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**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA**

WEDNESDAY, MAY 5, 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 MAY 5, 2021 – 6:00 P.M.**

IMPORTANT COVID-19 NOTICE

THIS MEETING IS BEING CONDUCTED CONSISTENT WITH CURRENT GUIDANCE ISSUED BY THE STATE OF CALIFORNIA REGARDING THE COVID-19 PANDEMIC. THE MEETING IS BROADCAST LIVE AND VIEWABLE ON FRONTIER CHANNEL 29 OR CHARTER SPECTRUM CHANNEL 186 AND LIVE STREAMED ONLINE AT APPLEVALLEY.ORG. IN AN EFFORT TO PROTECT PUBLIC HEALTH AND IN ACCORDANCE WITH CURRENT GUIDANCE, SEATING IN THE COUNCIL CHAMBERS WILL BE LIMITED TO 50% CAPACITY. THOSE ENTERING THE COUNCIL CHAMBERS MUST HAVE A TEMPERATURE CHECK, WEAR A MASK AND ADHERE TO ALL OTHER SAFETY PROTOCOLS IN AFFECT AT THE TIME OF

THE MEETING. FOR INDIVIDUALS NOT PHYSICALLY PRESENT AND STILL WISHING TO MAKE PUBLIC COMMENTS, YOU MAY COMMENT IN ONE OF TWO WAYS:

1) COMMENTS AND CONTACT INFORMATION CAN BE EMAILED TO PUBLICCOMMENT@APPLEVALLEY.ORG BY 12 P.M. TUESDAY, APRIL 27, 2021, TO BE INCLUDED IN THE RECORD;

2) A REQUEST TO SPEAK CAN BE EMAILED TO THE SAME ADDRESS AS ABOVE AND AT THE TIME OF THE REQUESTED AGENDA ITEM, THE TOWN CLERK WILL PLACE A PHONE CALL TO THE COMMENTER AND ALLOW THEM TO SPEAK TO THE COUNCIL VIA SPEAKER PHONE DURING THE LIVE MEETING FOR UP TO THREE MINUTES.”

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. Minutes for the Regular Meeting of February 3, 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

2. **Conditional Use Permit No. 2021-04.** A request for approval of a Conditional Use Permit to allow the construction of public facility improvements, including a new pump house, to an existing water production well site. The project site is 0.89 acres in size and located within the Single-family Residential (R-SF) zoning designation.

APPLICANT: Liberty Utilities

LOCATION: 19850 Sitting Bull Rd; APN 3087-072-13

ENVIRONMENTAL

DETERMINATION: Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is Exempt from further environmental review. The proposed site has been previously used for similar purposes and is considered an existing facility meeting the conditions set forth within Section 15301, Class 1 Categorical Exemption.

PREPARED BY: Pam Cupp, Senior Planner

RECOMMENDATION: Request for Continuation

3. **Tentative Parcel Map No. 20294.** (Continued from April 21, 2021) A request to approve a tentative parcel map to subdivide a 4.8-acre property into two (2) parcels and one (1) remainder parcel for the future development of single-family homes. The project is located within the Estate Residential (R-E) zoning designation.

APPLICANT: Merrell Johnson Companies representing Mr. Nathan Aguirre

LOCATION: 17180 Mesquite Road; APN 0437-193-40

ENVIRONMENTAL

DETERMINATION: Pursuant to Section 15315 of the Guidelines to Implement the California Environmental Quality Act (CEQA), Minor Land Divisions, the proposed request is Exempt from further environmental review.

PREPARED BY: Pam Cupp, Senior Planner

RECOMMENDATION: Approval

4. **Tentative Parcel Map No. 19944.** A request to approve a tentative parcel map to subdivide a 12.1-acre property into two (2) parcels. The project is located within General Commercial (CG) zoning designation.

APPLICANT: Merrell Johnson Companies representing David Dhillon

LOCATION: Southwest corner of Bear Valley Road and Central Road; APN 3080-051-34

ENVIRONMENTAL

DETERMINATION: Pursuant to Section 15315 of the Guidelines to Implement the California Environmental Quality Act (CEQA), Minor Land Divisions, the proposed request is Exempt from further environmental review.

PREPARED BY: Daniel Alcayaga, AICP, Planning Manager

RECOMMENDATION: Approval

5. **Tentative Parcel Map No. 20336.** A request to approve a tentative parcel map to subdivide a 3.4-acre property into two (2) parcels. The project is located within the Estate Residential (R-E) zoning designation.

APPLICANT: Merrell Johnson Companies representing Chris Hitt

LOCATION: On the east side of Central Road, 660 feet north of Waalew Road;
APN 0437-193-40

ENVIRONMENTAL

DETERMINATION: Pursuant to Section 15315 of the Guidelines to Implement the California Environmental Quality Act (CEQA), Minor Land Divisions, the proposed request is Exempt from further environmental review.

PREPARED BY: Daniel Alcayaga, AICP, Planning Manager

RECOMMENDATION: Approval

OTHER BUSINESS

None

PLANNING COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT

The Planning Commission will adjourn to its next regularly scheduled Planning Commission meeting on May 19, 2021.

**MINUTES
TOWN OF APPLE VALLEY
PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 3, 2021**

CALL TO ORDER

Chairman Kallen called to order the regular meeting of the Town of Apple Valley Planning Commission at 6:03p.m.

Roll Call

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

Absent: None

Staff Present

Lori Lamson, Assistant Town Manager, 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 Vice-Chairman Harrison

ELECTION OF NEW OFFICERS:

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

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

ROLL CALL VOTE

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

Noes: None

Abstain: None

Absent: None

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

RECESS FOR REORGANIZATION

Chairman Harrison reconvened the meeting of the Planning Commission at 6:10 p.m.

PUBLIC COMMENTS

None

APPROVAL OF MINUTES

None

PUBLIC HEARING

Development Code Amendment No. 2021-001. An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code modifying development standards applicable to the construction of multi-family housing. The Planning Commission shall consider amending various sections of the Development Code relating to setbacks, drive aisle widths, unit sizes, required storage and required separation distances between structures. Also under consideration are density-based site development standards consisting of building height, parking, trash enclosures, equipment screening, landscaping, private and common open space, laundry facilities, amenities, requirements for architectural variations for projects consisting of multiple duplex structures and project phasing requirements.

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

Commissioner Tinsley asked how much public and professional input was received. The Commission expressed concern that invitations to stakeholders may not have been effectively provided.

Ms. Cupp said the input has been collected over several years and also from the Multi-family Housing Ad Hoc Committee that consisted of Town Council Members, Planning Commissioner, and an Architect. Ms. Cupp also said several workshops were held and developers and landowners were invited to participate.

Chairman Harrison said the Ad Hoc Committee had a long list of concerns that were brought up by builders and real estate representatives and the Committee worked through all the concerns and generated a list of recommendations.

Chairman Harrison asked if the Fire District commented on the recommended changes.

Ms. Cupp said the report was sent to the Fire District to review and they made a recommendation that when structure height exceeds thirty-five (35) feet, a thirty-six (36)-foot wide fire lane should be required to accommodate a ladder truck.

Commissioner Lanyon asked if the fees were going to be reviewed. Dialogue ensued relating to development fees, impediments related to multi-family development and the need to provide a variety of housing options for the Town's residents.

Commissioner Tinsley excused himself from the meeting at 6:45pm.

Spencer Bogner with Randall Lewis commented on the correspondence he submitted.

Commissioner Kallen asked staff if they have responses to Mr. Bogner's concerns.

Daniel Alcayaga, Planning Manager said staff had an opportunity to review Mr. Bogner's concerns and had made some changes to the resolution.

Chairman Harrison closed the Public Hearing at 7:14pm.

Discussion ensued amongst the Commission.

The Commission expressed concern that the reduction of standards could possibly create a situation where buildings would be "crammed" together and recommended greater structure separation and building setbacks than those recommended by the Ad Hoc Committee.

Discussion ensued regarding unit size. It was the consensus of the Commission to increase the minimum unit size recommended by the Ad Hoc Committee.

Chairman Harrison called for a short recess at 8:30pm.

Chairman Harrison reconvened the meeting of the Planning Commission at 8:34 pm.

The Commission to review the modifications proposed by the Ad Hoc Committee.

Private lockable storage space was discussed extensively. The Commission consensus was to decrease the required lockable storage space from 400 cubic feet to 200 cubic feet. It was further decided to require storage space within a carport to be constructed with a durable, weather resistant material and that wood constructed storage space not be permitted within a carport.

Discussion ensued regarding the definitions for "Amenities." It was recommended to add several additional items to both recreational and nonrecreational amenities.

Motion by Chairman Harrison, second by Vice-Chairman Arias to adopt Planning Commission Resolution No. 2021-001 as amended:

Modify Section 9.29.070(1)(d) to read:

"Rear yard – Fifteen (15) feet"

Modify Section 9.29.070(2) to read

“Separation Between Buildings. Habitable and non-habitable buildings on the same lot shall be separated by a minimum of ten (10) feet. Structures greater than two (2)-stories shall be separated by a minimum of fifteen (15) feet. Over three (3) stories shall have a minimum separation of thirty (30) feet, or greater as determined by the Apple Valley Fire Protection District.”

Modify Section 9.29.070(3) to read:

“Minimum Dwelling Unit Size. The minimum dwelling unit size, exclusive of any balcony or private open space shall be as follows:

- a. Studio - 500 square feet
- b. One Bedroom - 700 square feet
- c. Two Bedroom - 900 square feet
- d. Three Bedroom and larger - 1,100 square feet. For every bedroom increase above a 3-bedroom, an additional 150 square feet shall be added to the minimum unit square footage.

Where single family homes are constructed within the R-M District and/or in the Mountain Vista neighborhood, the minimum home size shall be 1,000 square feet. (The Mountain Vista neighborhood is described in Section 9.28.020 H – Footnote No. 1).”

Modify Sections 9.29.070(D)(6) to read:

“Storage. No additional storage will be required in addition to a two (2)-car garage. Absent of a private garage, 200 cubic feet of lockable storage space shall be provided and constructed of durable, weather resistant material if located within a covered parking structure. Wood construction is not permitted.”

