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**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA**

WEDNESDAY, FEBRUARY 17, 2021

Regular Meeting 6:00 p.m.

Town Council Chambers
14955 Dale Evans Parkway

PLANNING COMMISSION MEMBERS

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

PLANNING DIVISION OFFICE: (760) 240-7000 Ext. 7200
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.



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**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY FEBRUARY 17, 2021 – 6:00 P.M.**

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

Materials related to an item on this agenda, submitted to the Commission after distribution of the agenda packet, are available for public inspection in the Town Clerk's Office at 14955 Dale Evans Parkway, Apple Valley, CA during normal business hours. Such documents are also available on the Town of Apple Valley website at www.applevalley.org 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: Kallen_____; Tinsley_____; Lanyon _____;
Vice-Chairman Arias_____; Chairman Harrison_____

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. Approval of the minutes of the regular meeting of January 20, 2021.

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.

PUBLIC HEARING ITEMS

- 1. Conditional Use Permit No. 2020-01 & Tentative Parcel Map No. 20258.** A Conditional Use Permit and Development Permit to allow the construction a 210-unit multi-family development and a Tentative Parcel Map to create four parcels and a remainder for financing purposes. Also requested is a reduction of the separation distance between buildings to 10 feet. The subject site is 32.19 acres in size and located within the Multi-Family Residential (R-M) zoning designation.

APPLICANT: BM Investments, LLC

LOCATION: On the northwest corner of Navajo Road and Sandia Road; APN: 0434-063-02

ENVIRONMENTAL

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

RECOMMENDATION: Approval of Conditional Use Permit, Development Permit and Tentative Parcel Map subject to Conditions.

OTHER BUSINESS

PLANNING COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT

The Planning Commission will adjourn to its next regularly scheduled Planning Commission meeting on March 3, 2021.

**MINUTES
TOWN OF APPLE VALLEY
PLANNING COMMISSION
REGULAR MEETING
JANUARY 20, 2021**

CALL TO ORDER

Chairman Kallen called to order the regular meeting of the Town of Apple Valley Planning Commission at 6:02p.m.

Roll Call

Present: Commissioners Tinsley; Arias; Lanyon; Chairman Kallen

Absent: Vice-Chairman Harrison

Staff Present

Daniel Alcayaga, Planning Manager; Albert Maldonado, Town Attorney; Pam Cupp, Senior Planner; and Maribel Hernandez, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Tinsley.

PUBLIC COMMENTS

None

APPROVAL OF MINUTES

1. Minutes for the Regular Meeting of December 16, 2020.

Motion by Commissioner Lanyon, second by Chairman Kallen to approve Minutes of the December 16, 2020 meeting.

ROLL CALL VOTE

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

The Motion Carried by a 4-0-0-1 vote.

PUBLIC HEARING

2. General Plan Conformity Finding for a Right-of-Way Vacation VAC No. 2020-001.

Daniel Alcayaga, Planning Manager, presented the staff report as filed with the Planning Division.

Commissioner Tinsley asked if this change would affect the construction that was already done.

Mr. Alcayaga said the outer highway has already been physically vacated and the only thing left to do was the installation of landscaping.

Commissioner Lanyon asked if there were future plans to improve the current parking.

Mr. Alcayaga said the parking had already been updated in the Greenbriar Center and did not see anything coming up in the near future.

Being that there is no one from the public to comment on this item, Chairman Kallen closed the Public Hearing at 6:20pm.

Motion by Commissioner Arias, second by Commissioner Tinsley to approve General Plan Conformity finding for Right-of-Way for VAC No. 2020-001.

ROLL CALL VOTE

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

The Motion Carried by a 4-0-0-1 vote.

OTHER BUSINESS

3. Pam Cupp - Staff is requesting an interpretation regarding the design criteria checklist as applied to a proposed storage container house or provide alternative direction as appropriate.

Pam Cupp, Senior Planner presented the design criteria checklist for the storage container house and opened the project for discussion and asking direction from the Planning Commission, if the horizontal element counted as a multiple offset under the checklist.

Ricardo Cazares, Architect was available by phone.

Commissioner Lanyon said other municipalities that allowed Container Homes, required that the containers be new and not used.

Mr. Cazares stated Planning gave him some requirements that containers had to be new or only used once and not have been used to store hazardous chemicals.

Ms. Cupp added, the project is currently with Building and Safety and the project has also been sent out to outside Engineering firm for review.

Commissioner Tinsley commented that the project looked aesthetically acceptable.

Planning Commission reviewed the design checklist and agreed that staff applied the checklist correctly.

PLANNING COMMISSION COMMENTS

Commissioner Tinsley asked for a list of projects that are currently under construction.

STAFF COMMENTS

Daniel Alcayaga updated Planning Commission on upcoming projects.

ADJOURNMENT

Motion by, Commissioner Arias, seconded by Commissioner Lanyon and unanimously carried, to adjourn the meeting to its regularly scheduled Planning Commission meeting on February 3, 2021.

Respectfully Submitted by:

Maribel Hernandez
Planning Commission Secretary

Approved by:

Chairman Joel Harrison



Planning Commission Agenda Report

Item No. 2

- DATE:** February 17, 2021
- CASE NUMBER:** Conditional Use Permit No. 2020-001, Development Permit No. 2021-004, and Tentative Parcel Map No. 20258
- APPLICANT:** BMI Investment, LLC
- PROPOSAL:** A request for approval of a Conditional Use Permit and Development Permit to allow the construction a 210-unit multi-family development and a Tentative Parcel Map to create four parcels and a remainder for financing purposes. Also requested is a reduction of the separation distance between buildings to 10 feet. The subject site is 32.19 acres in size and located within the Multi-Family Residential (R-M) zoning designation.
- LOCATION:** On the northwest corner of Navajo Road and Sandia Road; APN: 0434-063-02
- ENVIRONMENTAL DETERMINATION:** Based upon an Initial Study, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration has been prepared for this proposal.
- CASE PLANNER:** Daniel Alcayaga, AICP, Planning Manager
- RECOMMENDATION:** Approval of Conditional Use Permit, Development Permit and Tentative Parcel Map subject to Conditions.
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PROJECT SITE AND DESCRIPTION

- A. Project Size:
The subject site is 32.19 acres in size.
- B. General Plan Designations:
- | | |
|----------------|----------------------------------|
| Project Site - | Medium Density Residential (R-M) |
| North - | Single-Family Residential (R-SF) |
| South - | Mobile Home Park (MHP) |
| East - | Public-Facilities (P-F) |
| West - | Single-Family Residential (R-SF) |

C. Surrounding Zoning and Land Use:

Project Site- Multi-family Residential (R-M), Vacant
 North - Single-Family Residential (R-SF), single-family residences
 South - Mobile Home Park (MHP), mobile home park
 East - Public Facilities, Apple Valley High School
 West - Single-Family Residential (R-SF), single-family residences

D. Site Characteristics:

The subject site is a contains desert vegetation including four Joshua trees. There are signs of historical drainage flows through the middle of the property and the land slopes downwards towards the drainage course.

E. Density Analysis:

Maximum Units Permitted 643 Units (20 units per acre)
 Units Proposed 210 Units (6.5 units per acre)

F. Unit Analysis:

Plan	Bedrooms	Bathrooms	Required Sq Ft	Proposed Sq Ft
A	2	2	1,000	1,140
B	3	2	1,200	1,239
C	2	2	1,000	1,069

G. Building Height:

Maximum Permitted 35 Feet
 Proposed Maximum 24 Feet (Recreation Building)

H. Building Setback Analysis:

	Required	Proposed
Front (Sandia Rd)	40 ft.	40 ft.
Street Side Yard (Navajo Rd)	25 ft.	25 ft.
North Side	15 ft.	15 ft.
South Side	15 ft.	15 ft.
Rear	25 ft.	37'11" ft

I. Landscaping and Common Open Space:

Required Minimum 15% (210,329 sq ft)
 Proposed 24% (336,230 sq ft)

J. Parking Analysis:

Total Parking Required: 611, including 420 enclosed spaces and 191 unenclosed spaces.
 Total Parking Provided: 420 enclosed spaces, 191 guest parking spaces, including spaces in front of garages

K. Lot Coverage:

Required Maximum 60% (841,318 sq ft)
 Proposed 17% (237,286 sq ft)

ANALYSIS

A. General:

A request for approval of a Conditional Use Permit and Development Permit to allow the construction of a 210-unit multi-family development and a Tentative Parcel Map to create four parcels and a remainder for financing purposes. Also requested is a reduction of the separation distance between buildings to 10 feet.

B. Site Analysis:

The proposal includes a Conditional Use Permit and a Development Permit to construct a 210-unit multi-family development and a tentative parcel map to create four parcels and a remainder for financial purposes. Each building is designed in a duplex fashion with each unit having a two-car garage. There are three floor plans ranging in size from 1,069 square feet to 1,239 square feet. Each unit within the multi-family development is required 150 square feet of private open space (patios). Each unit has been provided a rear patio varying in size all enclosed by a six-foot high vinyl fence.

The minimum setback on Sandia Road is 40 feet (front yard setback) and the minimum setback on Navajo Road is 25 feet (street side yard setback). The development provides a 15-foot buffer along the west boundary as required when a multi-family development abuts single-family developments. A 25-foot rear setback is provided on the north side of the development. All buildings are required to have a minimum separation of 25 feet unless the Planning Commission approves a reduction to 10 feet. Approval of the CUP would allow a reduction of 10 feet between buildings, as proposed. This reduction is warranted considering a large channel is required to be constructed.

A total of 611 parking spaces are required, 420 of which are required to be covered parking spaces. The remaining 191 parking spaces can be uncovered. The proposal provides 420 enclosed parking spaces in the form of garages; 56 guest parking spaces and remaining parking spaces are proposed to be in front of the garages. One accessible (handicap) parking spaces will need to be provided on the north side of the development. The driveway width is a minimum of 28 feet.

