



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA**

WEDNESDAY, JULY 21, 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.



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY JULY 21, 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. 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. WEDNESDAY JULY 21, 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

1a. Minutes for the Regular Meeting of May 5, 2021.

- 1b. Minutes for the Regular Meeting of May 19, 2021.
- 1c. Minutes for the Regular Meeting of July 7, 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. **Special Use Permit No. 2021-003.** *A request to approve a Special Use Permit to allow outdoor storage associated with a mining operation; equipment repair; and a caretaker residence within a Recreational Vehicle (RV) for security purposes.*
and located within the Single-family Residential (R-SF) zoning designation.

APPLICANT: Global Pumice, LLC

LOCATION: The site is generally located at 22164 Ottawa Road, Suite 107 and 108;
APN: 3087-391-05

ENVIRONMENTAL

DETERMINATION: Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301 – Existing Facilities and Section 15311- Accessory Buildings, the proposed request is Exempt from further environmental review.

PREPARED BY: Daniel Alcayaga, AICP, Planning Manager

RECOMMENDATION: Withdrawal

- 3. **Development Use Permit No. 2021-010.** A request to approve a Development Permit allowing the construction of seventeen (17) single-family tract homes within the Ravenswood subdivision, Tract 16059. The proposal consists of four (4) floor plans ranging from 3,201 up to 3,903 square feet of indoor living area. The project area is approximately nine (9) acres in size and located within the Single-family Residential (R-SF) zoning designation.

APPLICANT: Ravenswood II, LLC

LOCATION: The site is generally located at the northeast corner of Apple Valley Road and Sitting Bull Road; APNs 3087-731-08, -09 and 3087-741-18 thru -32.

ENVIRONMENTAL

DETERMINATION: The project is within the scope of the approved Mitigated Negative Declaration that was adopted by the Planning Commission for Tentative Tract Map No. 16059 on February 20, 2002. The proposed request is not subject to further evaluation.

PREPARED BY: Daniel Alcayaga, AICP, Planning Manager

RECOMMENDATION: Approval

OTHER BUSINESS

4. Interim Local Policy and Procedures on the Western Joshua Tree.

PLANNING COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT

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

**MINUTES
TOWN OF APPLE VALLEY
PLANNING COMMISSION
REGULAR MEETING
MAY 5, 2021**

CALL TO ORDER

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

Roll Call

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

Absent:

Staff Present

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Lanyon

MINUTES

1. Minutes for the Regular Meeting of February 3, 2021.

Motion by Commissioner Lanyon, second by Vice-Chairman Arias to approve Minutes of the February 3, 2021 meeting.

ROLL CALL VOTE

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

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

PUBLIC COMMENTS

None

PUBLIC HEARING

- 2. Conditional Use Permit No. 2021-004.** 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.

Ms. Pam Cupp, Senior Planner is requesting a continuance to the May 19, 2021 meeting.

Chairman Harrison opened for Public Comment at 6:02p.m.

Being that there was no public comment, Chairman Harrison closed the Public Hearing at 6:03p.m.

Motion by Commissioner Kallen, second by Commissioner Tinsley that the Planning Commission to continue Conditional Use Permit No 2021-004 to the May 19, 2021 meeting.

ROLL CALL VOTE

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

The Motion Carried by a 5-0-0-0 vote.

- 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.

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

Craig Johnson, with Merrell Johnson Company was present.

Chairman Harrison opened up the public hearing at 6:10pm.

Chairman Harrison asked Mr. Johnson if he agreed with the conditions of approval as presented by staff.

Mr. Johnson agrees with the conditions of approval.

Being that there was no public comment, Chairman Harrison closed the Public Hearing at 6:12pm.

Motion by Commissioner Tinsley, second by Commissioner Kallen and 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.

ROLL CALL VOTE

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

The Motion Carried by a 5-0-0-0 vote.

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.

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

Tom Steeno was available by phone.

Being that there was no public comment, Chairman Harrison closed the Public Hearing at 6:23pm.

Motion by Vice-Chairman Arias, second by Commissioner Tinsley and 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.

