



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

IMPORTANT COVID-19 NOTICE

IN AN EFFORT TO PROTECT PUBLIC HEALTH AND PREVENT THE SPREAD OF COVID-19 (CORONAVIRUS) AND TO ENABLE APPROPRIATE SOCIAL DISTANCING, THE PLANNING COMMISSION MEETING WILL NOT BE OPEN TO PUBLIC ATTENDANCE.

THE TOWN OF APPLE VALLEY ENCOURAGES THE PUBLIC TO VIEW THIS PLANNING COMMISSION MEETING ON TELEVISION OR ONLINE. THE MEETING IS BROADCAST LIVE ON FRONTIER CHANNEL 29 OR CHARTER SPECTRUM CHANNEL 186 AND LIVE STREAMED ONLINE AT APPLEVALLEY.ORG

MEMBERS OF THE PUBLIC WHO WISH TO COMMENT ON MATTERS BEFORE THE PLANNING COMMISSION MAY PARTICIPATE IN THE FOLLOWING WAYS:

(1) COMMENTS AND CONTACT INFORMATION CAN BE EMAILED TO PUBLICCOMMENT@APPLEVALLEY.ORG BY 3:00 P.M. THE DAY OF THE SCHEDULED MEETING TO BE INCLUDED IN THE WRITTEN RECORD;

(2) A REQUEST TO SPEAK CAN BE EMAILED TO PUBLICCOMMENT@APPLEVALLEY.ORG AND AT THE TIME OF THE REQUESTED AGENDA ITEM, THE PLANNING COMMISSION SECRETARY WILL PLACE A PHONE CALL TO THE COMMENTER AND ALLOW THEM TO SPEAK TO THE COMMISSION VIA SPEAKER PHONE DURING THE LIVE MEETING FOR UP TO THREE MINUTES. PLEASE INDICATE ON WHICH ITEM YOU WISH TO SPEAK.

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

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

REGULAR MEETING

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

CALL TO ORDER

ROLL CALL

Commissioners: 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 April 1, 2020.

PUBLIC HEARING ITEMS

2. **Development Permit No. 2019-002 and Special Use Permit No. 2019-001** (*Cont. from April 1, 2020*). 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.

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

3. **Conditional Use Permit No. 2019-005 and Deviation No. 2019-005** (*Cont. from February 19, 2020 & April 1, 2020*). A request for approval of a Conditional Use Permit to allow a seventy-five (75)-foot tall wireless telecommunication tower designed as a mono-eucalyptus tree.

The Deviation is a request to allow the wireless telecommunication 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: 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. If the Planning Commission denies the request, CEQA Section 15270 states that CEQA does not apply to projects which a public agency denies. Therefore, a Notice of Categorical Exemption is not required.

CASE PLANNER: Carol Miller, Assistant Director of Community Development

RECOMMENDATION: Denial

4. **Tentative Tract No. 20211** (*Cont. from April 1, 2020*). A request to subdivide approximately thirty-six (36) acres into sixty-six (66) single-family lots. The lots will range in size from 18,000 to 25,676 square feet with an average lot size of 19,695 square feet. There is no housing product proposed at this time.

APPLICANT: Chris Connors, CJC Holdings

LOCATION: North side of Yucca Loma Road, east of Cree Road; APN 3112-241-71.

ENVIRONMENTAL

DETERMINATION: In compliance with the California Environmental Quality Act (CEQA), an Initial Study has been completed for the proposed Project and it concludes that the Project will not have a significant adverse impact on the environment with the implementation of all the Conditions of Approval and mitigation measures.

CASE PLANNER: Carol Miller, Assistant Director of Community Development

RECOMMENDATION: Approval

5. **Special Use Permit No. 2019-007.** A request for approval of a Special Use Permit to allow a small recycling center (CRV collection) within the parking area of an existing convenience store. The facility will include two roll off containers with front end store front.

APPLICANT: Mauro Moreno

LOCATION: 16801 Dale Evans Parkway. APN: 0440-014-28

ENVIRONMENTAL

DETERMINATION: In accordance with the California Environmental Quality Act (CEQA) the project is exempt from future review based on Class 3 Categorical Exemption from the requirements of the California Environmental Quality Act. Class 3 includes installation of small new equipment and facilities in small structures. If the Planning Commission denies the request, CEQA Section 15270 states that CEQA does not apply to projects which a public agency denies. Therefore, a Notice of Categorical Exemption is not required.

CASE PLANNER: Carol Miller, Assistant Director of Community Development

RECOMMENDATION: Denial

6. **Development Permit No. 2019-009 Special Use Permit No. 2019-002 & Variance No. 2019-003.** Development Permit and Special Use Permit to allow a 12,300 square-foot multi-tenant commercial building, a 4,998 square-foot convenience store and gas station with six (6) gasoline pump islands and two (2) separate diesel pump islands. The pump islands include a 5,200 square-foot canopy and 800 square-foot canopy at a maximum height of approximately twenty (20) feet to be constructed over the fueling areas. The fueling station also includes a 200-gallon propane tank.

A variance request to allow two (2) eight (8)-foot high monument sign and a twenty-five (25)-foot tall pole sign where a maximum six (6)-foot high monument sign is permitted and a request to allow two (2) forty (40)-foot wide driveway approaches where the maximum width for service stations is thirty-two (32).

APPLICANT: Steeno Design representing David Dhillion

LOCATION: Northeast corner of Bear Valley and Central Roads. APN: 0439-392-11

CASE PLANNER: Carol Miller, Assistant Director of Community Development

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.

RECOMMENDATION: Approval of the Development Permit and Special Use Permit and Denial of the Variance.

7. **Development Permit No. 2018-004 Amendment No. 1 and Special Use Permit No. 1** A request to modify the Conditions of Approval of a previously approved Development Permit and Special Use Permit by deleting or modifying the order point screen/board location requirement (Condition No. P27).

APPLICANT: Ash Pathi

LOCATION: Southwest corner of Highway 18 and Kasota Road (18165 Highway 18), APN 0473-112-22.

CASE PLANNER: Carol Miller, Assistant Director of Community Development

RECOMMENDATION: Continue off calendar to allow the applicant to have a professionally prepared traffic study to identify any impediments and design solutions where necessary. The Commission also has the option to approve as requested or deny.

OTHER BUSINESS

PLANNING COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT

The Planning Commission will adjourn to the regular Planning Commission Meeting on June 6, 2020.

**MINUTES
TOWN OF APPLE VALLEY
PLANNING COMMISSION
REGULAR MEETING
April 1, 2020**

CALL TO ORDER

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

Lori Lamson, Assistant Town Manager, Carol Miller, Assistant Director of Community Development, Richard Pederson, Deputy Town Engineer, Albert Maldonado, Town Attorney, Maribel Hernandez, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Tinsley.

PUBLIC COMMENTS

None

APPROVAL OF MINUTES

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

Motion by, Vice-Chairman Harrison, second by Commissioner Arias to approve the minutes of February 19, 2020.

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

PUBLIC COMMENTS

None

PUBLIC HEARINGS

- 2. Conditional Use Permit No. 2019-006** (*Cont. from March 18, 2020*). 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.

Lori Lamson, Assistant Town Manager, presented the staff the report as filed with the Planning Division.

Vice-Chairman Harrison asked how the parking will be controlled so that it does not impact the adjacent residential areas.

Ms. Lamson said a temporary signage will need to be installed instructing the public where to park.

Commissioner Lanyon asked about a Fire District condition requesting a 26-foot drive, but the plans show 22 feet.

Ms. Lamson stated the width of 22-foot drive is between the two-existing building, but any new construction will need to be 26 feet in width.

Chett Hitt, applicant and Tom Steeno, representative were available via phone.

Mr. Steeno had a question on Planning Conditions P15 regarding the issuance of Building permits and P20, regarding the steel.

Ms. Lamson said she would reword the conditions to be more specific.

Mr. Steeno also asked to modify Condition No. PW22 stating a 6” sewer lateral is required, Mr. Steeno stated that at this time it is not required since there are no toilets, but they will put in place the 6” when the bathrooms are constructed.

Vice-Chairman asked for the applicant if they agreed with the rest of the conditions of approval as amended.

Mr. Hitt and Mr. Steeno agreed with the rest of the Conditions of Approval.

Chairman Kallen closed the public hearing at 6:30pm.

Motion by, Commissioner Tinsley, Second Vice-Chairman Harrison, to approve CUP 2019-006 as amended to the following Conditions of Approval:

P15 –Final landscape and irrigation plans shall be submitted and installed prior to issuance of occupancy permits subject to approval by the Planning Division.

P20 – The Community Development Director or his/her designee shall work with the applicant to find a solution that will prevent staining of the adjacent sidewalk, driveways and rights-of-way from the exposed steel, to ensure the adjacent sidewalk, curb or gutter remain rust-stain free. This could include decorative stained concrete sidewalks and driveways and/or decorative paver driveways. Landscape planters adjacent to the rusted metal fencing and the right-of-way are encouraged.

PW22 – A six (6) inch sewer lateral is required for the additional permanent sanitary facilities. The entire property must connect to a new 6-inch sewer lateral at the time of construction of the permanent sanitary facilities. The existing 4-inch lateral may not be used. Installation of the permanent sanitary facilities shall be installed within the timeline stated in P27.

ROLL CALL VOTE

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

Abstain: None

Absent: None

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

3. Development Permit No. 2019-007, Special Use Permit No. 2019-003, Tentative Parcel No. 20017 (*Cont. from March 18, 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.

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

Vice-Chairman Harrison asked if this was on septic.

Ms. Miller said depending on the discharge per acre, then they would need to connect to sewer, if the discharge did not exceed the discharge per acre they can have a septic tank.

Vice-Chairman Harrison asked what the plan was to control vehicles from turning left out of the driveway.

Richard Pederson Deputy Town Engineer referenced to the Conditions of Approval indicate there will be signs directing traffic that say right turn only.

Chairman Kallen asked why the driveway is so wide - 32 feet wide and what would trigger a median.

Mr. Pederson said this driveway was large to accommodate the larger trucks and fuel trucks. And as for the median, if there was development on all four corners, then raised medians would be considered.

Mr. Pederson would like to revise condition EC22 to strike out "driveway access on Deep Creek Road should be restricted to right out only"

Tom Steeno representative was present via phone.

Vice-Chairman Harrison asked him why there was a need for a 32-foot driveway

Mr. Steeno said the fuel truck will be coming into the driveway thru Bear Valley Rd and that would be the reason the driveway needs to be 32 feet.

Mr. Steeno asked for a clarification on condition PW1 that reads "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" which was different than the initial study which stated that sewer connection was required.

Ms. Miller will modify the initial study to read "Connection to private system and/or the Town of Apple Valley sewer system.

Chairman Kallen ask Mr. Steeno if he agreed with the conditions of approval.

Mr. Steeno does with the agree with the condition and the revision to PW1.

Motion by, Commissioner Arias, second by Commissioner Tinsley to approve DP No. 2019-007, SUP No. 2019-003, Tentative Parcel No. 20017 as amended.

ROLL CALL VOTE

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

Abstain: None

Absent: None

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

4. Tentative Tract No. 20255 (*Cont. from March 18, 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

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

Chairman asked is the lifeline will remain intact.

Ms. Miller said yes, they are required to meet all equestrian standards.

Eric Neilson and Tom Nielson, applicant was preset via phone.

Chairman Kallen asked if he agreed with all conditions of approval.

Mr. Nielson agrees with all conditions.

Chairman Kallen closed Public Hearing 7:05p.m.

Motion by, Commissioner Tinsley, second by Commissioner Arias to approve Tentative Tract No. 20255.

ROLL CALL VOTE

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

Abstain: None

Absent: None

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

5. Development Permit No. 2019-002 and Special Use Permit No. 2019-001 (*Cont. from March 18, 2020*). 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.

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

Vice-Chairman Harrison asked about a petition that was received stating that a Caltrans study was not conducted.

Mr. Pederson said there was a traffic study conducted when they exceed 50 peak hour trips on a state route, by law they are required.

Vice-Chairman asked if Caltrans reported concerns or provide advise related to this project.

Mr. Pederson read the report and said Caltrans did not report any concerns or issues.

Vice-Chairman Harrison asked about traffic accident history at that corner.

Mr. Pederson said the signals meets all the standards, and this project will get rid of the outer highway and in this situation, there is a raised median being required so vehicles will not be allowed to turn left.

Vice-Chairman Harrison said the Mitigations related to this project are going to make this intersection safer.

Mr. Pederson said absolutely will improve the safety of this road.

Amad Kadari architect and Mr. Nadir Khan Malik applicant.

Vice-Chairman Harrison asked Mr. Malik if he agreed with the recommendations staff has made.

Mr. Kadiri agrees with staff recommendations but asked if Condition E12 regarding underground of utility. He asked to modify the condition to allow one pole on the north/east corner of the property and all others along the frontage to be underground.

Mr. Pederson said the condition of approval states what the ordinance requires but included in that ordinance is a provision that says if there is a special circumstance, then it would need to go before the Town Council.

Mr. Pederson stated that condition of approval remains as stated and recommends the applicant bring the issue before council for clarification.

Freddie Ballat, in available via phone to appose of the project due to the safety of the corner.

Vice-Chairman Harrison asked Mr. Ballat if he heard the comments from engineering regarding the removal of the outer highway and a medium to dividing the road.

Mr. Ballat said he did not hear the comments.

Vice-Chairman Harrison recommended he read the staff report or contact staff for further details.

Chairman Kallen asked the applicant if would like to comment on the comments from the public.

Mr. Kadiri said they did comprehensive traffic study that was also reviewed by Caltrans and the mitigations measures being proposed will satisfy and exceed the safety of the lot.

Chairman Kallen asked Mr. Kadiri if he agreed with the conditions of approval.

Mr. Kadiri said they have been reviewed and agree with the conditions of approval.

Chairman Kallen closed the public hearing at 7:28p.m.

Chairman Kallen asked is the item could be continued to bring forward to more public discussion.

Albert Maldonado, Town Attorney said the item could be continued without denying.

Commissioner Tinsley said he feels sympathetic with the response, but the project meets all the ordinance and zoning requirements.

Chairman Kallen recommended to continue the item to allow people to comment and for staff to work with the applicant on the architectural design.

Motion by, Chairman Kallen, second by Commissioner Arias to continue DP No. 2019-002 and SUP 2019-001 to the next regular meeting of May 6, 2020.

ROLL CALL VOTE

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

Abstain: None

Absent: None

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

- 6. 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.

Motion by, Chairman Kallen, second by Vice-Chairman Harrison to continue Conditional Use Permit No. 2019-005 and Deviation No. 2019-005 to the May 6, 2020 meeting.

ROLL CALL VOTE

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

Abstain: None

Absent: None

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

- 7. Tentative Tract Map No. 20211** A request to subdivide approximately thirty-six (36) acres into sixty-six (66) single-family lots. The lots will range in size from 18,000 to 25,676 square feet with an average lot size of 19,695 square feet. There is no housing product proposed at this time.

ROLL CALL VOTE

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

Abstain: None

Absent: None

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

Motion by, Vice-Chairman Harrison, second by Chairman Kallen to continue TTM No. 20211 the May 6, 2020.

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

OTHER BUSINESS

PLANNING COMMISSION COMMENTS

Chairman Kallen asked if meeting could be conducted via zoom with the current situation.

STAFF COMMENTS

None

ADJOURNMENT

Motion by, Commissioner Arias, second by Commissioner Tinsley and unanimously carried, to adjourn the meeting to its next regularly scheduled Planning Commission meeting on May 6, 2020.

Respectfully Submitted by:

Maribel Hernandez
Planning Commission Secretary

Approved by:

Chairman, Bruce Kallen



Planning Commission Agenda Report

DATE:	May 6, 2020 (<i>Cont. from April 1, 2020</i>)	Item No. 2
CASE NUMBER:	Development Permit No. 2019-002 and Special Use Permit No. 2019-001	
APPLICANT:	A & S Engineering, representing Mr. Nadir Khan Malik	
PROPOSAL:	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.	
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	

BACKGROUND

This item was reviewed by the Planning Commission on April 1, 2020. The Commission expressed concern over the noticing, since this has been continued from a previous hearing. Public Notice of a pending land use decision was first mailed to all property owners within a 300-foot radius on March 18, 2019. Based upon the petitions received,

the item was referred to the Planning Commission for its consideration. Based upon the delay with the traffic study and subsequent site revision, the proposal was not ready for public hearing until March 4, 2020. A public hearing notice was published in the Apple Valley News newspaper and mailed to all property owners within a 300-foot radius of the project site. The March 4th and March 18th Planning Commission meetings were canceled due to lack of quorum. There was an error on the case number; therefore, the item was noticed again in the newspaper and through mail for the April 1, 2020 Planning Commission meeting. At the request of the Commission, the item was again noticed for the May 6, 2020 Planning Commission meeting. The public hearing notice for May 6, 2020 contained specific instructions on how to view and participate in the Planning Commission meeting during the COVID-19 pandemic.

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 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.

It should be noted that, the primary concern expressed within the comments of opposition, including the petition presented, were traffic related. 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 and once again on April 24th to provide specific instructions on how to view and participate in the Planning Commission meeting.

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. Zoning/Location Map
6. Comment Letter/Email (2)
7. Opposition Petitions (Under Separate Cover)

TOWN OF APPLE VALLEY

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.

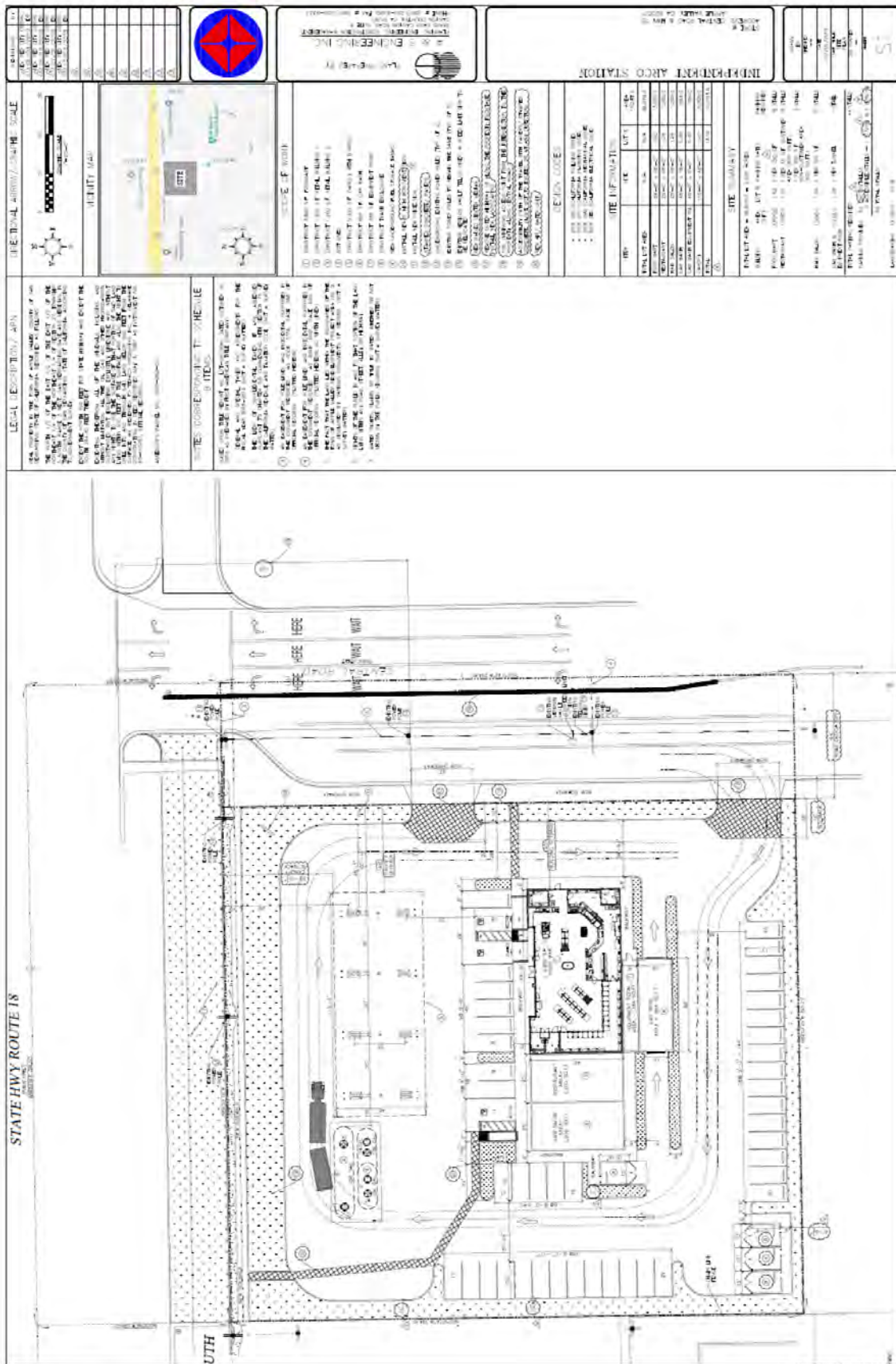
FD10. A letter shall be furnished to the Fire District from the water purveyor stating that the required fire flow for the project can be met prior to the Formal Development Review Committee meeting.

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



LEGAL DESCRIPTION:
 A certain lot of land and more or less containing 10.00 acres, more or less, situated in the City of Independence, Missouri, and more particularly described as follows: ...

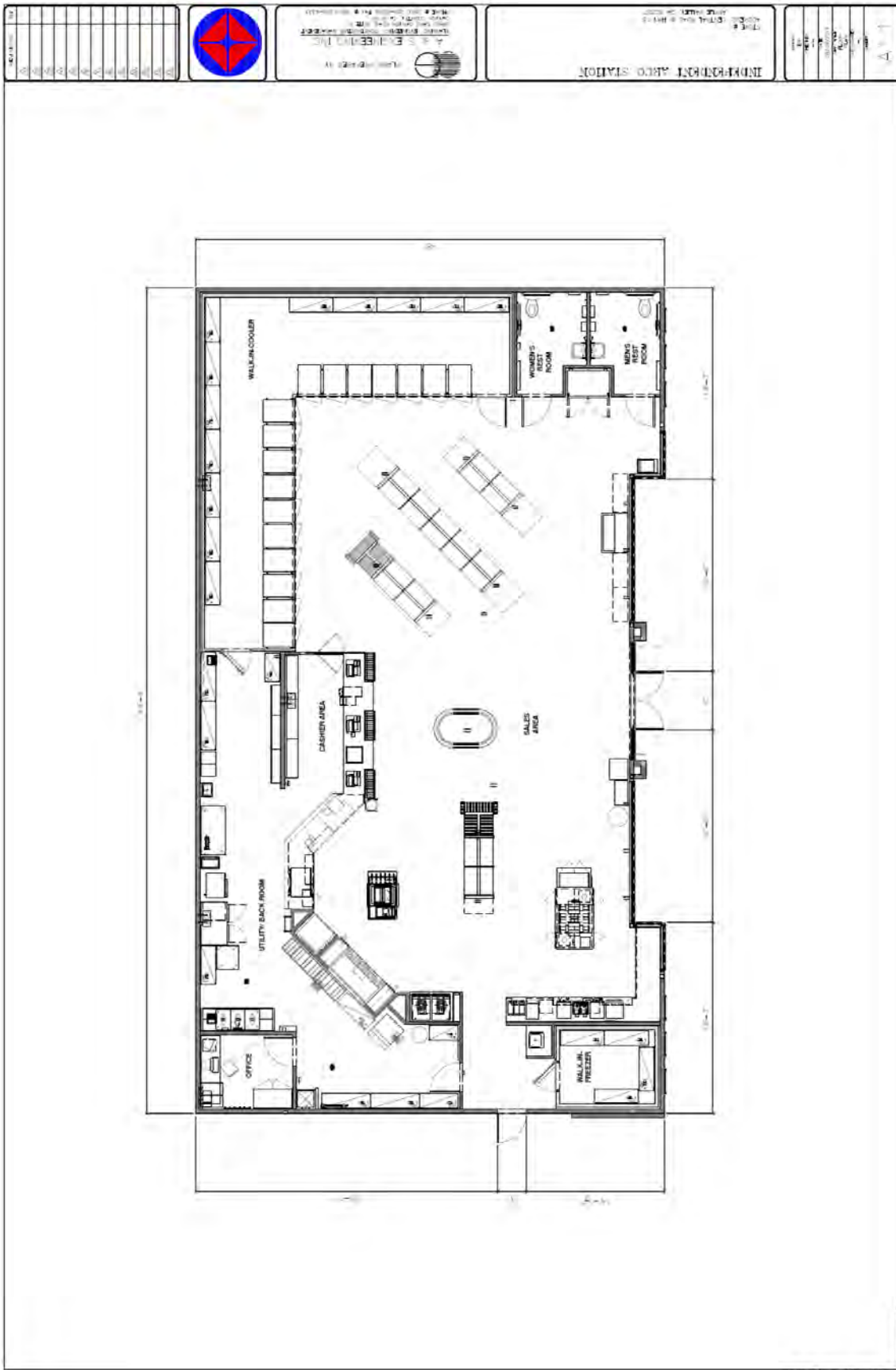
LEGAL DESCRIPTION:
 A certain lot of land and more or less containing 10.00 acres, more or less, situated in the City of Independence, Missouri, and more particularly described as follows: ...



DESIGN CODE:
 1. 10' SIDE SETBACK
 2. 10' FRONT SETBACK
 3. 10' REAR SETBACK

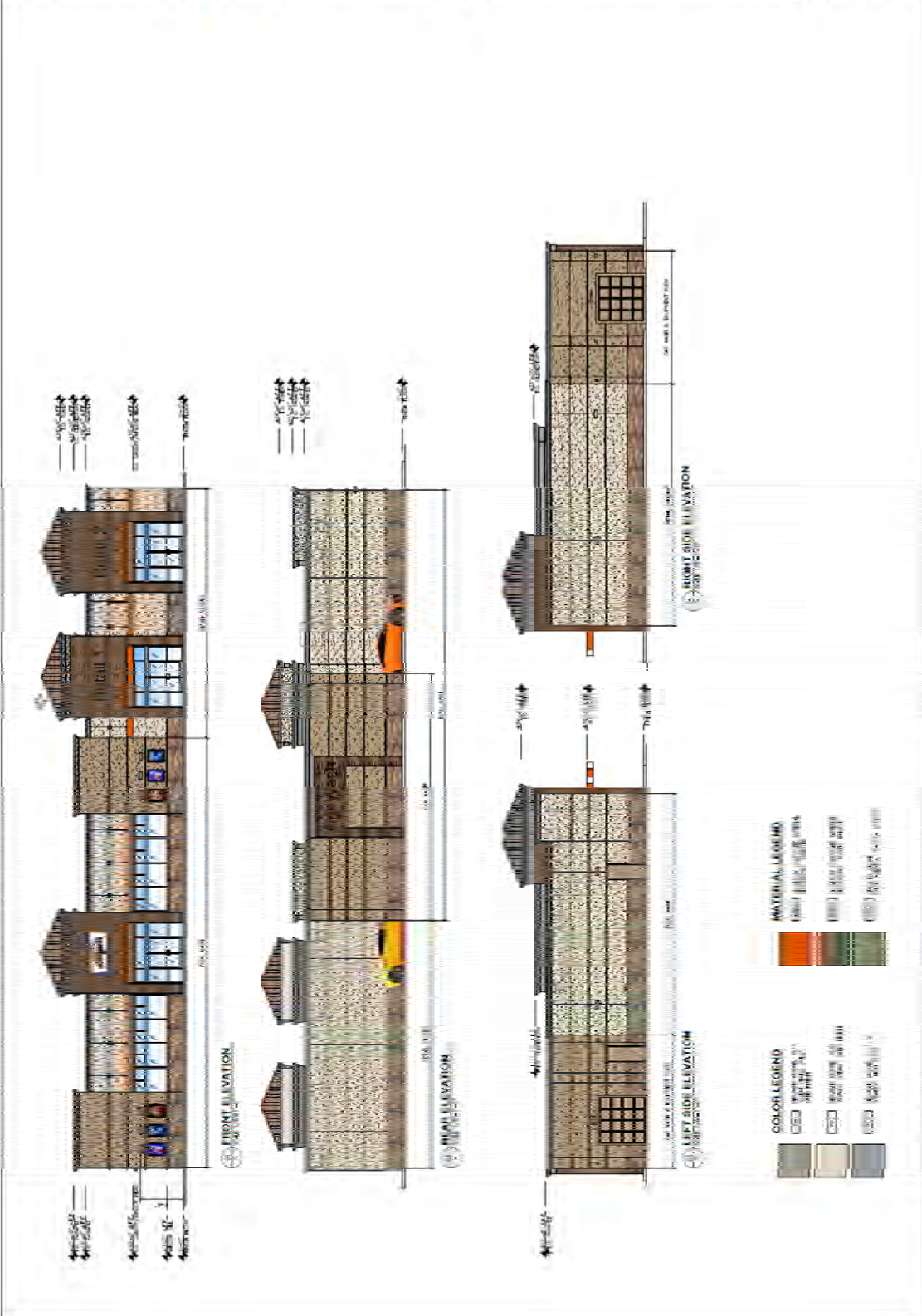
SITE INFORMATION:

NO.	DATE	DESCRIPTION
1	10/15/19	PRELIMINARY SITE PLAN
2	11/15/19	FINAL SITE PLAN

DESIGNER:
 INDEPENDENCE ARCO STATION
 1000 EAST 10TH ST. INDEPENDENCE, MO 64086
 PHONE: 816.835.1234
 FAX: 816.835.1235
 WWW: WWW.ARCO.COM



<table border="1"><tr><td>REVISIONS</td><td>NO.</td><td>DATE</td><td>DESCRIPTION</td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr></table>	REVISIONS	NO.	DATE	DESCRIPTION																																																										<p>PLANS PREPARED BY:  A & S ENGINEERING INC. PLANNING ENGINEERING CONSULTING MANAGEMENT 15001 148TH AVENUE, SUITE 200 LAUREL, MONTGOMERY COUNTY, MD 20854 PHONE: 301-253-3600 FAX: 301-253-3608</p>	<p>PROJECT: INDEPENDENT ARCO STATION SITE # 2019-002 ADDRESS: CENTRAL ROAD & HWY 18 DC # 2019-002-0001</p>	<p>DATE: 11/19/2019 SCALE: AS SHOWN DRAWN BY: J. HARRIS CHECKED BY: J. HARRIS PROJECT NO.: 2019-002 SHEET NO.: 11 TOTAL SHEETS: 12 A2.1</p>
REVISIONS	NO.	DATE	DESCRIPTION																																																													