Modify Section 9.29.070(E)(8) to read:

“Storage. A minimum of 200 cubic feet of lockable storage space shall be provided and constructed of durable, weather resistant material if located within a covered parking structure. Wood construction is not permitted.”

Modify the definition of both recreational and nonrecreational amenities as follows:

“Amenity, Recreational

Amenities that provide opportunity for physical activity such as exercise, entertainment or athletic facilities. These could include, but are not limited to, recreation rooms, fitness centers, outdoor exercise equipment, swimming pools and spas, tennis courts, putting greens, playgrounds, splash pads, outdoor grill areas with shaded seating, dog park or community vegetable gardens.”

“Amenity, Nonrecreational

Amenities providing for passive enjoyment and/or convenience facilities. Convenience facilities may include but are not limited to, security systems, package lockers, bicycle lockers, in-unit washer and dryer, high speed internet, or electric car charging stations.

Passive enjoyment amenities may include but are not limited to enhanced common open areas incorporating water features, fire pits (non-wood burning) or public art with shaded seating areas. Providing fifteen (15) percent of the project site as common usable open space shall count as a single non-recreational amenity.”

Modifications to all associated tables to reflect the above modifications shall be incorporated with the motion.

Motion by Chairman Harrison seconded Vice-Chairman Arias to approve Planning Commission Resolution 2021-001.

ROLL CALL VOTE

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

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

OTHER BUSINESS

None

PLANNING COMMISSION COMMENTS

Vice-Chairman Arias thanked Commissioner Kallen for his hard work as Chairman.

STAFF COMMENTS

Mr. Alcayaga updated Planning Commission on the Active Projects report.

Ms. Cupp said she would update the resolution and send it out for review.

ADJOURNMENT

Motion by, Commissioner Kallen, seconded by Vice-Chairman Arias and unanimously carried, to adjourn the meeting to its regularly scheduled Planning Commission meeting on February 17, 2021.

Respectfully Submitted by:

Maribel Hernandez
Planning Commission Secretary

Approved by:

Chairman Joel Harrison



Planning Commission Agenda Report

Date: May 5, 2021 Item No. 2

To: Planning Commission

Case Number: Conditional Use Permit No. 2021-004

Applicant: Liberty Utilities

Proposal: A request for approval of a Conditional Use Permit to allow the construction of public facility improvements, including a new pump house, to an existing water production well site. The project site is 0.89 acres in size and located within the Single-family Residential (R-SF) zoning designation.

Location: 19850 Sitting Bull Road; APN 3087-072-13

Environmental Determination: Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is Exempt from further environmental review. The proposed site has been previously used for similar purposes and is considered an existing facility meeting the conditions set forth within Section 15301, Class 1 Categorical Exemption.

Prepared By: Pam Cupp, Senior Planner

Recommendation: Request for Continuation

The Planning Division is requesting this item be continued to the Planning Commission meeting of May 19, 2021.



Planning Commission Agenda Report

Date: May 5, 2021 (Continued from April 21, 2021) Item No. 3

To: Planning Commission

Case Number: Tentative Parcel Map No. 20294

Applicant: Merrell Johnson Companies representing Mr. Nathan Aguirre

Proposal: A request to approve a tentative parcel map to subdivide a 4.8-acre property into two (2) parcels and one (1) remainder parcel for the future development of single-family homes. The project is located within the Estate Residential (R-E) zoning designation.

Location: 17180 Mesquite Road; APN 0437-193-40

Environmental Determination: Pursuant to Section 15315 of the Guidelines to Implement the California Environmental Quality Act (CEQA), Minor Land Divisions, the proposed request is Exempt from further environmental review.

Prepared By: Pam Cupp, Senior Planner

Recommendation: Approval

PROJECT SITE AND DESCRIPTION

- A. Project Size:
The existing parcel is approximately 4.8 acres in size.
- B. General Plan Designations:
- Project Site - Estate Residential (R-E)
 - North - Estate Residential (R-E)
 - South - Estate Residential (R-E)
 - East - Estate Residential (R-E)
 - West - Estate Residential (R-E)

C. Surrounding Zoning and Land Use:

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

D. Site Characteristics:

The existing site has been approved for the construction of a single-family home, which will be situated on Parcel 1 located on the northeastern portion of the project site. The property has a gentle slope downward from the northeast to the southwest with no apparent drainage courses.

ANALYSIS

A. General:

The applicant is requesting Planning Commission review and approval of a Tentative Parcel Map that will subdivide 4.8 acres into two (2) parcels with one (1) remainder parcel. The project is located within the Estate Residential (R-E) zoning designation which requires that each lot be a minimum of one (1) gross acre in size, with a minimum lot width of 125 feet and a minimum lot depth of 250 feet. Parcels 1 and 2 will each be 1.16 acres in size with a lot width of 168 feet and a lot depth of 302.1 feet. The remainder parcel will be 2.32 gross acres in size.

Parcels 1 and 2 have access to Mesquite Road, which is a paved local road without curb, gutter or sidewalk. The Development Code requires street layout and design to be consistent with the Circulation Element of the General Plan and surrounding developments, except that curbs, gutters and sidewalks shall not be required for parcel map recordation unless specifically conditioned by the Commission for consistency with surrounding development at the time of Tentative Parcel Map approval. The Engineering Division is not recommending improvements to Mesquite Road. The project site is not located along any future recreational trail or bicycle path.

The remainder parcel fronts along Llanto Road, which is not paved and does not have legal access at this time. Section 66424.6 of the Subdivision Map Act (SMA) states that the fulfillment of construction requirements for improvements cannot be required for a remainder parcel until development of the parcel. While the Town cannot require any improvements for the Remainder Parcel prior to recordation, the Engineering Department is requiring that legal access be obtained and recorded as to not create a landlocked parcel (EC8). This condition is consistent with Section 9.71.140 of the Development Code that requires a dedication of all parcels of land within the subdivision that are needed for streets. The SMA does not prevent the Town from requiring legal access for the remainder parcel as a condition of recordation.

Typically, a parcel map would be required to provide or bond for all required improvements prior to recordation of the map. However, the SMA states that a designated remainder parcel may subsequently be sold without any further requirement of the filing of a parcel map or final map, but the local agency may require a certificate of compliance or conditional certificate of compliance be recorded prior to development occurring on the remainder parcel. Until the Remainder Parcel meets the minimum development standards for a subdivided parcel, which includes improved public access, the remainder will not be recognized as a legal, developable parcel. The Engineering Department is recommending that a Conditional Certificate of Compliance effecting the remainder parcel be recorded concurrently with map recordation (EC11). The Conditional Certificate of Compliance shall require that, prior to development of the remainder parcel, paved access from a Town maintained street shall be provided to the remainder lot and that Llanto Road shall be constructed to the Town's half width rural road standards along the frontage of the remainder lot.

Development Code Section 9.71.020(C)(6) requires a Tentative Tract or Parcel Map to provide at least two (2) different standard routes of ingress and egress. Parcels 1 and 2 meet this requirement. A standard route is a road dedicated to the Town and paved to Town standards. The remainder parcel does not meet this requirement, however, Development Code Section 9.71.140(B), which applies to improvement requirements for Parcel Maps for detached single family projects, states that one point of paved access to an existing paved road is required when the resulting parcels are less than 2.5 gross acres in size. Recommended Condition of Approval EC11 will satisfy the requirement for one point of paved access for the remainder parcel.

1. Traffic and Circulation

The project site has approximately 336 feet of frontage on Mesquite Road, which is a paved road providing two (2) points of paved access to Parcels 1 and 2. There is no paved or public access to the Remainder parcel at this time. Development Code Section 9.71.020 "General Subdivision Standards" states the following:

"D.1 Street layout and design shall be consistent with the Circulation Element of the General Plan and surrounding developments, except that curbs, gutters and sidewalks shall not be required for parcel map recordation unless specifically conditioned by the Commission for consistency with surrounding development at the time of Tentative Parcel Map approval."

The proposed subdivision is located mid-block and there is no curb, gutter or sidewalk along or adjacent to the proposed subdivision. Engineering is not recommending any additional street improvements along Mesquite Road for this subdivision. Engineering is recommending public road dedication be required to connect the Remainder Parcel to a paved road, which could be Waalew Road to the south or Papago Road to the North.

2. Drainage

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

3. Sewer Connection

The project site is greater than 200 feet from any public sewer main line. The proposed lot sizes allow for the use of underground disposal systems. No additional improvements are recommended by the Public Works Division.

Based upon the information provided, implementation of development standards and Conditions of Approval, the proposed subdivision consisting of two (2) parcels and one remainder parcel will not produce adverse impacts upon the site nor surrounding properties. The project site is designated for single-family development and is within, and adjacent to, Estate Residential (R-E) zoning designations which will allow the property owner to develop the property in a manner that is consistent with the Town's goals and objectives to promote single-family residential development.

B. Environmental Assessment:

Pursuant to Section 15315 of the Guidelines to Implement the California Environmental Quality Act (CEQA), Minor Land Division, the proposed request is Exempt from further environmental review.

C. Noticing:

The public hearing for proposed Tentative Parcel Map No. 20294 was legally noticed on April 9, 2021.

D. Findings:

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

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

Comment: The subject property has a General Plan land use and zoning designation of Estate Residential (R-E), 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 4.8 acres into two (2) parcels and one (1) remainder parcel and will meet the minimum requirements for lot size, width and depth as prescribed by the Code. A Certificate of Compliance or Conditional Certificate of Compliance will be required to ensure that the remainder parcel will be consistent with the General Plan and Development Code standards prior to development.

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

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

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

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

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

Comment: The project is a residential land subdivision. Public sewer is not available to site at this time; however, the proposed lot sizes allow for the use of underground disposal systems. Therefore, the project will not effect the existing sewer system.

