



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY  
PLANNING COMMISSION AGENDA**

**WEDNESDAY, JULY 15, 2020**

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

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

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**PLANNING COMMISSION MEMBERS**

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

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

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



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY  
PLANNING COMMISSION AGENDA  
REGULAR MEETING  
WEDNESDAY JULY 15, 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](http://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](mailto: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](mailto: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](http://www.applevalley.org) subject to staff's ability to post the documents before the meeting.

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

## REGULAR MEETING

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

## CALL TO ORDER

## ROLL CALL

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

## PLEDGE OF ALLEGIANCE

## PUBLIC COMMENTS

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

## APPROVAL OF MINUTES

1. Minutes for the Regular Meeting of May 6, 2020.

## PUBLIC HEARING ITEMS

2. **Conditional Use Permit No. 2018-011 and Deviation Permit No. 2018-002** (*Continued from July 1<sup>st</sup>*). A request for approval of a Conditional Use Permit to install a roof-top wireless telecommunications facility. Screening of the facility is designed to emulate a third floor to an existing two (2)-story, office building. The Deviation Permit is a request to allow the roof top equipment to occupy approximately twenty (20) percent of the roof area where ten (10) percent is allowed.

**APPLICANT:** SAC Wireless for Verizon

**LOCATION:** 18064 Wika Road; APN 0473-462-14

## ENVIRONMENTAL

**DETERMINATION:** The project is characterized as a minor alteration to an existing structure. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15301, the proposal is exempt from further environmental review.

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

**RECOMMENDATION:** Approval

3. **Tentative Parcel No. 20304**(Continued from July 1<sup>st</sup>). The proposal is to subdivide approximately fifty-five (55) acres into ninety-three (93) single-family lots. All lots are single-family residential and will range in size from 18,000 to 65,562 square feet with an average lot size of 21,217 square-feet.

**APPLICANT:** Thomas Hrubik

**LOCATION:** East side of Choco Road, north of Huasna Road; APN 0472-351-44.

**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

4. **Conditional Use Permit No. 2020-002.** The proposal is to request to approve a Conditional Use Permit to expand an existing six (6) bed Residential Care Facility for Elderly (RCEF) to an eight (8) bed facility. The project site is 0.49 acres in size.

**APPLICANT:** Kamal Ebadpour

**LOCATION:** 13224 Iroquois Road; APN 3087-141-25

**ENVIRONMENTAL**

**DETERMINATION:** The project is a minor alteration to an existing private structure, and pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301, Class 1, the proposal is Exempt from further environmental review.

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

**RECOMMENDATION:** Approval

5. **Development Code Amendment No. 2020-005** *Continued from July 1<sup>st</sup>*.

An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying provisions relating to landscape setbacks regulations for commercial development

**APPLICANT:** Town of Apple Valley

**LOCATION:** Commercial Zoning Districts Town-wide

**ENVIRONMENTAL**

**DETERMINATION:** Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

**CASE PLANNER:** Ms. Lori Lamson, Assistant Town Manager

**RECOMMENDATION:** Adopt Planning Commission Resolution No. 2020-003

6. **Development Code Amendment No. 2020-002.** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code that may remove Chapter 9.15 "Commercial/Industrial Revitalization Permits" as obsolete. All reductions to development standards afforded by Chapter 9.15 could remain as available options through the Deviation Permit process.

**APPLICANT:** Town of Apple Valley

**LOCATION:** Commercial and Industrial Zones, Town wide

**ENVIRONMENTAL**

**DETERMINATION:** Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

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

**RECOMMENDATION:** Adopt Planning Commission Resolution No. 2020-002

7. **Development Code Amendment No. 2020-006.** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying provisions relating to the location regulations for gasoline/service stations and above ground petroleum tanks.

**APPLICANT:** Town of Apple Valley

**LOCATION:** Commercial Zoning Districts Town-wide

**ENVIRONMENTAL**

**DETERMINATION:** Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

**CASE PLANNER:** Ms. Lori Lamson, Assistant Town Manager

**RECOMMENDATION:** Adopt Planning Commission Resolution No. 2020-004

**OTHER BUSINESS**

8. **Conditional Use Permit No. 2020-002.** To consider a façade improvement to a portion of an existing inline retail building within the Rancherias Plaza.

**PLANNING COMMISSION COMMENTS**

**STAFF COMMENTS**

**ADJOURNMENT**

The Planning Commission will adjourn to the regular Planning Commission Meeting on August 5, 2020.

**MINUTES  
TOWN OF APPLE VALLEY  
PLANNING COMMISSION  
REGULAR MEETING  
May 6, 2020**

**CALL TO ORDER**

Chairman Kallen called to order the regular meeting of the Town of Apple Valley Planning Commission at 6:00p.m.

Roll Call

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

Absent: None

Staff Present

Carol Miller, Assistant Director of Community Development, Pam Cupp, Senior Planner, 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 Lanyon.

**PUBLIC COMMENTS**

None

**APPROVAL OF MINUTES**

1. Minutes for the Regular Meeting of April 1, 2020.

Motion by, Commissioner Tinsley, second by Vice-Chairman Harrison to approve the minutes of April 1, 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 HEARINGS

- 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.

Pam Cupp, Senior Planner, presented the staff the report as filed with the Planning Division.

Ahmad Ghaderi, Engineer was available by phone.

Nadir Malik, property owner was also available by phone.

Chairman Kallen asked if Caltrans was involved in the traffic study.

Ms. Cupp said the applicant worked directly with Caltrans and our Engineer also reviewed the traffic study.

Chairman Kallen asked Mr. Malik if he agreed with the condition of approval.

Mr. Ghaderi and Mr. Malik agreed with the conditions of approval.

Chairman Kallen closed the public hearing at 6:10pm.

Motion by, Commissioner Tinsley, second by Vice-Chairman Harrison to approve Development Permit No. 2019-002 and Special Use Permit No. 2019-001.

### **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. **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.

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

Rachel Davidson, applicant, Julio Figueroa with AT&T and Tim Brown with Crown Castle were available by phone.

Jeanne E Lyles, David Hernandez, James Tallo Apple Valley residents were on the phone to speak against the project.

Lisa Fox and Marcia Clift Apple Valley Residents sent in written response opposing the cell tower.

Ms. Davidson responded to the comments of the residents. Ms. Davidson said the structure is designed to withstand the winds for the area and FCC guidelines are safe studies have shown home values have not been affected has shown 5g has not been proposed for the current tower.

Vice-Chairman asked about First Network. Mr. Figueroa said First Network is a 25-year contract and is exclusive service to first responders. Service is a 25-year contract

Chairman Kallen closed the public hearing at 6:40pm.

Commissioner Lanyon said he agrees with staff and thinks this project congests the area and the parking issue has not been corrected.

Commissioner Tinsley added the project is in a preferred location, but the applicant is asking for way too much in height.

Chairman Kallen said the height, location and esthetic is something he does not like.

Motion by, Chairman Kallen, second by Commissioner Tinsley to deny Conditional Use Permit No. 2019-005 and Deviation Permit No. 2019-005 without prejudice.

**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. 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.

Commissioner Arias recused himself from the dais as he has a financial conflict of interest with the applicant.

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

Chris Connors, Applicant and Mark Rowling, Engineer were available by phone.

Ms. Miller presented 2 responses, first from Dean Johnson and the second from Jim and Patty Todd, Apple Valley residents that were in opposition of the project.

Vice-Chairman Harrison said he drove to the project location and found that it was not a shortcut route and felt it would not increase traffic in the area.

Commissioner Tinsley asked if the existing Joshua trees would be distributed throughout the project instead of being placed in a corner.

Ms. Miller said the plan identifies three (3) levels, protect in place, those that will be relocated by dispersing them throughout the project, and removal for the ones that for many reasons cannot remain or relocate.

Commissioner Tinsley asked if this would be supervised by someone from the Town.

Ms. Miller said the conditions of approval outlined what the Joshua Tree plan will entail in accordance with the Mitigation Measure.

Vice-Chairman Harrison asked about the water retention basin at Norm Schmid Park.

Richard Pederson said the applicant has agreed to purchase rights to use the retention and pay a share for the maintenance basin at Norm Schmid Park that is adequately in size to handle the drainage for the area. Residents will have a Landscaping and Lighting Assessment to help pay for the maintenance and landscaping for the area.

Chairman Kallen asked Mr. Connors about the relocation of the Joshua Trees. Mr. Connors said they are working with the Arborist and found that most of the trees will remain in the same place.

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

Mr. Connor agreed with the conditions of approval.

Chairman Kallen closed the public hearing at 7:13pm.

Motion by, Commissioner Tinsley, second by Commissioner Lanyon to approve Tentative Tract No. 20211.

**ROLL CALL VOTE**

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

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

Chairman Kallen called for a 5-minute recess at 7:13 p.m.

Chairman Kallen reconvened the meeting of the Planning Commission at 7:18 p.m.

- 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.

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

Mauro Moreno applicant and Omar Gonzalez, project manager were available by phone.

Ms. Marilyn Mansfield sent in written correspondence against the project stating it would cause loitering and trash in the area.

Chairman Kallen asked Mr. Moreno if he operated a recycle facility anywhere else.

Mr. Moreno said he also has a facility in Hesperia that consisted of a dirt lot but fenced in.

Chairman Kallen closed the public hearing at 7:33pm.

Chairman Kallen spoke of his experience with a recycle facility where excess trash is an issue and the location of this facility would only open to have people throw items that were not accepted out in the middle of the desert.

Motion by, Chairman Kallen, second by Commissioner Tinsley to deny Special Use Permit 2019-007 without prejudice.

**ROLL CALL VOTE**

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

No: Commissioner Arias

Abstain: None

Absent: None

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

- 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).

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

Tom Steeno, applicant and David Dillon, owner were available by phone.

Vice-Chairman Harrison asked the about difference in driveways from previously approved gas station.

Mr. Pederson said this location is trying to attract RVs and larger vehicles but when the driveway is to wide, it causes confusion. However, the new driveway standard has a different turning radius on the driveway approach which helps with the turning radius.

Mr. Pederson also said when you have a large driveway it causes confusion with drivers and it becomes a free-for-all.

Mr. Pederson said once the project is done, the applicant could provide information and request a permit to increase the driveway.

Mr. Steeno said he has a live animation software that show how close vehicles, big trucks and RVs come when turning and having a 40-foot driveway makes is comfortable.

Mr. Steeno provided some locations within a few miles with wider driveways than what he's asking for.

Mr. Steeno asked why he was only allowed a 200-gallon propane tank.

Chairman Kallen called for a short recess at 8:26pm.

Chairman Kallen reconvened the meeting of the Planning Commission at 8:28pm.

Ms. Miller said Mr. Steeno did not indicate a size for the propane tank. The Development Code allows for a 200-gallon tank, and that anything larger, then requires a Conditional Use Permit.

Ms. Miller answered some concerns regarding the signage, stating that some of the signs mentioned were there all installed before incorporation. As for the larger pilon signs, they are allowed where there is a multitude of tenants and meets an acreage requirement.

Commissioner Lanyon asked if signage would be allowed on the canopy.

Ms. Miller said they would be allowed. The Code requires the canopy be architecturally compatible.

Commissioner Arias asked about the CUP regarding the propane tank.

Ms. Miller said the applicant is aware of the Development Code and size limitations and he is aware that a CUP is required to get a greater size tank.

Chairman Kallen asked if the Variance was denied, if the applicant can revisit these items in phase 2.

Ms. Miller said the applicant can bring them back to Planning Commission.

Chairman Kallen closed the public hearing at 8:48 pm.

Motion by Vice-Chairman Harrison, Second Commissioner Arias to approve Development Permit No. 2019-009, Special Use Permit No. 2019-002 & approve Variance No. 2019-003 in part to allow the wider driveway and to adopt the Mitigated Negative Declaration. Denial of the Variance portion related to signage without prejudice, amend Engineering Condition of Approval as follows:

EC16: A "Right Turn Only" sign shall be installed at the driveway on Bear Valley Rd for vehicles exiting the property. The installation of the sign may be deferred if the

applicant's Traffic Engineer provides an engineering analysis to justify the deferral. If future traffic conditions warrant a "Right Turn Only" sign said sign shall be installed as determined by the Town Engineer.

EC17: Two (2), forty (40)-foot wide driveways shall be allowed as approved by the Planning Commission under Variance No. 2019-003.

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

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

Ash Pathi applicant, Robert Martinez, architect, and Thomas Drissen with Starbucks were available on the phone.

Ms. Miller said there was late email provided by the applicant showing changes to the order board placement at car (6) six.

Chairman Kallen asked Mr. Martinez if he agreed with the submitted rendering showing the order board at car (6) six to avoid a traffic study.

Mr. Martinez agreed with the updated rendering.

Chairman Kallen closed the public hearing at 9:42 p.m.

Motion by Chairman Kallen, second by Commissioner Arias to approve applicants request to delete Condition of Approval P. 27 and the finding the Commission made at the meeting of October 18, 2018 when it initially approved Development Permit No. 2018-004 and Special Use Permit 2018-001 meeting stand, and are not affected by tonight's action.

**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

**PLANNING COMMISSION COMMENTS**

None

**STAFF COMMENTS**

Ms. Miller said next meeting will be on July 1, 2020.

**OTHER BUSINESS**

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 July 1, 2020.

Respectfully Submitted by:

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

Approved by:

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



## Planning Commission Agenda Report

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|                                     |  |                   |
|-------------------------------------|--|-------------------|
| <b>DATE:</b>                        | July 15, 2020  | <b>Item No. 2</b> |
| <b>CASE NUMBER:</b>                 | Conditional Use Permit No. 2018-011 and Deviation Permit No. 2018-002 ( <i>Continued from July 1<sup>st</sup></i> )  |                   |
| <b>APPLICANT:</b>                   | SAC Wireless for Verizon   |                   |
| <b>PROPOSAL:</b>                    | A request for approval of a Conditional Use Permit to install a roof-top wireless telecommunications facility. Screening of the facility is designed to emulate a third floor to an existing two (2)-story, office building. The Deviation Permit is a request to allow the roof top equipment to occupy approximately twenty (20) percent of the roof area where ten (10) percent is allowed. |                   |
| <b>LOCATION:</b>                    | 18064 Wika Road; APN 0473-462-14   |                   |
| <b>ENVIRONMENTAL DETERMINATION:</b> | The project is characterized as a minor alteration to an existing structure. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15301, the proposal is exempt from further environmental review.   |                   |
| <b>CASE PLANNER:</b>                | Pam Cupp, Senior Planner   |                   |
| <b>RECOMMENDATION:</b>              | Approval   |                   |

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### PROJECT SITE AND DESCRIPTION

- A. Project Size: The proposal will occupy approximately 1,150 square feet of the existing 5,500 square foot roof area.
- 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), Office building |
| North -       | General Commercial (C-G), Office Building |
| South -       | General Commercial (C-G), Office Building |
| East -        | General Commercial (C-G), Office Building |
| West -        | General Commercial (C-G), Office Building |

D. Rooftop Antenna Height Analysis:

|                   |  |
|-------------------|--|
| Permitted Maximum | 35 Feet + 15 Feet for architectural features, subject to Planning Commission approval. |
| Proposed Maximum  | 42 Feet  |

E. Rooftop Area Analysis:

|                   |  |
|-------------------|--|
| Permitted Maximum | 10 Percent of roof area.                       |
| Proposed Maximum  | 20 Percent of roof area. (Deviation requested) |

F. Parking Analysis:

|                         |           |
|-------------------------|-----------|
| Total Parking Required: | 1 Space   |
| Site Parking Provided:  | 33 Spaces |

G. Setback and Separation Analysis: Not applicable when completely concealed.

ANALYSIS

A. General:

The applicant is requesting approval of a Conditional Use Permit to install and operate a roof-mounted, wireless telecommunication facility. The proposal includes a request to deviate from the maximum roof area that may be occupied by a wireless facility. Pursuant to the Development Code, a Conditional Use Permit is required for all new telecommunication facilities that are either not completely concealed or when a deviation from the Code requirements is requested. Development Code Chapter 9.77 "Wireless Telecommunications Towers and Antennas" encourages users of towers and antenna to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening and innovative "stealth" camouflaging techniques.

B. Site Analysis:

The project site is 0.49 acres in size and contains an existing, 8,000 square foot, two (2) story office building. The proposed wireless telecommunications facility and all associated equipment will be located entirely on the roof and will not include any site modifications. There is existing parking available to service the facility.

The Development Code provides specific development standards related to towers with regard to landscape buffers, setbacks and separation distances. The nearest residential use or zoning designation is approximately 400 feet south of the project site. The closest wireless facility is located approximately 3,000 feet east of the project site. As proposed, this project will not have a tower and will be completely concealed from view. Therefore, specific setbacks and separation distances from residential districts and/or other telecommunication facilities are not applicable.

C. Architecture Analysis:

The proposed wireless facility has been designed to appear as a third level to an existing two (2)-story office building. The applicant has included matching stacked stone, arched insets with matching metal rails and cornice molding like the existing roofline. The Code requires that all rooftop equipment be screened from view from any adjoining public right-of-way or residentially zoned or used property. The applicant is proposing four (4)-sided architectural treatments to the screen walls.

The existing structure is an 8,000 square foot, two (2)-story office building. The structure has multiple roof lines with multiple roof heights with a maximum roof height of thirty-three (33) feet. The Development Code allows rooftop antennas to be a maximum of fifteen (15) feet in height above an existing building or rooftop. The proposed antenna arrays meet the height requirement at fifteen (15) feet above the roof surface. The proposed screen wall enclosure will extend nine (9) feet above the tallest roofline. This will create an overall structure height of forty-two (42) feet. The maximum building height permitted within the General Commercial (C-G) zoning designation is thirty-five (35) feet; however, the Commission can approve an additional fifteen (15) feet for architectural features, such as a screen wall.

The Development Code states that if the equipment is located on the roof of a building, the equipment and structures shall not occupy more than ten (10) percent of the roof area, or 350 square feet, whichever is smaller. The overall roof area of the office building is 5,500 square feet. As proposed, this project will occupy 1,150 square feet, including all required equipment and antenna arrays, which is approximately twenty (20) percent of the roof. The equipment associated with the antenna arrays will occupy approximately 160 square feet with the remaining area dedicated to the antenna array and rooftop enclosure as needed to achieve the appropriate level of screening. The applicant has submitted a request for a Deviation Permit to allow the project to occupy additional roof area.

D. Deviation Permit:

The applicant is requesting a deviation to provide relief from the maximum roof area that can be occupied by a wireless facility. 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. The list of permitted deviations covers all development standards, except for roof area. The Commission should consider whether the intent

of the deviation provisions was to allow for flexibility to all development standards or was roof area intentionally omitted from the above list of standards. The need for the additional roof area is due to the selected screening method.

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. 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.

F. Environmental Assessment:

The project is characterized as a minor alteration to an existing structure. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15301, the proposal is exempt from further environmental review.

G. Noticing:

The project was legally noticed in the Apple Valley News on June 19, 2020. Staff notified all property owners within 1,500 feet of the site for this public hearing. There has been no correspondence received regarding this proposal.

H. 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 rooftop wireless facility 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." As proposed, the screening is designed to emulate a third floor to an existing two (2)-story office building and is consistent with the General Plan, Development Code and zoning.