FRONT ELEVATION

REAR ELEVATION

LEFT SIDE ELEVATION

RIGHT SIDE ELEVATION

COLOR LEGEND

- 1000 BRICK, CLAY TONES
- 1001 BRICK, RED TONES
- 1002 BRICK, LIGHT TONES
- 1003 BRICK, DARK TONES
- 1004 BRICK, MIXED TONES

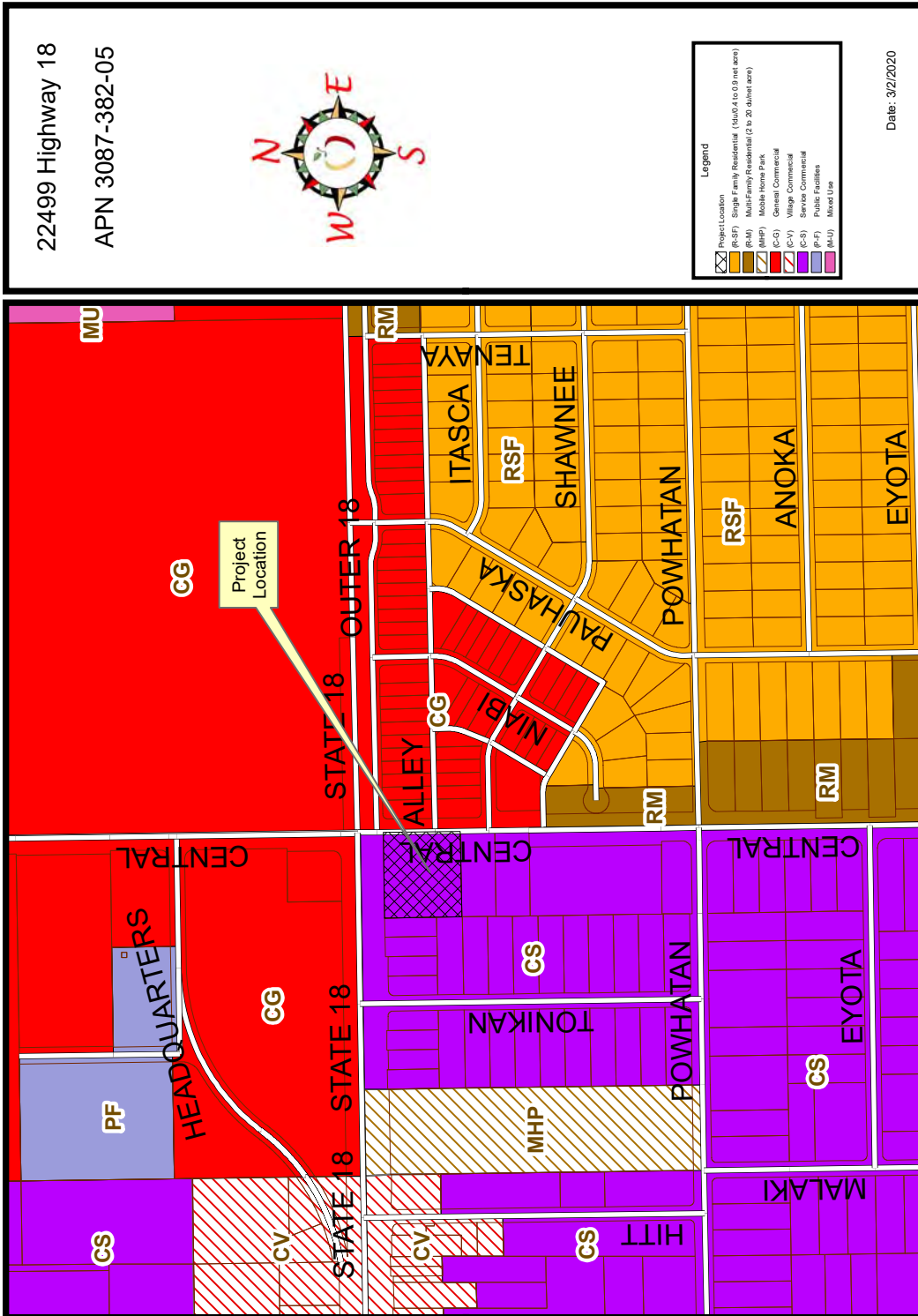
MATERIAL LEGEND

- 1000 BRICK, CLAY TONES
- 1001 BRICK, RED TONES
- 1002 BRICK, LIGHT TONES
- 1003 BRICK, DARK TONES
- 1004 BRICK, MIXED TONES



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

ZONING/LOCATION MAP



22499 Highway 18
 APN 3087-382-05



Legend

[Symbol]	Project Location
[Color]	RSF Single Family Residential (10,000 to 0.9 net acre)
[Color]	RM Multi-Family Residential (2 to 20 duplex units)
[Color]	MHP Mobile Home Park
[Color]	CG General Commercial
[Color]	CV Village Commercial
[Color]	CS Service Commercial
[Color]	PF Public Facilities
[Color]	MU Mixed Use

Date: 3/2/2020

Pamela Cupp

From: Freddie Ballat <ballatf@yahoo.com>
Sent: Thursday, March 28, 2019 11:35 PM
To: Pamela Cupp; Lori Lamson; Mark Maida; Mike Maida
Subject: Permit # 2019-001

Hello Pam,

Thank you again for meeting with me regarding the concerns many local citizens and myself have with the letter we received for the proposed Development Permit # 2019-001 and Special Use permit # 2019-001. I would like to be on the record in opposition to this proposed project and have hand delivered over 300 signatures of local residents who are also opposed. We will continue to gather signatures in case this project is allowed to move forward in the Town's planning process. In our conversation you mentioned that CalTrans had not been included in this preliminary planning application but as we also discussed, this is something that needs to happen sooner than later. This intersection for cars entering to either go across Central (East-West) OR turn on to Central to go North OR turn from Central on to the outer highway is extremely unsafe and I want to make sure the Town is aware of the issues within the comment period of this application. In speaking to many of my customers, fellow residents, my partners, and my attorney we all have a very hard time understanding how a project like this can ever happen without drastically changing this intersection. I live in Apple Valley and hope the decision makers will seriously look at this application and take every precaution to ensure the safety of my fellow residents. Please understand that my opposition is not based on my business, but on the safety of my customers, friends and employees who travel this poorly planned intersection daily. There is a lot of traffic through the intersection with high school age students going to and from Granite Hills HS, and unless this intersection is completely revamped (including input from CalTrans) I think the Town will incur a great deal of liability. I want to be sure these issues are on record during the comment period and hopefully the Town of Apple Valley will take ALL necessary steps to weigh the needs and safety of the community against what is being proposed in this development application.

Thank you for your time,

Fadi Ballat
Sent from my iPhone

Pamela Cupp

From: Freddie Ballat <ballatf@yahoo.com>
Sent: Monday, March 02, 2020 11:33 AM
To: Pamela Cupp
Subject: permit # 2019-001

Hello Pam,

Thank you again for meeting with me regarding the concerns many local citizens and myself have with the letter we received for the proposed Development Permit # 2019-001 and Special Use permit # 2019-001. I would like to be on the record in opposition to this proposed project and have hand delivered over 300 signatures of local residents who are also opposed. We will continue to gather signatures in case this project is allowed to move forward in the Town's planning process. In our conversation you mentioned that CalTrans had not been included in this preliminary planning application but as we also discussed, this is something that needs to happen sooner than later. This intersection for cars entering to either go across Central (East-West) OR turn on to Central to go North OR turn from Central on to the outer highway is extremely unsafe and I want to make sure the Town is aware of the issues within the comment period of this application. In speaking to many of my customers, fellow residents, my partners, and my attorney we all have a very hard time understanding how a project like this can ever happen without drastically changing this intersection. I live in Apple Valley and hope the decision makers will seriously look at this application and take every precaution to ensure the safety of my fellow residents. Please understand that my opposition is not based on my business, but on the safety of my customers, friends and employees who travel this poorly planned intersection daily. There is a lot of traffic through the intersection with high school age students going to and from Granite Hills HS, and unless this intersection is completely revamped (including input from CalTrans) I think the Town will incur a great deal of liability. I want to be sure these issues are on record during the comment period and hopefully the Town of Apple Valley will take ALL necessary steps to weigh the needs and safety of the community against what is being proposed in this development application.

Thank you
Freddie Ballat

684 Signatures

We are residents of Apple Valley and/or frequent travelers of US Highway 18 and Central Rd. in Apple Valley.

WE ARE OPPOSED TO ANY DEVELOPMENT of a gas station or convenience store at the South side of US Highway 18 and outer highway. This is a very dangerous intersection and will be even more dangerous if this kind of project is approved. We already have several gas stations, liquor stores, convenience type stores, and smoke shops to serve the Apple Valley Village area and to add one to this poorly planned and overused intersection will be catastrophic to this corner. We ask that Apple Valley planners and Town Council Members DENY this project immediately for the health and safety of our community. We are signing this petition in OPPOSITION to the application Development Permit #2019-001 and Special Use Permit # 2019-001

NAME

ADDRESS

Axell Hoggis

12861 Dean St Apple Valley

Shawn Maderson

2712 Zuni Rd. Apple Valley

DAVID REINHART

14154 OSAGE RD A.V.

Mosula m. ldo.

14200 PALMER RD A.V.

David McGinnis

14200 PALMER RD A.V.

Jeff Gyllberg

(952) 781-5435

12450

26420 Laramie St.

Loree

760-905-56-44

Steph

22447 Strand's, Rock Hill

Frank Alvarez

15607 Wichita Rd Apple Valley

Sergio Lopez

14677 Jopatl Rd A.V.

Torie Hendricks

91067 Wisteria St Apple Valley

Liz

32833 Topaz Rd. Luceerne Valley CA

Liz

22890 Ottawa Rd Apple Valley

Liz

13221 Setonctet Rd



Planning Commission Agenda Report

Item No. 3

- Date:** May 6, 2020 (*Continued from Feb. 19, 2020 & April 1, 2020*)
- 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 a seventy-five (75)-foot tall wireless telecommunication tower designed as a mono-eucalyptus tree.
- The Deviation is a request to allow the wireless telecommunication 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. If the Planning Commission denies the request, CEQA Section 15270 states that CEQA does not apply to projects which a public agency denies. Therefore, a Notice of Categorical Exemption is not required.
- Prepared By:** Carol Miller, Assistant Director of Community Development
- Recommendation:** Denial
-

PROJECT SITE AND DESCRIPTION

- A. Project Size:
The site is 1.12 acres in size.
- B. General Plan Designations:
Project Site - Public Facility (P-F)

- North - Residential Single-Family (R-SF) & General Commercial (C-G)
- South - Public Facility (P-F) & General Commercial (C-G)
- East - General Commercial (C-G)
- West - Residential Single-Family (R-SF)

C. Surrounding Zoning and Land Use:

- Project Site- Public Facility (P-F), Fire Station
- North - Residential Single-Family (R-SF), Residential Equestrian (R-EQ) & General Commercial (C-G), Single-family residences, Vacant land
- South - Public Facility (P-F) & General Commercial (C-G)
- East - General Commercial (C-G), Commercial center
- West - Residential Single-Family (R-SF), Single-family residences

D. Height:

Permitted Maximum:	75 ft. (Preferred Location)
Proposed Maximum:	75 ft.

E. Parking Analysis:

Total Parking Required:	1 Space
Parking Provided:	0 Space

F. Setback Analysis:

Tower to Property Line:	Required	Proposed
From West	28 ft.	190 ft.
From East	28 ft.	40 ft.
From South	28 ft.	65 ft.
From North	28 ft.	137 ft.

G. Separation Analysis:

Tower to SFR:	Required	Proposed
From West	500 ft.	**190 ft
From East	500 ft.	1200 ft
From South	500 ft.	700 ft
From North	500 ft.	**137 ft

Tower to Existing Tower	750 ft.	**175 ft.
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** highlights the deviations being requested

ANALYSIS

A. General:

On February 19, 2020 the Planning Commission opened the public hearing, and after receiving public testimony and evidence introduced in the record, the public hearing was continued to April 1, 2020, at the request of the Applicant.

Pursuant to the Development Code, a Conditional Use Permit is required for all new telecommunication towers to afford the Commission the opportunity to review the

architecture and aesthetics of any proposed structure. The Code allows telecommunications facilities at public facilities as an accessory use, with approval of a Conditional Use Permit. The Wireless Telecommunication ordinance also encourages telecommunication facilities to be stealth in design, sited in the least visually obtrusive manner, either screened or disguised, mounted on a facade and located on the same property as, or adjacent to, structures with tall features or trees similar in height.

With the submittal of a Deviation Permit application, the Planning Commission may increase or modify standards relating to antenna height, setback, separation distance, security fencing or landscape screening if the goals of the Development Code would be better served by granting the requested deviation. Development Code Section 9.77.200 states that the applicant must provide supporting documentation of the identified need that cannot be met in any other manner. There must also be unique circumstances associated with the proposed location necessitating the requested deviation.

In response to the notices that were sent to the surrounding property owners, the Town has received comments in opposition to the Project. The emails that staff has received are attached for your review.

B. Site Analysis:

The subject site is developed with a 9,100 square-foot fire station and related parking (CUP 2001-006) and an existing sixty-five (65)-foot tall wireless telecommunication tower designed as a fire hose drying rack (CUP 2004-001). The applicant is requesting Planning Commission review and approval of a Conditional Use Permit to install a seventy-five (75)-foot tall wireless telecommunications tower designed as a mono-eucalyptus. The elevations identifies the tower is designed to accommodate three (3) carriers. Only one carrier has been identified on the tower with the remaining shown as future carriers.

The Code requires a minimum 1,500-foot separation to an existing tower, and as a preferred location, the required separation can be reduced by fifty (50) percent. This calculates to 750 feet. The proposed tower would be in addition to the existing tower located 175 feet away on the subject site. The applicant is requesting a Deviation Permit to allow up to a 575-foot encroachment into the separation requirement. The applicant has indicated no desire to relocate the carrier(s) on the existing tower to the new tower.

The Code requires a minimum 1,000-foot separation to adjacent single-family residential, and as a preferred location, the required separation can be reduced by fifty (50) percent. This calculates to 500 feet. The nearest residence is located approximately 137 feet to the west. Since the antenna is closer than 500 feet, the applicant is requesting a Deviation Permit to allow up to a 363-foot encroachment into the separation requirement.

The Code requires a four (4)-foot wide landscape buffer to effectively screen the view of the tower compound. The equipment plan identifies a four (4)-foot wide landscape buffer on the north and south side of the compound and a six (6)-inch wide landscape buffer on the west and east side of the compound. Since two of the four sides of the compound do not meet the landscape buffer requirement, a Deviation is required. However, no request to deviate from this requirement was included in the application.

To accommodate the proposed wireless facility, two (2) parking spaces and a landscape planter within the parking area are being removed. Excluding the landscaping required to screen the compound, it would appear that between the loss of the planter area associated with the proposal and existing improvements associated with the other tower, that the parking area landscaping does not meet the minimum five (5) percent requirement.

As previously mentioned, the proposal requires the removal of two (2) parking spaces. The fire station is required thirty (30) spaces. It is unclear why, but the fire station was constructed with twenty-eight (28) parking spaces. Nevertheless, the proposal reduces the parking by two. To make up the loss of the two spaces, the applicant is proposing to restripe seventeen (17) existing parking spaces by reducing the width from the required nine (9) feet in width to eight (8) feet in width. The Development Code does contain provisions for compact parking at a maximum rate of fifteen (15) percent. Based on this rate, the maximum number of compact spaces allowed is four (4) where the applicant proposes seventeen (17) compact spaces.

The elevations of the tower identify up to three (3) carriers. AT&T is identified as one carrier and two future carriers. The site plan identifies one approximately 200 square-foot future carrier lease area along the westerly property line to accommodate equipment. No other future lease area is identified for a third carrier. As shown, the future lease area is located along the westerly property line adjacent to a single-family residential lot. The area is also shown within a six (6)-foot public utility easement and a fire station required landscape setback.

The applicant supplied a propagation map prepared by AT&T which identifies the quality of the coverage within the area at the seventy-five (75)-foot height. The maps/study does not indicate the parameters that were used in the calculations/production, appropriateness of the signal strength and the Effective Radiated Power (ERP) of the antennas, i.e. their wattage. The height and wattage of existing facilities shall have also been included.

C. Architecture Analysis:

The Development Code discourages the use of monopines, but that the Planning Commission in review of the CUP application may consider a monopine. Although the proposal is not a monopine in this instance, the applicant has chosen a mono-eucalyptus design although there are no tall trees on the site to help soften the appearance. According to the original approved CUP for the fire station, the station is approximately forty (40) feet in height. The applicant is requesting Planning Commission review and approval of a Conditional Use Permit to construct a seventy-

five (75)-foot high mono-eucalyptus. The pole of the mono-eucalyptus will be seventy (70)-foot tall and two (2) feet in diameter. The antenna panels will be eight (8) feet long and will be installed at a maximum height of seventy (70) feet. The simulated foliage for the mono-eucalyptus extends five (5) feet above the pole to assist in providing a tapered visual effect. The drip line diameter of the tree is approximately eighteen (18) feet at its widest point. The foliage begins seventeen (17) feet above the base of the pole.

The applicant proposes to paint the pole brown with the panel antennas and microwave dish painted to match the foliage. The plans do not indicate the density of the branches per foot or that foliage socks will be used to camouflage the antennas and any dishes.

D. Deviation Permit:

Development Code Section 9.77.200 states that the applicant must provide supporting documentation of the identified need that cannot be met in any other manner. There must also be unique circumstances associated with the proposed location necessitating the requested deviation. The applicant should also demonstrate that there are no reasonable alternative sites available to provide the services offered to grant the waiver. The applicant has provided written justification for the deviations, which is attached for Commission consideration.

E. Summary:

The Town encourages the construction of wireless telecommunication facilities with provisions in the Town's Wireless Telecommunication Towers and Antenna Ordinance by identifying Preferred Locations. Preferred locations are also afforded up to a fifty (50) percent reduction in setback and separation requirements. Staff finds the requested encroachments to be significant into the already reduced standards.

Based upon review of the information presented, the circumstances of the site, the operation of the facility and Development Code deficiencies, the project is considered inconsistent with the provisions of the Town's Wireless Telecommunication Ordinance. The project not only impacts the surrounding area but also impacts to the fire station that result in substandard parking, parking lot landscaping, and proposes an encroachment of future lease area into a landscape buffer area and public utility easement.

A developed one (1) acre parcel is inadequate in area to accommodate two towers which is evident by the impact this proposal has on the fire station to maintain compliance with parking, landscaping, and landscape buffer as required under its Conditional Use Permit.

F. Licensing & Future Reviews:

Wireless telecommunication proposals are governed by regulations of the Federal Communications Commission (FCC) and are required to transmit signals on frequencies that will not interfere with other electronic equipment (e.g., fire, police, emergency radio frequencies, etc.). The Telecommunications Act of 1996 determined that electromagnetic fields associated with wireless telecommunication facilities do not

pose a health risk and are required to conform with the standards established by the American National Standard Institute (ANSI) for safe human exposure to electromagnetic fields and radio frequencies. The applicant is conditioned to submit verification from ANSI by providing a copy of its FCC license agreement.

G. Environmental Assessment:

If the Planning Commission denies the request, CEQA Section 15270 states that CEQA does not apply to projects which a public agency denies. Therefore, a Notice of Categorical Exemption is not required.

H. Noticing:

This item was re-advertised as a public hearing in the Apple Valley News newspaper on April 24, 2020 and notices mailed to all property owners within a 1,500-foot radius. Comments in opposition were given by residents at the February 19, 2020 meeting spoke and verbalized their concerns with the height of the facility, location and aesthetic concerns. Written comments in opposition have been provided (attached).

I. Shot Clock

Pursuant to federal law, a decision on the project application must be made within 150 calendar days from application submittal. If a local government fails to approve or deny a facilities request within the applicable time period, the request will be “deemed granted” upon written notification from the Applicant to the local government stating that the request is considered approved.

The Project application proposes a new facility subject to the 150-day shot clock. The application was submitted on October 15, 2019. The application was deemed incomplete October 24, 2019 and then deemed complete on January 17, 2020 for a February 19, 2020. Prior to the meeting date, the applicant requested a continuance to a March 18, 2020 meeting date. However, due to the lack of a quorum, the item was continued to the April 1, 2020 meeting. Based on the completion date and accounting for the applicant’s request for continuance, the shot clock extends to July 14, 2020.

J. Conditional Use Permit Findings:

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

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

Comment: The proposed construction of a seventy-five (75)-foot high telecommunication mono-eucalyptus tower is allowed under the Town’s Telecommunications Ordinance of the Development Code upon the review and approval of a Conditional Use Permit and Deviation Permit by the Planning Commission. The intent of the Development Code regulations is intended to provide reasonable criteria to assess projects while reducing visual and land use impacts associated with wireless telecommunication facilities. Wireless facilities are also identified in the

Utilities Element of the General Plan. Policy 1.H states "...cellular communication towers and other major utility facilities shall be designed and sited so that they result in minimal impacts to viewsheds and minimally pose environmental hazards." The seventy-five 75-foot tall mono-eucalyptus tower would be in addition to an existing 65-foot tall tower located 175 feet away on the same one (1) acre parcel does create a visual impact. The impact of two telecommunication towers on the same one (1) acre parcel is evident by the number of development standard deficiencies. Therefore, the proposal is not 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.

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 seventy-five (75)-foot tall mono-eucalyptus tower and an existing 65-foot tall tower located 175 feet away on the same one (1) acre parcel does create an impact. The impact of two telecommunication towers on the same one (1) acre parcel is evident by the number of development standard deficiencies. Therefore, the proposal would be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity, adjacent uses, residents,

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 improvements to serve the proposed 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: Traffic generated from the unmanned wireless telecommunication facility will not adversely impact the surrounding area.

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

Comment: Under the State guidelines to implement the California Environmental Quality Act (CEQA), 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

K. Findings for Deviation:

As required under Section 9.77.200 of the Development Code, the Planning Commission may increase or modify any standard relating to antenna height, setback, separation distance, security fencing or landscape screening established within Section 9.77, "Wireless Telecommunications Towers and Antennas". Prior to approval of a Deviation Permit the Planning Commission must make specific Findings. Below are the Findings with a comment to address each.

1. That the applicant has provided supporting documentation of the identified need that cannot be met in any other manner.

Comment: The basis the applicant provides for the two encroachment into the separation requirement is the need for e911 services and the need for better coverage for AT&T in the area. This does not demonstrate it cannot be met with other options. There is no willingness to provide a single tower to accommodate AT&T and the existing carriers. Therefore, supporting documentation of the identified need that cannot be met in any other manner has not been met.

2. That there are unique circumstances associated with the proposed location necessitating the requested Deviations.

Comment: The applicant identifies the fact that the site is a preferred location and co-habiting as a unique circumstance. A preferred location and co-habiting are not unique circumstance. Lot size could be considered a unique circumstance for this preferred location is this were the first tower being considered. Requesting a second tower on a site that is not large enough is not justification nor a unique circumstance, but rather an over concentration.

3. That there are no reasonable alternative sites available to provide the services offered.

Comment: The surrounding area is predominately single family residential which probably does create limitations on the availability of sites. However, this does not override the impacts that result of the over concentration issue.

4. That the submitted information and testimony from the applicant, staff and public illustrates a reasonable probability that allowance of the Deviation will have minimal or no adverse impacts to the site, surrounding area or the community in general.

Comment: The Deviations requested, and the Development Code deficiencies not requested will have an adverse impact to the site, surrounding area or the community in general. As identified in the analysis of this report, the one (1) acre site with an existing cellular tower and a fire station does not contain enough area to accommodate a second tower, equipment area for AT&T and future carriers. Also, the seventy-five (75)-foot tall tower would be in addition to a sixty-five (65)-foot tall tower which results in aesthetic issues. The existing tower serves as a hose drying rack for the fire station while the proposal is designed as a mono-eucalyptus tree where no trees exist that are remotely that tall.

5. That the Commission finds that the proposed deviation will not be materially detrimental to the public health, safety or general welfare, or injurious to the property or improvements in the vicinity and land use district in which the property is located.

Comment: The proposal to install a wireless telecommunication tower on a one (1) acre site currently developed with a fire station and an existing wireless telecommunication tower results in significant deficiencies for the project to meet the separation requirements but also impacts the fire station to meet required parking, landscaping and the required landscape buffer adjacent to residential. These deficiencies, in addition to the aesthetics of a 75-foot tower in close proximity to an existing 65-foot tower on the same site will be materially detrimental to the public health, safety or general welfare, or injurious to the property or improvements in the vicinity and land use district in which the property is located.

RECOMMENDED ACTION

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

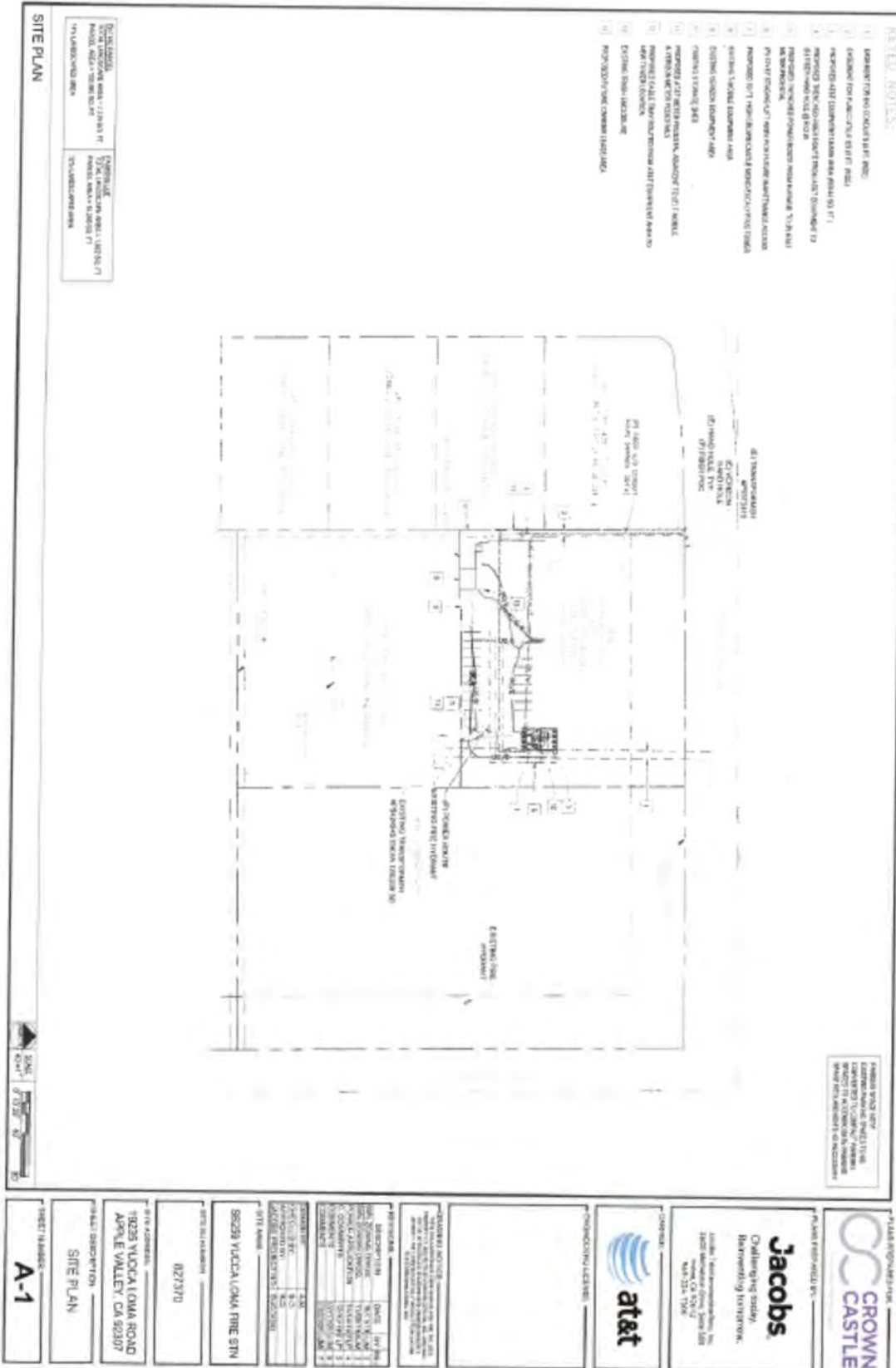
1. Determine that pursuant to the State Guidelines CEQA Section 15270, CEQA does not apply to projects which a public agency denies.
2. Find the Facts presented in the staff report not support the required Findings for approval and adopt the Findings for Conditional Use Permit No. 2019-005 and Deviation Permit No. 2019-005.
3. Deny Conditional Use Permit No. 2019-005 and Deviation Permit No. 2019-005, subject to the attached Conditions of Approval.