RECOMMENDATION

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

1. Find that pursuant to the California Environmental Quality Act (CEQA), Section No. 15315, the proposed request is Exempt from further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve Tentative Parcel Map No. 20294, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Tentative Parcel Map
3. Zoning Map

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL
Tentative Parcel Map No. 20294

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

Planning Division Conditions of Approval

- P1. This tentative subdivision shall comply with the provisions of the State Subdivision Map Act and the Town Development Code. This tentative approval shall expire three (3) years from the date of approval by the Planning Commission/Town Council. A time extension may be approved in accordance with the State Map Act and Town Ordinance, if an extension application is filed and the appropriate fees are paid thirty (30) days prior to the expiration date. The Tentative Parcel Map becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. Prior to approval of the Final Map, the following agencies shall provide written verification to the Planning Division that all pertinent conditions of approval and applicable regulations have been met:
- a. Apple Valley Fire Protection District
 - b. Golden State Water Company
 - c. Apple Valley Public Works Division
 - d. Apple Valley Engineering Division
 - e. Apple Valley Planning Division
- P3. The filing of a Notice of Exemption requires the County Clerk to collect a documentary handling fee of fifty dollars (\$50.00). The fee must be paid in a timely manner in accordance with Town procedures. The check shall be delivered to the Planning Division for processing and be made payable to the Clerk of the Board of Supervisors, 385 North Arrowhead, 2nd Floor, San Bernardino, CA 92415.
- P4. Tentative Parcel Map No. 20294 shall adhere to all requirements of the Development Code.
- P5. The applicant shall defend at his sole expense (with attorneys approved by the Town) and indemnify the Town against any action brought against the Town, its agents, officers or employees resulting from or relating to this approval. The applicant shall reimburse the Town, its agents, officers or employees for any judgment, court costs and attorney's fees which the Town, its agents, officers or

employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of these obligations under this condition.

- P6. Approval of the Tentative Parcel Map No. 20294 by the Planning Commission is understood as acknowledgement of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, Appeals, of the Town of Apple Valley Development Code.
- P7. Any protected desert plants or Joshua trees impacted by development are subject to the regulations specified in Section 9.76.020 (Plant Protection and Management) of the Development Code. Prior to the issuance of a Grading Permit, a study by a qualified Native Plant Expert shall be prepared to determine if the identified trees will be saved, located or removed, in compliance with the Town's Native Plant Protection Ordinance.
- P8. The project shall conform to the Estate Residential (R-E) development standards for front, side and rear yard-building setbacks.
- P9. If the tract/parcel map is adjacent to existing development, a fence/wall plan shall be submitted with the grading and landscape/irrigation plans to identify how new fencing or walls will relate to any existing fences or walls located around the perimeter of the tract/parcel map. The developer shall be required to connect to the existing fencing/walls or collaborate with the adjacent property owners to provide new fencing/walls and remove the existing fence/wall, both options at the developer's expense. Double fencing shall be avoided, and review and approval of the fencing/wall plan is required prior to issuance of grading permits.
- P10. All new development of residential structures shall be designed and constructed in compliance with the "Single Family Infill Plotting Criteria" subject to the review and approved by the Planning Division.
- P11. Landscape and irrigation plans shall be submitted prior to the issuance of Building Permits in accordance with Chapter 9.31 "Residential Design Standards" and Chapter 9.75 "Water Conservation/Landscape Regulations" of the Development Code and installed prior to issuance of occupancy permits subject to approval by the Planning Division.
- P12. Prior to map recordation, all accessory structures shall be relocated in compliance with the minimum setbacks as required by the Estate Residential (R-E) zoning designation.

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.

Engineering Division Conditions of Approval

- EC1. A final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider reducing the post-development site-developed flow to 90 percent of the pre-development flow for a 100-year design storm.
- EC2. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC3. The developer shall present evidence to the Town Engineer that he has made a reasonable effort to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
- EC4. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)
- EC5. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC6. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC7. A Storm Water Pollution Prevention Plan (SWPPP) in accordance with the National Pollutant Discharge Elimination System (NPDES) shall be required.
- EC8. Prior to recordation, legal access shall be provided to the remainder lot from a Town maintained paved road.
- EC9. Llanto Road shall be constructed to the Town's half width rural road standards along the frontage of the remainder lot prior to the issuance of a permit or other grant of approval for the development of a remainder parcel.
- EC10. Paved access shall be constructed to the remainder lot prior to the issuance of a permit or other grant of approval for the development of the remainder parcel.
- EC11. Pursuant to Government Code Section 66424.6., a Conditional Certificate of Compliance shall be recorded concurrently with the recordation of the Final Parcel Map. The conditions of the certificate of compliance shall include but not be limited to the following:

Prior to issuance of a permit or other grant of approval for the development of the remainder lot, the following conditions shall be met:

1. Llanto Road shall be constructed to the Town's half width rural road standards along the frontage of the remainder lot.
 2. Paved access from a Town maintained street shall be provided to the remainder lot. The paved access shall be paved to the Town's paved access road standards.
- EC12. The developer shall make a good faith effort to acquire the required off-site property interests. If the developer fails to acquire those interests the developer shall, at least 120 days prior to submittal of the final map for approval, enter into an agreement to complete the improvements pursuant to Government Code Section 66462 at such time as the Town acquires the property interests required for the improvements. Such agreement shall provide for payment by the developer of all costs incurred by Town to acquire the off-site property interests required in connection with the subdivision. Security for a portion of these costs shall be in the form of a cash deposit in the amount given in an appraisal report obtained by the developer, at the developer's cost. The appraiser shall have been approved by the Town prior to commencement of the appraisal. Additional security may be required as recommended by the Town Engineer and Town Attorney.

Public Works Division Conditions of Approval

No Conditions

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 and other emergency equipment, and for routes of escape which will safely handle evacuations. Each of these points of access shall provide an independent route into the area in which the development is located. This shall be completed prior to any combustible construction.
- FD4. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

New dwelling addresses shall be posted with a minimum of 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.

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

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

B. System Standards:

*Fire Flow 1500 GPM @ 20 psi Residual Pressure on 8" minimum water main size.