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

Comment: The proposed unmanned wireless facility has been designed to appear an integral part of an existing two (2)-story office building. No additional site modifications are proposed. Therefore, the location and operating characteristics of the proposed rooftop wireless facility 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

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

I. 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 wireless facility is located entirely on the roof. Additional area is necessary to provide the appropriate screening necessary to obscure the facility from the public rights-of-way. The facility will be entirely roof-mounted resulting in no impact to the existing parking, lighting, landscaping or circulation. The roof-top design is the only option for this site.

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

Comment: The applicant has stated within its Findings to Grant a Deviation that the roof-top presents a unique circumstance because the additional area is needed to meet the goals for Verizon to provide service to an underserved area. The goals of Town of Apple Valley shall also be met with a wireless facility that minimizes the visual impacts now and in the future.

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

Comment: This location proves to be the sole location to accomplish the goals of both Verizon and the Town of Apple Valley to provide service to an underserved area in a manner that minimizes the visual impacts to the greatest extent possible . The design of the existing structure provides the best opportunity for concealment that is architecturally compatible.

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 Deviation requested will not have an adverse impact on the site, surrounding area or the community in general because the additional roof area will provide the concealment necessary for architectural compatibility. Additionally, there will be no modification to site parking, landscaping or circulation.

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 Deviation requested will not have an adverse impact on the site, surrounding area or the community in general because the additional roof area will provide the concealment necessary for architectural compatibility. Additionally, there will be no modification to site parking, landscaping or circulation. Therefore, the 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.

## 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 Conditional Use Permit No. 2018-011 and Deviation Permit No. 2018-002.
4. Direct staff to file a Notice of Exemption.

## ATTACHMENTS:

1. Recommended Conditions of Approval
2. Elevation
3. Roof Plans

4. Photo-simulation
5. Justification for Deviations
6. Zoning Map
2. RF maps (Separate Cover)

#### Town of Apple Valley

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#### Recommended Conditions of Approval

Conditional Use Permit No. 2018-011 and Deviation Permit No. 2018-002

**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 three (3) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the expiration date. The Conditional Use Permit becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. 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. It is the sole responsibility of the applicant on any Permit, or other appropriate discretionary review application for any structure, to submit plans, specifications and/or illustrations with the application that will fully and accurately represent and portray the structures, facilities and appurtenances thereto that are to be installed or erected if approved by the Commission. Any such plans, specifications and/or illustrations that are reviewed and approved by the Planning Commission at an advertised public hearing shall accurately reflect the structures, facilities and appurtenances expected and required to be installed at the approved location without substantive deviations, modifications, alterations, adjustments or revisions of any nature.

- P4. The filing of a Notice of Exemption requires the County Clerk to collect a documentary handling fee of fifty dollars (\$50.00). The fee must be paid in a timely manner in accordance with Town procedures. No permits may be issued until such fee is paid. The check shall be delivered to the Town for processing and made payable to the Clerk of the Board of Supervisors 385 N Arrowhead Ave # 2, San Bernardino, CA 92415.
- P5. The approval of Conditional Use Permit No. 2018-011 and Deviation Permit No. 2018-002 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.
- P6. Prior to issuance of a building permit, the applicant shall provide the Building Division with a copy of the building plans in an electronic format compatible with the Town's current technology.
- P7. All outdoor mechanical and electrical equipment whether rooftop, side of structure, or on the ground, shall be screened from view from the public street by architectural elements designed to be an integral part of the building.
- P8. The rendering(s) presented to and approved by the Planning Commission at the public hearing shall be the anticipated and expected appearance of the structure upon completion.
- P9. The arched insets shall include a bottom sill and ironwork matching the existing structure.
- P10. 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 Conditional Use Permit.
- P11. The screen wall shall be maintained in good repair free of any visual weathering or decay. The property owner shall assume ultimate responsibility for all required maintenance.
- P12. Conditional Use Permit No. 2018-011 may be reviewed annually or more often, if deemed necessary by the Community Development Department, to ensure compliance with the conditions contained herein. Additional conditions may be recommended to and imposed by the Planning Commission to mitigate any negative impacts resulting from the business operations not contained within the scope of this permit.



- P13. The applicant shall supply verification with the American National Standards Institute (ANSI) by providing a copy of its FCC license agreement prior to issuance of Certificate of Occupancy.
- P14. In the event the antenna(s) becomes obsolete and/or abandoned, the provider shall remove the antenna(s) and all related mechanical equipment and return the site to its original state, or an improved state, within thirty (30) days of abandonment.

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


- BC.1 Submit plans, engineering and obtain permits for all structures, retaining walls, signs
- BC.2 Construction must comply with California Building Codes in effect at the time of plan review.
- BC.3 Best Managements Practices (BMP's) are required for the site during construction.

### **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, Development Code, Community Plans, and other statutes, ordinances, rules, and regulations regarding fires and fire prevention adopted by the State, County, Town of Apple Valley, or Apple Valley Fire Protection District.
- FD3. All combustible vegetation, such as dead shrubbery and dry grass, 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. An approved fire sprinkler system shall be installed throughout the addition and 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.
- FD5. Provide an N.F.P.A. 704 Placard identifying the Hazardous Materials for the batteries.

FD6. Provide one (1) 2A10BC minimum rating fire extinguisher and serviced by a certified company.

| ISSUE STATUS | NO.      | DATE | DESCRIPTION       | BY |
|--------------|----------|------|-------------------|----|
| 0            | 06/20/18 |      | ISSUE FOR PERMITS | ST |
| 1            | 07/20/18 |      | ISSUE FOR PERMITS | ST |
| 2            | 08/20/18 |      | ISSUE FOR PERMITS | ST |
| 3            | 10/20/18 |      | ISSUE FOR PERMITS | ST |
| 4            | 12/11/18 |      | ISSUE FOR PERMITS | ST |



**SIC**  
SOUTH INLAND COMMUNITY DEVELOPMENT


**PROPRIETARY INFORMATION**  
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**verizon**  
 15555 SAND CANYON AVENUE  
 IRVINE, CA 92618

**MUNI**  
 18064 WILKA RD.  
 APPLE VALLEY, CA 92307

SHEET TITLE:  
**SOUTH & WEST ELEVATIONS**

**A-5**

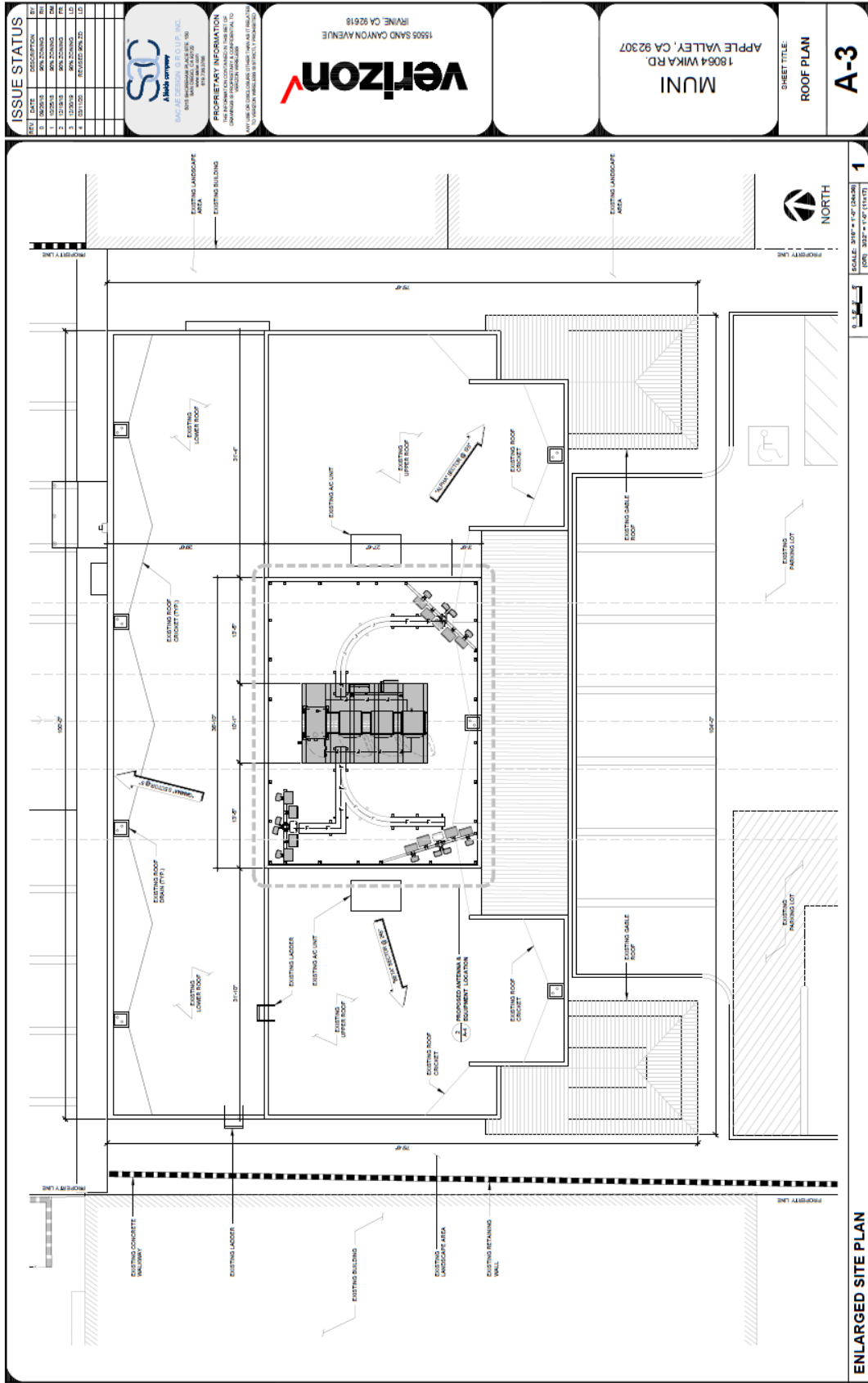


**SOUTH ELEVATION**

SCALE: 3/16" = 1'-0" (AS SHOWN)

**WEST ELEVATION**

SCALE: 3/16" = 1'-0" (AS SHOWN)



| ISSUE STATUS | REV | DATE     | DESCRIPTION  | BY |
|--------------|-----|----------|--------------|----|
|              | 5   | 12/24/19 | REV COMMENTS | BJ |
|              | 4   | 12/24/19 | REV COMMENTS | BJ |
|              | 3   | 12/20/19 | REV COMMENTS | LS |
|              | 2   | 12/11/19 | REV COMMENTS | LS |
|              | 1   | 12/11/19 | REV COMMENTS | LS |

**ARCADIAN GROUP, INC.**  
 1015 BROADWAY SUITE 100  
 SAN FRANCISCO, CA 94133  
 TEL: 415.774.8800  
 WWW.ARCADIANGROUP.COM

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**verizon**  
 15505 SAND CANYON AVENUE  
 IRVINE, CA 92618

**MUNI**  
 1 8064 WILKA RD.  
 APPLE VALLEY, CA 92307

SHEET TITLE:  
**ROOF PLAN**

**A-3**

SCALE: 3/16" = 1'-0" (PAPER)  
 (REV. 3/27/19) 1

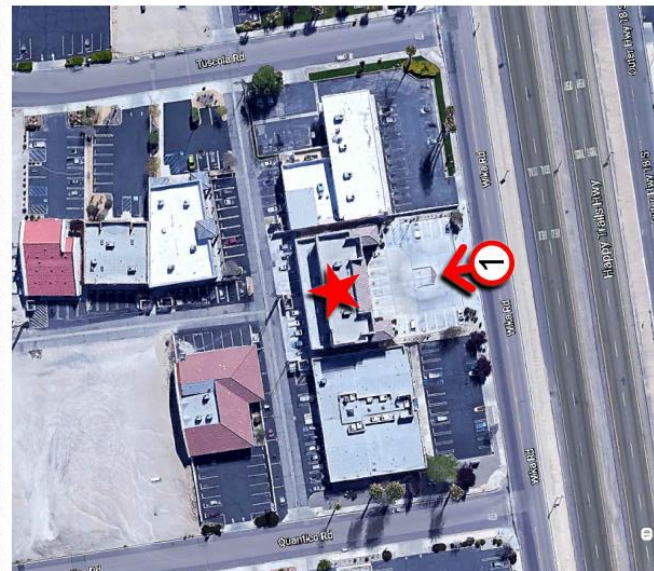
**ENLARGED SITE PLAN**



MUNI  
 MCE  
 (MTX-45/BSC-19)  
 11000 WALKER  
 APPLE VALLEY, CA 92307



PHOTOSIMULATION VIEWPOINT 1



DISCLAIMER: THIS PHOTOSIMULATION IS INTENDED AS A GRAPHICAL REPRESENTATION OF EXISTING AND PROPOSED SITE CONDITIONS BASED ON THE PROJECT / DRAWING PLANS. IT IS NOT INTENDED FOR CONSTRUCTION. ACTUAL, FINAL CONSTRUCTION MAY VARY



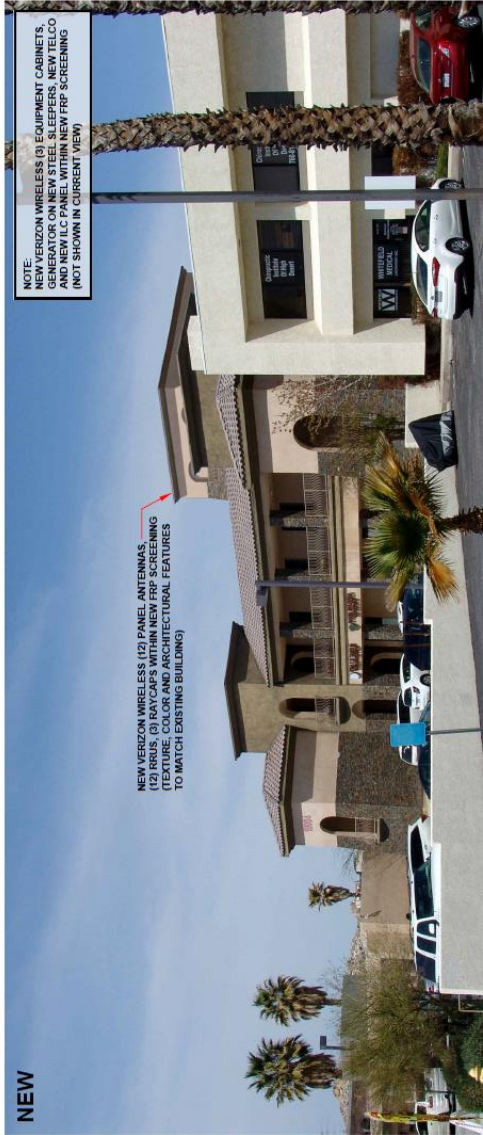
NOTE:  
 NEW VERIZON WIRELESS (3) EQUIPMENT CABINETS,  
 (3) NEW VERIZON WIRELESS (3) RRU'S WITH NEW FRP-SCREENING  
 AND NEW ILC PANEL WITH NEW FRP-SCREENING  
 (NOT SHOWN IN CURRENT VIEW)

NEW VERIZON WIRELESS (12) PANEL ANTENNAS,  
 (12) RRU'S, (3) RAYCAP'S WITH NEW FRP-SCREENING  
 (TEXTURE, COLOR, AND ARCHITECTURAL FEATURES  
 TO MATCH EXISTING BUILDING)

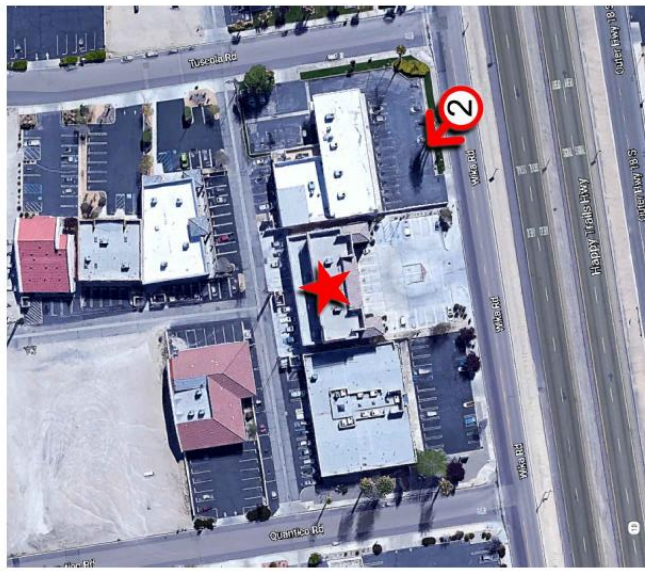
DISCLAIMER: THIS PHOTOSIMULATION IS INTENDED AS A GRAPHICAL REPRESENTATION OF EXISTING AND PROPOSED SITE CONDITIONS BASED ON THE PROJECT / DRAWING PLANS. IT IS NOT INTENDED FOR CONSTRUCTION. ACTUAL, FINAL CONSTRUCTION MAY VARY



MUNI  
 NICE  
 (MTX-45 / BSC 19)  
 18064 WILKA RD.  
 APPLE VALLEY, CA 92307



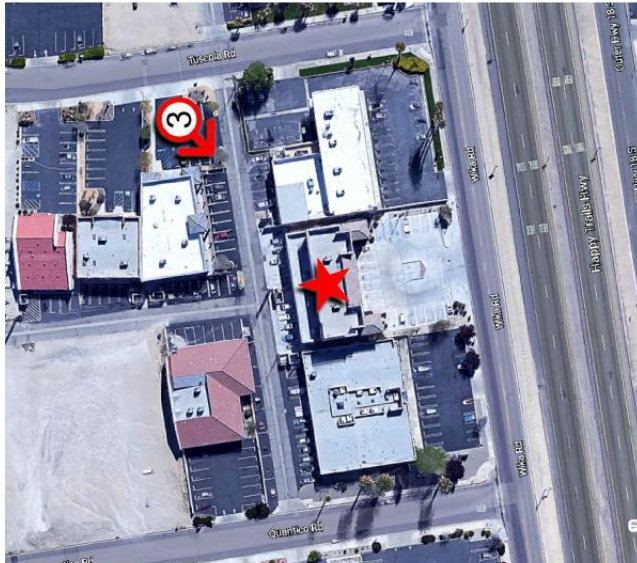
PHOTOSIMULATION VIEWPOINT 2



verizon  
 MUMI  
 (MTX-45) (EISC 19)  
 18064 WINKA RD,  
 APPLE VALLEY, CA 92307

SOC  
 WIRELESS  
 5015 SHOREHAM PLACE, SUITE 150  
 SAN DIEGO, CA 92122  
 www.socwireless.com

PHOTOSIMULATION VIEWPOINT 3



DISCLAIMER: THIS PHOTOSIMULATION IS INTENDED AS A GRAPHICAL REPRESENTATION OF EXISTING AND PROPOSED SITE CONDITIONS BASED ON THE PROJECT / DRAWING PLANS. IT IS NOT INTENDED FOR CONSTRUCTION. ACTUAL, FINAL CONSTRUCTION MAY VARY.