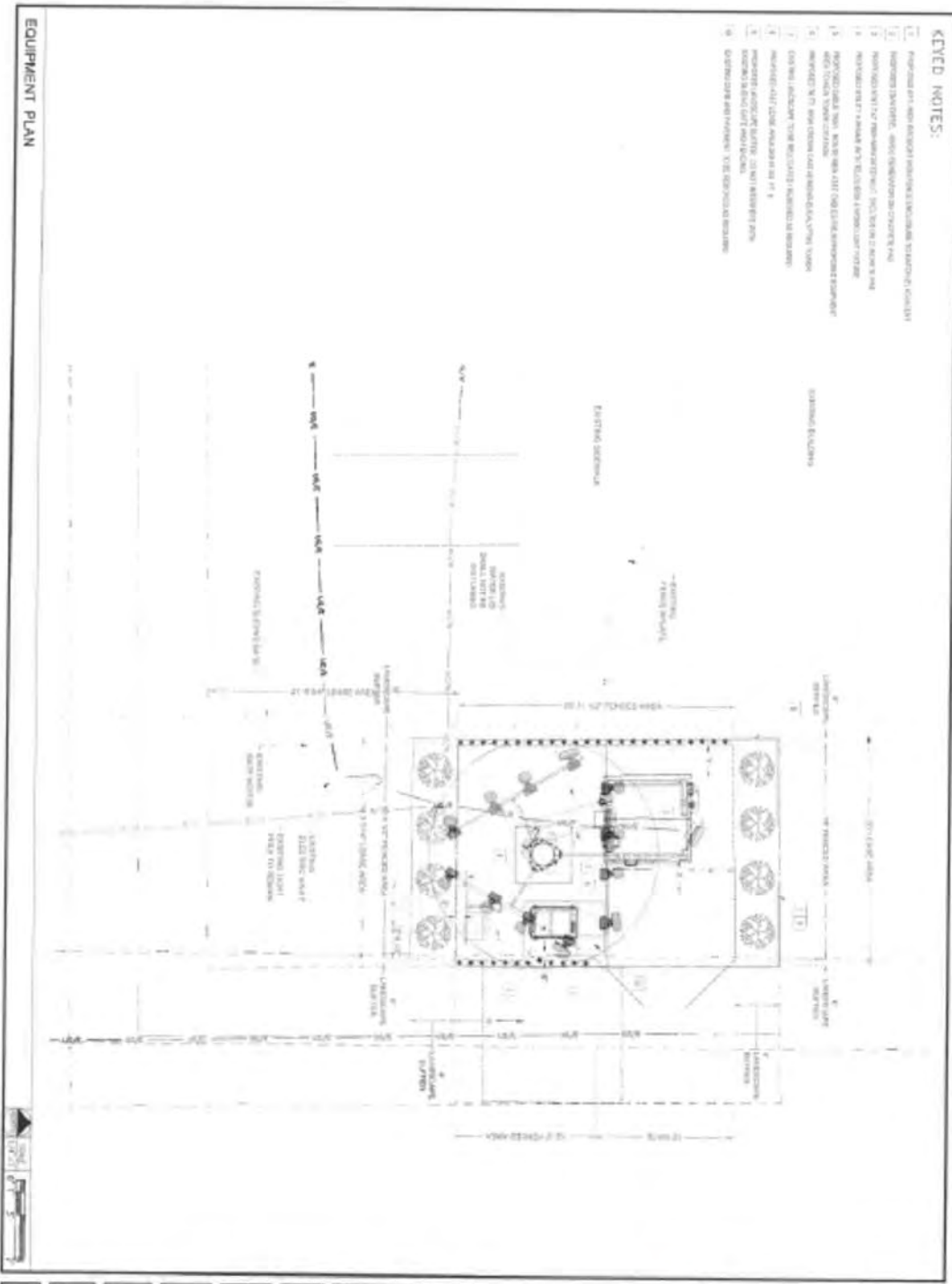
Prepared By:

Carol Miller
Assistant Director of Community Development

ATTACHMENTS:

1. Site Plans
2. Elevation
3. RF maps
4. Photo-simulation
5. Justification for Deviations
6. Comment Letter/Emails
7. Zoning Map

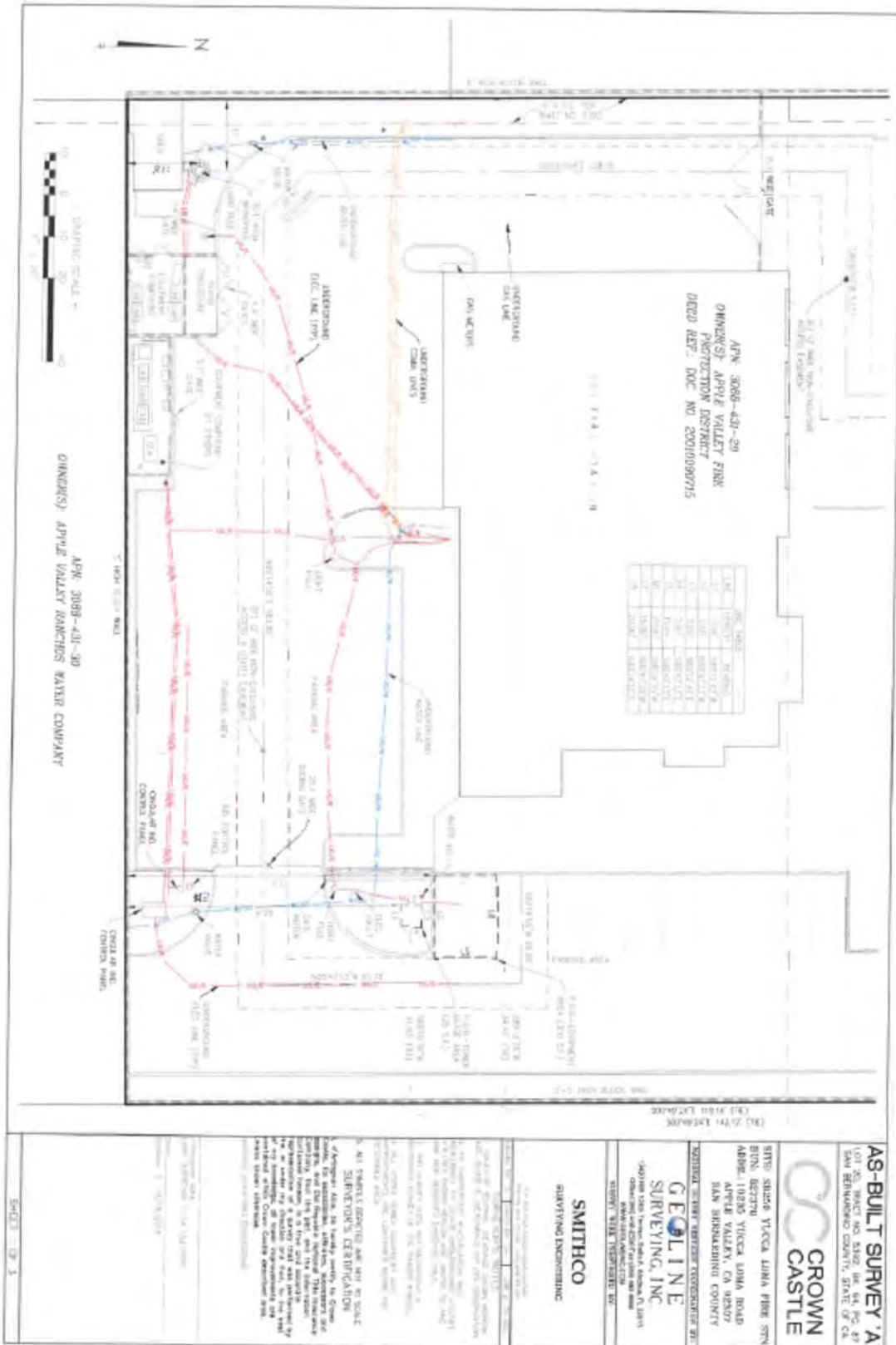


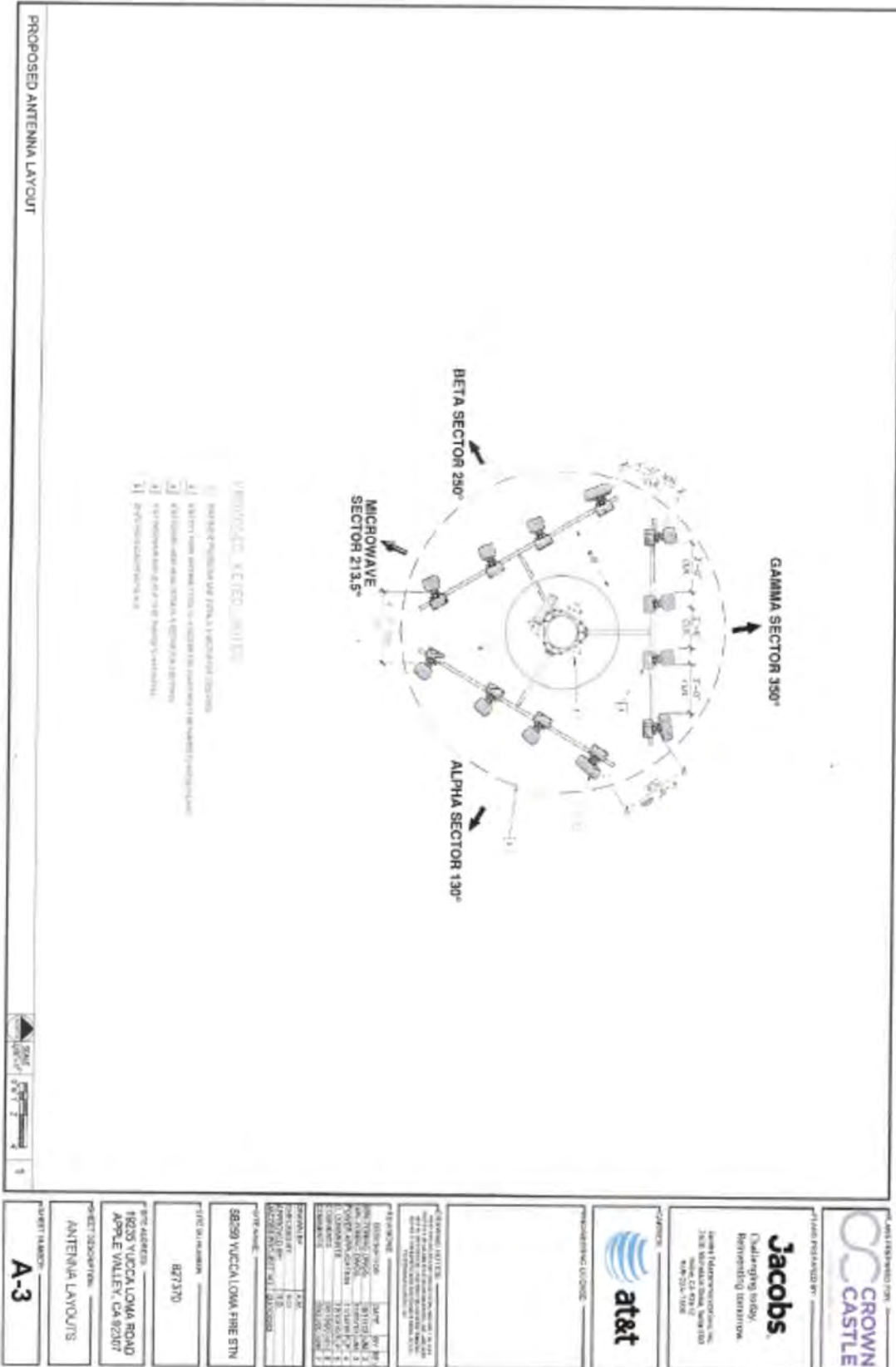


KEY/D NOTES:

1. EQUIPMENT SHALL BE LOCATED AS SHOWN UNLESS OTHERWISE NOTED
2. EQUIPMENT SHALL BE LOCATED AS SHOWN UNLESS OTHERWISE NOTED
3. EQUIPMENT SHALL BE LOCATED AS SHOWN UNLESS OTHERWISE NOTED
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9. EQUIPMENT SHALL BE LOCATED AS SHOWN UNLESS OTHERWISE NOTED
10. EQUIPMENT SHALL BE LOCATED AS SHOWN UNLESS OTHERWISE NOTED

 CROWN CASTLE COMMUNICATIONS 18225 YUCCA LOMA ROAD APPLE VALLEY, CA 92307	 at&t COMMUNICATIONS 18225 YUCCA LOMA ROAD APPLE VALLEY, CA 92307	 Jacobs CHALLENGING TODAY. REDEFINING TOMORROW. COMMUNICATIONS 18225 YUCCA LOMA ROAD APPLE VALLEY, CA 92307	PROJECT NO. _____ SHEET NO. _____ DATE _____ DRAWN BY _____ CHECKED BY _____ APPROVED BY _____ TITLE _____	PROJECT NO. _____ SHEET NO. _____ DATE _____ DRAWN BY _____ CHECKED BY _____ APPROVED BY _____ TITLE _____
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LTE Justification Plots

Market Name: Los Angeles

Site ID: CSL04184

Site Address: 19235 YUCCA LOMA ROAD APPLE VALLEY, CA 92307

ATOLL Plots Completion Date: Oct 11, 2019



Assumptions

- Propagation of the site plots are based on our current Atoll (Design Tool) project tool that shows the preferred design of the AT&T 4G-LTE network coverage.
- ❖ The propagation referenced in this package is based on proposed LTE coverage of AT&T users in the surrounding buildings, in vehicles and at street level. For your reference, the scale shown ranges from good to poor coverage with gradual changes in coverage showing best coverage to marginal and finally poor signal levels.
- ❖ The plots shown are based on the following criteria:
 - **Existing:** Since LTE network modifications are not yet **On-Air**. The first slide is a snap shot of the area showing the existing site without LTE coverage in the AT&T network.
 - **The Planned LTE Coverage with the Referenced Site:** Assuming all the planned neighboring sites of the target site are approved by the jurisdiction and the referenced site is also approved and **On-Air**, the propagation is displayed with the planned legends provided.
 - **Without Target site:** Assuming all the planned neighboring sites are approved by the jurisdiction and **On-Air** and the referenced site is **Off-Air**, the propagation is displayed with the legends provided.



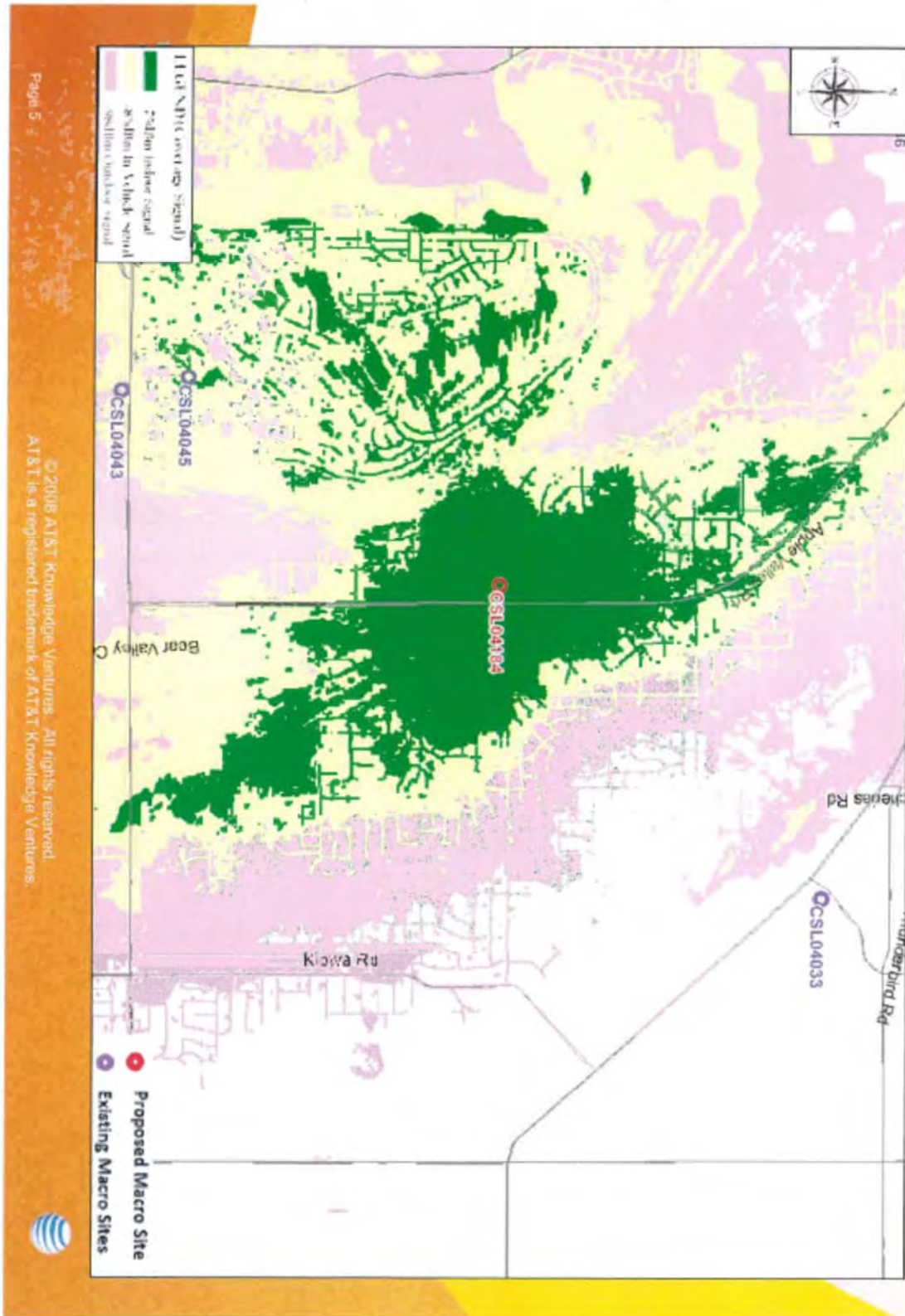
LTE Coverage Before site CSL04184



LTE Coverage After site CSL04184



LTE Coverage standalone site CSL04184



Coverage Legend



In-Building Service: In general, the areas shown in dark green should have the strongest signal strength and be sufficient for most in-building coverage. However, in-building coverage can and will be adversely affected by the thickness/construction type of walls, or your location in the building (i.e., in the basement, in the middle of the building with multiple walls, etc.)

In-Transit Service: The areas shown in the yellow should be sufficient for on-street or in-the-open coverage, most in-vehicle coverage and possibly some in-building coverage.

Outdoor Service: The areas shown in the purple should have sufficient signal strength for on-street or in-the-open coverage, but may not have it for in-vehicle coverage or in-building coverage.



Carol Miller

From: gustavo meza <gustavo@gushelp.com>
Sent: Wednesday, March 18, 2020 3:23 PM
To: Carol Miller
Subject: Re: 5G Cell Towers in Apple Valley next to the Fire Station

My name is Gustavo Meza

From: Carol Miller <CMiller@applevalley.org>
Sent: Wednesday, March 18, 2020 2:56 PM
To: gustavo meza <gustavo@gushelp.com>
Subject: RE: 5G Cell Towers in Apple Valley next to the Fire Station

Yes, the meeting has been canceled and all items are being continued to the April 1, 2020 meeting date. For the record can you provide your name as this email will be printed for the file?

Thanks

Carol Miller
Assistant Director of Community Development
Town of Apple Valley
760-240-7000 Ext 7222
cmiller@applevalley.org

From: gustavo meza <gustavo@gushelp.com>
Sent: Wednesday, March 18, 2020 2:49 PM
To: Carol Miller <CMiller@applevalley.org>
Subject: Re: 5G Cell Towers in Apple Valley next to the Fire Station

I live several feet away from where the proposed 5G cell towers are being proposed in Apple Valley.

I oppose this new cell tower that is being considered next to the Fire station in Apple Valley near Apple Valley Road and Yuca Loma.

Due to the cancellations of public gatherings and public services, I assume this hearing for Wednesday March 18th 2020 at 6PM in the Town Council Chambers will be canceled.
I would have gone to this hearing but I will not attend due to the Corona Virus Pandemic.

Nonetheless, I am against this Cell Tower installation.

Carol Miller

From: Verizon <avtalley4@verizon.net>
Sent: Sunday, March 15, 2020 3:38 PM
To: Carol Miller
Subject: Cell tower

I'm send this email to oppose the construction of cell tower at 336 fire station on Yacca Lima Road . I do not believe a 75 foot tower is suitable for construction adjacent to our residential neighborhood. This is not a "Better way of Life" for our children and residents of this community. The planning committee should not approve this project!!!

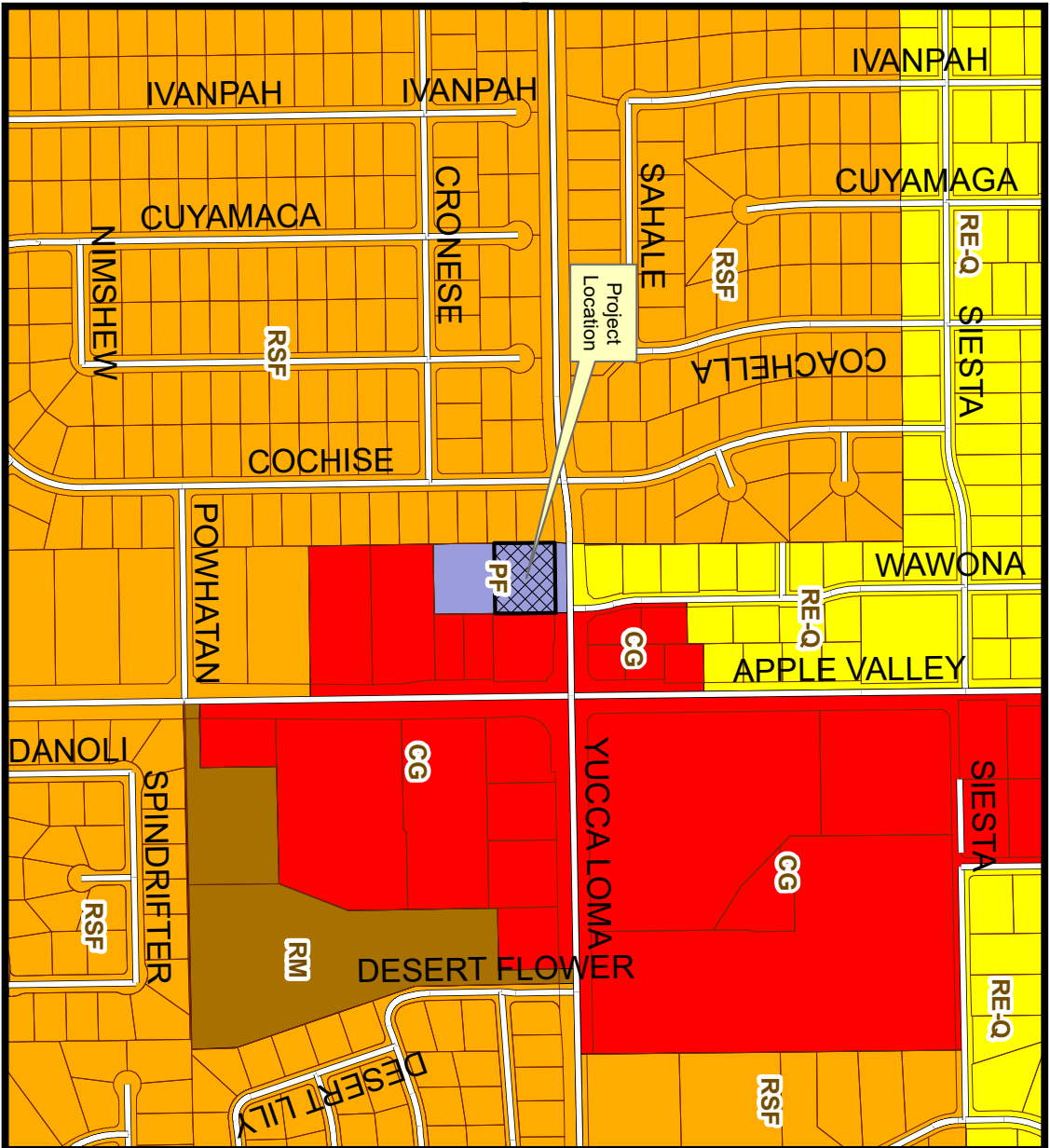
Thank you;

James M Talley
13471 Coachella Rd
Apple Valley, Ca. 92308
760-881-5269

Sent from my iPhone

ZONING/LOCATION MAP

Conditional Use Permit No. 2019-005



19235 Yucca Loma Road

APN 3088-431-29



Legend	
	Project location
	(R-SD) Equitation Residential (1 to 0.4 to 0.9 net acre)
	(R-SF) Single Family Residential (15,000 sq ft to 0.9 net acre)
	(R-M) Multi-family Residential (2 to 20 duplex units)
	(C-3) General Commercial
	(P-F) Public Facilities

Date: 4/29/2020



Planning Commission Agenda Report

DATE: May 6, 2020 (*Cont. from April 1, 2020*) **Item No. 4**

CASE NUMBER: Tentative Tract Map No. 20211

APPLICANT: Chris Connors, CJC Holdings

PROPOSAL: A request to subdivide approximately thirty-six (36) acres into sixty-six (66) single-family lots. The lots will range in size from 18,000 to 25,676 square feet with an average lot size of 19,695 square feet. There is no housing product proposed at this time.

LOCATION: North side of Yucca Loma Road, east of Cree Road; APN 3112-241-71.

ENVIRONMENTAL DETERMINATION: In compliance with the California Environmental Quality Act (CEQA), an Initial Study has been completed for the proposed Project and it concludes that the Project will not have a significant adverse impact on the environment with the implementation of all the Conditions of Approval and mitigation measures.

CASE PLANNER: Carol Miller, Assistant Director of Community Development

RECOMMENDATION: Approval

PROJECT SITE AND DESCRIPTION

- A. Project Size:
The parcel is approximately thirty-six (36) 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)
 - West - Single-Family Residential (R-SF)
 - East - Estate Residential (R-E)

C. Surrounding Zoning and Land Use:

Project- Site- Single-Family Residential (R-SF), Vacant
North - Single-Family Residential (R-SF), Single-family residence
South - Single-Family Residential (R-SF), Single-family residence
West - Single-Family Residential (R-SF), Single-family residence
East - Estate Residential (R-E), Single-family residence

D. Site Characteristics:

The subject site is vacant and not highly impacted. The southern section of the site does not show signs of being disturbed, with native flora still dominating the landscape. There are 205 Joshua Trees present on the site. Topographically, the site is relatively flat at an elevation of 2,960-feet above mean sea level. The property naturally drains from the southwest to the northeast. The site is bounded on all sides by single-family homes.

ANALYSIS

A. General:

The applicant is seeking approval of Tentative Tract Map No. 20211 that will subdivide approximately thirty-six (36) acres into sixty-six (66) residential lots. The Single-Family Residential Equestrian (R-SF) zoning designation sets minimum property size standards for land divisions subject to conformance with the provisions of the Development Code. The R-SF 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 18,000 to 25,676 square feet and are consistent with the minimum site development standards.

A Joshua Tree Survey, conducted by RCA, identifies 205 Joshua Trees (*Yucca brevifolia*) on the site, ninety (90) of which are suitable for protect in place, forty-nine (49) would be good candidates for transplant on-site and recommended removal of the remaining Joshua Trees due to health of the tree.

The proposed tract is located adjacent to Yucca Loma Road, which is major arterial. In accordance with the Noise Element of the General Plan, projected noise impacts are anticipated along Yucca Loma Road. The General Plan Noise Element identifies all major corridors within the Town and the required setback of any sensitive uses, in order to minimize noise impacts and maintain a maximum noise level of sixty-five (65) decibels within the residential neighborhood. Due to the traffic noise impacts, a noise study was prepared by Yorke Engineering LLC to identify the level of impact and mitigation measures. To mitigate the exterior noise level for the residential lots adjacent to Yucca Loma Road, a six (6)-foot high sound wall is required to be built in addition to double pane windows with a rating of 26, as required by Title 24 and Building Codes. All mitigation measures for interior and exterior noise impacts are identified in the Initial Study and are included as conditions of approval.

Based upon the information provided, implementation of development standards and Conditions of Approval, the proposed subdivision of thirty-six (36) acres into sixty-six (66) single-family lots for future residential development within the Single-Family Residential (R-SF) 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 north, south and west.

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.

B. Traffic and Circulation

The circulation plan for the tract is designed to provide safe and efficient access to the proposed subdivision. Two points of access into the housing tract are from Yucca Loma Road and Tuweep Trail. Currently Tuweep Trail terminates at the northerly boundary of the subject property. Yucca Loma Road is currently improved but will be required to provide full half-width street rights-of-way, curb, gutter and sidewalks for the site. All street and roadway design plans will adhere to the required Town standards at all intersections and driveways.

The Town has received letters expressing concerns of increase in traffic through their neighborhood to the north via Tuweep Trail. The extension of Tuweep Trail was anticipated and will provide the required second point of access for the proposed development. Given that most good and services can be found along Bear Valley Road, it is not anticipated that there would be a substantial increase in traffic on the northerly extension of Tuweep Trail.

C. Drainage

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 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. As proposed the tract map will drain into the retention basin for storm drainage purposes located within Tract No. 14155 located to the north (Norm Schmidt Park) and a two-stage drywell, per Town Standards, shall be installed.

D. Sewer Connection

The project is required to connect to the public sewer.

E. 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.

F. Noticing:

The public hearing for proposed Tentative Tract Map No. 20211 was legally noticed a second time on April 17, 2020. Following the first notice of hearing, the Town received three (3) persons stating their objections to the proposal.

G. Findings:

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

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

Comment: The subject property has a General Plan land use and a Zoning designation of Single-Family Residential (R-SF) and by size, shape and configuration has the ability to be used in a manner consistent with the General Plan Land Use Element and zoning designations. The project is a proposal to divide thirty-six (36) acres into sixty-six (66) lots ranging in size from 18,000 to 25,676 square feet with an average lot size of 19,695 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. 20211, 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. 20211, 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. Letters
3. Zoning Map
4. Mitigated Negative Declaration/ Initial Study

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL
Tentative Tract Map No. 20211

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:
- Apple Valley Fire Protection District
Liberty Utilities
Apple Valley Public Works Division
Apple Valley Engineering Division
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 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. 20211 shall adhere to all Single-Family Residential site development standards and all requirements of the Development Code.
- P6. Approval of the Tentative Tract Map No. 20211 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 a minimum of twelve (12) building elevations demonstrating a variety of heights, setbacks, roof shapes and trim to create visually pleasing aesthetics within a cohesive design.
- P8. 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.
- P9. Prior to recordation of Final Map, three (3) sets of detailed landscaping and irrigation plans for the Yucca Loma Road parkway, 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.
- P10. If a phased development is proposed, 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.
- P11. All mitigation measures described in the Initial Study will be implemented as part of the project.
- P12. BIO-3: A qualified approved arborist will be retained to conduct any future transplanting activities and will follow the protocol of the County's Development Code. Removal of all plants protected or regulated by the Desert Native Plants Act would be required to comply with the provisions of the Act before the issuance of a development permit or approval of a land use application.
- P13. BIO-4: Joshua trees deemed suitable for transplanting shall be utilized as part of the proposed landscaping on-site where possible or shall be transplanted to an area of the Project Site where they can remain in perpetuity. Joshua trees which are deemed not suitable for transplanting may be removed from the Project Site.
- P14. BIO-5: Prior to excavation, a qualified arborist shall construct earthen berms around each Joshua tree. The Joshua trees shall be watered approximately one week before transplanting. Watering the Joshua trees prior to transplanting will help make excavation easier, ensure the root ball will hold together, and minimize stress to the tree.
- P15. BIO-6: Each Joshua tree deemed suitable for transplanting shall be moved to a pre-selected location and shall be placed and oriented in the same direction as its original direction. Once transplanted, the area around the tree shall be backfilled with native soil, and the transplanted Joshua tree shall be watered immediately.
Mitigation
- P16. BIO-7: The qualified arborist shall develop a watering regiment to ensure the survival of the transplanted Joshua trees.

- P17. 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.
- P18. 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.
- P19. All subdivision walls proposed for construction along the perimeter of the property lines shall be constructed of decorative slump stone, split face or other decorative masonry material. Prior to the issuance of a grading permit, Developer/applicant shall submit detailed plans showing all proposed walls for this subdivision subject to approval by the Director of Economic and Community Development (or designee).
- P20. Pre-Construction Survey. Within 14 days prior to ground disturbance, the Applicant will retain a qualified biologist to conduct burrowing owl surveys within the area to be disturbed. The survey will be performed by walking parallel transects spaced no more than 20 meters apart and will be focused on detecting burrows that are occupied, or are suitable for occupation, by the burrowing owl. The results of the surveys, including graphics showing the locations of any active burrows detected and any avoidance measures required, will be submitted to the Town of Apple Valley and the California Department of Fish & Wildlife (CDFW) within 14 days following completion of the surveys. If active burrows are detected, the following take avoidance measures will be implemented:
- a) If burrowing owls are observed using burrows on-site during the non-breeding season (September through January, unless determined otherwise by a qualified biologist based on field observations in the region), occupied burrows will be left undisturbed, and no construction activity will take place within 300 feet of the burrow where feasible (see below).