Table 1 - Required Parking Spaces

Floor Plan	Bedrooms Nos.	No. of Floor Plans	Parking required	Total Parking Required	Required Enclosed	Required Unenclosed
A	2	70	2.5	175	140	35
B	3	86	3.5	301	172	129
C	2	54	2.5	135	108	27
Totals:				611	420	191

The project is required to have 200 square feet of common open space per unit devoted to recreational amenities, and based on the size of the project, to include a total of four amenities. Proposed recreational amenities exceed this requirement by providing a large common open space area, which also serves as a community focal point, with a pool and spa, a recreational building with a fitness room, a tot-lot, and multiple gazebos and barbeques. In addition, the channel will include additional recreational amenities and trails connecting to the development and the street. As required by Section

9.29.070(6), the project also provides 15% of common useable open spaces area. The channel will count towards meeting the common usable open space area and open space devoted to recreational amenities.

Per the Multi-Use and Equestrian Trails Standard, Sandia Road is identified as having a Lifeline Trail on the north side of the street. A 12-foot trail will be constructed adjacent to Sandia Road on private property as an easement. A four-foot high open white vinyl rail fence will abut the trail easement and sidewalk. The fence along the frontage of Sandia Road will be a six-foot-high wrought iron fence with block pilasters every 40 feet. The walls along Navajo Road and the perimeter will be six-foot-high decorative block walls. The wall along Navajo Road will be staggered every 40 feet, as required by code, to avoid having a long lineal wall. An entry statement is provided at the main entrance of Navajo Road, as well as colored textured paving at all entrances and exits. There is an internal pedestrian system along all drive aisles connecting every unit to the street and recreational amenities. An accessible path of travel is being provided from the street to the recreation building, and a condition of approval will require the trail within the channel to be accessible.

Per the protected plant plan report, there are two Joshua Trees that have poor health and two that have good health. The California Department of Fish and Wildlife has a temporary protection on Joshua Trees. The protection became effective mid-September 2020. The Joshua trees that are in good health cannot be relocated and must remain in place. The conditions of approval are written in a way that will allow flexibility should the State requirements change in the future. Prior to ground disturbance a Joshua Tree protection plan, prepared by a certified arborist, shall be provided with the grading plan to identify how the Joshua Trees will be protected (See Condition No. P21).

1. Tentative Parcel Map

The tentative parcel map is for “financial purposes only”. This map provides the developer the ability to use equity from one parcel and use that equity to finance development of another parcel under the same subdivision. As a condition of approval, a deed restriction will be placed on all the parcels to require the parcels to remain under the same ownership. The condition will require that all shared areas, including vehicular access, guest parking, recreational amenities, common open space areas, and pedestrian walkways to be under a reciprocal shared easement or agreement. Should the parcels be sold off separately, a mechanism shall be in place including a homeowner’s association (HOA) and conditions, covenants, and restrictions (CCRs) to maintain shared areas and require a single property manager to oversee the maintenance and operation of the entire development.

2. Traffic and Circulation

Access to the site is from Navajo and Sandia Roads. Street improvements will be constructed including curb, gutter, and sidewalk along the project frontages of Navajo and Sandia Roads. Sandia Road is a collector road and has a half width of 33 feet with the curb at 22 feet from centerline, and Navajo Road is a secondary road and has a half-width of 44 feet with the curb at 32 feet from centerline. The project has two driveway approaches on Navajo Road. The development’s southern drive approach was aligned with one of the drive approaches for the Apple Valley High School. The development’s as well as the high school’s driveway approaches will have a traffic signal, a crosswalk and a median along Navajo Road allowing for turning movements to both the high school and the development.

3. Drainage

A drainage channel will be constructed through the middle of the development to allow historical drainage to flow through the property. The United States Geological Services (USGS) maps show a blue line stream crossing through the property. The applicant has stated that they intend to mass grade the property and construct a channel through the property. The channel will be constructed along the historical paths of the blue line stream. An Aquatic Resources Delineation Survey Report was prepared by ECORP Consulting, Inc. dated February 2019. It appears that the feature that was formerly present on site has been dewatered by intervening developments. Prior to ground disturbance, a lake streambed alternation agreement will be required to be obtained from the California Department of Fish and Wildlife.

4. Sewer Connection

Connection to the Town's sewer system will be required.

5. Phasing/Mass Grading:

A condition of approval requires a phasing plan to be submitted and approved by the Community Development Director and Town Engineer. The developer may have the option of 1) grading the entire property upfront or 2) grading by phase. The applicant has expressed the desire to mass grade the entire property. Some concerns expressed previously by the community is allowing the land to sit vacant and disturbed for many years once the land is mass graded. Mass grading is subject to further review.

An alternative to mass grading would be to grade the land by phases and allow undeveloped parts of the property to remain undisturbed/natural. In either case, certain improvements will be required, including street improvements, perimeter fencing, internal walkways, and drive aisles. Two points of access and/or emergency access will be required for each phase. All the proposed amenities for this development are within Phase 1. All amenities will be expected to be included within Phase 1 subject to change once a final phasing plan is submitted.

As far as the amount of ground disturbance, substantial grading is necessary to channelize the drainage flows. In addition, there is a substantial grade elevation difference (3-5 feet) on the north side of the property and the southeast corner of the property. This means the finish pads will be three to five feet above the adjacent roads and properties. Once the required privacy fencing is added, the elevation difference will result in fencing above the height allowed by the Development Code. As a condition of approval, the pads in those areas shall be reduced to avoid excessive height of fencing.

C. Floor Plan Analysis:

Two of the floor plans are two-bedroom units, and one floor plan is a three-bedroom unit. Unit A is a 2-bedroom unit, 1,140 square feet in size; Unit B is a 3-bedroom unit, 1,239 square feet in size; and Unit C is 2-bedroom unit, 1,069 square feet in size. There will be a different building elevation to accompany each floor plan.

D. Architecture Analysis:

The application provides three different architectural elevations each with different colors and materials. All elevations use different style concrete roof tiles and have varied roof features at

entrances. All the garage doors are recessed. Two of the elevations (Elevations A, B, and Rec Building) provide stone veneer. All elevations provide roof line variation, as well as horizontal and vertical projections. Elevation A includes good use of stone veneer, decorative garage doors, and iron scroll work as an embellishment. Building B provides stone veneer, uses flares on the sides of the garages, and vent insets above the garage doors. Building C provides color variation, corbels below the roof eave and square insets over the entrances. The recreational building provides a good amount of stone veneer, iron scroll work, and a prominent main entrance accented with glass and stone veneer. A condition of approval recommends that the iron scroll work used on Elevation A be added to Elevation B; stone veneer be added to Elevation C and additional stone veneer be added to Elevation B; a cap be provided on the stone veneer provided on the base of Elevation A; and the main roof of Elevation C, which is a gable roof, be converted into a hip roof.

E. Environmental Assessment:

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

F. Noticing:

This item was advertised as a COVID-19 compliant public hearing in the Apple Valley News newspaper and mailed to all property owners within a 700-foot radius of the project site on January 29, 2021.

G. 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: Multi-family Residential developments over 50 units are allowed in the Multi-family Residential (R-M) zoning designation with the approval of a Conditional Use Permit. The proposed density of 6.5 dwelling units per acre is within the allowable General Plan density of up to 20 dwelling units per acre. The site can accommodate all proposed improvements, without infringing on requirements. On-site improvements required by the Town Development Code can be constructed on the property, including 611 parking spaces (420 spaces within garage and 191 unenclosed parking spaces), minimum 28-foot-wide drive aisles and landscaping. The development also meets all the Apple Valley Fire District standards for fire lanes, two-points of access, turn-around and fire hydrants. The proposed development complies with the American with Disabilities Act (ADA). As proposed, the project is consistent with the General Plan.

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

Comment: Multi-family Residential developments over 50 units are allowed in the Multi-family Residential (R-M) zoning designation with the approval of a Conditional Use Permit. The development will be constructed pursuant to the California Building and Fire Codes and adopted amendments. The proposed development complies with the American with Disabilities Act (ADA) by providing a path of travel to the street, parking spaces, and recreational amenities. When constructed in compliance with the Conditions of Approval, the project will not create any negative impacts to the surrounding vicinity nor will it be detrimental to the public health, safety or welfare.

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 development is required to construct street improvements, including curb, gutter and sidewalk along the project frontages. The developer is required to pay all applicable Town development impact fees towards these improvements. The development is also required to install a traffic signal, crosswalk, and medians along Navajo Road to control vehicular and pedestrian traffic movements between the proposed development and Apple Valley High School. Sewer is available along the project frontage and the development is required to connect to this line. It is the Developer's responsibility to obtain the necessary water, gas, electricity, and telephone utilities to construct the development. The developer is required to pay all applicable Town development impact fees, QUIMBY, and Traffic impact fees to go towards future public facilities.

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: As a condition of approval, the development is required to install a traffic signal, crosswalk, and medians along Navajo Road to allow vehicular and pedestrian traffic to flow safely in and out of the proposed development and the high school across the street. The Town has established a Traffic Impact Mitigation Fee Program to fund the construction of traffic improvements to maintain adequate levels of service standards. The developer is required to pay all applicable Town development impact fees towards these improvements. Therefore, there will not be any negative impacts to traffic or existing circulation patterns.

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

Comment: Based on the Negative Declaration and the Initial Study which supports the Mitigated Negative Declaration, the Planning Commission finds that there is no substantial evidence that the proposed Conditional Use Permit, Development Permit and Tentative Parcel Map will have a significant effect on the environment, including natural resources. The Planning Commission has independently reviewed and analyzed the Negative Declaration, and finds that it reflects the

independent judgement of the Planning Commission, and that there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the environment. That there will not be significant harmful effects upon environmental quality and natural resources;

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

Comment: See the following section.

H. Development Permit Findings:

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

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

Comment: The proposed 210-unit multi-family residential development is located within the Residential Multi-family (R-M) zoning designation and in compliance with the General Plan Land Use and Zoning District that allows new construction of multi-family subject with the approval of a Conditional Use Permit and Development Permit. The proposal meets the required density, setbacks, buffers, parking spaces, minimum dwelling unit size, minimum private and common open space areas, landscaping, minimum driveway dimensions, and circulations requirements.

