3. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision (Subdivision Map Act Section 66473.1).

Comment: The commercial parcels created under this subdivision are appropriate in size to provide natural heating and cooling opportunities for development of the site. The subdivision proposal will facilitate the development of the gas station and future commercial development that will not conflict with the provisions of any adopted, applicable plan, policy or regulation. As development occurs, the individual lots are subject to the implementation of natural heating and cooling requirements pursuant to Title 24 energy requirements and the Town's Climate Action Plan.

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

Comment: The project is a commercial land subdivision within no sewer within 200 feet of the site. The project has been conditioned that if wastewater discharge exceeds the allowed volume, the project will be required to connect to the Town's sewer system.

### RECOMMENDATION

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

1. Determine that the proposed Tentative Tract Map No. 20017, Development Permit No. 2019-007 and Special Use Permit No. 2019-003 will not have a significant effect on the environment.
2. Adopt the Negative Declaration finding for Tentative Tract Map No. 20017, Development Permit No. 2019-007 and Special Use Permit No. 2019-003 on the basis of the whole record before the Planning Commission, including the Initial Study and any comments received, and there is no substantial evidence that the project will have a significant effect on the environment and that the Negative Declaration reflects the Town's independent judgment and analysis.
3. Find that the facts presented in the staff report support the required Findings for approval and adopt those findings.
4. Approve Development Permit No. 2019-007 and Special Use Permit No. 2019-003 and Tentative Parcel Map No. 20017.

### ATTACHMENTS:

1. Recommended Conditions of Approval
2. Site Plan
3. Floor Plan
4. Elevations
5. Tentative Parcel Map
6. Zoning/Location Map
7. Initial Study

## TOWN OF APPLE VALLEY

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### Recommended Conditions of Approval

Development Permit No. 2019-007, Special Use Permit No. 2019-003 and Tentative Parcel Map No. 20017

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

### Planning Division Conditions of Approval:

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval, if not exercised, shall expire two (2) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the expiration date. The approval becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. This Tentative Parcel Map shall comply with the provisions of the State Subdivision Map Act and the Town Development Code. This tentative approval shall expire three (3) years from the date of approval by the Planning Commission/Town Council. A time extension may be approved in accordance with the State Map Act and Town Ordinance, if an extension application is filed and the appropriate fees are paid thirty (30) days prior to the expiration date. The Tentative Parcel Map becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P3. The applicant shall defend, at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P4. The approval of Development Permit No. 2019-007, Special Use Permit No. 2019-003 and Tentative Parcel Map No. 20017 by the Planning Commission is recognized as acknowledgment of Conditions of Approval by the applicant, unless



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

- P5. Prior to issuance of a building permit, the following agencies shall provide written verification to the Planning Division that all pertinent conditions of approval and applicable regulations have been met:

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

- P6. The site plan and rendering presented to and approved with Conditions by the Planning Commission at the public hearing shall be the anticipated and expected appearance of the structure upon completion.
- P7. The Community Development Director or their designee, shall have the authority for minor architectural changes focusing around items such as window treatments, color combinations, façade treatments and architectural relief. Questions on the interpretation of this provision or changes not clearly within the scope of this provision shall be submitted to the Planning Commission for consideration under a Revision to the Development Permit.
- P8. The filing of a Notice of Determination requires the County Clerk to collect a fee of \$2,456.75. The fee must be received by the Planning Division within five (5) business days. The check shall be made payable to the Clerk of the Board of Supervisors.
- P9. No deviation, modification, alteration, adjustment or revision to or from the appearance, location, fixtures, features or appurtenances thereto of any type or extent shall be approved without said changes being first submitted to the Planning Division for consideration and approval.
- P10. All outdoor mechanical and electrical equipment, whether rooftop, side of structure, or on the ground, shall be screen from view from the public street by architectural elements designed to be an integral part of the building.
- P11. Light poles in parking lot shall not exceed twenty (20) feet in height. Light standards shall blend architecturally with approved project design.
- P12. All lighting 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.

- P13. Fuel island canopy lighting shall be recessed so that the luminaires do not extend below the surface of the underside of the canopy.
- P14. Exterior lighting plans, including a photometric site plan shall be included within the building plans that demonstrates all lighting is contained within the site. If lights are proposed to be mounted on the building exterior, down-lights or fully shielded lights shall be used.
- P15. 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.
- P16. 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.
- P17. 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.
- P18. Final landscape and irrigation plans shall be submitted prior to the issuance of Building Permits and installed prior to issuance of occupancy permits subject to approval by the Planning Division.
- P19. Access to roofs shall be from the interior of the building. If roof access is on the exterior of the building, the roof access ladder shall be screened from view from any public street or public parking area and security shall be provided to prevent unauthorized access.
- P20. Parking requirements shall be met and be in compliance with Town standards. All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines.
- P21. Required parking spaces shall be provided for the handicapped in accordance with Town standards and in accordance with Title 24 of the California Administrative Code. The handicapped spaces shall be located as close as practical to the entrance of the facility. Each space must be provided with access ramps and clearly marked in accordance with Title 24 of the California Administrative Code.
- P22. Any use other than retail shall require a parking analysis to determine that sufficient parking is available. Parking requirements shall be met and be in compliance with Town standards.
- P23. Trash Enclosure shall be in accordance with Town Standards and shall be covered and reflect the architectural design (trellis canopy or other similar feature) of approved project subject to the review and approval of the Planning Division.

- P24. The pump island canopy shall be designed for architectural compatibility with the building by incorporating a similar roof style. The maximum clearance height of the canopy shall be sixteen (16) feet. Canopy fascia shall match the color, material and textures of the primary building.
- P25. The LPG tank shall not exceed 200 gallons and associated equipment shall be painted to complement the structure, subject to the review and approval of the Planning Division.
- P26. The LPG tank and/or any associated equipment shall not contain any non-regulatory, commercial or non-commercial signage.
- P27. In accordance with Section 9.36.140.C.3 any external speakers shall not operate between the hours of 10:00 p.m. and 6:00 a.m.
- P28. In accordance with Section 9.36.140.C.4, berming and landscaping shall be provided to screen the entire drive-thru area. The drive-through window/lane located on the east side of building shall be buffered from public view from Deep Creek Road
- P29. No trash or recyclable materials shall be allowed to spill or accumulate outside of any trash bin within or outside of the trash enclosure. If at any time it is determined by inspection that trash/recycle is inadequate for this site, arrangements for additional service shall be provided.
- P30. Prior to final map or first building permit, a reciprocal vehicular and pedestrian ingress, egress agreement shall be recorded. Proof of recordation shall be provided.
- P31. If buried cultural materials are discovered during earth-moving operations associated with the project, all work in that area should be halted or diverted until a qualified archeologist can evaluate the nature and significance of the finds. In the event that earth moving activities uncover human remains, all earth moving shall stop. The contractor shall immediately notify the Town and the County Coroner. The Coroner shall determine whether the remains are prehistoric, historic or modern-day. Should the remains be prehistoric, the Coroner shall be required to make Tribal contact, and the disposition of the remains shall be undertaken consistent with PRC 5097.98. The Coroner shall be responsible for determining when earth moving activities can resume.
- P32. During grading or excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the San Bernardino County Museum shall be notified, and the uncovered items shall be preserved and curated, as required. For information, contact the County Museum, Community and Cultural Section
- P33. Prior to final inspection, temporary barriers/ curbing at the reciprocal drive aisle openings shall be installed that prohibits trespass onto Parcel 2.

- P34. All identification signs, including menu boards shall have a separate permit and are subject to final approval by the Town Planning Division.

**Engineering Division Conditions of Approval**

- EC1. Prior to issuance of a grading permit, a final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider reducing the post-development site-developed flow to 90 percent of the pre-development flow for a 100-year design storm.
- EC2. Street improvement plans shall be submitted to the Town Engineer for review and approval.
- EC3. All streets abutting the development shall be improved a minimum half-width of twenty-eight (28) feet with curb, gutter and sidewalk on the development side.
- EC4. An eighty-two (82)-foot half-width road dedication along Bear Valley Road adjacent to the property shall be granted to the Town of Apple Valley.
- EC5. A sixty-two (62)-foot half-width road dedication along Deep Creek Road adjacent to the property shall be granted to the Town of Apple Valley.
- EC6. Bear Valley Road shall be improved to the Town's half-width Major Divided Arterial Road standards with ten (10)-foot wide sidewalk/bike path as approved by the Town Engineer. The fulfillment of construction requirements for improvements adjacent to the remainder parcel (Parcel 2) shall not be required until a permit or other grant of approval for development is issued by the Town.
- EC7. Deep Creek Road adjacent to the property shall be improved to the Town's half-width Secondary Road standards. The fulfillment of construction requirements for improvements for the Remainder Parcel (Parcel 2) shall not be required until a permit or other grant of approval for development is issued by the Town.
- EC8. The traffic signal shall be modified at the southwest corner of Deep Creek Road and Bear Valley Road.
- EC9. Driveways shall be located 150' from the intersection per S.B.C. Standard Plan # 130.
- EC10. During the grading of the streets, soils testing of the street subgrades by a qualified soils engineering firm shall be performed to determine appropriate structural street section. Minimum asphalt concrete thickness for all streets shall be 0.33 ft.

- EC11. All required improvements shall be constructed and approved or bonded in accordance with Town Development Code. The fulfillment of construction requirements for improvements for remainder parcel (Parcel 2) shall not be required until a permit or other grant of approval for development is issued by the Town.
- EC12. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC13. Final improvement plans and profiles shall indicate the location of any existing utility which would affect construction and shall provide for its relocation at no cost to the Town.
- EC14. The developer shall present evidence to the Town Engineer that he has made a reasonable effort to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
- EC15. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)
- EC16. The developer shall make a good faith effort to acquire the required off-site property interests. If the developer fails to acquire those interests the developer shall, at least 120 days prior to submittal of the final map for approval, enter into an agreement to complete the improvements pursuant to Government Code Section 66462 at such time as the Town acquires the property interests required for the improvements. Such agreement shall provide for payment by the developer of all costs incurred by Town to acquire the off-site property interests required in connection with the subdivision. Security for a portion of these costs shall be in the form of a cash deposit in the amount given in an appraisal report obtained by the developer, at the developer's cost. The appraiser shall have been approved by the Town prior to commencement of the appraisal. Additional security may be required as recommended by the Town Engineer and Town Attorney.
- EC17. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC18. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC19. In the event that an applicant/developer chooses to seek Council approval of the Final Map prior to completion of the required improvements, an "Agreement for Construction of Improvements" shall be required. In accordance with the California Labor Code, any such Agreement will contain a statement advising the developer that certain types of improvements will constitute a public project as defined in California Labor Code, Sections 1720, and following, and shall be performed as a public work, including, without limitation, compliance with all prevailing wage requirements.

EC20. A Storm Water Pollution Prevention Plan (SWPPP) in accordance with the National Pollutant Discharge Elimination System (NPDES) shall be required.

EC21. The final map shall be revised to show Parcel 1 and a Remainder.

EC22. Driveway access on Bear Valley Road shall be restricted to right-in and right-out only turning movements. Driveway access on Deep Creek Road shall be restricted to right-out only

### **Public Works Department Conditions of Approval**

PW1. Provide engineering calculations to Apple Valley Public Works to determine cumulative daily domestic wastewater discharge volumes. Connection to Town of Apple Valley sewer system will be required for all development projects with wastewater discharge volumes exceeding 500 gallons / day / acre.

PW2. Soil percolation testing for the subsurface disposal system shall meet the requirements of the Town. Submit test results and appropriate fee to the Town Engineer for review.

### **Environmental and Regulatory Compliance Conditions of Approval**

EC1. Pursuant to AVMC § 8.19.020(a) et seq., the construction contractor shall complete and submit a Waste Management Plan (WMP), on a WMP form approved by the Town for this purpose as part of the application packet for the building or tenant improvement permit.

EC2. Pursuant to AVMC § 8.19.050(a) et seq., and prior to the issuance of a Certificate of Occupancy, the contractor shall submit documentation proving that the project has met the diversion requirement. The diversion requirement shall be at least fifty (50) percent of the total C&D debris generated by the project via reuse or recycling.

EC3. As of January 1, 2019, businesses that generate four (4) cubic yards or more of commercial solid waste per week shall arrange for organic waste recycling services with limited exceptions. Contact Burrtec Waste Industries for further information.

EC4. If waste tires are to be generated at the facility, the operator shall comply with all storage and disposal provisions within Chapter 16 of the Public Resources Code, commencing with Section 42800.

EC5. Businesses that generate four (4) cubic yards or more of commercial solid waste per week shall arrange for organic waste recycling services.

### **Building and Safety Division Conditions of Approval**

BC1. Grading and drainage plans must be submitted to and approved by the Building Official, Planning Department and Town Engineer prior to permit issuance.

- BC2. Submit plans, engineering and obtain permits for all structures and retaining walls, signs.
- BC3. 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.
- BC4. A Notice of Intent (NOI) and Storm Water Prevention Plan (SWPP) must be submitted to and approved by the Engineering and Building Departments prior to issuance of a grading permit and or any land disturbance.
- BC5. All utilities shall be placed underground in compliance with Municipal Code Section 14.28.
- BC6. Comply with the State of California Disability Access requirements.
- BC7. A pre-grading meeting is required prior to beginning any land disturbance. This meeting will include the Building Inspector, General Contractor, Grading Contractor, soils technician and any other parties required to be present during the grading process such as a Biologist and/or Paleontologist.
- BC8. Page two (2) of the submitted building plans will be conditions of approval.
- BC9. Construction must comply with the currently adopted California Building Codes.
- BC10. Best Management Practices (BMP's) are required for the site during construction.
- BC11. Provide Water Quality Management Plan (WQMP) or Alternative Compliance Plan.

**Apple Valley Fire Protection District Conditions of Approval**

- FD1. The above referenced project is protected by the Apple Valley Fire Protection District. Prior to construction occurring on any parcel, the owner shall contact the Fire District for verification of current fire protection development requirements.
- FD2. All new construction shall comply with applicable sections of the California Fire Code, California Building Code, and other statutes, ordinances, rules, and regulations regarding fires and fire prevention adopted by the State, County, or Apple Valley Fire Protection District.
- FD3. All combustible vegetation, such as dead shrubbery and dry grasses, shall be removed from each building site a minimum distance of thirty (30) feet from any combustible building material, including the finished structure. This does not apply to single specimens of trees, ornamental shrubbery, or similar plants, which are used as ground cover if they do not form a means of transmitting fire.

- FD4. Prior to combustible construction, the development and each phase thereof, shall have two points of paved access for fire and other emergency equipment, and for routes of escape which will safely handle evacuations. Each of these points of access shall provide an independent route into the area in which the development is located.
- FD5. Fire lanes shall be provided with a minimum width of twenty-six (26) feet, maintained, and identified. Twenty-six (26) feet access will start at both points of ingress and continue through the site.
- FD6. A turnaround shall be required at the end of each roadway one hundred fifty (150) feet or more in length and shall be approved by the Fire District. Cul-de-sac length shall not exceed one thousand (1,000) feet.

Turning radius on all roads within the facility shall not be less than twenty-two (22) feet inside and minimum of forty (40) feet outside turning radius with no parking on street, or forty-seven (47) feet with parking. Road grades shall not exceed twelve percent (12%) unless approved by the Chief. (Apple Valley Fire Protection District Ordinance 55)

- FD7. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

Commercial development shall have street addresses and location approved by the Fire District. Where the building setback exceeds 200 feet from the roadway, additional non-illuminated contrasting eighteen (18) inch numbers shall be displayed at the property entrance. When these developments have rear doors of each unit, the unit number shall be a minimum of 6 inches and shall contrast with their background. (Apple Valley Fire Protection District, Ordinance 55)

- FD8. Plans for fire protection systems designed to meet the fire flow requirements specified in the Conditions of Approval for this project shall be submitted to and approved by the Apple Valley Fire Protection District and water purveyor prior to the installation of said systems.
- A. Unless otherwise approved by the Fire Chief, on-site fire protection water systems shall be designed to be looped and fed from two (2) remote points.
- B. System Standards:  
\*Fire Flow 1500 GPM @ 20 psi Residual Pressure  
Duration 2 Hour(s)  
Hydrant Spacing 330 Feet  
\*If blank, flow to be determined by calculation when additional construction information is received.

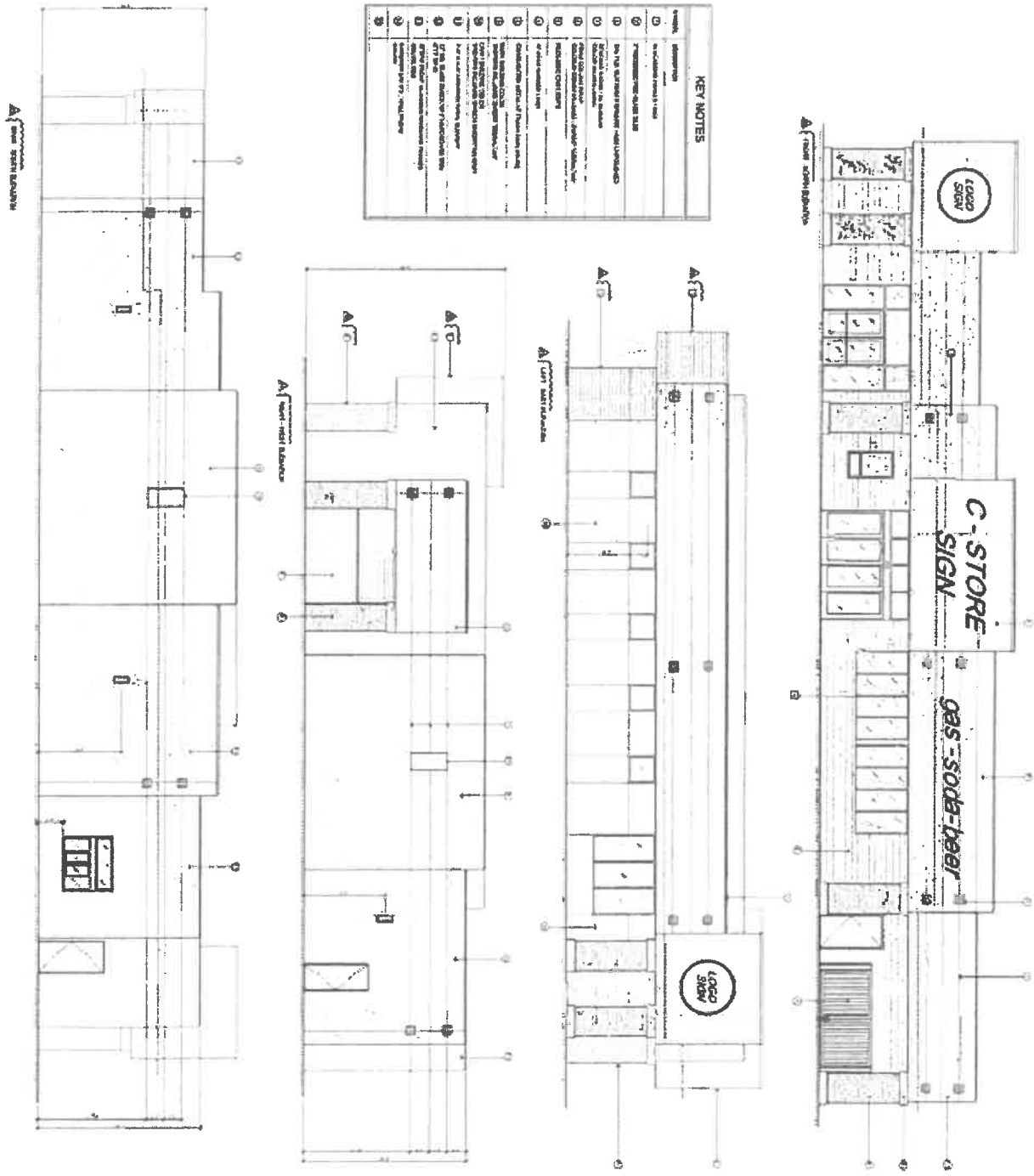
- FD9. Prior to issuance of building permit, the developer shall pay all applicable fees as identified in the Apple Valley Fire Protection District Ordinance.



FD10. Propane Tank location shall be a minimum of ten (10) feet from a building or public way. No Smoking sign shall be posted. Smoking within fifteen (15) feet of a point of transfer, while filling operations are in progress at containers or vehicles, shall be prohibited. Provide bollards every three (3) feet around tank and call for a pre-inspection prior to concrete pour. Provide (1) one 4A40BC minimum rating fire extinguisher mounted at or in the cage. Fire extinguisher needs to be serviced by a certified company.

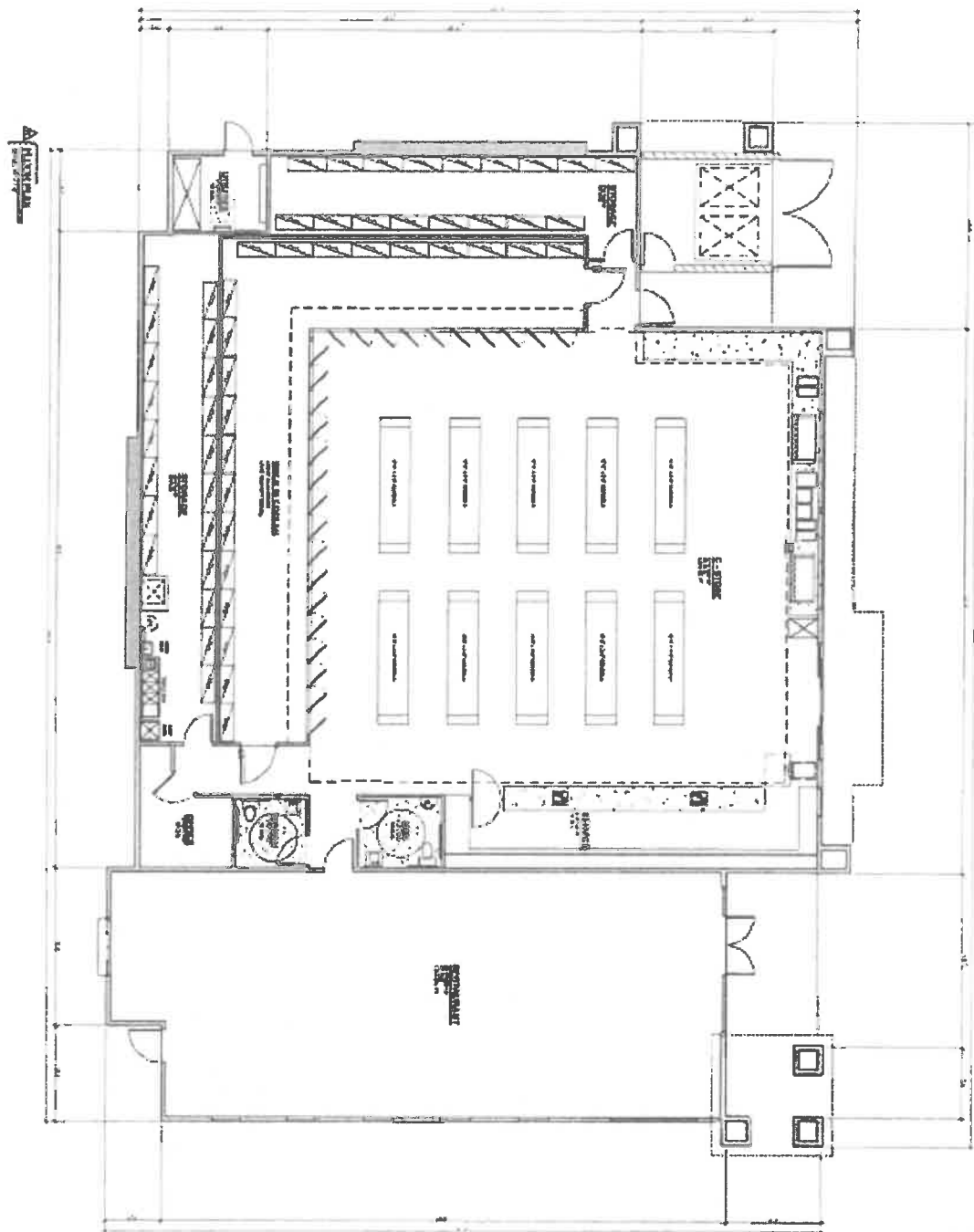
**END OF CONDITIONS**





A-2	PROJECT: GAS STATION Hourmay, Abdallah	DATE: 11/11/2019
		SCALE: 1/8" = 1'-0"

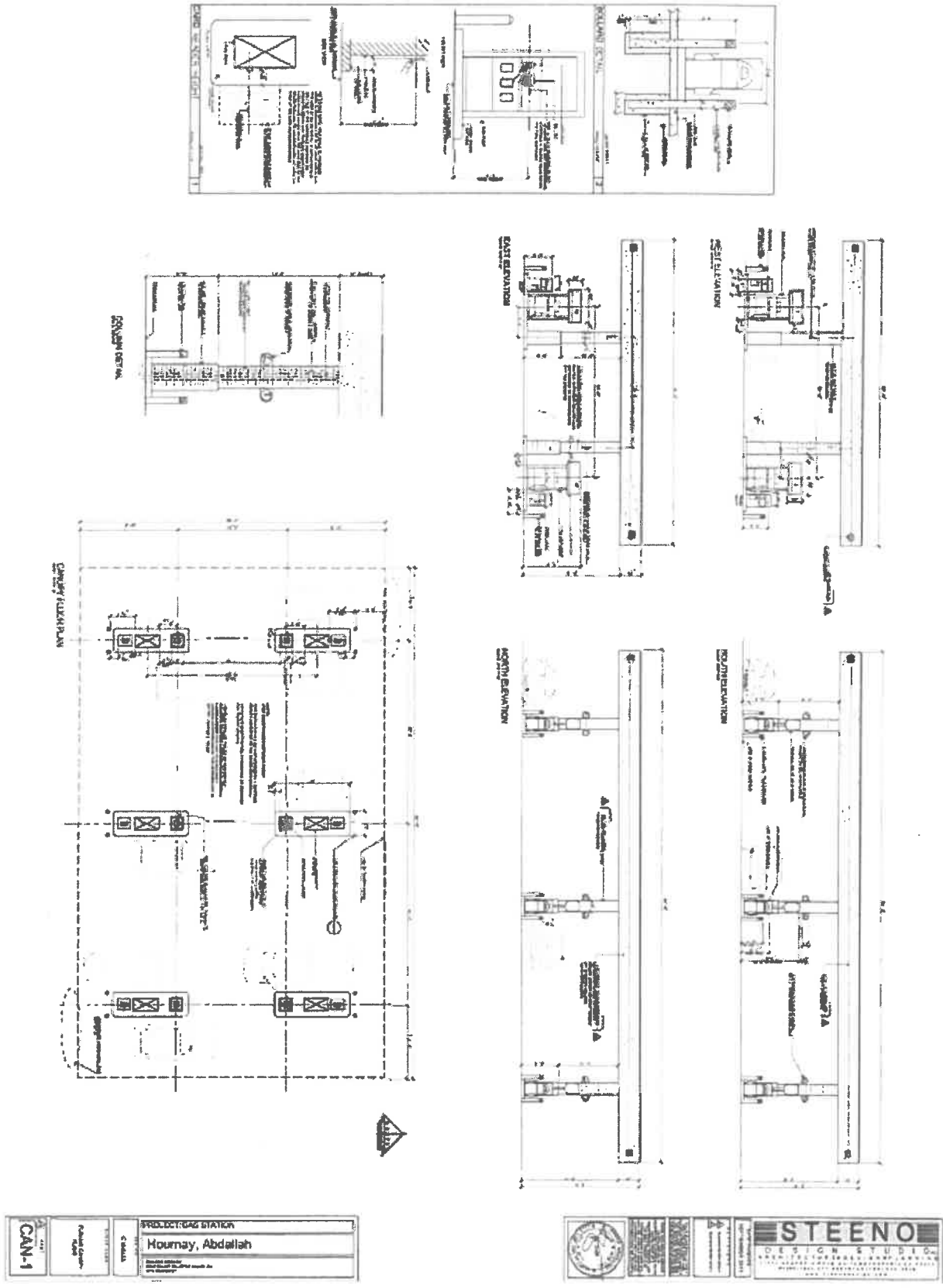


A-1	FLOOR PLAN	PROJECT OPERATOR <b>Houmay, Abdallah</b>
	DATE: 03/18/2020	DESIGNED BY: [Name]