EXISTING



NEW

NOTE: NEW VERIZON WIRELESS (V) EQUIPMENT CABINETS, GENERATOR ON NEW STEEL SLEEPERS, NEW TELCO CABINETS, NEW TELCO SLEEPERS, NEW FRP SCREENING (NOT SHOWN IN CURRENT VIEW)

NEW VERIZON WIRELESS (12) PANEL ANTENNAS, (12) PILES FOR ANCHORING (TO EXISTING CONCRETE AND ARCHITECTURAL FEATURES TO MATCH EXISTING BUILDING)

6. Granting of the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.

Wireless facilities are acceptable under city code 9.77.080 - + and Verizon intends to fully comply with all requirements of the city code.

Please read and initial the following statement:

I understand that in lieu of a Variance I have the option of altering my plan and requesting a Deviation Permit in conformance with Section 9.03.0500 of the Town of Apple Valley Development Code. CS

**FINDING REQUIRED TO GRANT A DEVIATION**

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

Please see RF study and RFF compliance documentation provided in original SUP submittal package.

Signed Courtney Standridge Date \_\_\_\_\_

Print Name \_\_\_\_\_

**DEVIATION PERMIT FINDINGS FOR A WIRELESS TELECOMMUNICATION FACILITY**

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

Findings have been met that the SUP will not support the needed space Verizon is requesting. CUP entitlements requested.

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

Deviation requested in order to occupy the necessary the rooftop space in order to accomplish goals for both VZ and the City.



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

This location proves to be the sole location to accomplish the goals of both parties. The height of the existing building, willing landlord, stealth concealment and balance of network structure support this location as the most ideal.

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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; and

This project complies with all FCC and governmental regulations for wireless facilities.

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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 districts in which the property is located.

This project complies with all FCC and governmental regulations for wireless facilities.

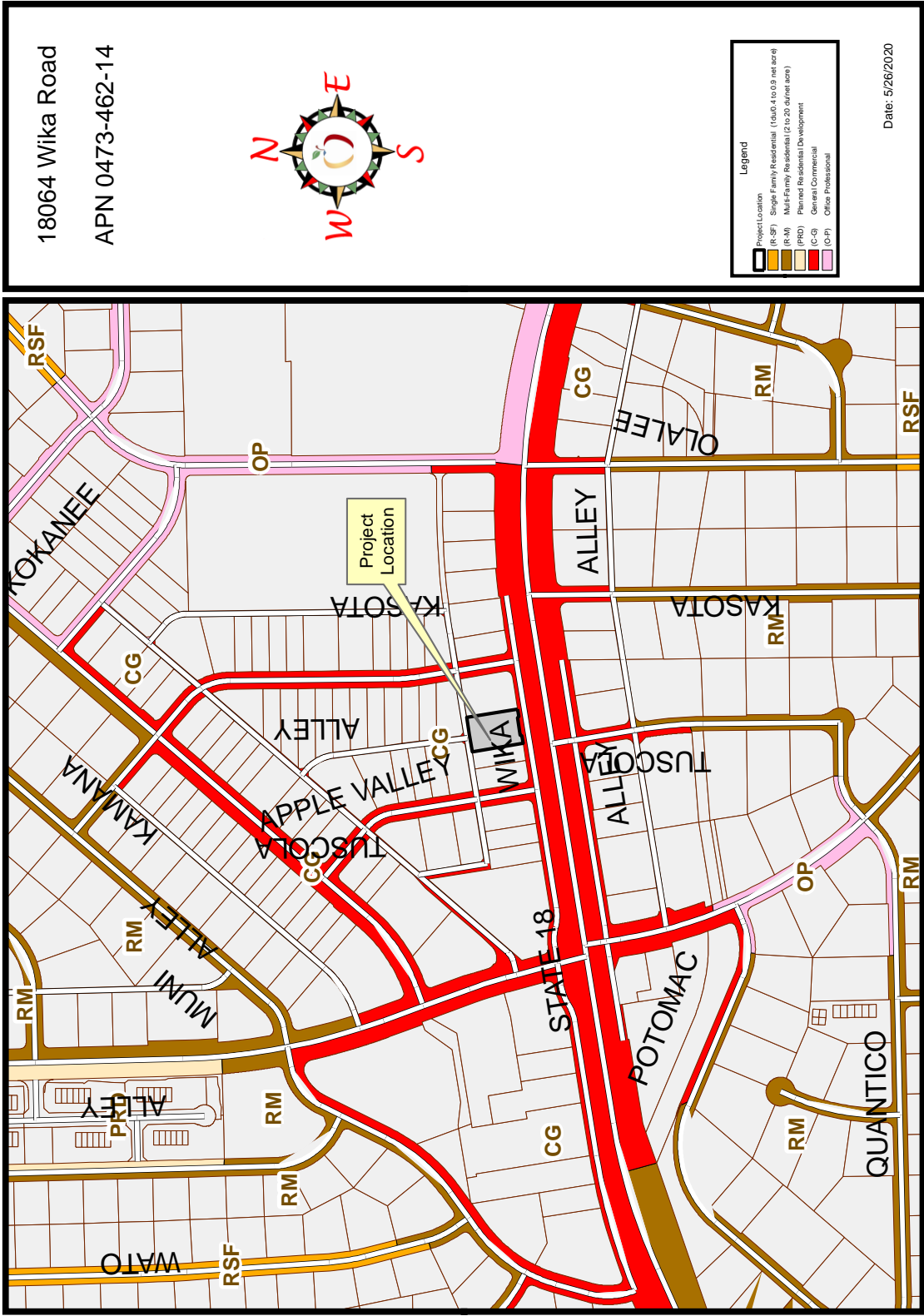
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Conditional Use Permit No. 2018-011 and  
 Deviation Permit No. 2018-008

**ZONING/LOCATION MAP**





## Planning Commission Agenda Report

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**DATE:** July 15, 2020 **Item No. 3**

**CASE NUMBER:** Tentative Tract Map No. 20304 (*Continued from July 1<sup>st</sup>*)

**APPLICANT:** Thomas Hrubik

**PROPOSAL:** The proposal is to subdivide approximately fifty-five (55) acres into ninety-three (93) single-family lots. All lots are single-family residential and will range in size from 18,000 to 65,562 square feet with an average lot size of 21,217 square-feet.

**LOCATION:** East side of Choco Road, north of Huasna Road; APN 0472-351-44.

**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 fifty-five (55) acres in size.
  
- B. General Plan Designations:
  - Project Site - Single-Family Residential (R-SF)
  - North - Residential Estate
  - South - Single-Family Residential (R-SF)
  - West - Single-Family Residential (R-SF)
  - East - Residential Estate and Open Space Conservation (OS-C)

C. Surrounding Zoning and Land Use:

Project- Site- Residential Equestrian (R-EQ), Vacant

North - Residential Estate 3/4 (R-E 3/4), Vacant

South - Residential Equestrian (R-EQ), Vacant & Single Family Residential

West - Residential Equestrian (R-EQ), Single Family Residential.

East - Residential Estate (R-E 3/4) & Open Space Conservation (OS-C), Vacant

D. Site Characteristics:

The subject site is vacant and is relatively undisturbed; however, the previous tract development rough graded the future roads prior to the tentative tract map expiring. The greatest disturbance is near Choco Road where trespass trails and dirt has been dumped. There are only two (2) Joshua Trees present on the site which were evaluated in accordance with the Town's Native Plant Ordinance. Topographically, the site is relatively flat.

ANALYSIS

A. General:

The applicant is seeking approval of Tentative Tract Map No. 20304 that will subdivide approximately fifty-five (55) acres into ninety-three (93) residential lots. The Residential Equestrian (R-EQ) zoning designation sets minimum property size standards for land divisions subject to conformance with the provisions of the Development Code. The R-EQ zoning designation requires a minimum lot size of 18,000 square feet, minimum lot width of 100 feet and a minimum lot depth of 150 feet. Corner lots are required a minimum lot size 20,000, minimum lot width of 115 feet and a minimum lot depth of 150 feet. The proposed lots range in size from 18,000 to 65,562 square feet with an average lot size of 21,217 square-feet which is consistent with the minimum site development standards.

The subject area was originally a part of Tentative Tract Map 14515, located across Choco Road; however, this unrecorded fourth phase of the map ultimately expired. The map design is very similar to the previous tract map. Overall, the proposed Project allows for the logical and orderly extension of residential development in an area with similarly sized lots located to the west.

The project is subject to the Town's adopted Equestrian Trail Standards. In lieu of sidewalks, nine (9)-foot wide equestrian trails are required to be installed along west and north side of all interior streets.

The design provides the required landscape easement and perimeter block wall at street grade (Choco Rd), which then continues with an upward slope to pad elevations. This design places the house pad at or above the height of the tract boundary wall along Choco Road and a slope between the wall and the house pad. To eliminate this situation and provide more usable lot area, Staff is recommending a Condition of Approval which states that the design of the landscape easement along Choco Road shall incorporated the slope. Construction of the block wall shall

occur at the top of the slope at pad level; thereby, eliminating a downward slope in the rear yard.

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 Choco Road. Choco Road is currently improved but will be required to provide full half-width street rights-of-way, curb, gutter, sidewalk, and bike trail for the site. All interior streets will include full width road improvements and equestrian trail. All street and roadway design plans will adhere to the required Town standards at all intersections and driveways.

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. As proposed the tract map will drain into the retention basin for storm drainage purposes located on the westerly side of Choco Road.

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. 20304 was legally noticed on June 12, 2020. Following the public notification, the Town has received one comment expressing concern with the approval of more housing lots when there are existing residential lots currently undeveloped.

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 designation of Single-Family Residential (R-SF) and Residential Equestrian (R-EQ) zoning. Based on the map design, the Project is consistent with the General Plan Land Use Element and zoning designations. As designed the subdivision meets 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. 20304, 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. 20304, 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. Letter
3. Zoning Map
4. Mitigated Negative Declaration/ Initial Study

TOWN OF APPLE VALLEY

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**RECOMMENDED CONDITIONS OF APPROVAL**  
**Tentative Tract Map No. 20304**

*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. 20304 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. 20304 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 demonstrate 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 the Final Map, the Developer/applicant shall submit detailed plans showing all proposed walls for this subdivision, including the gated entry areas, subdivision perimeter walls and decorative block walls. Subdivision walls shall be articulated by regularly spaced pilasters, decorative caps and landscaping, subject to approval by the Director of Economic and Community Development (or designee).
- P10. Prior to recordation of Final Map, three (3) sets of detailed landscaping and irrigation plans for the Choco 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.
- P11. 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.
- P12. All mitigation measures described in the Initial Study will be implemented as part of the project.
- P13. 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.
- P14. 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).
- P15. 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.
- P16. 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 manufacture'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.
- P17. Tentative Tract Map No. 20304 shall adhere to all Equestrian Residential (R-EQ) site development standards and all requirements of the Development Code. All

local streets shall be developed with a nine (9)-foot wide trail, and a three (3)-foot wide separation between curb face and trail, within the right-of-way (in lieu of sidewalk), on the north and west side.

- P18. Any fencing that may be required along the drainage channel/easement shall be decorative in design. Chain link is not considered decorative.
- P19. A copy of the final grading plan shall be submitted to the Planning Division for review and approval.
- a. All on-site cut and fill slopes shall be limited to a maximum slope ratio of 2 to 1 and a maximum vertical height of thirty (30) feet. Setbacks from top and bottom of slopes shall be a minimum of one-half the slope height.
  - b. Slopes shall be contour graded to blend with existing natural contours.
  - c. Slopes shall be a part of the downhill lot when within or between individual lots.
- P20. All slopes over three (3) feet in height shall be landscaped and irrigated according to Town standards.
- P21. The project design shall incorporate the slope into the landscape easement along Choco Road, and construction of the wall at the top of the slope; thereby, eliminating a downward slope in the rear yard.

#### **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. 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.

#### **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 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 forty-four (44)-ft wide road dedication along Choco Road adjacent to the property shall be granted to the Town of Apple Valley prior to Final Map Approval.
- EC6. Choco Road shall be improved to the Town's half-width Secondary 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 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. 14514. Additionally, the assessment district shall include landscape maintenance along Choco 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.
- EC13. Street lights shall be required and shall conform to Town's standards for such. The developer shall form or annex into an assessment district to provide for the ongoing maintenance of the streetlights.
- EC14. All street names shall be approved by the Town and such approval shall be coordinated through the Town Engineer.
- EC15. 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.
- EC16. Utility lines shall be placed underground in accordance with the requirements of the Town.
- EC17. 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.
- EC18. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC19. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC20. Any required street striping shall be thermoplastic as approved by the Town Engineer.
- EC21. A Storm Water Pollution Prevention Plan (SWPPP) in accordance with the National Pollutant Discharge Elimination System (NPDES) shall be required.
- EC22. Unimproved Cross lot drainage shall not be allowed.
- EC23. 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.

EC24. In the event that an applicant/developer chooses to seek Council approval of the Final Map prior to completion of the required improvements, an "Agreement for Construction of Improvements" shall be required. In accordance with the California Labor Code, any such Agreement will contain a statement advising the developer that certain types of improvements will constitute a public project as defined in California Labor Code, Sections 1720, and following, and shall be performed as a public work, including, without limitation, compliance with all prevailing wage requirements.

EC25. 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.

EC26. The applicant shall construct the traffic mitigation measures as detailed the in traffic study dated April 20, 2001, which includes the construction of a left turn lane and fair share contribution of \$82,000 for traffic signal improvements at the intersection of Corwin Road at Choco Road; the fair share contribution of \$52,000 for a traffic signal at the intersection of Corwin Road and Tao Road; and \$6000, for intersection improvements at the intersection of Apple Valley Road and State Route 18.

EC27. A Class I bike path shall be constructed along Choco Road.

### **Public Works Division 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. 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.

PW3. 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.

PW4. Buy-in fees required.

PW5. Sewer connection fees required.

PW6. Sewer development impact fees required.

- PW7. 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.

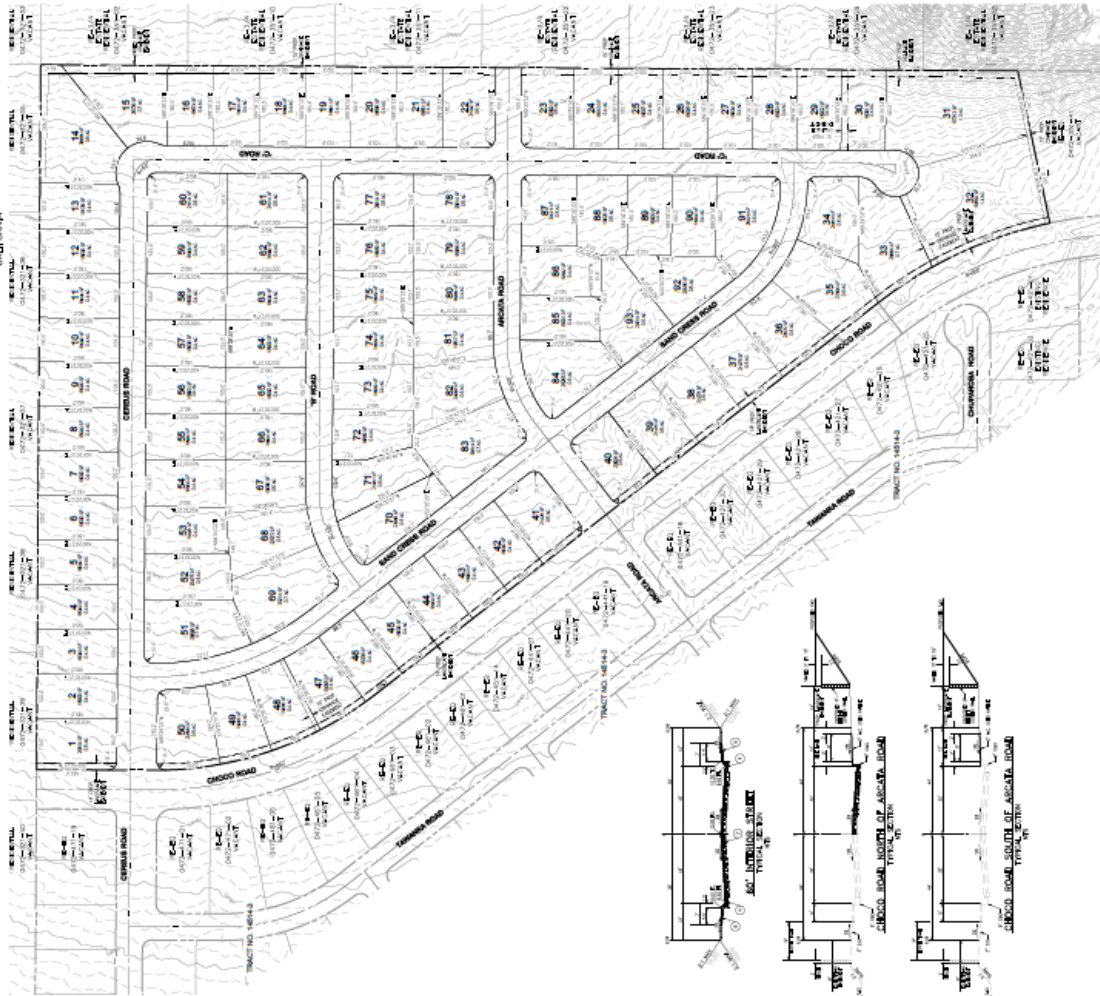


- FD7. Plans for fire protection systems designed to meet the fire flow requirements specified in the Conditions of Approval for this project shall be submitted to and approved by the Apple Valley Fire Protection District and water purveyor prior to the installation of said systems.
- A. Unless otherwise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

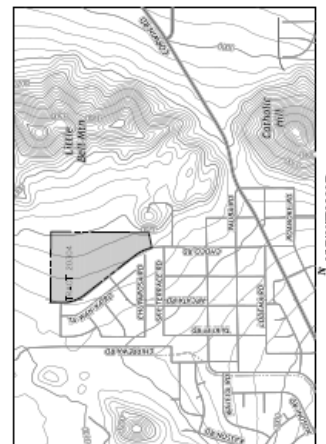
**END OF CONDITIONS**

# TENTATIVE TRACT MAP NO. 20804

IN THE TOWN OF APPLE VALLEY, CALIFORNIA



**DEFINITIONS:**  
ALL DIMENSIONS ARE IN FEET AND INCHES.  
ALL DIMENSIONS SHALL BE TO CENTER UNLESS OTHERWISE SPECIFIED.  
ALL CORNERS SHALL BE TO CENTER UNLESS OTHERWISE SPECIFIED.  
ALL ALIEN INTERESTS ARE HEREBY RELEASED.  
ALL RIGHTS RESERVED.  
THIS TRACT MAP IS SUBJECT TO THE FOLLOWING: 1. THE EXISTING UTILITIES SHALL REMAIN AS SHOWN ON THE ATTACHED UTILITY MAP. 2. THE EXISTING RIGHTS OF WAY SHALL REMAIN AS SHOWN ON THE ATTACHED TRACT MAP NO. 20804. 3. THE EXISTING EASEMENTS SHALL REMAIN AS SHOWN ON THE ATTACHED TRACT MAP NO. 20804. 4. THE EXISTING ENCUMBRANCES SHALL REMAIN AS SHOWN ON THE ATTACHED TRACT MAP NO. 20804. 5. THE EXISTING REZONING SHALL REMAIN AS SHOWN ON THE ATTACHED TRACT MAP NO. 20804. 6. THE EXISTING EASEMENTS SHALL REMAIN AS SHOWN ON THE ATTACHED TRACT MAP NO. 20804. 7. THE EXISTING ENCUMBRANCES SHALL REMAIN AS SHOWN ON THE ATTACHED TRACT MAP NO. 20804. 8. THE EXISTING REZONING SHALL REMAIN AS SHOWN ON THE ATTACHED TRACT MAP NO. 20804. 9. THE EXISTING EASEMENTS SHALL REMAIN AS SHOWN ON THE ATTACHED TRACT MAP NO. 20804. 10. THE EXISTING ENCUMBRANCES SHALL REMAIN AS SHOWN ON THE ATTACHED TRACT MAP NO. 20804. 11. THE EXISTING REZONING SHALL REMAIN AS SHOWN ON THE ATTACHED TRACT MAP NO. 20804. 12. 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**TOWN OF APPLE VALLEY**  
TENTATIVE TRACT MAP NO. 20804  
DATE: 12/11/03  
SCALE: 1" = 40'

**DAVID REAVIS**  
REGISTERED CIVIL ENGINEER  
NO. 37971  
1605 F STREET, SUITE 200  
APPLE VALLEY, CA 95727  
PHONE: 925.461.5838  
FAX: 925.461.5838

| NO. | DATE     | DESCRIPTION         |
|-----|----------|---------------------|
| 1   | 12/11/03 | PREPARED FOR RECORD |

**NOTARY PUBLIC**  
STATE OF CALIFORNIA  
COMMISSION EXPIRES: 12/31/04  
OFFICE: 10000 HIGHLAND AVENUE, SUITE 200, APPLE VALLEY, CA 95727  
PHONE: 925.461.5838

*Tentative Tract Map No. 20304  
July 15, 2020 Planning Commission Meeting*

**From:** Katrina Vanesian <drkatdvm@verizon.net>  
**Sent:** Wednesday, June 17, 2020 3:03 PM  
**To:** Carol Miller  
**Subject:** Re: Tentative Tract no 20304

Hi Carol:

In reading the draft, I suspect that our home may be the one referenced on pg 1, #2: "Southerly of the site is a single family residence and vacant land".