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

Comment: All buildings on the property are one-story in height. The overall building height of any one building is 24-feet, which is measured at the tallest point of a tower elevation on recreation building, will not create an imposing appearance. Many of the existing complexes in the area are of similar height and therefore will appear in scale to other residential developments in the area. The development meets all the required setbacks, buffers, building separation requirements, lot coverage and density as prescribed by the Development Code and General Plan.

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

Comment: The design, materials and details of the proposed multi-family residential development will complement the structures within the immediate area and any future development.

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

Comment: The amount, location, and design of private and common open space and landscaping proposed conforms to the requirements of the Code.

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

Comment: The site is not located on a hillside, is void of knolls and not located within the vicinity of the Mojave River. There are four Joshua tree on the site, which are required to be protected in place, and if allowed to be relocated, will be located within a permanent landscaped area.

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

Comment: The building fronts on Navajo Road and Sandia Road, which is a public street designed to accommodate all traffic generated by the building. The project will include half-width street improvements including curb, gutter and sidewalk. The development is required to install a traffic signal, crosswalk, and medians along Navajo Road to allow vehicular and pedestrian traffic to flow safely in and out of the proposed development and the high school across the street. With traffic improvements as prescribed in the conditions of approval and mitigation measures, the project will not adversely impact the surrounding area.

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

Comment: Based on the Negative Declaration and the Initial Study which supports the Mitigated Negative Declaration, the Planning Commission finds that there is no substantial evidence that the proposed Conditional Use Permit, Development Permit and Tentative Parcel Map will have a significant effect on the environment.

8. That the proposed development, and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety and welfare of the

community or be materially injurious to properties or improvements in the vicinity nor be contrary to the adopted General Plan.

Comments: The proposal is for a 210-unit multi-family development within an area zoned appropriately for the use. The location and scale of the proposal will blend with other similar projects and structures within the vicinity. The development meets all the required setbacks, buffers, building separation requirements, lot coverage and density as prescribed by the Development Code and General Plan. The development will be constructed pursuant to the California Building and Fire Codes and adopted amendments. The proposed development complies with the American with Disabilities Act (ADA) by providing a path of travel to the street, parking spaces, and recreational amenities. The development will construct all street improvements, including a traffic signal, crosswalk, and median consistent with recommendations of a Traffic Impact Analysis. The development is consistent with the General Plan.

I. Tentative Parcel Map Findings:

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

7. 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 Medium Density Residential (R-M) and zoning designation of Multi-family Residential (R-M) and, by its size, shape and configuration, the property has the ability to be used in a manner consistent with the General Plan Land Use Element and zoning designations. The project is a proposal to divide 32.19 acres into five parcels and, with adherence to the recommended conditions, will meet the minimum requirements for lot size, width and depth as prescribed by the Code. The parcels are not intended to be sold individually, but to provide a financing mechanism to develop the project.

8. 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 multi-family residential development.

9. 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 subdivision is intended for financial purposes and phasing for a multi-family development. Each parcel created under this subdivision are appropriate in size to provide natural heating and cooling opportunities for development of the site. As development occurs, the dwelling units within each phase 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: Connection to the Town's sewer system will is required. The proposed subdivision into the existing sewer system would not result in a violation of the requirements as set forth in Section 13000 et seq., of the California Water Code.

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 CUP No. 2020-001, DP No. 2021-004, & TPM No. 20258 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 CUP No. 2020-001 & TPM No. 20258 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 CUP No. 2020-001, DP No. 2021-004 & TPM No. 20258, subject to the attached Conditions of Approval.
5. Direct staff to file a Notice of Determination.

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Site Plan
3. Elevations
4. Zoning/Location Map
5. Initial Study and Mitigated Negative Declaration

TOWN OF APPLE VALLEY

**RECOMMENDED CONDITIONS OF APPROVAL
CUP No. 2020-001, DP No. 2021-004 & TPM No. 20258**

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 approval, if not exercised, shall expire two (2) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the expiration date. The Conditional Use Permit and 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. 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 Director. Any such plans, specifications and/or illustrations that are reviewed and approved by the Director 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. No deviation, modification, alteration, adjustment or revision to or from the appearance, location, fixtures, features or appurtenances thereto of any type or extent shall be approved without said changes being first submitted to the Planning Division for consideration and approval.
- P5. The filing of a Notice of Determination requires the County Clerk to collect a fee of \$2,530.25. The fee must be paid in a timely manner in accordance with Town procedures. The check shall be made payable to the Clerk of the Board of Supervisors, 385 North Arrowhead, 2nd Floor, San Bernardino, CA 92415 and delivered to the Town for processing.

- P6. All lighting shall be hooded and directed downward as to not shine towards adjacent properties and public streets. Maximum light standard height shall not exceed 20 feet.
- P7. Parking requirements shall be met and be in compliance with Town standards. Resulting modification to the floor plan or site plan to meet parking requirements shall be subject to the approval of the Planning Division.
- P8. All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines.
- P9. All required and installed landscaping shall incorporate and maintain a functioning automatic sprinkler system, and said landscaping shall be maintained in a neat, orderly, disease and weed free manner at all times.
- P10. Final landscape and irrigation plans shall be submitted prior to the issuance of Building permits and installed prior to issuance of occupancy permits subject to approval by the Planning Division.
- P11. All block walls and columns shall be decorative, including slump stone, split face, or stucco. The location and type of fencing shall be per the approved site plan.
- P12. Per the Multi-Use and Equestrian Trails Standard, Sandia Road is identified as having a Lifeline Trail on the north side of the street. A 12-foot trail shall be constructed adjacent to Sandia Road on private property as an easement. A four-foot high open white vinyl rail fence shall abut the trail easement and sidewalk.
- P13. The fence along the frontage of Sandia Road shall be a six-foot-high wrought iron fence with block pilasters every 40 feet. The walls along Navajo Road and the perimeter shall be six-foot-high decorative block walls. The wall along Navajo Road shall be staggered every 40 feet, as required by code, to avoid having a long lineal wall. All fencing and screening material shall be in conformance with the Development Code subject to approval by the Planning Division.
- P14. The design of the entry statement is subject to approval by the Planning Division.
- P15. All outdoor mechanical and electrical equipment, whether rooftop, side of structure, or on the ground, shall be screen from view from the public street by architectural elements designed to be an integral part of the building.
- P16. Trash Enclosure shall be covered and constructed in accordance with Town Standards and is recommended to reflect the architectural design of approved project subject to the review and approval of the Planning Division.
- P17. The maximum height for any retaining wall, including safety rail or privacy fencing, shall be eight (8) feet as measured from the lowest point of grade.
- P18. The maximum slope within any retention area shall be twenty-five (25) percent (4:1).
- P19. Common open space and/or amenities shall not be within any area exceeding a slope of fifteen (15) percent. The channel shall include additional recreational amenities, a pedestrian trail connecting to the development, and landscaped to the satisfaction of the Director.

- P20. A phasing plan shall be submitted and approved by the Community Development Director and Town Engineer. Amenities for the number of units for a constructed phase shall be required to be constructed and operational, prior to occupancy of that phase. Each phase shall have the required emergency access points, two points of access, utilities, and walkways.
- P21. As a condition of recordation of the parcel map, a deed restriction shall be placed on all the parcels to require all parcels to remain under the same ownership. In addition, a reciprocal shared easement or agreement shall be recorded with the parcel map for all shared areas, including vehicular access, guest parking, recreational amenities, common open space areas, and pedestrian walkways. Should the parcels be sold off separately in violation of this CUP and the deed restrictions, a mechanism shall be in place including a homeowner's association (HOA) and conditions, covenants, and restrictions (CCRs) to maintain shared areas and require a single property manager to oversee the maintenance and operation of the entire development.
- P22. As an operational condition of CUP No. 2020-001, the parcels shall be kept under the same ownership and a reciprocal shared easement or agreement shall be in place for all shared areas for the life of the project, including vehicular access, guest parking, recreational amenities, common open space areas, and pedestrian walkways. A single property manager shall supervise, maintain and operate the entire development covered under this CUP for the life of the project.
- P23. Prior to ground disturbance, the project applicant shall provide written notification that a Lake and Streambed Alternation Agreement is not required by California Department of Fish and Wildlife (CDFW). It is the applicant's responsibility to obtain all necessary approvals, clearances and permits (i.e. lake streambed alternation agreement) from CDFW and/or U.S. Army Corps of Engineers.
- P24. Pending a decision by CDFW, Joshua Trees shall be protected in place. Should the applicant obtain an incidental take permit to remove or relocate a Joshua Tree, or should the protections be lifted, any disturbance of Joshua Trees is subject to the provisions of the Development Code which are all included herewith as mitigation measures. Prior to ground disturbance a Joshua Tree protection plan, prepared by a certified arborist, shall be provided with the grading plan to identify how the Joshua Trees will be protected.
- P25. The grading plan shall be revised lowering the elevation pads on the northside and southeast corner of the development to minimize fencing to the height limitation allowed in the development code.
- P26. The following modifications shall be made to the building elevations: The iron scroll work used on Elevation A shall be added to Elevation B; stone veneer shall be added to Elevation C and additional stone veneer shall be added to Elevation B on the sides of the garage doors; a cap shall be provided on the stone veneer when it is provided at the base of Elevation A; and the main roof of Elevation C shall be converted into a hip roof.
- P27. In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department

(SMBMI) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

- P28. If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.
- P29. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.
- P30. The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed in CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with SMBMI, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI elect to place a monitor on-site.
- P31. Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to SMBMI. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI throughout the life of the project.

Environmental and Regulatory Compliance Conditions of Approval

- EC1. Pursuant to AVMC § 8.19.020(a) et seq., the developer or construction contractor shall complete and submit a Waste Management Plan (WMP), on a WMP form approved by the Town for this purpose as part of the application packet for the building or demolition permit.
- EC2. Pursuant to AVMC § 8.19.050(a) and prior to the issuance of a Certificate of Occupancy, the developer or contractor shall submit documentation proving that the project has met the diversion requirement. The diversion requirement shall be at least fifty (50) percent of the total C&D debris generated by the project via reuse or recycling.
- EC3. The project must provide adequate areas for collecting and loading recyclable materials in compliance with Assembly Bills 341 and 1826. The trash enclosure must comply with the newly adopted recycling standards as set forth in Public Resources Code § 42910-42912 and Town of Apple Valley Municipal Code (AVMC) § 6.20.023(b).