- b) If avoiding disturbance of owls and owl burrows on-site is infeasible, owls will be excluded from all active burrows through the use of exclusion devices placed in occupied burrows in accordance with protocols established in CDFW's Staff Report on Burrowing Owl Mitigation (2012). Specifically, exclusion devices, utilizing one-way doors, will be installed in the entrance of all active burrows. The devices will be left in the burrows for at least 48 hours to ensure that all owls have been excluded from the burrows. Each of the burrows will then be excavated by hand and/or mechanically and refilled to prevent reoccupation. Exclusion will continue until the owls have been excluded from the disturbance area, as determined by a qualified biologist.
 - c) Any active burrowing owl burrows detected on-site during the breeding season (February through August, unless determined otherwise by a qualified biologist based on field observations in the region), will not be disturbed. Construction activities will not be conducted within 300 feet of an active onsite burrow at this season.
- P21. The developer shall submit and obtain approval from Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce noise impacts during construction, which shall include the following vehicle and equipment emissions and other impacts to air quality by implementing the following measures and submitting documentation of compliance: The developer/construction contractors shall do the following:
- a) During the project site excavation and grading, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with the manufacturer's standards.
 - b) The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.
 - c) The construction contractor shall limit all construction-related activities that would result in high noise levels between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday excluding holidays.
 - d) The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the project site during all project construction.
 - e) The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings.

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. 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. Construction must comply with the applicable California Building Codes and green Building Code.
- BC11. Best Management Practices (BMP's) are required for the site during construction.
- BC12. Provide Water Quality Management Plan (WQMP) or Alternative Compliance Plan.

Engineering Division Conditions of Approval

- EC1. A final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall reduce 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 interior streets shall be improved to Town standards with curbs, gutters, sidewalks, and street pavement. Minimum residential width of streets shall be thirty-six (36) feet curb to curb.
- EC4. All streets abutting the development shall be improved a minimum half-width of twenty-eight (28) feet improvements standards with curbs, gutters and sidewalks on the development side.
- EC5. A fifty-two (52)-foot wide road dedication along Yucca Loma Road adjacent to the property shall be granted to the Town of Apple Valley prior to Final Map Approval.
- EC6. Yucca Loma Road shall be improved to the Town's full-width modified Major Road standards adjacent to the tract boundary.
- EC7. 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.
- EC8. All required improvements shall be bonded in accordance with Town Development Code unless constructed and approved prior to approval and recordation on the Final Map.
- EC9. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC10. Final improvement plans and profiles shall indicate the location of any existing utility, which would affect construction and shall provide for its relocation at no cost to the Town.
- EC11. A final grading plan shall be approved by the Town Engineer prior to issuance of a grading permit. A grading permit shall not be issued until street improvement plans have been submitted to the Town Engineer for review and substantial completion of the street plans has been attained as determined by the Town Engineer.
- EC12. The developer shall buy into the usage of the retention basin for storm drainage purposes located within Tract No. 14155, for the amount of \$30,000. This fee may be paid on a pro-rata basis at time of building permit issuance.
- EC13. A Two-Stage drywell, per Town Standards, shall be installed within the retention located in Tract No. 14155 for drainage mitigation.

- EC14. The developer shall form or annex into an assessment district to provide the fair share contribution for the ongoing maintenance of the retention basin located in Tract No. 14155, north of the tract. Additionally, the assessment district shall include landscape maintenance along Yucca Loma Road and for any and all accessory structures, drainage, landscaping, fencing, streetlights, etc., and shall be formed by the developer prior to final map approval.
- EC15. All street names shall be approved by the Town and such approval shall be coordinated through the Town Engineer.
- EC16. 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.
- EC17. Utility lines shall be placed underground in accordance with the requirements of the Town.
- EC18. 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.
- EC19. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC20. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC21. Any required street striping shall be thermoplastic as approved by the Town Engineer.
- EC22. A Storm Water Pollution Prevention Plan (SWPPP) in accordance with the National Pollutant Discharge Elimination System (NPDES) shall be required.
- EC23. Unimproved Cross lot drainage shall not be allowed.
- EC24. The developer shall obtain and submit to the Planning Division prior to occupancy, the following signed statement by the purchasers of the homes located within the Landscape and Lighting Assessment district (subject to final approval by the Town

Attorney): "In purchasing the home, I am aware that the home is located in the boundaries of a Landscape and Lighting Assessment District for the maintenance of drainage, landscaping, fencing and other similar improvements and that an annual landscaping maintenance charge shall be levied.

- EC25. 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.
- EC26. Easements, as required for roadway slopes, drainage facilities, utilities, access to adjacent properties, etc., shall be submitted and recorded as directed by the Town Engineer. No structures shall be placed on any part of the easements except those directly related to the purposes of said easements.

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 55

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 thirty-six (36) 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

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.

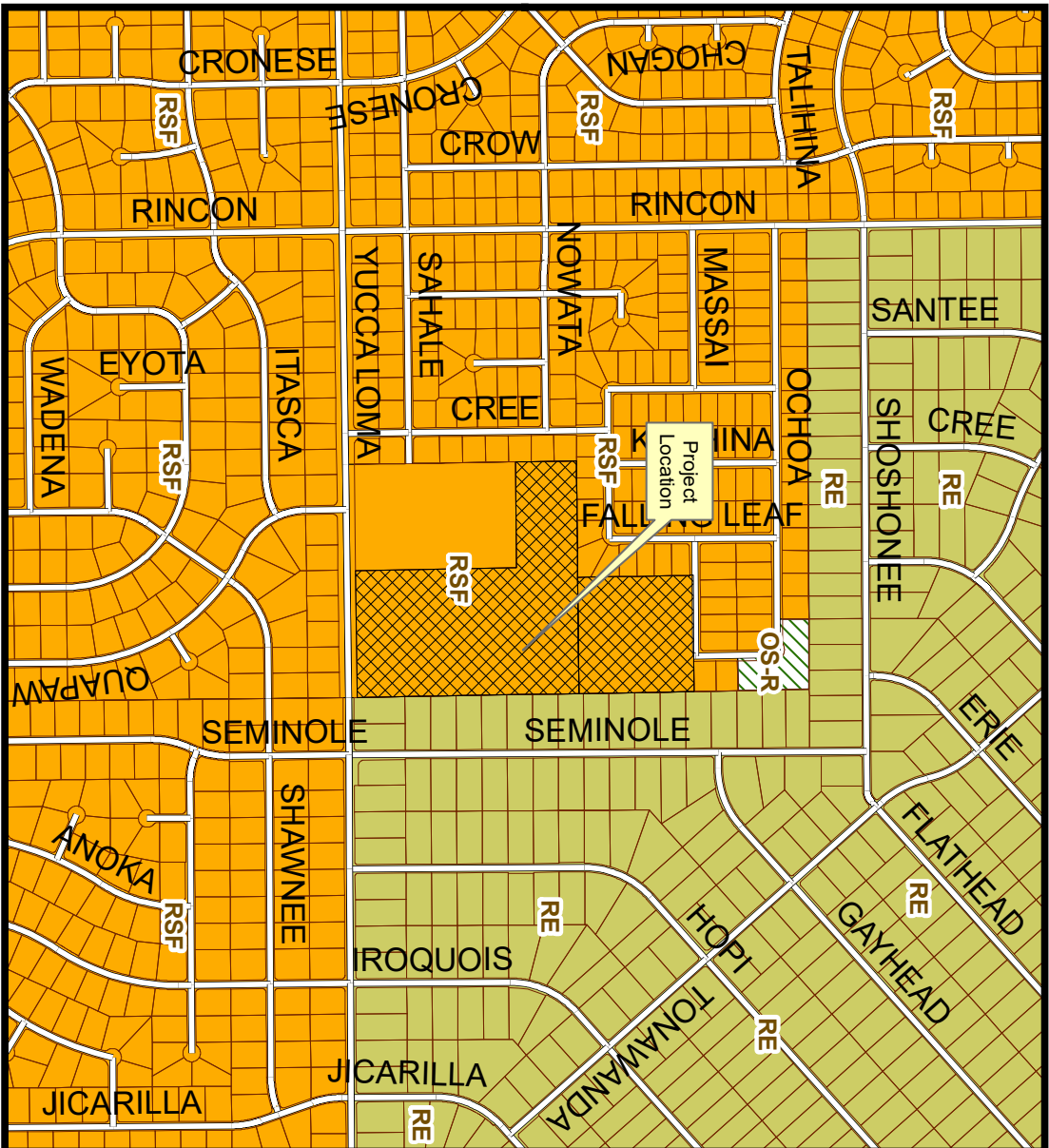
FD7. Plans for fire protection systems designed to meet the fire flow requirements specified in the Conditions of Approval for this project shall be submitted to and approved by the Apple Valley Fire Protection District and water purveyor prior to the installation of said systems.

- 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

ZONING/LOCATION MAP

Tentative Tract Map No. 20211



North side of
 Yucca Loma Road,
 east of Cree Road
 APN 3112-241-71



Legend	
	Project location
	RE (E) Estate Residential (1-4 U/I to 2.5 gross acres)
	RSF (S) Single-Family Residential (1-4 U/I to 0.9 net acre)
	OS-R Open Space Recreation

Date: 4/29/2020

MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

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

Project Title:	Tentative Tract Map No. 20211
Assessor's Parcel No.	3112-241-71
Lead Agency Name and Address:	Town of Apple Valley 14955 Dale Evans Parkway Apple Valley, CA 92307
Project Location:	North side of Yucca Loma Road, east of Cree Road
Project Sponsor's Name and Address:	Chris Connors, CJC Holdings
General Plan Designation(s):	Single Family Residential (R-SF)
Zoning:	Single Family Residential (R-SF)
Contact Person:	Town of Apple Valley (760) 240-7000, Ext. 7222/ cmiller@applevalley.org
Date Prepared	March 2020

1. Description of the Project

The proposal is to subdivide approximately thirty-six (36) acres into sixty-six (66) single-family lots. All lots are single-family residential and will range in size from 18,000 to 25,676 square feet with an average lot size of 19,695 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 not highly impacted. The southern section of the site does not show signs of being disturbed, with native flora still dominating the landscape. There are 205 Joshua Trees present on the site. Topographically, the site is relatively flat at an elevation of 2,960-feet above mean sea level. The property naturally drains from the southwest to the northeast.

The parcel is bordered on all sides by single family residential. The site is bounded on all sides by single-family homes.

3. Other public agencies whose approval is required

None

4. California Native American Tribes

Pursuant to the requirements of Assembly Bill 52, the Town no received no 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. Consultation under AB 52 commenced on September 18, 2018. The 30-day response period ended on October 19, 2018.

MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

Exhibit 1 – Project Aerial



MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

Exhibit 2 – Project Tract Map



Town of Apple Valley
 March 2020

Tentative Tract Map No. 20211
 Mitigated Negative Declaration/Initial Study

MITIGATED 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 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 | | |

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.

 Carol Miller
 Assistant Director of Community
 Development

 Date

MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

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

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-six (66) 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 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 shows minimal evidence of trespass traversing the site, but the southern section of the site does not show signs of being disturbed, with native flora still dominating the landscape. 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 and the Native Plant Protection Ordinance. 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. While implementation of the proposed project is expected to result in increased light and glare

MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

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.

II. AGRICULTURAL RESOURCES

Would the project:	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).

MITIGATED 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.

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 Guidelines¹, 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 with Mitigation:** 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

¹ "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.

MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

in which the 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 on all sides. Yucca Loma Elementary is within approximately 1.5 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

MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

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. 20211
 (tons per year)**

Construction Emissions ¹	CO	NO _x	ROG	SO ₂	PM ₁₀	PM _{2.5}
2020-2024 Max per year	3.3	4.8	3.2	0.01	0.92	0.52
MDAQMD Thresholds	100	25	25	25	15	12
Exceed?	No	No	No	No	No	No

¹ Average of winter and summer emissions, unmitigated.
 Source: CalEEMod model, version 2016.3.2 output tables

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. As shown in Table 2, none of the analyzed criteria pollutants will exceed regional emissions thresholds during the operation phase. Construction air quality impacts of the proposed project will be less than significant.

MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

Table 2
Operational Emissions Summary
Tentative Tract Map No. 20211
(tons per year)

	CO	NO _x	ROG	SO ₂	PM ₁₀	PM _{2.5}
Operational Emissions ¹	8.7	2.8	5.4	0.0	1.68	0.97
MDAQMD Thresholds	100	25	25	25	15	12
Exceed?	No	No	No	No	No	No

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

IV. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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"/>

MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

IV. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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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"/>
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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 *General Biological Resource Assessment* dated May 31, 2018, completed by RCA Associates Inc.. Biological surveys were conducted for the desert tortoise (*Gopherus agassizii*), Mohave ground squirrel (*Spermophilus mohavensis*), burrowing owl (*Athene cunicularia hypugaea*), sharp-shinned hawk (*Accipiter striatus*), Mohave Tui Chub, and loggerhead shrike (*Lanius ludovicianus*). The site survey found no sensitive or endangered species on the site. According to RCA, the project area has the potential in the future to be occupied by sensitive species. Therefore, to confirm no special status species have returned to the site, it is recommended that a pre-construction biological survey be conducted. Mammals possibly occurring on the site as residents or transients include jackrabbits (*Lepus americanus*) and Antelope ground squirrels (*Ammospermophilus leucurus*). Several birds were observed during the surveys including raven, house finch, rock pigeon, morning dove and sage sparrow. 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. The study identified the site as being located within documented burrowing owl habitat; however, no owls or owl signs were seen on the property during the survey.

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.

BIO-2. Pre-Construction Survey. Within 14 days prior to ground disturbance, the Applicant will retain a qualified biologist to conduct burrowing owl surveys within the area to be disturbed. The survey will be performed by walking parallel transects spaced no more than 20 meters apart and will be focused on detecting burrows that are occupied, or are suitable for occupation, by the burrowing owl. The results of the surveys, including graphics showing the locations of any active burrows detected and any avoidance measures required, will be submitted to the Town of Apple Valley and the California Department of Fish & Wildlife (CDFW) within 14 days following completion of the surveys. If active burrows are detected, the following take avoidance measures will be implemented:

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- a) If burrowing owls are observed using burrows on-site during the non-breeding season (September through January, unless determined otherwise by a qualified biologist based on field observations in the region), occupied burrows will be left undisturbed, and no construction activity will take place within 300 feet of the burrow where feasible (see below).
 - b) If avoiding disturbance of owls and owl burrows on-site is infeasible, owls will be excluded from all active burrows through the use of exclusion devices placed in occupied burrows in accordance with protocols established in CDFW's Staff Report on Burrowing Owl Mitigation (2012). Specifically, exclusion devices, utilizing one-way doors, will be installed in the entrance of all active burrows. The devices will be left in the burrows for at least 48 hours to ensure that all owls have been excluded from the burrows. Each of the burrows will then be excavated by hand and/or mechanically and refilled to prevent reoccupation. Exclusion will continue until the owls have been excluded from the disturbance area, as determined by a qualified biologist.
 - c) Any active burrowing owl burrows detected on-site during the breeding season (February through August, unless determined otherwise by a qualified biologist based on field observations in the region), will not be disturbed. Construction activities will not be conducted within 300 feet of an active onsite burrow at this season.
- 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 Protected Plant Preservation Plan was prepared by RCA Associates, Inc. and included a survey of the 36-acre site to determine which Joshua trees would need to be transplanted to allow for the proposed development. The study identified 205 Joshua Trees (*Yucca brevifolia*) on the site, ninety (90) of which are suitable for protect in place, forty-nine (49) would be good candidates for transplant on-site and has recommended removal of the remaining Joshua Trees due to health of the tree. The CDFW identifies Joshua tree woodland as areas that support relatively high species diversity and as such are considered a sensitive desert community. Any disturbance of Joshua Trees is subject to the provisions of the Development Code which are all included herewith as mitigation measures.

BIO-3: A qualified approved arborist will be retained to conduct any future transplanting activities and will follow the protocol of the County's Development Code. Removal of all plants protected or regulated by the Desert Native Plants Act would be required to comply

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with the provisions of the Act before the issuance of a development permit or approval of a land use application.

BIO-4: Joshua trees deemed suitable for transplanting shall be utilized as part of the proposed landscaping on-site where possible or shall be transplanted to an area of the Project Site where they can remain in perpetuity. Joshua trees which are deemed not suitable for transplanting may be removed from the Project Site.

BIO-5: Prior to excavation, a qualified arborist shall construct earthen berms around each Joshua tree. The Joshua trees shall be watered approximately one week before transplanting. Watering the Joshua trees prior to transplanting will help make excavation easier, ensure the root ball will hold together, and minimize stress to the tree.

BIO-6: Each Joshua tree deemed suitable for transplanting shall be moved to a pre-selected location and shall be placed and oriented in the same direction as its original direction. Once transplanted, the area around the tree shall be backfilled with native soil, and the transplanted Joshua tree shall be watered immediately. Mitigation

BIO-7: The qualified arborist shall develop a watering regiment to ensure the survival of the transplanted Joshua trees.

- 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.

V. CULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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"/>

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Discussion of Impacts

- a-b. **Less than Significant Impact.** A cultural resources assessment of the proposed project site was completed by RCA Associate Inc. dated June 15, 2018. A field survey of the site was performed on May 17, 2018. 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, and no 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 no correspondence were received.
- 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, no correspondences were received. 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.

VI. ENERGY	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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 sixty-six (66) 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

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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.

VII. GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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 checked="" type="checkbox"/>	<input 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"/>

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VII. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 LOR Geotechnical Group Inc dated July 6, 2018 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 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 very 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				

Town of Apple Valley
 March 2020

Tentative Tract Map No. 20211
 Mitigated Negative Declaration/Initial Study

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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

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 geotechnical report 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.** The project site is not located within an area identified as highly sensitive for paleontological resources as shown in Exhibit III-5 of the General Plan FEIR.

VIII. GREENHOUSE GAS EMISSIONS	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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.				

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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
 Annual GHG Emissions
 Tentative Tract Map 20211
 (Metric Tons/Year)**

CO2e	Threshold	Exceeds?
18,625	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.

IX. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
	Would the project:			
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"/>

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IX. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project 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) No Impact. 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.				
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				

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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 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.

X. HYDROLOGY AND WATER QUALITY	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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"/>

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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. Liberty Utilities 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 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, tsunami, or seich zones and therefore, no impact is anticipated.
- e. **Less than Significant Impact.** The proposed project will be required to connect to the Town's sanitary sewer systems. Liberty Utility 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

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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, 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.

XI. LAND USE AND PLANNING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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 existing residential developments on all sides. The project represents a continuation of the				
Town of Apple Valley March 2020		Tentative Tract Map No. 20211 Mitigated Negative Declaration/Initial Study		

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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.

XII. MINERAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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.				

XIII. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
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

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- 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 surrounding the site. 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. The subject site is adjacent to Yucca Loma Road, a noise impact roadway. A Noise Study was prepared by York Engineering LLC dated November 2, 2018. To reliably achieve the 65 dBA CNEL residential build-out standard for long term exterior background noise. Two design features/ mitigation measures will effectively attenuate and mitigation traffic noise impacts.

Mitigation Measures

N-1 A six (6)-foot high solid concrete masonry wall constructed along Yucca Loma Road.

N-2 As otherwise required by Title 24 and building codes for energy efficiency the homes will be equipped double pane insulating windows and sliding glass door will provide further noise attenuation with a rating of 26 or greater.

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

N-3 The construction contractor shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.

N-4 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-5 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-6 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 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 area is 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
Would the project:				
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-six (66) 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.

XV. PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
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
Would the project result in:				
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 1 1/2 miles from the station located at 19235 Yucca Loma Road. Due to the close proximity of the fire station, 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

- c. **Less than Significant Impact.** Implementation of the proposed project will lead to the construction of sixty-six (66) residential dwelling units that would house school-aged children. The Apple Valley Unified School District would serve the project site. 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-six (66) dwelling units would increase the current population by approximately 180 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 is required to pay Quimby Fees 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.

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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
Would the project:				
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-six (66) 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, Norm Schmidt Park, Civic Center Park and Lyon Park. This is a request to subdivide approximately thirty-six (36) acres into sixty-six (66) single-family residential lots in the Single-Family Residential (R-SF) zoning designation for future residential development 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.

XVII. TRANSPORTATION	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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"/>

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XVII. TRANSPORTATION

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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"/>

Discussion of Impacts

- a. **Less than Significant Impact.** Primary access to the site will be provided via Yucca Loma Road, with secondary access via Tuweep Trail. 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
- 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 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. **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 Yucca Loma Road and secondary access route would be Tuweep Trail. The Town of Apple Valley has not developed a formal evacuation plan; however, the Apple Valley Fire Protection District will review the tract map for adequate emergency access and development requirements as conditions of approval. No impacts are anticipated.

XVIII. TRIBAL RESOURCES

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

MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

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"/> |
| 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"/> |

a) i-ii. **Less than Significant Impact** A cultural resources assessment of the proposed project site was completed by RCA Associates dated June 15, 2019. A field survey of the site found no cultural resources of any kind. 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 and no 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 no comments were received.

XIX. UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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"/>

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XIX. UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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.** 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 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.

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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 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". The project is not within an area mapped as a high				

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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:	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 checked="" type="checkbox"/>	<input 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"/>
a. Less than Significant Impact. 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 containing suitable habitat for nesting birds, raptors, and burrowing owls.				
b. Less than Significant Impact. With implementation of mitigation contained in this Initial Study, environmental impacts associated with the project will be reduced to a less than significant				

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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 with Mitigation.** 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 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.

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.
York Engineering LLC, Noise Study, November 2018
RCA Associates, Inc, Biological Resource Assessment, May 2018
RCA Associates, Inc, Cultural Resources Assessment, June 2018
LOR Geotechnical Group, Inc. Preliminary Geotechnical Investigation, July 2018



Planning Commission Agenda Report

DATE: May 6, 2020 **Item No. 5**

CASE NUMBER: Special Use Permit No. 2019-007

APPLICANT: Mauro Moreno

PROPOSAL: A request for approval of a Special Use Permit to allow a small recycling center (CRV collection) within the parking area of an existing convenience store. The facility will include two roll off containers with front end store front.

LOCATION: 16801 Dale Evans Parkway. APN: 0440-014-28

ENVIRONMENTAL DETERMINATION: In accordance with the California Environmental Quality Act (CEQA) the project is exempt from future review based on Class 3 Categorical Exemption from the requirements of the California Environmental Quality Act. Class 3 includes installation of small new equipment and facilities in small structures. If the Planning Commission denies the request, CEQA Section 15270 states that CEQA does not apply to projects which a public agency denies. Therefore, a Notice of Categorical Exemption is not required.

CASE PLANNER: Carol Miller, Assistant Director of Community Development

RECOMMENDATION: Denial

PROJECT SITE AND DESCRIPTION

- A. Project Size
The subject site is 1.8 acres in size.
- B. General Plan Designations
- | | |
|----------------|-----------------------------------|
| Project Site - | General Commercial (C-G) |
| North - | General Commercial (C-G) |
| South - | General Commercial (C-G) |
| East - | Residential Single- Family (R-SF) |
| West - | General Commercial (C-G) |

C. Surrounding Zoning and Land Use

- Project Site - General Commercial (C-G), Fuel station with convenience store
- North - General Commercial (C-G), Vacant
- South - General Commercial (C-G), Vacant
- East - Residential Equestrian (RE-Q), Vacant
- West - General Commercial (C-G), Vacant

D. Site Characteristics

The project site is approximately 1.8 acres in size and developed with an approximately 3,000 square-foot convenience store with fuel station and fourteen parking spaces. The facility would be located within the parking lot and adjacent to the easterly undeveloped portion of the site.

ANALYSIS

A. General:

The applicant is requesting approval of a Special Use Permit to allow the small recycling facility at an existing gas station with convenience store. Following the distribution/ mailing of the Notice of Pending Land Use Decision to property owners within 300 feet, staff received four letters 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 letters received request denial based upon concerns that the proposal would have a negative impact to the surrounding residential area. Specifically, loitering by the homeless population, eye sore due to trash and debris of discarded material, outside storage, and property values.

B. Site Analysis:

As indicated above in the characteristics of the site, the subject property is only half developed. The remaining undeveloped area is an unimproved dirt area. While the facility is proposing to locate within the paved parking area, and adjacent to the dirt area, it is anticipated that the unimproved dirt area adjacent to the facility will be used for parking, a transfer area for materials, and storage. Staff's concerned that without any barriers, there is nothing to keep patrons of the center from utilizing the unimproved area of the property. The facility would not operate as an ancillary use to the convenience store onsite and or any supermarket that might be within an established Convenience Zone. As such cash transactions are required.

The submitted plans indicate the portable recycling center consists of a ninety (90) square-foot front end unit with two (2) roll off containers connected for an overall square-footage of 474 square-feet. The front-end façade is approximately twelve (12) feet in height and the recycling containers are approximately nine (9) feet in height. The applicant has indicated the scale and bins that hold the recyclables while being weighed will be brought out during business hours. An employee will collect and weigh the recyclables to calculate the refund amount. Recyclable

material will be sorted within the container until they have reach capacity, at which point the applicant indicates the material will be picked up and shipped to a processing facility in Hesperia. However, the submitted business plan indicates the containers are not removed for unloading, and that when the containers are full, the employees will remove the material manually from the containers to load onto a trailer to take to a processing facility. The applicant indicates the material is removed about once a week. The facility will operate Monday thru Sunday 8:30 a.m. to 5:00 p.m., and will have two (2) employees attending to the facility.

The business plan does not indicate how the containers are secured from unauthorized entry or removal of material. Staff does have concerns with regard to how the applicant proposes to deter and maintain the site in a clean and free of negative nuisance activity manner during and after hours of operation.

Due to its more remote location, Staff has concerns that the proposed location of the recycling facility may cause a public safety issue due to transient activity, resulting in trespassing, petty theft and vandalism, as well as noise and odor impacts on the surrounding areas, particularly the single family residential to the south and east. In general, while recycling centers provide a valuable service to the community, they do attract nuisance activity. Nuisance activity can include transients congregating at or near the center, accumulation of trash and litter, odor, and increased vehicle and pedestrian traffic. The Development Code requires a minimum separation of 100 feet from a residential zone or residence. The proposed location is approximately 130 feet from the residentially zone property to the east.

The container unit will occupy approximately four (4) parking spaces and two spaces for the attendant leaving approximately thirteen (13) spaces for the convenience store which requires twelve (12) spaces. The Development Code specifies, "No additional parking spaces are required for customers of a small collection facility located within the established parking lot of the primary use". Staff believes the intent of this Code section is that the recycling facility is an ancillary use to a primary use. Such as within the parking lot of a shopping center. In this instance, the proposed facility is independent of the primary use. When potential customers parking is taken into account, the convenience store may be deficient of parking.

C. Convenience Zones:

The State of California's recycling program (CalRecycle) is intended for the placement of recycling facilities with convenience zones. A convenience zone is defined as "an area for the location of mobile recycling units...which encompass a half (1/2) mile radius around a supermarket with gross annual sales of at least two million dollars." Based on this definition, the convenience zone would center around Target and Albertsons located on US Highway 18, cross street Dale Evans Parkway. However, an interested person may petition the state that a three (3) mile convenience zone be located in a rural region.

Convenience zones are intended to increase the geographic dispersal of locations where beverage containers can be redeemed. A convenience zone is required by law to have within the zone's boundaries, a recycling center that redeems all California redemption Value (CRV) containers.

D. Environmental Assessment:

This project will not have a significant effect on the environment and is listed under Class 3 Categorical Exemption from the requirements of the California Environmental Quality Act. Class 3 includes installation of small new equipment and facilities in small structures. If the Planning Commission denies the request, CEQA Section 15270 states that CEQA does not apply to projects which a public agency denies. Therefore, a Notice of Categorical Exemption is not required.

E. Noticing:

This item was advertised as a public hearing in the Apple Valley News newspaper on April 24, 2020.

F. 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: A small recycling facility is allowed by the Development Code subject to a Special Use Permit and operating requirements. The intent of this process is to ensure that the proposal is consistent with the policies of the General Plan, which is to encourage to sensitively integrate different, but compatible land uses to avoid creating nuisances among adjacent land uses. Further, it is the purpose of the Development Code to encourage the most appropriate use of the land and promote the public health, safety and general welfare. Staff believes the intent of the Development Code regulating these facilities is that the recycling facility is an ancillary use to a primary use and within the parking lot of a shopping center. In this instance, the proposed facility is independent of the primary use.

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: Due to its more remote location, the recycling facility may cause a public safety issue due to transient activity, resulting in trespassing, petty theft and vandalism, as well as noise and odor impacts on the surrounding areas, particularly the single family residential within the area. In general, while recycling centers provide a valuable service to the community, they do attract nuisance activity. Nuisance activity can include transients congregating at or near the center, accumulation of trash and litter, odor, and increased vehicle and pedestrian traffic.

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 facility does not require public facilities or utilities.

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 subject site is located on the corner of Dale Evans Parkway and Waleew Road. As major arterials, the streets have the capacity to handle any traffic generated.