My address is  
19987 Boothill Rd

We own the home and 30 acres, which also includes 2 graded lots for home sites, of homes that were never built.

My initial reaction to the planned development is this, "why build more homes here when much of the land in this area is already badly scarred with plowed lots that are just sitting devoid homes?"

Case in point: you can visit the area, or view via a satellite map and see that there are about 142 empty lots already in existence just waiting to be developed. I assume that many, or all, of those lots are part of phase 1-3 of TTM.

A) there are about 42 empty lots in an area bordered by Jerico Rd, Chippewa Rd and Thunder Trail.

B) there are about 150 lots in the development West of the newly drafted project, with only about 50 lots having established homes, at this point in time.

Why doesn't the developer work on developing those lots first before disturbing the land and neighborhood by adding more lots? As per the draft, "a housing project has NOT BEEN PROPOSED." So what is the point? It's obvious that there IS NOT A SHORTAGE of land to be developed for homes.

I'm saddened by my own property being badly and permanently scarred by 2 large lots, that the original land owners developed in anticipation of making an HOA community, but then changed their minds.

Once the land is disturbed, it is never the same again. I'm not necessarily against developing more homes in the proposed project area, at some point in the future, but WHY NOW when there are SO MANY empty lots to be built on, in the same neighboring area, and especially with NO housing project proposed?

The whole plan reeks of the project sponsor, Thomas Hrubik, just needing a "new project"!

The above concerns regarding unnecessary scarring of the land with empty lots can be argued, too, under the Aesthetics Section, 1C.

I would argue that the box Potentially Significant Impact should be marked with an "X".

Trash: sadly the area of Bell Mountain is riddled with trash. I drive around in my own JohnDeere Gator trying to collect it all, but its just overwhelming. A lot of the trash I have collected is from the contractors building about 5 new homes in the development across Choco Rd (I assume phase 1,2 or 3 of this same proposal). They toss loose paper waste in their dumpster and the wind just carries it away. Guess whose land is going to be littered with uncontained waste when the land is developed eventually? Who shall I contact to come collect it? I am dead serious. I will need a name and a number!!

Lastly, the bike trails. The Bell Mountain area is the NUMBER ONE most popular mountain biking area in all of the high desert. I used to live in Wrightwood. I would drive to that area to bike ride. Now, I feel so blessed to have access to those trails right from my back gate!

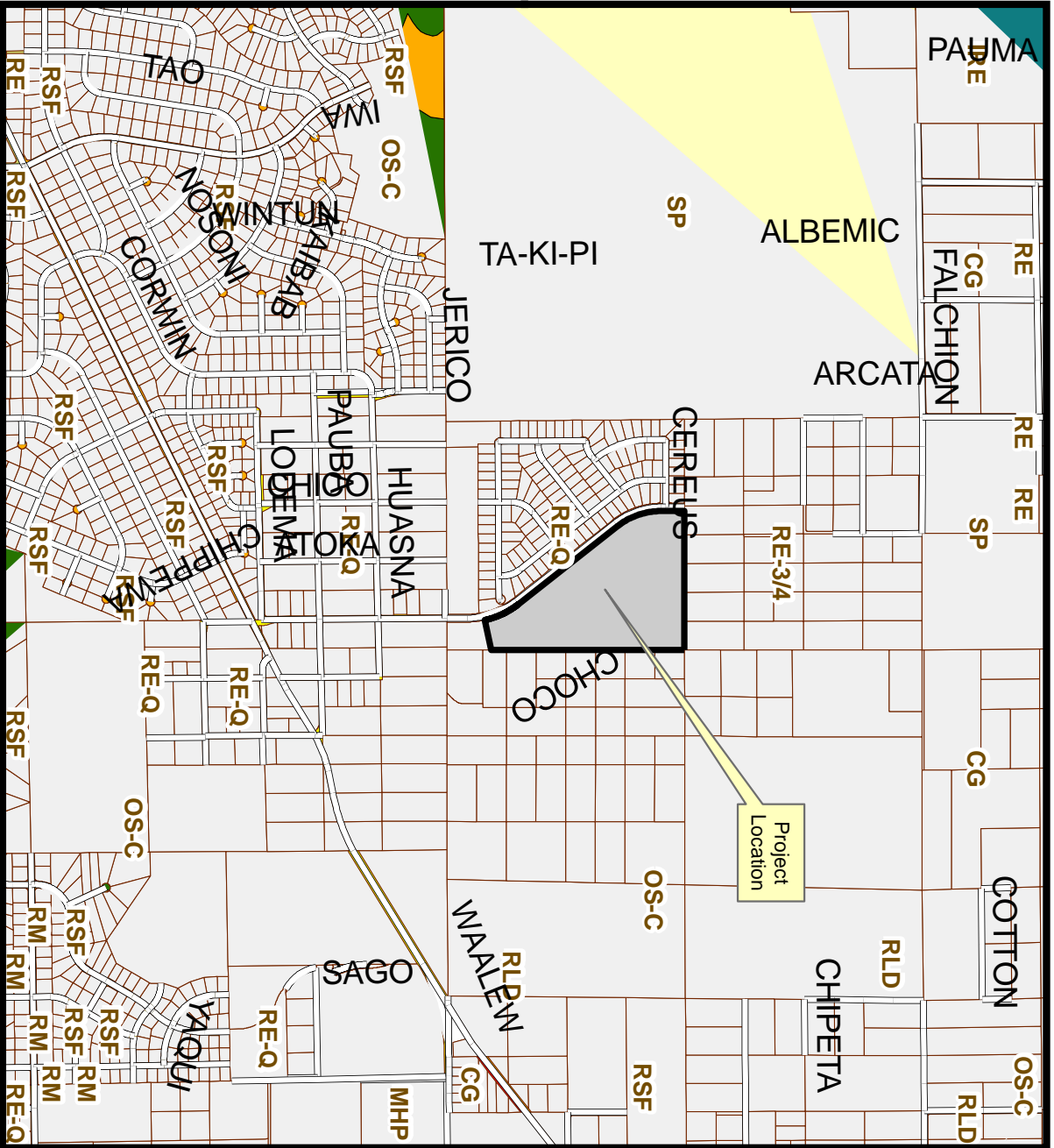
All of the bikers, including professional competitors and high school mountain biking teams access those trails from a few parking areas which happen to be in the proposed development site. Would Mr. Hrubik consider helping to develop a new trail head (possibly just North of the development)?

These are my concerns, Carol.

Thank you,

# ZONING/LOCATION MAP

Tentative Tract Map No. 20304



East side of Choco Road,  
 north of Huasna Road.

APN 0472-351-44



**Legend**

Tentative Tract Map No. 20304

|  |  |
|--|--|
|  | (R-1D) Low Density Residential (1 da/2.5 to 5 gross acres) |
|  | (R-1E) Estate Residential (1 da/1 to 2.5 gross acres)      |
|  | (R-1B) Estate Residential (1 da/1 to 2.5 gross acres)      |
|  | (R-2) Single Family Residential (1 da/0.4 to 0.9 net acre) |
|  | (R-3) Single Family Residential (1 da/0.4 to 0.9 net acre) |
|  | (R-4) Multi-Family Residential (2 to 20 duplex units)      |
|  | (MHP) Mobile Home Park                                     |
|  | (C-1) General Commercial                                   |
|  | (R-RE) Resource Education                                  |
|  | (O-SC) Open Space Conservation                             |
|  | (SP) Special Plan (Bridal Path)                            |

Date: 6/23/2020

MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

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

|                                     |   |
|-------------------------------------|---|
| Project Title:                      | Tentative Tract Map No. 20304   |
| Assessor's Parcel No.               | 0472-351-44   |
| Lead Agency Name and Address:       | Town of Apple Valley<br>14955 Dale Evans Parkway<br>Apple Valley, CA 92307  |
| Project Location:                   | East side of Choco Road, north of Husana Road.<br>SW ¼ of Section 31 of Township 6 North, Range 3 West. USGS<br><i>Apple valley North California 7.5'</i> Quadrangle. |
| Project Sponsor's Name and Address: | Thomas Hrubik<br>PO Box 2611<br>Apple Valley CA 92307   |
| General Plan Designation(s):        | Single Family Residential (R-SF)  |
| Zoning:                             | Residential Equestrian(R-EQ)  |
| Contact Person:                     | Town of Apple Valley<br>(760) 240-7000, Ext. 7222/ cmiller@applevalley.org  |
| Date Prepared                       | May 2020  |

**1. Description of the Project**

The proposal is to subdivide approximately fifty-five (55) acres into ninety-three (93) single-family lots. All lots are single-family residential and will range in size from 18,000 to 65,562 square feet with an average lot size of 21,217 square-feet. At this time a housing product has not been proposed. The subject area was the fourth phase of TTM 14515; however, this unrecorded phase of the map ultimately expired.

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

The subject site is vacant and is relatively undisturbed; however, previous tract development rough graded the future roads. The greatest disturbance is near Choco Road, where trespass trails and dirt has been dumped. There are only two (2) Joshua Trees present on the site. Topographically, the site is relatively flat at an elevation of 3,185-feet above mean sea level.

The site is bordered to the west (across Choco Rd) by single family homes and lots under construction within an existing subdivision. The lands to the north and east are vacant. Southerly of the site is a single family residence and vacant land.

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

None

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**MITIGATED NEGATIVE DECLARATION/INITIAL STUDY**

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**4. California Native American tribes**

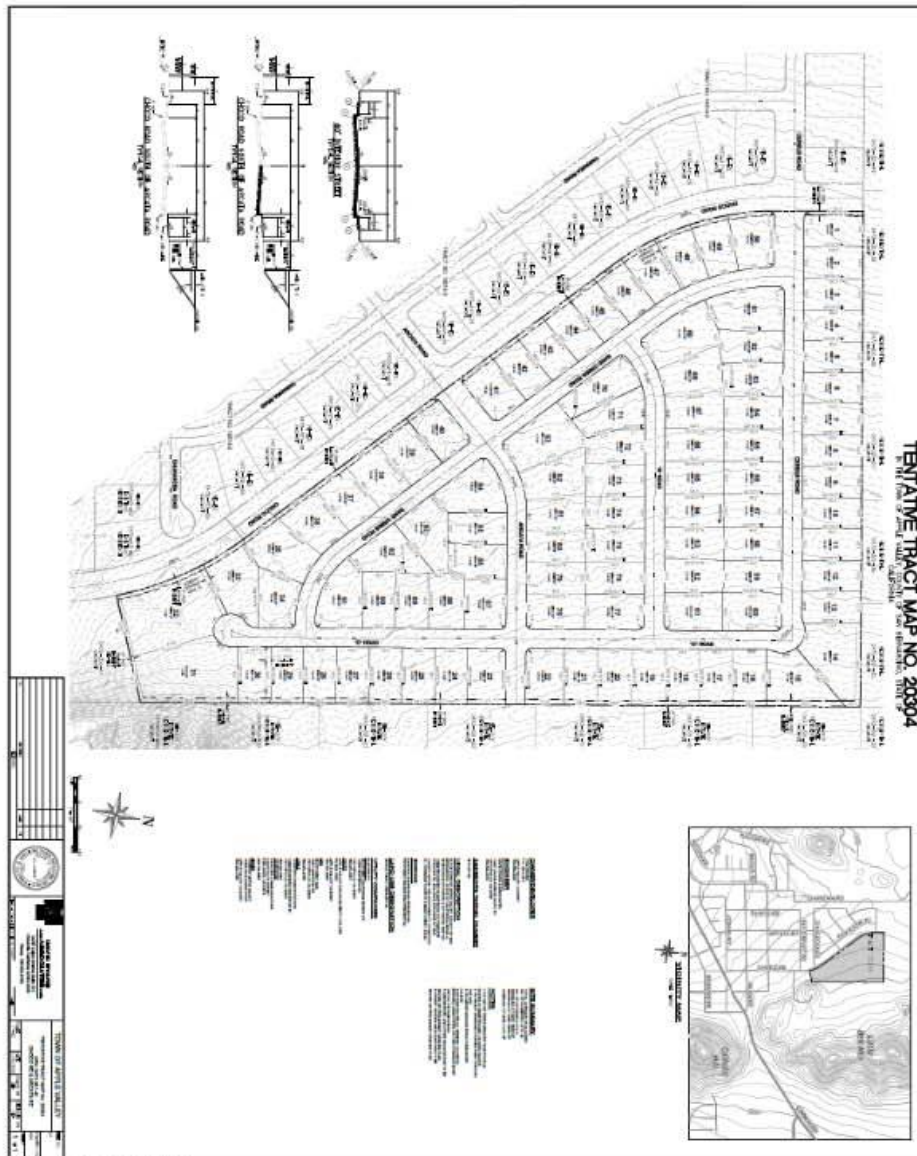
Pursuant to the requirements of Assembly Bill 52, the Town has received requests for consultation from Cabazon Band of Mission Indians, San Manuel Band of Mission Indians, Twenty-Nine Palms Band of Mission Indians and Torrez-Martinez Desert Cahuilla Indians. Notices were sent and the formal consultation period commenced on February 28, 2020 and ended on March 30, 2020. One (1) response was received from The San Manuel Band of Mission Indians (SMBMI) that indicated the project site is within the Tribe's ancestral territory; however, the site is just outside of the more sensitive Serrano landscape. SMBMI recommended language for Conditions of Approval in the event cultural resources are discovered during project activities.

Exhibit 1 – Project Aerial



MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

Exhibit 2 – Project Tract Map





**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 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

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MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

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**PURPOSE OF THIS INITIAL STUDY**

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

**EVALUATION OF ENVIRONMENTAL IMPACTS**

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

MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

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

**Discussion of Impacts**

- a. **Less Than Significant Impact.** The proposed project is not located within a Scenic Corridor. However, there are views of the San Bernardino Mountains to the south and southeast provide the dominant scenic vistas from the project site. Other smaller scale mountain ranges are also visible from the project site. The development of the proposed project would result in the construction of ninety-three (93) single-family dwelling units. The construction of the proposed dwelling units does not appear that future homes will obstruct views of the mountains for future residences to north of the site. 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 some evidence of trespass traversing the site, but the large sections of the site do not show signs of being disturbed, with some scattered native flora. Completion of the proposed project would result in the development of residential uses on the site and removal of any native plants during the grading process. 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 to the west. 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. 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**

| <b>Would the project:</b>  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact                           |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

**Discussion of Impacts**

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

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.

| <b>Would the project:</b>   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/> |
| c) Expose sensitive receptors to substantial pollutant concentrations?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

- a. **Less Than Significant Impact.** The Town of Apple Valley is subject to the jurisdiction of the MDAQMD which sets forth policies and other measures designed to help the District achieve federal and state ambient air quality standards. These rules, along with the MDAQMD CEQA and Federal Conformity Guidelines 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 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

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MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

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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. 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 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.

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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. 20304**  
**(tons per year)**

| Construction Emissions <sup>1</sup> | CO  | NO <sub>x</sub> | ROG | SO <sub>2</sub> | PM <sub>10</sub> | PM <sub>2.5</sub> |
|-------------------------------------|-----|-----------------|-----|-----------------|------------------|-------------------|
| 2025-2029 Max per year              | 2.2 | 1.9             | 2.6 | 4.26            | 0.70             | 0.36              |
| MDAQMD Thresholds                   | 100 | 25              | 25  | 25              | 15               | 12                |
| Exceed?                             | No  | No              | No  | No              | No               | No                |

Annual 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.

**Table 2**  
**Operational Emissions Summary**  
**Tentative Tract Map No. 20304**  
**(tons per year)**

|                                    | CO   | NO <sub>x</sub> | ROG  | SO <sub>2</sub> | PM <sub>10</sub> | PM <sub>2.5</sub> |
|------------------------------------|------|-----------------|------|-----------------|------------------|-------------------|
| Operational Emissions <sup>1</sup> | 10.9 | 2.4             | 7.04 | 0.02            | 2.2              | 1.36              |
| MDAQMD Thresholds                  | 100  | 25              | 25   | 25              | 15               | 12                |
| Exceed?                            | No   | No              | No   | No              | No               | No                |

Annual emissions, unmitigated.  
 Source: CalEEMod model, version 2016.3.2

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| IV. BIOLOGICAL RESOURCES   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                           |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| <b>Would the project:</b>  |                                |  |                                     |                                     |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  | <input type="checkbox"/>       | <input 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 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 April 3, 2020, 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



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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 no owls or owl signs were seen on the property during the survey in September 2019; however, the study indicates the probability of owls moving onto the site in the future is relatively high based on the location of an active burrow within a few hundred feet of the subject property that was observed April 1, 2020.

**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. 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.
- 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

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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.** 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. While it is the intent and desire of the Town to preserve and protect all Joshua Trees, the study found that one (1) of two (2) Joshua Trees was suitable for transplanting on-site and has recommended removal of the other Joshua Tree.