AREA / DIMENSION	
Overall Length	100'-0"
Overall Width	50'-0"
Central Hall Area	1500 sq ft
Bar Area	1000 sq ft
Kitchen Area	500 sq ft
Other Rooms	300 sq ft

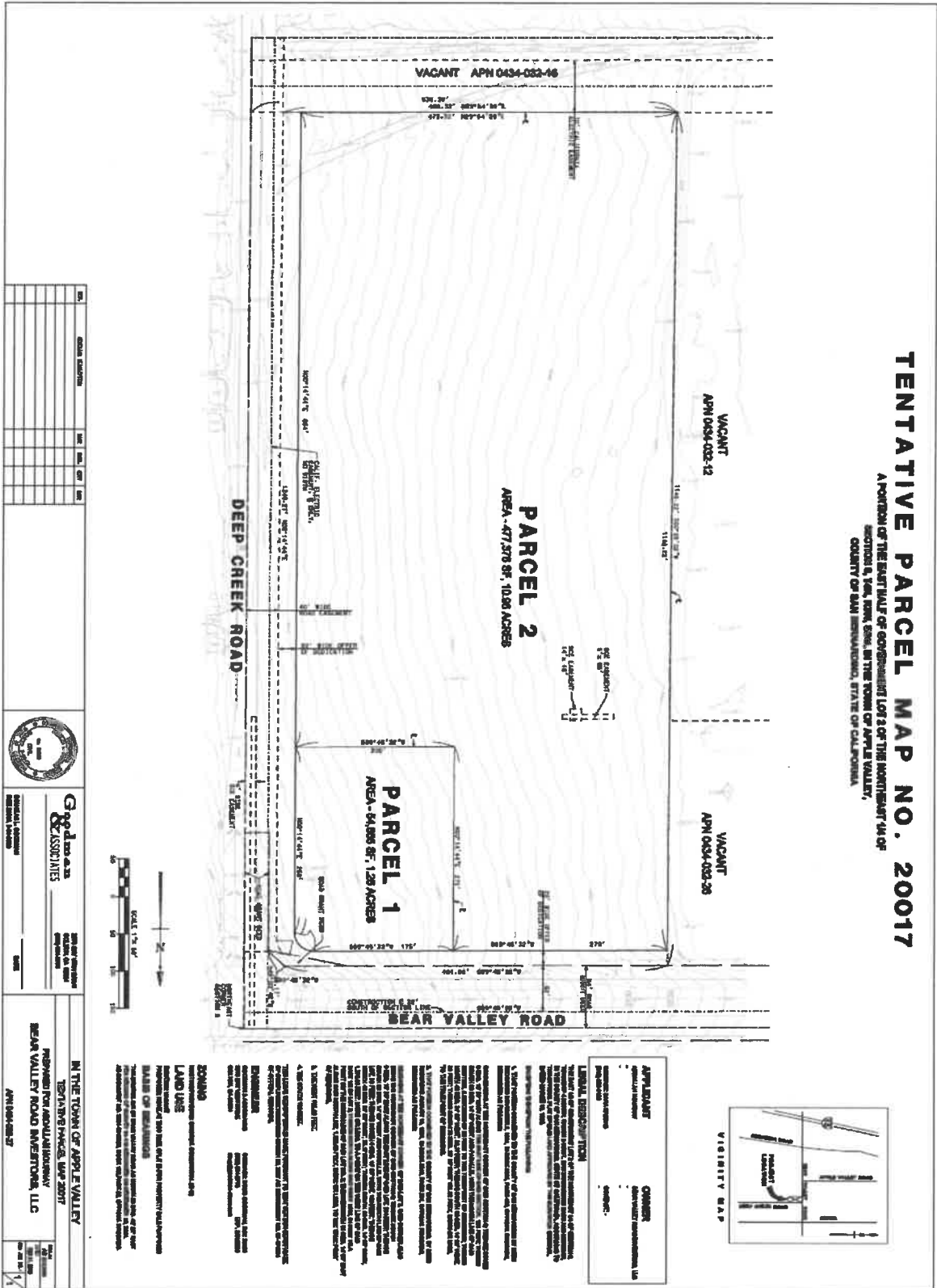


 [Name] [Title]	 [Name] [Title]	<b>STEENO</b>	
		DESIGN STUDIO	



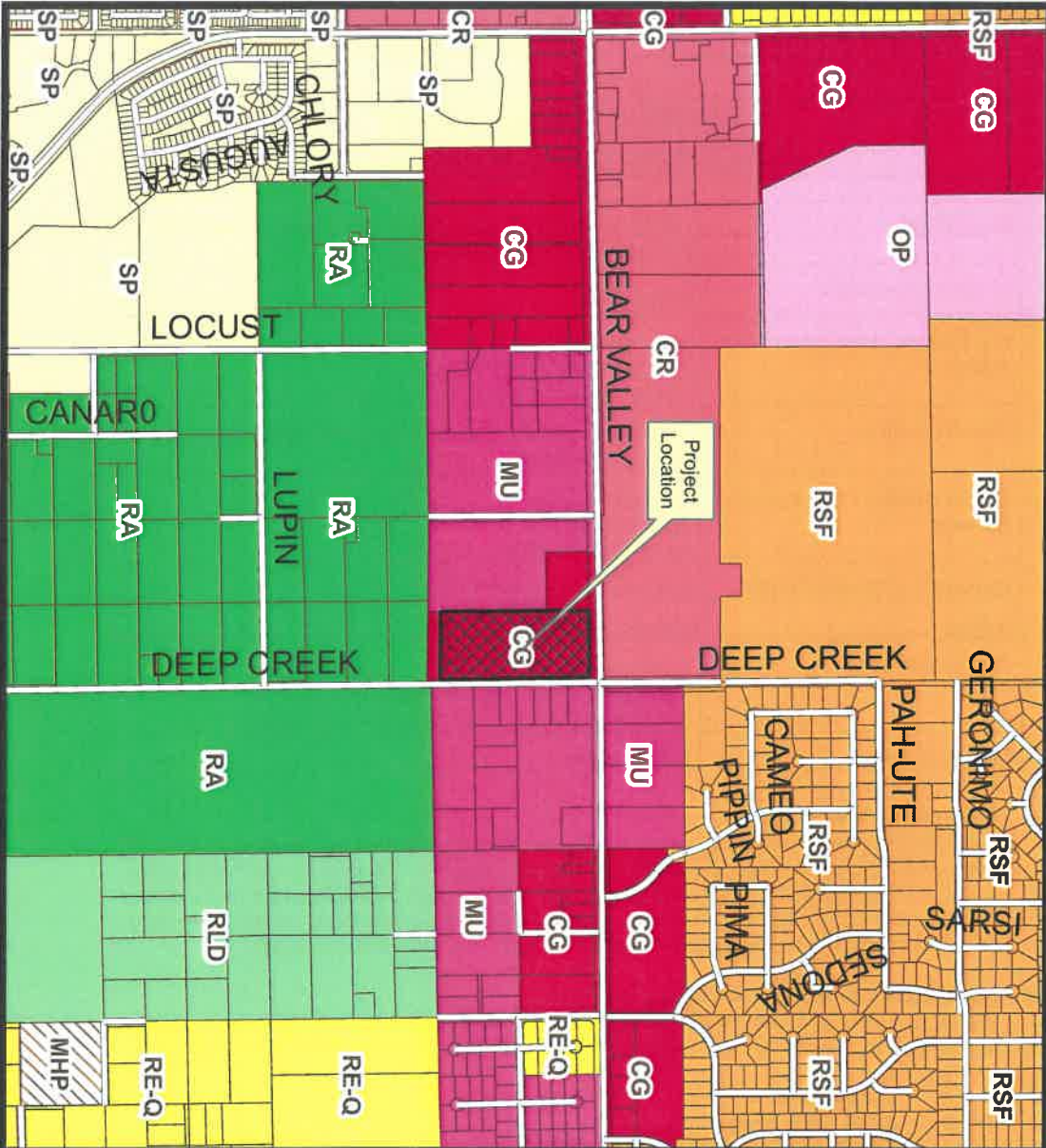
CAN-1	Project Name CAN-1	DATE 1/1/2020	PROJECT/GAS STATION
			Hourmay, Abdallah



# ZONING/LOCATION MAP

Development Permit No. 2019-007 and Special Use Permit No. 2019-003  
 Tentative Parcel Map No. 20017



Southwest corner of  
 Deep Creek Road and  
 Bear Valley Road  
 APN 0434-032-27



**Legend**

Project Location	Regional Commercial (14,000 sq ft min)
RA	Residential Agriculture (14,025 gross area)
CG	CG (14,025)
RSF	Low Density Residential (1-4 units 5 gross area)
MU	Medium Density Residential (1-4 units 10,000 sq ft min)
CR	CR (14,025)
RE-Q	Single Family Residential (1-4 units 10,000 sq ft min)
MHP	Mobile Home Park
	General Commercial
	Office/Professional
	Regional Commercial
	Mixed Use
	Specific Use

Date: 3/12/2020

**NEGATIVE DECLARATION/INITIAL STUDY**

**TOWN OF APPLE VALLEY  
 NEGATIVE DECLARATION/INITIAL STUDY**

Project Title:	Tentative Parcel Map No. 20017, Development Permit No. 2019-007 & Special Use Permit No. 2019-003
Assessor's Parcel No.	0434-032-27
Lead Agency Name and Address:	Town of Apple Valley 14955 Dale Evans Parkway Apple Valley, CA 92307
Project Location:	Southwest corner of Bear Valley and Deep Creek Roads. APN: 0434-032-27
Project Sponsor's Name and Address:	Abdallah Houray 7873 SVL Box Victorville CA 92395
General Plan Designation(s):	General Commercial (C-G)
Zoning:	General Commercial (C-G)
Contact Person:	Carol Miller Assistant Community development Director (760) 240-7000, Ext. 7222 / cmiller@applevalley.org
Date Prepared	February 2020

**1. Description of the Project**

The proposal is to subdivide approximately twelve 12 acres into two (2) parcels that are 1.25 acres and 10.96 acres in size. Development is proposed on the 1.25-acre parcel that includes a convenience store with an attached fast food restaurant with a drive thru lane and window and gasoline pump islands. No commercial development is proposed on the 10.96-acre parcel at this time but is anticipated to be developed with retail and restaurants.

**2. Environmental Setting and Surrounding Land Uses**

The project site is currently vacant desert land that exhibits some disturbance from vehicles and some illegal dumping. Adjacent to the site, surrounding land uses include the following:

- North: Vacant land
- South: Single-family residence
- East: Vacant land and Single-family residence
- West: Vacant land

**3. Other public agencies whose approval is required**

None.

**4. California Native American tribes**

Pursuant to the requirements of Assembly Bill 52, the Town has received requests for consultation from Cabazon Band of Mission Indians, San Manuel Band of Mission Indians, Twenty-Nine Palms Band of Mission Indians and Torrez-Martinez Desert Cahuilla Indians.

Town of Apple Valley  
 February 2020

Tentative Parcel Map No. 20017, DP No. 2019-007 & SUP 2019-003  
 Negative Declaration/Initial Study



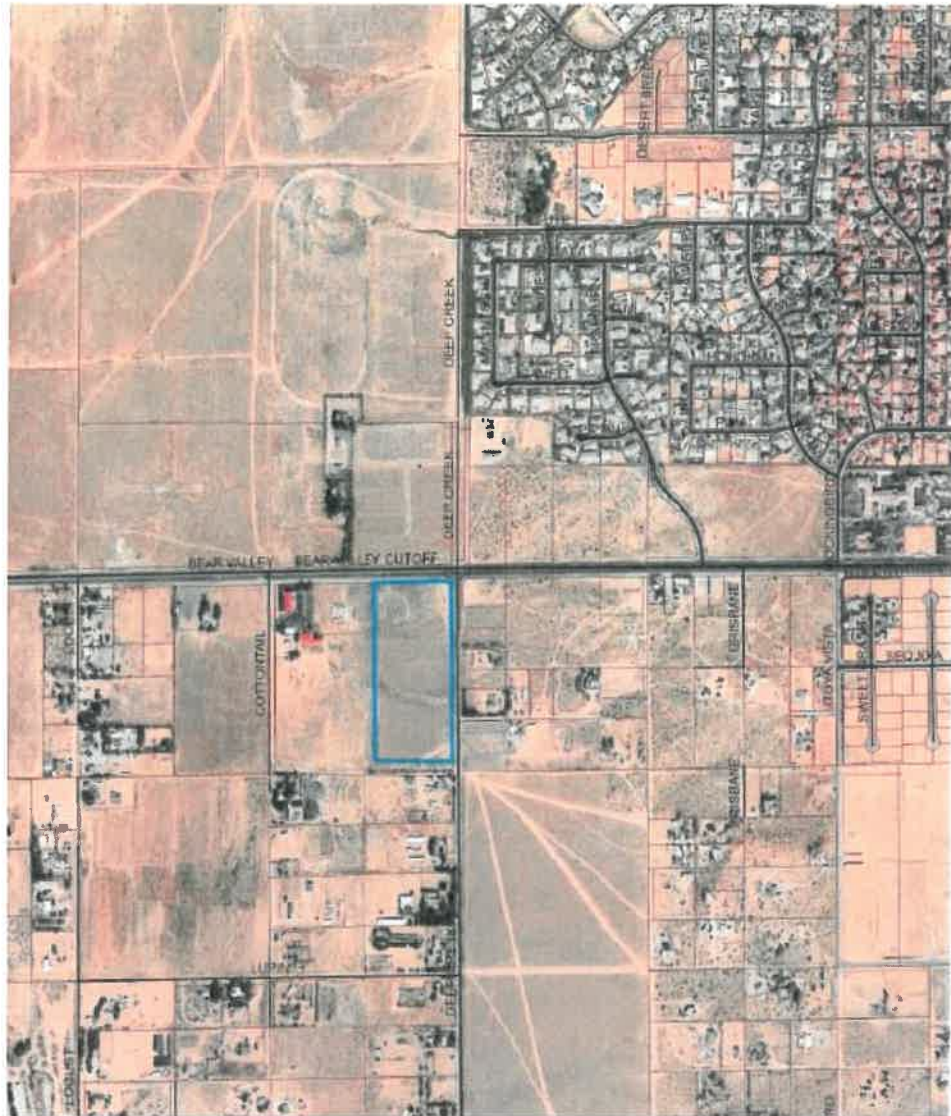
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**NEGATIVE DECLARATION/INITIAL STUDY**

Notices were sent and one (1) response was received from The San Manuel Band of Mission Indians (SMBMI) that indicated the project site is within the Tribe's ancestral territory; however, the site is just outside of the more sensitive Serrano landscape.

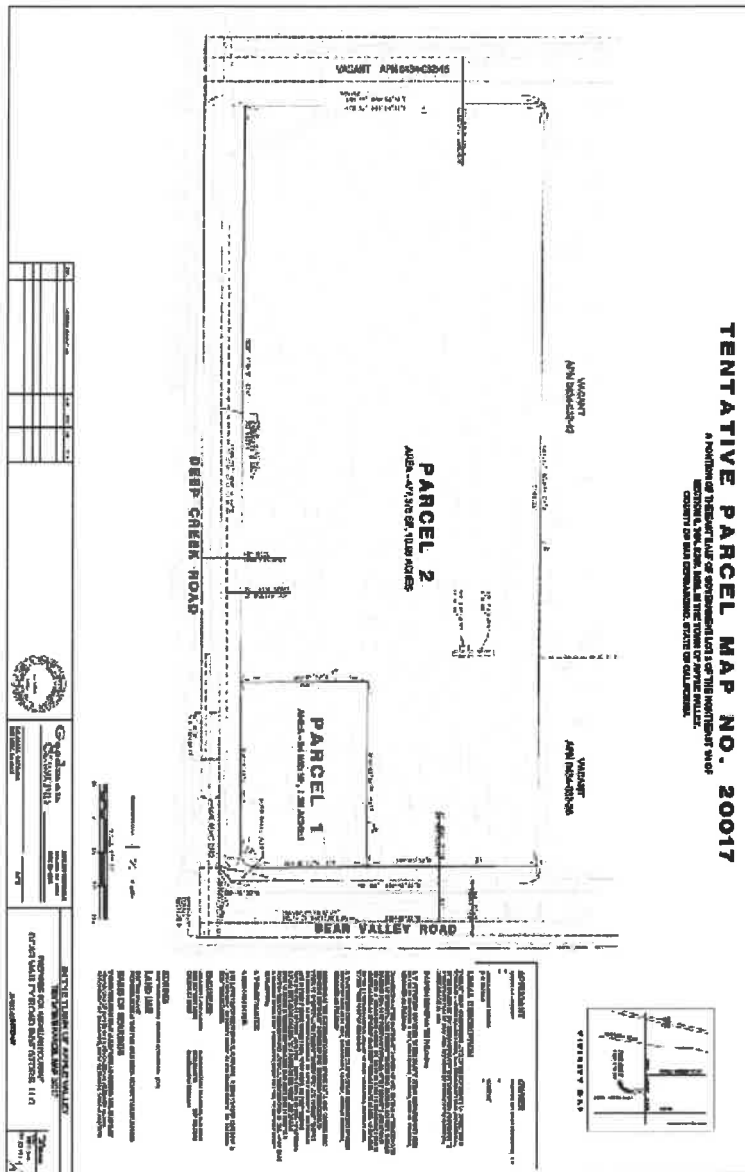
**NEGATIVE DECLARATION/INITIAL STUDY**

Exhibit 1 - Project Aerial



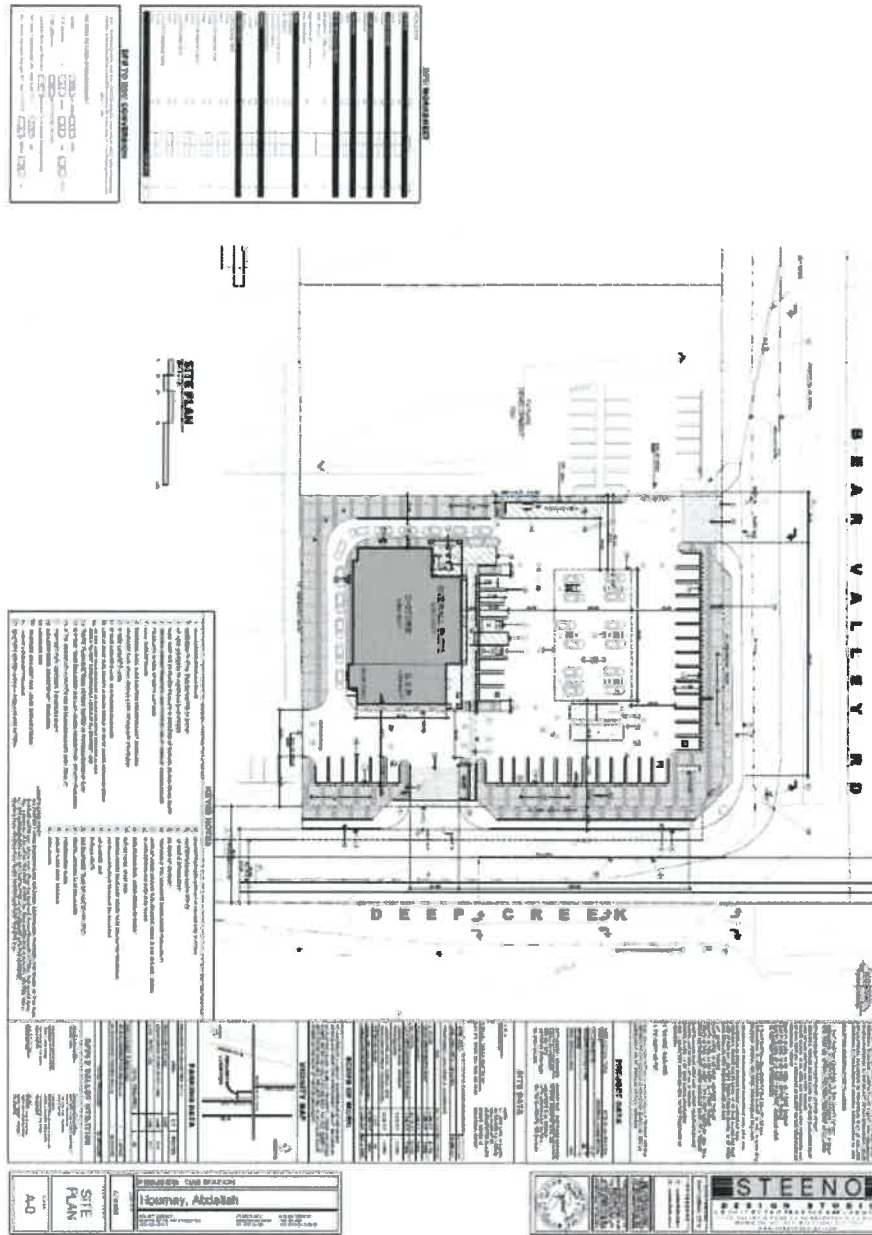
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Exhibit 2 – Tentative Parcel Map No 20017



**NEGATIVE DECLARATION/INITIAL STUDY**

Exhibit 3 – Proposed Site Plan



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**NEGATIVE DECLARATION/INITIAL STUDY**

**Environmental Factors Potentially Affected:**

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and corresponding site-specific discussion on the following pages.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Aesthetics                         | <input type="checkbox"/> Agricultural & Forestry Resources | <input type="checkbox"/> Air Quality        |
| <input type="checkbox"/> Biological Resources               | <input type="checkbox"/> Cultural Resources                | <input type="checkbox"/> Geology/Soils      |
| <input type="checkbox"/> Hazards & Hazardous Materials      | <input type="checkbox"/> Tribal Cultural Resources         | <input type="checkbox"/> Wildfires          |
| <input type="checkbox"/> Greenhouse Gases                   | <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     |
| <input type="checkbox"/> Energy                             | <input type="checkbox"/> Utilities/Service Systems         |   |
| <input type="checkbox"/> Mandatory Findings of Significance |  |   |

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**NEGATIVE DECLARATION/INITIAL STUDY**

**DETERMINATION:** The Town of Apple Valley Planning Department has determined, on the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that 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.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that 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.
- I find that 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.

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Carol Miller  
Assistant Director of  
Community development

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Date

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**NEGATIVE DECLARATION/INITIAL STUDY**

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**PURPOSE OF THIS INITIAL STUDY**

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the project, as proposed, may have a significant effect upon the environment. Based upon the findings contained within this report, the Initial Study will be used in support of the preparation of a Mitigated Negative Declaration.

**EVALUATION OF ENVIRONMENTAL IMPACTS**

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a

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**NEGATIVE DECLARATION/INITIAL STUDY**

previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impacts to less than significance.



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I. AESTHETICS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
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"/>

**Discussion of Impacts**

- a. **Less Than Significant Impact.** The proposed project is not located within a Scenic Corridor. However, there are views of the San Bernardino Mountains to the south and southeast provide the dominant scenic vistas from the project site. Other smaller scale mountain ranges are also visible from the project site. The building height ranges from eighteen feet to twenty-two feet which is well under the allowed height and therefore anticipated. Therefore, impacts to scenic vistas are considered less than significant.
- b. **Less Than Significant Impact.** The proposed project will not substantially damage scenic resources, including, but not limited, trees, rock outcroppings, and historic buildings within a state scenic highway, because the site is not adjacent to a state scenic highway and there are no rock outcroppings or historic buildings on the site. The site is not located within a State scenic highway as identified by California Department of Transportation. There are no State designated scenic highways located within, on, adjacent to, or near the project site. Therefore, development of the project would not damage scenic resources within a State scenic highway.
- c. **Less Than Significant Impact.** The development of this vacant site will change the visual character of the site, however, development of the site with new commercial buildings is not anticipated to substantially degrade the site and surrounding area.
- d. **Less Than Significant Impact.** Development of the project site would introduce a new source of light and glare in the area in the form of street lighting and outdoor lighting as the commercial site develops. While implementation of the proposed project is expected to result in increased light and glare in comparison with the existing undeveloped nature of the project site, the introduction of light and glare associated with commercial uses would be similar to that already occurring along Bear Valley Road. Additionally, the proposed project would be required to adhere to Town standards related to development, including lighting standards contained in the Town's Development Code, Chapter 9.70 Performance Standards, Section H, Light and Glare and Town of Apple Valley Dark Sky Policy. Compliance with Town requirements including the Development Code and the Town's design review would reduce the impact of the light sources to off-site locations to a less than significant level.

**NEGATIVE DECLARATION/INITIAL STUDY**

**II. AGRICULTURAL RESOURCES**

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) 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"/>

**Discussion of Impacts**

a-e **No Impact.** The proposed project will have no impact to agricultural resources, including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance. There are no agricultural land uses within the subject property. The site does not contain forest land as defined in Public Resources Code section 12220(g) or timberland as defined in Gov't Code section 51104(g).

**NEGATIVE DECLARATION/INITIAL STUDY**

**III. AIR QUALITY**

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

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	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) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

In order to quantify the project's impacts to air quality the CalEEMOD model was used. Development of the proposed project will impact air quality during construction activities and over the long-term operation of the project. These impacts are discussed below.

- a. **Less Than Significant Impact.** The Town of Apple Valley is subject to the jurisdiction of the MDAQMD which sets forth policies and other measures designed to help the District achieve federal and state ambient air quality standards. These rules, along with the MDAQMD CEQA and Federal Conformity Guidelines<sup>1</sup>, are intended to satisfy the planning requirements of both the federal and state Clean Air Acts. The MDAQMD also monitors daily pollutant levels and meteorological conditions throughout the District.

The Apple Valley General Plan Land Use Plan serves as the basis for the assumptions used in the MDAQMD's planning documents for air quality maintenance and improvement. The project is consistent with the Town's General Plan, and with development already occurring in the area. Therefore, it will not exceed AQMP assumptions or criteria, or result in inconsistencies with the AQMP.