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

Comment: N/A

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

Comment: N/A

RECOMMENDATION

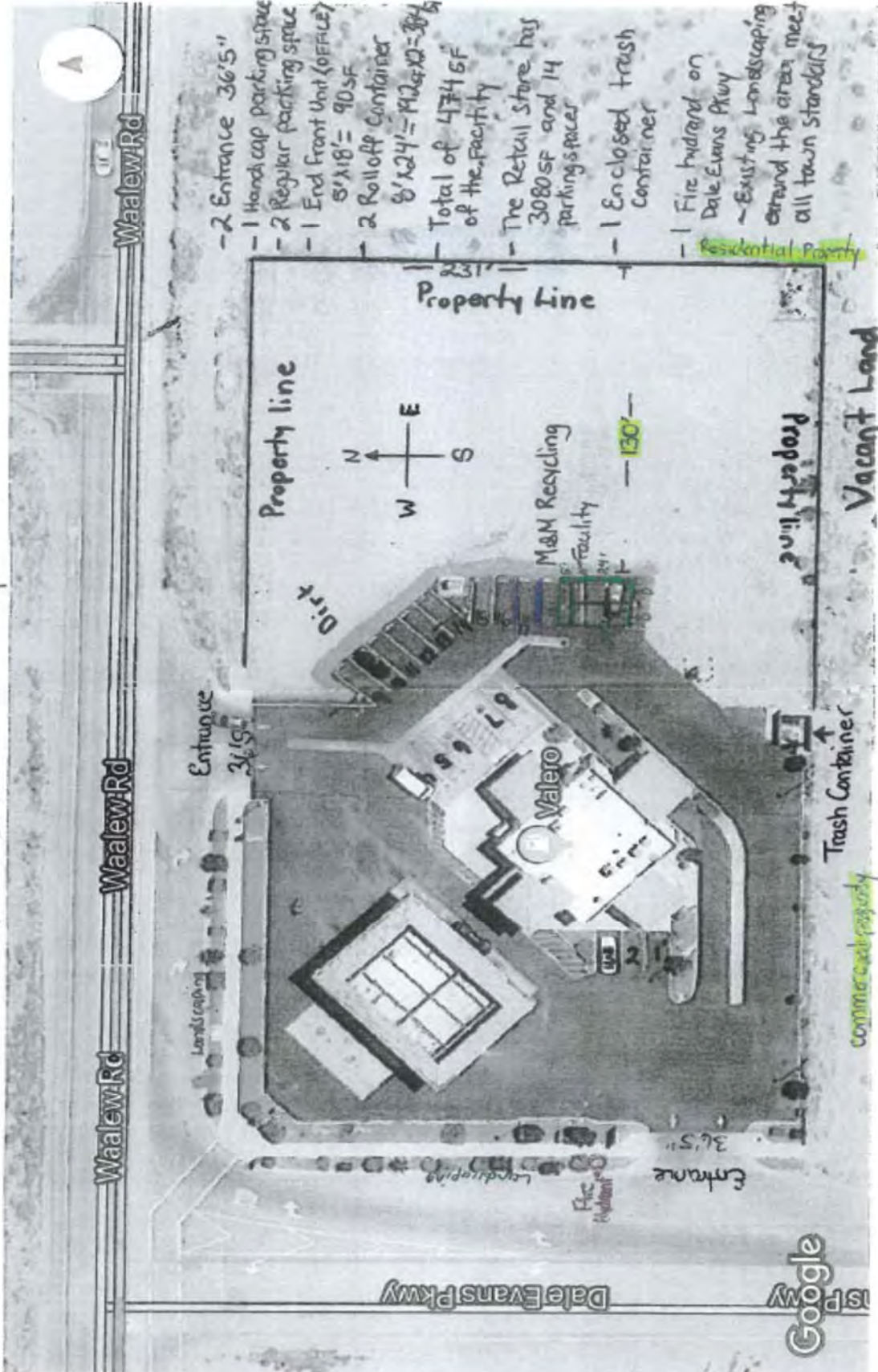
Based upon the information contained within this report, and any input received from the public at the hearing, it is recommended that the Planning Commission move to:

1. Find the facts presented in the staff report support the required Findings for DENIAL and adopt the Findings.
2. Deny Special Use Permit No. 2019-007.

ATTACHMENTS:

1. Site Plan
2. Elevations
3. Opposition comment letter/email
4. Zoning/Location Map

16801 Dale Evans Pkwy



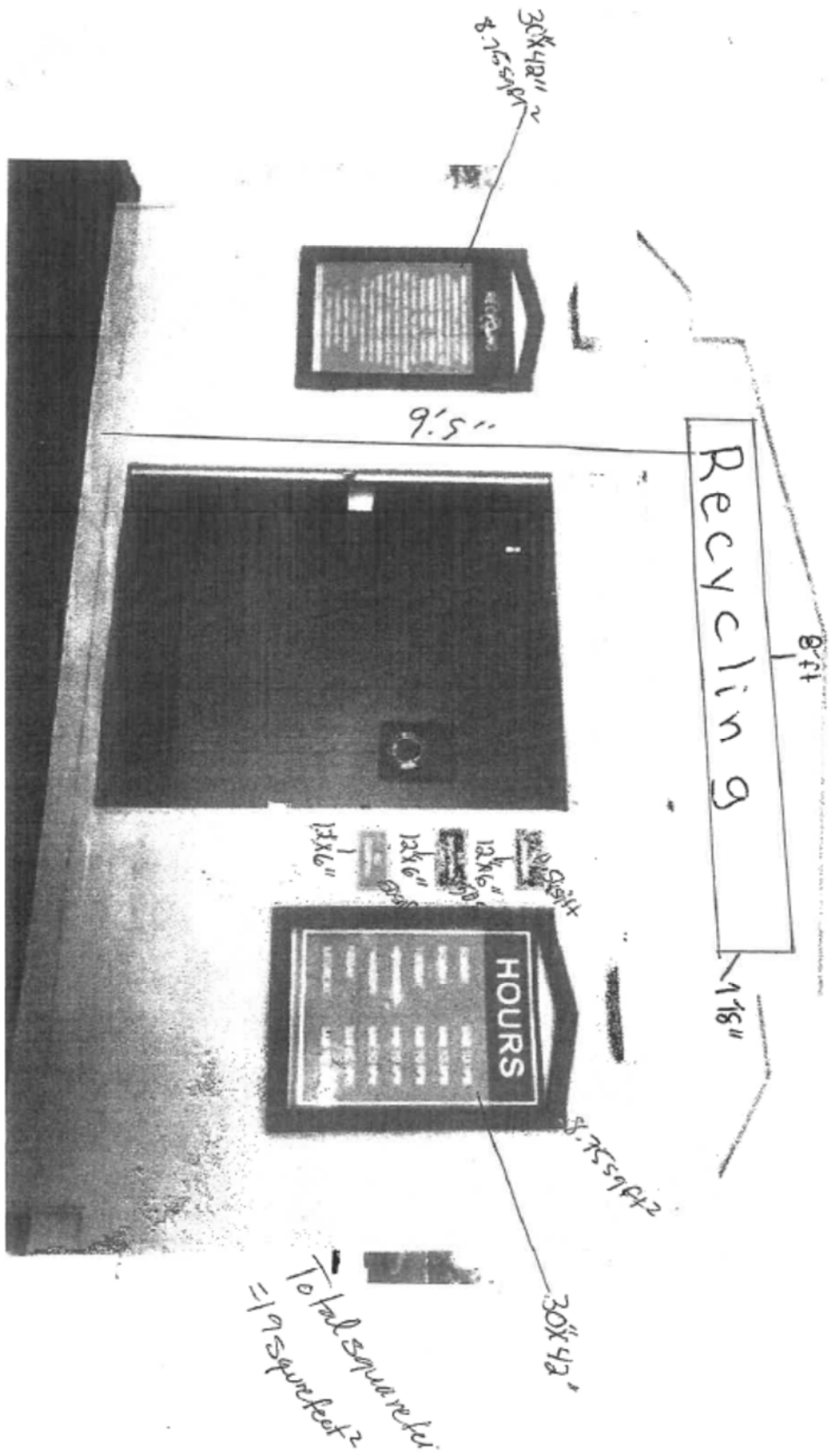
- 2 Entrance 36.5"
- 1 Handicap parking space
- 2 Regular parking space
- 1 End Front Unit (OFFICE) 5'x18' = 90 SF
- 2 Roll-off Container 8'x24' = 192 SF x 2 = 384 SF
- Total of 474 SF of the Facility
- The Retail Store has 3080 SF and 14 parking spaces
- 1 Enclosed trash container
- 1 Fire hydrant on Dale Evans Pkwy
- Existing Landscaping around the area meet all town standards

Residential property

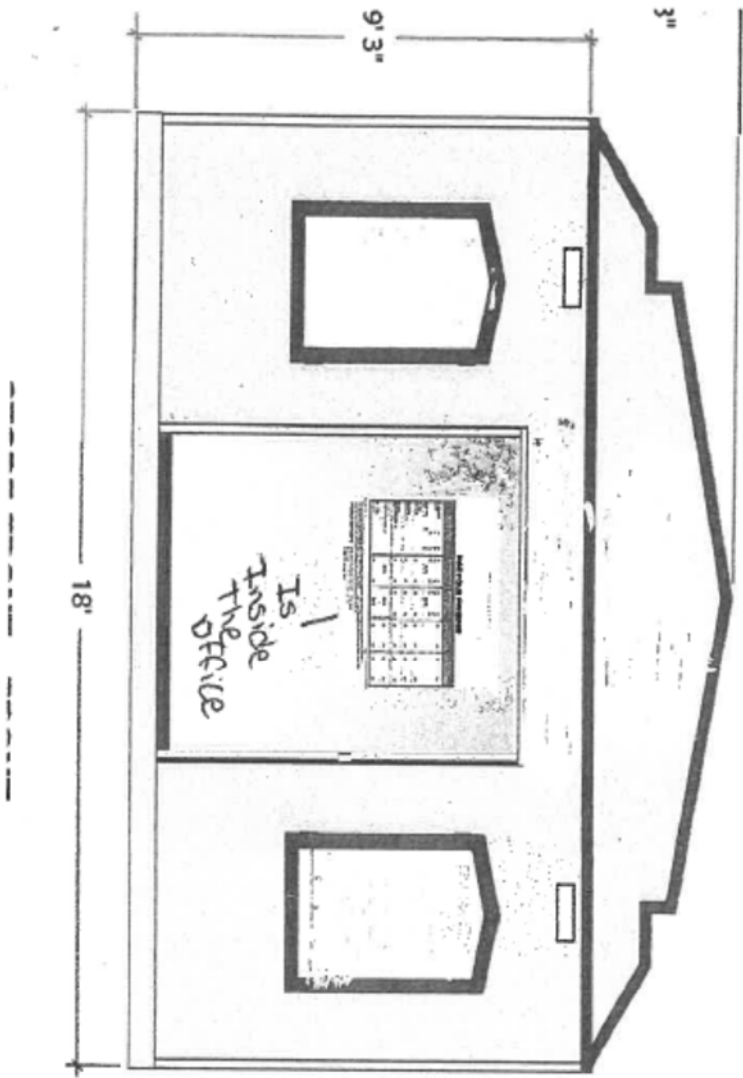
commercial property

Vacant Land

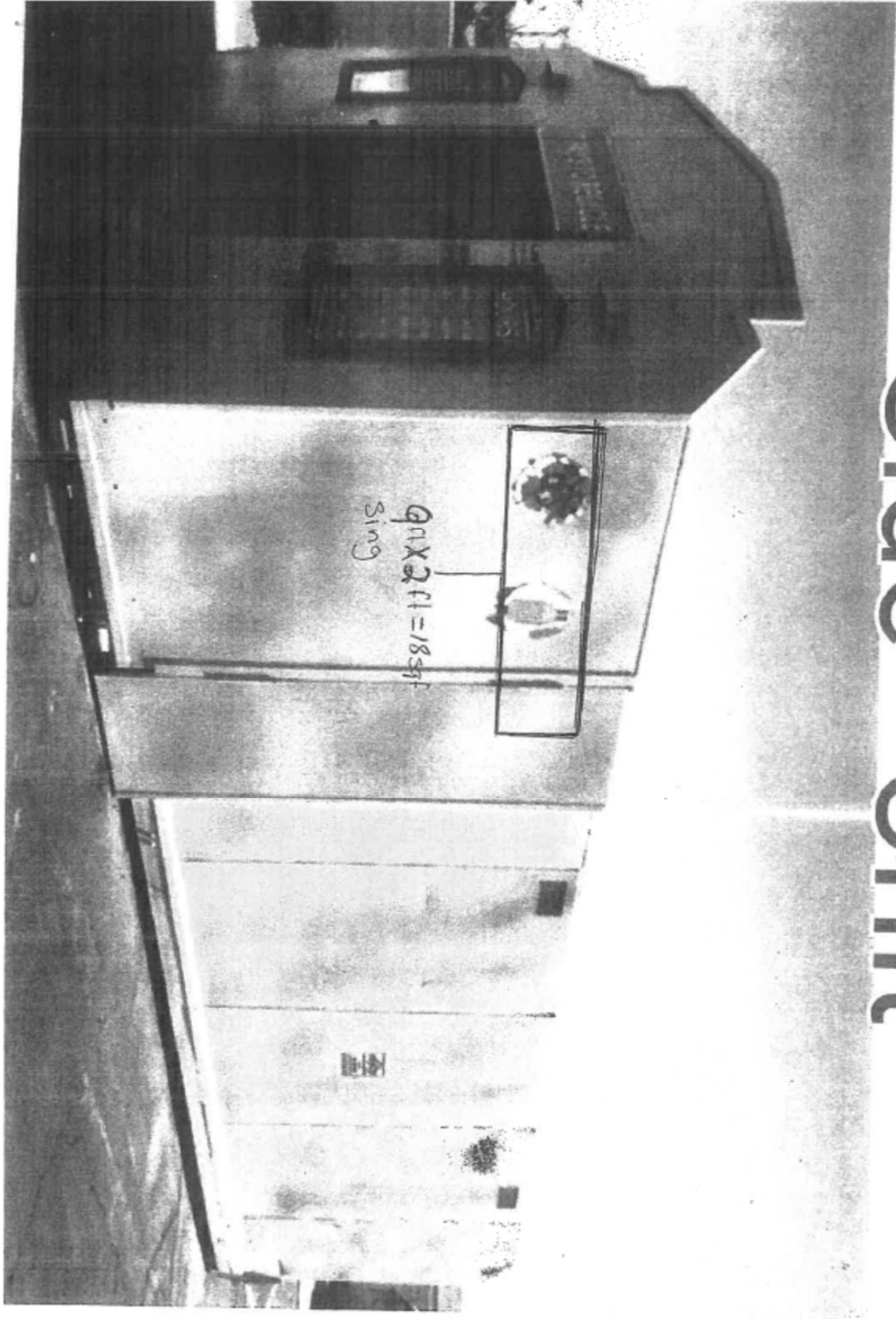
Front-End Unit
Base Model/rear access
Model # FE2BRA Color : California Tan



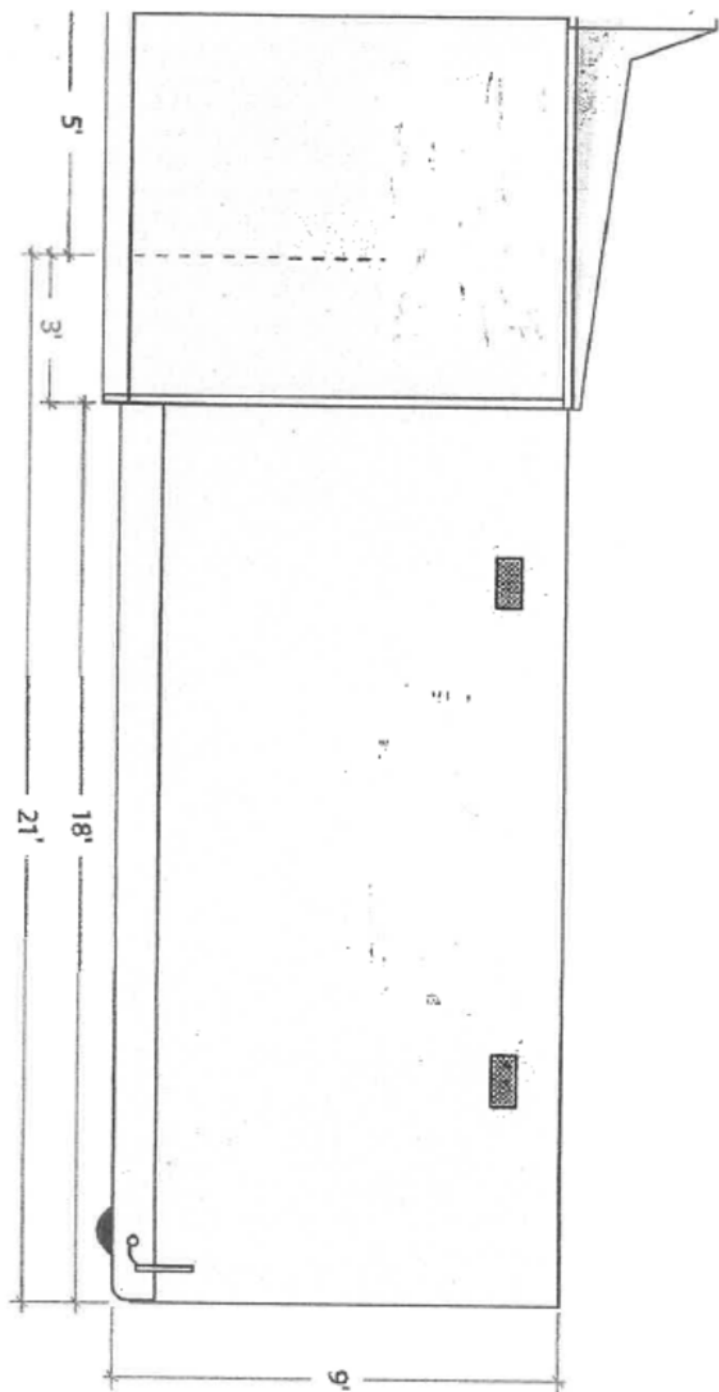
Storefront_Front Dimensions.pdf



MANUFACTURER	DETAILS	OWNER
Consolidated Fabricators 4600 S. Santa Fe Vernon, CA 323.586.4500	Building: Steel Construction Signage: Pressure Sensitive Vinyl	Building: Beige Signage: Green - PMS 555 Maroon - PMS 483

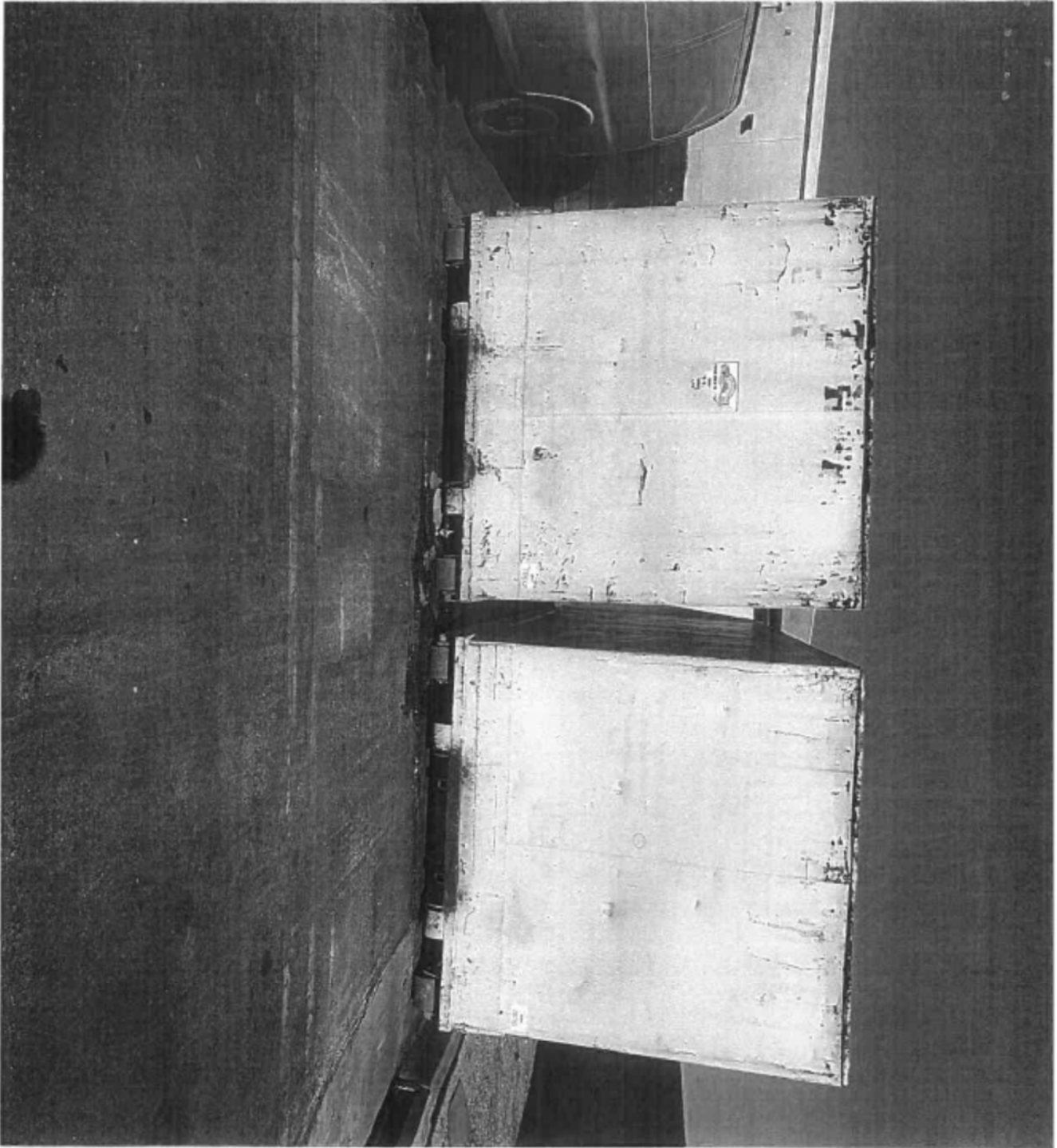


Side - Unit



SPECIFICATIONS

Manufacturer	Materials	Colors
Consolidated Fabricators 4600 S. Santa Fe Vernon, CA 323.586.4500	Building: Steel Construction Signage: Pressure Sensitive Vinyl	Building: Beige Signage: Green - PMS 555 Maroon - PMS 483



Carol Miller

From: Ursula Gorospe <tallarek@msn.com>
Sent: Wednesday, February 26, 2020 10:10 PM
To: Carol Miller
Subject: Pending land use decision for 16801 Dale Evans Parkway. APN: 440-014-28

To whom it may concern,

After learning about the land use proposal at the above mentioned location, I would like to voice my objection to the plan of establishing a recycling center there, as I believe it would have a negative impact on the surrounding properties' value.

Sincerely,
Ursula Gorospe
18450 Hackberry Street, Hesperia

Carol Miller

From: Scott M <sman8888@hotmail.com>
Sent: Saturday, February 22, 2020 2:53 PM
To: Carol Miller
Subject: Notice of pending land use decision - APN 440-014-28

Hi Carol,

I'm writing to voice my opposition to the building of a recycling center in the parking lot of the gas station located at 16801 Dale Evans Parkway. My mom has property in the close vicinity of the proposed recycling center. I don't believe that this is appropriate place for a recycling center. I don't think it will add any value to the other properties in the area and in fact I believe it will have a negative impact on the property values of near by properties. Recycling centers are eye sores that tend to be a gathering place for our homeless population. That is something that no nearby property owners or business owners want near them.

So in closing, it doesn't make sense to put a recycling center in this location. It will negatively impact the property values of nearby property owners. Recycling centers should be where you find them now throughout the city and that is in the back parking lots of large super markets and not the parking lots of small neighborhood businesses.

Thanks,

Scott Mansfield

February 17, 1010

To: Town of Apple Valley Planning Division

Re: Case Use Permit # 2019-2007

I have recently been apprised of the above Proposal to approve a small packaging recycling center as stated in the above permit.

It is my understanding this is to be located in the parking lot of the convenience store in that area, taking up 4 parking spaces for the two large containers to be used in the CRV collection.

My belief is that the space cited for this said Proposal will be cramped by the size of the two containers. It will also encourage littering, garbage, plastics bags, loose grocery store carts (even though the grocery store is a few blocks away.) The space is inadequate for that required for such a site and should be placed out of the general traffic and living area of residents. It will definitely detract for the local residents and the overall appearance of the area.

Sincerely,

Pam Riley

Apple Valley Planning Division
Attn.: Carol Miller

Feb. 21, 2020

Re: Project Application for
16801 Dale Evans Parkway - APN #440-014-28

In response to your "Notice of Pending Land Use"
proposal referenced above, we strongly disapprove
of this request at this location.

As the owners of APN #440-014-30, the corner parcel
at Dale Evans and Hawthorne (2 lots east), we don't
want a recycling center in our backyard, front yard or side
yards. We're well aware of all the noise, congestion,
hauling, abandoned shipping carts & all the discarded
plastic left behind to blow around for someone else to
deal with. In addition, esthetically, it's a blight
on the upscale now-developing neighborhoods that sur-
round this location and I'm going forward.

The most important consideration, however, is the
financial impact that allowing a CRV center at
this site would have on all of our property
valuations. A CRV center at this location is certainly
not an asset for all the rest of us who have property
interests & investments there. We sure didn't purchase
our parcel at Dale Evans & Hawthorne anticipating that
a few years later this "retirement" property investment
would be de-valued because a CRV center was allowed
to move in where they don't belong. Wouldn't a
supermarket be a much more suitable location for this
type of operation?

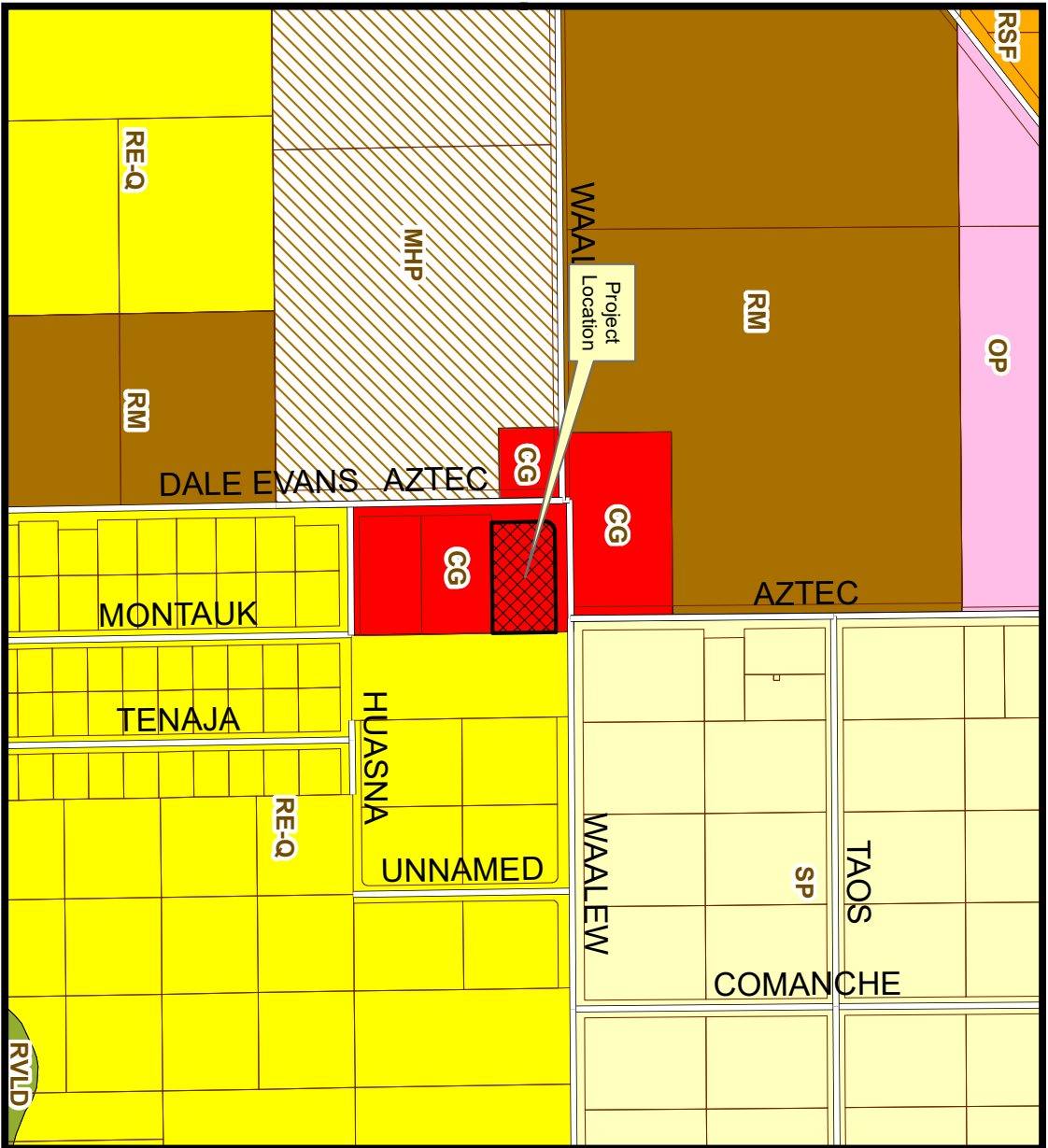
In closing, we strongly object to & oppose the approval
of a recycling center at this location.

Thank you for your consideration,

Whitlyn K. Whangfield
19038 Cedar Drive
Apple Valley, Ca. 92308
(760) 220-8994

ZONING/LOCATION MAP

Special Use Permit No. 2019-007



16801 Dale Evans Parkway

APN 0440-014-28



Legend	
	Project Location
	(re-VLD) Very Low Density Residential (1/4th or more gross acres)
	(re-ED) Equestrian Residential (1/4 to 0.9 net acre)
	(re-SF) Single Family Residential (1/4 to 0.9 net acre)
	(re-MF) Multi-Family Residential (2 to 20 duplex units)
	(MHP) Medium Density Residential
	Mobile Home Park
	General Commercial
	Office Professional
	Community General
	Specific Plans

Date: 4/29/2020



Planning Commission Agenda Report

DATE:	May 6, 2020	Item No. 6
CASE NUMBER:	Development Permit No. 2019-006 Special Use Permit No. 2019-002 Variance No. 2019-003	
APPLICANT:	Steen Design representing David Dhillion	
PROPOSAL:	<p>Development Permit and Special Use Permit to allow a 12,300 square-foot multi-tenant commercial building, a 4,998 square-foot convenience store and gas station with six (6) gasoline pump islands and two (2) separate diesel pump islands. The pump islands include a 5,200 square-foot canopy and 800 square-foot canopy at a maximum height of approximately twenty (20) feet to be constructed over the fueling areas. The fueling station also includes a 200-gallon propane tank.</p> <p>A variance request to allow two (2) eight (8)-foot high monument sign and a twenty-five (25)-foot tall pole sign where a maximum six (6)-foot high monument sign is permitted and a request to allow two (2) forty (40)-foot wide driveway approaches where the maximum width for service stations is thirty-two (32).</p>	
LOCATION:	Northeast corner of Bear Valley and Central Roads. APN: 0439-392-11	
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:	Carol Miller, Assistant Director of Community Development	
RECOMMENDATION:	Approval of the Development Permit and Special Use Permit and Denial of the Variance	

PROJECT SITE AND DESCRIPTION

A. **Project Size**

The subject site is approximately three (3) acres in size.

B. **General Plan Designations**

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

C. **Surrounding Zoning and Land Use**

Project Site - General Commercial (C-G), Two commercial buildings
 North - General Commercial (C-G), Vacant
 South - General Commercial (C-G), Vacant and retail center
 East - General Commercial (C-G), Vacant
 West - General Commercial (C-G), Vacant

D. **Site Characteristics**

The project site is currently developed with two commercial buildings and two concrete foundations on a portion of the three (3)-acre site that are proposed to be removed. The remaining area of the parcel is highly impacted by off-road use with minimal native vegetation.