EC4. As of January 1, 2019, businesses and multi-family residences that generate four (4) cubic yards or more of solid waste per week shall arrange for organic waste recycling services with limited exceptions. Contact Burrtec Waste Industries at (760) 245-8607 for further information.

EC5. At least one trash enclosure shall provide recycle bins.

Engineering Division Conditions of Approval

E1. Prior to issuance of a grading permit, a final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider reducing the post-development sit-developed flow to 90 percent of the pre-development flow for a 100 year design storm. (Town Resolution 2000-50; Development Code 9.28.050.C, 9.28.100)

E2. Street improvement plans shall be submitted to the Town Engineer for review and approval.

E3. All streets abutting the development shall be improved a minimum half-width of 28 feet with curb, gutter and sidewalk on the development side.

E4. All street names shall be approved by the Town and such approval shall be coordinated through the Town Engineer.

E5. Navajo Road adjacent to the property shall be improved to the Town's half-width Secondary Road standards.

E6. Sandia Road adjacent to the property shall be improved to the Town's half-width Collector Road standards.

E7. A 44-ft wide, half-width road dedication along Navajo Road, adjacent to the property shall be granted to the Town of Apple Valley prior to Final Map Approval.

E8. A 33-ft wide half-width road dedication along Sandia Road, adjacent to the property shall be granted to the Town of Apple Valley prior to Final Map Approval.

E9. During the grading of the roads, soils testing of the road subgrades by a qualified soils engineering firm shall be performed to determine appropriate structural road section. Minimum asphalt concrete thickness for all streets shall be 0.33 ft.

E10. All required improvements shall be bonded in accordance with Town Development Code unless constructed and approved prior to approval of the Final Map.

E11. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.

E12. 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.

- E13. A final grading plan shall be submitted to the Town Engineer prior to issuance of a grading permit for review and approval. A grading permit shall not be issued until street improvement plans have been submitted to the Town Engineer for review and substantial completion of the street plans has been attained as determined by the Town Engineer.
- E14. Prior to Town acceptance of the Final Map, Subdivider shall present evidence to the Town Engineer that he has made a reasonable effort to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
- E15. Utility lines shall be placed underground in accordance with the requirements of the Town.
- E16. The developer shall make a good faith effort to acquire the required off-site property interests, and if he or she should fail to do so, 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.
- E17. Traffic impact fees adopted by the Town shall be paid by the developer.
- E18. Any developer fees including but not limited to drainage fees shall be paid by the developer as per Town enactment.
- E19. Any required street striping shall be thermoplastic as approved by the Town Engineer.
- E2. Developer shall provide landscaping of the basin/channel and the landscaping along Navajo Road subject to the approval of the Town and shall form an assessment district to provide for the on-going maintenance of the basin/drainage easement and parkway along Navajo Road. The developer shall pay for all costs relating to establishment of the district.
- E20. Un-improved cross lot drainage shall not be allowed. Drainage shall be designed in a manner such that the subdivision retains its own storm water runoff, with any possible overflow directed to the street as approved by the Town Engineer.
- E21. Retention/detention basins greater than 1 acre in size shall not be greater than 8 feet in depth (unless otherwise approved by the Planning Commission). The sides of any retention/detention basins shall be 4:1 or flatter slopes.
- E22. The developer shall be required to obtain and submit to the Planning Division prior to occupancy, the following signed statement by the purchasers of the homes located within the Landscape and Lighting Assessment district (subject to final approval by the Town Attorney): "In purchasing the home, I am aware that the home is located in the boundaries of a Landscape and Lighting Assessment District for the maintenance of drainage, landscaping, fencing and other similar improvements and that an annual landscaping maintenance charge will be levied.

- E23. 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.
- E24. A new fully actuated 3-way traffic signal shall be constructed on Navajo Road at the entrance of the project. The location of the signal shall be coordinated with the school district to align with their driveway as approved by the Town Engineer.
- E25. All mitigations measure recommended in the approved Traffic Study including the construction of a raised median on Navajo Road shall be constructed as approved by the Town Engineer.
- E26. A Storm Water Pollution Prevention Plan (SWPPP) in accordance with the National Pollutant Discharge Elimination System (NPDES) shall be required.
- E27. The retention basin/drainage channel shall also include Town Standard two-stage dry wells to help facilitate the rapid removal of storm water.

Public Works Department Conditions of Approval

- PW1. Sewage disposal shall be by connection to the Town of Apple Valley sewer system. Plans must be approved by the Town of Apple Valley Public Works Department. A four (4) inch sewer lateral is required for each unit.
- PW2. Construct the sewer collector lines and laterals to each unit to connect to the trunk sewer system or other system as approved in advance by the Town.
- PW3. 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.
- PW4. Sewer connection fees required.

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 Conditions of Approval

- BC.1 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 1000 yards.
- BC.2 Grading and drainage plans including a soils report must be submitted to and approved by the Building Department and Engineering Department prior to grading permit issuance.
- BC.3 Submit plans, engineering and obtain permits for all structures, retaining walls, signs
- BC.4 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.
- BC.5 A Notice of Intent (NOI) and a Storm Water Prevention Plan (SWPP) must be submitted to and approved by the Engineering and Building Departments prior to issuance of a grading permit and or any land disturbance.
- BC.6 All utilities shall be placed underground in compliance with Town Ordinance No.89.
- BC.7 All cross lot drainage requires easements and may require improvements at the time of development
- BC.8 Comply with State of California Disability Access requirements
- BC.9 A pre-grading meeting is required prior to beginning any land disturbance. This meeting will include the Building Inspector, General Contractor, Grading Contractor, soils technician and any other parties required to be present during the grading process such as Biologist, Paleontologist.
- BC.10 Dust palliative or hydro seed will be required on those portions of the site graded but not constructed (phased construction)
- BC.11 Page two of the submitted building plans will be the conditions of approval
- BC.12 Construction must comply with 2019 California Building Codes
- BC.13 Best Managements Practices (BMP's) are required for the site during construction
- BC.14 Provide Water Quality Management Plan (WQMP) or Alternative Compliance Plan

Apple Valley Fire Protection District Conditions of Approval

- FD1. The above referenced project is protected by the Apple Valley Fire Protection District. Prior to construction occurring on any parcel, the owner shall contact the Fire District for verification of current fire protection development requirements.
- FD2. All new construction shall comply with applicable sections of the California Fire Code, California Building Code, and other statutes, ordinances, rules, and regulations regarding fires and fire prevention adopted by the State, County, or Apple Valley Fire Protection District.

FD3. The development and each phase thereof shall have two points of paved access for fire other emergency equipment, and for routes of escape which will safely handle evacuation. 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 and Fire Department access shall be provided with a minimum width of twenty-six (26) feet, maintained, and identified. Access will start at both points on ingress and continue through the site.

Apple Valley Fire Protection District Ordinance 57

FD5. A turnaround shall be required at the end of each roadway one hundred fifty (150) feet or more in length and shall be approved by the Fire District. Cul-de-sac length shall not exceed one thousand (1,000) feet. Turning radius on all roads within the facility shall be less than 22 feet inside and minimum of 40 feet outside turning radius with no parking on street, or 47 feet with parking. Road grades shall not exceed twelve (12%) unless approved by the Chief.

Apple Valley Fire Protection District Ordinance 57

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 4-inch numbers visible from the street, and during the hours of darkness the numbers shall be internally illuminated. Where building setbacks exceed 75 feet from the roadway, additional contrasting 4-inch numbers shall be displayed at the property entrance.

Apple Valley Fire Protection District, Ordinance 57

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 1500-3200 GPM @ 20 psi Residual Pressure on 8" minimum water main size.

Duration 2 Hours

Hydrant Spacing 500 Feet

C. A total of TBD fire hydrants will be required at the time of building permit issuance. It is the responsibility of the owner/developer to provide all new fire hydrants with reflective pavement marker set into pavement and curb identification per A.V.F.P.D Standard.

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

NFPA 13D (RESIDENTIAL AUTOMATIC FIRE SPRINKLER SYSTEM): REQUIRED

This residence 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.