- b. **Less than Significant Impact:** Air pollution emissions would be produced during the construction phase of the project. The Mojave Desert Air Basin (MDAB) is in non-attainment for PM10, PM2.5, and ozone at the present time. The EPA has classified the portion of the MDAB in which the

<sup>1</sup> "Mojave Desert Air Quality Management District California Environmental Quality Act and Federal Conformity Guidelines," prepared by the Mojave Desert Air Quality Management District, May 2006.

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NEGATIVE DECLARATION/INITIAL STUDY

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project is located as moderate non-attainment for the 8 hour ozone standard, non-attainment for the Federal and State PM10 standards, and non-attainment for the State PM2.5 standards. The Mojave Desert Air Quality Management District (MDAQMD) maintains ambient air quality monitoring stations throughout its portion of the MDAB. The air quality monitoring stations within the MDAB closest to the site are the Victorville Station and the Hesperia Station. These stations over the past three years have detected ozone levels that often exceed the State (one-hour) and Federal (8 hour standards). PM10 and PM2.5 levels never exceeded the Federal 24-hour and annual standards and rarely exceeded the State 24-hour annual standards during the past three years. CEQA defines a cumulative impact as two or more individual effects that together are considerable or that compound or increase other environmental impacts. Fugitive dust and pollutant emissions may be generated during the construction and operational phases of the proposed project.

The Final Environmental Impact Report (FEIR) prepared for the Town's General Plan identified that potential air quality impacts resulting from implementation of the General Plan would be significant and that there is no mitigation measure available to reduce this impact to less than significant levels. Although the project related emission associated with the project would cumulatively contribute to air quality emission, the impacts would not be more significant than that which were identified in the General Plan FEIR. No new significant air quality impact related to the project will result from the development of the proposed residential uses. Source: Town of Apple Valley General Plan EIR.

- c. **Less than Significant Impacts:** Sensitive receptors located within the vicinity of the proposed project include single-family residences to the south and east. Sandia Elementary School is within 2 miles of the proposed site. On-site grading and construction activities would likely generate temporarily increased levels of particulates and emissions from construction equipment. However, because those emissions created by the proposed project would not exceed State thresholds, the identified sensitive receptors would not be exposed to substantial pollutant concentrations.
- d. **Less than Significant Impact.** During construction, the various diesel-powered vehicles and equipment in use on the site would create odors. Additionally, the application of architectural coatings and installation of asphalt may generate odors. These odors are temporary and not likely to be noticeable beyond the project boundaries. MDAQMD standards regarding the application of architectural coatings (Rule 1113) and the installation of asphalt surfaces are sufficient to reduce temporary odor impacts to a less than significant level.

Long-term objectionable odors are not expected to occur at the proposed project site. Activities conducted at the proposed project will include the convenience store with an attached fast-food restaurant and gasoline pump islands and future commercial development on the remaining portion of the lot is not anticipated to generate substantial objectionable odors. Therefore, impacts related to creation of objectionable odors affecting substantial numbers of people are expected to be less than significant.

The Apple Valley General Plan Land Use Plan serves as the basis for the assumptions used in the MDAQMD's planning documents for air quality maintenance and improvement. The project is consistent with the Town's General Plan, and with development already occurring in the area. Therefore, it will not exceed AQMP assumptions or criteria, or result in inconsistencies with the AQMP.

**NEGATIVE DECLARATION/INITIAL STUDY**

Criteria Air Pollutants

Criteria air pollutants will be released during both the construction and operational phases of the project. The California Emissions Estimator Model (CalEEMod Version 2016.3.2) was used to project air quality emissions generated by the proposed project.

Construction Emissions

The FEIR fully analyzed worst-case construction emissions. (See EIR p. III-30.) Based on those worst-case assumptions, all construction emission impacts were projected to be less than significant. Nonetheless, site-specific construction emission modeling was performed for the proposed project. The construction analysis includes all aspects of project development, including site preparation, grading, building construction, paving, and application of architectural coatings. As shown in Table 1, none of the analyzed criteria pollutants will exceed regional emissions thresholds during the construction phase. Construction air quality impacts of the proposed project will be less than significant.

**Table 1  
 Construction-Related Emissions Summary  
 Tentative Parcel Map No. 20017 & DP 2019-007  
 (Daily Threshold/ Pounds)**

Construction Emissions <sup>1</sup>	CO	NO <sub>x</sub>	ROG	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
2020-2024 Max per year	14	56.5	18.5	0.0	5.9	2.7
MDAQMD Thresholds	548	137	137	137	82	82
Exceed?	No	No	No	No	No	No

<sup>1</sup> Average of winter and summer emissions, unmitigated.  
 Source: CalEEMod model, version 2016.3.2 generated Dec 2019 Lilburn Corp

Operational Emissions

Operational emissions are ongoing emissions that will occur over the life of the project. Emission sources include area sources (such as consumer products and landscape equipment), energy consumption, and mobile sources.

**Table 2  
 Operational Emissions Summary  
 Tentative Parcel Map No. 20017 & DP 2019-007  
 (Daily Threshold/ Pounds)**

	CO	NO <sub>x</sub>	ROG	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Operational Emissions <sup>1</sup>	8.85	9.05	1.80	0.0	1.5	0.4
MDAQMD Thresholds	548	137	137	137	82	82
Exceed?	No	No	No	No	No	No

<sup>1</sup> Average of winter and summer emissions, unmitigated.  
 Source: CalEEMod model, version 2016.3.2 generated Dec 2019 Lilburn Corp

NEGATIVE DECLARATION/INITIAL STUDY

IV. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
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 Wildlife 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, or regulations or by the California Department of Fish and Wildlife 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 state or federally protected wetlands (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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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"/>

**Discussion of Impacts**

- a. **Less than Significant Impact.** The analysis of the project's effect on candidate, sensitive, or special status species is based on the *Biological Resource Assessment* dated September 20, 2019, completed by Jericho Systems. Protected sensitive species are classified by either State or Federal resource management agencies, or both, as threatened or endangered, under provisions of the State and Federal Endangered Species Acts. Jericho Systems conducted a focused biological assessment of the proposed project site and found no Burrowing Owl present on the site and that the site contained marginally suitable habitat. A Condition of Approval requires a 30-day preconstruction survey prior to commencing any ground disturbance. The assessment also determined that site did contain a potential to support

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**NEGATIVE DECLARATION/INITIAL STUDY**

- nesting birds. A Condition of Approval requires a preconstruction Nesting Bird Survey prior to any ground disturbance.
- b. **No Impact.** Riparian habitat includes willows, mule fat, and other vegetation typically associated with the banks of a stream or lake shoreline. No riparian habitat exists on site. In addition, there are no other sensitive natural communities or habitats present on the project site. Therefore, no impact associated with this issue will occur.
  - c. **No Impact.** The project site does not contain any drainage features under the jurisdiction of the U.S. Army Corps of Engineers or other Federal agencies. Therefore, implementation of the proposed project will not result in an impact associated with federally protected wetlands.
  - d. **Less than Significant Impact.** The biological resources assessment did not identify any wildlife nurseries on the project site. The study also found that the site is not conducive to wildlife movement. Impacts associated with wildlife movement are expected to be less than significant.
  - e. **Less than Significant Impact.** The site does not contain Joshua trees due in part to the years the site had been utilized for agricultural uses and more current, the off-road use. Therefore, impacts related to this issue are less than significant.
  - f. **Less than Significant Impact.** Areas of valuable habitat that support special status species are illustrated in the Biological Resources Study of the Town's General Plan EIR. The General Plan includes policies and programs intended to ensure that habitat connectivity is preserved in the Town. In addition, a number of special survey areas in the Town's planning area are identified in the General Plan. Species for which surveys are required as part of development applications include Desert Tortoise, Mojave Ground Squirrel, Burrowing Owls, Joshua Trees, and/or Migratory/Nesting/Other Protected Birds. 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 because no such plan has been adopted in the area of the project site. However, the Town has a draft Multi-Species Habitat Conservation Plan, and at such time the site is to be developed, the project will be subject to the mitigation measures identified in the MSHCP.

**NEGATIVE DECLARATION/INITIAL STUDY**

**V. CULTURAL RESOURCES**

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion of Impacts**

a-b. **Less than Significant Impact.** A cultural resources assessment of the proposed project site was completed by BCR Consulting dated November 22, 2019. A field survey of the site was performed on October 25, 2019. There were no cultural resources of any kind discovered during the field survey. Therefore, development of the site would be considered a less than significant impact and no mitigation is necessary. The study found no prehistoric resources on the project site but identified five (5) resources recorded within a mile of the site. During the AB 52 consultation process, correspondence was received by San Manuel Band of Mission Indians (SMBMI), and Jessica Mauck, from its Cultural Resource Management Department, does consider the area a high archaeological and Tribal cultural sensitivity. SMBMI has requested language for Conditions of Approval in the event cultural resources are discovered during project activities.

c. **Less than Significant Impact.** The proposed project site is not known to have been utilized for religious or sacred purposes. During the AB 52 consultation process, San Manuel Band of Mission Indians (SMBMI) has requested language for Conditions of Approval in the event cultural resources are discovered during project activities. If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. As adherence to State regulations is required for all development, no mitigation is required in the unlikely event human remains are discovered on-site. Impacts associated with this issue are considered less than significant.



**NEGATIVE DECLARATION/INITIAL STUDY**

<b>VI. ENERGY</b>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion of Impacts**

a) The proposed commercial development would require the typical use of energy resources. Energy would be consumed during site clearing, excavation, grading and construction. The construction process would be typical. No site conditions or project features would require an inefficient or unnecessary consumption of energy. The project has been designed in compliance with California's Energy Efficiency Standards and 2019 CALGreen Standards. These measures include:

- Stormwater drainage and retention during construction (BMPs);
- Water conserving plumbing fixtures and fittings;
- Compliance with the Town's Water Efficient Landscape Ordinance (Development Code Chapter 9.75)
- Construction Waste Diversion
- All other mandatory CALGreen requirements for residential development.

Operation of the project would involve the use of energy for heating, cooling, and equipment operation. These facilities would comply with all applicable California Energy Efficiency Standards and 2019 CALGreen Standards or the standards at the time of permit issuance. Nothing within the scope of the project would indicate that either the construction or operation of the project would result in wasteful, inefficient, or unnecessary consumption of energy or wasteful use of energy resources. Therefore, impacts related to wasteful energy use would be less than significant, directly, indirectly or cumulatively.

b) The project has been designed in compliance with California's Energy Efficiency Standards and 2019 CALGreen Standards as noted above. The Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency; therefore, impacts would be less than significant, directly, indirectly, or cumulatively.

**NEGATIVE DECLARATION/INITIAL STUDY**

<b>VII. GEOLOGY AND SOILS</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Directly or indirectly cause 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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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 wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) 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"/>

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NEGATIVE DECLARATION/INITIAL STUDY

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- a (i). **No Impact.** The sites are not located within the boundaries of an earthquake fault zone for fault-rupture hazard as defined by the Alquist-Priolo Earthquake Fault Zoning Act. No known active or potentially active faults traverse the site as shown on the California Geologic Survey Map (2002). Therefore, no impact associated with the rupture of a known earthquake fault would occur.  
**Source:** Town of Apple Valley, General Plan EIR
- a (ii) **Less than Significant Impact.** Like all of southern California, the Mojave Desert is a seismically active region. The faults most likely to affect the project site are the North Frontal, Helendale-Lockhart, Lenwood-Lockhart, San Andreas, Cucamonga, Cleghorn, and Landers fault zones. The proposed project site is located in a seismically active area and, therefore, will continue to be subject to ground shaking resulting from activity on local and regional faults.
- a (iii) **Less Than Significant Impact.** Liquefaction occurs when groundwater is located near the surface (within 50 feet), and mixes with surface soils during an earthquake. The site is not included within any geologic hazard map as being located within an area with a liquefaction hazard and is not considered a hazard due to the great depth to groundwater. Impacts associated with liquefaction are less than significant.
- a (iv). **No Impact.** The site is not located within an area that could be susceptible to any landslides.
- b. **Less than Significant Impact.** The proposed project will require the excavation and movement of on-site soils to create the building pads and proposed new roadways. Currently, construction projects resulting in the disturbance of 1.0 acre or more are required to obtain a National Pollutant Discharge Elimination System (NPDES) permit issued by the Regional Water Quality Control Board (RWQCB). The project's construction contractor will be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) that identifies Best Management Practices (BMPs) to limit the soil erosion during project constructions. Adherence during construction to provisions of the NPDES permit and applicable BMPs contained in the SWPPP will ensure that potential impacts related to this issue are less than significant.
- c. **Less than Significant Impact.** As discussed above, the proposed project site is considered to have a low potential for liquefaction. Subsidence is generally associated with large decreases or withdrawals of water from the underlying aquifer. The proposed project does not include wells or other uses that will withdraw groundwater. The implementation of Town design and engineering standards would ensure impacts associated with any potential unstable soil remain less than significant.
- d. **No Impact.** The soil within the project site are not expansive. TNo impact is anticipated.
- e. **No Impact.** The proposed project will connect to the existing sanitary sewer system. Because septic or alternative waste disposal systems will not be utilized, no impact related to this issue will occur.
- f. **Less than Significant Impact.** The project site is located in an area identified as highly sensitive for paleontological resources as shown in Exhibit III-5 of the General Plan FEIR. The unearthing and damage of these resources would represent a potentially significant impact, without mitigation.

**NEGATIVE DECLARATION/INITIAL STUDY**

**VIII. GREENHOUSE GAS EMISSIONS**

<b>Would the project:</b>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion of Impacts**

a-b. **Less Than Significant Impact.** Both construction and operation of the project will generate greenhouse gas (GHG) emissions. Construction emissions will be generated by a variety of sources, including the operation of construction equipment and energy usage. Construction impacts will be temporary and will end once the project is complete. Typically, they can be minimized by limiting idling times, proper maintenance of heavy machinery, and efficient scheduling of construction activities. Long-term operation of the project will generate GHG emissions from area sources, energy and water usage, mobile sources, and waste disposal.

The project will not exceed the threshold for GHG emissions. Statewide programs and standards, including new fuel-efficient standards for cars and expanding the use of renewable energies, will help reduce GHG emissions over the long-term. The project will be required to comply with standards and regulations for reducing GHG emissions, including the Town's Climate Action Plan and other GHG reducing strategies, including high efficiency HVAC and high efficiency fans. The proposed project will also be required to comply with Title 24 of the California Building Code. These standard requirements and Town initiatives will ensure that GHG emissions from the project are less than significant.

The California Emissions Estimator Model (CalEEMod Version 2016.3.2) was used to estimate greenhouse gases emitted by the project. The results are shown in Table 3 and Table 4.

**Table 3  
 GHG Emissions from Construction  
 (Metric Tons/Year)**

MTCO <sub>2</sub> e	Threshold	Exceeds?
176.7	100,000	No

CalEEMod model, version 2016.3.2 generated Dec 2019 Lilburn Corp

**Table 4  
 GHG Emissions from Operation  
 (Metric Tons/Year)**

MTCO <sub>2</sub> e	Threshold	Exceeds?
545.9	100,000	No

CalEEMod model, version 2016.3.2 generated Dec 2019 Lilburn Corp

**NEGATIVE DECLARATION/INITIAL STUDY**

<b>IX. HAZARDS AND HAZARDOUS MATERIALS</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a,b <b>Less than a Significant Impact.</b> The proposed project consists of the construction of commercial development that includes gasoline pump islands. This land use will involve storage and distribution of hazardous substances (gasoline). The operation of gas station is regulated by federal and state environmental authorities as well as the local fire protection district. Regulatory and operational requirements for retail gas stations are reviewed by the state. Less than significant impact is anticipated.				
c. <b>No Impact.</b> The proposed gas station is not located within one quarter mile of an existing or proposed school. No impact anticipated				

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- d. **No Impact.** 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. **No Impact.** The subject area are not located in the vicinity of a designated airport land use, nor within a two-mile radius of a public airport; therefore, no hazards are known to impact public safety.
- f. **Less than Significant Impact.** Development of the proposed commercial project will not generate an increase in the amount and volume of new traffic on local and regional networks. The developers of the proposed project will be required to design and construct applicable roadways to comply with applicable local, regional, State and/or Federal requirements related to emergency access and evacuation plans. Construction activities, which may temporarily restrict vehicular traffic, will be required to implement measures to facilitate the passage of persons and vehicles through/around any required road closures. Adherence to these measures will reduce potential impacts related to this issue to a less than significant level.
- g. **Less than Significant Impact.** The magnitude and severity of a wildfire event is measured by calculating the number of acres burned in a specific wildfire event. CAL Fire adopted a Fire Hazard Severity Zone map for the local responsible agencies in 2008, which is found within the Town's Hazard Mitigation Plan for 2017. The Fire Severity Zones are identified as Very High, High, and Moderate through the County of San Bernardino. Apple Valley has nothing higher than moderate fire hazard severity. The project area is located within a Fire Hazard Area that is mapped as "Moderate", as are most lands located south of Bear Valley Road. The project is not within an area mapped as a high fire danger and it does not directly interface with wildlands; therefore, there will be a less than significant impact.

<b>X. HYDROLOGY AND WATER QUALITY</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<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, or through the addition of impervious surfaces, in a manner which would				

**NEGATIVE DECLARATION/INITIAL STUDY**

<b>X. HYDROLOGY AND WATER QUALITY</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
(i) Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) 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; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seich zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion of Impacts**

a. **Less than Significant Impact.** The proposed project will be required to connect to the Town's domestic water and sanitary sewer systems. Golden State Water provides water service to the site, and the Victor Valley Wastewater Reclamation Authority provides sanitary sewage treatment for the site. Both these agencies are required to comply with the requirements of the State Regional Water Quality Control Board relating to water quality standards and wastewater discharge requirements. Furthermore, as a development project with a disturbance area of greater than 1 acre, and a significant increase in impervious surfaces, the Applicant will be required to obtain coverage under the State Water Resources Control Board (SWRCB) Construction General Permit and be consistent with the General Permit for Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems.

The Construction General Permit requires the development and implementation of a stormwater pollution prevention plan (SWPPP), which would include and specify water quality best management practices (BMPs) designed to prevent pollutants from contacting stormwater and keep all products of erosion from moving off site into receiving waters. Routine inspection of all BMPs is required under the provisions of the Construction General Permit, and the SWPPP must be prepared and implemented by qualified individuals as defined by the SWRCB. The project applicant must submit a Notice of Intent (NOI) to the SWRCB to be covered by a NPDES permit and prepare the SWPPP prior to the beginning of construction. The applicant will be required to provide the Town of Apple Valley with its waste discharge

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identification number (WDID) as evidence that it has met the requirements of the Construction General Permit prior to beginning construction activities.

SWRCB permits require through a combination of specific plan design standards, drainage impact fees, and general Mitigation Measures. As compliance with these permits would be required as a condition to receive authorization to construct, no impact is expected.

- b. **Less than Significant Impact.** The project will not 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 because the project will be served by an existing water purveyor that has indicated that there is currently sufficient capacity in the existing water system to serve the anticipated needs of the project.
- c. **Less than Significant Impact.** The existing surface drainage on the site follows the surface contours that drain to the southwest via sheet flow. The project will include on-site water conveyance lots and one lot for water retention. All drainage facilities must be improved which will result in a less than significant impact.
- d. **No Impact.** The proposed project is not located in a flood zone and does not propose residential development. The proposed project will have no impact on 100-year flood plain hazards.
- e. **Less than Significant Impact.** The proposed project will be required to connect to the Town's sanitary sewer systems. Liberty Utilities will provide water service to the site, and the Victor Valley Wastewater Reclamation Authority provides sanitary sewage treatment for the site. Both these agencies are required to comply with the requirements of the State Regional Water Quality Control Board relating to water quality standards and wastewater discharge requirements. Furthermore, as a development project with a disturbance area of greater than 1 acre, and a significant increase in impervious surfaces, the Applicant will be required to obtain coverage under the State Water Resources Control Board (SWRCB) Construction General Permit (SWRCB Order 2010-0014-DWQ) and be consistent with the General Permit for Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (SWRCB Order 2013-0001 DWQ, or Small MS4 Permit). Each of these permits are described below:

The Construction General Permit requires the development and implementation of a stormwater pollution prevention plan (SWPPP), which would include and specify water quality best management practices (BMPs) designed to prevent pollutants from contacting stormwater and keep all products of erosion from moving off site into receiving waters. Routine inspection of all BMPs is required under the provisions of the Construction General Permit, and the SWPPP must be prepared and implemented by qualified individuals as defined by the SWRCB. The project applicant must submit a Notice of Intent (NOI) to the SWRCB to be covered by a NPDES permit and prepare the SWPPP prior to the beginning of construction. The applicant will be required to provide the Town of Apple Valley with its waste discharge identification number (WDID) as evidence that it has met the requirements of the Construction General Permit prior to beginning construction activities.

Furthermore, all development projects (that create or replace more than 5,000 square feet of impervious surfaces) seeking approvals from the Town are required integrate source control BMPs and low impact development (LID) designs into the proposed project to the maximum extent feasible to reduce the potential for pollutants to enter stormwater runoff. This includes site design best management practices (as applicable), such as minimizing impervious areas,



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maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, incorporating trees and landscaping, and conserving natural areas.

**XI. LAND USE AND PLANNING**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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**Would the project:**

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Physically divide an established community?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Discussion of Impacts**

a,b : **No Impact.** The project proposes development on vacant land adjacent to vacant land and existing residential development to the south and east on large parcels. Commercial lands extend along both sides of Bear Valley Road. The project represents a continuation of commercial development found along Bear Valley Road. Development of the site will not divide or create a barrier between uses. The project is not in conflict with the zoning and General Plan designations. Therefore, no impacts associated with physically dividing an established neighborhood or land use plan are anticipated.

**XII. MINERAL RESOURCES**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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**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?                                | <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"/> |

**Discussion of Impacts**

- a. **No Impact.** The sites are not designated as a State Aggregate Resource Area according to the General Plan FEIR; therefore, there is no impact.
- b. **No Impact.** The sites are not designated by the General Plan as a Mineral Resource Zone; therefore, there is no impact.

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XIII. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project result in:</b>				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project 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) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or 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"/>

**Discussion of Impacts**

- a. **Less than Significant Impact.** Sensitive receptors within the project vicinity that may be affected by increased noise levels associated with the proposed project include single-family residences to the east and south. These sensitive land uses may be potentially affected by noise generated during construction and operation of the proposed project. The proposed project has the potential to cause noise levels to exceed the standards within the Town Code during construction and operational phases. Short-term noise increases from the proposed project would be generated during grading and construction activities. These activities would be short-term and would be subject to the construction activity restrictions in the Town Code. With implementation of the identified mitigation measures, potential short-term construction and long-term operational noise impacts would be reduced to below a level of significance.
- b. **Less than Significant Impact.** Construction of and operation of the uses associated with this type of project do not induce substantial groundborne vibrations. As such, a less than significant impact is anticipated.
- c. **No Impact.** The subject areas are not located in the vicinity of a designated airport land use, private airstrip, or within two-mile radius of a public airport; therefore, no impact is anticipated.

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**XIV. POPULATION AND HOUSING**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Induce substantial unplanned 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 people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion of Impacts**

- a. **Less than Significant Impact.** The proposed project site consists of the construction of a 6,557 square-foot convenience store with an attached fast food restaurant and drive-thru lane. The project would not induce population growth to the area. The proposed project site is currently designated as General Commercial in the General Plan. As the proposed project is consistent with and has been anticipated by the Town's General Plan, a less than significant growth inducing impact would be associated with development of the project site.  
**Source:** Apple Valley General Plan, Housing Element.
- b: **No Impact.** The proposed project site is currently vacant and, therefore, no displacement of housing or residents will occur. Replacement housing will not be required, and no impact associated with this issue will occur.

**XV. PUBLIC SERVICES**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project result in:</b>				
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:				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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XV. PUBLIC SERVICES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project result in:</b>					
e)	Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion of Impacts**

a. **Less than Significant Impact.** Fire service would be provided to the project uses by the Apple Valley Fire Protection District. The proposed project is located approximately one mile from Station No. 334 located at 12143 Kiowa Road and approximately three (3) miles from Station No. 335 located at 21860 Tussing Ranch Road. Due to the close proximity of the two fire stations, the proposed project would be within the standard respond times of the Fire Protection District. However, as with any new development, the proposed project would increase the need for fire protection services within the Town. As a result, the applicant for the construction the developer will be required to pay applicable fire service fees prior to occupancy. The payment of fees satisfies the requirements for development impacts on fire services. With the payment of the fire service fee, potential impacts related to the provision of fire services would be reduced to a less than significant level.

**Source:** Town of Apple Valley, General Plan EIR

b. **Less than Significant Impact.** The Town of Apple Valley provides law enforcement services for residents and businesses within the Town limits via a contract with the San Bernardino County Sheriff's Department. The Sheriff station is located at 14931 Dale Evans Parkway. Based on the scope of the project, the proposal does not warrant an additional police officer. Further, the construction of new commercial will be required to pay applicable law enforcement facilities fee prior to occupancy. The payment of fees satisfies the requirements for development impacts on police facilities. With the payment of the law enforcement facilities fees, potential impacts related to the provision of police services would be reduced to a less than significant level.

**Source:** Town of Apple Valley, General Plan EIR and Building & Safety Impact Fee Schedule

c. **Less than Significant Impact.** Implementation of the proposed project will lead to the construction of a 6,557 square-foot commercial building and gasoline pump islands and future commercial on the remainder 11 acres. The project will not generate a new influx of school children. However, Section 65995 of the California Government Code requires developers to pay a onetime fee for school capital acquisitions and improvements and prohibits state or local agencies from imposing school impact mitigation fees, dedications or other requirements in excess of those provided in the statute. As such, the applicant for the proposed project is required to pay applicable school fees prior to occupancy. The payment of fees satisfies the requirements for the development impacts on school facilities. With the payment of school impact mitigation fees, potential impacts related to the provision of schools would be reduced to a less than significant level.

**Source:** Town of Apple Valley, General Plan EIR

d. **Less than Significant Impact.** The proposed development will not increase the current population that results in increased demand for local parks. In order to reduce potential impacts upon local parks. Nevertheless, the proposed project shall be required to dedicate land to pay its fair share for park facilities through development impact fees.

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- e. **Less than Significant Impact.** The development will not exceed demand that has been previously considered in The Town's General Plan EIR.

**XVI. RECREATION**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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**Would the project result in:**

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) 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"/> |

**Discussion of Impacts**

- a. **No Impact.** The project will not increase the current population. This population increase may result in impacts to local and regional park facilities. No impact anticipated.
- b. **No Impact.** The proposed project does not include recreational facilities and would not induce the need for any construction or expansion of recreational facilities. No impact is anticipated.

**XVII. TRANSPORTATION**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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**Would the project result in:**

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?           | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Substantially increase hazards due to a geometric 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"/> |
| d) Result in inadequate emergency access?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Discussion of Impacts**

- a. **Less than Significant Impact** Access to the site will be provided via Bear Valley and Deep Creek Roads. Regional access to the site is provided by Interstate 15 via an interchange on Bear Valley Road. The proposed project may increase the existing traffic load along these roadways. The roadway adjacent to the development will be required to be improved to the Town's road standards and is consistent with the Circulation Map. The project requires

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payment of traffic impact fees to reduce regional traffic impacts. Therefore, there will be a less than significant impact.