E. **Building/Unit Analysis**

The project will include a 12,300 square foot of retail/lease space, a 4,998 square-foot convenience store, 5,200 square-foot canopy and 800 square-foot canopy.

F. **Building Height**

Permitted Maximum Height	35 Feet
Proposed Maximum Height	28 Feet

G. **Building Setback Analysis**

	<u>Required</u>	<u>Proposed</u>
Bear Valley Rd	45 ft.	166 ft.
Central Road Rd	25 ft.	25 ft.
Rear (north)	0 ft.	85 ft.
Side (East)	0 ft.	57 ft.

H. **Canopy Setback Analysis**

	<u>Required</u>	<u>Proposed</u>
Bear Valley Rd	10 ft.	53 ft.
Central Rd	10 ft.	53 ft.
Side (East)	10 ft.	10 ft.

I. Fuel Pump Islands Setback Analysis

	Required	Proposed
Bear Valley Rd	20 ft.	65 ft.
Central Road Rd	20 ft.	65 ft.
Side (West)	20 ft.	20 ft.

J. Landscaping

Required:	10 %
Proposed:	12 %

K. Parking Analysis

Use	Sq Ft	Parking Ratio	Required Parking	Provided Parking
Retail	12,300	1/250	49	50
Retail	4,998	1/250	20	20
Total			69	70

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 12,300 square-foot multi-tenant commercial building and a 4,998 square-foot convenience store and requesting approval of a Special Use Permit to allow the construction of a gas station with underground storage tanks for the various grades of fuel. The Variance request is to allow oversized freestanding signage and driveway approaches. Although the Development Permit and Special Use Permit would normally be reviewed at an administrative level, the Variance application does require Planning Commission approval. Therefore, all applications are being presented to the Planning Commission for their consideration, including the Mitigated Negative Declaration.

B. Site Analysis:

The site plan shows six (6) fuel pumps, with twelve (12) fueling positions, under a 5,200 square foot canopy and two (2) diesel pumps under a separate 800 square-foot canopy. The fueling canopies are located in front of the convenience store. The primary structures on the site consist of the multi-tenant retail building and convenience store. A 200-gallon propane tank is located on southwesterly corner of the site, adjacent to the streets. As designed, the project meets all Code requirements for a service station with the exception of two of the driveways which the applicant has requested a Variance to deviate from the standard.

Access to the site is from one forty (40)-foot wide driveway on Bear Valley Road and two driveways on Central Road consisting of one thirty-two (32)-foot wide driveway and a forty (40)-foot driveway. The applicant is requesting a variance to allow forty (40)-foot driveways where the Development Code requirement for service stations is thirty-two (32)-foot wide.

The floor plan of the retail building indicates three of the units to be unimproved suites while the end suite appears to propose a retail component with a repair shop in the rear and a fenced area for outdoor storage. This entitlement does not include any approval for a future use that may require a use permit.

C. Architecture Analysis:

The architecture of both buildings incorporates a modern mountain ranch design with the use of Hardie plank, stucco and stone siding with corrugated metal roofing. The color palette consists of various tones of brown with sage and red colors as a highlight on the store fronts. The maximum height of the structure is twenty-eight (28) 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, corbels and varied siding all provide character to the design of the project.

D. Variance Analysis:

A Variance can only be approved if it is determined that, based upon unique circumstances applicable to the property, such as physical size, shape, location or topography creating a hardship, that strict application of the Development Code would deprive a property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

Sign Variance:

The applicant requests two (2) eight (8)-foot high monument sign and a twenty-five (25)-foot tall pole sign where a maximum six (6)-foot high monument sign is allowed. The burden of proof to establish the evidence in support of the required Findings for approval is the responsibility of the applicant. Attached for the Commission's consideration are the specific justifications to the required Findings, as filed by the applicant. The applicant states that a 25-foot tall freestanding sign provides safer viewing and lists other gas station signage. However, it should be noted that locations identified are not within Town limits, and the one location identified that is within the Town is irrelevant to this location.

Staff finds that the applicant has failed to provide sufficient evidence that the site is subject to special conditions which are not applicable to other lands of similar parcel size within the same zoning district. The height of the freestanding signs being requested are allowed for commercial centers that are twenty-five (25) acres or more in size and not a three (3) acre site. Commercial projects that are less than eight (8) acres are limited to a maximum height of six (6) foot monument signs. The subject site and surrounding area have little to no topography and no topographic features or constraints at a major intersection with good visibility. Staff can find no justification

to recommend approval of the variance request for additional freestanding sign height.

Driveway Width Variance:

A Variance can only be approved if it is determined that, based upon unique circumstances applicable to the property, such as physical size, shape, location or topography creating a hardship, that strict application of the Development Code would deprive a property of privileges enjoyed by other properties in the vicinity and under identical zoning classification. Attached for the Commission's consideration are the specific justifications to the required Findings, as filed by the applicant. The applicant is requesting a forty (40)-foot wide driveway where the Development Code standards for gas stations is thirty-two (32) feet. For other nonresidential development, the development Code allows a minimum width of twenty-eight (28) feet with a maximum width of thirty-eight (38) feet. The request exceeds even the maximum for other commercial development. The applicant states the need for greater driveway width for safer access. However, no gas station has requested a variance for a greater driveway width, including the gas stations that have been approved in the past two years and as recent as the April 1, 2020 Planning Commission meeting.

E. 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.

F. Noticing:

This item was advertised as a public hearing in the Apple Valley News newspaper on April 17, 2020.

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 and retail 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 site 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-eight (28) feet. The project has a 20% floor area ratio, which is well below the permitted 50% and increased front, side and rear setbacks. Although the surrounding is mainly vacant land and an unfinished retail center, the project will blend well with the surrounding area.

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 proposed architecture style of both buildings incorporates a modern mountain ranch design with the use of varying siding materials and color palette. The varied roof heights, corbels and varied siding all provide character to the design of the project enhance the visual environment of the Town.

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.

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 Central 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 and road dedication to accommodate a future turn lane.

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 is 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 is 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 Central Roads. The project will require road dedication and improvements to the adjacent streets. 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 Bear Valley and Central 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. Findings:

In considering any Variance, the Commission is required by the Development Code to make specific Findings. The following are the Findings required to grant a Variance, as required under Section 9.24.070 of the Development Code, and a comment to address each:

1. That because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Code deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.

Comment: The proposed Variances are for a property that has no unique circumstances applicable to the property that deprive it from privileges enjoyed by other properties within the general vicinity. Based on the size of the property and its highly visible corner location, it is unlikely that it is being deprived of a privilege enjoyed by other gas stations and small retail centers of similar size.

2. That granting the Variance will be consistent with the general intent and purpose of the Development Code provisions for the district in which the property is located.

Comment: Granting a Variance to permit additional signage exceeding the maximum allowed six (6)-foot height and wider driveway width, is not consistent with the general intent and purpose of the Development Code.

3. That granting the Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and zoning district and denied to the property for which the Variance is sought;

Comment: The property for which the Variance is sought is not being deprived a preservation or enjoyment of a property right possessed by other properties within the general vicinity or within Town limits. It is not the intent of the Development Code to allow a three acre parcel the same sign privileges as a twenty-five acres retail center. Also, gas station built or approved by the Town have complied with the thirty-two (32)-foot driveway width. Therefore, it is unlikely that property rights possessed by other properties in the same vicinity and zoning district and denied to the property for which the Variance is sought.

4. That granting the Variance will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located;

Comment: The granting of a Variance for sign height and driveway width will be detrimental to the public by permitting signage with excessive height and driveway width. Therefore, granting this

Variance may set a precedent that will allow property owners with similar circumstances to justify their own request for a Variance. The cumulative impact of additional Variance requests, and approvals for signage, would nullify the intent and meaning of the Development Code and, therefore, have a negative impact upon adjoining properties and Town wide.

5. That granting the Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the zoning district and General Plan land use designation such property is located; and

Comment: The granting of a Variance for sign height and driveway width would constitute a special privilege. There have been a number of gas station or commercial development on similar size property that have conformed to the Development Code standards for signage and driveway width for gas stations. The sign request is reserved for commercial development on parcels nearly eight times larger than the proposed site and the proposed forty (40)-foot wide driveway is larger than any Code Standard that are within the same zoning district and General Plan land use designation.

6. That granting the Variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.

Comment: The Variance is proposed for sign height and driveway width. The proposal will not allow a use or activity not already permitted within the General Commercial (C-G) zoning designation.

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 Development Permit No. 2019-006 and Special Use Permit No. 2019-002 will not have a significant effect on the environment.
2. Adopt the Mitigated Negative Declaration finding for Development Permit No. 2019-006 and Special Use Permit No. 2019-002 on the basis of the whole record before the Planning Commission, including the Initial Study and any comments received, and there is no substantial evidence that the project will have a significant effect on the environment and that the 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 Development Permit No. 2019-006 and Special Use Permit No. 2019-002.
4. Approve Development Permit No. 2019-006 and Special Use Permit No. 2019-002.
5. Find that the facts presented in the staff report support the required Findings for denial and adopt those findings to deny Variance No. 2019-003.

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Site Plan
3. Floor Plan
4. Elevations
5. Applicant's Variance Findings
6. Zoning/Location Map
7. Initial Study

TOWN OF APPLE VALLEY

Recommended Conditions of Approval

Development Permit No. 2019-006 and Special Use Permit No. 2019-002

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. 2019-006 and Special Use Permit No. 2019-002 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
Golden State Water
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 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.
- P7. 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.
- 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 poles in parking lot shall not exceed twenty (20) feet in height. 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.
- 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. 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.
- P16. 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.
- P17. 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.
- P18. 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.
- P19. 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.
- P20. 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.
- P21. 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.
- P22. 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.
- P23. 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 twenty (20) feet. Canopy fascia shall match the color, material and textures of the primary building.
- P24. 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.
- P25. The LPG tank and/or any associated equipment shall not contain any non-regulatory, commercial or non-commercial signage.

- P26. 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.
- P27. A Sign Program is required before any issuance of a sign permit.
- P28. 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, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within TCR-1, 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.
- P29. If significant pre-contact cultural 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 within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.
- P30. 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.
- P31. The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed in CR-1, of any pre-contact 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 Resource 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.
- P32. 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.

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, gutter and sidewalk on the development side.
- EC4. A seventy-six (76)-foot (64-ft half-width plus 12-foot for a future, regional, separate right turn lane) half-width road dedication along Bear Valley Road shall be granted to the Town of Apple Valley prior to the issuance of a Grading Permit.
- EC5. A sixty-four (64)-foot half-width road dedication along Central Road shall be granted to the Town of Apple Valley prior to issuance of the Grading Permit.
- EC6. Bear Valley Road shall be improved to the Town's half-width Major Divided Arterial Road standards with ten (10)-foot wide sidewalk as approved by the Town Engineer.
- EC7. Central Road shall be improved to the Town's half-width Major Divided Arterial Road standards with ten (10)-foot wide sidewalk as approved by the Town Engineer.
- EC8. An easement for the portion of sidewalk behind the driveway approaches on private property shall be dedicated to the Town of Apple Valley.
- EC9. The traffic signal shall be modified at the northeast corner of Central and Bear Valley Roads.
- EC10. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC11. 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.
- 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 pursuant to the Town's Arterial Street System Development Fee Ordinance (AVMC Section 3.28.050).
- 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.
- EC16. "Right Turn Only" signs shall be installed at the driveway on Bear Valley Road for vehicles exiting the property.

Public Works Department Conditions of Approval

- PW1. Sewage disposal shall be by extension of the Town of Apple Valley sewer main to the far north property line. Plans for the sewer must be approved by the Town of Apple Valley Public Works Department and Engineering Division.
- PW2. Mylars along with three (3) sets of approved plans shall be submitted upon completion of the 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.
- PW3. Buy-in sewer fees are required.
- PW4. Sewer connection fees are required.
- PW5. Sewer Development Impact fees are required.

Environmental and Regulatory Compliance Conditions of Approval

- EC1. The project must provide adequate areas for collecting and loading recyclable materials in compliance with Assembly Bill 341 and 1826. The trash enclosure must comply with the newly adopted recycling standards set forth in PRC Sec. 42910-42912 and the Town of Apple Valley Municipal Code Sec. 6.20.023(b).
- EC2. Pursuant to AVMC Sec. 8.19.020(a), the developer or 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 for the building and demolition permit.
- EC3. Pursuant to AVMC Sec. 8.19.050 and prior to the issuance of a Certificate of Occupancy, the developer or contractor shall submit documentation proving that the project has met the diversion requirement. The diversion requirement shall be fifty percent (50%) of the total C&D debris generated by the project via reuse or recycling.
- EC4. 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 and demolition of existing structures.
- 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. Dust palliative or hydro seed will be required on those portions of the site graded but not constructed (phased construction).
- BC10. Construction must comply with the currently adopted California Building Codes.
- BC11. Best Management Practices (BMP's) are required for the site during construction.
- BC12. 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. An approved fire sprinkler system shall be installed throughout any building:

- 5,000 square-feet or greater.
- Two stories or greater
- Other per California Building code requirements

FD10. Prior to issuance of building permit, the developer shall pay all applicable fees as identified in the Apple Valley Fire Protection District Ordinance.

FD11. 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

Variance for 25FT Pole Sign vs. 6FT. Ht.

FINDINGS REQUIRED TO GRANT A VARIANCE

The applicant must provide specific justification for each of the findings listed below. You should include specific evidence, details and/or qualities of the proposed structure or other project. Additional pages or supporting documentation such as photographs, previous variance approval, etc., may be attached.

1. Special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Town Development Code deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

Placement of a 25FT Pole sign vs. 6FT Pole sign allows for safer viewing + maneuvering on road in traffic when seeking site services (gas retail services).

2. Granting the variance will be consistent with the general intent and purpose of the Development Code provisions for the district in which the property is located.

Granting of variance will be consistent w/ development code in this district where hardly any development (active) exists.

3. Granting of the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zoning district and denied to the property for which the Variance is sought.

Granting of this variance will allow site to enjoy privilege shared by other sites with 25FT Pole signs at 17918 Bear Valley Rd - Shell Station; 17925 Waka Rd Valero with 20 FT Pole sign B.V. Rd +

4. Granting of the variance will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located.

Granting of this variance enhances public safety + driving maneuvers when searching for gas services at safe viewing distance. A 6ft pole sign is not key visible from driving from East or west.

5. Granting of the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the zoning district and General Plan land use designation such property is located.

Granting of variance will not constitute a special privilege inconsistent with limits on other property owners enjoying taller pole signs as in item #4 above.

SUPPLEMENTAL VARIANCE STATEMENT

The applicant must provide detailed answers to the questions listed below. You should include specific evidence, details and/or qualities of the proposed structure or other project. Additional pages or supporting documentation such as photographs, previous variance approval, etc., may be attached.

1. Specific Development Code Section for which relief is being sought:

9.74.130 Signs in Commercial + Office Districts

2. Explain the hardship or practical difficulty that would result from the strict interpretation and enforcement of this Code.

Practically - Signage at 25FT HT is much more visible than @ 6 FT HT. Traffic/Drive safety is critical to drivers searching for services - given enough time to safely maneuver to site with out having to make quick/unsafe turns into site.

3. What is the alternative means of compliance being proposed?

None

4. What are the special circumstances that apply only to the property to which the application pertains, and do not apply generally to the other properties in the vicinity?

Central + Bear Valley Rd is a major intersection without much development or lighting. A 25FT HT sign allows for travelers to safely identify services available from safe distances to approach site/access services with out having to make unsafe maneuvers into/ from site.

5. Explain how, if the Variance is approved, it will not constitute a granting of special privilege which will not be available to other properties in the vicinity?

Granting of this variance will not grant special privilege not available to property owners in the area with pole signs from 20-25 FT High as at 17918 Bear Valley Rd. Shell + 17928 B.V. Rd - Valero Station.

Signed

S. Steeno

Date

8/27/19

Print Name

S. Steeno

Variance for 40 FT Drive ways vs. 32 FT.

FINDINGS REQUIRED TO GRANT A VARIANCE

The applicant must provide specific justification for each of the findings listed below. You should include specific evidence, details and/or qualities of the proposed structure or other project. Additional pages or supporting documentation such as photographs, previous variance approval, etc., may be attached.

1. Special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Town Development Code deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

Providing 40 FT wide vs. 32 FT wide driveway allows safe access from/to streets by large tanker truck + trucks. 32 FT wide d/w are not accessible safely as they are with 40 FT wide d/w.

2. Granting the variance will be consistent with the general intent and purpose of the Development Code provisions for the district in which the property is located.

The granting of this variance will allow for safer access to/from site than commercial development across the street on SW corner of Central + B.V. Rd.

3. Granting of the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zoning district and denied to the property for which the Variance is sought.

The site circulation, parking & design of building placement allows for 40 FT wide d/w's which provide safer access in/and/or from site.

4. Granting of the variance will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located.

Granting of Variance will not be detrimental to public health, safety or welfare but allow for safer site in/and/or from site.

5. Granting of the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the zoning district and General Plan land use designation such property is located.

Granting of variance does not constitute special privilege inconsistent with other properties in the vicinity + in zoning district + G.P. Land use designation.

SUPPLEMENTAL VARIANCE STATEMENT

The applicant must provide detailed answers to the questions listed below. You should include specific evidence, details and/or qualities of the proposed structure or other project. Additional pages or supporting documentation such as photographs, previous variance approval, etc., may be attached.

1. Specific Development Code Section for which relief is being sought:
9.37.040 Access + Circulation

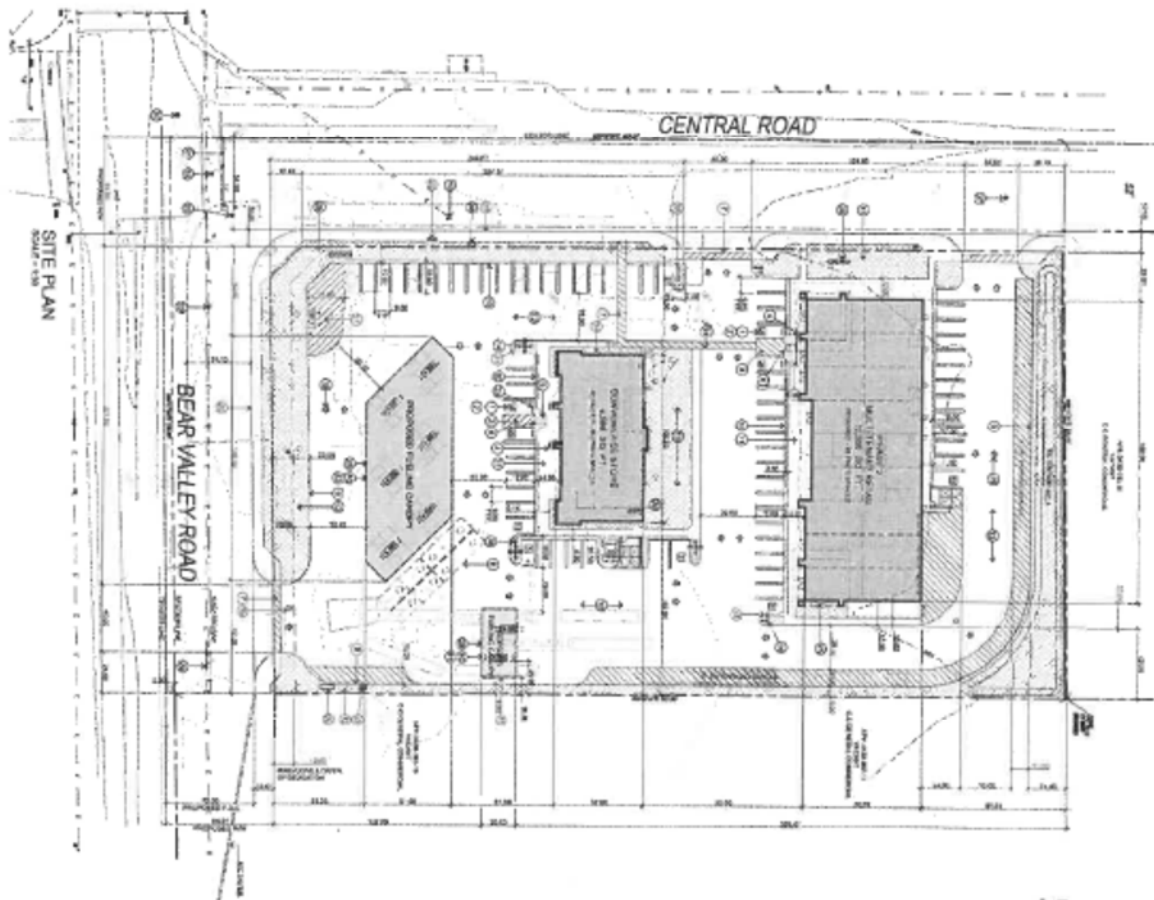
2. Explain the hardship or practical difficulty that would result from the strict interpretation and enforcement of this Code.
40 FT wide driveways allow for safe access to site by fuel tanker trucks + large emergency vehicles.

3. What is the alternative means of compliance being proposed?
32 FT wide dlw will not allow for safe access of large trucks, campers, RVs or large emergency vehicles.

4. What are the special circumstances that apply only to the property to which the application pertains, and do not apply generally to the other properties in the vicinity?
40 FT wide driveways should be the norm for gasoline facilities for safe access by fuel tanker trucks, large emergency vehicles, campers + RVs

5. Explain how, if the Variance is approved, it will not constitute a granting of special privilege which will not be available to other properties in the vicinity?
Granting of variance will not constitute a granting of special privileges.

Signed S. Steeno Date 8/27/19
Print Name S. Steeno



- KEYED NOTES**
1. ALL UTILITIES TO BE MAINTAINED AS SHOWN.
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VICINITY MAP

PROJECT DATA

ZONE: C-3 COMMERCIAL, COMMERCIAL
 OCCUPANCY: MUB
 CONSTRUCTION: 1, 2, 3, 4
 RETAIL: 1, 2, 3, 4
 OFFICE: 1, 2, 3, 4
 YES

SITE DATA

PROJECT: COMMERCIAL DEVELOPMENT
 CLIENT: KS INVESTMENT GROUP

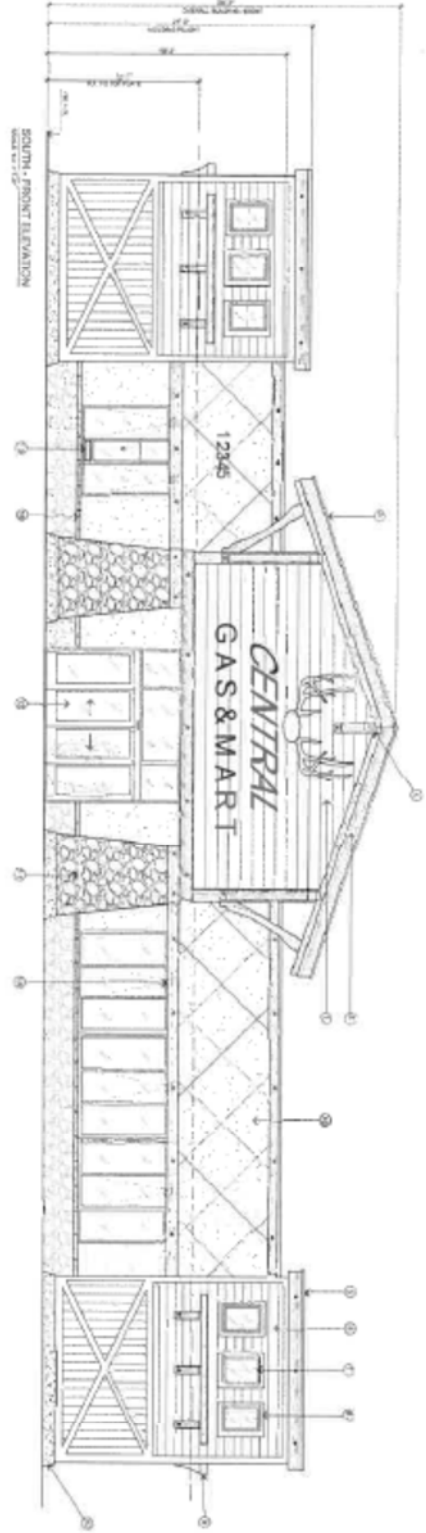
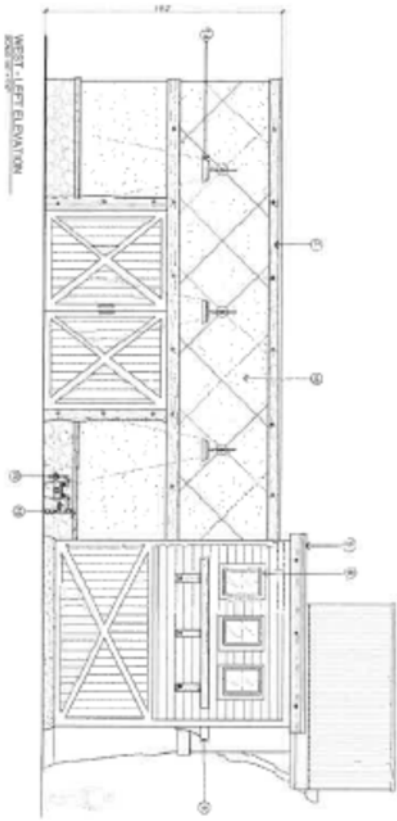
STEENO DESIGN STUDIO

PROJECT: COMMERCIAL DEVELOPMENT
 CLIENT: KS INVESTMENT GROUP

DATE: 11-18-20
 11-18-20

SCALE: 1/8" = 1'-0"

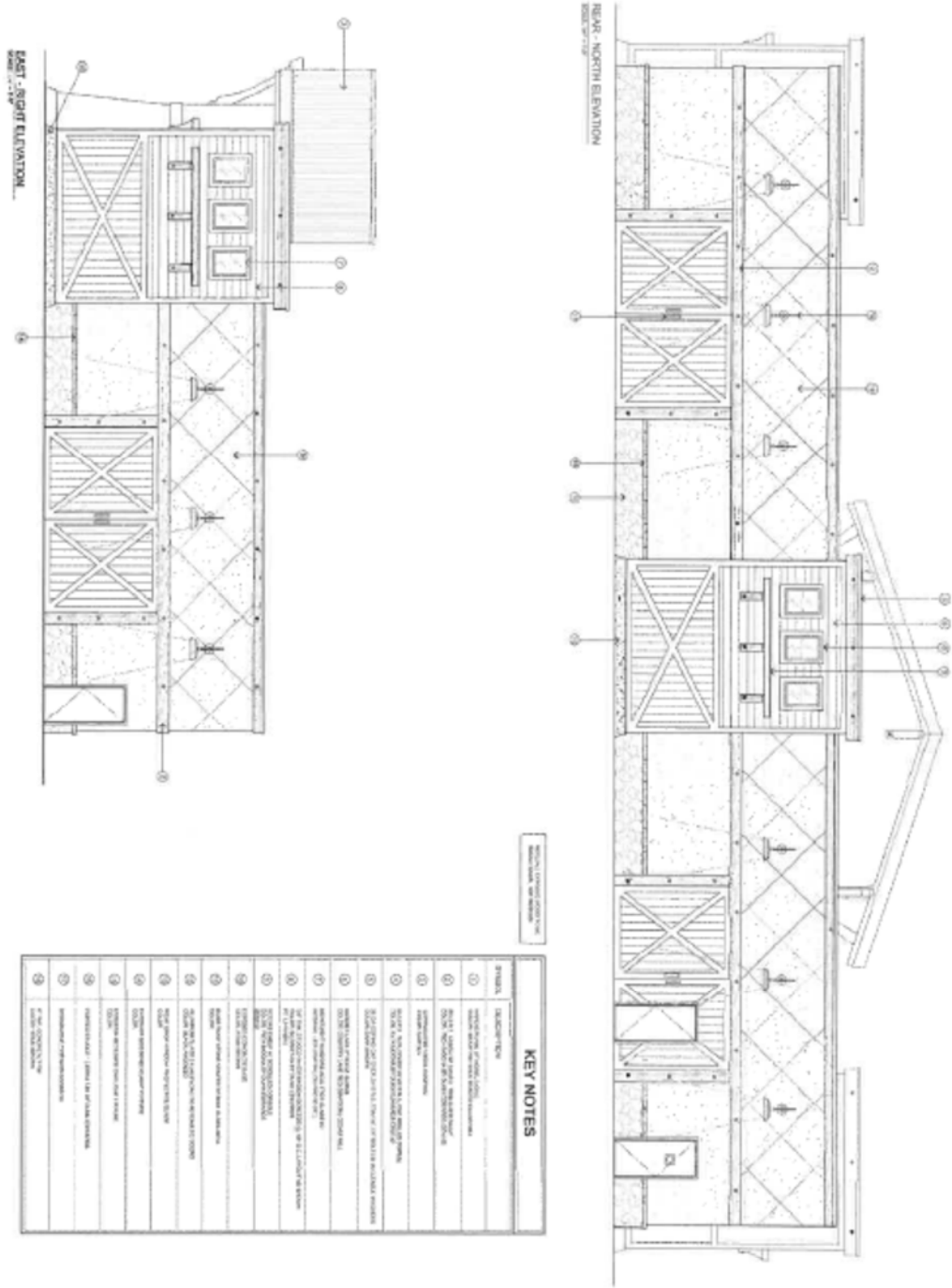
PROJECT: COMMERCIAL DEVELOPMENT
 CLIENT: KS INVESTMENT GROUP



SEE ATTACHED DRAWING FOR
 DIMENSIONS OF PROGRAM

KEY NOTES	
1	GENERAL NOTES
2	SEE ATTACHED DRAWING FOR DIMENSIONS OF PROGRAM
3	SEE ATTACHED DRAWING FOR DIMENSIONS OF PROGRAM
4	SEE ATTACHED DRAWING FOR DIMENSIONS OF PROGRAM
5	SEE ATTACHED DRAWING FOR DIMENSIONS OF PROGRAM
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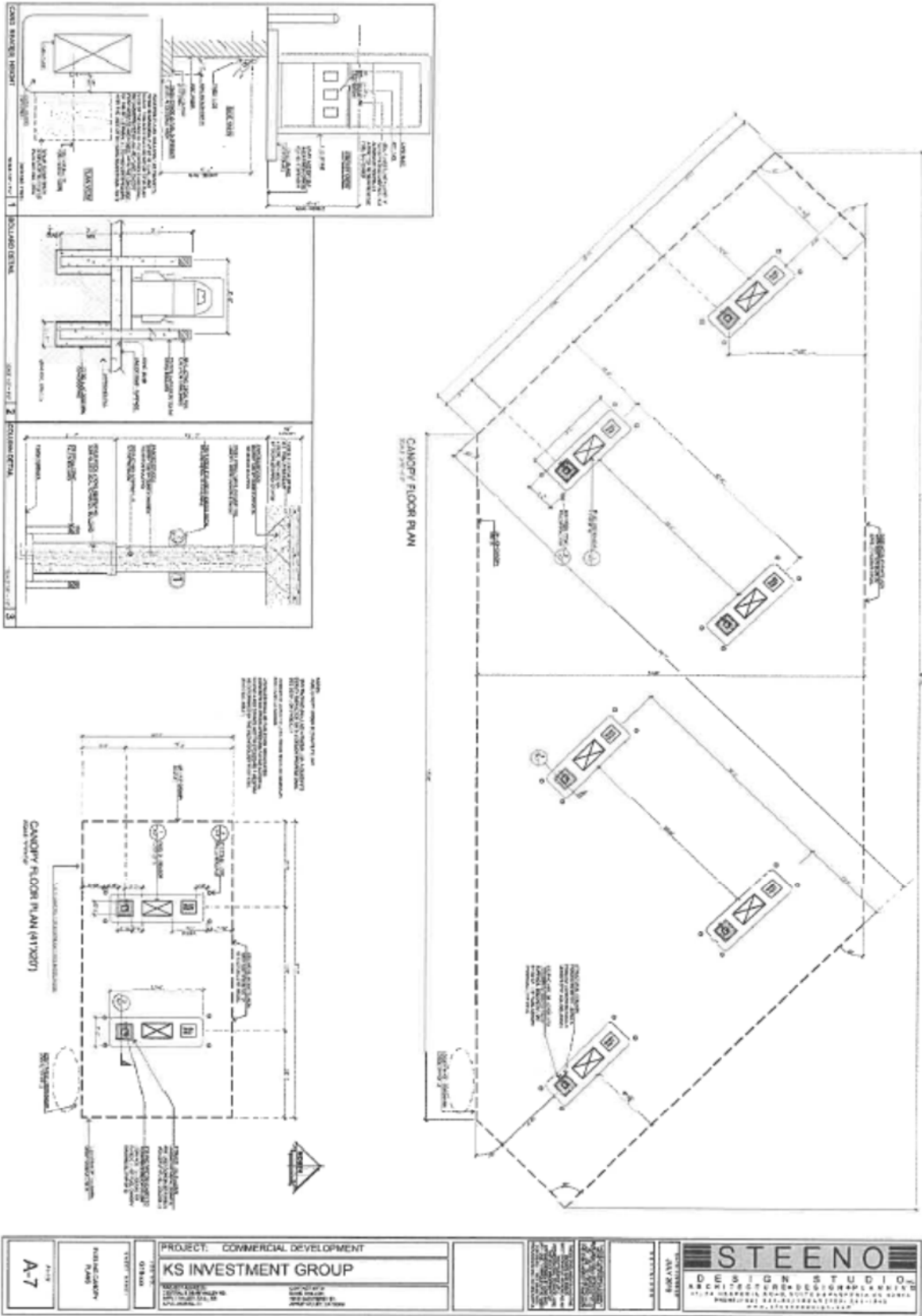
A-2.0 <small>SCALE</small> EXTERIOR ELEVATIONS	PROJECT: COMMERCIAL DEVELOPMENT KS INVESTMENT GROUP	STEENO DESIGN STUDIO ARCHITECTS & INTERIORS 11770 152ND AVE, SUITE 100, BURNABY, BC V5A 1R4 TEL: 604-291-1177 WWW.STEENODS.COM
	<small>DATE:</small> <small>SCALE:</small> <small>PROJECT:</small> <small>CLIENT:</small> <small>DESIGNER:</small> <small>DATE:</small>	