ROLL CALL VOTE

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

The Motion Carried by a 5-0-0-0 vote.

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.

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

Craig Johnson, with Merrell Johnson Company was present.

Andrea Willow, Apple Valley resident said Central is a busy street and needs more lighting.

Chairman Harrison asked Mr. Johnson if he agreed with the conditions of approval as presented by staff.

Mr. Johnson agrees with the conditions as presented.

Chairman Harrison closed the Public Hearing at 6:40pm.

Motion by Vice-Chairman Arias, second by Commissioner Lanyon and 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.

ROLL CALL VOTE

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

Noes: None

Abstain: None

Absent:

The Motion Carried by a 5-0-0-0 vote.

OTHER BUSINESS

None

PLANNING COMMISSION COMMENTS

None

STAFF COMMENTS

Mr. Alcayaga updated the Planning Commission on upcoming projects.

ADJOURNMENT

Motion by, Chairman Harrison, seconded by Commissioner Kallen and unanimously carried, to adjourn the meeting to the regular Planning Commission meeting on May 19, 2021.

Respectfully Submitted by:

Maribel Hernandez
Planning Commission Secretary

Approved by:

Chairman Joel Harrison

**MINUTES
TOWN OF APPLE VALLEY
PLANNING COMMISSION
REGULAR MEETING
MAY 19, 2021**

CALL TO ORDER

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

Roll Call

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

Absent: Commissioner Tinsley

Staff Present

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice-Chairman Arias

MINUTES

None

PUBLIC COMMENTS

Email correspondence received from Margarete Johnson, with suggestion on businesses she would like to see come to Apple Valley.

PUBLIC HEARING

PUBLIC HEARING ITEMS

- 1. Conditional Use Permit No. 2021-004.** *(Continued from May 5, 2021)* A request for approval of a Conditional Use Permit to allow the construction of public facility improvements, including a 1,296-square foot pump house and storage building. The site is an existing water production well site (No. 16). The project site is 0.89 acres in size and located within the Single-family Residential (R-SF) zoning designation.

Ms. Pam Cupp, Senior Planner is requesting a continuance to the May 19, 2021 meeting.

Greg Miles and Adam Ambrose with Liberty Utilities was present.

Commissioner Kallen asked Ms. Cupp if she received any correspondence from nearby residents.

Ms. Cupp did speak to one resident that had concerns about the noise but let the resident that the proposed structure would help solve issue.

Chairman Harrison opened up the public hearing at 6:10pm.

Paul Gastonia, Apple Valley resident, spoke against the project as he is concerned the appearance of the building would cause a decrease in his home value.

Commissioner Kallen asked why the height of the building was so tall.

Mr. Ambrose said it's a tall building to give the proper distance from the well motor so that the roof is not on top of the well.

Heidi Gastonia, Apple Valley resident asked about the maintained by the Town.

Ms. Cupp said that area will be part of the Landscape Assessment District.

Chairman Harrison closed the public hearing at 6:22pm.

Lengthy discussion ensued between the members of the Planning Commission presenting their concerns on the appearance of the building.

Motion by Commissioner Kallen, second by Vice-Chairman Arias that the Planning Commission to continue Conditional Use Permit No 2021-004 to the July 7, 2021 meeting.

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

2. 2019 Climate Action Plan – Daniel Alcayaga.

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

Kelly Clark with Terra Nova was available by phone.

Albert Maldonado, Town Attorney asked staff to make a few corrections to the heading of the Resolution to read:

A RESOLUTION OF THE PLANNING COMMISON OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA ADOPT THE TOWN OF APPLE VALLEY 2019 CLIMATE ACTION PLAN UPDATE.

Motion by Vice-Chairman Arias, second by Commissioner Lanyon that the Planning Commission to Adopt Resolution No. 2021-005 as amended, recommending that the Town Council approve the Town of Apple Valley 2019 Climate Action Plan Update.

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

PLANNING COMMISSION COMMENTS

None

STAFF COMMENTS

Mr. Alcayaga updated the Planning Commission on upcoming projects.

ADJOURNMENT

Motion by, Commissioner Kallen, seconded by Vice-Chairman Arias and unanimously carried, to adjourn the meeting to the regular Planning Commission meeting on June 16, 2021.