Duration 1 Hour

Hydrant Spacing 660 Feet

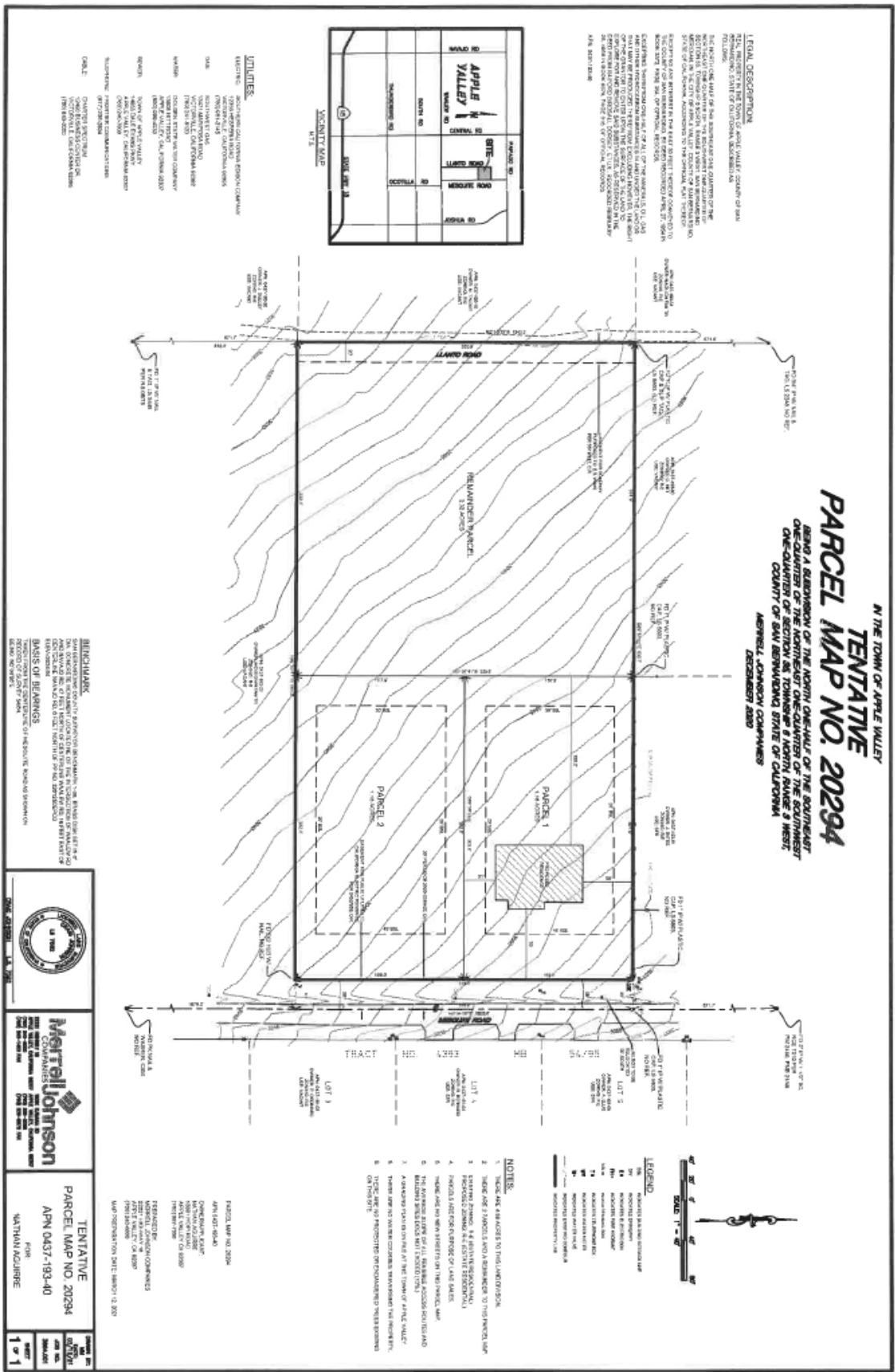
**NFPA 13D (RESIDENTIAL AUTOMATIC FIRE SPRINKLER SYSTEM):
REQUIRED**

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.**

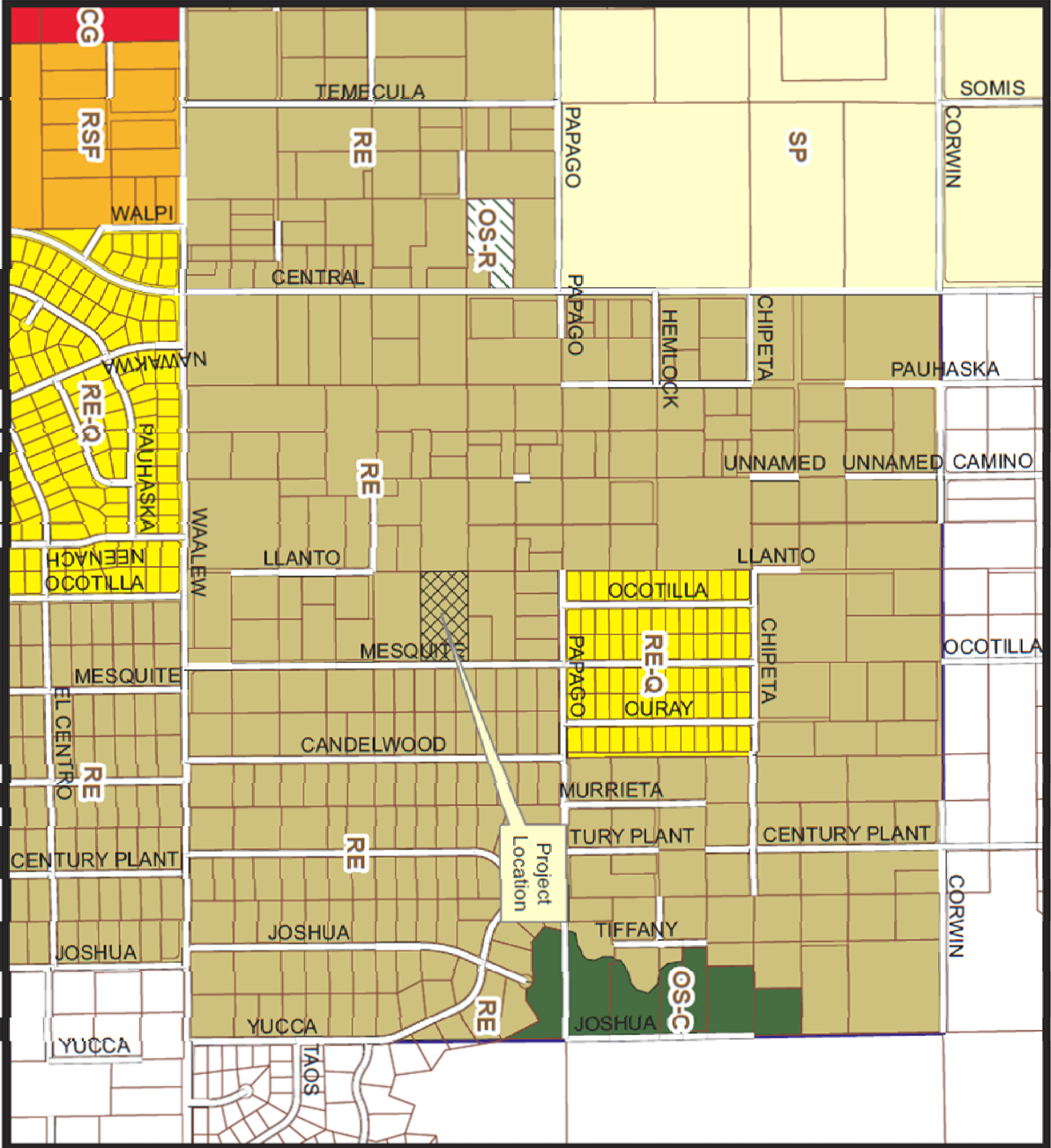
FD6. A letter shall be furnished to the Fire District from the water purveyor stating that the required fire flow for the project can be met prior to the Formal Development Review Committee meeting.

FD7. 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.

END OF CONDITIONS



ZONING/LOCATION MAP



Tentative Parcel Map No. 20294

17180 Mesquite Road

APN 0437-193-40



Legend	
	17180 20294
	(RE) Estate Residential (1 unit to 2.5 gross acres)
	(RE-Q) Executive Residential (1 unit to 0.9 net acre)
	(RE-Q) Single Family Residential (1 unit to 0.9 net acre)
	(IC-C) General Commercial
	(IC-C) Open Space Conservation
	(IC-C) Open Space Recreation
	(OS-R) Open Space Recreation
	(OS-C) Open Space Conservation
	(SP) Specific Plan

Date: 4/1/2021



Planning Commission Agenda Report

Date: May 5, 2021 Item No. 4

To: Planning Commission

Case Number: Tentative Parcel Map No. 19944

Applicant: Merrell Johnson Companies representing David Dhillon

Proposal: A request to approve a tentative parcel map to subdivide a 12.1-acre property into two (2) parcels. The project is located within General Commercial (CG) zoning designation.

Location: Southwest corner of Bear Valley Road and Central Road; APN 3080-051-34

Environmental Determination: Pursuant to Section 15315 of the Guidelines to Implement the California Environmental Quality Act (CEQA), Minor Land Divisions, the proposed request is Exempt from further environmental review.

Prepared By: Daniel Alcayaga, AICP, Planning Manager

Recommendation: Approval

PROJECT SITE AND DESCRIPTION

- A. Project Size:
The existing parcel is approximately 12.71- acres in size.
- B. General Plan Designations:
- Project Site - General Commercial (C-G)
 - North - General Commercial (C-G)
 - South - Medium Density Residential (R-M)
 - East - General Commercial (C-G)
 - West - Mixed Use (M-U)

C. Surrounding Zoning and Land Use:

Project Site - General Commercial (C-G), Partially Developed Shopping Center
North - General Commercial (C-G), Vacant
South - Multi-Family Residential (R-M), Vacant
East - General Commercial (C-G), Vacant
West - Mixed Use (M-U), Vacant

D. Site Characteristics:

The site is partially developed with a shopping center. The Center includes many vacant pads, two partially constructed buildings, and a parking lot with landscaping and freestanding lights. The existing theater is located within a separate parcel to the west.

ANALYSIS

General:

The applicant is proposing to subdivide a 12.71-acre parcel into two (2) separate lots. Parcel 1, which is proposed to be 1.5 acres in size, is intended for a new vehicle fuel station with a convenience store and vehicle wash as well as a drive-thru restaurant. Parcel 2 will encompass the rest of the Center. The applicant submitted a preliminary site plan showing that Parcel 1 can accommodate a development that meets the Town's development standards. Staff determined that Parcel 1 can accommodate a future development with a few modifications, but such modifications will not affect the boundaries of the new parcel that is being created.

A Development Permit and Special Use Permit applications for Parcel 1 are being processed separately. The building elevations were submitted after the public notices were mailed out. The site plan and building elevations are currently being processed and are being provided here as reference only.

The Town's General Commercial (C-G) zoning standards require a minimum gross lot size of 10,000 square feet, minimum lot width of 75 feet and a minimum lot depth of 100 feet. All of the proposed lots exceed the minimum site development standards as identified in the Development Code under the General Commercial (C-G) zoning designation.

Parcel 1 will have approximately 383 feet of frontage along Bear Valley Road and 121 feet along Central Road. The preliminary site plan shows a new drive approach will be provided along Bear Valley Road to Parcel 1. Said driveway approach will be approximately 260 feet west of the intersection of Bear Valley and Central Roads. Full development of the site will require shared common access points, parking and utility and ingress/egress easements. Therefore, staff is recommending Condition No. P7 requiring a reciprocal vehicular and pedestrian access agreement be recorded prior to, or in conjunction with, Tentative Parcel Map No. 19949. All future development shall be in accordance with the Town of Apple Valley Development Code (Condition No. P4).

Street improvements, including curb, gutter and sidewalk are existing. The Engineering Division is recommending Condition No. EC2 that a 64-ft wide half-width road dedication along Central Road. Prior to issuance of a grading permit, a final drainage plan shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site. These flows must be conducted in a manner that will not adversely affect adjacent or downstream properties. This plan shall illustrate how retaining onsite drainage flows from a 100-year design storm may be achieved.

A. Environmental Assessment:

Pursuant to Section 15315 of the Guidelines to Implement the California Environmental Quality Act (CEQA), Minor Land Division, the proposed request is Exempt from further environmental review.

B. Noticing:

The public hearing for proposed Tentative Parcel Map No. 19949 was legally noticed on April 23, 2021.

C. Findings:

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

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

Comment: The subject property has a General Plan land use and zoning designation of General Commercial (CG), 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 12.71 acres into two (2) parcels and will meet the minimum requirements for lot size, width and depth as prescribed by the Code.

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

Comment: The proposal consists of a land subdivision of 12.71 acres into two (2) separate legal commercial lots. As the property is currently partially developed and is not zoned for housing, no existing

houses are being removed and housing needs will not be negatively impacted.

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

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

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

Comment: The project is a commercial land subdivision and the future development of the created lots are required to connect to the Town of Apple Valley sewer system to meet the requirements of the Town. Thus, the requested subdivision shall not result in the discharge of waste into the existing sewer system resulting 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. Find that pursuant to the California Environmental Quality Act (CEQA), Section No. 15315, the proposed request is Exempt from further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve Tentative Parcel Map No. 19949, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

ATTACHMENTS:

Tentative Parcel Map No. 19949
May 5, 2021 Planning Commission Meeting

1. Recommended Conditions of Approval
2. Tentative Parcel Map
3. Zoning Map
4. Preliminary Site Plan
5. Preliminary Building Elevations

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Tentative Parcel Map No. 19949

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

Planning Division Conditions of Approval

- P1. This tentative subdivision shall comply with the provisions of the State Subdivision Map Act and the Town Development Code. This tentative approval shall expire three (3) years from the date of approval by the Planning Commission/Town Council. A time extension may be approved in accordance with the State Map Act and Town Ordinance, if an extension application is filed and the appropriate fees are paid thirty (30) days prior to the expiration date. The Tentative Parcel Map becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. Prior to approval of the Final Map, the following agencies shall provide written verification to the Planning Division that all pertinent conditions of approval and applicable regulations have been met:
 - a. Apple Valley Fire Protection District
 - b. Golden State Water Company
 - c. Apple Valley Public Works Division
 - d. Apple Valley Engineering Division
 - e. Apple Valley Planning Division
- P3. The filing of a Notice of Exemption requires the County Clerk to collect a documentary handling fee of fifty dollars (\$50.00). The fee must be paid in a timely manner in accordance with Town procedures. The check shall be delivered to the Planning Division for processing and be made payable to the Clerk of the Board of Supervisors, 385 North Arrowhead, 2nd Floor, San Bernardino, CA 92415..
- P4. Tentative Parcel Map No. 19949 shall adhere to all requirements of the Development Code.
- P5. The applicant shall defend at his sole expense (with attorneys approved by the Town) and indemnify the Town against any action brought against the Town, its agents, officers or employees resulting from or relating to this approval. The applicant shall reimburse the Town, its agents, officers or employees for any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate at

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

- P6. Approval of the Tentative Parcel Map No. 19949 by the Planning Commission is understood as acknowledgement of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, Appeals, of the Town of Apple Valley Development Code.
- P7. An agreement to grant reciprocal vehicular and pedestrian access easements shall be submitted to extend over and across those areas designated as driveways, driving lanes, parking areas and pedestrian walkways of the respective parcel. This agreement shall be submitted prior to, or in conjunction with, the recordation of Tentative Parcel Map No. 19949.