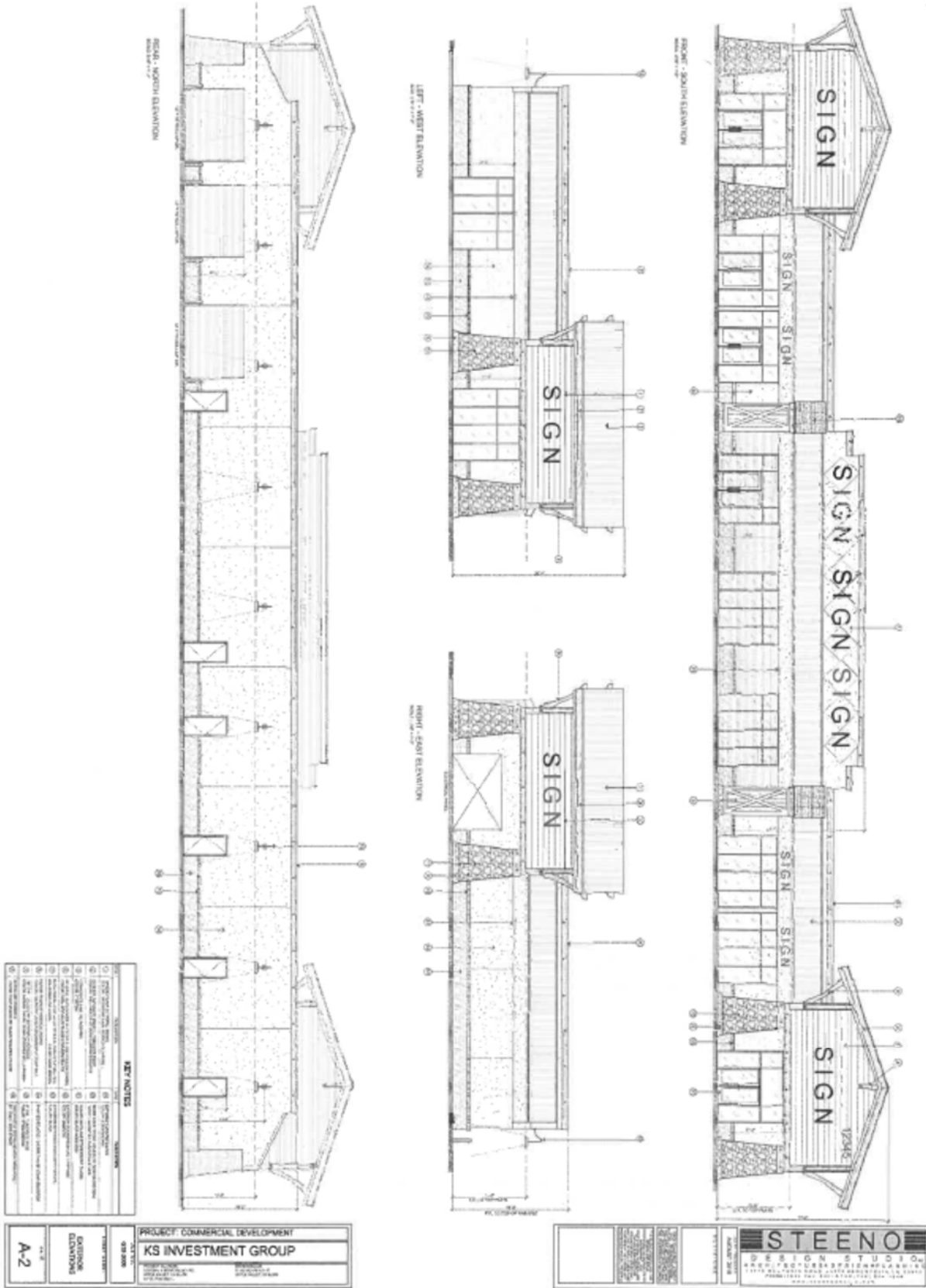


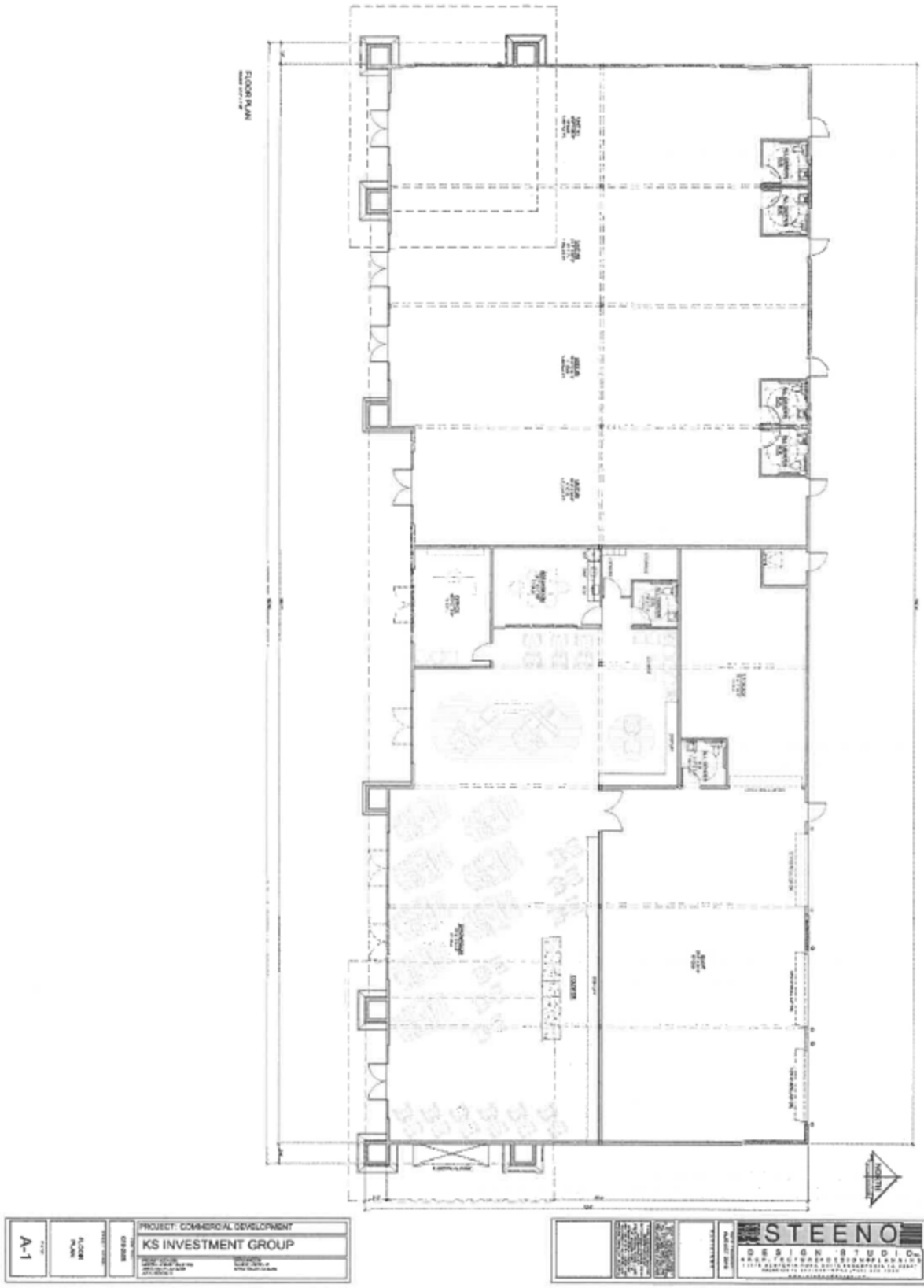
DETAILS LISTED ON SHEET A-2.2

KEY NOTES	
1	ROOFING: 1/2" ASPHALT/FLUTE SHINGLES OVER 1/2" OSB SHEATHING
2	WALLS: 1/2" OSB SHEATHING OVER 2x4 STUDS WITH 1/2" GYPSUM BOARD
3	CEILING: 1/2" GYPSUM BOARD OVER 2x4 RAFTERS
4	FLOORING: 3/4" OSB SHEATHING OVER 2x6 JOISTS
5	FOUNDATION: 12" CONCRETE FOUNDATION WALLS
6	ROOFING: 1/2" ASPHALT/FLUTE SHINGLES OVER 1/2" OSB SHEATHING
7	WALLS: 1/2" OSB SHEATHING OVER 2x4 STUDS WITH 1/2" GYPSUM BOARD
8	CEILING: 1/2" GYPSUM BOARD OVER 2x4 RAFTERS
9	FLOORING: 3/4" OSB SHEATHING OVER 2x6 JOISTS
10	FOUNDATION: 12" CONCRETE FOUNDATION WALLS
11	ROOFING: 1/2" ASPHALT/FLUTE SHINGLES OVER 1/2" OSB SHEATHING
12	WALLS: 1/2" OSB SHEATHING OVER 2x4 STUDS WITH 1/2" GYPSUM BOARD
13	CEILING: 1/2" GYPSUM BOARD OVER 2x4 RAFTERS
14	FLOORING: 3/4" OSB SHEATHING OVER 2x6 JOISTS
15	FOUNDATION: 12" CONCRETE FOUNDATION WALLS

A-2.1 <small>SCALE</small>	EXTENSIVE ELEVATIONS	PROJECT: COMMERCIAL DEVELOPMENT KS INVESTMENT GROUP			STEENO DESIGN STUDIO ARCHITECTURE • DESIGN • PLANNING 11400 WEST 101ST STREET, SUITE 200, OVERLAND PARK, KS 66214 PHONE: 913.241.1234 FAX: 913.241.1235 WWW.STEENODS.COM
		DATE: 05/15/2020 DRAWN BY: [Name] CHECKED BY: [Name]			

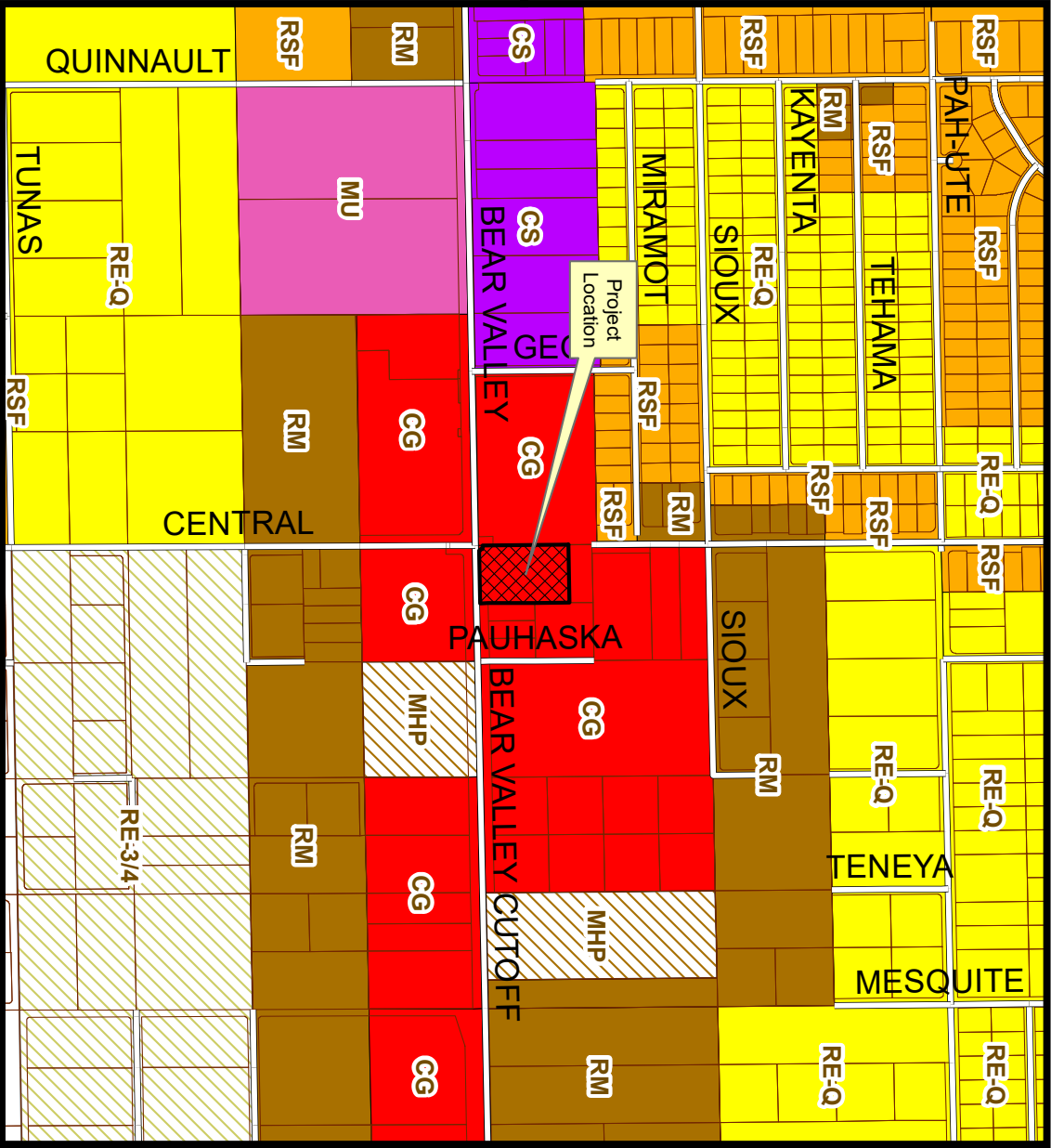






ZONING/LOCATION MAP

Development Permit No. 2019-006
 Special Use Permit No. 2019-002 and Variance No. 2019-003



Northeast corner of
 Bear Valley Road and
 Central Road

APN 0439-392-11



Legend

	Project Location
	RE-3
	RE-3.5
	RE-3.5(1)
	RE-3.5(2)
	RE-3.5(3)
	RE-3.5(4)
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	RE-3.5(6)
	RE-3.5(7)
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	RE-3.5(98)
	RE-3.5(99)
	RE-3.5(100)

Date: 4/29/2020

MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

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

Project Title:	Development Permit No. 2019-006 & Special Use Permit No. 2019-002 Variance 2019-003
Assessor's Parcel No.	APN: 0434-392-11
Lead Agency Name and Address:	Town of Apple Valley 14955 Dale Evans Parkway Apple Valley, CA 92307
Project Location:	Northeast corner of Bear Valley and Central Roads.
Project Sponsor's Name and Address:	Steen Design representing David Dhillion
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	April 2020

1. Description of the Project

Development Permit and Special Use Permit to allow a 12,300 square-foot multi-tenant commercial building, a 4,998 square-foot convenience store with related gasoline pump islands and 200-gallon propane tank. Proposal also includes a variance request to allow two (2) eight (8)-foot high monument sign and a twenty-five (25)-foot tall pole sign where a maximum six (6)-foot high monument sign is permitted and a request to allow two (2) forty (40)-foot wide driveway approaches where the maximum width for service stations is thirty-two (32).

2. Environmental Setting and Surrounding Land Uses

The project site is currently developed with two commercial buildings and two concrete foundations are present on a portion of the 3-acre site that are proposed to be removed. The remaining area of the parcel is highly impacted by off-road use with more native vegetation found along the easterly property line. Adjacent to the site, surrounding zoning and land uses include the following:

- North: General Commercial -Vacant land
- South: General Commercial -Vacant land
- East: General Commercial -Vacant land
- West: General Commercial -Vacant land

3. Other public agencies whose approval is required

California Regional Water Quality Control Board, Storm Water Pollution Prevention Plan (SWPPP) and National Pollutant Discharge Elimination System (NPDES).

MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

4. California Native American tribes

Pursuant to the requirements of Assembly Bill 52, the Town received a request for consultation from San Manuel Band of Mission Indians. See Tribal Cultural Resources Section later in this document. None from Cabazon Band of Mission Indians, Twenty-Nine Palms Band of Mission Indians and Torrez-Martinez Desert Cahuilla Indians.

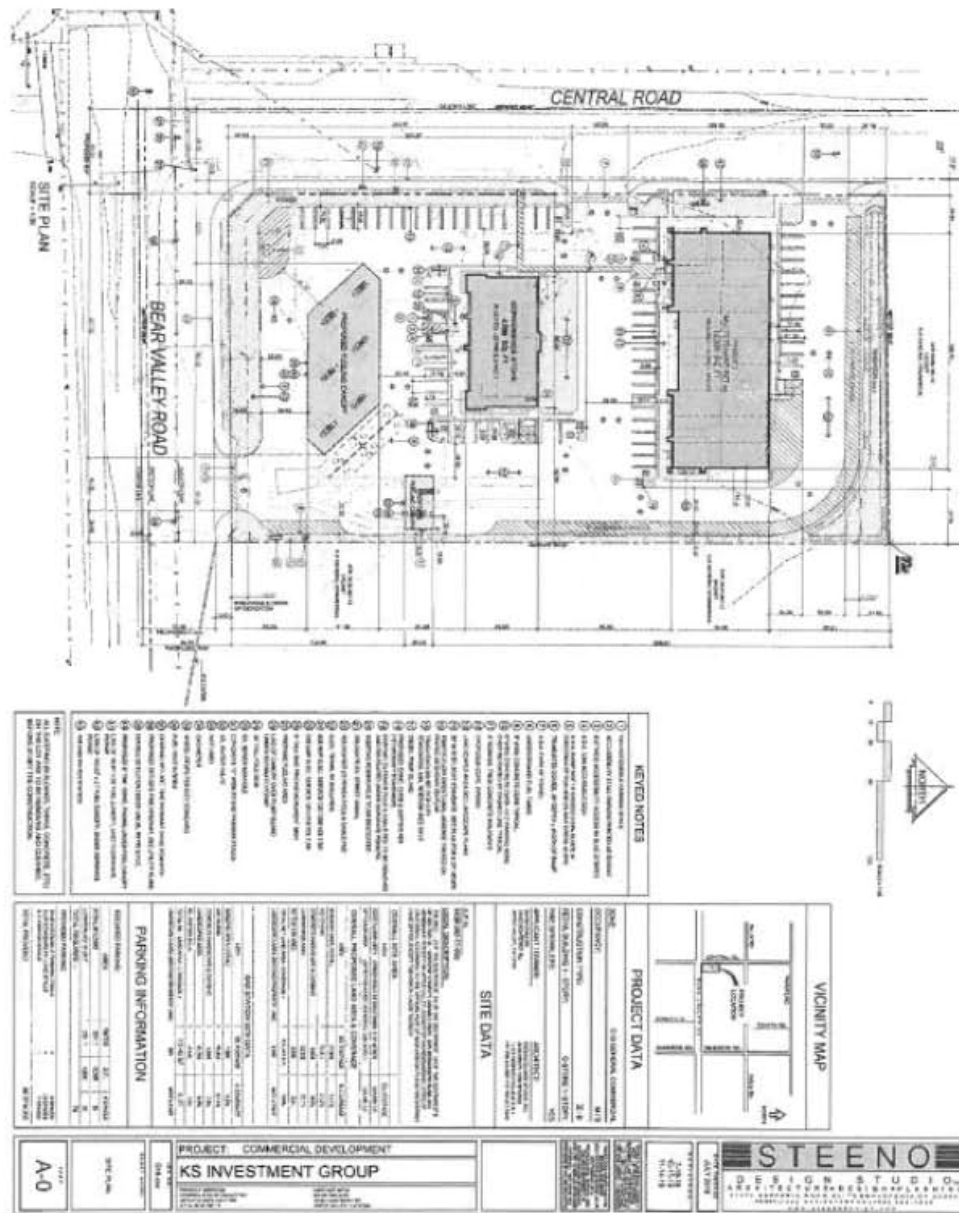
MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

Exhibit 1 – Project Aerial



MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

Exhibit 2 – Proposed Site Plan



MITIGATED 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 checked="" 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 | | |

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.

Carol Miller
Assistant Director of
Community development

Date

MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

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.

MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

I. AESTHETICS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 is twenty-eight (28) feet which is under the allowed height and therefore anticipated. Therefore, impacts to scenic vistas are considered less than significant.
- b. **Less Than Significant Impact.** The project site is located along Bear Valley and Central Roads and are both paved two-lane undivided roadway. The roads is identified within the Town's General Plan as a Major Arterial roadways and are not considered a designated scenic route in the Town's General Plan nor in the California Scenic Highway Mapping System. Two structures currently occupy the site. Both structures were built in the 1950's. A historic buildings evaluation was prepared by BCR Consulting, dated August 2019. The evaluation determined that the two buildings and two concrete foundation are not recommended eligible for the California Register of Historical Resources. As such, the two buildings and two concrete foundation are not considered historic resources and do not warrant further consideration under CEQA. Therefore, impacts to scenic resources are considered less than significant.
- c. **Less Than Significant Impact.** Despite two small structures on the property, the site is primarily vacant; therefore, development of this primarily 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. Located on the southwest corner of Bear Valley and Central Roads is a retail center with structures of similar height.
- 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 at the southwest corner of Bear Valley and Central Roads. Additionally, the proposed

MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

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.

II. AGRICULTURAL RESOURCES

Would the project:	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).

MITIGATED 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.

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 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"/>

Urban Crossroads prepared an Air Quality/ GHG Impact Analysis for the Proposed Project in February 2020. The report is summarized herein.

- a. **Less Than Significant Impact.** The project site occurs within the Mojave Desert Air Basin (MDAB) and is under the jurisdiction of the Mohave Desert Air Quality Management District (MDAQMD). Certain air districts, such as the MDAQMD, have created guidelines and requirements to conduct air quality analyses. The MDAQMD's current guidelines, included in its California Environmental Quality Act (CEQA) and Federal Conformity Guidelines (August 2016), were adhered to in the assessment of the air quality analysis for the Proposed Project.

The MDAQMD has adopted a series of Air Quality Management Plans (AQMPs) to meet the State and federal ambient air quality standards. AQMPs are updated regularly to effectively reduce emissions, accommodate growth, and to minimize any negative fiscal impacts of air pollution control on the economy.

For purposes of the Air Quality Impact Analysis, it was assumed that the Proposed Project would be developed in one phase with an anticipated Opening Year of 2022. The construction schedule utilized in the model represents a "worst case" scenario since emission factors for construction activities decrease as regulations become more stringent over time. According to the Town's General Plan, the proposed project is conditionally permitted within the General Commercial (C-G) District. Therefore, emissions associated with the proposed project were accounted for in the AQMP and approval of the project would not conflict with the AQMP. No significant adverse impacts are anticipated.

MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

- b. **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 a gasoline pump islands and retail building 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.

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
 DP 2019-006 & SUP 2019-002
 (Daily Threshold/ Pounds)**

Construction Emissions ¹	CO	NO _x	ROG	SO ₂	PM ₁₀	PM _{2.5}
2020-2022 Max per year	22.29	42.47	16.29	0.04	22.00	12.16
MDAQMD Thresholds	548	137	137	137	82	82
Exceed?	No	No	No	No	No	No

¹ Average of winter and summer emissions, unmitigated.
 Source: CalEEMod model, version 2016.3.2 generated Urban Crossroad Feb 2020

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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
 DP 2019-006 & SUP 2019-002
 (Daily Threshold/ Pounds)**

	CO	NO _x	ROG	SO ₂	PM ₁₀	PM _{2.5}
Operational Emissions ¹	47.68	26.29	9.11	0.12	10.13	2.80
MDAQMD Thresholds	548	137	137	137	82	82
Exceed?	No	No	No	No	No	No

¹ Average of winter and summer emissions, unmitigated.

Source: CalEEMod model, version 2016.3.2 generated Feb 2020 Urban Crossroads

Emissions resulting from the project operation would not exceed thresholds established by the District for emissions of any criteria pollutant. As such, the Project will have a less than significant impact during on-going operational activity.

- c. **Less than Significant Impacts:** Sensitive receptors located within the vicinity of the proposed project include single-family residences to the north, Apple Valley High School and Sandia Elementary School are within 2 miles of the proposed site. Because of the proposed fueling station, emissions resulting from the project have the potential to result in toxic air contaminants and have the potential to contribute to health risk in the project vicinity. It should be noted that standard regulatory controls would apply to the project in addition to any permits required that demonstrate appropriate operational controls. No significant adverse impacts are anticipated. 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:** The Project does not contain any uses typically associated with emitting objectionable odors. Potential odor sources associated with the proposed project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction activities and the temporary storage of typical solid waste (refuse) associated with the proposed project's (long-term operational) uses and is therefore considered less than significant. All retail service stations under MDAQMD jurisdiction have Phase I and II vapor recovery systems to control gasoline emissions and reduce odors. Phase I vapor recovery refers to the collection of gasoline vapors displaced from storage tanks when cargo tank trucks make gasoline deliveries. Phase II vapor recovery systems control the vapors displaced from the vehicle fuel tanks during refueling. In addition, all gasoline is stored underground with valves installed on the tank vent pipes to further control gasoline emissions. Odors associated with the proposed project construction and operations would be less than significant.

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IV. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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.** Due to existing development and area of disturbance, the project is not anticipated to have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species. However, prior to any grading of the site, a pre-construction study will be required.
- 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.

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- 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.** Due to existing development and area of disturbance no wildlife nurseries are found on the project site and would not be 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 prior land development 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.

V. CULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion of Impacts

- a. **Less than Significant Impact.** Two structures currently occupy the site. Both structures were built in the 1950's. A historic buildings evaluation was prepared by BCR Consulting, dated August 2019. The evaluation determined that the two buildings and two concrete foundation are not recommended eligible for the California Register of Historical Resources. As such, the two buildings and two concrete foundation are not considered historic resources and do not warrant further consideration under CEQA. Therefore, impacts to scenic resources are considered less than significant.

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b, c. **Less than Significant Impact with Mitigation.** During the AB 52 consultation process, San Manuel Band of Mission Indians (SMBMI) determined the proposed project area exists within Serrano ancestral territory and, therefore, is of interest to the Tribe. However, due to the nature and location of the proposed project, and given the CRM Department's present state of knowledge, SMBMI does not have any concerns with the project's implementation, as planned, at this time. As a result, SMBMI requests that the following language be made a part of the project/permit/plan conditions:

The proposed project area exists within Serrano ancestral territory and, therefore, is of interest to the Tribe. However, due to the nature and location of the proposed project, and given the CRM Department's present state of knowledge, SMBMI does not have any concerns with the project's implementation, as planned, at this time. As a result, SMBMI requests that the following language be made a part of the project/permit/plan conditions:

CUL MMs

1. 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, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within TCR-1, 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.
2. If significant pre-contact cultural 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 within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.
3. 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.

VI. ENERGY	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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"/>

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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.

VII. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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"/>

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VII. GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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"/>
<p>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</p>				
<p>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.</p>				
<p>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.</p>				
<p>a (iv). No Impact. The site is not located within an area that could be susceptible to any landslides.</p>				

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- 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. 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.** 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.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:	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

- α-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

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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. Also, the Proposed Project would be required to comply with all applicable performance standards identified in the GHG Reduction Plan, and based on CalEEMod model outputs, project-related GHG emissions would not exceed the 3,000 MT CO₂e per year screening threshold (refer to Table 3). Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures would be required.