BIO-3: A qualified approved arborist will be retained to conduct any future transplanting activities and will follow the protocol of the Town's Development Code. A qualified arborist shall develop a watering regimen to ensure the survival of the transplanted Joshua tree.

- 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.

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

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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 Duke CRM LLC, dated November 2019. A field survey of the site was performed on August 19, 2019. The historic artifacts encountered during the field study were not diagnostic to a time period and were heavily disturbed by modern activity. The condition of these artifacts, combined with the lack of documented archeological resources in the project area, suggests the project site has a low sensitivity for prehistoric archeology. Due to the shallow depth of the soil and previous ground disturbance in the project area, it is not anticipated to encounter intact buried cultural resources, and there is limited potential for impacts to archaeological resources. Therefore, development of the site would be considered a less than significant impact and no mitigation is necessary. During the AB 52 consultation process, correspondence was received by San Manuel Band of Mission Indians (SMBMI), and Jessica Mauck, from its Cultural Resource Management Department, does not believe any cultural resources will be impacted as a result of the project. However, SMBMI requested language for Conditions of Approval in the event cultural resources are discovered during project activities.
- c. **Less than Significant Impact.** The proposed project site is not known to have been utilized for religious or sacred purposes. No evidence is in place to suggest the project site has been used for human burials. During the AB 52 consultation process, correspondence was received by San Manuel Band of Mission Indians (SMBMI), and Jessica Mauck, from its Cultural Resource Management Department, does not believe any cultural resources will be impacted as a result of the project. However, SMBMI requested language for Conditions of Approval in the event cultural resources are discovered during project activities. If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. As adherence to State regulations is required for all development, no mitigation is required in the unlikely event human remains are discovered on-site. Impacts associated with this issue are considered less than significant.

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

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**Discussion of Impacts**

- a) Construction of the ninety-three (93) 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 or the standards at the time of construction.

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

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

**VII. GEOLOGY AND SOILS**

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                           |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| <b>Would the project:</b>  |                                |  |                                     |                                     |
| a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:   |                                |  |                                     |                                     |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| ii) Strong seismic ground shaking?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

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| VII. GEOLOGY AND SOILS   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                           |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| <b>Would the project:</b>  |                                |  |                                     |                                     |
| iii) Seismic-related ground failure, including liquefaction?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iv) Landslides?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <p>a (i) <b>No Impact.</b> 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.<br/> <b>Source:</b> Town of Apple Valley, General Plan EIR</p>   |                                |  |                                     |                                     |
| <p>a(ii) <b>Less than Significant Impact.</b> 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.</p> |                                |  |                                     |                                     |
| <p>a(iii) <b>Less Than Significant Impact.</b> 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</p>  |                                |  |                                     |                                     |

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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.** As discussed above, the proposed project site is considered to have a very low potential for liquefaction. The proposed project does not include wells or other uses that will withdraw groundwater. Subsidence of older alluvial materials at the project site is estimated to be 0.05 foot. Additionally, the artificial fill and windblown sand of older alluvium at the site (generally the upper one to three feet and locally up to seven to ten feet) are considered unsuitable to support pavement, fill, structures, walls, or other improvements in their current state. As such, the proposed project site could result in significant impacts related to unstable soil. Adherence to the UBC, CBC, and Town design and engineering standards would ensure impacts associated with unstable soil remain less than significant.
- 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.

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

Town of Apple Valley  
 May 2020

Tentative Tract Map No. 20304  
 Mitigated Negative Declaration/Initial Study

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**Discussion of Impacts**

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

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

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

**Table 3  
 Annual GHG Emissions  
 Tentative Tract Map 20304  
 (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                           |
| <b>Would the project:</b>   |                                |  |                              |                                     |
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or  | <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                           |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| <b>Would the project:</b>  |                                |  |                                     |                                     |
| waste within one-quarter mile of an existing or proposed school?   |                                |  |                                     |                                     |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| a,b) <b>No Impact.</b> The proposed project consists of the subdividing the land and the eventual construction of residential homes. 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) <b>No Impact.</b> 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) <b>No Impact.</b> 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) <b>Less than Significant Impact.</b> The subject area is located within two-miles of a designated airport land use. The Apple Valley Airport is located approximately 1.8 miles northeasterly of the subject site. The Town will consult with the county to assure compatibility.   |                                |  |                                     |                                     |
| f) <b>Less than Significant Impact.</b> 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   |                                |  |                                     |                                     |



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applicable roadways to comply with applicable local, regional, State and/or Federal requirements related to emergency access and evacuation plans. Construction activities, which may temporarily restrict vehicular traffic, will be required to implement measures to facilitate the passage of persons and vehicles through/around any required road closures. Adherence to these measures will reduce potential impacts related to this issue to a less than significant level.

- g. **Less than Significant Impact.** The magnitude and severity of a wildfire event is measured by calculating the number of acres burned in a specific wildfire event. CAL Fire adopted a Fire Hazard Severity Zone map for the local responsible agencies in 2008, which is found within the Town's Hazard Mitigation Plan for 2017. The Fire Severity Zones are identified as Very High, High, and Moderate through the County of San Bernardino. Apple Valley has nothing higher than moderate fire hazard severity. The project 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**

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

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

**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 (Liberty Utilities) that has indicated that there is currently sufficient capacity in the existing water system to serve the anticipated needs of the project.

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- 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 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.

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| XI. LAND USE AND PLANNING   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact                           |
|---|--------------------------------|--|------------------------------|-------------------------------------|
| <b>Would the project:</b>   |                                |  |                              |                                     |
| a) Physically divide an established community?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| <b>Discussion of Impacts</b>  |                                |  |                              |                                     |
| a,b: <b>No Impact.</b> The project proposes development on vacant land adjacent to existing residential development to the west across Choco Rd. The project represents a continuation of the surrounding residential uses. Development of the site will not divide an existing neighborhood, nor would it introduce a barrier between residential uses. Therefore, no impacts associated with physically dividing an established neighborhood are anticipated. |                                |  |                              |                                     |

| XII. MINERAL RESOURCES  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact                           |
|---|--------------------------------|--|------------------------------|-------------------------------------|
| <b>Would the project:</b>   |                                |  |                              |                                     |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?                                | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| <b>Discussion of Impacts</b>  |                                |  |                              |                                     |
| a. <b>No Impact.</b> The sites are not designated as a State Aggregate Resource Area according to the General Plan FEIR; therefore, there is no impact.               |                                |  |                              |                                     |
| b. <b>No Impact.</b> The sites are not designated by the General Plan as a Mineral Resource Zone; therefore, there is no impact.                                      |                                |  |                              |                                     |

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| XIII. NOISE   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                           |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| <b>Would the project result in:</b>   |                                |  |                                     |                                     |
| a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?   | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| b) Generation of excessive groundborne vibration or groundborne noise levels?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Discussion of Impacts**

- a. **Less than Significant Impact with Mitigation.** Sensitive receptors within the project vicinity that may be affected by increased noise levels associated with the proposed project include single-family residences adjacent to 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 Choco Road, a noise impact roadway at ultimate building out. A Noise Study was prepared by Eilar Associates Inc dated September 2019. The study concluded that as the tract is designed, the noise impacts are not expected to exceeded 65 dBA CNEL at any outdoor use areas of the project site.

**Mitigation Measures**

**N-1** A six (6)-foot high solid concrete masonry wall constructed along Choco 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.

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**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.

**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 ninety-three (93) 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.

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**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**

**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:

|                             | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                |
|-----------------------------|--------------------------------|--|-------------------------------------|--------------------------|
| 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 2 miles from the station located on Highway 18 and Kamana. 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

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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 ninety-three (93) 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 ninety-three (93) dwelling units would increase the current population. 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.

- 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                           |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| <b>Would the project:</b>  |                                |  |                                     |                                     |
| a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?     | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Discussion of Impacts**

- a. **Less than Significant Impact.** The project proposes development of ninety-three (93) 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. Two (2) 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 Corwin Park and Brewster Park. This is a request to subdivide approximately fifty-five (55) acres into ninety-three (93) single-family



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residential lots in the Residential Equestrian (R-EQ) 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**

| Would the project:   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                           |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?           | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Result in inadequate emergency access?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

**Discussion of Impacts**

- a. **Less than Significant Impact.** Primary access to the site will be provided via Choco Road, with two access points from Choco Road. Regional access to the site is provided by Interstate 15 via an interchange on Highway 18. 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 to 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.

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- 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 on Choco Road with two access points. 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.

| <b>XVIII. TRIBAL RESOURCES</b>   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact  | No<br>Impact             |
|--|--------------------------------------|--|-------------------------------------|--------------------------|
| <b>Would the project:</b>  |                                      |  |                                     |                          |
| a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:   |                                      |  |                                     |                          |
| i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or   | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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. <b>Less than Significant Impact</b> A cultural resources assessment of the proposed project site was completed by Duke CRM dated November 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, correspondence was received by San Manuel Band of Mission Indians (SMBMI), and Jessica Mauck, from its Cultural Resource Management Department, does not believe any cultural resources will be impacted as a result of the project. However, SMBMI requested language for Conditions of Approval in the event cultural resources are discovered during project activities. |                                      |  |                                     |                          |

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

**Discussion of Impacts**

- a. **Less than Significant Impact.** There are existing utilities in the area to serve the project site. The construction of ninety-three (93) 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.

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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:

|  | 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. <b>Less than Significant Impact.</b> 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. |                                |  |                                     |                                     |

**MITIGATED NEGATIVE DECLARATION/INITIAL STUDY**

- 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 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"/> |
| d. <b>Less than Significant Impact.</b> The site is not within designated or proposed critical habitat for threatened or endangered species. Additionally, the proposed project site does not contain   |                                |  |                                     |                          |

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MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

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any wetlands, or riparian habitat. The proposed project site was identified as containing suitable habitat for 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 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.  
Eilar Associates Inc., Noise Study, September 6, 2019  
RCA Associates, Inc, Biological Resource Assessment, April 3, 2020  
RCA Associates, Inc, Native Plant Study, April 2020  
Duke CRM, Cultural & Paleontological Resources Assessment November 2019



## Planning Commission Agenda Report

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|                                     |  |                   |
|-------------------------------------|--|-------------------|
| <b>DATE:</b>                        | July 15, 2020  | <b>Item No. 4</b> |
| <b>CASE NUMBER:</b>                 | Conditional Use Permit No. 2020-002  |                   |
| <b>APPLICANT:</b>                   | Kamal Ebadpour   |                   |
| <b>PROPOSAL:</b>                    | A request to approve a Conditional Use Permit to expand an existing six (6) bed Residential Care Facility for Elderly (RCEF) to an eight (8) bed facility. The project site is 0.49 acres in size.   |                   |
| <b>LOCATION:</b>                    | 13224 Iroquois Road; APN 3087-141-25   |                   |
| <b>ENVIRONMENTAL DETERMINATION:</b> | The project is a minor alteration to an existing private structure, and pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301, Class 1, the proposal is Exempt from further environmental review. |                   |
| <b>CASE PLANNER:</b>                | Pam Cupp, Senior Planner   |                   |
| <b>RECOMMENDATION:</b>              | Approval   |                   |

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### PROJECT SITE AND DESCRIPTION

- A. Project Size:  
The project site is 0.49 acres in size.
- B. General Plan Designations:
- |              |   |                                  |
|--------------|---|----------------------------------|
| Project Site | - | Residential Single-family (R-SF) |
| North        | - | Residential Single-family (R-SF) |
| South        | - | Residential Single-family (R-SF) |
| East         | - | Residential Single-family (R-SF) |
| West         | - | Residential Single-family (R-SF) |
- C. Surrounding Zoning and Land Use:
- |              |   |  |
|--------------|---|--|
| Project Site | - | Residential Single-family (R-SF), residential care for elderly |
| North        | - | Residential Single-family (R-SF), single-family residence      |
| South        | - | Residential Single-family (R-SF), single-family residence      |

- East - Residential Single-family (R-SF), single-family residence
- West - Residential Single-family (R-SF), single-family residence

D. Site Characteristics:

The subject site is a 0.49-acre parcel located within the Residential Single-family (R-SF) zoning designation. The property has been developed with a single-family home on a level site that is fully fenced and landscaped. The residence fronts a paved street. The surrounding properties are developed with single-family residences.

E. Parking Analysis:

| Use   | Required | Proposed |
|---|----------|----------|
| 1 space per staff member on the largest shift (2) | 2        | 2        |
| 1 space per 3 residents (8 residents maximum)     | 3        | 3        |
| Total   | 5        | 5        |

ANALYSIS

A. General:

Pursuant to the Development Code, a Residential Care Facility, licensed by the State, may operate within any residential zoning designation with a maximum of six (6) residents. The applicant currently operates a six (6)-bed facility at the location and is proposing two (2) additional beds for a maximum occupancy of eight (8) residents. Therefore, a Conditional Use Permit approved by the Planning Commission is required.

B. Site Analysis:

The subject site is a 0.49-acre parcel located within the Residential Single-family (R-SF) zoning designation. The site is developed with an existing single-family residence with one (1) attached and one (1) detached two (2)-car garage. There are paved driveways to both garages. The site is completely enclosed with a wrought iron fence and block wall. The property includes exterior patio sitting areas for the residents. A minimum of five (5) on-site parking spaces are required for this proposal (Condition P11). The existing driveways can accommodate all required parking with no modifications required. Parking areas for the facility will blend with the residential character of the neighborhood.

The Development Code requires a 2,000-foot separation between Residential Care Facilities for Elderly and other sensitive uses such as schools, parks or religious institutions. The closest park, Norm Schmidt Park, is over one (1) mile from the site. The nearest school (Sitting Bull Academy) is over one (1) mile from the subject site.



C. Floor Plan Analysis:

The existing structure is a five (5) bedroom, three (3) bath single-family residence. The proposal does not include any expansion to the existing residential structure. The floor plan shows a large family room, kitchen, dining, and nook area. The applicant is proposing two (2) private bedrooms and three (3) bedrooms that could each be occupied by two (2) residents.

D. Operational Analysis:

The applicant currently holds a license issued by the State of California Department of Social Services to operate a six (6)-bed, residential care for the elderly. The facility may have six (6) non-ambulatory residence, four (4) of which may be bedridden, and the facility has a hospice waiver for six (6). The hospice waiver allows the licensee to accept and retain terminally ill residents and allows them to receive on-site care from a hospice agency. The facility has been licensed since March 6, 2014. The applicant is requesting approval to allow two (2) additional residents.

The facility will have a minimum of one (1) staff member on site at all times. The administrator will be on-site during normal business hours. One (1) guest is allowed per patient at any given time, by appointment only. The facility will provide 24-hour supervision and non-medical care.

Pursuant to the Development Code, residential care facilities licensed by the State, may operate within any residential zoning designation with a maximum of six (6) residents. Based upon the information provided, the additional two (2) residents will not change the overall characteristics of the single-family home or create significant impacts to the surrounding neighborhood. Should the Town determine that the congregate care facility is in violation of its Conditions of Approval, or finds that parking, traffic or noise problems exist on the site because of the operation, the Director may initiate revocation procedures and/or recommended additional mitigation measures for implementation as outlined within the Development Code and as stated under Condition P10.

E. Environmental Assessment:

The project is a minor alteration to an existing private structure, and pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301, Class 1, the proposal is Exempt from further environmental review.

F. Noticing:

The project was legally noticed in the Apple Valley News on July 3, 2020 and notices were mailed to all property owners within 300-feet of the project site. There have been no comments received in opposition, or in support of, Conditional Use Permit No. 2020-002.

G. 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 Residential Care Facility is located within the Single-family Residential (R-SF) zoning designation and is in compliance with the General Plan Land Use and zoning district that allows congregate care facilities for eight (8) residents within an existing single-family home, subject to approval of a Conditional Use Permit on the subject property.

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 subject site is 0.49-acre in size, currently developed with a single-family residence and is located on a local residential street (Iroquois Road). The proposal is designed with adequate setbacks and is fully landscaped in accordance with the Development Code. The operating characteristics of the residential care facility for eight (8) residents will not be detrimental to adjacent uses, residents, building, structures or natural resources.

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 is an existing single-family residence and is connected to all utilities. The project site has an on-site wastewater system sized appropriately for the use.

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 is not anticipated to create traffic beyond that of a typical single-family residential home. Traffic generated from the

project will not adversely impact the surrounding area, as the occupancy at any given time will not be greater than what is typically found in any residential neighborhood.

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

Comment: Adding two (2) additional residents to an existing six (6)-bed facility is not anticipated to have any effect upon environmental quality or natural resources. The project has been categorized as a minor alteration to an existing private structure, and pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301, Class 1, the proposal is Exempt from further environmental review.

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

Comment: Not applicable. No new construction is proposed.

Recommendation:

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

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section 15301, Class 1, the proposed request is Exempt from further environmental review.
2. Find the facts presented in the staff report support the required Findings for approval for Conditional Use Permit No. 2020-002 and adopt those findings.
3. Approve Conditional Use Permit No. 2020-002 subject to the attached Conditions of Approval.
4. Direct staff to file a Notice of Exemption.

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Site Plan
3. Floor plan
4. Site Photographs
5. Zoning Map

## TOWN OF APPLE VALLEY

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### **RECOMMENDED CONDITIONS OF APPROVAL** **Conditional Use Permit No. 2020-002**

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

#### **Planning Division Conditions of Approval**

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval, if not exercised, shall expire three (3) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the expiration date. The Conditional Use Permit becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. 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. Prior to approval of the Conditional Use Permit No. 2020-002 the following agencies shall provide written verification to the Planning Division that all pertinent conditions of approval and applicable regulations have been met:
  - Building and Safety
  - Apple Valley Fire Protection District
  - California Department of Public Health
- P4. Conditional Use Permit No. 2020-002 shall adhere to all requirements of the Development Code.
- P5. The filing of a Notice of Exemption requires the County Clerk to collect a documentary handling fee of fifty dollars (\$50.00). The fee must be paid in a timely manner in accordance with Town procedures. No permits may be issued until such fee is paid.

- P6. The approval of Conditional Use Permit No. 2020-002, 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.
- P7. The residence shall have a maximum occupancy of eight (8) residents and associated staff. Prior to Final Inspection, a copy of the facility license from the State of California Department of Social Services for eight (8) residents shall be provided to the Town and kept on file with the Planning Division.
- P8. It is the sole responsibility of the applicant on any permit, or other appropriate discretionary review application for any structure to submit plans, specifications and/or illustrations with the application that will fully and accurately represent and portray the structures, facilities and appurtenances, thereto, that are to be installed or erected if approved by the Commission. Any such plans, specifications and/or illustrations that are reviewed and approved by the Planning Commission at an advertised public hearing shall accurately reflect the structures, facilities and appurtenances expected and required to be installed at the approved location without substantive deviations, modifications, alterations, adjustments or revisions of any nature.
- P9. No major deviation, modification, alteration, adjustment or revision to or from the appearance, location, fixtures, features or appurtenances thereto of any type or extent shall be approved without said changes being first submitted to the Planning Commission for consideration and approval. Said review shall not rise to the level of a revision to the original Permit or other discretionary review, therefore, necessitating a new public hearing, but shall, instead, constitute a clarification of the Planning Commission's original approval.
- P10. If in the future the Town determines that parking, traffic or noise problems exist on site because of the facility operations or that, the facility is violation of Development Code or Conditions of Approval for CUP 2020-002, the Director may initiate revocation of CUP 2020-002. The applicant/property owner will be directed to prepare an analysis report of impacts and bear all associated cost of preparation of the analysis study. If the study indicates that the use does not comply with the Development Code or that there is parking, traffic, or noise impacts, the applicant/property owner shall be required to provide mitigation measures to be reviewed and approved by the Planning Commission.
- P11. The facility shall provide a minimum of five (5) on-site parking spaces.
- P12. All vehicle parking and maneuvering areas shall be paved.
- P13. All installed landscaping shall be maintained in a neat, orderly, disease and weed free manner at all times.
- P14. All lighting used for security purposes or safety-related uses shall be scheduled so light rays emitted by the fixture are projected below the imaginary horizontal plane passing through the lowest point of the fixture and in such a manner that the light is directed away from streets and adjoining properties. Light trespass to adjacent properties is prohibited.