Engineering Division Conditions of Approval

- EC1. A final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider reducing the post-development site-developed flow to 90 percent of the pre-development flow for a 100-year design storm.
- EC2. A 64-ft wide half-width road dedication along Central Road shall be granted to the Town of Apple Valley prior to Issuance of Grading Permit.
- EC3. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC4. 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.
- EC5. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)
- EC6. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC7. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC8. A Storm Water Pollution Prevention Plan (SWPPP) in accordance with the National Pollutant Discharge Elimination System (NPDES) shall be required.

Public Works Division Conditions of Approval

EC9. 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 six (6) inch sewer lateral is required.

EC10. Sewer connection fees required.

Fire Protection District Conditions of Approval

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

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

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

FD1. 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 55

FD1. A turnaround shall be required at the end of each roadway 150 feet or more in length and shall be approved by the Fire District. Cul-de-sac length shall not exceed 1,000 feet.

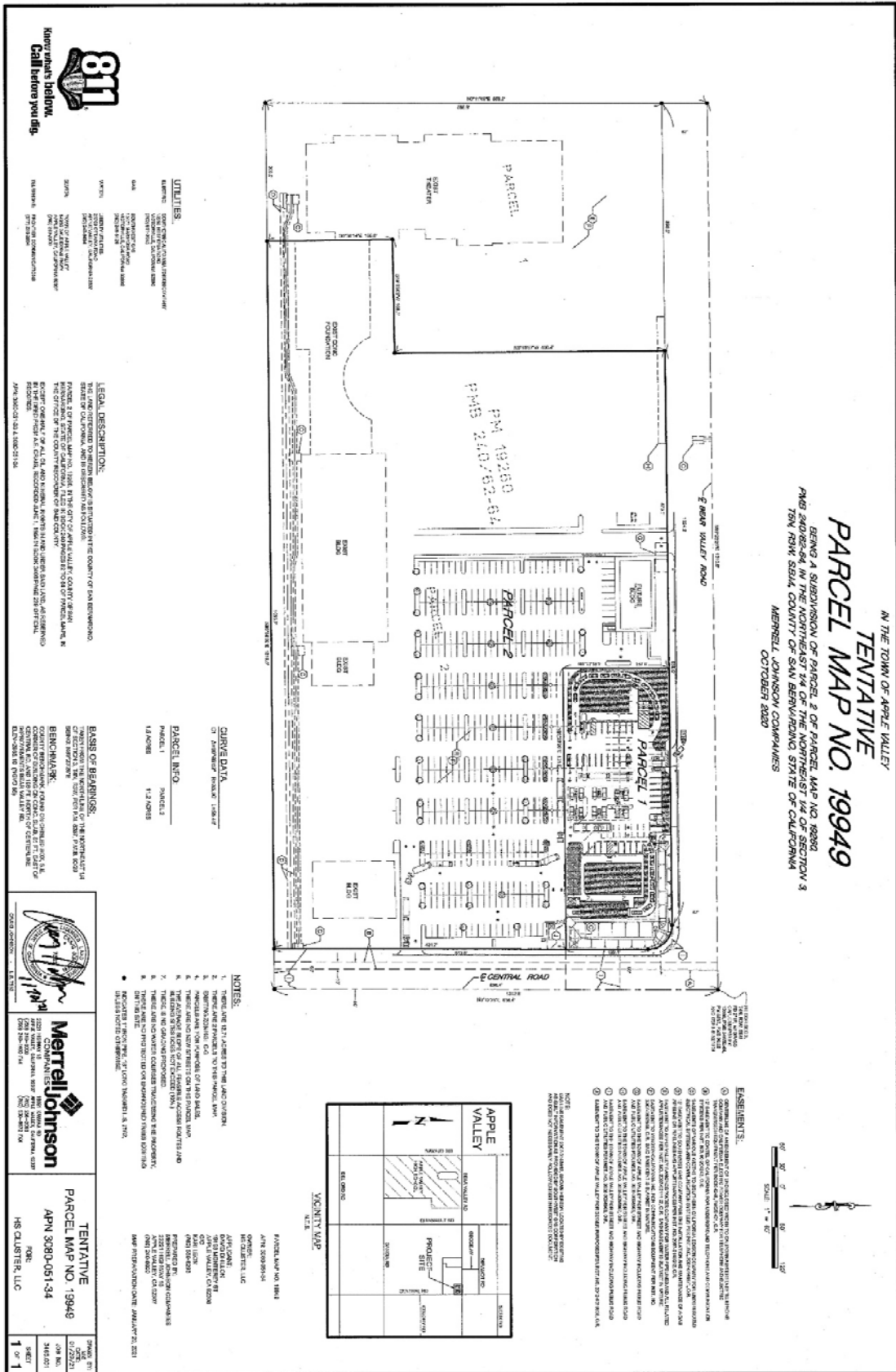
FD2. Turning radius on all roads within the facility shall not be less than twenty-two (22) feet inside and minimum of forty (40) feet outside turning radius with no parking on street, or forty (47) feet with parking. Road grades shall not exceed twelve (12) percent unless approved by the Chief.

FD3. Commercial and industrial developments shall have street addresses and location approved by the Fire District.

Where the building setback exceeds 200 feet from the roadway, additional non-illuminated contrasting fourteen (14)-inch numbers shall be displayed at the property entrance. When these developments have rear doors of each unit, the unit number shall be a minimum of six (6) inches and shall contrast with their background.

- FD2. Prior to issuance of building permit, the developer shall pay all applicable fees as identified in the Apple Valley Fire Protection District Ordinance.
- FD3. A Knox Box Rapid Entry System shall be required for this project.
- FD4. Propane tank location shall be a minimum of 10 feet from a building or public. No Smoking sign shall be posted. Smoking within 15 feet of a point of transfer, while filling operation are in progress at containers or vehicles, shall be prohibited. Provide bollards every three feet around tank and call for a pre-inspection prior to concrete pour. Provide (1) one 4A40BC minimum rating fire extinguisher mounted at or in the cage. Fire extinguisher needs to be services by a certified company.

END OF CONDITIONS



IN THE TOWN OF APPLE VALLEY
TENTATIVE
PARCEL MAP NO. 19949
 BEING A SUBDIVISION OF PARCEL 2 OF PARCEL MAP NO. 19930
 PMS 240/82-84 IN THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 3
 T8N R3W S814, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
 MERRILL JOHNSON COMPANIES
 OCTOBER 2020



UTILITIES
 ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
 THE LOCATION AND DEPTH OF UTILITIES IS NOT GUARANTEED.
 ANY UTILITIES NOT SHOWN SHOULD BE LOCATED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND CONNECTIONS TO ALL UTILITIES.
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL UTILITIES TO REMAIN.
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING ALL UTILITIES TO ORIGINAL OR BETTER CONDITION.
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LEGAL DESCRIPTION:
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 PMS 240/82-84 IN THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 3
 T8N R3W S814, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
 MERRILL JOHNSON COMPANIES
 OCTOBER 2020

BASE OF BEARINGS:
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NOTES:
 1. THESE ARE NOT TO BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND CONNECTIONS TO ALL UTILITIES.
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PARCEL INFO:
 PARCEL 1: 1.2 ACRES
 PARCEL 2: 1.2 ACRES

PREPARED BY:
 MERRILL JOHNSON COMPANIES
 10000 WILSON AVENUE, SUITE 100
 WEST GARDEN, CALIFORNIA 92385
 (951) 261-1111
 WWW.MERRILLJOHNSON.COM

TENTATIVE
PARCEL MAP NO. 19949
APN 3880-051-34
DATE: 10/20/20
SCALE: 1" = 100'
1 OF 1

CURVE DATA:
 CURVE 1: RADIUS 100.00 FT, CHORD BEARING 110.00 DEG, CHORD DISTANCE 100.00 FT
 CURVE 2: RADIUS 100.00 FT, CHORD BEARING 110.00 DEG, CHORD DISTANCE 100.00 FT