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

	MTCO₂e	Threshold	Exceeds?
All Sources	1798.18	3,000	No
CalEEMod model, version 2016.3.2 generated Feb 2020 Urban Crossroads			

IX. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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"/>

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IX. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project 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 Less than a Significant Impact. The proposed project consists of the construction of 12,300 square-foot multi-tenant commercial building, a 4,998 square-foot convenience store with related gasoline pump islands and 200-gallon propane tank on a 3.23 acre parcel. This land use will involve storage and distribution of hazardous substances (gasoline and diesel). 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. No Impact. The proposed gas station is not located within one quarter mile of an existing or proposed school. No impact anticipated				
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 is 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				

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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.

X. HYDROLOGY AND WATER QUALITY	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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"/>

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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 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, less than significant 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 proposed project would not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; there are no existing storm drainage systems in the area. All necessary drainage improvements both on- and off-site will be required as conditions of approval for the construction of the project so that downstream properties are not negatively impacted by any increases or changes in volume, velocity, or direction of storm water flows originating from or altered by the project. Therefore, no significant adverse impacts are anticipated
- 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.

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- 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 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, 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
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 partially developed land adjacent to vacant land. Commercial lands surround the subject property and 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.

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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
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.				

XIII. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
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 north approximately 120 feet. These sensitive land uses may be potentially affected by noise generated during construction and operation of the proposed project. The				

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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.

XIV. POPULATION AND HOUSING

Would the project:	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 a 12,300 square-foot multi-tenant commercial building, a 4,998 square-foot convenience store with related gasoline pump islands and 200-gallon propane tank on a 3.23 acre parcel. 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.

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XV. PUBLIC SERVICES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:					
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
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 two (2) miles from Station No. 334 located at 12143 Kiowa 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 12,300 square-foot multi-tenant commercial building, a 4,998 square-foot convenience store with related gasoline pump islands and 200-gallon propane tank on a 3.23

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acre parcel. 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. Nevertheless, the proposed project shall be required to dedicate land to pay its fair share for park facilities through development impact fees.
- 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

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

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XVII. TRANSPORTATION	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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 Central 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 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 Central Roads. The Town of Apple Valley has not developed a formal evacuation plan; however, the Apple Valley Fire Protection District did review the applications for adequate emergency access and development requirements as conditions of approval. No impacts are anticipated.

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XVIII. TRIBAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a) i-ii. Less than Significant Impact with Mitigation A Cultural Resources Assessment of the proposed project site was completed by BCR Consulting dated August 2, 2019 identified that there were no cultural resources of any kind discovered during the field survey and development of the site would be considered a less than significant impact and no mitigation recommended. The study also 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.				
Mitigation Measures				
TR-1: The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed in CR-1, of any pre-contact 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 Resource 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.				
TR-2: 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				

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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.

XIX. UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
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.** Golden State 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 wastewater treatment facilities would be less than significant. The proposed project water services are provided by Golden State.

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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 result in:	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. 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 Central Roads. The Town of Apple Valley has not developed a formal evacuation plan; however, the Apple Valley Fire Protection District reviewed the Development Permit for adequate emergency access and development requirements as conditions of approval. No impacts are anticipated.				
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				

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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"/>
a. Less than Significant Impact. 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.				
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				

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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.

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 06071 C6505J.
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
BCR Consulting, Cultural Resources Assessment, August 2019
Urban Crossroads, Air Quality Impact Analysis Feb 2020
Urban Crossroads, GHG Analysis Feb 2020



Planning Commission Agenda Report

- DATE:** May 6, 2020 **Item No. 7**
- CASE NUMBER:** Development Permit No. 2018-004 Amendment No. 1
Special Use Permit No. 2018-001 Amendment No. 1
- APPLICANT:** Ash Pathi
- PROPOSAL:** A request to modify the Conditions of Approval of a previously approved Development Permit and Special Use Permit by deleting or modifying the order point screen/board location requirement (Condition No. P27).
- LOCATION:** Southwest corner of Highway 18 and Kasota Road (18165 Highway 18), APN 0473-112-22.
- ENVIRONMENTAL DETERMINATION:** The placement of the order screen/board within a drive-thru lane is not a project under the California Environmental Quality Act (CEQA)
- CASE PLANNER:** Carol Miller, Assistant Director of Community Development
- RECOMMENDATION:** Continue off calendar to allow the applicant to have a professionally prepared traffic study to identify any impediments and design solutions where necessary. The Commission also has the option to approve as requested or deny.
-

PROJECT SITE AND DESCRIPTION

- A. Project Size
The project site consists of one (1) 1.26 acre lot.
- B. General Plan Designations
Site - General Commercial (C-G)
North - General Commercial (C-G)
South - Medium Density Residential (R-M)
East - General Commercial (C-G)
West - General Commercial (C-G)

C. Surrounding Zoning and Land Use

- Site - General Commercial (C-G), Commercial
- North - General Commercial (C-G), Professional Office, Hospital
- South - Multi-Family Residential (R-M), Apartment Complex.
- East - General Commercial (C-G), Professional Office
- West - General Commercial (C-G). Commercial

D. Site Characteristics

The project site is currently under construction for a two (2) suite 4,574 square-foot commercial building with a drive-thru lane and 482 square-foot outdoor seating area. The construction also includes tenant improvements for a Starbucks Coffee in Suite 1 with the drive-thru lane.

ANALYSIS

A. Background:

At the October 17, 2018 Planning Commission meeting, the Commission approved the Development Permit that allowed the construction of a new 4,574 square-foot, two (2) suite commercial building with drive-thru lane. The action also approved a Special Use Permit to allow a drive-through lane. A variance was approved by the Planning Commission at their June 19, 2019 meeting that modified the hours of operation of the drive-thru lane from 4:30 a.m. to 11:00 p.m.. The approved set of Conditions are attached to this report.

B. General:

The Planning Commission is being asked to consider an amendment to the conditions of approval of an existing Special Use Permit to allow for either the deletion or modification of Condition No. P27. The condition reads:

P27. The "order point" as shown on the site plan shall be moved further east to allow more stacking room in the drive-thru aisle prior to reaching the order point to reduce the potential of stacking to occur within the alleyway.

The applicant is making this amendment request on behalf of his tenant (Starbucks) to meet their order point board to pick up window specifications. The applicant indicates (see attached letter) that Starbucks optimal location (efficiency) for the order point is between 7 and 8 cars from the pickup window.

C. Analysis:

The impacts of inadequate drive-thru lanes for high-volume businesses are well documented. Therefore, the intent of Condition No. P27 was to minimize any traffic or parking impediments if a future high-volume tenant were to locate at this location. Starbucks is considered a high-volume establishment.

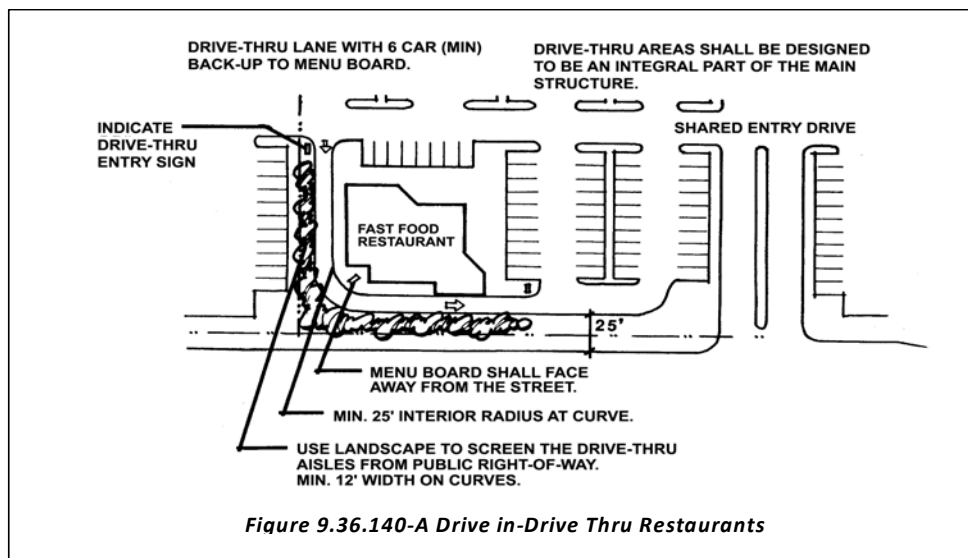
Although the industry has done extensive studies to improve their efficiency in their internal operations to shorten wait times, unfortunately the analysis only consists of

the efficiency from the time the order is placed (order board) to the time the order is received (pick up window). Staff found no evidence that the industry has studied that the appropriate stacking prior to the order point. Staff does not believe the justification letter provided by the applicant provides enough analysis or solutions that helps curb extensive queuing concern.

The applicant indicates that Starbucks optimal location for efficiency purposes for the order point is to be located between seven (7) and eight (8) cars from the pickup window or as close as six (6) cars between the order point and the pickup window if that addressed the Town's concern. The issue with the information provided assumes the project has a drive-thru lane with a capacity of eleven (11) cars. The approved site plan (attached) illustrates a capacity of eight (8) cars, which provides little to no queuing of cars between the order point and the drive-thru lane entry point. Any beyond the entry point creates impediments to two-way access and parking. The illustrated site plan is not based on the approved site plan.

The applicant should provide the Town with a thorough analysis proving that Starbucks drive-thru lane would not cause traffic and parking hazards or impediments because vehicles are queuing onto adjacent alleyway, driveway entrance or blocking parking spaces. A study prepared by a professional could provide the documentation that ensures that drive-thru to be efficient and does not create a public safety issue or it supports the Town's concern and provides recommendations.

Although drive-thru restaurants are not new, the trend to increase drive-thru use is, and it does not appear that the Town's minimum drive-thru queuing standard of 120 feet appears adequate in some instances. The intent would be to have the order point closer to the pickup window. This is evident by Figure 9.36.140-A:



D. Noticing:

This item was advertised as a public hearing in the Apple Valley News newspaper on April 24, 2020.

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. Continue off calendar to allow the applicant to have a professional prepared traffic study to identify any impediments and design solutions where necessary. The Commission also has the option to approve as requested or deny.

ATTACHMENTS:

1. Approved Conditions of Approval
2. Site Plan
3. Applicant's justification documentation
4. Zoning/Location Map

Town of Apple Valley

FINAL CONDITIONS OF APPROVAL

Development Permit No. 2018-004 and Special Use Permit No. 2018-001

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. 2018-004 and Special Use Permit No. 2018-001 by the Planning Commission is recognized as acknowledgment of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, *Appeals*, of the Town of Apple Valley Development Code.
- 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 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 sixteen (16) 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 final subject to approval by the Planning Division.
- P16. A Sign Program is required before any issuance of a sign permit.
- P17. 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.
- P18. Any uses other than retail shall require a parking analysis to determine that sufficient parking is available for the center. 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.
- P19. 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.
- P20. Trash Enclosure shall be in accordance with Town Standards and is recommended to reflect the architectural design (trellis canopy or other similar feature) of approved project subject to the review and approval of the Planning Division.
- P21. In accordance with the Development Code Section 9.37.060.6 & 7, all roof mounted equipment is to be screened from public view based on the highest architectural element.
- P22. A lot merger shall be reviewed and approved by Planning Division and recorded with proof of recordation submitted prior to the issuance of any permit.
- P23. A low wall, berm or landscaping, thirty-six to forty-two (36 to 42) inches in height, shall be installed to screen automobile headlights from the public right-of-way.
- P24. Prior to the issuance of a demolition permit, further photo recordation and scaled mapping shall be completed on the 1955 building at 18165-18195 Outer Highway 18 South and submitted to the Town of Apple Valley to supplement the historical and architectural documentation completed within the study prepared by CRM Tech dated April 20, 2018. The results of these procedures shall be curated at the Town of Apple Valley, the South-Central Coastal Information Center (SCCIC), and at the Apple Valley Legacy Museum as a permanent record of the building.
- P25. External speakers shall not operate between the hours of 11:00 p.m. and 4:30 a.m..

- P26. In accordance with Section 9.36.140.C.4, berming and landscaping shall be provided to screen the entire drive-thru area.
- P27. The “order point” as shown on the site plan shall be moved further east to allow more stacking room in the drive-thru aisle prior to reaching the order point to reduce the potential of stacking to occur within the alleyway.
- P28. Documentation shall be provided which demonstrates a recorded reciprocal access with the adjacent parcel.
- P29. Upon demolition of the subject buildings, exposing the east side wall of the adjacent building, building elevation and or plan shall be approved by the Planning Division of its modification. Said improvements shall be completed prior to final of the proposed building.
- P30. Final parking tabulation for any use other than retail or professional office shall be based on tenant improvement plans in accordance with the Development Code.
- P31. Documentation shall be provided that demonstrates sufficient parking remains or where additional parking is being provided in accordance with the Development Code for the adjacent parcel/ commercial complex.
- P32. Light standards within the rear parking area adjacent to the alleyway and closest to the residential area shall be limited to a maximum overall height of fifteen (15) feet.
- P33. A Sign Program is required before any issuance of a sign permit.
- P34. Prior to any demolition work being done (interior or exterior), the applicant shall obtain all necessary approvals from Building & Safety.
- P35. 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.

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. A thirty-three (33)-foot wide half-width road dedication along Kasota Road shall be granted to the Town of Apple Valley prior to Issuance of the Grading Permit.
- EC4. The Alley along the southerly boundary shall be constructed to the Town' full width Alley standards with proper transitions as approved by the Town Engineer.
- EC5. Kasota Road shall be improved to the Town's half-width Commercial Road standards with a ten (10)-foot wide sidewalk as approved by the Town Engineer. The sidewalk shall connect to the ramp at Highway 18.
- EC6. 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 Tuscola Road and at Kasota Road to prohibit vehicles from utilizing the outer highway between Tuscola Road and Kasota Road.
- EC7. A sixteen (16)-foot wide portion of Outer Highway 18 South shall be vacated along the frontage of the property. The Developer shall submit an application and pay the fees for the street vacation prior to grading permit issuance.
- EC8. Developer shall be required to stripe a 230 ft. two way left turn lane along the Kasota Road frontage, prior to building final.
- 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. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC11. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)
- EC12. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC13. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC14. 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. Sewer connection fees are required if any new plumbing fixtures are being installed or if any existing fixtures were not previously permitted. Plans must be approved by the Town of Apple Valley Public Works Department.

Environmental and Transit Services Conditions of Approval

ER1. The project must provide adequate areas for collecting and loading recyclable materials in compliance with AB 341. The trash enclosure must comply with the newly adopted recycling standards.

Public Resource Code Section 42910-42912

ER2. The developer shall complete and submit a Waste Management Plan (“WMP”), on a WMP form approved by the Town for this purpose as part of the application packet for the building or demolition permit. The completed WMP shall indicate all of the following:

- (1) The estimated volume or weight of project C&D debris to be generated;
- (2) The estimated volume or weight of such materials that can feasibly be diverted via reuse or recycling;
- (3) The vendor or facility that the Developer proposes to use to collect or receive that material; and
- (4) The estimated volume or weight of C&D materials that will be landfilled.

Town of Apple Valley Municipal Code Section 8.19.020(a)

ER3. Compliance with Condition of Approval No. ER2 shall be met by any of the following:

- (1) Contract for hauling services with Town’s franchise hauler, with all Project debris delivered to San Bernardino County self-haul landfill diversion program, provided the diversion program is currently operating; and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP
- (2) Self-haul all Project debris to San Bernardino County self-haul landfill diversion program, provided the diversion program is currently operating; and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP
- (3) Self-haul all Project debris to a construction materials recycling facility, and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP
- (4) Contract with a construction site cleanup company to recycle at least 50% of the Project construction debris and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP.

Town of Apple Valley Municipal Code Section 8.19.030

- ER4. Prior to issuance of Certificate of Occupancy, the developer shall submit to the WMP Compliance Official documentation proving that it has met the Diversion Requirement for the Project. The Diversion Requirement shall be that the developer has diverted at least fifty percent (50%) of the total C&D debris generated by the Project via reuse or recycling. This documentation shall include all of the following:
- (1) Receipts from the vendor or facility that collected or received each material showing the actual weight or volume of that material;
 - (2) A copy of the previously submitted WMP for the Project adding the actual volume or weight of each material diverted and landfilled;
 - (3) Any additional information the Developer believes is relevant to determining its efforts to comply in good faith with this Chapter 8.19.

Town of Apple Valley Municipal Code Section 8.19.050

- ER5. The developer shall make reasonable efforts to ensure that all C&D debris diverted or landfilled are measured and recorded using the most accurate method of measurement available. To the extent practical, all C&D debris shall be weighed by measurement on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For C&D debris for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the developer shall use the Standardized Conversion Rates approved by the Town for this purpose.

Building and Safety Conditions of Approval

- BC1. An engineered grading report including soils report shall be submitted to and approved by the Building Official prior to recordation of the final map or issuance of permits for grading in excess of 1,000 cubic yards.
- BC2. Grading and drainage plans must be submitted to and approved by the Building Official, Planning Department and Town Engineer prior to permit issuance.
- BC3. Submit plans and obtain permits for all structures and retaining walls, signs.
- BC4. A pre-construction permit and inspection are required prior to any land disturbing activity to verify requirements for erosion control, flood hazard, native plant protection and desert tortoise habitat.
- BC5. A Notice of Intent (NOI) and Storm Water Prevention Plan (SWPP) must be submitted to and approved by the Engineering and Building Departments prior to issuance of a grading permit and or any land disturbance.

- BC6. All utilities shall be placed underground in compliance with Town Ordinance No. 89.
- BC7. All cross lot drainage requires easements and may require improvements at the time of development.
- BC8. Comply with the State of California Disability Access requirements.
- BC9. A pre-grading meeting is required prior to beginning any land disturbance. This meeting will include the Building Inspector, General Contractor, Grading Contractor, soils technician and any other parties required to be present during the grading process such as a Biologist and/or Paleontologist.
- BC10. A dust palliative or hydro seed will be required on those portions of the site graded but not constructed upon or landscaped.
- BC11. Page two (2) of the submitted building plans will be the Conditions of Approval.
- BC12. Construction must comply with the California Building Codes and California Green Building Code effective at the time of submittal.
- BC13. Best Management Practices (BMP's) are required for the site during construction.
- BC14. Provide Water Quality Management Plan (WQMP) or Alternative Compliance Plan.

Apple Valley Fire Protection District Conditions of Approval

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

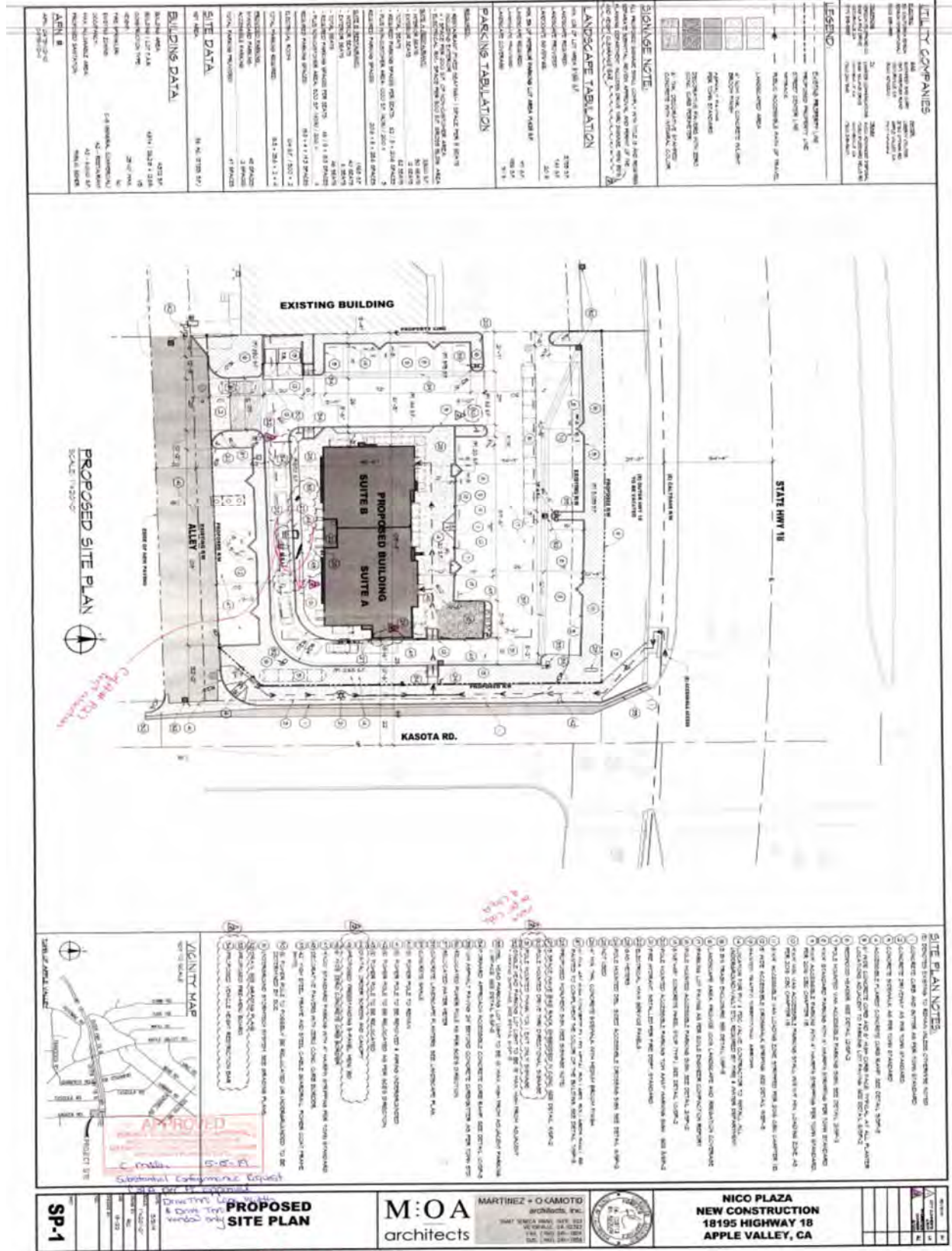
Commercial and industrial developments shall have street addresses and location approved by the Fire District. Where the building setback exceeds 200 feet from the roadway, additional non-illuminated contrasting eighteen (18) inch numbers shall be displayed at the property entrance. When these developments 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. 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.

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

END OF CONDITIONS



2018-004 File Copy

Indra & Co
4470 W Sunset Blvd. #302
Los Angeles, CA 90027

Town of Apple Valley
14955 Dale Evans Pkwy
Apple Valley, CA 92307

April 29, 2020

Re: REVISED - Order Point Relocation - 18165 Highway 18 - Nico Plaza/Starbucks Permit No. 20188-004

Dear Town of Apple Valley:

We are submitting this amendment application to relocate the drive thru order point location to be between cars 7 and 8. Per condition P27 of the Conditions of Approval dated October 17, 2018, the order point was to be moved further east. We're requesting that this location be reconsidered and the order point be located between cars 7 and 8.

We understand that the Town's intent is to ensure the order point is located in an area to mitigate traffic queuing and to avoid the wait lines into the back alley. However, per Starbucks plans and drive-thru workflow, moving the order point to cars 7 and 8 will facilitate the most efficient throughput of cars. The turnaround time for wait times would be substantially improved and would mitigate any delays and traffic congestion. Starbucks operates over 5,100 drive-thrus in the US and has efficiency brought to a science.

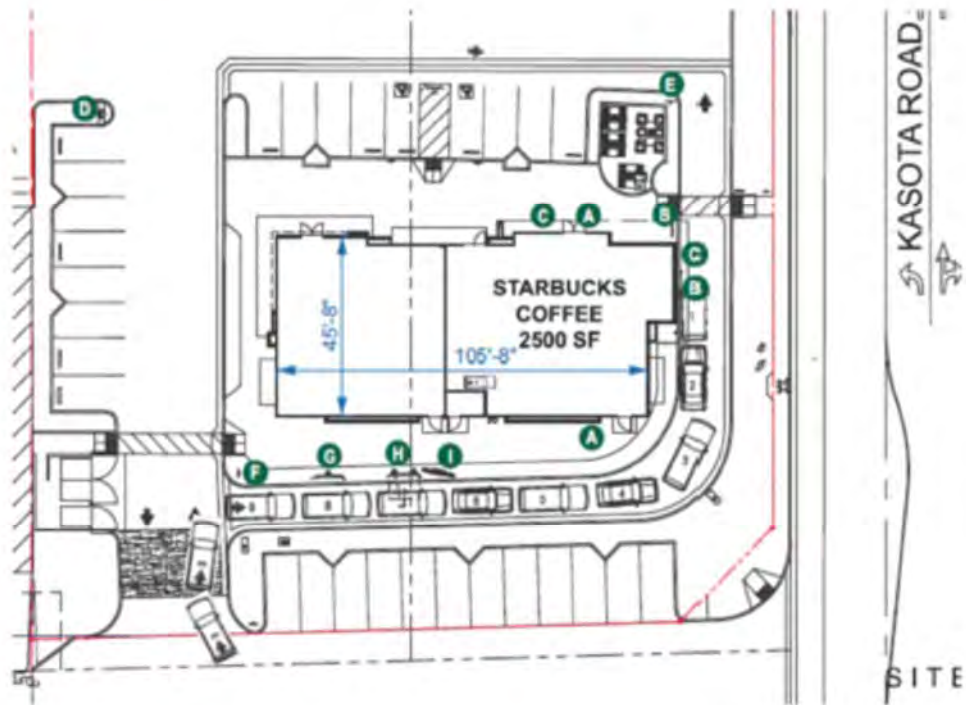
Below please find data points from Starbucks to substantiate this claim:

Starbucks DT data has indicated that car seven is the optimal location for our order point and placing it at car seven can decrease the through-put time (time its takes for vehicles to get through the DT) by 10% per vehicle in the queue. So putting it in between cars 3 and 4 (which in essence is car three) in order to increase the length of the "tail" (number of cars after the order point) would effectively cause customers to have to wait in the Starbucks DT line for significantly longer than if the order point were to be located at car 7 thus actually contributing to the problem it is trying to remedy)the line would get longer). While we understand the concern of DT traffic spilling out into the alley, moving it closer to the pick-up window would have the opposite effect.

The DT lane currently has a 11 car queue before it spills into the alley giving a 4 car "tail" (space for number of vehicles after order point) before it spills into the alleyway which is optimal. This would increase the tail to alleviate the Town's concerns while keeping the DT lane at a through-put level that is still close to optimal.

Indra & Co
4470 W Sunset Blvd. #302
Los Angeles, CA 90027

Unfortunately, with an order-point at car 3 and 4, Starbucks has made clear that they will not be able to operate a drive-thru or be able to open for business. We appreciate your attention to this matter. Please feel free to contact me with any questions.

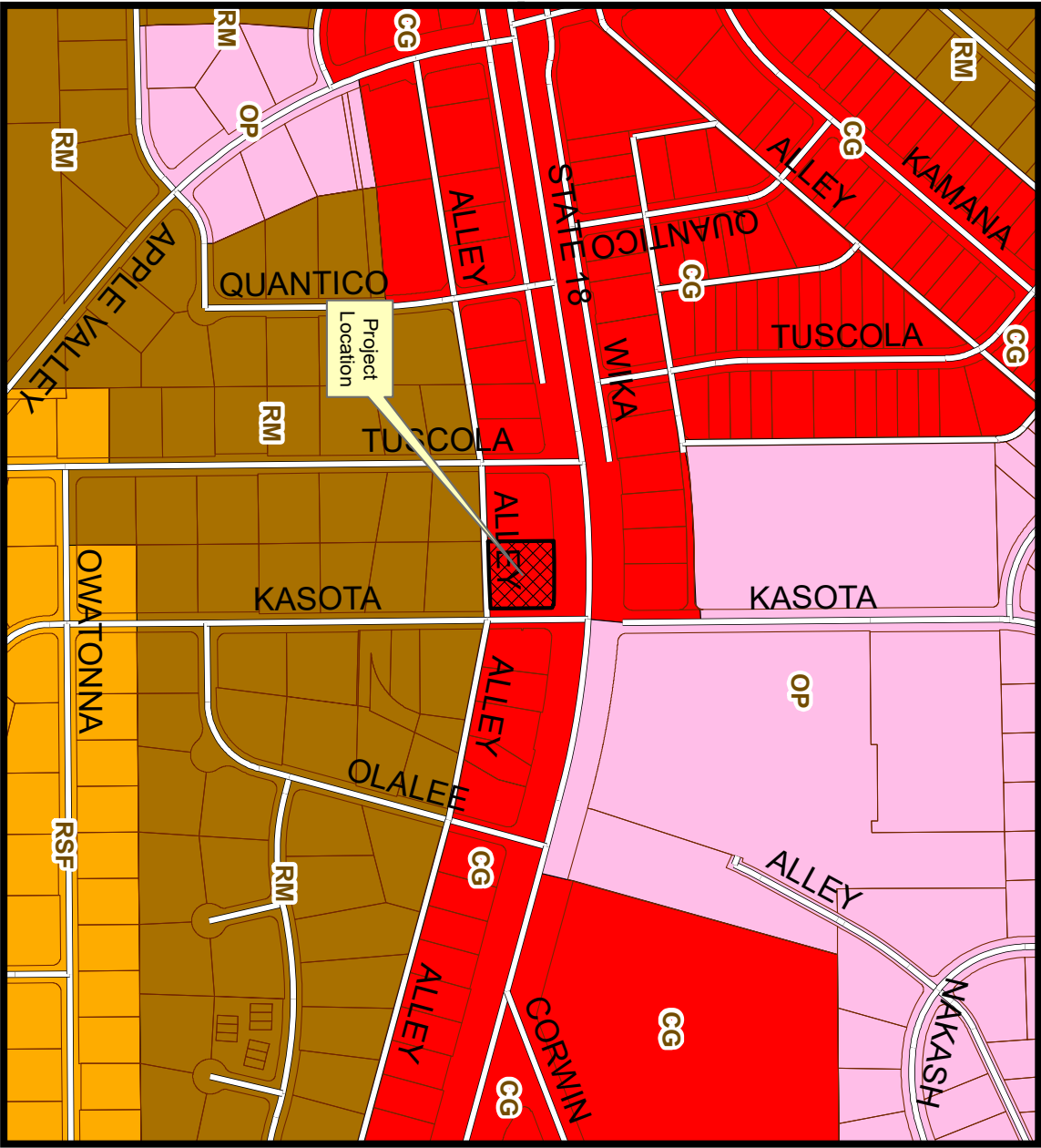


Thank you,

Ash Pathi

ZONING/LOCATION MAP

Development Permit No. 2018-004 Amendment 1
 Special Use Permit No. 2018-001 Amendment 1



Southwest corner of
 Highway 18 and
 Kasota Road
 (18165 Highway 18)
 APN 0473-112-22



Legend	
	Project Location
	(R-SF) Single Family Residential (1 to 0.4 to 0.9 net acre)
	(R-M) Multi-Family Residential (2 to 20 duplex units)
	(C-G) General Commercial
	(O-P) Office Professional

Date: 4/29/2020