- P15. The project site shall maintain a single-family residential character.
- P16. The facility shall obtain annually a Town of Apple Valley Business License.
- P17. All required State and/or Federal licenses for the Residential Care Facility for Elderly shall be posted within the premises and a copy shall be provided to the Town of Apple Valley Planning Division.
- P18. All County Environmental Health Department regulations and Community Care Licensing regulations shall be met at all times.
- P19. No Residential Care Facility for the Elderly shall be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident, that he or she:
  - a. May be determined to be or does, constitute a substantial risk or direct threat to the health or safety of other individuals; or
  - b. Has or may engage in conduct resulting in substantial physical damage to the property of others.
- P20. Conditional Use Permit No. 2020-002 is non-transferable and terminates if the structure is devoted to any use other than as a Residential Care Facility for the Elderly or if the structure fails to comply with the applicable health, safety, zoning and building codes.
- P21. Residential Care Facilities for the Elderly shall obtain annually a Town of Apple Valley Business License.
- P22. Up to two (2) residents shall be allowed to occupy one bedroom in Residential Care Facility for the Elderly.
- P23. Inspections of each Residential Care Facility for the Elderly, shall be conducted by the Apple Valley Fire Protection District in accordance with the requirements of the State Fire Marshall.
- P24. The Planning Commission, at its discretion, may impose additional operational conditions to ensure the compatibility of the facility with the neighborhood and to ensure the health and safety of a facility and the neighborhood in which the facility is located.

**Building and Safety Division Conditions of Approval**

- BC.1 Comply with the State of California Disability Access requirements.
- BC.2 Page two of the submitted building plans will be the conditions of approval.
- BC.3 Construction must comply with current California Building Codes and green Building Code.

**Public Works Division Conditions of Approval**

None.

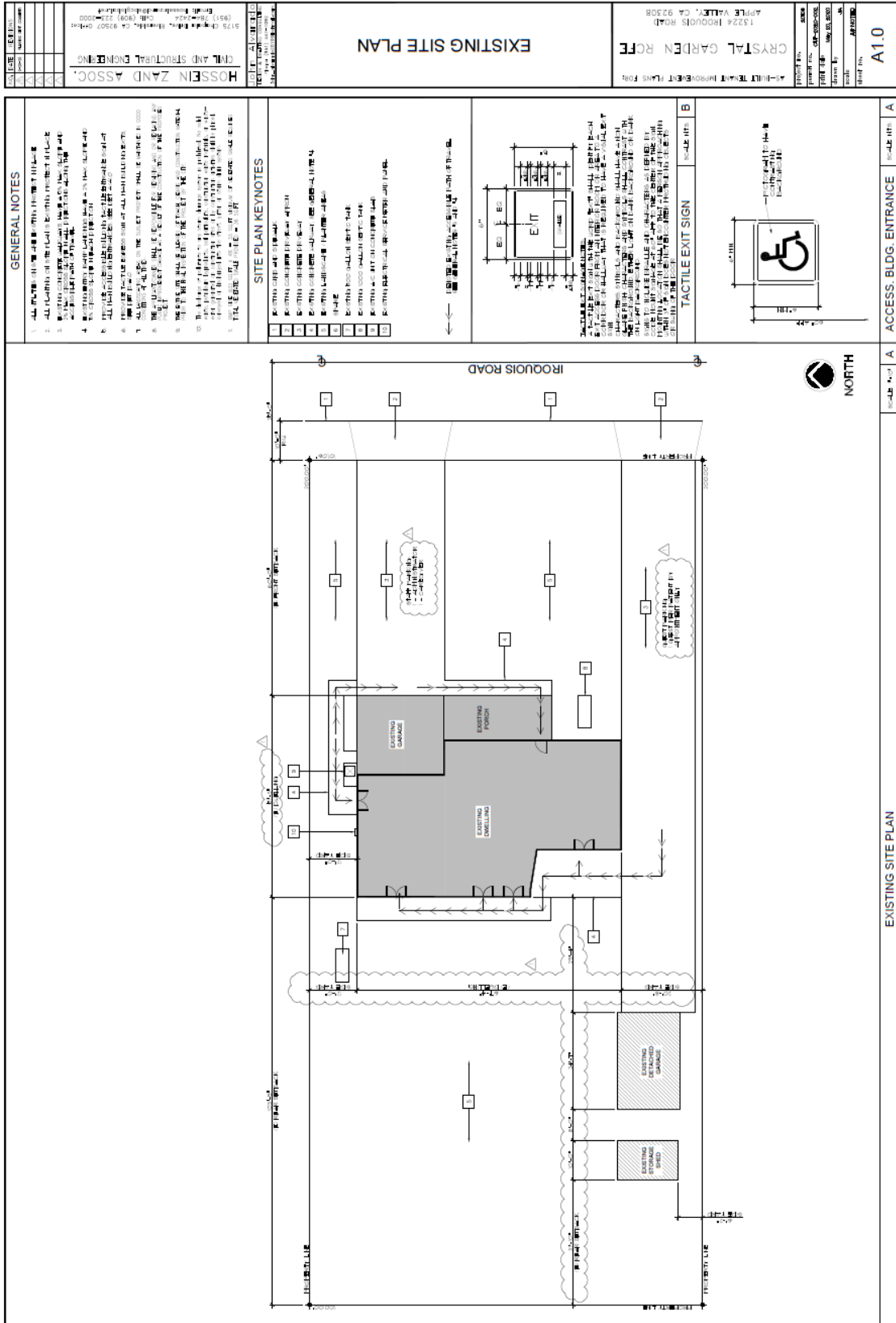
**Engineering Division Conditions of Approval**

None.

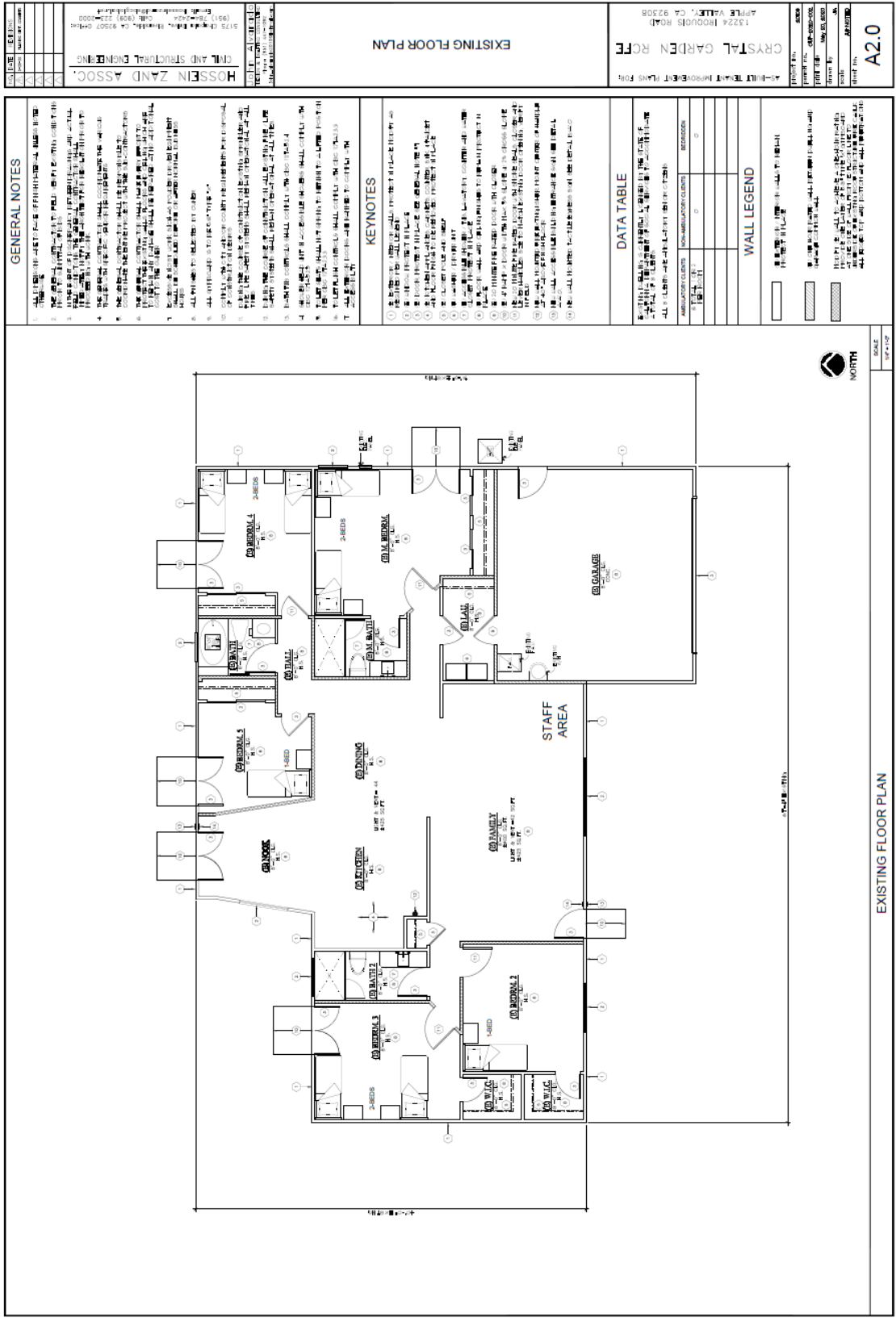
**Apple Valley Fire Protection District Conditions of Approval**

FD1. The above referenced project is protected by the Apple Valley Fire Protection District. Conditions of Approval shall be provided under separate cover.

**END OF CONDITIONS**







**GENERAL NOTES**

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE (CBC) AND ALL APPLICABLE LOCAL ORDINANCES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
3. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME AND SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE APPLICABLE AGENCIES.
4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.
5. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE APPLICABLE AGENCIES.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
7. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME AND SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE APPLICABLE AGENCIES.
8. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.
9. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE APPLICABLE AGENCIES.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

**KEYNOTES**

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE (CBC) AND ALL APPLICABLE LOCAL ORDINANCES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
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10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

**DATA TABLE**

| NO. | DESCRIPTION | QUANTITY | UNIT  |
|-----|-------------|----------|-------|
| 1   | CONCRETE    | 0        | CU YD |
| 2   | STEEL       | 0        | TON   |
| 3   | BRICK       | 0        | SQ YD |
| 4   | CEMENT      | 0        | TON   |
| 5   | AGGREGATE   | 0        | CU YD |
| 6   | PAINT       | 0        | GA    |
| 7   | GLASS       | 0        | SQ FT |
| 8   | ROOFING     | 0        | SQ FT |
| 9   | MECHANICAL  | 0        | TON   |
| 10  | ELECTRICAL  | 0        | TON   |
| 11  | PLUMBING    | 0        | TON   |
| 12  | INSULATION  | 0        | CU YD |
| 13  | CEILING     | 0        | SQ FT |
| 14  | FLOORING    | 0        | SQ FT |
| 15  | WALLS       | 0        | SQ FT |
| 16  | DOORS       | 0        | EA    |
| 17  | WINDOWS     | 0        | EA    |
| 18  | MECHANICAL  | 0        | TON   |
| 19  | ELECTRICAL  | 0        | TON   |
| 20  | PLUMBING    | 0        | TON   |
| 21  | INSULATION  | 0        | CU YD |
| 22  | CEILING     | 0        | SQ FT |
| 23  | FLOORING    | 0        | SQ FT |
| 24  | WALLS       | 0        | SQ FT |
| 25  | DOORS       | 0        | EA    |
| 26  | WINDOWS     | 0        | EA    |

**WALL LEGEND**

- 1. 1/2" CMU WITH GROUTED JOINTS
- 2. 1/2" CMU WITH GROUTED JOINTS AND WEATHER STRIPPING
- 3. 1/2" CMU WITH GROUTED JOINTS AND WEATHER STRIPPING AND INSULATION
- 4. 1/2" CMU WITH GROUTED JOINTS AND WEATHER STRIPPING AND INSULATION AND WEATHER STRIPPING
- 5. 1/2" CMU WITH GROUTED JOINTS AND WEATHER STRIPPING AND INSULATION AND WEATHER STRIPPING AND WEATHER STRIPPING
- 6. 1/2" CMU WITH GROUTED JOINTS AND WEATHER STRIPPING AND INSULATION AND WEATHER STRIPPING AND WEATHER STRIPPING AND WEATHER STRIPPING
- 7. 1/2" CMU WITH GROUTED JOINTS AND WEATHER STRIPPING AND INSULATION AND WEATHER STRIPPING AND WEATHER STRIPPING AND WEATHER STRIPPING
- 8. 1/2" CMU WITH GROUTED JOINTS AND WEATHER STRIPPING AND INSULATION AND WEATHER STRIPPING AND WEATHER STRIPPING AND WEATHER STRIPPING
- 9. 1/2" CMU WITH GROUTED JOINTS AND WEATHER STRIPPING AND INSULATION AND WEATHER STRIPPING AND WEATHER STRIPPING AND WEATHER STRIPPING
- 10. 1/2" CMU WITH GROUTED JOINTS AND WEATHER STRIPPING AND INSULATION AND WEATHER STRIPPING AND WEATHER STRIPPING AND WEATHER STRIPPING

**CRISTAL GARDEN RCFE**  
 13224 IRWOODS ROAD  
 APPLE VALLEY, CA 92308

**HOSEIN ZAIN ASSOC.**  
 CIVIL AND STRUCTURAL ENGINEERING  
 5175 21ST AVENUE, SUITE 200, COSTA MESA, CA 92626  
 (949) 261-1111  
 www.hzain.com

**A2.0**

DATE: 07/15/2020  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 SCALE: 1/8" = 1'-0"

















Conditional Use Permit No. 2020-002

13224 Iroquois Road  
 APN 3087-141-25

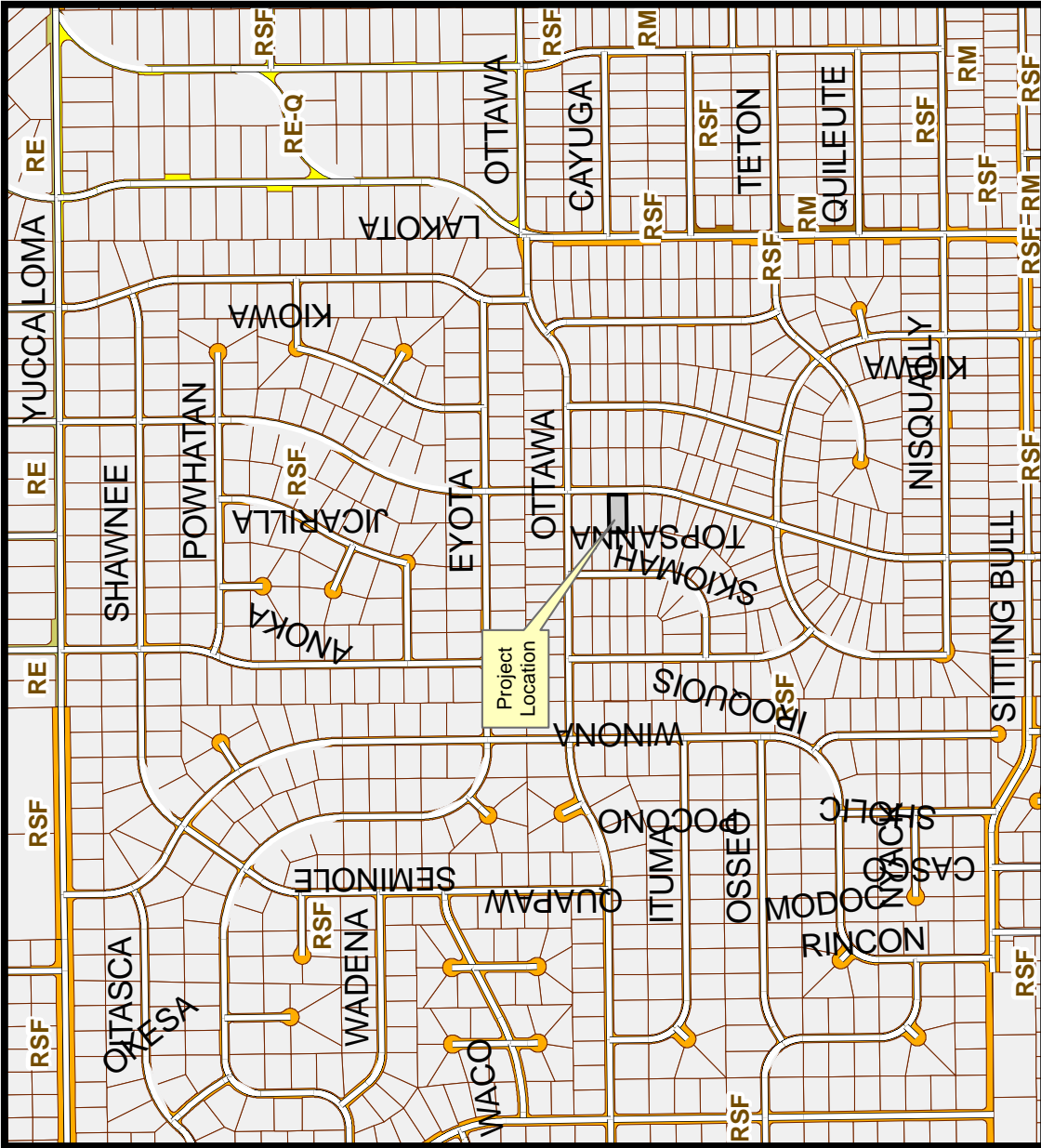


Legend

|                 |  |
|-----------------|--|
| [Black outline] | CUP 2020-002   |
| [Light Green]   | Estate Residential (1 du/1 to 2.2 gross acres)       |
| [Light Yellow]  | Equestrian Residential (1 du/0.4 to 0.9 net acre)    |
| [Yellow]        | Single Family Residential (1 du/0.4 to 0.9 net acre) |
| [Orange]        | Multi-Family Residential (20+ du/1 net acre)         |
| [Dark Orange]   | Multi-Family Residential (20+ du/1 net acre)         |

Date: 7/8/2020

ZONING/LOCATION MAP





## Planning Commission Agenda Report

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|                                     |  |            |
|-------------------------------------|--|------------|
| <b>DATE:</b>                        | July 15, 2020  | Item No. 5 |
| <b>CASE NUMBER:</b>                 | Development Code Amendment No. 2020-005 ( <i>Continued from July 1<sup>st</sup></i> )  |            |
| <b>APPLICANT:</b>                   | Town of Apple Valley   |            |
| <b>PROPOSAL:</b>                    | An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying provisions relating to landscape setbacks regulations for commercial development  |            |
| <b>LOCATION:</b>                    | Commercial Zoning Districts Town-wide  |            |
| <b>ENVIRONMENTAL DETERMINATION:</b> | Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA. |            |
| <b>PREPARED BY:</b>                 | Ms. Lori Lamson, Assistant Town Manager  |            |
| <b>RECOMMENDATION:</b>              | Adopt Planning Commission Resolution No. 2020-003.   |            |

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### **BACKGROUND**

The Town Council initiated a Development Code Amendment on November 12, 2019 to consider modifying the requirements for landscaping and parking lot setbacks. The Council has requested that staff present language to the Planning Commission that would relax the standards for commercial infill development, commercial centers and gas stations and determine appropriate methods that would enable easier ways to request modification or allow for unique landscape design that would be compatible with the surrounding development.