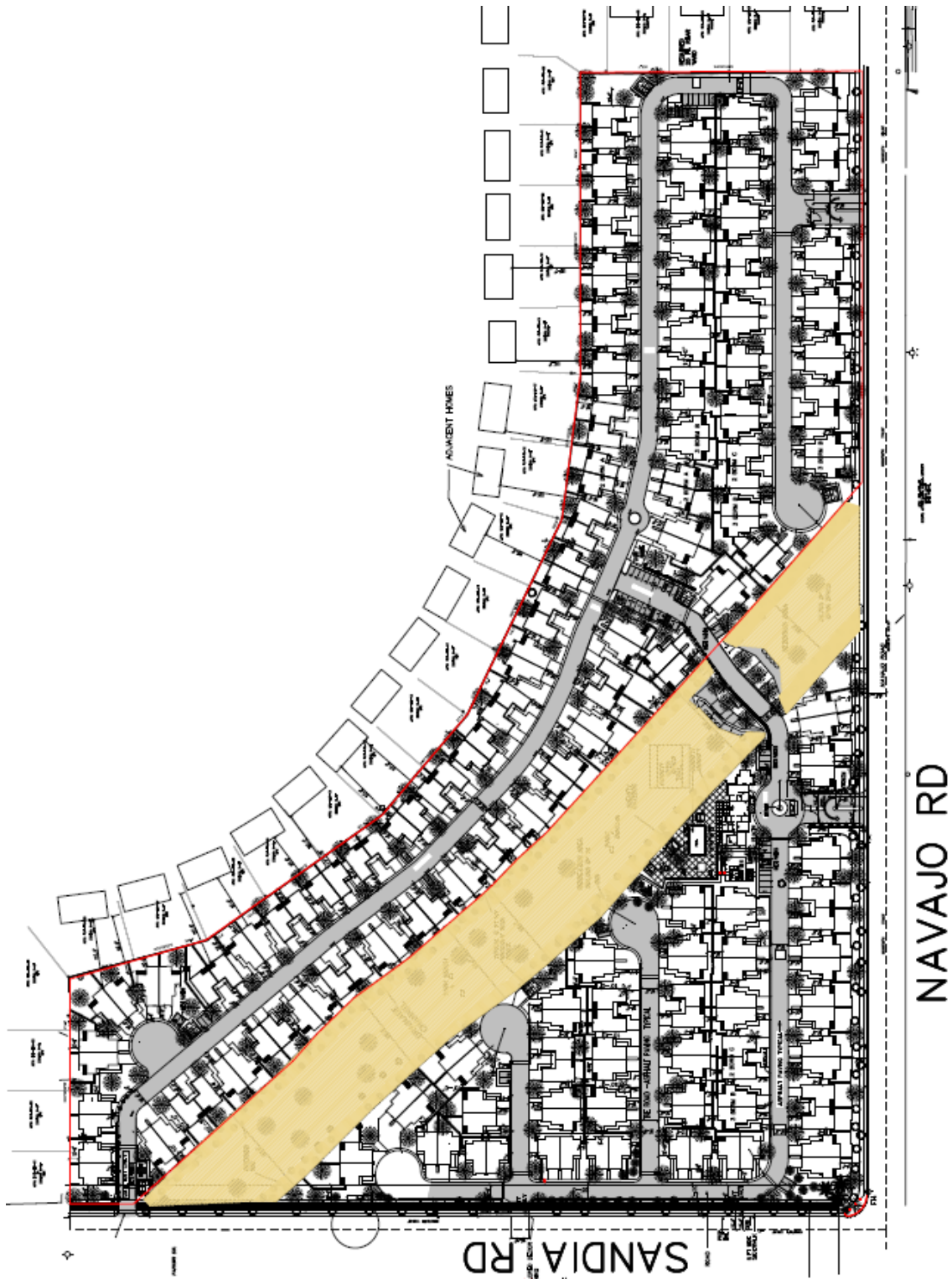
Apple Valley Fire Protection District, Ordinance 57

- FD8. A letter shall be furnished to the Fire District from the water purveyor stating that the required fire flow for the project can be met.
- FD9. 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.
- FD10. The developer shall submit a map showing complete street names within the development, to be approved by the Fire District prior to final map.
- FD11. A Knox Box Rapid Entry System shall be required at all gated ingress/egress points within this project Opticom System will be required for all gates.

Apple Valley Fire Protection District, Ordinance 57

END OF CONDITIONS

SITE PLAN



Building Elevations



Building A



Building B

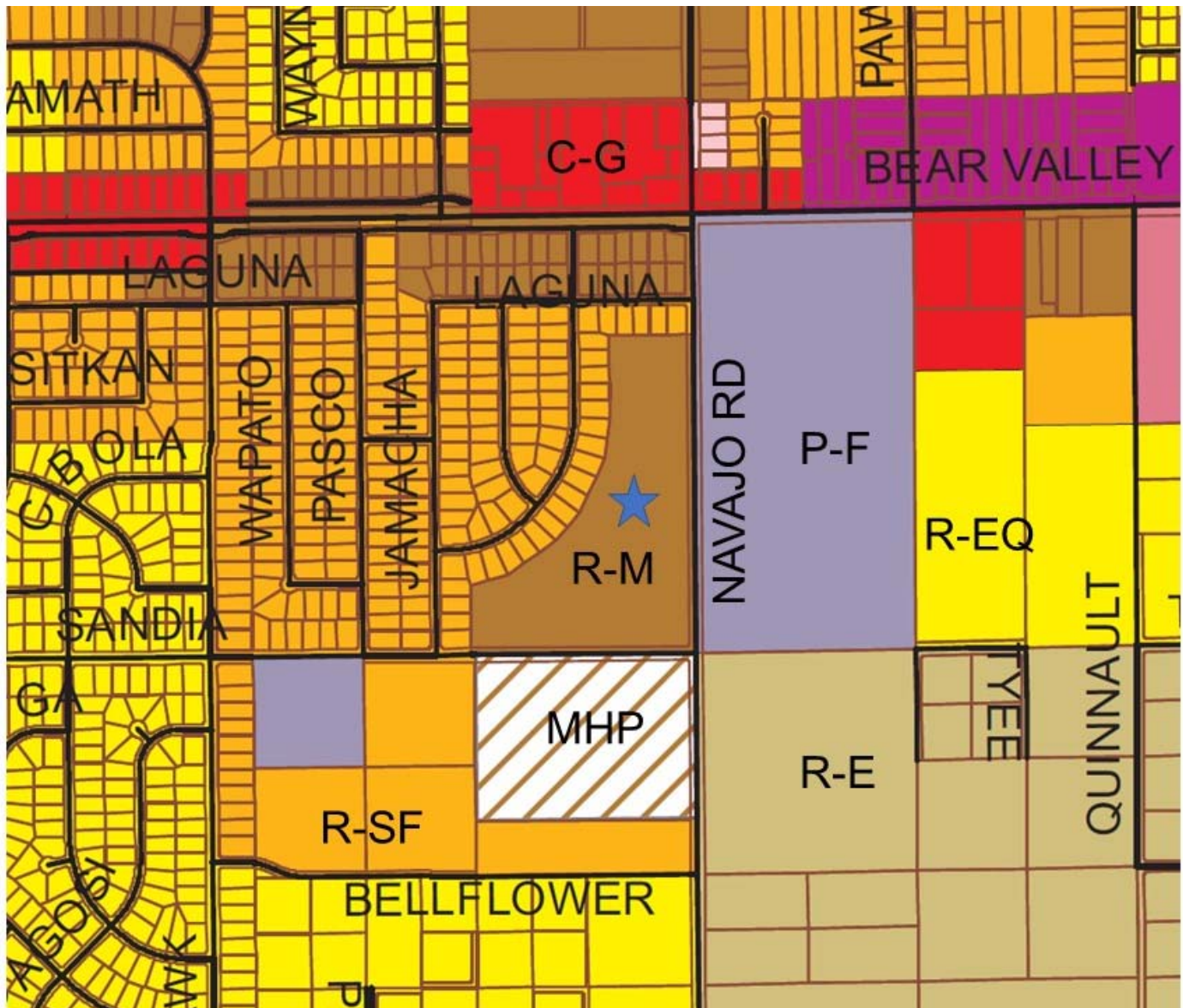


Building C



Rec Building

TOWN OF APPLE VALLEY ZONE MAP



DENOTES PROPOSED DEVELOPMENT

MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

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

Project Title:	Conditional Use Permit No. 2020-01, Development Permit No. 2021-004, & Tentative Parcel Map No. 20258
Assessor's Parcel No.	0434-063-02
Lead Agency Name and Address:	Town of Apple Valley 14975 Dale Evans Parkway Apple Valley, CA 92307
Project Location:	Northwest corner of Navajo Road and Sandia Road
Project Sponsor's Name and Address:	BM Investments, LLC 400 N. Mountain Avenue, Suite 224 Upland, CA 91736
General Plan Designation(s):	Medium density Residential (RM)
Zoning:	Multi-Family Residential (R-M)
Contact Person:	Town of Apple Valley (760) 240-7000, Ext. 7205/ dalcayaga@applevalley.org
Date Prepared	January 2021

1. Description of the Project

A Conditional Use Permit to construct a 210-unit multi-family development and a tentative parcel map to create four parcels and remainder for financial purposes. Each building is designed in a duplex fashion with each unit having a two-car garage. There are three floor plans ranging in size from 1,069 square feet to 1,239 square feet. Two of the floor plans are two-bedroom units, and one floor plan is a three-bedroom unit. There will be a different building elevation to accompany each floor plan. Recreational amenities include a large common open space area with a pool and spa, a recreational building, a tot-lot, and multiple gazebos and barbeques. Street improvements will be constructed including curb, gutter, and sidewalk along the project frontage on Navajo and Sandia Roads. A 12-foot trail will be constructed adjacent to Sandia Road on private property as an easement. A drainage channel will be constructed through the middle of the development to allow historical drainage to flow through the property.

2. Environmental Setting and Surrounding Land Uses

The subject site is vacant and not highly disturbed. There are portions of the property adjacent to Navajo Road and Sandia Road that have been previously disturbed. The majority of the site does not show signs of being disturbed, with native flora still dominating the landscape. There are four Joshua Trees present on the site. Topographically, the site is relatively flat at an elevation of between 2,986 to 2,996-feet above mean sea level. The property naturally drains southwest to northwest following historical flows. The site is surrounded by existing single-family residences to the north and west and a mobile home park on the opposite side of Sandia Road to the south.

MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

Apple Valley High School is located on the opposite side of Navajo Road to the east. The properties surrounding the site are zoned Residential Single-Family (R-SF) to the north and west. The property to the south is zoned Mobile Home Park (MHP) and Apple Valley High School is zoned Public Facilities (P-F).

3. Other public agencies whose approval is required

None

4. California Native American tribes

Pursuant to the requirements of Assembly Bill 52, the Town notified Cabazon Band of Mission Indians, San Manuel Band of Mission Indians, Twenty-Nine Palms Band of Mission Indians and Torrez-Martinez Desert Cahuilla Indians. San Manuel Band of Mission Indians made a request to include certain conditions of approval. These will be included in the project's conditions of approval. Consultation under AB 52 commenced on December 17, 2020. The 60-day response period ended on February 17, 2021.

MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

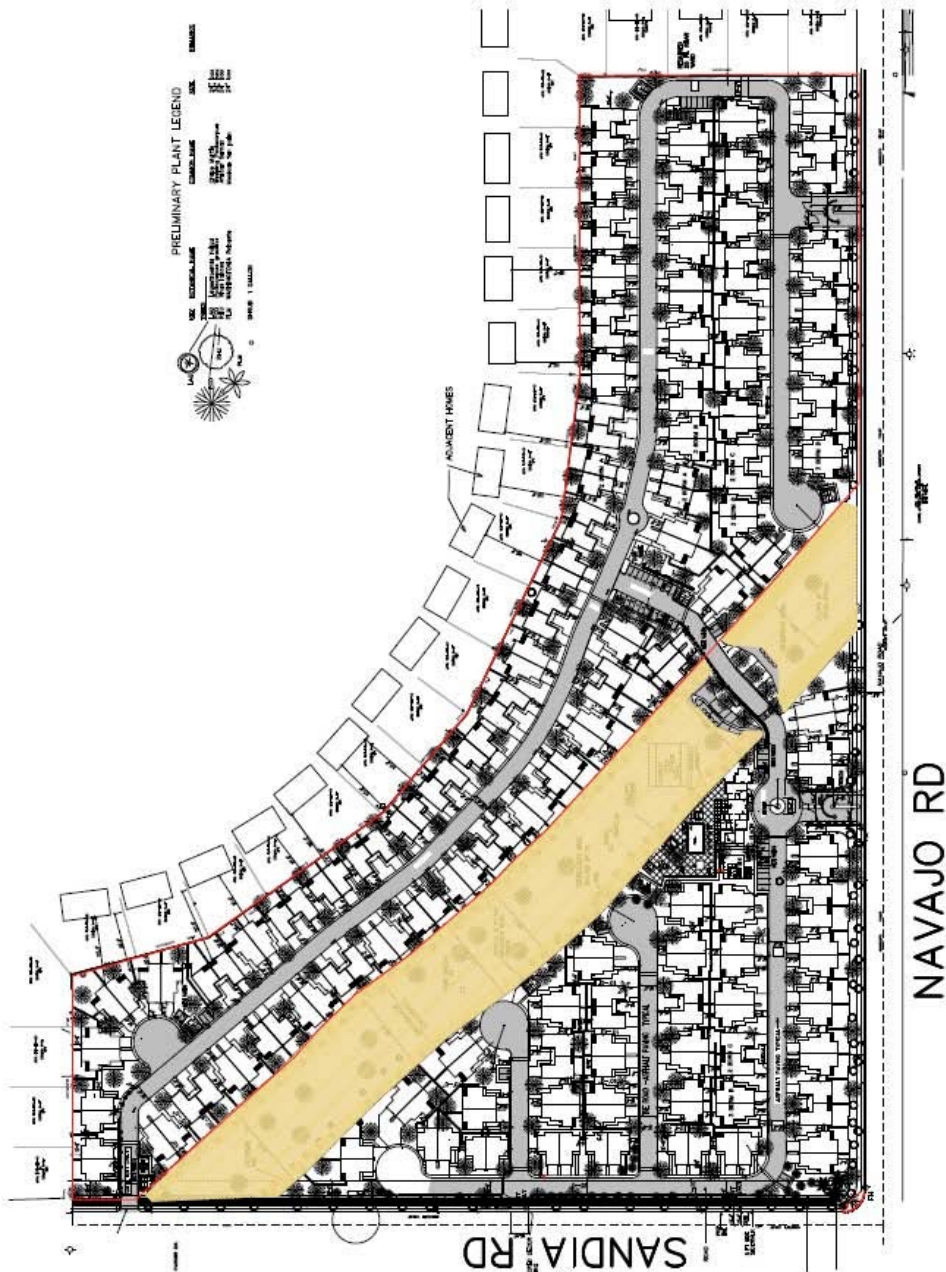
Exhibit 1 – Project Aerial



 Denotes project site

MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

Exhibit 2 – Project Site Plan



MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

Environmental Factors Potentially Affected:

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

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

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.

 Daniel Alcayaga, AICP
 Planning Manager

 Date

MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

PURPOSE OF THIS INITIAL STUDY

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

EVALUATION OF ENVIRONMENTAL IMPACTS

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

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

Discussion of Impacts

- a. **Less Than Significant Impact.** The proposed project is not located within a Scenic Corridor. However, there are views of the San Bernardino Mountains to the south and southeast provide the dominant scenic vistas from the project site. Other smaller scale mountain ranges are also visible from the project site. The development of the proposed project would result in the construction of 210 multi-family dwelling units. The construction of the proposed dwelling units may obstruct views of the mountains for nearby residences located north and west of the site. However, the proposed project is of similar size and scale to the existing residential development already in the area and it would not result in a substantial adverse effect on a scenic vista. Therefore, impacts to scenic vistas are considered less than significant.
- b. **Less Than Significant Impact.** The proposed project will not substantially damage scenic resources, including, but not limited, trees, rock outcroppings, and historic buildings within a state scenic highway, because the site is not adjacent to a state scenic highway and there are no rock outcroppings or historic buildings on the site. The site is not located within a State scenic highway as identified by California Department of Transportation. There are no State designated scenic highways located within, on, adjacent to, or near the project site. Therefore, development of the project would not damage scenic resources within a State scenic highway.
- c. **Less Than Significant Impact.** The proposed project site shows minimal evidence of trespass traversing the site, but portions of the property adjacent to Navajo and Sandia Roads show signs of being disturbed, with native flora still dominating the landscape. Completion of the proposed project would result in the development of residential uses on the site. The proposed project will comply with existing Development Code Section 9.31.050 Multi-Family Architectural Design Standards and the Native Plant Protection Ordinance. For these reasons, the ultimate development of multi-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

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

II. AGRICULTURAL RESOURCES

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

Discussion of Impacts

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

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III. AIR QUALITY

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

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

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

- a. **Less Than Significant Impact.** The Town of Apple Valley is subject to the jurisdiction of the MDAQMD which sets forth policies and other measures designed to help the District achieve federal and state ambient air quality standards. These rules, along with the MDAQMD CEQA and Federal Conformity Guidelines¹, are intended to satisfy the planning requirements of both the federal and state Clean Air Acts. The MDAQMD also monitors daily pollutant levels and meteorological conditions throughout the District.

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

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

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

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

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

Air Quality Mitigation Measure

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

- c. **Less than Significant Impacts:** Sensitive receptors located within the vicinity of the proposed project include single-family residences and Apple Valley High School. 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.

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

Criteria Air Pollutants

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

Construction Emissions

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

**Table 1
 Construction-Related Emissions
 CUP-2020-01 and TPM-20258
 (tons per year)**

Construction Emissions	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Construction - 2020	0.4	2.2	1.6	0.0	0.5	0.3
Construction - 2021	2.4	4.9	5.5	0.0	0.6	0.3
Construction - 2022	1.9	3.5	4.3	0.0	0.5	0.2
MDAQMD Thresholds	25	25	100	25	15	12
Exceed?	No	No	No	No	No	No

Source: ECORP Consulting, Inc. dated May 2020 & CalEEMod model, version 2016.3.2 output tables
 Notes: Emission estimates account for multiple grading events of the 32.2 acre site, equating to 112.5 acres of worked land by Project construction equipment

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.

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Table 2
Operational Emissions Summary
CUP-2020-01 and TPM-20258
(tons per year)

	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Operational Emissions	1.7	3.7	7.1	0.0	1.6	0.4
MDAQMD Thresholds	25	25	100	25	15	12
Exceed?	No	No	No	No	No	No
(pounds per year)						
Operational Emissions	10.57	21.55	53.67	0.13	9.56	2.74
MDAQMD Thresholds	137	137	548	137	82	65
Exceed?	No	No	No	No	No	No

Source: CalEEMod model, version 2016.3.2

Note: Emission estimates account for approximately 1,423 daily weekday vehicle trips

IV. BIOLOGICAL RESOURCES

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and 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"/>

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IV. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion of Impacts

a. **Less than Significant Impact with Mitigation.** The analysis of the project's effect on candidate, sensitive, or special status species is based on the Biological Technical Report dated January 2020 completed by ECORP Consulting, 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 ECORP, the project area has the potential in the future to be occupied by sensitive species. Therefore, to confirm no special status species have returned to the site, it is recommended that a pre-construction biological survey be conducted. Mammals possibly occurring on the site as residents or transients include jackrabbits (*Lepus americanus*) and Antelope ground squirrels (*Ammospermophilus leucurus*). Several birds were observed during the surveys including raven, house finch, rock pigeon, morning dove and sage sparrow. A few side-blotched lizards (*Uta stansburiana*), western whiptail lizards (*Cnemidophorus tigris*), Desert night lizards (*Xantusia vigilis*) and desert spiny lizards (*Sceloporus magister*) were observed during the surveys. These species are not listed as threatened, endangered, or sensitive.

Mitigation Measures:

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

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

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- a) If burrowing owls are observed using burrows on-site during the non-breeding season (September through January, unless determined otherwise by a qualified biologist based on field observations in the region), occupied burrows will be left undisturbed, and no construction activity will take place within 300 feet of the burrow where feasible (see below).
 - b) If avoiding disturbance of owls and owl burrows on-site is infeasible, owls will be excluded from all active burrows through the use of exclusion devices placed in occupied burrows in accordance with protocols established in CDFW's Staff Report on Burrowing Owl Mitigation (2012). Specifically, exclusion devices, utilizing one-way doors, will be installed in the entrance of all active burrows. The devices will be left in the burrows for at least 48 hours to ensure that all owls have been excluded from the burrows. Each of the burrows will then be excavated by hand and/or mechanically and refilled to prevent reoccupation. Exclusion will continue until the owls have been excluded from the disturbance area, as determined by a qualified biologist.
 - c) Any active burrowing owl burrows detected on-site during the breeding season (February through August, unless determined otherwise by a qualified biologist based on field observations in the region), will not be disturbed. Construction activities will not be conducted within 300 feet of an active onsite burrow at this season.
- b. **No impact.** Riparian habitat includes willows, mule fat, and other vegetation typically associated with the banks of a stream or lake shoreline. No riparian habitat exists on site. In addition, there are no other sensitive natural communities or habitats present on the project site. Therefore, no impact associated with this issue will occur.
- c. **No Impact.** The project site does not contain any drainage features under the jurisdiction of the U.S. Army Corps of Engineers or other Federal agencies. Therefore, implementation of the proposed project will not result in an impact associated with federally protected wetlands.
- d. **Less than Significant Impact.** The biological resources study did not identify any wildlife nurseries on the project site. The study also found that the site is not conducive to wildlife movement. Impacts associated with wildlife movement are expected to be less than significant.
- e. **Less than Significant Impact with Mitigation.**

Prior to the project being accepted as complete, the California Department of Fish and Wildlife (CDFW) temporarily designated Joshua trees as protected. Since this is a newly listed species, coordination with CDFW would need to be conducted. An Incidental Take Permit from CDFW would be needed to remove or relocate the trees. Otherwise, the Joshua Trees shall be protected in place during all grading, construction, and operation activities. A Joshua Tree Preservation Plan was prepared by Mike Parker, a certified arborist, and included a survey of the 36 gross acre site identifying four Joshua Trees (*Yucca brevifolia*) on the site, two of which are unhealthy and two as healthy.