PARCEL INFO:
 PARCEL 1: 1.2 ACRES
 PARCEL 2: 1.2 ACRES

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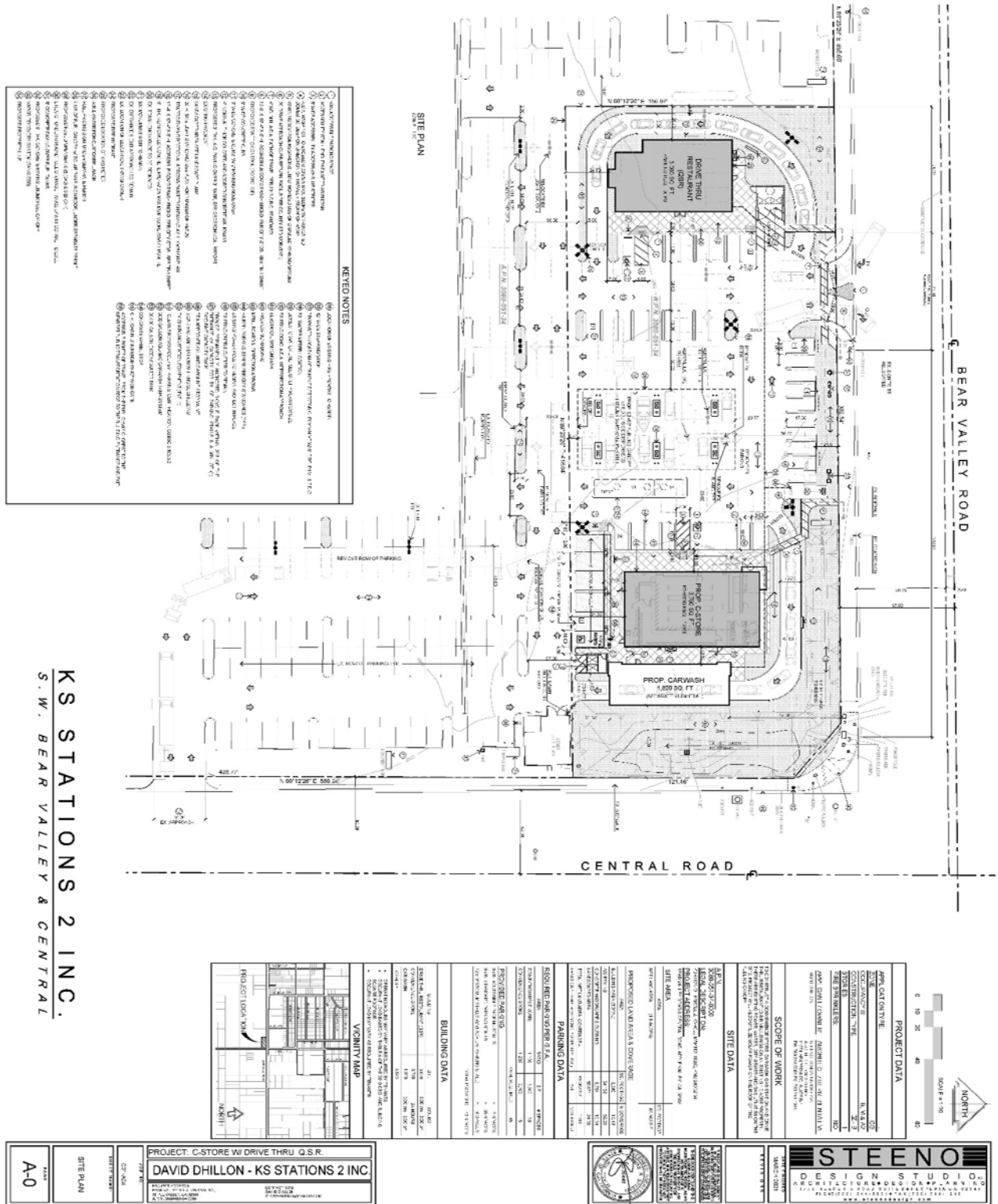
TENTATIVE
PARCEL MAP NO. 19949
APN 3880-051-34
DATE: 10/20/20
SCALE: 1" = 100'
1 OF 1



- ESSENTIALS:**
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NOTES:
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 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING ALL UTILITIES TO ORIGINAL OR BETTER CONDITION.

11/25/2020 10:00:00 AM - 2021-05-05 10:00:00 AM



- KEYED NOTES**
- 1. EXISTING BUILDING FOOTPRINT
 - 2. EXISTING DRIVE THRU
 - 3. EXISTING DRIVE AISLES
 - 4. EXISTING DRIVE WAYS
 - 5. EXISTING DRIVE CURBS
 - 6. EXISTING DRIVE GRATES
 - 7. EXISTING DRIVE MANHOLES
 - 8. EXISTING DRIVE SEWER
 - 9. EXISTING DRIVE WATER
 - 10. EXISTING DRIVE GAS
 - 11. EXISTING DRIVE ELECTRICAL
 - 12. EXISTING DRIVE TELEPHONE
 - 13. EXISTING DRIVE CABLE TV
 - 14. EXISTING DRIVE FIBER OPTIC
 - 15. EXISTING DRIVE SATellite
 - 16. EXISTING DRIVE ANTENNA
 - 17. EXISTING DRIVE LIGHT FIXTURE
 - 18. EXISTING DRIVE SIGNAGE
 - 19. EXISTING DRIVE LANDSCAPE
 - 20. EXISTING DRIVE TREES
 - 21. EXISTING DRIVE SHRUBS
 - 22. EXISTING DRIVE GRASS
 - 23. EXISTING DRIVE ASPHALT
 - 24. EXISTING DRIVE CONCRETE
 - 25. EXISTING DRIVE PAVER
 - 26. EXISTING DRIVE SAND
 - 27. EXISTING DRIVE GRAVEL
 - 28. EXISTING DRIVE DIRT
 - 29. EXISTING DRIVE ROCK
 - 30. EXISTING DRIVE BENTONITE
 - 31. EXISTING DRIVE GEOTEXTILE
 - 32. EXISTING DRIVE CURB & GUTTER
 - 33. EXISTING DRIVE SIDEWALK
 - 34. EXISTING DRIVE BIWAY
 - 35. EXISTING DRIVE RAMP
 - 36. EXISTING DRIVE STAIR
 - 37. EXISTING DRIVE ELEVATOR
 - 38. EXISTING DRIVE ESCAPE ROUTE
 - 39. EXISTING DRIVE EXIT SIGN
 - 40. EXISTING DRIVE FIRE EXTINGUISHER
 - 41. EXISTING DRIVE FIRE ALARM
 - 42. EXISTING DRIVE SMOKE DETECTOR
 - 43. EXISTING DRIVE SPRINKLER
 - 44. EXISTING DRIVE FLOOD LIGHT
 - 45. EXISTING DRIVE SECURITY CAMERA
 - 46. EXISTING DRIVE ACCESS CONTROL
 - 47. EXISTING DRIVE INTERCOM
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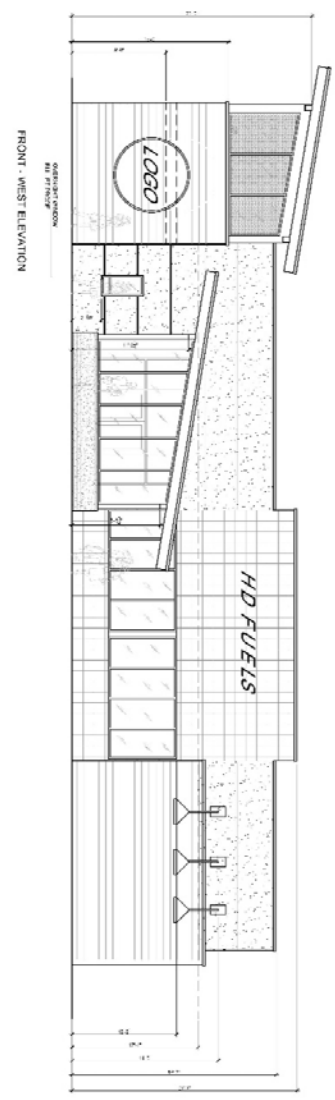
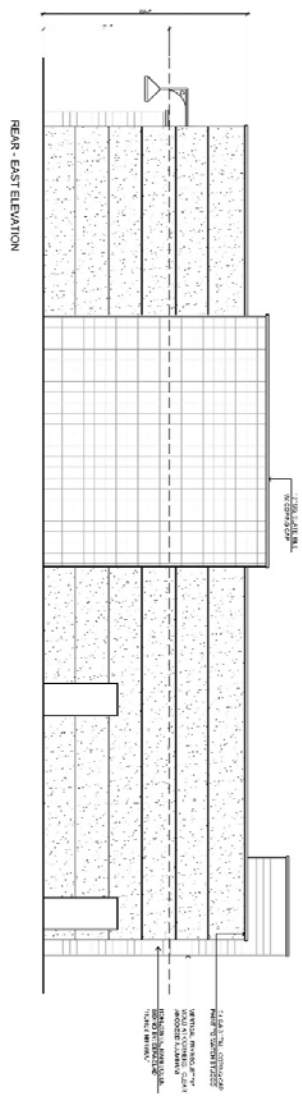
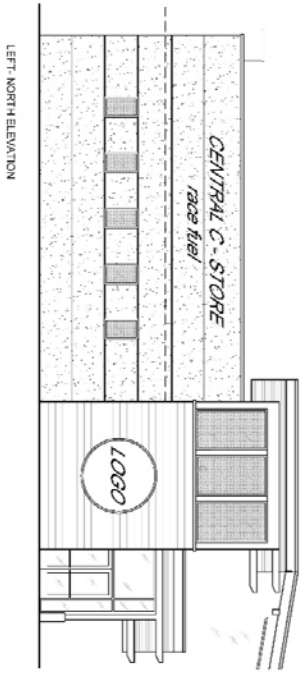
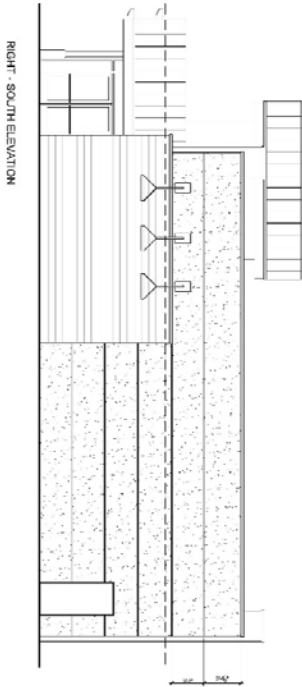
PROJECT DATA	
APPROXIMATE	11.5 AC
OWNER	KS STATIONS 2 INC.
DESIGNER	STEENOR DESIGNSTUDIO
SCOPE OF WORK	
DESIGN OF C-STORE WITH DRIVE THRU AND CARWASH	
SITE LAYOUT AND SITE PLAN	
PARKING LAYOUT AND SIGNAGE	
UTILITIES AND MECHANICAL ENGINEERING	
BUILDING DATA	
STRUCTURE TYPE	CONCRETE
FOOTING TYPE	CONCRETE
FOUNDATION	CONCRETE
EXTERIOR FINISH	ASPH/FLT
INTERIOR FINISH	CONCRETE
ROOF FINISH	ASPH/FLT
ROOF TYPE	FLAT
GLAZING TYPE	GLASS
PARKING DATA	
TOTAL SPACES	150
DRIVE THRU SPACES	10
PROP. CARWASH SPACES	5
PROP. C-STORE SPACES	125
PROP. DRIVE THRU SPACES	10
PROP. CARWASH SPACES	5
PROP. C-STORE SPACES	125
RESULTS OF PERMITS	
PERMIT NO.	12345
ISSUE DATE	12/31/2020
EXPIRES DATE	12/31/2021
COMMENTS	NO COMMENTS
VACUUM MAIN	
TYPE	WASTEWATER
DEPTH	1.5 FT
LOCATION	UNDER DRIVEWAYS
CONSTRUCTION	CONCRETE
VICINITY MAP	
MAP SHOWING PROJECT LOCATION WITHIN LOCALITY	

STEENOR DESIGNSTUDIO
ARCHITECTURE INTERIORS LANDSCAPE

PROJECT: C-STORE W/ DRIVE THRU Q.S.R.
DAVID DHILLON - KS STATIONS 2 INC.