- b. **No Impact.** CEQA Guidelines section 15064.3(c) provides that a lead agency "may elect not be governed by the provisions" of the section immediately; otherwise, the section's provisions apply July 1, 2020. Here, the Town has not elected to be governed by Section 15064.3. Accordingly, an analysis of vehicles miles traveled (VMT) is not necessary to determine whether a proposed project will have a significant transportation impact.
- c. **No Impact.** The project does not include the construction of any sharp curves. The new intersection to be created as part of the project mostly align with existing roadways. No impacts are anticipated.
- d. **No Impact.** The project will be designed to provide access for all emergency vehicles and, therefore, will not create inadequate emergency access. Primary access would be provided via Bear Valley and Deep Creek Roads. The Town of Apple Valley has not developed a formal evacuation plan; however, the Apple Valley Fire Protection District will review the TTM for adequate emergency access and development requirements as conditions of approval. No impacts are anticipated.

**XVIII. TRIBAL RESOURCES**

**Would the project result in:**

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or  Potentially Significant Impact  Less Than Significant With Mitigation Incorporated  Less Than Significant Impact  No Impact
- ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.  Potentially Significant Impact  Less Than Significant With Mitigation Incorporated  Less Than Significant Impact  No Impact

a) i-ii. **Less than Significant Impact** A cultural resources assessment of the proposed project site was completed by BCR Consulting dated November 22, 2019. A field survey of the site was performed on October 25, 2019. There were no cultural resources of any kind discovered during the field survey. Therefore, development of the site would be considered a less than

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significant impact and no mitigation is necessary. The study found no prehistoric resources on the project site but identified five resources recorded within a mile of the site. During the AB 52 consultation process, correspondence was received by San Manuel Band of Mission Indians (SMBMI), and Jessica Mauck, from its Cultural Resource Management Department requested language for Conditions of Approval in the event cultural resources are discovered during project activities.

<b>XIX. UTILITIES AND SERVICE SYSTEMS</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project result in:</b>				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 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"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion of Impacts**

- a. **Less than Significant Impact.** There are existing utilities in the area to serve the project site. The commercial development will require the extension of existing service lines.
- b. **Less than Significant Impact.** Liberty Utilities will provide domestic water services to the subject property. The project is required to construct new domestic waterlines to serve the site.
- c. **Less than Significant Impact.** Wastewater treatment services to the project would be provided by the VVWRA. The VVWRA is a California Joint Powers Authority that owns and operates regional wastewater collection and treatment facilities which services the Victor Valley. For the construction of the new dwelling units, the project is required to satisfy RWQCB

**NEGATIVE DECLARATION/INITIAL STUDY**

and VVWRA payment of fees. The payment of fees satisfies the requirements for the development impact on wastewater treatment facilities. For these reasons, impacts to wastewater treatment facilities would be less than significant. The proposed project water services are provided by Liberty Utility.

d-e. **Less than Significant Impact.** The Town contracts for solid waste disposal with Burrtec Waste Industries. Solid waste is hauled to the Victorville landfill, which is a County operated facility. The proposed project will generate solid waste consistent with that analyzed in the Town's General Plan EIR. Impacts associated with solid waste generation are expected to be less than significant.

**XX. WILDFIRES**

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones,

<b>Would the project result in:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. <b>No Impact.</b> The project will be designed to provide access for all emergency vehicles and, therefore, will not create inadequate emergency access. Primary access would be provided via Bear Valley and Deep Creek Roads. The Town of Apple Valley has not developed a formal evacuation plan; however, the Apple Valley Fire Protection District reviewed the TPM and Development Permit for adequate emergency access and development requirements as conditions of approval. No impacts are anticipated.				
b. <b>Less than Significant Impact.</b> The magnitude and severity of a wildfire event is measured by calculating the number of acres burned in a specific wildfire event. CAL Fire adopted a Fire Hazard Severity Zone map for the local responsible agencies in 2008, which is found within the				



**NEGATIVE DECLARATION/INITIAL STUDY**

Town's Hazard Mitigation Plan for 2017. The Fire Severity Zones are identified as Very High, High, and Moderate through the County of San Bernardino. Apple Valley has nothing higher than moderate fire hazard severity. The project area is located within a Fire Hazard Area that is mapped as "Moderate", as are most lands located south of Bear Valley Road. The project is not within an area mapped as a high fire danger and it does not directly interface with wildlands; therefore, there will be a less than significant impact.

- c. **No Impact.** The project will not require the installation or maintenance of associated infrastructure that would exacerbate fire risk, or that may result in temporary or ongoing impacts to the environment and as such will have a no impact, directly, indirectly, or cumulatively.
- d. **No Impact.** The project is not located within an area susceptible to downslope or downstream flooding or landslides due to post-fire slope instability or drainage changes.

**XXI. MANDATORY FINDINGS OF SIGNIFICANCE**

Does the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to substantially 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, substantially 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) 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"/>
c) 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"/>
d. <b>Less than Significant Impact.</b> The site is not within designated or proposed critical habitat for threatened or endangered species. Additionally, the proposed project site does not contain any wetlands, or riparian habitat. The proposed project site was identified as not containing suitable habitat for nesting birds, raptors, and burrowing owls due to previous activities. The project area has the potential to contain significant paleontological resources. Mitigation identified within the General Plan FEIR requires paleontological resource study prior to land disturbance. Adherence to standard Town and State measures related to the discovery,				

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NEGATIVE DECLARATION/INITIAL STUDY

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recovery, and/or recordation of cultural resources and/or human remains during construction activities would ensure a less than significant impact to cultural resources would result from the implementation of the proposed project.

- b. **Less than Significant Impact.** The Initial Study did not identify any environmental impacts associated with the project that weren't reduced to a less than significant level; therefore, the proposed project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- c. **Less than Significant Impact.** The proposed project site is located within an area designated by the Town for commercial uses. While development of the proposed project would generate fugitive dust and pollutant emissions during construction, it would not result in any significant operational air quality impacts. Thus, it is not anticipated that these additional emissions would result in significant cumulative air quality impacts. Impacts related to biological resources, cultural resources, geology and soils, hazards, noise, public services, traffic and utilities and services are similarly reduced to a less than significant level with the adherence to established Town-mandated standards. There are no projects that, in combination with the proposed project would create a cumulatively considerable impact over and above those identified in this Initial Study/Mitigated Negative Declaration. The potential cumulative impacts associated with development of the proposed project are, therefore, less than significant.
- d. **Less than Significant Impact.** As identified in this Initial Study/ Negative Declaration, it was determined that the significance of environmental impacts associated with new development resulting from the proposed project were either no impact or less than significant impact. For all topics, the project would not produce a significant effect on the environment. Correspondingly, the project would not produce an adverse impact on humans for those environmental topics that relate directly to humans such as aesthetics, air quality, cultural resources, geology and soils, hazards and hazardous material, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, and utilities and service systems.

**REFERENCES**

- California Department of Water Resources, Bulletin #118 (Critical Regional Aquifers), 1975
- County of San Bernardino, Countywide Integrated Waste Management Plan, March 1995
- Town of Apple Valley General Plan, 2009
- Town of Apple Valley Climate Action Plan (CAP), 2016
- Environmental Impact Report (EIR), Town of Apple Valley General Plan, 2009
- Town of Apple Valley Hazard Mitigation Plan, 2017
- County of San Bernardino Identified Hazardous Materials Waste Sites List, April 1998
- Federal Emergency Management Agency Flood Insurance Rate Map and Flood Boundary Map 06071C6505J.
- Mojave Desert Air Quality Management District, Mojave Desert Planning Area – Federal Particulate Matter (PM10) Attainment Plan.
- Mojave Desert Air Quality Management District, Rule 403.2: Fugitive Dust Control Planning Area.
- South Coast Air Quality Management District, CEQA Air Quality Handbook, 2016
- Cultural Resources Assessment, BCR Consulting, November 2019
- Air Quality and Greenhouse Gas Assessment, Lilburn Corp., December 2019
- Biological Resources Assessment, Jericho Systems, September 2019.



## Planning Commission Agenda Report

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<b>DATE:</b>	March 18, 2020 ( <i>Cont. from March 4, 2020</i> )	<b>Item No. 5</b>
<b>CASE NUMBER:</b>	Development Permit No. 2019-002 and Special Use Permit No. 2019-001	
<b>APPLICANT:</b>	A & S Engineering, representing Mr. Nadir Khan Malik	
<b>PROPOSAL:</b>	A request for approval of a Development Permit and Special Use Permit to allow for the construction of a 3,800-gal fuel station/convenience store, drive-through car wash and 2,400 square feet of additional leased space. The project will include the elimination of Outer Highway 18 South between Central Road and the project site's western boundary, 330 feet east of Tonikan Road. The project site is 2.25 acres in size and is located within the Service Commercial (C-S) zoning designation.	
<b>LOCATION:</b>	22499 Highway 18; APN 3087-382-05	
<b>ENVIRONMENTAL DETERMINATION:</b>	The project is consistent with the General Plan, utilities are available, and the site has no value as habitat for endangered, rare or threatened species. The project is not anticipated to result in any significant effects relating to traffic, noise, air quality or water quality. As a 2.25 acre, previously developed site, the project is classified as in-fill; therefore, pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15332, Class 32, the proposed request is Exempt from further environmental review.	
<b>CASE PLANNER:</b>	Pam Cupp, Senior Planner	
<b>RECOMMENDATION:</b>	Approval	

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### PROJECT SITE AND DESCRIPTION

#### A. Project Size

The project site is 2.25 acres in size.

**B. General Plan Designations**

Project Site - Service Commercial (C-S)  
 North - General Commercial (C-G)  
 South - Service Commercial (C-S)  
 East - General Commercial (C-G)  
 West - Service Commercial (C-S)

**C. Surrounding Zoning and Land Use**

Project Site - Service Commercial (C-S), Vacant  
 North - General Commercial (C-G), Fuel Station  
 South - Service Commercial (C-S), Vacant and Storage  
 East - General Commercial (C-G), Vacant  
 West - Service Commercial (C-S), Vacant and Truck Storage

**D. Site Characteristics**

The project site is currently vacant with no sloping topography. The parcel is void of any significant native vegetation.

**E. Building/Unit Analysis**

The project will include a 5,300 square foot fuel island canopy, 6,200 square feet of retail/lease space and a 1,250 square foot drive-through car wash.

**F. Building Height**

Permitted Maximum Height	35 Feet
Proposed Maximum Height	28 Feet

**G. Building Setback Analysis**

	<u>Required</u>	<u>Proposed</u>
Highway 18	45 ft.	155 ft.
Central Road	45 ft.	45 ft.
Rear (South)	0 ft.	65 ft.
Side (West)	0 ft.	85 ft.

**H. Canopy Setback Analysis**

	<u>Required</u>	<u>Proposed</u>
Highway 18	20 ft.	55 ft.
Central Road	20 ft.	45ft.
Rear (South)	20 ft.	190 ft.
Side (West)	20 ft.	105 ft.

I. Landscaping

Required: 10 %  
 Proposed: 14.8 %

J. Parking Analysis

Use	Sq Ft	Parking Ratio	Required Parking	Provided Parking
Retail	3,800	1/250	15	16
Restaurant				
Customer Area	600	1/45	13	14
Non-Customer	600	1/200	3	3
Salon	1,200	1/125	10	10
Carwash	1,248	1/Tunnel	1	1
Total			42	45

K. Floor Area Ratio (F.A.R.):

Permitted Maximum 50%  
 Proposed Maximum 13.6%

ANALYSIS

A. General:

The applicant is requesting approval of a Development Permit to construct a 3,800 square foot convenience store and an additional 2,400 square feet of attached leased space. The applicant is also requesting approval of a Special Use Permit to allow the construction of a 5,300 square foot fuel island canopy and operation of a gas station with a drive-through carwash. Following the distribution/ mailing of the Notice of Pending Land Use Decision to property owners within 300 feet, staff received signed petitions expressing opposition to the proposal. Therefore, pursuant to Development Code Section 9.16.070, the applications are being forwarded to the Planning Commission for consideration.

The petition requests denial based upon traffic concerns and the existence of an adequate number of gas stations, liquor stores, convenience type stores and smoke shops to serve the Apple Valley Village areas. The Town is sensitive to the concerns of the community and has worked with the applicant through the development review process to address site design and street improvements. The Town can address traffic concerns; however, there is are no Municipal Code restrictions relating to the number of competing businesses that may be located within any specific geographical area.

B. Site Analysis:

The project site is located at the southwest corner of Highway 18 and Central Road. There is 295 feet of frontage along Central Road and 330 feet of frontage along Highway 18. The project is surrounded by commercially zoned properties. There is an existing gas station/convenience store located to the north, across Highway 18. Nearby uses include truck storage, a construction yard, warehousing and retail uses.

The site plan shows eight (8) fuel pumps, with sixteen (16) fueling positions, under a 5,300 square foot canopy. The fueling canopy is located in front, at the north side of the site. The primary structure consists of a convenience store and two other leased suites is located near the south side of the parcel. The drive-through carwash tunnel will be located to the rear of the primary structure. The trash enclosure is located at the southwest corner of the site. There is parking available in front of the building; however, most of the parking is located along the west and south perimeter of the project site.

The site plan does not indicate the placement of any light standards; however, the project is required to comply with all Development Code standards relating to lighting, which are included as standard Conditions of Approval P10 and P11. Canopy lighting can create a source of light glare; therefore, recommended Condition of Approval P12 will require that all canopy lighting be recessed.

1. Traffic and Circulation

Access to the site is from Central Road. The site plan shows two (2), thirty-two (32)-foot wide driveways on Central Road. Pursuant to the Development Code, only one driveway, with a maximum width of thirty-two (32) feet shall be permitted on any one street frontage; however, this can be deviated from with the written approval of the Town Engineer. Based upon the traffic impact study, the project's frontage along Central Road and the requirement for the elimination of the outer highway along the project's northern boundary, Engineering has approved the use of two (2) driveways along Central Road. As required by Code, the northerly driveway is located 150 feet south of the intersection of Central Road and Highway 18 and will be required as a right turn in and right turn out only. The second driveway located at the southern end of the property will allow left turns out of the property.

On February 10th, 1998, the Town Council approved and adopted Resolution No. 98-06. The purpose of the resolution is to "...enhance the traffic safety along the outer highways...". The resolution states in Section 3, the following:

*"...any development or redevelopment of any parcel of land less than 5 acres in size located at the corner of any intersection having an outer highway along Highway 18 or Bear Valley Road, said outer highway connection will either be eliminated or moved back from the main highway connection when in the opinion of the Town Engineer it is feasible to do so."*

The existing outer highway intersections at this location are in close proximity to the main highway intersection and create a challenging situation for motorists. The outer highway, along with the main highway, create a multitude of potential turning movements occurring at the same time. Due to the high amount of turning movements, there is an increase of potential conflicts between vehicles. A gas station can generate a high volume of vehicles; therefore, it is the opinion of the engineering staff that the outer highway be eliminated between Central Road and the western boundary of the project site to enhance traffic safety, which is consistent with the intent of Resolution 98-06.

The applicant submitted a Traffic Impact Study for review by the Town's Engineer and Cal Trans for review. Based upon that study and subsequent site plan modifications, it has been determined no traffic impacts are anticipated the from the proposed project.

2. Drainage

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

3. Sewer Connection

The project is required to connect to the Town of Apple Valley sewer system.

C. Architecture Analysis:

The architectural design incorporates several facets of the typical California Marketplace design. The color palette consists of earthen tones of beige, brown and pewter. Orange aluminum is used for the cantilever metal awnings along the front elevation. The maximum height of the structure is twenty-eight (28) feet as measured to the top of the tower elements.

The base of the structure is a stacked stone wainscot with mostly stucco walls. The front elevation exhibits a roofline with parapet height ranging from nineteen (19) feet, six (6) inches to twenty-one (21) feet, ten (10) inches. Tower entry feature serve as the focal point identifying the entrance for each unit. The tower features exhibit an aluminum composite material with a wood-like walnut finish for each unit.

The center design is indicative of the current branding of AM/PM. Historically, branding images change frequently, therefore, it is likely to be modified again within the next several years. The concern is that overtime the façade designs between the convenience store and the shops will no longer have a cohesive appearance. The Commission should consider if it is appropriate to brand the adjacent units as well. Staff would recommend that prior to issuance of the building permit, the

Planning Commission allow staff and the applicant an opportunity to collaborate and develop a design that would continue to maintain a cohesive center through future branding modifications (Condition P25).

Notwithstanding recommended Condition P25, and to move forward immediately, staff is recommending the following design changes that could be incorporated as Conditions at the Commission's discretion:

- The parapets are capped in front with cornice molding; however, the elevation does not show the same cornice for the rear elevation. Staff is recommending a Condition to require cornice to be continued on all sides of the parapet for a finished appearance (Condition P26).
- The tower features include a hip style roof, which adds an additional four (4) feet of height as compared to other structures in the village area. Additionally, the roofing material is not identified. Staff is recommending a Condition to eliminate the hip roof completely (Condition P27).
- The walnut aluminum material is a component of AM/PMs corporate branding and stacked stone and stucco may be more appropriate for the tower elements of the leased spaces. Therefore, staff would recommend a condition requiring stacked stone and stucco be the used on the tower elements of the leased space instead of the proposed aluminum (Condition P28).
- Pursuant to the Development Code the pump island canopy is required to be designed for architectural compatibility with the building. The support columns will be matching stucco with the lower six (6) feet incorporating stacked stone matching that of the main building. The canopy is designed with a pewter stucco cornice molding at the roofline matching that of the parapet of the primary structure. The remaining material of the canopy is not identified; therefore, staff would recommend a Condition required the entire canopy to be stucco to match the primary structure (Condition P29).
- Any modification to the convenience store building elevation shall be subject to the review and approval of a Minor Development Permit to make sure the modification takes into consideration the existing elevations of the additional leased space (Condition P30).

D. Environmental Assessment:

The project is consistent with the General Plan, utilities are available, and the site has no value as habitat for endangered, rare or threatened species. The project is not anticipated to result in any significant effects relating to traffic, noise, air quality or water quality. As a 2.25 acre, previously developed site, the project is classified as in-fill; therefore, pursuant to the Guidelines to Implement the California



Environmental Quality Act (CEQA), Section 15332, Class 32, the proposed request is Exempt from further environmental review.

E. Noticing:

This item was advertised as a public hearing in the Apple Valley News newspaper on February 21, 2020 then again on March 6, 2020 to correctly identify the case number.

F. Development Permit Findings:

As required under Section 9.17.080 of the Development Code, prior to approval of a Development Permit, the Planning Commission must make the following Findings:

1. That the location, size, design, density and intensity of the proposed development 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: The proposed gas station, car wash and commercial strip center will be located within the Service Commercial (C-S) zoning designation and in compliance with the General Plan Land Use and Zoning District that allows new construction of such uses subject to approval of a Development Permit and Special Use Permit. As proposed, the project complies with all applicable design and development standards.

2. That the location, size and design of the proposed structures and improvements are compatible with the site's natural landforms, surrounding sites, structures and streetscapes and does not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings;

Comment: The proposed building will have a roofline ranging from nineteen (19) feet, six (6) inches to a maximum height of twenty-eight (28) feet. The project has a 13.8% floor area ratio, which is well below the permitted 50% and increased front, side and rear setbacks. As proposed the project will blend well with the surrounding development.

3. That the materials, textures and details of the proposed construction, to the extent feasible, are compatible with the adjacent and neighboring structures and that quality in architectural design is maintained in order to enhance the visual environment of the Town;

Comment: The design, materials and details of the proposed gas station, car wash and commercial strip center will complement the structures within in the immediate area and any future development.

4. That the amount, location, and design of open space and landscaping conforms to the requirements of this Code, enhances the visual appeal and is compatible with the design and function of the structure(s), site and surrounding area;

Comment: The project exceeds the minimum landscaping requirements.

5. That excessive and unsightly grading of hillsides does not occur, and the character of natural landforms such as knolls and the Mojave River and that existing vegetation and Joshua Trees are adequately protected and preserved where feasible as required by this Code;

Comment: The site is a level parcel and is essentially void of any native vegetation or natural landforms.

6. That the proposed development's generation of traffic will not adversely impact the capacity and physical character of surrounding streets and that traffic improvements and or mitigation measures are provided in a manner consistent with the Circulation Element of the Town General Plan;

Comment: The project site is located along Highway 18 and Central Road, which are public streets designed to accommodate all traffic generated by the project. The project will require half-width street improvements to Central Road and the outer highway adjacent to the site will be vacated. A traffic impact study was performed. Subsequent site modifications have resulted with a "No Impact" Finding relative to traffic impacts.

7. That there will be no negative impacts upon the environment from the proposed structure(s) that cannot be mitigated; and

Comment: The project is consistent with the General Plan, utilities are available, and the site has no value as habitat for endangered, rare or threatened species. The project is not anticipated to result in any significant effects relating to traffic, noise, air quality or water quality. As a 2.25 acre, previously developed site, the project is classified as in-fill; therefore, pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15332, Class 32, the proposed request is Exempt from further environmental review.

8. That the proposed development, and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety and welfare of the community or be materially injurious to properties or improvements in the vicinity nor be contrary to the adopted General Plan.

Comment: The project will not be detrimental to the public health, safety and welfare of the community or be materially injurious to properties or improvements in the vicinity nor be contrary to the adopted General Plan because the proposed gas station, car wash and commercial strip center is located within the Service Commercial zoning designations and in compliance with the General Plan Land Use and Zoning District that allows this type of construction subject to the approval of a Development Permit Special Use Permit.

G. Special Use Permit Findings:

As required under Section 9.16.090 of the Development Code, prior to approval of a Development 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: The proposed gas station and car wash is located within the Service Commercial zoning designations and in compliance with the General Plan Land Use and Zoning District that allows new construction of both, subject to approval of a Special Use Permit and consistency with all Development Code requirements.

2. That the proposed location, size, design and operating characteristics of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity, adjacent uses, residents, buildings, structures or natural resources.

Comment: The project will not be detrimental to the public health, safety and welfare of the community or be materially injurious to properties or improvements in the vicinity nor be contrary to the adopted General Plan because the proposed gas station and carwash will be located within the Service Commercial zone and is a permitted use, subject to the approval of a Development Permit and Special Use Permit, and subject to all applicable development standards.

3. 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 project will be located at the corner of Highway 18 and Central Road. The project will require improvements to Central Road and abandonment of the adjacent outer highway. All public utilities are available to serve the site

4. That the generation of traffic will not adversely impact the capacity and physical character of surrounding streets and that the traffic improvements and/or mitigation measures are provided in a manner consistent with the Circulation Element of the General Plan;

Comment: The project site is located along Highway 18 and Central Road, which are public streets designed to accommodate all traffic generated by the project. The project will require half-width street improvements to Central Road and the outer highway adjacent to the site will be vacated. A traffic impact study was performed. Subsequent site modifications have resulted with a "No Impact" Finding relative to traffic impacts.

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

Comment: The project is consistent with the General Plan, utilities are available, and the site has no value as habitat for endangered, rare or threatened species. The project is not anticipated to result in any significant effects relating to traffic, noise, air quality or water quality. As a 2.25 acre, previously developed site, the project is classified as in-fill; therefore, pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15332, Class 32, the proposed request is Exempt from further environmental review.

6. That Use Permits requiring new construction also meet the Required Findings set forth within Chapter 9.17 "Development Permits".

Comment: Required Findings set forth within chapter 9.17 "Development Permit have been made as outlined above.

## RECOMMENDATION

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

1. Determine that the project is not anticipated to have any direct or indirect impact upon the environment, as it has been determined that the proposed request is Exempt from further environmental review.
2. Find the facts presented in the staff report support the required Findings for approval and adopt the Findings.

3. Approve Development Permit No. 2019-002 and Special Use Permit No. 2019-001.
4. Direct staff to file a Notice of Exemption.

**ATTACHMENTS:**

1. Recommended Conditions of Approval
2. Site Plan
3. Floor Plan
4. Elevations
5. Comment Letter/Email
6. Zoning/Location Map
7. Opposition Petitions (Under Separate Cover)

## TOWN OF APPLE VALLEY

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### Recommended Conditions of Approval

Development Permit No. 2019-002 and Special Use Permit No. 2019-001

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

### Planning Division Conditions of Approval:

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval, if not exercised, shall expire two (2) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the expiration date. The approval becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. The applicant shall defend, at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P3. The approval of Development Permit No. 2019-002 and Special Use Permit No. 2019-001 by the Planning Commission is recognized as acknowledgment of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, *Appeals*, of the Town of Apple Valley Development Code.
- P4. Prior to issuance of a building permit, the following agencies shall provide written verification to the Planning Division that all pertinent conditions of approval and applicable regulations have been met:

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

- P5. The site plan and rendering presented to and approved with Conditions by the Planning Commission at the public hearing shall be the anticipated and expected appearance of the structure upon completion.
- P6. The Community Development Director or his/her designee shall have the authority for minor architectural changes focusing around items such as window treatments, color combinations, façade treatments and architectural relief. Questions on the interpretation of this provision or changes not clearly within the scope of this provision shall be submitted to the Planning Commission for consideration under a Revision to the Development Permit.
- P7. The filing of a Notice of Exemption requires the County Clerk to collect a fee of \$50.00. The fee must be paid in a timely manner in accordance with Town procedures. The check shall be made payable to the Clerk of the Board of Supervisors.
- P8. No deviation, modification, alteration, adjustment or revision to or from the appearance, location, fixtures, features or appurtenances thereto of any type or extent shall be approved without said changes being first submitted to the Planning Division for consideration and approval.
- P9. All outdoor mechanical and electrical equipment, whether rooftop, side of structure, or on the ground, shall be screen from view from the public street by architectural elements designed to be an integral part of the building.
- P10. Light standards shall blend architecturally with approved project design.
- P11. All lighting 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. Light poles in parking lot shall not exceed twenty (20) feet in height.
- P12. Fuel island canopy lighting shall be recessed so that the luminaires do not extend below the surface of the underside of the canopy.
- P13. Exterior lighting plans, including a photometric site plan shall be included within the building plans that demonstrates all lighting is contained within the site. If lights are proposed to be mounted on the building exterior, down-lights or fully shielded lights shall be used.
- P14. 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.
- P15. Tree wells shall be provided at a ration of one (1) well per seven (7) parking spaces along the south and west property line.