Respectfully Submitted by:

Maribel Hernandez
Planning Commission Secretary

Approved by:

Chairman Joel Harrison

**MINUTES
TOWN OF APPLE VALLEY
PLANNING COMMISSION
REGULAR MEETING
JULY 7, 2021**

CALL TO ORDER

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

Roll Call

Present: Commissioners Kallen; Tinsley; Lanyon; Chairman Harrison; Vice-Chairman Arias.
For the Record: Vice-Chairman Arias arrived at 6:01pm.

Absent: None

Staff Present

Orlando Acevedo, Director of Business Development and Communications; Daniel Alcayaga, Planning Manager; Pam Cupp, Senior Planner; Albert Maldonado, Town Attorney; and Maribel Hernandez, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Tinsley

APPROVAL OF MINUTES

- 1a. Minutes for the Regular Meeting of February 17, 2021.
- 1b. Minutes for the Regular Meeting of April 7, 2021.
- 1c. Minutes for the Regular Meeting of April 21, 2021.

Motion by Commissioner Lanyon, second by Vice-Chairman Arias to approve Minutes of the February 17, 2021 and April 7, 2021 meeting.

ROLL CALL VOTE

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

Noes: None

Abstain: None

Absent:

The Motion Carried by a 5-0-0-0 vote for the meetings of February 17, 2021 and April 7, 2021.

ROLL CALL VOTE

Yes: Vice-Chairman Arias
Commissioner Kallen
Commissioner Lanyon

Noes: None

Absent: None

The Motion Carried by a 3-0-2-0 vote for the meeting of April 21, 2021.

PUBLIC COMMENTS

None

PUBLIC HEARING

2. **Conditional Use Permit No. 2021-04.** *(Continued from May 19, 2021)* A request for approval of a Conditional Use Permit to allow the construction of public facility improvements, including a 1,292-square foot pump house and storage building. The site is an existing water production well site (No. 16). The project site is 0.88 acres in size and located within the Single-family Residential (R-SF) zoning designation.

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

Greg Miles with Liberty Utilities was present.

Mr. Miles met with the property owners and presented the plans and they were happy with the new design.

Chairman Harrison closed the Public Hearing at 6:10pm.

Chairman Harrison asked Mr. Miles if he agrees with the conditions of approval.

Mr. Miles agrees with the Conditions of Approval.

Motion by Commissioner Tinsley, second by Commissioner Kallen that the Planning Commission move to:

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section 15301, Class 1, the proposed request is Exempt from further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve Conditional Use Permit No. 2021-004, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

ROLL CALL VOTE

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

Noes: None

Abstain: None

Absent: None

The Motion Carried by a 5-0-0-0 vote.

- 3. Conditional Use Permit No. 2015-012 and Deviation Permit No. 2015-003 Extension of Time.** A request for a two (2)-year time extension to a previously approved Conditional Use Permit to construct an eighty (80)-foot tall, wireless communications tower designed as a faux water tank. Also included is a time extension to a previously approved Deviation Permit to allow a five (5)-foot increase in height and a 105-foot encroachment into the required 450-foot separation distance required between wireless communications towers.

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

Greg Miles with Liberty Utilities was present.

Chairman Harrison opened Public Comment at 6:10pm.

Being that there is no Public Comment, Chairman Harrison closed the Public Comment at 6:14pm.

Motion by Commissioner Kallen, second by Commissioner Tinsley that the Planning Commission move to:

1. Find that pursuant to the California Environmental Quality Act (CEQA), Sections 15303 and 15304, the proposal 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 for Conditional Use Permit No. 2015-012 and Deviation Permit No. 2015-003.
3. Approve a two (2)-year time extension to Conditional Use Permit No. 2015-012 and Deviation Permit No. 2015-003, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

ROLL CALL VOTE

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

Noes: None

Abstain: None

Absent: None

The Motion Carried by a 5-0-0-0 vote.

- 4. Variance No. 2021-001.** A request for approval to allow a reduced street side yard setback of twenty-five (25) feet deviating from the required fifty (50)-foot building setback line on Nokomis Court.