The California Native Plants Act protects California desert native plants from unlawful harvesting on both public and privately owned lands while also providing information necessary to legally harvest native plants to ultimately transplant those plants with the greatest possible chance of survival. The Town of Apple Valley Development Code Section 9.76.040 further recognizes the Town's intent and desire to preserve the contribution that Joshua Trees have made to the desert environment. While it is the intent and desire of the Town to preserve and protect all Joshua Trees, this intent and desire shall be balanced against the community's need for growth.

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Pending a decision by CDFW, Joshua Trees must be protected in place. Should the applicant obtain an incidental take permit to remove or relocate a Joshua Tree, or should the protections be lifted, any disturbance of Joshua Trees is subject to the provisions of the Development Code which are all included herewith as mitigation measures.

BIO-3: A qualified approved arborist will be retained to conduct any future transplanting activities and will follow the protocol of the County's Development Code. Removal of all plants protected or regulated by the Desert Native Plants Act would be required to comply with the provisions of the Act before the issuance of a development permit or approval of a land use application.

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

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

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

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

- f. **Less than Significant Impact.** Areas of valuable habitat that support special status species are illustrated in the Biological Resources Study of the Town's General Plan EIR. The General Plan includes policies and programs intended to ensure that habitat connectivity is preserved in the Town. In addition, a number of special survey areas in the Town's planning area are identified in the General Plan. Species for which surveys are required as part of development applications include Desert Tortoise, Mojave Ground Squirrel, Burrowing Owls, Joshua Trees, and/or Migratory/Nesting/Other Protected Birds. The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional or state habitat conservation plan because no such plan has been adopted in the area of the project site. However, the Town has a draft Multi-Species Habitat Conservation Plan, and at such time the site is to be developed, the project will be subject to the mitigation measures identified in the MSHCP.

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

Discussion of Impacts

- a-b. **Less than Significant Impact.** A cultural resources assessment of the proposed project site was completed by Laguna Mountain Environmental, Inc. dated October 2019. A field survey of the site was performed on August 21, 2019. There were no cultural resources of any kind discovered during the field survey. Therefore, development of the site would be considered a less than significant impact. 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, only one tribe provided comments and no tribe requested consultation. San Manuel Band of Mission Indians provided a list of standard conditions to be included in the project's conditions of approval.
- c. **Less than Significant Impact.** The proposed project site is not known to have been utilized for religious or sacred purposes. No evidence is in place to suggest the project site has been used for human burials. During the AB 52 consultation process, no correspondences was received indicating that there are burial grounds. As adherence to State regulations is required for all development, no mitigation is required in the unlikely event human remains are discovered on-site. Impacts associated with this issue are considered less than significant.

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

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- a) Construction of the 210 multi-family residential units would require the typical use of energy resources. Energy would be consumed during site clearing, excavation, grading and construction. The construction process would be typical. No site conditions or project features would require an inefficient or unnecessary consumption of energy. The project has been designed in compliance with California's Energy Efficiency Standards and 2019 CALGreen Standards. These measures include:
- Stormwater drainage and retention during construction (BMPs);
 - Water conserving plumbing fixtures and fittings;
 - Compliance with the Town's Water Efficient Landscape Ordinance (Development Code Chapter 9.75)
 - Construction Waste Diversion
 - All other mandatory CALGreen requirements for residential development.

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

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

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

VII. GEOLOGY AND SOILS

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

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VII. GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>a (i). No Impact. The site is not located within the boundaries of an earthquake fault zone for fault-rupture hazard as defined by the Alquist-Priolo Earthquake Fault Zoning Act. No known active or potentially active faults traverse the site as shown on the California Geologic Survey Map (2002). Therefore, no impact associated with the rupture of a known earthquake fault would occur. Source: Town of Apple Valley, General Plan EIR</p>				
<p>a(ii) Less than Significant Impact. Like all of Southern California, the Mojave Desert is a seismically active region. 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) Less Than Significant Impact. Liquefaction occurs when groundwater is located near the surface (within 50 feet), and mixes with surface soils during an earthquake. The site is not included within any geologic hazard map as being located within an area with a liquefaction hazard and is not considered a hazard due to the great depth to groundwater. Impacts associated with liquefaction are less than significant.</p>				
<p>a (iv). No Impact. The site is not located within an area that could be susceptible to any landslides.</p>				

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- b. **Less than Significant Impact.** The proposed project will require the excavation and movement of on-site soils to create the residential pads and proposed new improvements. 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.** The potential of unstable soil condition, landslide, lateral spreading, subsidence, liquefaction or collapse is present because of the geographical make up of the area and the frequency of earthquake occurrences in Southern California. The General Plan indicates that the project site is not located within a special studies zone or an earthquake fault zone. Any project within the area of Southern California shall meet the latest California Building Codes (CBC) standards to minimize the potential impact caused by an earthquake. However, any future project will meet and/or exceed the development standards set by the Town of Apple Valley. Therefore, there is a less than significant impact of soil erosion or instability occurring at this project site with proper construction methods and development standards as defined in the Town of Apple Valley Development Code and the latest CBC regulations.
- d. **No Impact.** As identified in the geotechnical study, the soils within the project site are not expansive. The study confirmed that expansive soils do not occur on the site. No impact is anticipated.
- e. **No Impact.** The proposed project will connect to the existing sanitary sewer system. Because septic or alternative waste disposal systems will not be utilized, no impact related to this issue will occur.
- f. **Less than Significant Impact.** The project site is not located within an area identified as highly sensitive for paleontological resources as shown in Exhibit III-5 of the General Plan FEIR.

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

Discussion of Impacts

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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 Air Quality and Greenhouse Gas Assessment prepared by ECORP Consulting, Inc dated May 2020 used the California Emissions Estimator Model (CalEEMod Version 2016.3.2) to estimate greenhouse gases emitted by the project. The results are shown in Table 3.

**Table 3
 Annual GHG Emissions
 CUP-2020-01 and TPM-20258
 (Metric Tons/Year)**

CO2e	Threshold	Exceeds?
2,693	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
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
Would the project:				
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) No Impact. The proposed project consists of the construction of residential properties. This land use will not involve the production, storage, or distribution of hazardous substances except normally occurring household hazardous wastes (such as cleaning products and paints). The range of land use activities proposed on the project site would not allow for the use, storage, disposal, or transport of large volumes of toxic, flammable, explosive, or otherwise hazardous materials that could cause serious environmental damage in the event of an accident. No impact anticipated.				
c) No Impact. As the proposed development includes only residential dwelling units, which do not emit hazardous emissions or handle hazardous materials, no impacts associated with this issue are anticipated.				
d) No Impact. This project is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, this project would not create a significant hazard to the public or the environment. No impact is anticipated.				
e) No Impact. The subject areas are not located in the vicinity of a designated airport land use, nor within a two-mile radius of a public airport; therefore, no hazards are known to impact public safety.				
f) Less than Significant Impact. Implementation of the proposed project will increase the number of residential dwelling units within the Town. Development of the proposed project will generate an increase in the amount and volume of traffic on local and regional networks. The developers of the proposed project will be required to design and construct				

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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

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would				
(i) Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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X. HYDROLOGY AND WATER QUALITY	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
(iv) impede or redirect flood flows?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 with Mitigation.** 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.

The USGS maps show a blue line stream crossing through the property. The applicant has stated that they intend to grade the property and construct a channel through the property. The channel will be constructed along the historical paths of the blue line stream. An Aquatic Resources Delineation Survey Report was prepared by ECORP Consulting, Inc. dated February 2019. The report states that no feature on the project site were jurisdictional. Although formerly a stream was mapped through the property, this feature appears to no longer function due to several developments that have occurred along its historic length.

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When development crosses or fills a historic channel, it can result in dewatering that feature downstream or diverting its flows to a storm drain system or to another drainage system. It appears that the feature that was formerly present on site has been dewatered by intervening developments.

The US Army Corps of Engineers has permitted authority over activities affecting water of the United States. According to Regulatory Guidance Letter (08-02), an Applicant "may elect to use a preliminary Jurisdiction Determination (JD) to voluntarily waive or set aside questions regarding Clean Water Act jurisdiction over a particular site, usually in the interest of allowing the landowner or other affected party to move ahead expeditiously to obtain a Corps permit authorization where the party determines that it is in his or her best interest to do so. A significant nexus evaluation is not necessary to obtain a preliminary JD. A preliminary JD is also not binding. An approved JD is an official Corps determination that jurisdiction "water of the United States" or "navigable water of the United States," both, are either present or absent on a particular site.

The Aquatic Resources Delineation Survey Report concluded that no potential Waters of the US or CDFW jurisdiction has been mapped on-site, and as such no permitting pursuant to the federal CWA or Section 1602 (SAA) of the California Fish and Game Code will be required in regarding to Project activities.

HYD01 Prior to ground disturbance, the project applicant shall provide written notification that a Lake and Streambed Alteration Agreement is not required by CDFW. It is the applicant's responsibility to obtain all necessary approvals, clearances and permits (i.e. lake streambed alteration agreement) from CDFW and/or U.S. Army Corps of Engineers.