- P16. 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.
- P17. 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.
- P18. Final landscape and irrigation plans shall be submitted prior to the issuance of Building Permits and installed prior to issuance of occupancy permits subject to approval by the Planning Division.
- P19. A Sign Program shall be submitted for review and approval to ensure that all signs are in harmony with other on-site signs, buildings and surrounding development.
- P20. Access to roofs shall be from the interior of the building. If roof access is on the exterior of the building, the roof access ladder shall be screened from view from any public street or public parking area and security shall be provided to prevent unauthorized access.
- P21. Parking requirements shall be met and be in compliance with Town standards. All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines.
- P22. Required parking spaces shall be provided for the handicapped in accordance with Town standards and in accordance with Title 24 of the California Administrative Code. The handicapped spaces shall be located as close as practical to the entrance of the facility. Each space must be provided with access ramps and clearly marked in accordance with Title 24 of the California Administrative Code.
- P23. Trash Enclosure shall be in accordance with Town Standards and shall be covered and reflect the architectural design (trellis canopy or other similar feature) of approved project subject to the review and approval of the Planning Division.
- P24. All fencing and screening material shall be in conformance with the Development Code subject to approval by the Planning Division.
- P25. The applicant shall collaborate with staff to develop and architectural design that cohesively separates the branding image of the convenience store from the leased space.
- P26. For a finished appearance, all sides of the parapets shall include cornice molding.
- P27. The tower feature hip roof shall be eliminated and replaced with a parapet only.



- P28. The entry element of the leased space shall require stacked stone and stucco in lieu of the proposed aluminum composite.
- P29. The pump island canopy shall be designed for architectural compatibility with the building by incorporating a similar roof style. The maximum clearance height of the canopy shall be sixteen (16) feet. Canopy fascia shall match the color, material and textures of the primary building.
- P30. Any modification to the convenience store building elevation shall be subject to the review and approval of a Minor Development Permit to make sure the modification takes into consideration the existing elevations of the additional leased space.

### **Engineering Division Conditions of Approval**

- EC1. Prior to issuance of a grading permit, a final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider reducing the post-development site-developed flow to 90 percent of the pre-development flow for a 100-year design storm.
- EC2. Street improvement plans shall be submitted to the Town Engineer for review and approval.
- EC3. All streets abutting the development shall be improved a minimum with curb and gutter and sidewalk on the development side.
- EC4. A 64-ft wide half-width road dedication along Central Road shall be granted to the Town of Apple Valley prior to the Issuance of a Grading Permit Issuance.
- EC5. Outer Highway 18 South shall be removed along the frontage of the property and proper signs and barricades shall be placed at the intersection of Outer Highway 18 South and Tonikan Road and at Central Road to prohibit vehicles from utilizing the outer highway between Tonikan Road and Central Road. Additional street modification on Outer Highway 18 South between Tonikan and the west property line of the project may be required as determined by the Town Engineer.
- EC6. Central Road shall be improved to the Town's half-width Major Divided Arterial Road standards with 10' wide sidewalk as approved by the Town Engineer.
- EC7. Developer shall be required to construct a raise median on Central Road from Highway 18 south to the southern driveway.

- EC8. An easement for the portion of the sidewalk behind the driveway approaches on private property shall be dedicated to the Town of Apple Valley.
- EC9. Traffic Impact fees shall be paid pursuant to the Town's Arterial Street System Development Fee Ordinance. (Municipal Code Section 3.28.050)
- EC10. "Right Turn Only" signs shall be installed at the north driveway on Central Road for vehicles exiting the property.
- EC11. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC12. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)
- EC13. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC14. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC15. A Storm Water Pollution Prevention Plan (SWPPP) in accordance with the National Pollutant Discharge Elimination System (NPDES) shall be required.

**Public Works Department Conditions of Approval**

- PW1. Sewage disposal shall be by connection to the Town of Apple Valley sewer system. Plans must be approved by the Town of Apple Valley Public Works Department.
- PW2. Sewer connection fees required.

**Environmental and Regulatory Compliance Conditions of Approval**

- EC1. Pursuant to AVMC § 8.19.020(a) et seq., the construction contractor shall complete and submit a Waste Management Plan (WMP), on a WMP form approved by the Town for this purpose as part of the application packet for the building or tenant improvement permit.
- EC2. Pursuant to AVMC § 8.19.050(a) et seq., and prior to the issuance of a Certificate of Occupancy, the contractor shall submit documentation proving that the project has met the diversion requirement. The diversion requirement shall be at least fifty (50) percent of the total C&D debris generated by the project via reuse or recycling.
- EC3. As of January 1, 2019, businesses that generate four (4) cubic yards or more of commercial solid waste per week shall arrange for organic waste recycling

services with limited exceptions. Contact Burrtec Waste Industries at (760) 245-8607 for further information.

- EC4. If waste tires are to be generated at the facility, the operator shall comply with all storage and disposal provisions within Chapter 16 of the Public Resources Code, commencing with section 42800.
- EC5. Businesses that generate 4 cubic yards or more of commercial solid waste per week shall arrange for organic waste recycling services.

**Building and Safety Division Conditions of Approval**

- BC1. Grading and drainage plans must be submitted to and approved by the Building Official, Planning Department and Town Engineer prior to permit issuance.
- BC2. Submit plans, engineering and obtain permits for all structures and retaining walls, signs.
- BC3. 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.
- BC4. A Notice of Intent (NOI) and Storm Water Prevention Plan (SWPP) must be submitted to and approved by the Engineering and Building Departments prior to issuance of a grading permit and or any land disturbance.
- BC5. All utilities shall be placed underground in compliance with Town Ordinance No. 89.
- BC6. All cross-lot drainage requires easements and may require improvements at the time of development.
- BC7. Comply with the State of California Disability Access requirements.
- BC8. A pre-grading meeting is required prior to beginning any land disturbance. This meeting will include the Building Inspector, General Contractor, Grading Contractor, soils technician and any other parties required to be present during the grading process such as a Biologist and/or Paleontologist.
- BC9. A dust palliative or hydro seed will be required on those portions of the site graded but not constructed (phased construction)
- BC10. Page two (2) of the submitted building plans will be conditions of approval.
- BC11. Construction must comply with the currently adopted California Building Codes.
- BC12. Best Management Practices (BMP's) are required for the site during construction.

BC13. Provide Water Quality Management Plan (WQMP) or Alternative Compliance Plan.

**Apple Valley Fire Protection District Conditions of Approval**

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

FD2. All new construction shall comply with applicable sections of the California Fire Code, California Building Code, and other statutes, ordinances, rules, and regulations regarding fires and fire prevention adopted by the State, County, or Apple Valley Fire Protection District.

FD3. All combustible vegetation, such as dead shrubbery and dry grasses, shall be removed from each building site a minimum distance of thirty (30) feet from any combustible building material, including the finished structure. This does not apply to single specimens of trees, ornamental shrubbery, or similar plants, which are used as ground cover if they do not form a means of transmitting fire.  
California Public Resources Code, Sec. 4291

FD4. Prior to combustible construction, the development and each phase thereof, shall have two points of paved access for fire and other emergency equipment, and for routes of escape which will safely handle evacuations. Each of these points of access shall provide an independent route into the area in which the development is located.

FD5. Fire lanes shall be provided with a minimum width of twenty-six (26) feet, maintained, and identified. Twenty-six (26) feet access will start at both points of ingress and continue through the site.

FD6. A turnaround shall be required at the end of each roadway one hundred fifty (150) feet or more in length and shall be approved by the Fire District. Cul-de-sac length shall not exceed one thousand (1,000) feet.

Turning radius on all roads within the facility shall not be less than twenty-two (22) feet inside and minimum of forty (40) feet outside turning radius with no parking on street, or forty-seven (47) feet with parking. Road grades shall not exceed twelve percent (12%) unless approved by the Chief.

Apple Valley Fire Protection District Ordinance 55

FD7. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

Commercial and industrial developments shall have street addresses and location approved by the Fire District. Where the building setback exceeds 200 feet from the roadway, additional non-illuminated contrasting twelve (12)-inch numbers shall be displayed at the property entrance. When these developments have rear doors of each unit, the unit number shall be a minimum of six (6) inches and shall contrast with their background.

Apple Valley Fire Protection District, Ordinance 55

FD8. Plans for fire protection systems designed to meet the fire flow requirements specified in the Conditions of Approval for this project shall be submitted to and approved by the Apple Valley Fire Protection District and water purveyor prior to the installation of said systems.

A. Unless otherwise approved by the Fire Chief, on-site fire protection water systems shall be designed to be looped and fed from two (2) remote points.

B. System Standards:

- a. \*Fire Flow            1,500            GPM @ 20 psi Residual Pressure
- b. Duration                2                            Hour(s)
- c. Hydrant Spacing    330                        Feet
- d. \*If blank, flow to be determined by calculation when additional construction information is received.

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

FD9. An approved fire sprinkler system shall be installed throughout any building:

- 5,000 square feet or greater, including garage and enclosed areas under roof.
- Two stories or greater.
- Existing building(s) with intensification of use, or
- Other per California Building Code requirements.

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

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

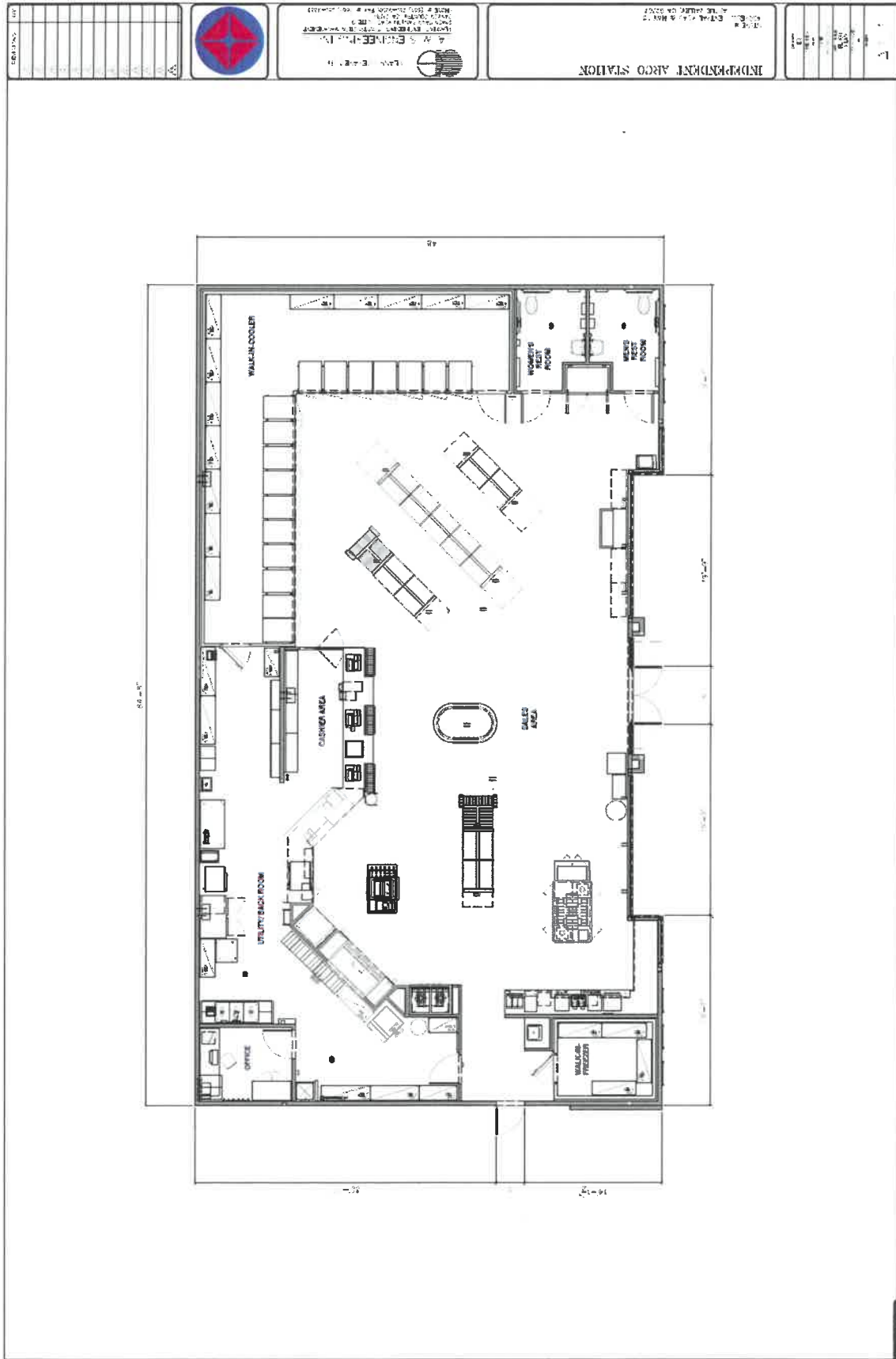
FD11. Prior to issuance of building permit, the developer shall pay all applicable fees as identified in the Apple Valley Fire Protection District Ordinance.

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

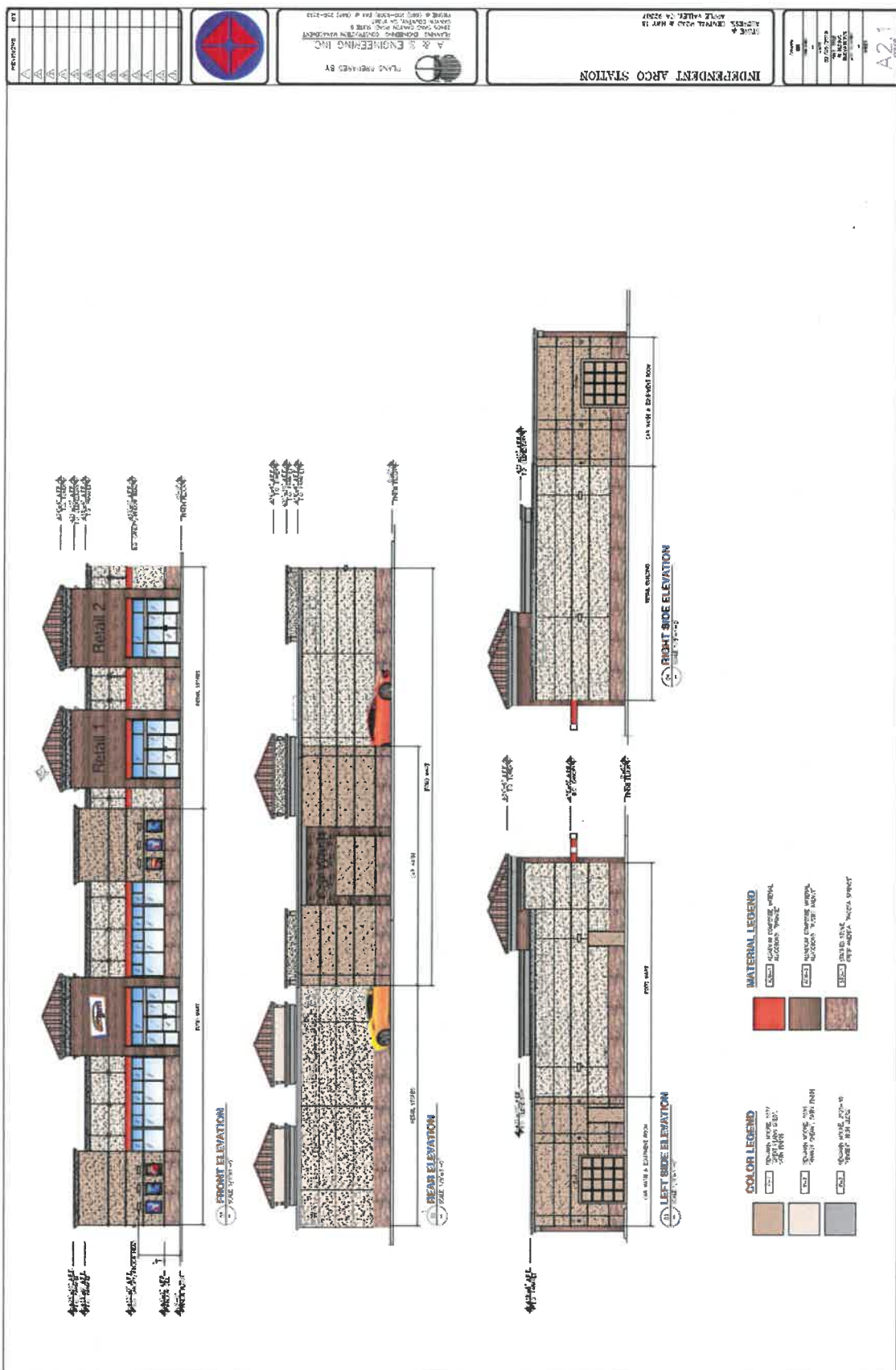
Apple Valley Fire Protection District Ordinance 55

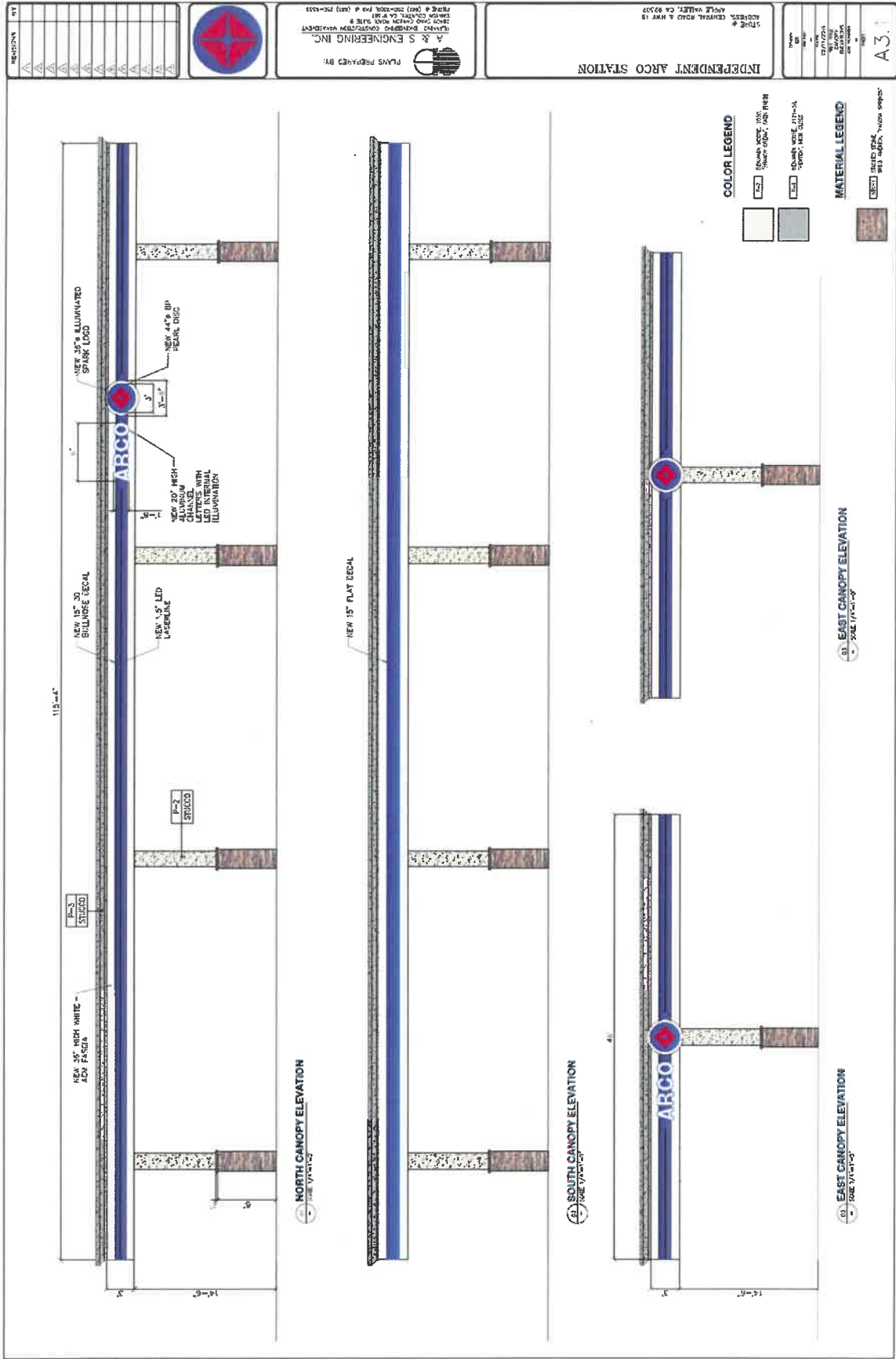
**END OF CONDITIONS**





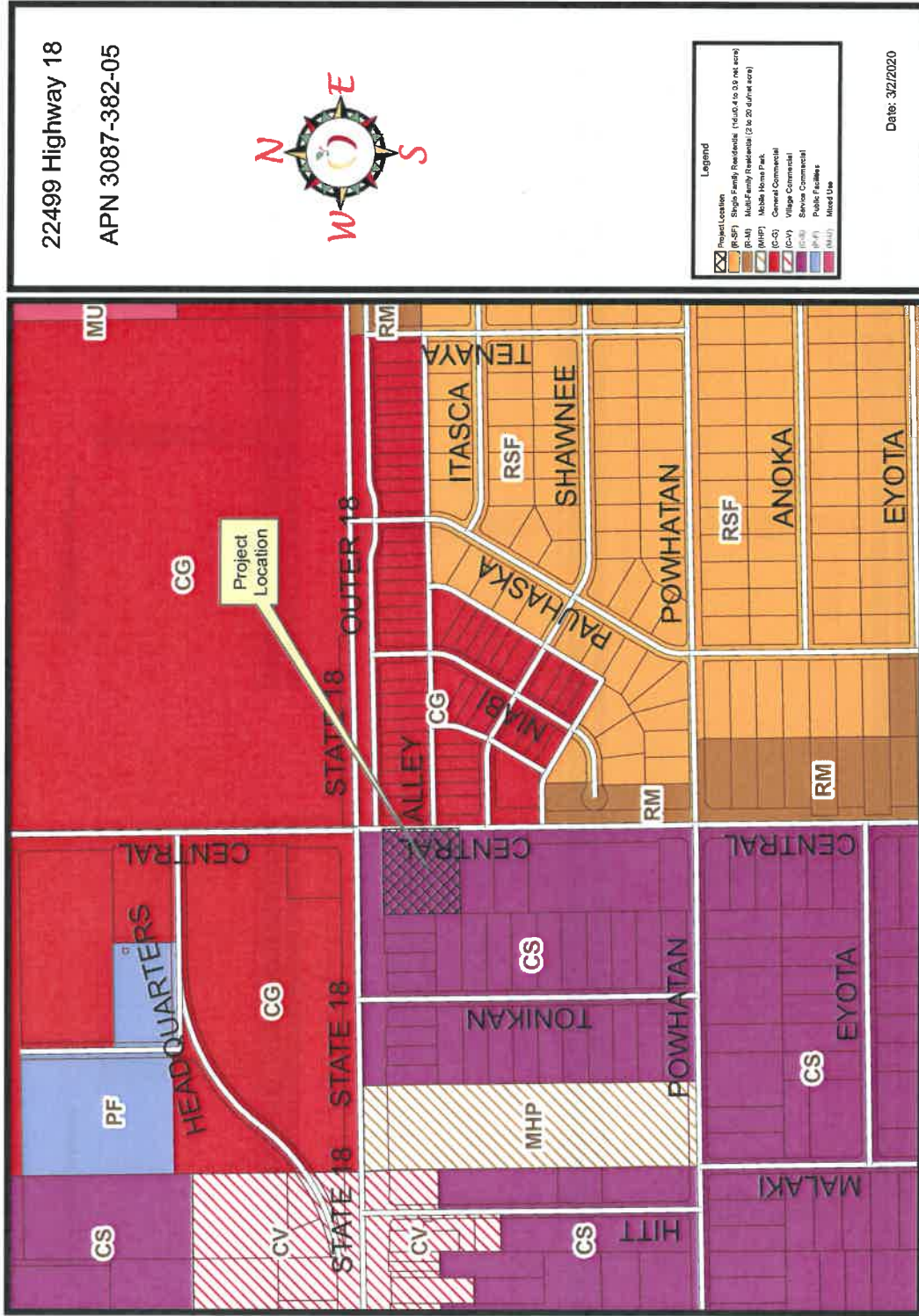






Development Permit No. 2019-002 and  
 Special Use Permit No. 2019-001

# ZONING/LOCATION MAP





## Planning Commission Agenda Report

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**DATE:** March 18, 2020 (*Cont. from March 4, 2020*) **Item No. 6**

**CASE NUMBER:** Tentative Tract Map No. 20255

**APPLICANT:** Red Brick Solution for Nielsen Development

**PROPOSAL:** A request to subdivide approximately forty (40) acres into sixty-five (65) single-family lots and three (3) lettered lots. The lots will range in size from 18,035 to 37,964 square feet with an average lot size of 20,523 square feet. There is no housing product proposed at this time. The project is located within the Equestrian Residential (R-EQ) zoning designation.

**LOCATION:** Southwest corner of Wren Street and Caribou Avenue; APN 0434-201-17.

**ENVIRONMENTAL DETERMINATION:** Based upon an Initial Study, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration has been prepared for this proposal.

**CASE PLANNER:** Pam Cupp, Senior Planner

**RECOMMENDATION:** Approval

### PROJECT SITE AND DESCRIPTION

- A. Project Size:  
The existing parcel is approximately forty (40) acres in size.
- B. General Plan Designations:  
Project Site - Single-Family Residential (R-SF)  
North - Single-Family Residential (R-SF)  
South - Single-Family Residential (R-SF)  
East - Single-Family Residential (R-SF)  
West - Estate Residential (R-E)

C. Surrounding Zoning and Land Use:

Project Site- Equestrian Residential (R-EQ), Vacant  
North - Equestrian Residential (R-EQ), Vacant and Single-family residence  
South - Equestrian Residential (R-EQ), Vacant  
East - Equestrian Residential (R-EQ), Single-family residences  
West - Estate Residential (R-E), Vacant

D. Site Characteristics:

The subject site is vacant land with single-family homes located to the east and north. There are vacant properties located to the south, west and north. The site has been severely impacted by off-road vehicle activity and frequent illegal dumping. The property has a combination of generally flat terrain with scattered areas of slopes exceeding fifteen (15) percent. There is a sixty (60)-foot elevation difference between the east and west boundary of the project site. The site contains low lying vegetation with a large population of scattered Joshua Trees.

ANALYSIS

A. General:

The applicant is seeking approval of Tentative Tract Map No. 20255 that will subdivide approximately forty (40) acres into sixty-five (65) residential lots. The Residential Equestrian (R-EQ) zoning designation sets minimum property size standards for land divisions subject to conformance with the provisions of the Development Code. The R-EQ zoning designation requires a minimum lot size of 18,000 square feet, minimum lot width of 100 feet and a minimum lot depth of 150 feet. Corner lots are required a minimum lot size 20,000, minimum lot width of 115 feet and a minimum lot depth of 150 feet. The proposed lots range in size from 18,035 to 37,963 square feet and are consistent with the minimum site development standards.

Based upon the information provided, implementation of development standards and Conditions of Approval, the proposed subdivision of forty (40) acres into sixty-five (65) single-family lots for future residential development within the Equestrian Residential (R-EQ) zoning designation will not produce adverse impacts upon the site nor surrounding properties. The proposed Project allows for the logical and orderly extension of residential development in an area with similarly sized lots located to the east within Tract No. 5412.