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

Diana and Brian Robbins and Skip Elie, Architect were present.

Being that there is no Public Comment, Chairman Harrison closed the Public Comment at 6:27pm.

Motion by Vice-Chairman Arias, second by Commissioner Kallen that the Planning Commission Planning Commission move to:

1. Find that pursuant to the California Environmental Quality Act (CEQA), Section 15305, Class 5 (Minor Alteration in Land Use Limitations), 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 for Variance No. 2021-001.
3. Approve Variance No. 2021-001, subject to the attached Conditions of Approval.

ROLL CALL VOTE

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

The Motion Carried by a 5-0-0-0 vote.

5. **Conditional Use Permit No. 2021-005.** A request for approval of a Conditional Use Permit to allow an RV and Boat Storage facility. The land use is existing and approved under a Temporary Use Permit for a period of 10 years. The approval of the CUP would make the approval permanent. No outdoor storage is proposed.

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

Joseph Michael was available by phone.

Chairman Harrison opened the public comment at 6:41pm.

Being that there is no Public Comment, Chairman Harrison closed the Public Comment at 7:04pm.

Lengthy discussion ensued between the members of the Planning Commission presenting their concerns if there is a change in the market, can this CUP be revoked.

Albert Maldonado, Town Attorney said a holder of an entitlement can rescind the entitlement at any time to maximize his/her use of the facility.

Motion by Commissioner Tinsley second by Vice-Chairman Arias, that the that the Planning Commission Planning Commission move to:

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section 15301, the proposed request is Exempt from further environmental review.

2. Find the facts presented in the staff report support the required Findings for Approval for Conditional Use Permit No. 2021-005.
3. Adopt the Findings as provided in the staff report and Conditional Use Permit No. 2021-005.
4. Direct staff to file the Notice of Exemption.

ROLL CALL VOTE

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

Noes: None
 Abstain: None
 Absent: None

The Motion Carried by a 5-0-0-0 vote.

OTHER BUSINESS

6. Orlando Acevedo, Director of Business Development and Communications requested, the Commission appoint two members of the Planning Commission to serve on the Ad-Hoc Committee to review the current procedures used to review design criteria for single-family residential plans.

Commissioner Tinsley and Commissioner Lanyon were selected to be on the Ad-Hoc Committee.

ROLL CALL VOTE

Yes: Chairman Harrison
 Commissioner Kallen
 Commissioner Lanyon
 Commissioner Tinsley

Noes: Vice-Chairman Arias
 Abstain: None
 Absent: None

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

PLANNING COMMISSION COMMENTS

None

STAFF COMMENTS

Mr. Alcayaga updated the Planning Commission on upcoming projects and workshops.

Commissioner Tinsley asked for an email with all the dates of workshops.

ADJOURNMENT

Motion by, Vice-Chairman Arias, seconded by Commissioner Tinsley and unanimously carried, to adjourn the meeting to the regular Planning Commission meeting on July 21, 2021.

Respectfully Submitted by:

Maribel Hernandez
Planning Commission Secretary

Approved by:

Chairman Joel Harrison



Planning Commission Agenda Report

Date:	July 21, 2021	Item No. 2
To:	Planning Commission	
Case No:	Special Use Permit No. 2021-003	
Applicant:	Global Pumice, LLC	
Proposal:	A request to approve a Special Use Permit to allow outdoor storage associated with a mining operation; equipment repair; and a caretaker residence within a Recreational Vehicle (RV) for security purposes.	
Location:	The site is generally located at 22164 Ottawa Road, Suite 107 and 108; APN: 3087-391-05	
Environmental Determination:	Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301 – Existing Facilities and Section 15311- Accessory Buildings, the proposed request is Exempt from further environmental review.	
Prepared By:	Daniel Alcayaga, AICP, Planning Manager	
Recommendation:	Withdrawal	

Staff is requesting that this application be withdrawn from Planning Commission consideration. The Applicant has agreed to withdraw the Special Use Permit application for a permanent caretaker's residence and process the request under the Temporary Use Permit regulations (TUP). The Special Use Permit will proceed for the outdoor storage and equipment repair. The modified proposals will require new applications and/ or a new public notice consistent with the Development Code. Staff anticipates that the revised proposals can be approved administratively unless the decision is appealed.