### **ANALYSIS**

In the discussions by the Town Council regarding setbacks for commercial projects, the idea of allowing a reduced setback for smaller properties, such as two (2) acres or less, was supported. Gas stations, despite their size, could be included in this setback reduction for smaller lots. The parcel line determination for projects requiring dedication of right of way was supported for measuring setbacks from the ultimate right-of-way rather than the existing right-of-way. However, flexibility was encouraged, allowing encroachment of required landscaping into the undeveloped right-of-way, with the approval of a Deviation Permit. Additional conversation led to support of allowing a reduction in setbacks and landscaping, if an adjacent parcel is developed with smaller landscaping and/or setback. This could be accomplished through a Deviation Permit which requires Director approval.

The Council also discussed the reduction of setbacks for parking spaces and aisles adjacent to interior or rear property lines, provided that a taller wall be erected at the property line. This can be accomplished through a Deviation Permit, subject to a minimum 8-foot block wall being built at the property line adjacent to a residential use.

For commercial projects larger than two (2) acres, the Council wanted to promote creativity and individual design and thought an option to provide a landscape program for the entire site would allow modifications to the street setbacks and landscape design criteria. The landscape program, unique to the development, may reduce the overall landscape and setback requirements through a Deviation Permit that would be reviewed and approved by the Planning Commission.

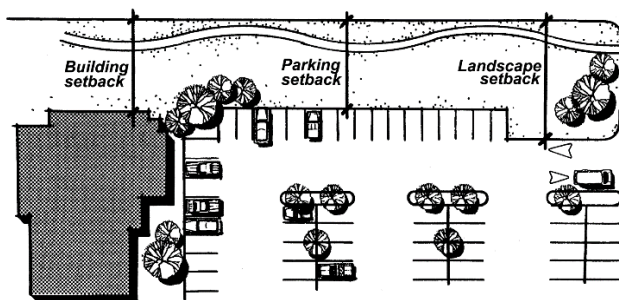
Staff is recommending the following modifications to incorporate the changes discussed above, including the removal of Figure 9.72.080.A, which does not provide beneficial information with the proposed changes. The text provided in underline is new and the strikethrough text is proposed for removal:

## **9.72.080 Landscaping and Screening Requirements**

### **A. Landscape Coverage...**

- 1.** A minimum of five (5) percent of the interior of parking lots shall be landscaped.
- 2.** For lots or commercial centers greater than two (2) acres in size, a landscaped strip with a minimum width of ten (10) feet shall be provided where parking lots are adjacent to a public right-of-way or residential uses or districts. For lots or commercial centers two (2) acres or less in size, a landscape strip with a minimum of five (5) feet shall be provided, where parking lots are adjacent to a public right-of-way or residential uses or districts. For gas stations, regardless of size, a landscape strip with a minimum of five (5) feet shall be provided, where parking lots are adjacent to a public right-of-way or residential uses or districts. The required setback between parking lots adjacent to residential uses or districts can be reduced with a Deviation Permit approved by the Director and the erection of a minimum eight (8)-foot high, concrete block wall adjacent to the property line. If the commercial parcel or center is adjacent to an existing commercial development with a landscaped setback strip that is less than the required amount specified above, a reduction in width is permitted. This reduction in width must be

similar in width of the adjacent landscaped setback, and designed with a gradual taper, back to the required width on the subject parcel or center.



**Figure 9.72.080-A Landscape Areas**

3. Provide a minimum of one (1) tree (minimum fifteen (15) gallon size when planted) for each seven (7) parking spaces located so as to visually disrupt long rows of parking spaces, trees may be clustered where appropriate.
4. Landscaping along a property line abutting vacant property shall utilize a concrete curb, a block wall, or a mowing strip (at least four (4) inches wide and six (6) inches deep) along said property line for definition.
5. All landscaped areas shall be bordered by a concrete curb and shall be at least five (5) feet wide. Concrete mow strips at least four (4) inches wide and six (6) inches deep shall be used to separate turf areas from shrub areas.
6. Low walls, berms or landscaping, thirty-six (36) to forty-two (42) inches in height, as measured from the finished grade of the parking area, shall be used adjacent to public rights-of-way to screen the parking area. The height of such wall or berm may be reduced where the parking lot grade is lowered (Figure 9.72.080-B).
7. All areas within a parking lot not used for driveways, maneuvering areas, parking spaces, aisles or walkways shall be permanently landscaped.
8. Parking and driveway areas in commercial and residential zoning districts shall be separated from buildings by a landscaped planter.
9. Where a drive aisle abuts the side of a parking space a landscaped planter shall separate the parking space from the drive aisle.
10. For purposes of determining landscaped setbacks, the parcel line adjacent to the right-of-way shall be the ultimate right-of-way. If the ultimate right-of-way has been dedicated, but will not be immediately improved, encroachment of the required landscaping may occur within the right-of-way with the approval of a Deviation Permit by the Director.
11. To encourage creativity and unique landscape design, commercial centers greater than two (2) acres in size may deviate from the landscape standards through development of a landscape program approved by a Deviation Permit approved by the Planning Commission. An additional finding must be made by the Planning Commission explaining how the

design of the overall landscape program compliments the development and the reduction in landscaping does not degrade the appearance of the project or the surrounding area.

**Footnote 11 in Table 9.35.040-A** - amended to include reference to Section 9.72.080.A to read as follows:

11. ...Refer to Section 9.25.030.E and 9.72.080.A for deviations to this requirement.

## **NOTICING**

Development Code Amendment No. 2020-05 was advertised as a public hearing in the Apple Valley News newspaper on June 19, 2020.

## **FINDINGS**

An amendment to the Development Code requires that the Planning Commission address two (2) required "Findings", as listed within Development Code Section 9.06.060. For Commission consideration, the required Findings are listed below, along with a comment addressing each. If the Commission concurs with these comments, they may be adopted and forwarded to the Council for its consideration of the Development Code Amendment. If the Commission wishes modifications to the offered comments, after considering input and public testimony at the public hearing, modifications to the Findings and Code Amendment recommendations can be included into the information forwarded to the Council for consideration.

A. The proposed amendment is consistent with the General Plan; and

Comment: The amendment to the Development Code regarding landscaping and setback standards for parking lots will be consistent with the goals, policies and objectives in the General Plan for commercial development. The amended standards will continue to encourage creative, high quality design of commercial projects as described in Land Use Program 6.B.1. of the General Plan while providing flexibility and relief in the standards to encourage development and promote the local economy.

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

Comment: The amendment to the Development Code continues to provide adequate separation between commercial and sensitive uses, such as residential development, encouraging alternative ways to buffer and separate these uses. The amendment provide flexibility in the commercial development regulations that provides a safe and healthy environment and benefits the welfare of the Town and its residents.

## **ENVIRONMENTAL REVIEW**

Development Code Amendment No. 2020-005 will modify the regulations for landscaped setback and buffering requirements for commercial development. Public and environmental noticing requirements remain the same and each project as proposed for development will be subject to separate noticing and environmental review standards. The land use patterns remain the same as approved in the General Plan. As such, this amendment will not promote development beyond that anticipated within the Environmental Impact Report prepared for the Town's General Plan.

Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

### **RECOMMENDATION**

Following receipt of public input and discussion by the Commission, it is recommended that the Commission move to approve Planning Commission Resolution No. 2020-003 forwarding a recommendation that the Town Council amend Title 9 "Development Code" of the Town of Apple Valley Municipal Code as outlined within the staff report.

Attachment:

1. Draft Planning Commission Resolution No. 2020-003

**PLANNING COMMISSION RESOLUTION NO. 2020-003**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2020-005 AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING CHAPTER 9.72 “OFF-STREET PARKING AND LOADING REGULATIONS”, “SECTION 9.72.080 “LANDSCAPING AND SCREENING REQUIREMENTS” AS IT PERTAINS TO LANDSCAPING AND SCREENING REQUIREMENTS MODIFYING THE LANDSCAPED SETBACK REQUIREMENTS IN COMMERCIAL DEVELOPMENT**

**WHEREAS**, Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; and

**WHEREAS**, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

**WHEREAS**, specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by amending Chapter 9.72 “Off-Street Parking and Loading Regulations”, Section 9.72.080 “Landscaping and Screening Requirements” as it pertains to landscaped setback requirements in commercial development; and,

**WHEREAS**, on June 19, 2020, Development Code Amendment No. 2020-005 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

**WHEREAS**, staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA; and

**WHEREAS**, on July 15, 2020 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2020-005 receiving testimony from the public; and

**WHEREAS**, Development Code Amendment No. 2020-005 is consistent with Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

**NOW, THEREFORE, BE IT RESOLVED** that in consideration of the evidence presented at the public hearing, and for the reasons discussed by the Commissioners at said hearing, the Planning Commission of the Town of Apple Valley, California, does hereby resolve, order and determine as follows and recommends that the Town Council make the following findings and take the following actions:

**Section 1.** Find that the changes proposed by Development Code Amendment No. 2020-005 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

**Section 2.** Pursuant to Section 21080.17 of the State Guidelines to Implement the California Environmental Quality Act (CEQA), this proposal is exempt because CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.1 or Section 65852.2 of the Government Code; and

**Section 3.** Remove Figure 9.72.080-A “Landscape Areas” and replace paragraphs Nos. 1 through 9 and add paragraphs Nos. 10 and 11 of subsection A. “Landscape Coverage” of Section 9.72.080 “Landscaping and Screening Requirements” of Chapter 9.72 “Off-Street Parking and Loading Regulations” to read as follows:

### **9.72.080 Landscaping and Screening Requirements**

#### **A. Landscape Coverage...**

- 1.** A minimum of five (5) percent of the interior of parking lots shall be landscaped.
- 2.** For lots or commercial centers greater than two (2) acres in size, a landscaped strip with a minimum width of ten (10) feet shall be provided where parking lots are adjacent to a public right-of-way or residential uses or districts. For lots or commercial centers two (2) acres or less in size, a landscape strip with a minimum of five (5) feet shall be provided, where parking lots are adjacent to a public right-of-way or residential uses or districts. For gas stations, regardless of size, a landscape strip with a minimum of five (5) feet shall be provided, where parking lots are adjacent to a public right-of-way or residential uses or districts. The required setback between parking lots adjacent to residential uses or districts can be reduced with a Deviation Permit approved by the Director and the erection of a minimum eight (8)-foot high, concrete block wall adjacent to the property line. If the commercial parcel or center is adjacent to an existing commercial development with a landscaped setback strip that is less than the required amount specified above, a reduction in width is permitted. This reduction in width must be similar in width of the adjacent landscaped setback, and designed with a gradual taper, back to the required width on the subject parcel or center.
- 3.** Provide a minimum of one (1) tree (minimum fifteen (15) gallon size when planted) for each seven (7) parking spaces located so as to visually disrupt long rows of parking spaces, trees may be clustered where appropriate.
- 4.** Landscaping along a property line abutting vacant property shall utilize a concrete curb, a block wall, or a mowing strip (at least four (4) inches wide and six (6) inches deep) along said property line for definition.
- 5.** All landscaped areas shall be bordered by a concrete curb and shall be at least five (5) feet wide. Concrete mow strips at least four (4) inches wide and six (6) inches deep shall be used to separate turf areas from shrub areas.
- 6.** Low walls, berms or landscaping, thirty-six (36) to forty-two (42) inches in height, as measured from the finished grade of the parking area, shall be used adjacent to public rights-of-way to screen the parking area. The height of such wall or berm may be reduced where the parking lot grade is lowered (Figure 9.72.080-B).



7. All areas within a parking lot not used for driveways, maneuvering areas, parking spaces, aisles or walkways shall be permanently landscaped.
8. Parking and driveway areas in commercial and residential zoning districts shall be separated from buildings by a landscaped planter.
9. Where a drive aisle abuts the side of a parking space a landscaped planter shall separate the parking space from the drive aisle.
10. For purposes of determining landscaped setbacks, the parcel line adjacent to the right-of-way shall be the ultimate right-of-way. If the ultimate right-of-way has been dedicated, but will not be immediately improved, encroachment of the required landscaping may occur within the right-of-way with the approval of a Deviation Permit by the Director.
11. To encourage creativity and unique landscape design, commercial centers greater than two (2) acres in size may deviate from the landscape standards through development of a landscape program approved by a Deviation Permit approved by the Planning Commission. An additional finding must be made by the Planning Commission explaining how the design of the overall landscape program compliments the development and the reduction in landscaping does not degrade the appearance of the project or the surrounding area.

**Section 4.** Amend last sentence of footnote 11 of Table 9.35.040-A to read as follows:

11. ...Refer to Section 9.25.030.E and 9.72.080.A for deviations to this requirement.

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 15th day of July 2020.

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Chairman Bruce Kallen

ATTEST:

I, Maribel Hernandez, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 15th day of July 2020, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Ms. Maribel Hernandez, Planning Commission Secretary



## Planning Commission Agenda Report

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**DATE:** July 15, 2020 **Item No. 6**

**CASE NUMBER:** Development Code Amendment No. 2020-002

**APPLICANT:** Town of Apple Valley

**PROPOSAL:** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code that may remove Chapter 9.15 "Commercial/Industrial Revitalization Permits" as obsolete. All reductions to development standards afforded by Chapter 9.15 could remain as available options through the Deviation Permit process.

**LOCATION:** Commercial and Industrial Zones, Town wide

**ENVIRONMENTAL DETERMINATION:** Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

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

**RECOMMENDATION:** Adopt Planning Commission Resolution No. 2020-002

### **BACKGROUND**

At the May 1, 2019 joint meeting of the Town Council and Planning Commission. Staff was directed by the Council to work with the Planning Commission to expand Section 9.15 "Commercial/Industrial Revitalization Permits" to allow for new construction and expansion in Village and infill development Town-wide by allowing more exemptions and relief in parking, setbacks, etc. to be reviewed by the Director.

## **ANALYSIS**

The Revitalization Permit offers several options for reduction to development standards. This relief is available to existing commercial and industrial developments that were constructed prior to adoption of the original Towns Development Code. The intent of Chapter 9.15 “Commercial/Industrial Revitalization Permits” was to encourage the revitalization of the commercial and industrial areas, particularly the Village.

Relief offered through the Revitalization Permit is less than the development standard reductions that may be awarded through the Deviation and Development Permit processes. The Commercial/Industrial Revitalization Permit offers a ten (10) percent reduction to building setbacks. The Deviation Permit process could allow up to a twenty (20) percent reduction to the setbacks. The Commercial/Industrial Revitalization Permit allows a project to reduce its parking spaces to what would be required for the use on-site. Today, a special permit would not be required to remove excessive parking. The Commercial/Industrial Revitalization Permit allows a minimum perimeter landscape buffer of five (5) feet, which is an existing development standard. Lastly, the Commercial/Industrial Revitalization Permit allows a reduction of parking lot landscaping from five (5) percent of the parking lot to two (2) percent for Industrial Districts and reduction to three (3) percent for Commercial Districts. Lastly, the Commercial/Industrial Revitalization Permit allows parking lot landscaping to count towards the required landscaping for the site. The existing Development Code includes the parking lot landscaping as total site landscaping and offers landscape area reductions through the Deviation Permit process.

The intent of the Commercial/Industrial Revitalization Permit is to provide a process and incentives to encourage redevelopment; however, the reduced standards offered through this process are today’s development standard, or reductions currently available through the Deviation Permit process. Staff could not locate records of this Permit having ever been utilized; therefore, it is quite possible that the Chapter was carried over from the Town’s adoption of the County’s Development Code. The Commission may consider expanding the existing reductions found in Chapter 9.15 to include those reductions afforded under a Deviation Permit. Alternatively, the Commission may find that Chapter 9.15 is obsolete and remove Chapter 9.15 “Commercial/Industrial Revitalization Permits” from the Code in its entirety.

The Commission may wish to consider the continued advancement of revitalization with the following modification to Paragraph E of Section 9.25.030 “Standards” of Chapter 9.25 “Deviation Permits”:

- E. For **new construction on** substandard **lots or vacant** and **revitalization of** developed commercial **or industrial properties** ~~lots in all Commercial Districts,~~ deviations to one or all of the following standards may be allowed **when reviewed concurrently with a Development Permit:**
  1. Reduction of landscape planter width in areas adjacent to parking areas or drive aisles no less than a minimum of two (2) feet in width. (Section 9.72.060)

2. Reduction in the minimum landscape area of the site from ten (10) percent to no less than five (5) percent. (Section 9.35.040)
3. Maximum ten (10) percent reduction for interior side setbacks and a twenty (20) percent reduction for rear setbacks.

On November 12, 2019, Town Council adopted Ordinance 521 which substantially increased the types of development standards that could be reduced through the Deviation Permit process. Staff would recommend removing Chapter 9.15 in its entirety and modify Chapter 9.25 “Deviation Permits” as shown above to include commercial and industrial revitalization as activities eligible for certain development standard relief through the Deviation Permit process. This would promote the Town Councils direction to allow for new construction and expansion in Village and infill development Town-wide by allowing more exemptions and relief in parking, setbacks, etc. to be reviewed by the Director.

## **FINDINGS**

An amendment to the Development Code requires that the Planning Commission address two (2) required “Findings”, as listed within Development Code Section 9.06.060. For Commission consideration, the required Findings are listed below, along with a comment addressing each. If the Commission concurs with these comments, they may be adopted and forwarded to the Council for its consideration of the Development Code Amendment. If the Commission wishes modifications to the offered comments, after considering input and public testimony at the public hearing, modifications to the Findings and Code Amendment recommendations can be included into the information forwarded to the Council for consideration.

- A. The proposed amendment is consistent with the General Plan; and

Comment: The General Plan is the blueprint for the community’s future growth. Specific Goals and Objectives are provided within each of the adopted General Plan’s State-mandated Elements. The proposed amendment will remove Development Code Chapter 9.15 “Commercial/Industrial Revitalization Permit” as obsolete, providing the same opportunity for reduced standards through the Deviation Permit process. The proposal will not create any changes to current development standards or procedures. Therefore, as proposed, this amendment is consistent with the General Plan.