No housing product is proposed at this time; however, a Development Permit is required for homes built within a subdivision of five (5) or more lots. As part of the development process, a Development Permit review and approval by the Planning Commission is required for the architecture of the residential structures (Condition of Approval P7).

The vacant project site is adjacent to existing development to the east, scattered homes to the north and has been disturbed by off-road vehicles. There is also evidence of the area being utilized for illegal dumping. The site supports a mixed shrub community with both native and invasive species present. There are 106

Joshua Trees on site. A Biological Baseline Assessment and Native Plant Report was completed by Altec Engineering in May of 2019. A Joshua Tree survey was conducted and concluded that of the 106 Joshua Trees, fifty (50) trees are suitable for transplant on-site and has recommended removal of the remaining Joshua Trees due to health of the trees. The existing topography and amount of grading required for the development, does not make it feasible to protect any of the Joshua Trees in place. The developer is required to submit a formal plan for the stockpiling and transplant activities for all Joshua Trees (Condition of Approval No. 21).

The Biological Baseline Assessment and Native Plant Report dated May 6, 2019, found no sensitive or endangered species on the site. According to Altec Engineering, the project area is void of habitat and vegetation that would support the subject species. To confirm that no special status species have migrated onto the site, a pre-construction survey shall be completed by a qualified biologist not more than 30 days of initiation of any earth moving activity on site. The pre-construction survey shall include an intensive site survey for desert tortoise, Mojave Ground Squirrel, kit fox, burrowing owl and migratory birds. Should any affected species be identified, the biologist shall include recommendations for avoidance in his/her report (Condition of Approval P22).

The project site is in an area identified as highly sensitive for paleontological resources as shown in Exhibit III-5 of the General Plan Final Environmental Impact Report. A Paleontological Resources records search of the proposed project site was prepared by San Bernardino County Museum on October 11, 2019. The unearthing and damage of these resources would represent a potentially significant impact, without mitigation. In accordance with the General Plan Final Environmental Impact Report mitigation measures, a paleontological monitor is required to be on site to observe any ground disturbing activities. If no paleontological resources are observed after 2 weeks, paleontological monitoring may be reduced to part time or spot checks. The monitor shall be empowered to stop or redirect earth moving activities if a resource is identified Condition of Approval (P25).

1. Traffic and Circulation

The project's boundaries are Wren Street to the north, Mockingbird Avenue to the west, Rambling Road to the south and Caribou Avenue to the east. Traffic generated by the subdivision will mostly traverse Kiowa Road via Wren Street or Marmoset Street. The Code requires that street pattern and street design within a subdivision must conform to the standards adopted within the Circulation Element of the Town of Apple Valley General Plan, including curbs, gutters and sidewalks throughout the project area. Because this is an equestrian zoned area, multi-purpose trail will be required in lieu of sidewalks on the north and west side of the streets.

The circulation plan for the tract is designed to provide safe and efficient access to the proposed subdivision. All street and roadway design plans will adhere to the required Town standards at all intersections and driveways.

2. Drainage

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

3. Sewer Connection

The project is required to connect to the public sewer.

B. Environmental Assessment:

Based upon an Initial Study, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration has been prepared for this proposal.

C. Noticing:

The public hearing for proposed Tentative Tract Map No. 20255 was legally noticed on February 7, 2020.

D. Findings:

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

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

Comment: The subject property has a General Plan land use designation Single-Family Residential (R-SF) and a Zoning Designation of Equestrian Residential (R-EQ) and by size, shape and configuration has the ability to be used in a manner consistent with the General Plan Land Use Element and zoning designations. The project is a proposal to divide forty (40) acres into sixty-five (64) lots ranging in size of 18,035 s.f. to 37,964 square feet. The average lot size for the project is 20,523 square-feet. With adherence to the recommended conditions, will meet the minimum requirements for lot size, width and depth as prescribed by the Code.

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

Comment: The proposal consists of a land subdivision located on residentially designated land for the purpose of future residential development at the density allowed by the underlying zoning. The proposed subdivision will allow the property owner to develop the property in a manner that is consistent with the Town's General Plan Goals and Objectives to promote single-family residential development.

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

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

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

Comment: The project is a residential land subdivision that is required to connect to the public sewer system.

## RECOMMENDATION

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

1. Determine that the proposed Tentative Tract Map will not have a significant effect on the environment with adherence to the Mitigation Measures recommended in this report.
2. Adopt the Mitigated Negative Declaration finding for TTM No. 20255, 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 Mitigated Negative Declaration reflects the Town's independent judgment and analysis.



3. Find that the facts presented in the staff report support the required Findings for approval and adopt those findings.
4. Approve Tentative Tract Map No. 20255, subject to the attached Conditions of Approval.
5. Direct staff to file a Notice of Determination.

**ATTACHMENTS:**

1. Recommended Conditions of Approval
2. Tentative Tract Map
3. Zoning Map
4. Mitigated Negative Declaration/ Initial Study

TOWN OF APPLE VALLEY

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**RECOMMENDED CONDITIONS OF APPROVAL**  
**Tentative Tract Map No. 20255**

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

**Planning Division Conditions of Approval**

- P1. This tentative subdivision shall comply with the provisions of the State Subdivision Map Act and the Town Development Code. This tentative approval shall expire three (3) years from the date of approval by the Planning Commission/Town Council. A time extension may be approved in accordance with the State Map Act and Town Ordinance, if an extension application is filed and the appropriate fees are paid thirty (30) days prior to the expiration date. The Tentative Parcel Map becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. Prior to approval of the Final Map, the following agencies shall provide written verification to the Planning Division that all pertinent conditions of approval and applicable regulations have been met:
- a. Apple Valley Fire Protection District
  - b. Golden State Water
  - c. Apple Valley Public Works Division
  - d. Apple Valley Engineering Division
  - e. Apple Valley Planning Division
- P3. A payment in the amount of \$2,456.75 shall be collected to cover the filing fees of the Notice of Determination (NOD). This amount includes a handling fee of \$50.00 as required by the County Clerk, and as of January 1, 2020, a fee of \$2,406.75 is required for the filing of a NOD with the California Department of Fish and Wildlife. 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. The check shall be made payable to the Clerk of the Board of Supervisors.
- P4. The applicant shall defend at his sole expense (with attorneys approved by the Town) and indemnify the Town against any action brought against the Town, its agents, officers or employees resulting from or relating to this approval. The applicant shall reimburse the Town, its agents, officers or employees for any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at

its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of these obligations under this condition.

- P5. Tentative Tract Map No. 20255 shall adhere to all Equestrian Residential (R-EQ) site development standards and all requirements of the Development Code.
- P6. Approval of the Tentative Tract Map No. 20255 by the Planning Commission is understood as acknowledgement of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, Appeals, of the Town of Apple Valley Development Code.
- P7. A separate Development Permit, approved by the Planning Commission, is required prior to new single-family residential construction. The submittal shall include a Development Plan consisting of plot plans, a minimum of four (4) floor plans with building elevations demonstrating a variety of heights, setbacks, roof shapes and trim to create visually pleasing aesthetics within a cohesive design.
- P8. Terraced, slump stone block retaining walls shall be constructed in areas with slopes exceeding four to one (4:1).
- P9. If the tract/parcel map is adjacent to existing development, a fence/wall plan shall be submitted with the grading and landscape/irrigation plans to identify how new fencing or walls will relate to any existing fences or walls located around the perimeter of the tract/parcel map. The developer shall be required to connect to the existing fencing/walls or collaborate with the adjacent property owners to provide new fencing/walls and remove the existing fence/wall, both options at the developer's expense. Double fencing shall be avoided, and review and approval of the fencing/wall plan is required prior to issuance of grading permits.
- P10. Any fencing that may be required along the drainage channel/easement shall be decorative in design. Chain link is not considered decorative.
- P11. Prior to recordation of Final Map, the Planning Division shall be provided with documentation that the project area has been annexed into the service boundaries of Golden State Water Company or other as determined by the California Public Utilities Commission (CPUC).
- P12. Prior to recordation of Final Map, three (3) sets of detailed landscaping and irrigation plans for the retention basin, prepared by a qualified licensed landscape professional, shall be submitted to the Planning Division for review and approval. The landscape and irrigation plans shall be prepared in compliance with the applicable landscape section of the Town Development Code.
- P13. Prior to the issuance of a grading permit or recordation of the first final map, whichever occurs first, the developer shall submit a final phasing and construction

plan covering the entire Tentative Map for review and approval by the Planning Division. The plan shall specifically address the following:

- a) Vehicular access for each map or phase of development. Each map and/or phase of development shall have 2 points of vehicular access for fire and other emergency equipment, and for routes of escape which will safely handle evacuations as required by the Development Code.
  - b) Submit a master grading plan that addresses grading for each phase of development. The approved conceptual grading plan shall be provided to the Engineering and Building and Safety Division and shall be used as a guideline for subsequent detailed grading plans for individual units or phases of the Tentative Map. The plan shall include techniques to be used to prevent erosion and sedimentation during and after grading. The master grading plan shall also identify areas where temporary grading occurs on any phase other than the one being graded for development.
  - c) Identify all street improvements to be constructed by phase.
  - d) Submit a master utility plan that identifies all water and sewer facilities to be constructed for each phase of development.
  - e) Identify all drainage improvements to be constructed by phase.
- P14. All mitigation measures described in the Initial Study will be implemented as part of the project.
- P15. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.
- P16. In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed in Condition P18, regarding any pre-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.
- P17. If significant pre-contact resources, as defined by CEQA (as amended, 2015, are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI for

- review and comment, as detailed in Condition P18. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.
- P18. The SMBMI shall be contacted, as detailed in Condition P16 of any pre-contact Tribal cultural resources discovered during project implementation and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with SMBMI, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI elect to place a monitor on-site.
- P19. Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to SMBMI. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI throughout the life of the project.
- P20. Joshua Trees that are proposed to be removed shall be transplanted or stockpiled for future transplanting wherever possible.
- P21. In the instance of stockpiling and/or transplanting, a Joshua Tree maintenance plan prepared by a Desert Native Plant Expert shall be submitted for review and approval by the Planning Division. This plan shall include a schedule for maintenance and a statement by the Desert Native Plant Expert that this maintenance plan and schedule will be implemented under his/her supervision. The schedule shall include the requirement that a maintenance report is required at the end of the project or at six (6) month intervals, evidence to the satisfaction of the Building Official that the Desert Native Plant Expert has supervised the scheduled maintenance to the extent that all transplanted and stockpiled plants have been maintained in such a manner to insure the highest practicable survival rate.
- P22. A pre-construction survey shall be completed by a qualified biologist not more than 30 days of initiation of any earth moving activity on site. The pre-construction survey shall include an intensive site survey for desert tortoise, Mojave Ground Squirrel, kit fox, burrowing owl and migratory birds. Should any affected species be identified, the biologist shall include recommendations for avoidance in his/her report.
- P23. Prior to the issuance of a grading permit, the applicant shall demonstrate compliance with MDAQMD regulations for the control of fugitive dust emissions by preparing and submitting a Dust Control Plan for review and approval by MDAQMD. The Dust Control Plan shall describe all fugitive dust control measures to be implemented before, during, and after any dust generating activity. The

measures described in the plan shall be made condition of approval of the ground disturbing permits.

- P24. A copy of the final grading plan shall be submitted to the Planning Division for review and approval.
- a. All on-site cut and fill slopes shall be limited to a maximum slope ratio of 2 to 1 and a maximum vertical height of twelve (12) feet. Setbacks from top and bottom of slopes shall be a minimum of one-half the slope height.
  - b. Slopes shall be contour graded to blend with existing natural contours.
  - c. Slopes shall be a part of the downhill lot when within or between individual lots.
- P25. A qualified paleontological monitor shall be on site at the pre-construction meeting to discuss monitoring protocols. The project proponent shall provide the Town with an agreement with a qualified monitor. The Town shall assure that the monitor is on site during earth moving activities.

#### **Park District Conditions of Approval**

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

#### **Building and Safety Division Conditions of Approval**

- BC1. An engineered grading report including soils report shall be submitted to and approved by the Building official prior to recordation of the final map or issuance of permits for grading in excess of 1,000 cubic yards.
- BC2. Grading and drainage plans must be submitted to and approved by the Building Official, Planning Department and Town Engineer prior to permit issuance.
- BC3. Submit plans and obtain permits for all structures and retaining walls, signs.
- BC4. A pre-construction permit and inspection are required prior to any land disturbing activity to verify requirements for erosion control, flood hazard native plant protection and desert tortoise habitat.
- BC5. A Notice of Intent (NOI) and Storm Water Prevention Plan (SWPP) must be submitted to and approved by the Engineering and Building Departments prior to issuance of a grading permit and or any land disturbance.
- BC6. All utilities shall be placed underground in compliance with Town Ordinance No. 89.

- BC7. All cross lot drainage requires easements and may require improvements at the time of development.
- BC8. Comply with the State of California Disability Access requirements.
- BC9. A pre-grading meeting is required prior to beginning any land disturbance. This meeting will include the Building Inspector, General Contractor, Grading Contractor, soils technician and any other parties required to be present during the grading process such as a Biologist and/or Paleontologist.
- BC10. A dust palliative or hydro seed will be required on those portions of the site graded but not constructed (phased construction)
- BC11. Construction must comply with the applicable California Building Codes and green Building Code.
- BC12. Best Management Practices (BMP's) are required for the site during construction.
- BC13. Provide Water Quality Management Plan (WQMP) or Alternative Compliance Plan.

**Engineering Division Conditions of Approval**

- EC1. Prior to issuance of a grading permit, a final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider reducing the post-development sit-developed flow to 90 percent of the pre-development flow for a 100-year design storm.
- EC2. Street improvement plans shall be submitted to the Town Engineer for review and approval.
- EC3. All interior streets shall be improved to Town standards with curb, gutter and street pavement. Minimum residential width of streets shall be 36 feet curb to curb.
- EC4. All streets abutting the development shall be improved a minimum half-width of 28 feet with curb, gutter and sidewalk on the development side.
- EC5. All street names shall be approved by the Town and such approval shall be coordinated through the Town Engineer.
- EC6. A 30-ft wide, half-width road dedication along Wren Street, adjacent to the property shall be granted to the Town of Apple Valley prior to Final Map Approval.

- EC7. A 40-ft wide, (30-ft + 10-ft) half-width road dedication along Marmoset Street (Rambling Road), adjacent to the property shall be granted to the Town of Apple Valley prior to Final Map Approval.
- EC8. A 40-ft wide, (30-ft + 10-ft) half-width road dedication along Mocking Bird Avenue, adjacent to the property shall be granted to the Town of Apple Valley prior to Final Map Approval.
- EC9. Marmoset Street (Rambling Road) adjacent to the property shall be improved to the Town's half-width Local Road standards.
- EC10. Mocking Bird Avenue adjacent to the property shall be improved to the Town's half-width Local Road standards.
- EC11. During the grading of the roads, soils testing of the road subgrades by a qualified soils engineering firm shall be performed to determine appropriate structural road section. Minimum asphalt concrete thickness for all streets shall be 0.33 ft.
- EC12. All required improvements shall be bonded in accordance with Town Development Code unless constructed and approved prior to approval and recordation on the Final Map.
- 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 submitted to the Town Engineer prior to issuance of a grading permit for review and approval. A grading permit shall not be issued until street improvement plans have been submitted to the Town Engineer for review and substantial completion of the street plans has been attained as determined by the Town Engineer.
- EC16. The developer shall form or annex into an assessment district to provide for the ongoing maintenance of the retention basin. Additionally, the assessment district shall include landscape maintenance for any and all accessory structures, drainage, landscaping, fencing, streetlights, etc., and shall be formed by the developer prior to final map approval.
- EC17. Prior to Town acceptance of the Final Map, Subdivider shall present evidence to the Town Engineer that he has made a reasonable effort to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.



- EC18. Utility lines shall be placed underground in accordance with the requirements of the Town.
- EC19. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC20. Any developer fees including but not limited to drainage fees shall be paid by the developer as per Town enactment.
- EC21. Any required street striping shall be thermoplastic as approved by the Town Engineer.
- EC22. Grading and drainage parameters shall be in compliance with the Building Code. The developer shall provide landscaping of these basins subject to the approval of the Town and shall form an assessment district to provide for the on-going maintenance of these basins. The developer shall pay for all costs relating to establishment of the district. The retention basins shall also include Town Standard two-stage dry wells to help facilitate the rapid removal of storm water.
- EC23. The developer shall be required to obtain and submit to the Planning Division prior to occupancy, the following signed statement by the purchasers of the homes located within the Landscape and Lighting Assessment district (subject to final approval by the Town Attorney): "In purchasing the home, I am aware that the home is located in the boundaries of a Landscape and Lighting Assessment District for the maintenance of drainage, landscaping, fencing and other similar improvements and that an annual landscaping maintenance charge will be levied.
- EC24. 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.
- EC25. A Storm Water Pollution Prevention Plan (SWPPP) in accordance with the National Pollutant Discharge Elimination System (NPDES) shall be required.

**Public Works Division Conditions of Approval**

- PW1. Submit a sewer feasibility study to the Town of Apple Valley to demonstrate where you plan to extend the sewer from in order to provide sewer service to this project.

- PW2. Sewage disposal shall be by connection to the Town of Apple Valley sewer system. Plans must be approved by the Town of Apple Valley Public Works Department.
- PW3. Construct the sewer collector lines and laterals to each lot to connect to the trunk sewer system or other system as approved in advance by the Town.
- PW4. All manholes within project boundaries shall be 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.
- PW5. Buy-in fees required.
- PW6. Sewer connection fees required.
- PW7. Sewer development impact fees required.
- PW8. Submit Mylars along with three sets of approved plans upon completion of plan check. In addition, the plans must be provided in an electronic format of the Town's choosing. These requirements are the same for the approved plans and the As-Built plans.

**Fire Protection District Conditions of Approval**

- FD1. The above referenced project is protected by the Apple Valley Fire Protection District. Prior to construction occurring on any parcel, the owner shall contact the Fire District for verification of current fire protection development requirements.
- FD2. All new construction shall comply with applicable sections of the California Fire Code, California Building Code, and other statutes, ordinances, rules, and regulations regarding fires and fire prevention adopted by the State, County, or Apple Valley Fire Protection District.
- FD3. The development and each phase thereof, shall have two (2) points of paved access for fire and other emergency equipment, and for routes of escape which will safely handle evacuations. Each of these points of access shall provide an independent route into the area in which the development is located. This shall be completed prior to any combustible construction.
- FD4. Fire lanes shall be provided with a minimum width of twenty-six (26) feet, maintained, and identified.

Apple Valley Fire Protection District Ordinance

FD5. A turnaround shall be required at the end of each roadway 150 feet or more in length and shall be approved by the Fire District. Cul-de-sac length shall not exceed one thousand (1,000) feet.

Turning radius on all roads within the facility shall not be less than twenty-two (22) feet inside and minimum of forty (40) feet outside turning radius with no parking on street, or forty-seven (47) feet with parking. Road grades shall not exceed twelve percent (12%) unless approved by the Chief.

Apple Valley Fire Protection District Ordinance

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FD6. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

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

FD7. Plans for fire protection systems designed to meet the fire flow requirements specified in the Conditions of Approval for this project shall be submitted to and approved by the Apple Valley Fire Protection District and water purveyor prior to the installation of said systems.

A. Unless otherwise approved by the Fire Chief, on-site fire protection water systems shall be designed to be looped and fed from two (2) remote points.

B. System Standards:

\*Fire Flow 500 GPM @ 20 psi Residual Pressure on 8" minimum water main size.

Duration 1 Hour

Hydrant Spacing 660 Feet

C. The total number of fire hydrants will be to be determined. 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 Apple Valley Standards.

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

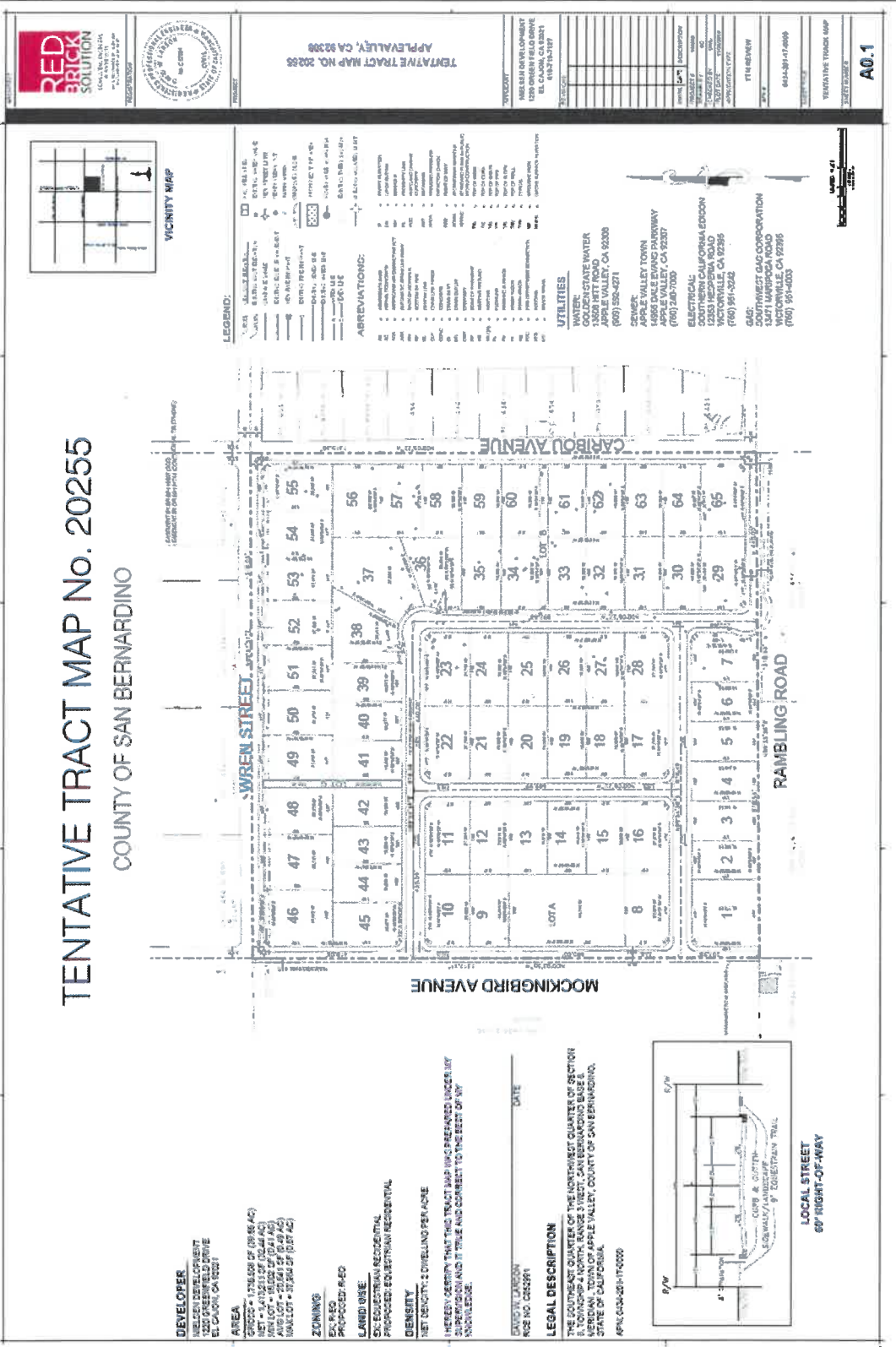
#101

FD8. Residences shall be constructed with an automatic fire sprinkler system (NFPA 13D) throughout the structure, including garage. Plans shall be submitted by a licensed C-16 contractor to the Fire District for review and approval along with plan review fees. Fire Sprinkler work shall not commence until plan approval and a job card have been issued. An approved fire alarm system shall be installed that will

provide a local alarm for water flow to be audible throughout the premises. **NOTE:**  
**The Fire District shall be notified a minimum of 24 hours prior to the desired final inspection date.**

- FD9. 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.
- FD10. Apple Valley Fire Protection District Final Subdivision/Tract/Development fees shall be paid to the Fire District prior to final map acceptance according to the current Apple Valley Fire Protection District Fee Ordinance.
- FD11. The developer shall submit a map showing complete street names within the development, to be approved by the Fire District prior to final map.
- FD12. A Knox Box Rapid Entry System shall be required at all gated ingress/egress points within this project.

**END OF CONDITIONS**



# TENTATIVE TRACT MAP NO. 20255

## COUNTY OF SAN BERNARDINO



TENTATIVE TRACT MAP NO. 20255  
 APPLE VALLEY, CA 92308

**LEGEND:**

- WREN STREET
- MOCKINGBIRD AVENUE
- CARROU AVENUE
- RAMBLING ROAD
- LOCAL STREET
- 60' RIGHT-OF-WAY
- PROPERTY LINE
- LOT AREA
- LOT DIMENSIONS
- UTILITY LINES
- ZONING
- PROPOSED EASEMENTS
- ABREVIATIONS:

**UTILITIES:**  
 WATER: APPLE VALLEY WATER  
 14200 HITT ROAD  
 APPLE VALLEY, CA 92308  
 (951) 952-4271

**SEWER:**  
 APPLE VALLEY TOWN  
 APPLE VALLEY SEWER  
 APPLE VALLEY, CA 92307  
 (951) 247-7030

**ELECTRICAL:**  
 SOUTHERN CALIFORNIA Edison  
 12351 REDWOOD ROAD  
 WEST VALLEY, CA 92386  
 (714) 911-9242

**Gas:**  
 PACIFIC GAS CORPORATION  
 13271 MARPOCA ROAD  
 VICTORVILLE, CA 92386  
 (951) 914-4333

**DEVELOPER:**  
 WILSON DEVELOPMENT  
 14000 WILSON ROAD  
 APPLE VALLEY, CA 92308

**AREA:**  
 GROCS = 13,500 SF (0.31 AC)  
 MENSURED = 13,500 SF (0.31 AC)  
 AVIG LOT = 20,500 SF (0.47 AC)  
 TRACT LOT = 20,500 SF (0.47 AC)

**ZONING:**  
 EC-R-EO  
 PROPOSED-R-EO

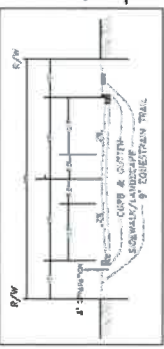
**LAND USE:**  
 SINGLE-FAMILY RESIDENTIAL  
 PROPOSED ELECTRICIAN RESIDENTIAL

**DENSITY:**  
 NET DENSITY: 2 DWELLING PER ACRE

**HEREBY CERTIFY THAT THIS TRACT MAP HAS BEEN PREPARED UNDER MY SUPERVISION AND IN TRUTH AND CONFORM TO THE BEST OF MY KNOWLEDGE.**

DATE: \_\_\_\_\_

**LEGAL DESCRIPTION:**  
 THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 4 NORTH, RANGE 2 WEST, SAN BERNARDINO BASIN MERIDIAN, TOWN OF APPLE VALLEY, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.  
 APN: 0154-021-115000



LOCAL STREET  
 60' RIGHT-OF-WAY

A0.1



**MITIGATED NEGATIVE DECLARATION/INITIAL STUDY**

**TOWN OF APPLE VALLEY**  
**MITIGATED NEGATIVE DECLARATION/INITIAL STUDY**

Project Title:	Tentative Tract Map No. 20255
Assessor's Parcel No.	0434-201-17
Lead Agency Name and Address:	Town of Apple Valley 14955 Dale Evans Parkway Apple Valley, CA 92307
Project Location:	Southwest corner of Wren Street and Caribou Road.
Project Sponsor's Name and Address:	Red Brick Solution 331 S. Rio Grande Street Salt Lake City, UT 84101
General Plan Designation(s):	Single Family Residential (R-SF)
Zoning:	Equestrian Residential (R-EQ)
Contact Person:	Pam Cupp Senior Planner Town of Apple Valley (760) 240-7000, Ext. 7203/pcupp@applevalley.org
Date Prepared	February 2020

**1. Description of the Project**

The proposal is to subdivide approximately forty (40) acres into sixty-six (65) single-family lots and three (3) lettered lots. All lots are single-family residential and will range in size from 18,035 to 37,964 square feet. The average lot size for the project is 20,523 square-feet. At this time a housing product has not been proposed.