Planning Commission Agenda Report

Date:	July 21, 2021	Item No. 3
To:	Planning Commission	
Case No:	Development Permit No. 2021-010	
Applicant:	Ravenswood II, LLC	
Proposal:	A request to approve a Development Permit allowing the construction of seventeen (17) single-family tract homes within the Ravenswood subdivision, Tract 16059. The proposal consists of four (4) floor plans ranging from 3,201 up to 3,903 square feet of indoor living area. The project area is approximately nine (9) acres in size and located within the Single-family Residential (R-SF) zoning designation.	
Location:	The site is generally located at the northeast corner of Apple Valley Road and Sitting Bull Road; APNs 3087-731-08, -09 and 3087-741-18 thru -32.	
Environmental Determination:	The project is within the scope of the approved Mitigated Negative Declaration that was adopted by the Planning Commission for Tentative Tract Map No. 16059 on February 20, 2002. The proposed request is not subject to further evaluation.	
Prepared By:	Daniel Alcayaga, AICP, Planning Manager	
Recommendation:	Approval	

ANALYSIS

- A. General:
Pursuant to the Development Code, a Development Permit is required for all new single-family residential construction within a housing tract to afford the Commission the opportunity to review the architectural/aesthetics of any proposed structure. The applicant is proposing to construct seventeen (17) single-family residences on existing, partially improved lots.

B. Site Analysis:

The project site is located within the Ravenswood Tract No. 16059. Phases I & II have recorded and have been partially developed. The applicant is proposing construction on the final seventeen (17) lots that remain vacant. Tentative Tract Map No. 16059 Condition of Approval No. P7 states the following:

“The project shall conform to the R-SF, Single Family Residential, development standards for front, side and rear yard-building setbacks as follows:

Front: 30 feet minimum, 35 feet average
Street side: 25 feet minimum
Interior side: 15/10 feet minimum
Rear: 25 feet minimum”

The plotting plan submitted with this request shows that all the proposed buildings comply with the required setbacks.

C. Floor Plan Analysis:

Three (3) floor plans are proposed, including 3,201 square feet for Plan 1, 3,412 square feet for Plan 2, and 3,903 square feet for Plan 3 (not including garage areas, patios and porches). The minimum size for single-family residential homes in the Town’s Development Code is 1,200 square feet of livable area. The plans are as follows:

Plan	Story	Bed	Bath	Garage	Options
1	1	4	3-1/2	3	4 th bedroom or office
2	1	5	3-1/2	3	5 th bedroom or office
3	2	6	3-1/2	3	6 th bedroom or office

The floor plans submitted for Commission consideration identify several unique features to the homes being proposed, such as outdoor living areas (courtyards), and casitas with a separate entrance. The homes also include standard features, such as three (3) car garages, as well as multiple interior use design features, such as formal entryways, great room, family room and indoor laundry rooms.

The single-family homes previously developed within Ravenswood were constructed with livable area ranging from 2,626 square feet to 4,239 square feet. The applicant proposes to construct homes with livable area ranging from 3,201 up to 3,903 square feet. The homes proposed will be consistent in size and height to the existing single-family residences located in the Ravenswood subdivision.

D. Architecture Analysis:

Each floor plan is proposed with two different building elevations. Since three floor plans are proposed, there are a total of six different building elevations. The plans exhibit designs that are contemporary in form with elements consistent with

eclectic variations of “Spanish”, “Mediterranean” and “Ranch” architectural styles. The house elevations incorporate multiple roof lines and multiple off-sets to the front elevations. Pronounced entryways, courtyards and a variety of window sizes, shapes and trims are evident on all models. The homes are available with various color options consisting of earthen tones that include off-white and various brown tones.