- B. The proposed amendment will not be detrimental to the public health, safety or welfare of the Town or its residents.

Comment: The proposed amendment will remove Development Code Chapter 9.15 “Commercial/Industrial Revitalization Permit” as obsolete and providing an opportunity for reduced standards through the Deviation Permit

process instead. The proposal will not create any changes to current development standards or procedures. Therefore, the changes proposed under Development Code Amendment No. 2020-002 will not be materially detrimental to the public health, safety or welfare of the Town or its residents.

### **NOTICING**

Development Code Amendment No. 2020-002 was advertised as a public hearing in the Apple Valley News newspaper on June 19, 2020.

### **ENVIRONMENTAL REVIEW**

Development Code Amendment No. 2020-002 will remove Development Code Chapter 9.15 “Commercial/Industrial Revitalization Permit” as obsolete, providing the same opportunity for reduced standards through the Deviation Permit process. As proposed, this amendment will not promote development beyond that anticipated within the Environmental Impact Report prepared for the Town’s General Plan.

Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

### **RECOMMENDATION**

Following receipt of public input and discussion by the Commission, it is recommended that the Commission move to approve Planning Commission Resolution No. 2020-002 forwarding a recommendation that the Town Council amend Title 9 “Development Code” of the Town of Apple Valley Municipal Code as outlined within the staff report.

Attachment:

Draft Planning Commission Resolution No. 2020-002

**PLANNING COMMISSION RESOLUTION NO. 2020-002**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2020-002 AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY REMOVING CHAPTER 9.15 “COMMERCIAL/INDUSTRIAL REVITALIZATION PERMIT” AS OBSOLETE, AND MODIFY CHAPTER 9.25 “DEVIATION PERMITS” BY INCLUDING COMMERCIAL AND INDUSTRIAL REVITALIZATION AS AN ELEGIBLE ACTIVITY TO RECEIVE DEVIATION CONSIDERATION.**

**WHEREAS**, The General Plan of the Town of Apple Valley was adopted by the Town Council on August 11, 2009; and

**WHEREAS**, Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; and

**WHEREAS**, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

**WHEREAS**, On May 1, 2019, the Town Council initiated a Development Code Amendment, directing staff to work with the Planning Commission to expand Section 9.15 “Commercial/Industrial Revitalization Permits” to allow for new construction and expansion in Village and Infill development Town-wide by allowing more exemptions and relief in parking, setbacks, etc. to be reviewed by the Director;

**WHEREAS**, Specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by removing Chapter 9.15 “Commercial/Industrial Revitalization Permits” as obsolete and including commercial and industrial revitalization as an eligible activity to receive Deviation Permit consideration; and

**WHEREAS**, on June 19, 2020, Development Code Amendment No. 2020-002 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

**WHEREAS**, Development Code Amendment No. 2020-002 is consistent with the Land Use Element goals and policies of the Town’s General Plan and Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley and shall promote the health, safety, and general welfare of the citizens of the Town of Apple Valley.

**WHEREAS**, staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant

effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA; and

**WHEREAS**, on July 15, 2020 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2020-002 receiving testimony from the public; and

**NOW, THEREFORE, BE IT RESOLVED** that in consideration of the evidence presented at the public hearing, and for the reasons discussed by the Commissioners at said hearing, the Planning Commission of the Town of Apple Valley, California, does hereby resolve, order and determine as follows and recommends that the Town Council make the following findings and take the following actions:

**Section 1.** Find that the changes proposed by Development Code Amendment No. 2020-002 are consistent with the Land Use Element goals and policies of the Town's General Plan and Title 9 "Development Code" of the Municipal Code of the Town of Apple Valley and shall promote the health, safety, and general welfare of the citizens of the Town of Apple Valley.

**Section 2.** The project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

**Section 3.** Find that Chapter 9.15 "Commercial/Industrial Revitalization Permits" is obsolete and delete this Chapter in its entirety.

**Section 4.** Amend Paragraph E of Section 9.25.030 "Standards" of Chapter 9.25 "Deviation Permits":

- E. For new construction on substandard lots, or revitalization of developed commercial or industrial properties, deviations to one or all of the following standards may be allowed when reviewed concurrently with a Development Permit:
1. Reduction of landscape planter width in areas adjacent to parking areas or drive aisles no less than a minimum of two (2) feet in width. (Section 9.72.060)
  2. Reduction in the minimum landscape area of the site from ten (10) percent to no less than five (5) percent. (Section 9.35.040)
  3. Maximum ten (10) percent reduction for interior side setbacks and a twenty (20) percent reduction for rear setbacks."

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 15th day of July 2020.

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Chairman Bruce Kallen

ATTEST:

I, Maribel Hernandez, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 15th day of July 2020, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Ms. Maribel Hernandez, Planning Commission Secretary





## Planning Commission Agenda Report

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|                                     |  |            |
|-------------------------------------|--|------------|
| <b>DATE:</b>                        | July 15, 2020  | Item No. 7 |
| <b>CASE NUMBER:</b>                 | Development Code Amendment No. 2020-006  |            |
| <b>APPLICANT:</b>                   | Town of Apple Valley   |            |
| <b>PROPOSAL:</b>                    | An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying provisions relating to the location regulations for gasoline/service stations and above ground petroleum tanks.   |            |
| <b>LOCATION:</b>                    | Commercial Zoning Districts Town-wide  |            |
| <b>ENVIRONMENTAL DETERMINATION:</b> | Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA. |            |
| <b>PREPARED BY:</b>                 | Ms. Lori Lamson, Assistant Town Manager  |            |
| <b>RECOMMENDATION:</b>              | Adopt Planning Commission Resolution No. 2020-004.   |            |

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### **BACKGROUND**

The Town Council initiated a Development Code Amendment on May 1, 2019 to consider limiting the number of gasoline/service stations to no more than two on any hard corner at the intersection of two streets. On November 12, 2019 a Development Code Amendment was initiated by the Council to consider modifying the requirements for above-ground petroleum tanks. The Council has requested that staff present language to the Planning Commission that would reduce and better define the standards for above ground tanks in commercial development and provide regulations to preserve the hard corners of the intersection of two streets from being proliferated with an abundance of gasoline/service stations.

## **ANALYSIS**

In a majority of intersections within the High Desert and in most areas of Southern California, there typically isn't more than two gasoline/service stations on the hard corners of two intersecting streets. Inquiries to staff regarding the location of more than two (2) gasoline/service stations at existing intersections throughout Town, has been a recent interest of land owners and developers, alike. There are no current regulations regarding the number of gasoline/service stations at an intersection, allowing for potential proliferation of these uses at the Town's developable intersections. Such regulation, as presented, would require a third or fourth station to be setback a distance of 300 or more feet from the hard corner, encouraging a variety of commercial types on the highly visible corners.

The Council also discussed allowing some flexibility in the placement requirements of above ground petroleum tanks and allowing tanks over 200 gallons. Recently a Development Code Amendment changed the entitlement requirement from a Conditional Use Permit to a Special Use Permit. This amendment would further clarify and allow flexibility in the location of these tanks. Provided are clear standards that allow for placement within the landscape planters and setbacks that is currently not permitted by Code.

Staff is recommending the following modifications to incorporate the changes discussed above. The text provided in underline is new and the strikethrough text is proposed for removal:

### **Gasoline/Service Stations**

Amend subsection C. "Minimum Development Standards" of Section 9.36.190 "Service (Gasoline) Stations by adding a new paragraph No. 1 and renumber existing 1 through 14 sequentially...

1. No more than two gasoline/service stations can be located on the hard corners of an intersection of two or more streets. Additional gasoline/service stations must be located a minimum of 300 feet from the intersection of two (2) or more streets, if more than two (2) gasoline/service stations have already been entitled or legally built at said intersection on the hard corners. The existing entitlement must be valid and not expired.

Add footnote No. 14 to subparagraph a. "Gasoline stations and/or Carwash" of Paragraph 1. "Automotive services, including motorcycles, boats, motorhomes, trailers, and campers" of Section G. "Services" of Table 9.35.030-A. "Permitted Uses" to read as follows:

| TYPE OF USE <sup>(1)</sup> | DISTRICT <sup>(1)</sup> |     |     |     |     |     |
|----------------------------|-------------------------|-----|-----|-----|-----|-----|
|                            | O-P                     | C-G | C-S | C-R | C-V | M-U |

**G. Services**

|   |   |     |     |     |     |     |
|---|---|-----|-----|-----|-----|-----|
| 1. Automotive services, including motorcycles, boats, motorhomes, trailers, and campers |   |     |     |     |     |     |
| a. Gasoline stations and/or Carwash <sup>14</sup>                                       | - | SUP | SUP | SUP | SUP | SUP |

*Footnote No. 14 – Refer to Section 9.36.190.C.1. for location restrictions for gasoline/service stations.*

**Above Ground Petroleum Tanks**

Amend subsection D. “Accessory Uses” of Section 9.36.190 “Service (Gasoline) Stations”, by adding paragraph No. 6 to read as follows:

6. Above ground liquid petroleum or natural gas tanks shall be permitted as an accessory use subject to the following:
- a. Above ground tanks can be located in landscaped areas provided that there is a ten (10)-foot setback from ultimate right-of-way and shall be maintained in accordance with the Fire Code. Tanks shall not be located within the required clear-sight-triangle.
  - b. Three sides of the tank shall be screened with a block wall and spacing between the wall and the tank shall comply with Fire Code standards.
  - c. Tanks must be accessible to recreational vehicles, trailers and large vehicles and shall not interfere with vehicular circulation of the site or with access to required parking spaces.

**NOTICING**

Development Code Amendment No. 2020-05 was advertised as a public hearing in the Apple Valley News newspaper on July 3, 2020.

**FINDINGS**

An amendment to the Development Code requires that the Planning Commission address two (2) required “Findings”, as listed within Development Code Section 9.06.060. For Commission consideration, the required Findings are listed below, along with a comment addressing each. If the Commission concurs with these comments, they may be adopted and forwarded to the Council for its consideration of the Development Code Amendment. If the Commission wishes modifications to the offered comments, after considering input

and public testimony at the public hearing, modifications to the Findings and Code Amendment recommendations can be included into the information forwarded to the Council for consideration.

- A. The proposed amendment is consistent with the General Plan; and

Comment: The amendment to the Development Code regarding location regulations of gasoline/service stations and above ground petroleum tanks will be consistent with the goals, policies and objectives in the General Plan for commercial development. The amended standards will continue to encourage creative, high quality design of commercial projects as described in Land Use Program 6.B.1. of the General Plan while providing flexibility and relief in the standards to encourage a variety of development and promote the local economy.

- B. The proposed amendment will not be detrimental to the public health, safety or welfare of the Town or its residents.

Comment: The amendment to the Development Code provides flexibility in the commercial development regulations for location of above ground petroleum tanks that provides a safe and healthy environment and benefits the welfare of the Town and its residents. It also encourages a variety of commercial development by limiting the proliferation of gasoline/service stations on the hard corners of a traditional two (2) street intersection with four corners.

## **ENVIRONMENTAL REVIEW**

Development Code Amendment No. 2020-006 will modify the regulations for location of above ground petroleum tanks in commercial development and limit the proliferation of gasoline/service stations at the intersection of two streets, with four corners within Commercial Land Use designations. Public and environmental noticing requirements remain the same and each project as proposed for development will be subject to separate noticing and environmental review standards. The land use patterns remain the same as approved in the General Plan. As such, this amendment will not promote development beyond that anticipated within the Environmental Impact Report prepared for the Town's General Plan.

Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

## **RECOMMENDATION**

Following receipt of public input and discussion by the Commission, it is recommended that the Commission move to approve Planning Commission Resolution No. 2020-004 forwarding a recommendation that the Town Council amend Title 9 “Development Code” of the Town of Apple Valley Municipal Code as outlined within the staff report.

Attachment:

1. Draft Planning Commission Resolution No. 2020-004

**PLANNING COMMISSION RESOLUTION NO. 2020-004**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2020-006 AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING CHAPTER 9.35 “PERMITTED USES” AND CHAPTER 9.36 “SPECIFIC USE REGULATIONS/COMMERCIAL AND OFFICE DISTRICTS”, SPECIFICALLY SECTION 9.72.190 “SERVICE (GASOLINE) STATIONS” AS IT PERTAINS TO THE LOCATION CRITERIA OF SERVICE (GASOLINE) STATIONS AND THE PLACEMENT REGULATIONS OF ABOVE GROUND PETROLEUM TANKS IN COMMERCIAL DEVELOPMENT**

**WHEREAS**, Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; and

**WHEREAS**, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

**WHEREAS**, specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by amending Chapter 9.35 “Permitted Uses” and Chapter 9.36 “Specific Use Regulations/Commercial and Office Districts”, as it pertains to the location criteria for service (gasoline) stations and the regulations regarding the location of above ground petroleum tanks; and,

**WHEREAS**, on July 3, 2020, Development Code Amendment No. 2020-006 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

**WHEREAS**, staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA; and

**WHEREAS**, on July 15, 2020 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2020-006 receiving testimony from the public; and

**WHEREAS**, Development Code Amendment No. 2020-006 is consistent with Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

**NOW, THEREFORE, BE IT RESOLVED** that in consideration of the evidence presented at the public hearing, and for the reasons discussed by the Commissioners at said hearing, the Planning Commission of the Town of Apple Valley, California, does

hereby resolve, order and determine as follows and recommends that the Town Council make the following findings and take the following actions:

**Section 1.** Find that the changes proposed by Development Code Amendment No. 2020-006 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

**Section 2.** Pursuant to Section 21080.17 of the State Guidelines to Implement the California Environmental Quality Act (CEQA), this proposal is exempt because CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.1 or Section 65852.2 of the Government Code; and

**Section 3.** Amend subsection C. “Minimum Development Standards” of Section 9.36.190 “Service (Gasoline) Stations by adding a new paragraph No. 1 and renumber existing 1 through 14 sequentially...

1. No more than two gasoline/service stations can be located on the hard corners of an intersection of two or more streets. Additional gasoline/service stations must be located a minimum of 300 feet from the intersection of two (2) or more streets, if more than two (2) gasoline/service stations have already been entitled or legally built at said intersection on the hard corners. The existing entitlement must be valid and not expired.

**Section 4.** Add footnote No. 14 to subparagraph a. “Gasoline stations and/or Carwash” of Paragraph 1. “Automotive services, including motorcycles, boats, motorhomes, trailers, and campers” of Section G. “Services” of Table 9.35.030-A. “Permitted Uses” to read as follows:

| TYPE OF USE <sup>(1)</sup> | DISTRICT <sup>(1)</sup> |     |     |     |     |     |
|----------------------------|-------------------------|-----|-----|-----|-----|-----|
|                            | O-P                     | C-G | C-S | C-R | C-V | M-U |

**G. Services**

|   |   |     |     |     |     |     |
|---|---|-----|-----|-----|-----|-----|
| 1. Automotive services, including motorcycles, boats, motorhomes, trailers, and campers |   |     |     |     |     |     |
| a. Gasoline stations and/or Carwash <sup>14</sup>                                       | - | SUP | SUP | SUP | SUP | SUP |

*Footnote No. 14 – Refer to Section 9.36.190.C.1. for location restrictions for gasoline/service stations.*

**Section 5.** Amend subsection D. “Accessory Uses” of Section 9.36.190 “Service (Gasoline) Stations”, by adding paragraph No. 6 to read as follows:

6. Above ground liquid petroleum or natural gas tanks shall be permitted as an accessory use subject to the following:
  - a. Above ground tanks can be located in landscaped areas provided that there is a ten

(10)-foot setback from ultimate right-of-way and shall be maintained in accordance with the Fire Code. Tanks shall not be located within the required clear-sight-triangle.

- b. Three sides of the tank shall be screened with a block wall and spacing between the wall and the tank shall comply with Fire Code standards.
- c. Tanks must be accessible to recreational vehicles, trailers and large vehicles and shall not interfere with vehicular circulation of the site or with access to required parking spaces.

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 15th day of July 2020.

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Chairman Bruce Kallen

ATTEST:

I, Maribel Hernandez, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 15th day of July 2020, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Ms. Maribel Hernandez, Planning Commission Secretary





## Planning Commission Agenda Report

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|                      |  |            |
|----------------------|--|------------|
| <b>DATE:</b>         | July 15, 2020  | Item No. 8 |
| <b>CASE NUMBER:</b>  | Conditional Use Permit 2020-002  |            |
| <b>APPLICANT:</b>    | Mark Lyons   |            |
| <b>PROPOSAL:</b>     | To consider a façade improvement to a portion of an existing inline retail building within the Rancherias Plaza. |            |
| <b>LOCATION:</b>     | 20240 Outer Highway 18 North (Rancherias Plaza)  |            |
| <b>STAFF PERSON:</b> | Carol Miller, Assistant Director of Community Development  |            |
| <b>ACTION:</b>       | The Planning Commission may approve as designed, approve with modifications, or deny the design.                 |            |

### PROJECT SUMMARY:

The applicant is requesting approval of a Minor Development Permit to modify the exterior building elevation (see attached) in accordance with Development Code Section 9.17.020. The property and building are part of Rancherias Plaza, a one-story retail center anchored by CVS and 99 Cent. The subject portion of the inline building is situated on the eastern end of the center and appears to be divided into three rental spaces that are all currently vacant. The largest space was a sit-down restaurant with smaller adjacent suites. The property shares access, parking, common area, and architectural style with the other owners of the center.

### ANALYSIS

The center maintains an architectural design that includes tan stucco siding, tile roofing, and colored tile wainscot. The area in question shows a color change to the stucco exterior that include various shades of gray, and a gray metal seam roof and wainscot. This application is being forwarded to the Planning Commission for consideration as permitted pursuant to Development Code Section 9.12.130 because of the precedence setting potential this request has with future design within this center and other retail centers. Except for the outer pads, the inline retail buildings typically are designed with a common theme in color, materials and architectural style that provides for a cohesive appearance. This request proposes a significant design change in color and roofing material than the rest of the building/center that results in a less than cohesive appearance.



EXISTING





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



EXISTING




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1. DARK GREY TEXTURED SURFACE FOR  
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COMPLEMENTING PLAZED  
WALLS AND  
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2. BLUE TEXTURED SURFACE FOR  
SUN PROTECTIVE SCREEN  
COMPLEMENTING PLAZED  
WALLS AND  
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3. DARK GREY TEXTURED SURFACE  
FOR SUN PROTECTIVE SCREEN  
COMPLEMENTING PLAZED  
WALLS AND  
ROOF PANELS
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4. LIGHT GREY TEXTURED SURFACE  
FOR SUN PROTECTIVE SCREEN  
COMPLEMENTING PLAZED  
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5. DARK GREY TEXTURED SURFACE  
FOR SUN PROTECTIVE SCREEN  
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
6. DARK GREY TEXTURED SURFACE  
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7. DARK GREY TEXTURED SURFACE  
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11. DARK GREY TEXTURED SURFACE  
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13. DARK GREY TEXTURED SURFACE  
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14. DARK GREY TEXTURED SURFACE  
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15. DARK GREY TEXTURED SURFACE  
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**THE GYM**  
20240 OUTER HIGHWAY 18 - APPLE VALLEY, CALIFORNIA  
JUNE 2020