**2. Environmental Setting and Surrounding Land Uses**

The subject site is vacant and heavily used by off-road vehicles. There are areas with significant slopes and the site contains a sixty (60)-foot elevation difference between the east and west boundary of the project site. Sediments within the project boundaries include a geologic unit composed of young alluvial-fan deposits composed mostly of sand and silt. The area is considered highly sensitive regarding the presence of paleological resources. There are 106 Joshua Trees present on the site.

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**MITIGATED NEGATIVE DECLARATION/INITIAL STUDY**

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The parcel is bordered on the south and west by vacant lands, and these areas have also been disturbed by off-road activity. The site is bounded on the east with a housing development and scattered single-family homes are present north of the site. Land south of the site is vacant.

**3. Other public agencies whose approval is required**

None.

**4. California Native American tribes**

Pursuant to the requirements of Assembly Bill 52, the Town has received requests for consultation from Cabazon Band of Mission Indians, San Manuel Band of Mission Indians, Twenty-Nine Palms Band of Mission Indians and Torrez-Martinez Desert Cahuilla Indians. Notices were sent and the formal consultation period commenced on June 25, 2019 and ended on July 25, 2019. One (1) response was received from The San Manuel Band of Mission Indians (SMBMI) that indicated the project site is within the Tribe's ancestral territory; however, the site is just outside of the more sensitive Serrano landscape. SMBMI recommended mitigation has been incorporated into this document.

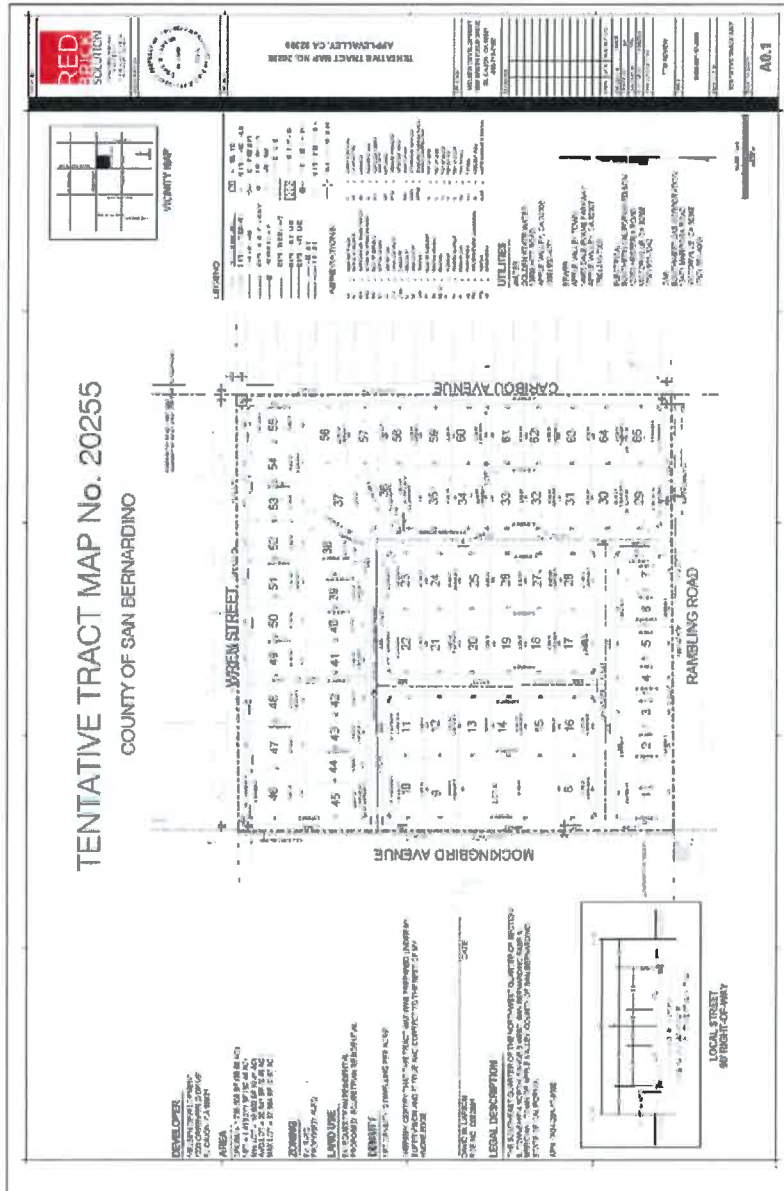


**MITIGATED NEGATIVE DECLARATION/INITIAL STUDY**

Exhibit 1 - Project Aerial



Exhibit 2 – Project Site Plan



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**MITIGATED NEGATIVE DECLARATION/INITIAL STUDY**

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**Environmental Factors Potentially Affected:**

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and corresponding site-specific discussion on the following pages.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Aesthetics                         | <input type="checkbox"/> Agricultural & Forestry Resources | <input checked="" type="checkbox"/> Air Quality   |
| <input checked="" type="checkbox"/> Biological Resources    | <input type="checkbox"/> Cultural Resources                | <input checked="" type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials      | <input type="checkbox"/> Tribal Cultural Resources         | <input type="checkbox"/> Wildfires                |
| <input type="checkbox"/> Greenhouse Gases                   | <input type="checkbox"/> Hydrology/Water Quality           | <input type="checkbox"/> Land Use/Planning        |
| <input type="checkbox"/> Mineral Resources                  | <input checked="" type="checkbox"/> Noise                  | <input type="checkbox"/> Population/Housing       |
| <input type="checkbox"/> Public Services                    | <input type="checkbox"/> Recreation                        | <input type="checkbox"/> Transportation           |
| <input type="checkbox"/> Energy                             | <input type="checkbox"/> Utilities/Service Systems         |   |
| <input type="checkbox"/> Mandatory Findings of Significance |  |   |

**MITIGATED NEGATIVE DECLARATION/INITIAL STUDY**

**DETERMINATION:** The Town of Apple Valley Planning Department has determined, on the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that 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.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that 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.
- I find that 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.

\_\_\_\_\_  
Pam Cupp  
Senior Planner

\_\_\_\_\_  
Date

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**MITIGATED NEGATIVE DECLARATION/INITIAL STUDY**

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**PURPOSE OF THIS INITIAL STUDY**

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the project, as proposed, may have a significant effect upon the environment. Based upon the findings contained within this report, the Initial Study will be used in support of the preparation of a Mitigated Negative Declaration.

**EVALUATION OF ENVIRONMENTAL IMPACTS**

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a

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**MITIGATED NEGATIVE DECLARATION/INITIAL STUDY**

previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impacts to less than significance.

MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

I. AESTHETICS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>					
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"/>

**Discussion of Impacts**

- a. **Less Than Significant Impact.** The proposed project is not located within a Scenic Corridor. However, there are views of the San Bernardino Mountains to the south and southeast provide the dominant scenic vistas from the project site. Other smaller scale mountain ranges are also visible from the project site. The development of the proposed project would result in the construction of sixty-five (65) single-family dwelling units. The construction of the proposed dwelling units may obstruct views of the mountains for nearby residences located east and north of the site. However, the proposed project is of similar size and scale to the existing residential development already in the area and it would not result in a substantial adverse effect on a scenic vista. Therefore, impacts to scenic vistas are considered less than significant.
- b. **Less Than Significant Impact.** The proposed project will not substantially damage scenic resources, including, but not limited, trees, rock outcroppings, and historic buildings within a state scenic highway, because the site is not adjacent to a state scenic highway and there are no rock outcroppings or historic buildings on the site. The site exhibits a downward slope towards the west-southwest with approximately sixty (60) feet of elevation differential across the site. The site is not located within a State scenic highway as identified by California Department of Transportation. There are no State designated scenic highways located within, on, adjacent to, or near the project site. Therefore, development of the project would not damage scenic resources within a State scenic highway.
- c. **Less Than Significant Impact.** The proposed project site is heavily traversed by off-road vehicles and dumping of trash on the property. Completion of the proposed project would result in the development of residential uses on the site. The proposed project will comply with existing Development Code Section 9.31.030 Single Family Architectural Design Standards. For these reasons, the ultimate development of single family dwellings would not result in degradation of the existing visual character of the proposed project site. Therefore, impacts are considered less than significant.
- d. **Less Than Significant Impact.** Development of the project site would introduce a new source of light and glare in the area in the form of street lighting and outdoor lighting on residential units.

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**MITIGATED NEGATIVE DECLARATION/INITIAL STUDY**

While implementation of the proposed project is expected to result in increased light and glare in comparison with the existing undeveloped nature of the project site, the introduction of light and glare associated with residential uses would be similar to that already occurring in the area. Additionally, the proposed project would be required to adhere to Town standards related to development, including lighting standards contained in the Town's Development Code, Chapter 9.70 Performance Standards, Section H, Light and Glare and Town of Apple Valley Dark Sky Policy. Compliance with Town requirements including the Development Code and the Town's design review would reduce the impact of the light sources to off-site locations to a less than significant level.



**MITIGATED NEGATIVE DECLARATION/INITIAL STUDY**

**II. AGRICULTURAL RESOURCES**

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) 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"/>

**Discussion of Impacts**

a-e **No Impact.** The proposed project will have no impact to agricultural resources, including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance. There are no agricultural land uses within the subject property. The site does not contain forest land as defined in Public Resources Code section 12220(g) or timberland as defined in Gov't Code section 51104(g).

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**III. AIR QUALITY**

Where available, the significance criteria established by the applicable air quality management district 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 Incorporated	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) 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

In order to quantify the project's impacts to air quality the CalEEMOD model was used. Development of the proposed project will impact air quality during construction activities and over the long-term operation of the project. These impacts are discussed below.

- a. **Less Than Significant Impact.** The Town of Apple Valley is subject to the jurisdiction of the MDAQMD which sets forth policies and other measures designed to help the District achieve federal and state ambient air quality standards. These rules, along with the MDAQMD CEQA and Federal Conformity Guidelines<sup>1</sup>, are intended to satisfy the planning requirements of both the federal and state Clean Air Acts. The MDAQMD also monitors daily pollutant levels and meteorological conditions throughout the District.

The Apple Valley General Plan Land Use Plan serves as the basis for the assumptions used in the MDAQMD's planning documents for air quality maintenance and improvement. The project is consistent with the Town's General Plan, and with development already occurring in the area. Therefore, it will not exceed AQMP assumptions or criteria, or result in inconsistencies with the AQMP.

- b. **Less than Significant Impact:** Air pollution emissions would be produced during the construction phase of the project. The Mojave Desert Air Basin (MDAB) is in non-attainment for PM10, PM2.5, and ozone at the present time. The EPA has classified the portion of the MDAB in which the

<sup>1</sup> "Mojave Desert Air Quality Management District California Environmental Quality Act and Federal Conformity Guidelines," prepared by the Mojave Desert Air Quality Management District, May 2006.

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project is located as moderate non-attainment for the 8 hour ozone standard, non-attainment for the Federal and State PM10 standards, and non-attainment for the State PM2.5 standards. The Mojave Desert Air Quality Management District (MDAQMD) maintains ambient air quality monitoring stations throughout its portion of the MDAB. The air quality monitoring stations within the MDAB closest to the site are the Victorville Station and the Hesperia Station. These stations over the past three years have detected ozone levels that often exceed the State (one-hour) and Federal (8 hour standards). PM10 and PM2.5 levels never exceeded the Federal 24-hour and annual standards and rarely exceeded the State 24-hour annual standards during the past three years. CEQA defines a cumulative impact as two or more individual effects that together are considerable or that compound or increase other environmental impacts. Fugitive dust and pollutant emissions may be generated during the construction and operational phases of the proposed project and could be significant without mitigation in form of a dust control plan approved by MDAQMD.

The Final Environmental Impact Report (FEIR) prepared for the Town's General Plan identified that potential air quality impacts resulting from implementation of the General Plan would be significant and that there is no mitigation measure available to reduce this impact to less than significant levels. Although the project related emission associated with the project would cumulatively contribute to air quality emission, the impacts would not be more significant than that which were identified in the General Plan FEIR. No new significant air quality impact related to the project will result from the development of the proposed residential uses. Source: Town of Apple Valley General Plan EIR.

**Air Quality Mitigation Measure**

III.1 Prior to commencing earth-moving activity, the applicant/developer shall prepare and submit a dust control plan to the Mojave Desert Air Quality Management District (MDAQMD) that includes all applicable dust control measures that will be implemented as part of the project and the MDAQMD shall be notified in writing upon the commencement of construction. The dust control plan shall be completed in accordance with MDAQMD requirements and proof of an approved dust control plan shall be submitted to Building and Safety prior to the issuance of a grading permit.

- c. **Less than Significant Impacts:** Sensitive receptors located within the vicinity of the proposed project include single-family residences to the north and east. Sandia Academy and Mariana Academy and both within approximately 1.25 miles of the proposed site. On-site grading and construction activities would likely generate temporarily increased levels of particulates and emissions from construction equipment. However, because those emissions created by the proposed project would not exceed State thresholds, the identified sensitive receptors would not be exposed to substantial pollutant concentrations.
- d. **Less than Significant Impact.** During construction, the various diesel-powered vehicles and equipment in use on the site would create odors. Additionally, the application of architectural coatings and installation of asphalt may generate odors. These odors are temporary and not likely to be noticeable beyond the project boundaries. MDAQMD standards regarding the application of architectural coatings (Rule 1113) and the installation of asphalt surfaces are sufficient to reduce temporary odor impacts to a less than significant level.

Long-term objectionable odors are not expected to occur at the proposed project site. Activities conducted at the proposed project will include typical residential activities and will not generate substantial objectionable odors. Therefore, impacts related to creation of

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objectionable odors affecting substantial numbers of people are expected to be less than significant.

The Apple Valley General Plan Land Use Plan serves as the basis for the assumptions used in the MDAQMD's planning documents for air quality maintenance and improvement. The project is consistent with the Town's General Plan, and with development already occurring in the area. Therefore, it will not exceed AQMP assumptions or criteria, or result in inconsistencies with the AQMP.

Criteria Air Pollutants

Criteria air pollutants will be released during both the construction and operational phases of the project. The California Emissions Estimator Model (CalEEMod Version 2016-3.2) was used to project air quality emissions generated by the proposed project.

Construction Emissions

The FEIR fully analyzed worst-case construction emissions. (See EIR p. III-30.) Based on those worst-case assumptions, all construction emission impacts were projected to be less than significant. Nonetheless, site-specific construction emission modeling was performed for the proposed project. The construction analysis includes all aspects of project development, including site preparation, grading, building construction, paving, and application of architectural coatings. As shown in Table 1, none of the analyzed criteria pollutants will exceed regional emissions thresholds during the construction phase. Construction air quality impacts of the proposed project will be less than significant.

**Table 1  
 Construction-Related Emissions Summary  
 Tentative Tract Map No. 20225  
 (tons/year)**

Construction Emissions <sup>1</sup>	CO	NO <sub>x</sub>	ROG	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
2020-2024 Max per year	2.6	3.1	1.9	4.8	0.5	0.3
MDAQMD Thresholds	100	25	25	25	15	12
Exceed?	No	No	No	No	No	No

<sup>1</sup> Average of winter and summer emissions, unmitigated.

Source: CalEEMod model, version 2016.3.2 output tables generated 1/31/2020

Operational Emissions

Operational emissions are ongoing emissions that will occur over the life of the project. Emission sources include area sources (such as consumer products and landscape equipment), energy consumption, and mobile sources.

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**Table 2**  
**Operational Emissions Summary**  
**Tentative Tract Map No. 20255**  
**(tons per year)**

	CO	NO <sub>x</sub>	ROG	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Operational Emissions <sup>1</sup>	7.9	2.2	5.0	0.02	1.39	0.9
MDAQMD Thresholds	100	25	25	25	15	12
Exceed?	No	No	No	No	No	No

<sup>1</sup> Average of winter and summer emissions, unmitigated.  
Source: CalEEMod model, version 2016.3.2

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IV. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
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 Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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, or regulations or by the California Department of Fish and Wildlife 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 state or federally protected wetlands (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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

**Discussion of Impacts**

- a. **Less than Significant Impact with Mitigation.** The analysis of the project's effect on candidate, sensitive, or special status species is based on the *Biological Baseline Assessment and Native Plant Report* dated May 6, 2019, completed by Altec Engineering. Protected sensitive species are classified by either State or Federal resource management agencies, or both, as threatened or endangered, under provisions of the State and Federal Endangered Species Acts. Altec conducted a focused biological assessment of the proposed project site. Biological surveys were conducted for the desert tortoise (*Gopherus agassizii*), Mohave ground squirrel (*Spermophilus mohavensis*), burrowing owl (*Athene cunicularia hypugaea*), sharp-

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shinned hawk (*Accipiter striatus*), and loggerhead shrike (*Lanius ludovicianus*). The site survey found no sensitive or endangered species on the site. According to Altec Engineering, the project area has been significantly disturbed by past human activities and void of significant habitat and vegetation that would typically support special status species. To confirm no special status species have returned to the site, it is recommended that a pre-construction biological survey be conducted.

Various species of wildlife may occur on the parcels. Coyotes were the only mammals seen during the surveys conducted by Altec Engineering. Mammals possibly occurring on the site as residents or transients include jackrabbits (*Lepus americanus*), white-tailed antelope ground squirrels (*Ammospermophilus leucurus*), and kangaroo rats (*Dipodomys merriami*). Several birds were observed during the surveys including ravens (*Corvus corax*), California Quail (*Callipepla californica*), mourning doves (*Zenaida macroura*), and Northern Mockingbirds (*Mimus polyglottos*). A few side-blotched lizards (*Uta stansburiana*), western whiptail lizards (*Cnemidophorus tigris*), Desert night lizards (*Xantusia vigilis*) and desert spiny lizards (*Sceloporus magister*) were observed during the surveys. These species are not listed as threatened, endangered, or sensitive.

**Mitigation Measures:**

BIO-1 A pre-construction survey shall be completed by a qualified biologist not more than 30 days of initiation of any earth moving activity on site. The pre-construction survey shall include an intensive site survey for desert tortoise, Mojave Ground Squirrel, kit fox, burrowing owl and migratory birds. Should any affected species be identified, the biologist shall include recommendations for avoidance in his/her report.

- b. **No impact.** Riparian habitat includes willows, mule fat, and other vegetation typically associated with the banks of a stream or lake shoreline. No riparian habitat exists on site. In addition, there are no other sensitive natural communities or habitats present on the project site. Therefore, no impact associated with this issue will occur.
- c. **No impact.** The project site does not contain any drainage features under the jurisdiction of the U.S. Army Corps of Engineers or other Federal agencies. Therefore, implementation of the proposed project will not result in an impact associated with federally protected wetlands.
- d. **Less than Significant Impact.** The biological resources study did not identify any wildlife nurseries on the project site. The study also found that the site is not conducive to wildlife movement. Impacts associated with wildlife movement are expected to be less than significant.
- e. **Less than Significant Impact with Mitigation.** The California Native Plants Act protects California desert native plants from unlawful harvesting on both public and privately owned lands while also providing information necessary to legally harvest native plants to ultimately transplant those plants with the greatest possible chance of survival. The Town of Apple Valley Development Code Section 9.76.040 further recognizes the Town's intent and desire to preserve the contribution that Joshua Trees have made to the desert environment. While it is the intent and desire of the Town to preserve and protect all Joshua Trees, this intent and desire shall be balanced against the community's need for growth. A Joshua Tree Survey, conducted by Altec Engineering, identifies 106 Joshua Trees (*Yucca brevifolia*) on the site, fifty (50) of which are suitable for transplant on-site and has recommended removal of the remaining Joshua Trees due to health of the tree. The existing topography and amount of grading required for the development, will not make it feasible to protect any of the Joshua Trees in place. Any disturbance of Joshua Trees is subject to the provisions of the Development Code which are all included herewith as mitigation measures.

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**Mitigation Measures:**

BIO-2 Joshua Trees that are proposed to be removed shall be transplanted or stockpiled for future transplanting wherever possible. In the instance of stockpiling and/or transplanting the permittee has submitted and has had the approval of a Joshua Tree maintenance plan prepared by a Desert Native Plant Expert. This plan shall include a schedule for maintenance and a statement by the Desert Native Plant Expert that this maintenance plan and schedule will be implemented under his/her supervision. The schedule shall include the requirement that a maintenance report is required at the end of the project or at six (6) month intervals, evidence to the satisfaction of the Building Official that the Desert Native Plant Expert has supervised the scheduled maintenance to the extent that all transplanted and stockpiled plants have been maintained in such a manner to insure the highest practicable survival rate.

- f. **Less than Significant Impact.** Areas of valuable habitat that support special status species are illustrated in the Biological Resources Study of the Town's General Plan EIR. The General Plan includes policies and programs intended to ensure that habitat connectivity is preserved in the Town. In addition, a number of special survey areas in the Town's planning area are identified in the General Plan. Species for which surveys are required as part of development applications include Desert Tortoise, Mojave Ground Squirrel, Burrowing Owls, Joshua Trees, and/or Migratory/Nesting/Other Protected Birds. 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 because no such plan has been adopted in the area of the project site. However, the Town has a draft Multi-Species Habitat Conservation Plan, and at such time the site is to be developed, the project will be subject to the mitigation measures identified in the MSHCP.



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V. CULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion of Impacts**

a-b. **Less than Significant Impact.** A cultural resources assessment of the proposed project site was completed by BCR Consulting June 21, 2019. A field survey of the site was performed on May 23 and 24, 2019. There were no cultural resources of any kind discovered during the field survey. Therefore, development of the site would be considered a less than significant impact and no mitigation is necessary. The study found no prehistoric resources on the project site, but identified six resources recorded within a mile of the site. The study also included outreach and consultation with Native American Tribes. During the AB 52 consultation process, correspondence was received by San Manuel Band of Mission Indians (SMBMI), and Jessica Mauck, from its Cultural Resource Management Department, does not believe any cultural resources will be impacted as a result of the project. However, SMBMI requested language for Conditions of Approval in the event cultural resources are discovered during project activities.

c. **Less than Significant Impact.** The proposed project site is not known to have been utilized for religious or sacred purposes. No evidence is in place to suggest the project site has been used for human burials. During the AB 52 consultation process, correspondence was received by San Manuel Band of Mission Indians (SMBMI), and Jessica Mauck, from its Cultural Resource Management Department, does not believe any cultural resources will be impacted as a result of the project. However, SMBMI requested language for Conditions of Approval in the event cultural resources are discovered during project activities. If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. As adherence to State regulations is required for all development, no mitigation is required in the unlikely event human remains are discovered on-site. Impacts associated with this issue are considered less than significant.

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<b>VI. ENERGY</b>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion of Impacts**

a) Construction of the 65 single-family residential homes would require the typical use of energy resources. Energy would be consumed during site clearing, excavation, grading and construction. The construction process would be typical. No site conditions or project features would require an inefficient or unnecessary consumption of energy. The project has been designed in compliance with California's Energy Efficiency Standards and 2019 CALGreen Standards. These measures include:

- Stormwater drainage and retention during construction (BMPs);
- Water conserving plumbing fixtures and fittings;
- Compliance with the Town's Water Efficient Landscape Ordinance (Development Code Chapter 9.75)
- Construction Waste Diversion
- All other mandatory CALGreen requirements for residential development.

Operation of the proposed residential units would involve the use of energy for heating, cooling, and equipment operation. These facilities would comply with all applicable California Energy Efficiency Standards and 2019 CALGreen Standards.

Neither the construction or operation of the Project would result in wasteful, inefficient, or unnecessary consumption of energy or wasteful use of energy resources. Therefore, impacts related to wasteful energy use would be less than significant, directly, indirectly or cumulatively.

b) The project has been designed in compliance with California's Energy Efficiency Standards and 2019 CALGreen Standards as noted above. The Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency; therefore, impacts would be less than significant, directly, indirectly, or cumulatively.

**MITIGATED NEGATIVE DECLARATION/INITIAL STUDY**

<b>VII. GEOLOGY AND SOILS</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Directly or indirectly cause 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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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 wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

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- a (i). **No Impact.** The sites are not located within the boundaries of an earthquake fault zone for fault-rupture hazard as defined by the Alquist-Priolo Earthquake Fault Zoning Act. No known active or potentially active faults traverse the site as shown on the California Geologic Survey Map (2002). Therefore, no impact associated with the rupture of a known earthquake fault would occur.  
**Source:** Town of Apple Valley, General Plan EIR
- a (ii) **Less than Significant Impact.** Like all of southern California, the Mojave Desert is a seismically active region. According to the geotechnical investigation prepared for the project, the faults most likely to affect the project site are the North Frontal, Helendale-Lockhart, Lenwood-Lockhart, San Andreas, Cucamonga, Cleghorn, and Landers fault zones. The proposed project site is located in a seismically active area and, therefore, will continue to be subject to ground shaking resulting from activity on local and regional faults.
- a (iii) **Less Than Significant Impact.** Liquefaction occurs when groundwater is located near the surface (within 50 feet), and mixes with surface soils during an earthquake. The Geotechnical Study prepared by ALR Engineering & Testing January 20, 2019 indicates the site is not included within any geologic hazard map as being located within an area with a liquefaction hazard and is not considered a hazard due to the great depth to groundwater. Impacts associated with liquefaction are less than significant.
- a (iv). **No Impact.** The site is not located within an area that could be susceptible to any landslides.
- b. **Less than Significant Impact.** The proposed project will require the excavation, stockpiling, and movement of on-site soils to create the residential pads and proposed new roadways. Currently, construction projects resulting in the disturbance of 1.0 acre or more are required to obtain a National Pollutant Discharge Elimination System (NPDES) permit issued by the Regional Water Quality Control Board (RWQCB). The project's construction contractor will be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) that identifies Best Management Practices (BMPs) to limit the soil erosion during project constructions. Adherence during construction to provisions of the NPDES permit and applicable BMPs contained in the SWPPP will ensure that potential impacts related to this issue are less than significant.
- c. **Less than Significant Impact with Mitigation.** As discussed above, the proposed project site is considered to have a low potential for liquefaction. Based on testing performed during the geotechnical investigation, the potential for hydro-collapse at the project site is negligible. Subsidence is generally associated with large decreases or withdrawals of water from the underlying aquifer. The proposed project does not include wells or other uses that will withdraw groundwater. Subsidence of older alluvial materials at the project site is estimated to be 0.05 foot. Additionally, the artificial fill and windblown sand of older alluvium at the site (generally the upper one to three feet and locally up to seven to ten feet) are considered unsuitable to support pavement, fill, structures, walls, or other improvements in their current state. As such, the proposed project site could result in significant impacts related to unstable soil. The implementation of Mitigation Measures GEO-2 and GEO-3, and adherence to the UBC, CBC, and Town design and engineering standards would ensure impacts associated with unstable soil remain less than significant.