DATE: 12/31/2020
SCALE: AS SHOWN
SHEET: SITE PLAN
A-0

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A-2	DATE	PROJECT: C-STORE W/ DRIVE THRU Q.S.R.
		DAVID DHILLON - KS STATIONS 2 INC
DATE	2/28/21	PROJECT NO. 2021-01
DESIGNED BY	J.M.C.	CHECKED BY
DRAWN BY	J.M.C.	DATE
SCALE	AS SHOWN	PROJECT NO.

	PROJECT NO. 2021-01 DATE 2/28/21	SHEET NO. A-2 TOTAL SHEETS 1	PROJECT C-STORE W/ DRIVE THRU Q.S.R. DAVID DHILLON - KS STATIONS 2 INC	



Planning Commission Agenda Report

Date: May 5, 2021 Item No. 5

To: Planning Commission

Case Number: Tentative Parcel Map No. 20336

Applicant: Merrell Johnson Companies representing Chris Hitt

Proposal: A request to approve a tentative parcel map to subdivide a 3.4-acre property into two (2) parcels. The project is located within the Estate Residential (R-E) zoning designation.

Location: On the east side of Central Road, 660 feet north of Waalew Road; APN 0437-193-40

Environmental Determination: Pursuant to Section 15315 of the Guidelines to Implement the California Environmental Quality Act (CEQA), Minor Land Divisions, the proposed request is Exempt from further environmental review.

Prepared By: Daniel Alcayaga, AICP, Planning Manager

Recommendation: Approval

PROJECT SITE AND DESCRIPTION

- A. Project Size:
The existing parcel is approximately 3.4-acres in size.
- B. General Plan Designations:
- Project Site - Estate Residential (R-E)
 - North - Estate Residential (R-E)
 - South - Estate Residential (R-E)
 - East - Estate Residential (R-E)
 - West - Estate Residential (R-E)

C. Surrounding Zoning and Land Use:

Project Site - Estate Residential (R-E), Vacant
North - Estate Residential (R-E), Vacant
South - Estate Residential (R-E), Vacant
East - Estate Residential (R-E), Vacant
West - Estate Residential (R-E), Vacant

D. Site Characteristics:

The site is vacant and has a gentle slope downward from the northeast to the southwest.

ANALYSIS

A. General:

The applicant is requesting Planning Commission review and approval of a Tentative Parcel Map that will subdivide 3.4 acres into two (2) parcels. The project is located within the Estate Residential (R-E) zoning designation which requires that each lot be a minimum of one (1) gross acre in size, with a minimum lot width of 125 feet and a minimum lot depth of 250 feet. Parcel 1 is 1.11 acre in size, and Parcel 2 is 2.0 acres in size. Both parcels meet the lot width and lot depth minimum except that Parcel 2 is proposed as a flag lot. A flag lot means the property that is accessed by a long strip of land that resembles a flagpole and main property is the flag from which the house sits on. In this case, Parcel 2 is located to the east of Parcel 1 and a 30-foot wide long strip connects Parcel 2 to Central Road.

The Engineering Division is not recommending improvements to Central Road. The property is bounded by Central Road to the west. Since Central Road is designated as a Major Divided Arterial Road (128' ROW) at Build Out, a condition of approval requires the subdivider to dedicate 64 feet half width along the property frontage prior to recordation of the parcel map. Since the properties on both sides do have improvements, street improvements, including curbs, gutters and sidewalks are not recommended.

Pursuant to the Multi-Use and Equestrian Trail Standards, a Lifeline Trail was envisioned along the east boundary of the property. A condition of approval will require a six-foot dedication for trail purposes. The remaining six-foot dedication will be required from the adjacent property to the east. No improvements related to the Trail will be required by the subdivider.

Section 9.28.050 (I) of the Development Code provides subdivision design standards for flag lots. The proposed flag lot complies with all the dimensions and size requirements. Sub-Section I (4) states that flag lots are limited to lots that are one acre or larger. Section 9.28.050 (I) states:

1. The minimum width of the access corridor of a flag lot shall be twenty (20) feet.

2. The maximum length of a flag lot access corridor shall be 250 feet.
3. The area of the access corridor shall not be included in the determination of minimum site area.
4. Flag lots shall be limited to areas constrained by topography and the need to preserve natural features or to lots of one (1) acre or larger.

1. Traffic and Circulation

The project site has approximately 224 feet of frontage on Central Road, which is a paved road providing two (2) points of paved access to Parcels 1 and 2. The proposed subdivision is located mid-block and there is no curb, gutter or sidewalk along or adjacent to the proposed subdivision. The Engineering Department is not recommending any additional street improvements along Central Road for this subdivision. The Engineering Department is recommending a half width public road dedication of 64 feet.

2. Drainage

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

3. Sewer Connection

The project site is greater than 200 feet from any public sewer main line. The proposed lot sizes allow for the use of underground disposal systems. No additional improvements are recommended by the Public Works Division.

B. Environmental Assessment:

Pursuant to Section 15315 of the Guidelines to Implement the California Environmental Quality Act (CEQA), Minor Land Division, the proposed request is Exempt from further environmental review.

C. Noticing:

The public hearing for proposed Tentative Parcel Map No. 20336 was legally noticed on April 23, 2021.

D. Findings:

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

1. The proposed Subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and any applicable Specific

Plan. The proposed subdivision or land use is compatible with the objectives, policies, general land uses and programs specified in the General Plan and any applicable Specific Plan (Subdivision Map Act 66473.5).

Comment: The subject property has a General Plan land use and zoning designation of Estate Residential (R-E), 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 3.4 acres into two (2) parcels, one of which is proposed as a flag lot, and will meet the minimum requirements for lot size, width and depth as prescribed by the Code.

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

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

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

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

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

Comment: The project is a residential land subdivision. Public sewer is not available to site at this time; however, the proposed lot sizes allow for the use of underground disposal systems. Therefore, the project will not effect the existing sewer system.

RECOMMENDATION

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

1. Find that pursuant to the California Environmental Quality Act (CEQA), Section No. 15315, the proposed request is Exempt from further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve Tentative Parcel Map No. 20336, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Tentative Parcel Map
3. Zoning Map

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL
Tentative Parcel Map No. 20336

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

Planning Division Conditions of Approval

- P1. This tentative subdivision shall comply with the provisions of the State Subdivision Map Act and the Town Development Code. This tentative approval shall expire three (3) years from the date of approval by the Planning Commission/Town Council. A time extension may be approved in accordance with the State Map Act and Town Ordinance, if an extension application is filed and the appropriate fees are paid thirty (30) days prior to the expiration date. The Tentative Parcel Map becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. Prior to approval of the Final Map, the following agencies shall provide written verification to the Planning Division that all pertinent conditions of approval and applicable regulations have been met:
- a. Apple Valley Fire Protection District
 - b. Golden State Water Company
 - c. Apple Valley Public Works Division
 - d. Apple Valley Engineering Division
 - e. Apple Valley Planning Division
- P3. The filing of a Notice of Exemption requires the County Clerk to collect a documentary handling fee of fifty dollars (\$50.00). The fee must be paid in a timely manner in accordance with Town procedures. The check shall be delivered to the Planning Division for processing and be made payable to the Clerk of the Board of Supervisors, 385 North Arrowhead, 2nd Floor, San Bernardino, CA 92415..
- P4. Tentative Parcel Map No. 20336 shall adhere to all requirements of the Development Code.
- P5. The applicant shall defend at his sole expense (with attorneys approved by the Town) and indemnify the Town against any action brought against the Town, its agents, officers or employees resulting from or relating to this approval. The applicant shall reimburse the Town, its agents, officers or employees for any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its

- sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of these obligations under this condition.
- P6. Approval of the Tentative Parcel Map No. 20336 by the Planning Commission is understood as acknowledgement of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, Appeals, of the Town of Apple Valley Development Code.
- P7. Any protected desert plants or Joshua trees impacted by development are subject to the regulations specified in Section 9.76.020 (Plant Protection and Management) of the Development Code. Prior to the issuance of a Grading Permit, a study by a qualified Native Plant Expert shall be prepared to determine if the identified trees will be saved, located or removed, in compliance with the Town's Native Plant Protection Ordinance.
- P8. The project shall conform to the Estate Residential (R-E) development standards for front, side and rear yard-building setbacks.
- P9. If the tract/parcel map is adjacent to existing development, a fence/wall plan shall be submitted with the grading and landscape/irrigation plans to identify how new fencing or walls will relate to any existing fences or walls located around the perimeter of the tract/parcel map. The developer shall be required to connect to the existing fencing/walls or collaborate with the adjacent property owners to provide new fencing/walls and remove the existing fence/wall, both options at the developer's expense. Double fencing shall be avoided, and review and approval of the fencing/wall plan is required prior to issuance of grading permits.
- P10. All new development of residential structures shall be designed and constructed in compliance with the "Single Family Infill Plotting Criteria" subject to the review and approved by the Planning Division.
- P11. Landscape and irrigation plans shall be submitted prior to the issuance of Building Permits in accordance with Chapter 9.31 "Residential Design Standards" and Chapter 9.75 "Water Conservation/Landscape Regulations" of the Development Code and installed prior to issuance of occupancy permits subject to approval by the Planning Division.
- P12. Prior to map recordation, all accessory structures shall be relocated in compliance with the minimum setbacks as required by the Estate Residential (R-E) zoning designation.
- P13. A six-foot wide Lifeline Trail easement shall be provided along the east boundary consistent with the Multi-Use and Equestrian Trails Standards.