- b. **Less than Significant Impact.** The project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level because the project will be served by an existing water purveyor that has indicated that there is currently sufficient capacity in the existing water system to serve the anticipated needs of the project.
- c. **Less than Significant Impact.** The existing surface drainage on the site follows the surface contours that drain to the northeast 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

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

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

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

XI. LAND USE AND PLANNING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion of Impacts				
a,b: No Impact. The project proposes development on vacant land zoned for multi-family residential development and adjacent to existing residential developments to the north, south and west. 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				

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barrier between residential uses. Therefore, no impacts associated with physically dividing an established neighborhood are anticipated.

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

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

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single-family residences and a high school surrounding the site. These sensitive land uses may be potentially affected by noise generated during construction and operation of the proposed project. The proposed project has the potential to cause noise levels to exceed the standards within the Town Code during construction and operational phases. Short-term noise increases from the proposed project would be generated during grading and construction activities. These activities would be short-term and would be subject to the construction activity restrictions in the Town Code. With implementation of the identified mitigation measures, potential short term construction and long-term operational noise impacts would be reduced to below a level of significance. The subject site is adjacent to Navajo Road, a noise impact roadway. Two design features/ mitigation measures will effectively attenuate and mitigation traffic noise impacts.

Mitigation Measures

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

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

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

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

N-4 *The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors to the east of the site.*

N-5 *The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors to the east of the site during all project construction.*

N-6 *All construction, maintenance, or demolition activities within the Town's boundary shall be limited to the hours of 7:00 a.m.–7:00 p.m. of any working day Monday through Friday, and all construction, maintenance, or demolition activities shall be prohibited on Saturdays, Sundays and holidays. Exceptions to these standards may be granted by the Town Council. Sundays and holidays. Exceptions to these standards may be granted by the Town Council.*

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

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XIV. POPULATION AND HOUSING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion of Impacts				
a. Less than Significant Impact. The proposed project site consists of the construction of 210 dwelling units. These new dwelling units would induce population growth to the area. The proposed project site is currently designated as residential use in the General Plan. The proposed residential uses meet the Town's goal of providing housing opportunities for the increasing population within the Town of Apple Valley. As the proposed project is consistent with and has been anticipated by the Town's General Plan, a less than significant growth inducing impact would be associated with development of the project site. Source: Apple Valley General Plan, Housing Element.				
b. No Impact. The proposed project site is currently vacant and, therefore, no displacement of housing or residents will occur. Replacement housing will not be required, and no impact associated with this issue will occur.				

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

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

Discussion of Impacts

- a. **Less than Significant Impact.** Fire service would be provided to the project uses by the Apple Valley Fire Protection District. The proposed project is located approximately 1 mile from the station located at 12143 Kiowa Road. Due to the close proximity of the fire station, the proposed project would be within the standard respond times of the Fire Protection District. However, as with any new development, the proposed project would increase the need for fire protection services within the Town. As a result, the applicant for the construction of the new dwelling units will be required to pay applicable fire service fees prior to occupancy. The payment of fees satisfies the requirements for development impacts on fire services. With the payment of the fire service fee, potential impacts related to the provision of fire services would be reduced to a less than significant level.
Source: Town of Apple Valley, General Plan EIR

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

- c. **Less than Significant Impact.** Implementation of the proposed project will lead to the construction of 210 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 210 dwelling units would increase the current population by approximately 571 persons. The increase in population would result in increased demand for and use of local parks. In order to reduce potential impacts upon local parks, the proposed project is required to pay Quimby Fees to pay its fair share for park facilities. Through the development impact fees, the impact upon park facilities would be reduced to less than significant.

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

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

Discussion of Impacts

- a. **Less than Significant Impact.** The project proposes development of 210 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. Three (3) of the thirteen (13) parks are located approximately 2.5 miles from the project site and would be used by residents within the proposed project. These parks include James Woody Community Center, Yucca Loma Park, and Mendel Park. This is a request to develop approximately 36 gross acres into 210 multi-family residential lots in the Multi-Family Residential (R-M) zoning designation for future residential development will increase the use of existing neighborhood and regional parks or other recreational facilities. Per the Town Code, the Park Development fee will be assessed per dwelling unit.
- b. **No Impact.** The proposed project does not include recreational facilities and would not induce the need for any construction or expansion of recreational facilities. No impact is anticipated.

XVII. TRANSPORTATION	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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XVII. TRANSPORTATION	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion of Impacts

- a. **Less than Significant Impact with Mitigation.** Primary access to the site will be provided via Navajo Road, with secondary access from Sandia Road. Regional access to the site is provided by Interstate 15 via an interchange on Bear Valley Road. The proposed project would increase the existing traffic load along these roadways as well as impact others within the vicinity of the project site. The traffic study indicated that the proposed project would generate 1,523 daily trips with 96 AM peak-hour trips (22 inbound trips and 74 outbound trips) and 116 PM peak hours trips (73 inbound trips and 43 outbound trip). 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.

Apple Valley School District expressed concerns that the entrances to the proposed development do not align with the entrances to Apple Valley High School. Town Staff is requiring that traffic signal, street median and turning lanes be provided to ensure safe pedestrian access across Navajo Street. The applicant's traffic engineer stated the mitigations can include a raised median at the two project driveways on Navajo allowing eastbound left-turns and right-turns with traffic signage prohibiting a left-turn during the morning and afternoon peak hours. Additionally, the improvements include raised roadway delineators along the center of the roadway providing left-turn pockets to the school driveways where vehicles can also make a U-turn movement. Below is a summary of the Level of Service (LOS) results with the mitigation improvements. With mitigation, the traffic impacts associated with the existing school and the proposed development will be less than significant.

Intersection	AM Peak Hour Delay/LOS		
	Existing	Existing Plus Project	Existing Plus Project Plus Mitigation
Navajo Road / N. Project Driveway	N/A	28.6 / D	13.3 / B
Navajo Road / S. Project Driveway	N/A	25.5 / D	12.9 / B
	Opening Year	Opening Year Plus Project	Opening Year Plus Project Plus Mitigation
Navajo Road / N. Project Driveway	N/A	34.3 / D	14.1 / B

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Navajo Road / S. Project Driveway	N/A	29.9 / D	13.6 / B
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Mitigation Measures

T-1 Street improvements, including but not limited to a traffic signal, raised median, and turning lanes shall be constructed to allow safe access to pedestrians across Navajo Road. These street improvements and modifications thereof shall be consistent with the Traffic Study to be approved by the Town Engineering Department.

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

XVIII. TRIBAL RESOURCES

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a 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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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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.

- a) i-ii. **Less than Significant Impact** A cultural resources assessment of the proposed project site was completed by Laguna Mountain Environmental, Inc. dated October 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. During the AB 52 consultation, only one tribe provided comments and no tribe requested consultation. San Manuel Band of Mission Indians provided a list of standard conditions to be included in the project's conditions of approval.

XIX. UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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				

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- a. **Less than Significant Impact.** There are existing utilities in the area to serve the project site. The construction of 210 multi-family homes will require the connection into existing service lines; however, the construction of new facilities or the relocation of existing facilities will not be required.
- b. **Less than Significant Impact.** Liberty Utilities will provide domestic water services to the subject property. The project is required to construct new domestic waterlines to serve the site.
- c. **Less than Significant Impact.** Wastewater treatment services to the project would be provided by the VVWRA. The VVWRA is a California Joint Powers Authority that owns and operates regional wastewater collection and treatment facilities which services the Victor Valley. For the construction of the new dwelling units, the project is required to satisfy RWQCB and VVWRA payment of fees. The payment of fees satisfies the requirements for the development impact on wastewater treatment facilities. For these reasons, impacts to wastewater treatment facilities would be less than significant. The proposed project water services are provided by Liberty Utility.
- d-e. **Less than Significant Impact.** The Town contracts for solid waste disposal with Burrtec Waste Industries. Solid waste is hauled to the Victorville landfill, which is a County operated facility. The proposed project will generate solid waste consistent with that analyzed in the Town's General Plan EIR. Impacts associated with solid waste generation are expected to be less than significant.

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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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XX. WILDFIRES

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

or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

- a. **Less than Significant Impact.** Implementation of the proposed project will increase the number of residential dwelling units within the Town. Development of the proposed project will generate an increase in the amount and volume of traffic on local and regional networks. The developers of the proposed project will be required to design and construct applicable roadways to comply with applicable local, regional, State and/or Federal requirements related to emergency access and evacuation plans. Construction activities, which may temporarily restrict vehicular traffic, will be required to implement measures to facilitate the passage of persons and vehicles through/around any required road closures. Adherence to these measures will reduce potential impacts related to this issue to a less than significant level.
- b. **Less than Significant Impact.** The magnitude and severity of a wildfire event is measured by calculating the number of acres burned in a specific wildfire event. CAL Fire adopted a Fire Hazard Severity Zone map for the local responsible agencies in 2008, which is found within the Town's Hazard Mitigation Plan for 2017. The Fire Severity Zones are identified as Very High, High, and Moderate through the County of San Bernardino. Apple Valley has nothing higher than moderate fire hazard severity. The project area is located within a Fire Hazard Area that is mapped as "Moderate". The project is not within an area mapped as a high 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

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Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Less than Significant Impact. The site is not within designated or proposed critical habitat for threatened or endangered species. Additionally, the proposed project site does not contain any wetlands, or riparian habitat. The proposed project site was identified as containing suitable habitat for nesting birds, raptors, and burrowing owls.				
b. Less than Significant Impact. With implementation of mitigation contained in this Initial Study, environmental impacts associated with the project will be reduced to a less than significant 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.				

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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
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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,
ECORP Consulting, Inc., Biological Technical Report, January 2020
Laguna Mountain Environmental, Inc., Cultural Resources Survey, October 2019
ECORP Consulting, Inc., Air Quality and Greenhouse Gas Assessment, May 2020
Allard Miller, Drainage Report, October 16, 2019
ECORP Consulting, Inc., Aquatic Resources Delineation Survey Report, February 2019