**Mitigation Measures**

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Mitigated Negative Declaration/Initial Study

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GEO-1 The design and construction of the proposed on-site uses shall adhere to the recommendations identified in the geotechnical investigation prepared for the proposed project site, or as determined appropriate by the Town, the standards and requirements established in the UBC.

GEO-2 The requirements and recommendations for earthwork, grading and seismic parameters included within the ALR Engineering & Testing investigation dated January 20, 2019, shall be incorporated into the proposed project.

- d. **No Impact.** As identified in the geotechnical study, the soils within the project site are not expansive. The study confirmed that expansive soils do not occur on the site. No impact is anticipated.
- e. **No Impact.** The proposed project will connect to the existing sanitary sewer system. Because septic or alternative waste disposal systems will not be utilized, no impact related to this issue will occur.
- f. **Less than Significant Impact with Mitigation.** The project site is located in an area identified as highly sensitive for paleontological resources as shown in Exhibit III-5 of the General Plan FEIR. The unearthing and damage of these resources would represent a potentially significant impact, without mitigation.

**Mitigation Measures:**

GEO-3 A qualified paleontological monitor shall be on site at the pre-construction meeting to discuss monitoring protocols.

GEO-4 A paleontological monitor shall be on site to observe any ground disturbing activities. If no paleontological resources are observed after 2 weeks, paleontological monitoring may be reduced to part time or spot checks. The monitor shall be empowered to stop or redirect earth moving activities if a resource is identified.

GEO-5. Should a resource be discovered, the monitor shall flag the area and notify the construction crew immediately. No further disturbance in the flagged area shall occur until the project paleontologist has cleared the area. In consultation with the project paleontologist the paleontological monitor shall quickly assess the nature and significance of the find. If the specimen is not significant it shall be quickly removed, and the area shall be cleared.

GEO-6. If the discovery is significant the paleontologist shall notify the applicant and the Town immediately.

GEO-7. Should a resource be identified, the monitor shall make recommendations regarding the measures needed to protect the resource. Any and all recommendations included in the study shall be implemented by the Town and/or the developer.

**Mitigation Monitoring Program**

MMP GEO-3a The project proponent shall provide the Town with an agreement with a qualified monitor. The Town shall assure that the monitor is on site during earth moving activities.

**Responsible Party:** Planning Department

**Timing:** Receipt of agreement prior to issuance of grading permit and on site inspections.

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MMP GEO-3b Within 30 days of completion of monitoring, the monitor shall prepare, and deliver to the Town, a report of his/her findings.

Responsible Party: Planning Department

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**VIII. GREENHOUSE GAS EMISSIONS**

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion of Impacts**

a-b. **Less Than Significant Impact.** Both construction and operation of the project will generate greenhouse gas (GHG) emissions. Construction emissions will be generated by a variety of sources, including the operation of construction equipment and energy usage. Construction impacts will be temporary and will end once the project is complete. Typically, they can be minimized by limiting idling times, proper maintenance of heavy machinery, and efficient scheduling of construction activities. Long-term operation of the project will generate GHG emissions from area sources, energy and water usage, mobile sources, and waste disposal.

The project will not exceed the threshold for GHG emissions. Statewide programs and standards, including new fuel-efficient standards for cars and expanding the use of renewable energies, will help reduce GHG emissions over the long-term. The project will be required to comply with standards and regulations for reducing GHG emissions, including the Town's Climate Action Plan and other GHG reducing strategies, including high efficiency HVAC and high efficiency fans. The proposed project will also be required to comply with Title 24 of the California Building Code. These standard requirements and Town initiatives will ensure that GHG emissions from the project are less than significant.

The California Emissions Estimator Model (CalEEMod Version 2016.3.2) was used to estimate greenhouse gases emitted by the project. The results are shown in Table 3.

**Table 3  
 GHG Emissions from Construction and Operation  
 Tentative Tract Map 20255  
 (Metric Tons/Year)**

	CO2e	Threshold	Exceeds?
Construction Activities	2,487.71	100,000	No
Operational Activities	417.06	100,000	No

CalEEMod model, version 2016.3.2. Values shown represent the total annual, unmitigated GHG emission projections for construction and operation of the proposed project.

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IX. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
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 or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a,b) <b>No Impact.</b> The proposed project consists of the construction of residential properties. This land use will not involve the production, storage, or distribution of hazardous substances except normally occurring household hazardous wastes (such as cleaning products and paints). The range of land use activities proposed on the project site would not allow for the use, storage, disposal, or transport of large volumes of toxic, flammable, explosive, or otherwise hazardous materials that could cause serious environmental damage in the event of an accident. No impact anticipated.				



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- c. **No Impact.** As the proposed development includes only residential dwelling units, which do not emit hazardous emissions or handle hazardous materials, no impacts associated with this issue are anticipated.
- d. **No Impact.** 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. **No Impact.** The subject areas are not located in the vicinity of a designated airport land use, nor within a two-mile radius of a public airport; therefore, no hazards are known to impact public safety.
- f. **Less than Significant Impact.** Implementation of the proposed project will increase the number of residential dwelling units within the Town. Development of the proposed project will generate an increase in the amount and volume of traffic on local and regional networks. The developers of the proposed project will be required to design and construct applicable roadways to comply with applicable local, regional, State and/or Federal requirements related to emergency access and evacuation plans. Construction activities, which may temporarily restrict vehicular traffic, will be required to implement measures to facilitate the passage of persons and vehicles through/around any required road closures. Adherence to these measures will reduce potential impacts related to this issue to a less than significant level.
- g. **Less than Significant Impact.** The magnitude and severity of a wildfire event is measured by calculating the number of acres burned in a specific wildfire event. CAL Fire adopted a Fire Hazard Severity Zone map for the local responsible agencies in 2008, which is found within the Town's Hazard Mitigation Plan for 2017. The Fire Severity Zones are identified as Very High, High, and Moderate through the County of San Bernardino. Apple Valley has nothing higher than moderate fire hazard severity. The project area is located within a Fire Hazard Area that is mapped as "Moderate", as are most lands located south of Bear Valley Road. The project is not within an area mapped as a high fire danger and it does not directly interface with wildlands; therefore, there will be a less than significant impact.

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X. HYDROLOGY AND WATER QUALITY	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<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, or through the addition of impervious surfaces, in a manner which would				
(i) Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) 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; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seich zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion of Impacts**

- a. **Less than Significant Impact.** The proposed project will be required to connect to the Town's domestic water and sanitary sewer systems. Golden State Water provides water service to the site, and the Victor Valley Wastewater Reclamation Authority provides sanitary sewage treatment for the site. Both these agencies are required to comply with the requirements of

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MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

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the State Regional Water Quality Control Board relating to water quality standards and wastewater discharge requirements. Furthermore, as a development project with a disturbance area of greater than 1 acre, and a significant increase in impervious surfaces, the Applicant will be required to obtain coverage under the State Water Resources Control Board (SWRCB) Construction General Permit and be consistent with the General Permit for Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems.

The Construction General Permit requires the development and implementation of a stormwater pollution prevention plan (SWPPP), which would include and specify water quality best management practices (BMPs) designed to prevent pollutants from contacting stormwater and keep all products of erosion from moving off site into receiving waters. Routine inspection of all BMPs is required under the provisions of the Construction General Permit, and the SWPPP must be prepared and implemented by qualified individuals as defined by the SWRCB. The project applicant must submit a Notice of Intent (NOI) to the SWRCB to be covered by a NPDES permit and prepare the SWPPP prior to the beginning of construction. The applicant will be required to provide the Town of Apple Valley with its waste discharge identification number (WDID) as evidence that it has met the requirements of the Construction General Permit prior to beginning construction activities.

SWRCB permits require through a combination of specific plan design standards, drainage impact fees, and general Mitigation Measures. As compliance with these permits would be required as a condition to receive authorization to construct, no impact is expected.

- b. **Less than Significant Impact.** The project will not 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 because the project will be served by an existing water purveyor that has indicated that there is currently sufficient capacity in the existing water system to serve the anticipated needs of the project.
- c. **Less than Significant Impact.** The existing surface drainage on the site follows the surface contours that drain to the southwest via sheet flow. The project will include on-site water conveyance lots and one lot for water retention. All drainage facilities must be improved which will result in a less than significant impact.
- d. **No Impact.** The proposed project is not located in a flood zone, and does not propose residential development. The proposed project will have no impact on 100 year flood plain hazards.
- e. **Less than Significant Impact.** The proposed project will be required to connect to the Town's sanitary sewer systems. Golden State Water will provide water service to the site, and the Victor Valley Wastewater Reclamation Authority provides sanitary sewage treatment for the site. Both these agencies are required to comply with the requirements of the State Regional Water Quality Control Board relating to water quality standards and wastewater discharge requirements. Furthermore, as a development project with a disturbance area of greater than 1 acre, and a significant increase in impervious surfaces, the Applicant will be required to obtain coverage under the State Water Resources Control Board (SWRCB) Construction General Permit (SWRCB Order 2010-0014-DWQ) and be consistent with the General Permit for Waste Discharge Requirements for Storm Water Discharges from Small Municipal

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Separate Storm Sewer Systems (SWRCB Order 2013-0001 DWQ, or Small MS4 Permit). Each of these permits are described below:

The Construction General Permit requires the development and implementation of a stormwater pollution prevention plan (SWPPP), which would include and specify water quality best management practices (BMPs) designed to prevent pollutants from contacting stormwater and keep all products of erosion from moving off site into receiving waters. Routine inspection of all BMPs is required under the provisions of the Construction General Permit, and the SWPPP must be prepared and implemented by qualified individuals as defined by the SWRCB. The project applicant must submit a Notice of Intent (NOI) to the SWRCB to be covered by a NPDES permit and prepare the SWPPP prior to the beginning of construction. The applicant will be required to provide the Town of Apple Valley with its waste discharge identification number (WDID) as evidence that it has met the requirements of the Construction General Permit prior to beginning construction activities.

Furthermore, the SWRCB has designated the Town of Apple Valley as a Traditional Small MS4. As part of Phase II regulations promulgated by the U.S. Environmental Protection Agency, the SWRCB adopted the Small MS4 Permit, which requires MS4s serving populations of 100,000 people or less to develop and implement a stormwater management plan with the goal of reducing the discharge of pollutants to the maximum extent possible. As a permittee under the Small MS4 Permit, the Town of Apple Valley is required to condition development projects to be compliant with the standards contained in Section E.12 of the Small MS4 Permit. All development projects (that create or replace more than 5,000 square feet of impervious surfaces) seeking approvals from the Town are required integrate source control BMPs and low impact development (LID) designs into the proposed project to the maximum extent feasible to reduce the potential for pollutants to enter stormwater runoff. This includes site design best management practices (as applicable), such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, incorporating trees and landscaping, and conserving natural areas. Facilities must be designed to evapotranspire, infiltrate, harvest/use, and/or biotreat storm water to meet at least one of the hydraulic sizing design criteria contained in the Phase II Small MS4 Permit.

**MITIGATED NEGATIVE DECLARATION/INITIAL STUDY**

<b>XI. LAND USE AND PLANNING</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion of Impacts**

a,b: **No Impact.** The project proposes development on vacant land adjacent to existing residential developments on the north and east. The project represents a continuation of the surrounding residential uses. Development of the site will not divide an existing neighborhood, nor would it introduce a barrier between residential uses. Therefore, no impacts associated with physically dividing an established neighborhood are anticipated.

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<b>XII. MINERAL RESOURCES</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
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"/>

**Discussion of Impacts**

- a. **No Impact.** The sites are not designated as a State Aggregate Resource Area according to the General Plan FEIR; therefore, there is no impact.
- b. **No Impact.** The sites are not designated by the General Plan as a Mineral Resource Zone; therefore, there is no impact.

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XIII. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project result in:</b>				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or 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"/>

**Discussion of Impacts**

- a. **Less than Significant Impact with Mitigation.** Sensitive receptors within the project vicinity that may be affected by increased noise levels associated with the proposed project include single-family residences to the east and north. These sensitive land uses may be potentially affected by noise generated during construction and operation of the proposed project. The proposed project has the potential to cause noise levels to exceed the standards within the Town Code during construction and operational phases. Short-term noise increases from the proposed project would be generated during grading and construction activities. These activities would be short-term and would be subject to the construction activity restrictions in the Town Code. With implementation of the identified mitigation measures, potential short-term construction and long-term operational noise impacts would be reduced to below a level of significance.

**Mitigation Measures**

**Short-Term Construction-Related Impacts.** The following measures would reduce short-term construction-related noise impacts associated with the proposed project:

**N-1** The construction contractor shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.

**N-2** The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors to the east of the site.

**N-3** The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors to the east of the site during all project construction.

**N-4** All construction, maintenance, or demolition activities within the Town's boundary shall be limited to the hours of 7:00 a.m.–7:00 p.m. of any working day Monday through Friday, and

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*all construction, maintenance, or demolition activities shall be prohibited on Saturdays, Sundays and holidays. Exceptions to these standards may be granted by the Town Council. Sundays and holidays. Exceptions to these standards may be granted by the Town Council.*

- b. **Less than Significant Impact.** Construction of and operation of the uses associated with this type of project do not induce substantial groundborne vibrations. As such, a less than significant impact is anticipated.
- c. **No Impact.** The subject areas are not located in the vicinity of a designated airport land use, private airstrip, or within two-mile radius of a public airport; therefore, no impact is anticipated.



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**XIV. POPULATION AND HOUSING**

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned 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 people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion of Impacts**

- a. **Less than Significant Impact.** The proposed project site consists of the construction of sixty-five (65) dwelling units. These new dwelling units would induce population growth to the area. The proposed project site is currently designated as residential use in the General Plan. The proposed residential uses meet the Town's goal of providing housing opportunities for the increasing population within the Town of Apple Valley. As the proposed project is consistent with and has been anticipated by the Town's General Plan, a less than significant growth inducing impact would be associated with development of the project site.  
**Source:** Apple Valley General Plan, Housing Element.
- b. **No Impact.** The proposed project site is currently vacant and, therefore, no displacement of housing or residents will occur. Replacement housing will not be required and no impact associated with this issue will occur.

**MITIGATED NEGATIVE DECLARATION/INITIAL STUDY**

**XV. PUBLIC SERVICES**

<b>Would the project result in:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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:				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion of Impacts**

a. **Less than Significant Impact.** Fire service would be provided to the project uses by the Apple Valley Fire Protection District. The proposed project is located approximately one and one half miles from Station No. 334 located at 12143 Kiowa Road and Station No. 335 located at 21860 Tussing Ranch Road. Due to the close proximity of the two fire stations, the proposed project would be within the standard respond times of the Fire Protection District. However, as with any new development, the proposed project would increase the need for fire protection services within the Town. As a result, the applicant for the construction of the new dwelling units will be required to pay applicable fire service fees prior to occupancy. The payment of fees satisfies the requirements for development impacts on fire services. With the payment of the fire service fee, potential impacts related to the provision of fire services would be reduced to a less than significant level.

**Source:** Town of Apple Valley, General Plan EIR

b. **Less than Significant Impact.** The Town of Apple Valley provides law enforcement services for residents and businesses within the Town limits via a contract with the San Bernardino County Sheriff's Department. The Sheriff station is located at 14931 Dale Evans Parkway. Based on the projected increase in population at build-out, the project does not warrant an additional police officer. Further, the construction of new dwelling units will be required to pay applicable law enforcement facilities fee prior to occupancy. The payment of fees satisfies the requirements for development impacts on police facilities. With the payment of the law enforcement facilities fees, potential impacts related to the provision of police services would be reduced to a less than significant level.

**Source:** Town of Apple Valley, General Plan EIR and Building & Safety Impact Fee Schedule

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- c. **Less than Significant Impact.** Implementation of the proposed project will lead to the construction of sixty-five (65) residential dwelling units that would house school-aged children. The Apple Valley Unified School District would serve the project site. The nearest schools to the proposed project include Mariana Academy, Sifting Bull Middle School, Apple Valley High School, and Willow Park High School. Section 65995 of the California Government Code requires developers to pay a onetime fee for school capital acquisitions and improvements and prohibits state or local agencies from imposing school impact mitigation fees, dedications or other requirements in excess of those provided in the statute. As such, the applicant for the construction of the new dwelling units proposed in the project is required to pay applicable school fees prior to occupancy. The payment of fees satisfies the requirements for the development impacts on school facilities. With the payment of school impact mitigation fees, potential impacts related to the provision of schools would be reduced to a less than significant level.  
**Source:** Town of Apple Valley, General Plan EIR
- d. **Less than Significant Impact.** The proposed development of approximately sixty-five (65) dwelling units would increase the current population by approximately 186 persons. The increase in population would result in increased demand for and use of local parks. In order to reduce potential impacts upon local parks, the proposed project shall be required to dedicate land to pay its fair share for park facilities. Through the development impact fees, the impact upon park facilities would be reduced to less than significant.
- e. **Less than Significant Impact.** The development will not exceed demand that has been previously considered in The Town's General Plan EIR.

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<b>XVI. RECREATION</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) 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 checked="" type="checkbox"/>	<input 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"/>

**Discussion of Impacts**

- a. **Less than Significant Impact.** The project proposes development of sixty-five (65) dwelling units, which would increase the current population. This population increase may result in impacts to local and regional park facilities. The project site is located in close proximity to many regional recreational opportunities. There is a total of thirteen (13) local parks within the Town's jurisdictional boundaries. Four (4) of the thirteen (13) parks are located approximately 2.5 miles from the project site and would be used by residents within the proposed project. These parks include James Woody Community Center and Mendel Park. This is a request to subdivide approximately forty (40) acres into sixty-five (65) single-family residential lots in the Equestrian Residential (R-EQ) zoning designation for future residential development. 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.
- b. **No Impact.** The proposed project does not include recreational facilities and would not induce the need for any construction or expansion of recreational facilities. No impact is anticipated.

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XVII. TRANSPORTATION	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric 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"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Discussion of Impacts</b>				
a. <b>Less than Significant Impact</b> Access to the site will be provided via Kiowa Road and Wren or Caribou Streets. Regional access to the site is provided by Interstate 15 via an interchange on Bear Valley Road. The proposed project would increase the existing traffic load along these roadways as well as impact others within the vicinity of the project site. The roadway adjacent to the development will be required to be improved to the Town's road standards and is consistent with the Circulation Map. The project requires payment of traffic impact fees to reduce regional traffic impacts. There is an existing Victor Valley Transit route one-half mile from the project's eastern boundary. Therefore, there will be a less than significant impact.				
b. <b>No Impact.</b> CEQA Guidelines section 15064.3(c) provides that a lead agency "may elect not be governed by the provisions" of the section immediately; otherwise, the section's provisions apply July 1, 2020. Here, the Town has not elected to be governed by Section 15064.3. Accordingly, an analysis of vehicles miles traveled (VMT) is not necessary to determine whether a proposed project will have a significant transportation impact.				
c. <b>No Impact.</b> The project does not include the construction of any sharp curves. The new intersections to be created as part of the project mostly align with existing roadways. As the project does not include the construction of any structure or feature that will create a substantial increase in hazards due to a design feature, no impacts are anticipated.				
d. <b>No Impact.</b> The project will be designed to provide access for all emergency vehicles and, therefore, will not create inadequate emergency access. Primary access would be provided via Kiowa Road and Wren Street. Secondary access routes would be Marmoset and Kiowa Roads. The Town of Apple Valley has not developed a formal evacuation plan; however, the Apple Valley Fire Protection District will review the TTM for adequate emergency access and development requirements as conditions of approval. No impacts are anticipated.				

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**XVIII. TRIBAL RESOURCES**

**Would the project:**

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1 (k), or
 

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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- ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.
 

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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a) i-ii. **Less than Significant Impact** A cultural resources assessment of the proposed project site was completed by BCR Consulting June 21, 2019. A field survey of the site was performed on May 23 and 24, 2019. There were no cultural resources of any kind discovered during the field survey. Therefore, development of the site would be considered a less than significant impact and no mitigation is necessary. The study found no prehistoric resources on the project site, but identified six resources recorded within a mile of the site. The study also included outreach and consultation with Native American Tribes. During the AB 52 consultation process, correspondence was received by San Manuel Band of Mission Indians (SMBMI), and Jessica Mauck, from its Cultural Resource Management Department, does not believe any cultural resources will be impacted as a result of the project. However, SMBMI requested language for Conditions of Approval in the event cultural resources are discovered during project activities.

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XIX. UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 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"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion of Impacts**

- a. **Less than Significant Impact.** There are existing utilities in the area to serve the project site. The construction of sixty-five (65) single-family homes will require the extension of existing service lines; however, the construction of new facilities or the relocation of existing facilities will not be required.
- b. **Less than Significant Impact.** Golden State Water will provide domestic water services to the subject property. The project is required to construct new domestic waterlines to serve the site.
- c. **Less than Significant Impact.** Wastewater treatment services to the project would be provided by the VVWRA. The VVWRA is a California Joint Powers Authority that owns and operates regional wastewater collection and treatment facilities which services the Victor Valley. For the construction of the new dwelling units, the project is required to satisfy RWQCB and VVWRA payment of fees. The payment of fees satisfies the requirements for the development impact on wastewater treatment facilities. For these reasons, impacts to

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wastewater treatment facilities would be less than significant. The proposed project water services are provided by Liberty Utility.

**d-e. Less than Significant Impact.** The Town contracts for solid waste disposal with Burrtec Waste Industries. Solid waste is hauled to the Victorville landfill, which is a County operated facility. The proposed project will generate solid waste consistent with that analyzed in the Town's General Plan EIR. Impacts associated with solid waste generation are expected to be less than significant.

**XX. WILDFIRES**

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a. **Less than Significant Impact.** Implementation of the proposed project will increase the number of residential dwelling units within the Town. Development of the proposed project will generate an increase in the amount and volume of traffic on local and regional networks. The developers of the proposed project will be required to design and construct applicable roadways to comply with applicable local, regional, State and/or Federal requirements related to emergency access and evacuation plans. Construction activities, which may temporarily restrict vehicular traffic, will be required to implement measures to



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facilitate the passage of persons and vehicles through/around any required road closures. Adherence to these measures will reduce potential impacts related to this issue to a less than significant level.

- b. **Less than Significant Impact.** The magnitude and severity of a wildfire event is measured by calculating the number of acres burned in a specific wildfire event. CAL Fire adopted a Fire Hazard Severity Zone map for the local responsible agencies in 2008, which is found within the Town's Hazard Mitigation Plan for 2017. The Fire Severity Zones are identified as Very High, High, and Moderate through the County of San Bernardino. Apple Valley has nothing higher than moderate fire hazard severity. The project area is located within a Fire Hazard Area that is mapped as "Moderate", as are most lands located south of Bear Valley Road. The project is not within an area mapped as a high fire danger and it does not directly interface with wildlands; therefore, there will be a less than significant impact.
- c. **No Impact.** The project will not require the installation or maintenance of associated infrastructure that would exacerbate fire risk, or that may result in temporary or ongoing impacts to the environment and as such will have a no impact, directly, indirectly, or cumulatively.
- d. **No Impact.** The project is not located within an area susceptible to downslope or downstream flooding or landslides due to post-fire slope instability or drainage changes.

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XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to substantially 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, substantially 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) 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"/>
c) 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"/>
<p>a. <b>Less than Significant Impact.</b> The site is not within designated or proposed critical habitat for threatened or endangered species. Additionally, the proposed project site does not contain any wetlands, or riparian habitat. The proposed project site was identified as not containing suitable habitat for nesting birds, raptors, and burrowing owls due to previous activities. The project area has the potential to contain significant paleontological resources. Implementation of Mitigation Measures would reduce potential impacts to paleontological resources to a less than significant level. Adherence to standard Town and State measures related to the discovery, recovery, and/or recordation of cultural resources and/or human remains during construction activities would ensure a less than significant impact to cultural resources would result from the implementation of the proposed project.</p> <p>b. <b>Less than Significant Impact.</b> With implementation of mitigation contained in this Initial Study, environmental impacts associated with the project will be reduced to a less than significant level; therefore, the proposed project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.</p> <p>c. <b>Less than Significant Impact with Mitigation.</b> The proposed project site is located within an area designated by the Town for residential uses. While development of the proposed project would generate fugitive dust and pollutant emissions during construction, it would not result in any significant operational air quality impacts. Thus, it is not anticipated that these additional emissions would result in significant cumulative air quality impacts. Impacts related to</p>				

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biological resources, cultural resources, geology and soils, hazards, noise, public services, traffic and utilities and services are similarly reduced to a less than significant level through the implementation of mitigation measures and the adherence to established Town-mandated standards. There are no projects that, in combination with the proposed project would create a cumulatively considerable impact over and above those identified in this Initial Study/Mitigated Negative Declaration. The potential cumulative impacts associated with development of the proposed project are, therefore, less than significant.

- d. **Less than Significant Impact.** As identified in this Initial Study/Mitigated Negative Declaration, it was determined that the significance of environmental impacts associated with new development resulting from the proposed project were either no impact, less than significant impact, or less than significant impact with mitigation incorporated. For all topics, the project would not produce a significant effect on the environment. Correspondingly, the project would not produce an adverse impact on humans for those environmental topics that relate directly to humans such as aesthetics, air quality, cultural resources, geology and soils, hazards and hazardous material, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, and utilities and service systems.

**REFERENCES**

California Department of Water Resources, Bulletin #118 (Critical Regional Aquifers), 1975  
County of San Bernardino, Countywide Integrated Waste Management Plan, March 1995  
Town of Apple Valley General Plan, 2009  
Town of Apple Valley Climate Action Plan (CAP), 2013  
Environmental Impact Report (EIR), Town of Apple Valley General Plan, 2009  
Town of Apple Valley Hazard Mitigation Plan, 2017  
County of San Bernardino Identified Hazardous Materials Waste Sites List, April 1998  
Federal Emergency Management Agency Flood Insurance Rate Map and Flood Boundary Map 06071C6505J.  
Mojave Desert Air Quality Management District, Mojave Desert Planning Area – Federal Particulate Matter (PM10) Attainment Plan,  
Mojave Desert Air Quality Management District, Rule 403.2: Fugitive Dust Control Planning Area,  
South Coast Air Quality Management District, CEQA Air Quality Handbook,  
ALR Engineering & Testing Geotechnical Evaluation January 20, 2019  
BCR Consulting, Cultural Resources Assessment. June 21, 2019  
Altec Land Planning, Biological Baseline Assessment and Native Plant Report, April 2019  
San Bernardino County Museum, Paleontological Records Research. December 2017