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.

Engineering Division Conditions of Approval

EC1. A 64-ft wide half-width road dedication along Central Road shall be granted to the Town of Apple Valley prior to Final Map Approval.

EC2. The developer shall present evidence to the Town Engineer that he has made a reasonable effort to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.

Public Works Division Conditions of Approval

No Conditions

Building and Safety Department Conditions of Approval

BS1. An engineered grading report including soils report shall be submitted to and approved by the Building Official prior to recordation of the final map or issuance of permits for grading in excess of 1000 cubic yards.

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 and other emergency equipment, and for routes of escape which will safely handle evacuations. Each of these points of access shall provide an independent route into the area in which the development is located. This shall be completed prior to any combustible construction.

FD4. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

New dwelling addresses shall be posted with a minimum of 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.

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

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

B. System Standards:

*Fire Flow 1500 GPM @ 20 psi Residual Pressure on 8" minimum water main size.

Duration 1 Hour

Hydrant Spacing 660 Feet

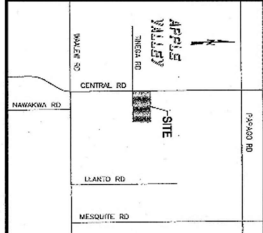
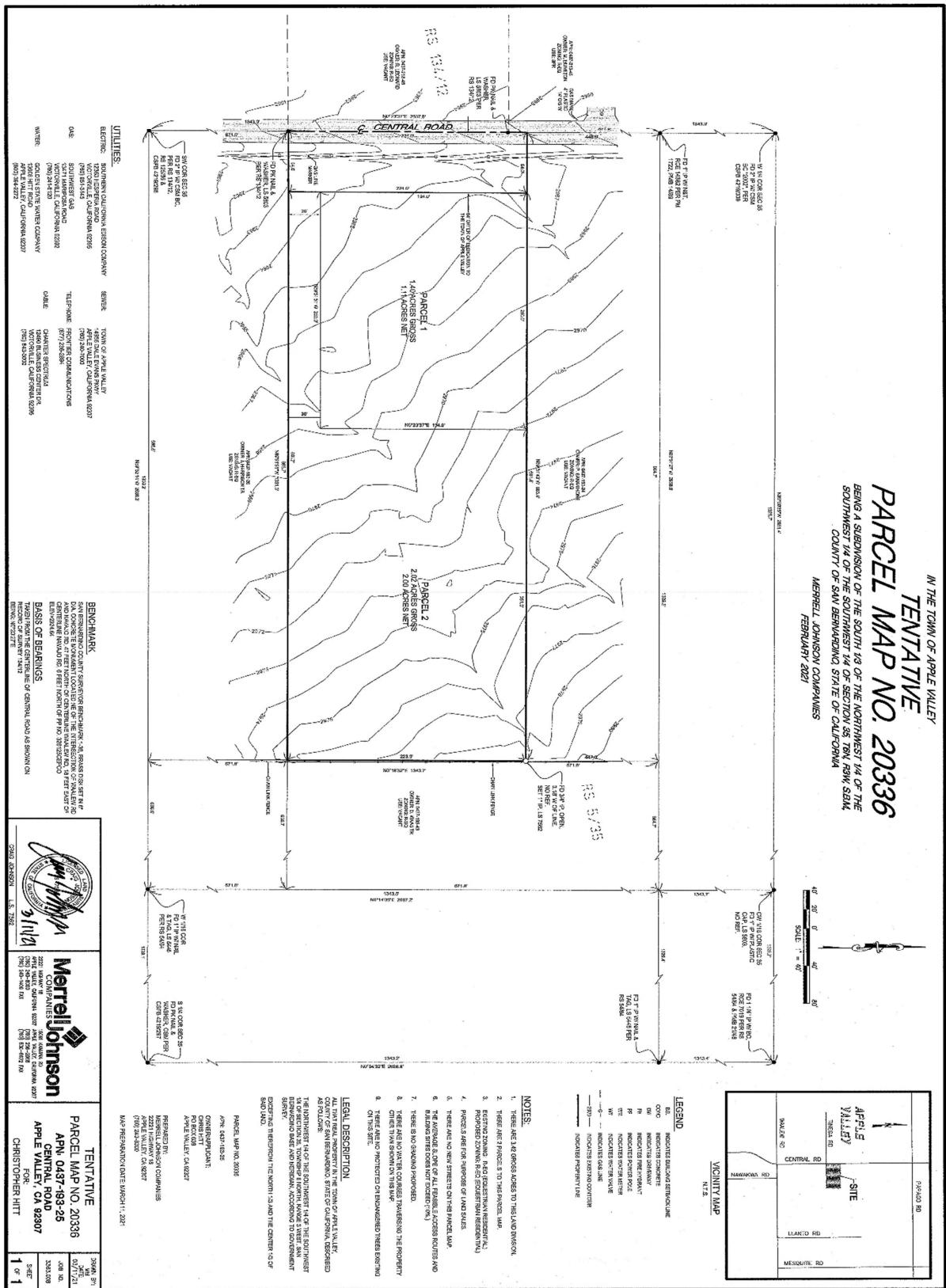
**NFPA 13D (RESIDENTIAL AUTOMATIC FIRE SPRINKLER SYSTEM):
REQUIRED**

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.**

FD6. A letter shall be furnished to the Fire District from the water purveyor stating that the required fire flow for the project can be met prior to the Formal Development Review Committee meeting.

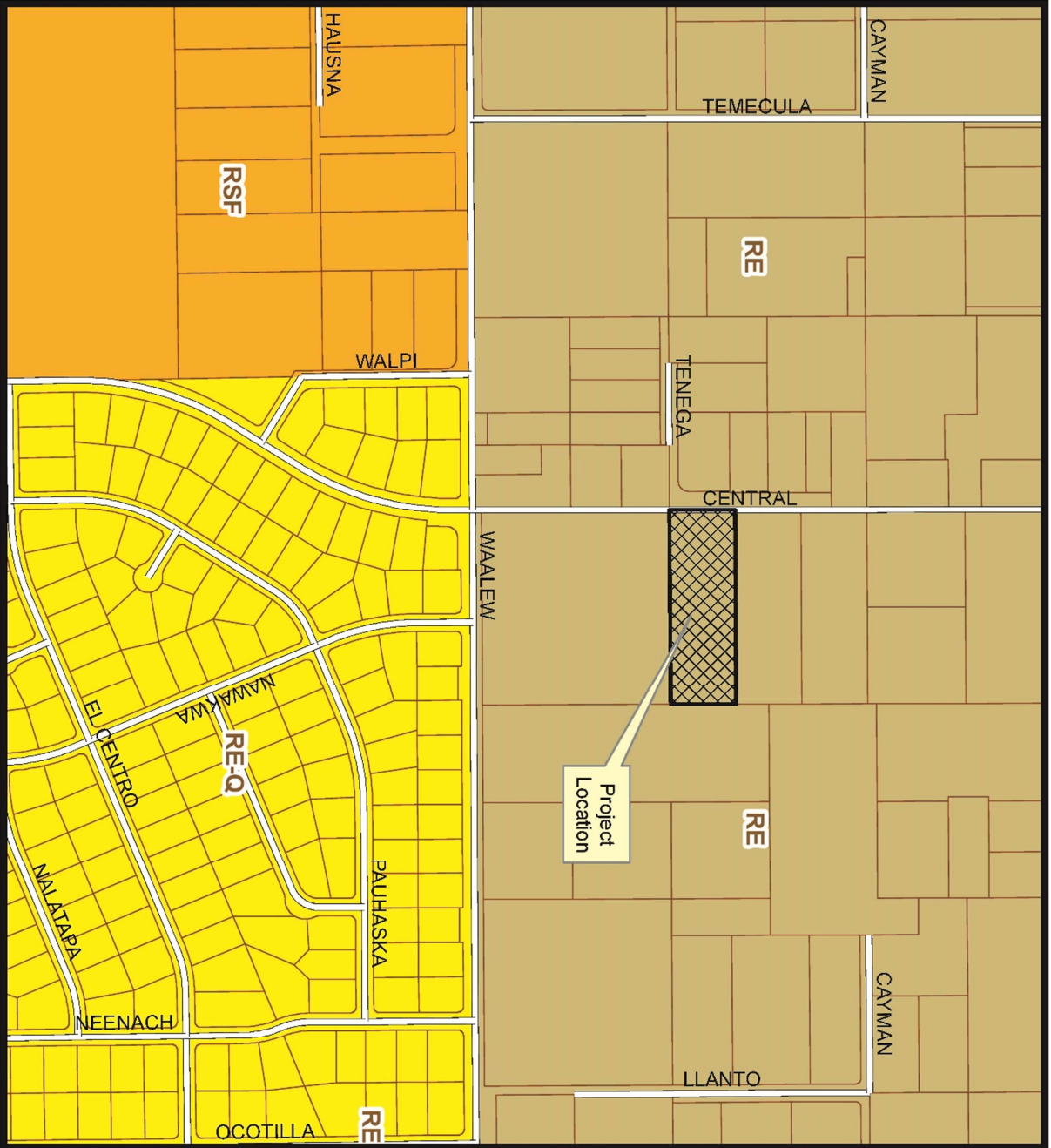
FD7. Apple Valley Fire Protection District Final Subdivision/Tract/Development fees shall be paid to the Fire District prior to final map acceptance according to the current Apple Valley Fire Protection District Fee Ordinance.

END OF CONDITIONS



ZONING/LOCATION MAP

Tentative Parcel Map No. 20336



Located on the east side of Central Road, 660 feet north of Waalew.

APN 0437-193-25



Legend	
	PM 20336
	RE-1 Estate Residential (1-4.97 to 2.5 gross acres)
	RE-2 Estate Residential (1-4.97 to 0.5 net acres)
	RE-D Single-Family Residential (1-4.97 to 0.5 net acres)
	RSF Single-Family Residential (1-4.97 to 0.5 net acres)

Date: 4/27/2021