E. Landscape Analysis

Three (3) distinct landscape plans, prepared by a landscape architect, have been submitted for approval. Condition of Approval No. P-12 requires that landscaping and irrigation plans shall be submitted for each lot prior to building permit issuance and that the landscaping plans for corner lots and odd shaped lots situated at the knuckle of private roadways shall be in substantial conformance with the landscaping plans under consideration by the Planning Commission tonight.

F. Environmental Assessment:

The project is within the scope of the approved Mitigated Negative Declaration that was adopted by the Planning Commission for Tentative Tract Map No. 16059 on February 20, 2002. Therefore, pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed request is not subject to further evaluation.

G. Noticing:

This item was advertised as a public hearing in the Apple Valley News newspaper on July 9, 2021.

A. Development Permit Findings:

As required under Section 9.17.080 of the Development Code, prior to approval of a Development Permit, the Planning Commission must make specific required “Findings”. These Findings, as well as a comment to address each, are presented below.

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 single-family residential development is within a Residential Single Family (R-SF) zoning designation and is in compliance with the General Plan Land Use and Zoning District that allows new construction of residential homes, subject to approval of a Development Permit.

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;

Comment: The proposed single-family residential development is compatible with the surrounding area as the site and existing improvements can facilitate the proposed project and the structures (homes) are permitted subject to approval of a Development Permit.

3. That the proposed development produces compatible transitions in the scale, bulk, coverage, density and character of development between adjacent land uses;

Comment: The proposed single-family residential development is compatible with the site and surrounding area and has been designed with adequate setbacks and access. The use is not anticipated to generate excessive noise, vibration, traffic or other disturbances.

4. That the building, site and architectural design are accomplished in an energy efficient manner;

Comment: The proposed single-family residential development will be required to be constructed in accordance with the Uniform Building Code and will be oriented in a manner that will optimize efficient energy resources. The project must also comply with requirements from the Building and Safety Division as well as California Building Code Title 24 requirements.

5. That the materials, textures and details of the proposed construction, to the extent feasible, are compatible with the adjacent and neighboring structures;

Comment: The design, materials and details of the proposed single-family residential development will utilize an architectural design consistent with existing structures in the immediate area. However, the individual homes will incorporate stone veneers that will enhance and complement existing surrounding residential homes. The proposal, with adherence to the suggested Conditions of Approval, conforms to Code requirements.

6. That the development proposal does not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings with respect to mass and scale to an extent unnecessary and inappropriate to the use;

Comment: The proposed single-family residential development is in conformance with Code requirements for appropriate setbacks. The proposed single-family residential development will not block public views and is in scale to other residential developments in the area.

7. 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 proposed single-family residential development is compatible with adjacent uses within the surrounding area. The location, size and design of the proposed landscaping will enhance the surrounding area. The project landscaping will incorporate a blend of plant material along the street frontages.

8. That quality in architectural design is maintained in order to enhance the visual environment of the Town and to protect the economic value of existing structures;

Comment: The proposed single-family residential development is designed to be compatible with the surrounding development and will be located within the Residential Single Family (R-SF) zoning district. Single-family residential development, with adherence to recommended Conditions of Approval, is permitted subject to approval of a Development Permit.

9. That excessive and unsightly grading of hillsides does not occur, and the character of natural landforms and existing vegetation are preserved where feasible and as required by this Code;

Comment: The project is proposed on a relatively flat, pre-graded vacant site.

10. That historically significant structures and sites are protected as much as possible in a manner consistent with their historic values;

Comment: The site is vacant and generally surrounded by existing single-family residential homes and vacant lots with no known historical structures on site or in the vicinity.

11. That there are public facilities, services and utilities available at the appropriate levels, or that these shall be installed at the appropriate time, to serve the project as they are needed;

Comment: There are existing improvements available to serve the site. In addition, the proposal, with adherence to the recommended Conditions of Approval, will be compatible with the surrounding neighborhood.

12. That access to the site and circulation on and off-site is safe and convenient for pedestrians, bicyclists, equestrians and motorists;

Comment: The proposed single-family residential development will be located on a residential site with interior local roads, which are improved to Town standards, including an equestrian path. Additionally, the proposal must adhere to Conditions of Approval required in the Development Permit. Therefore, the proposal will not adversely impact access, circulation and the physical character of surrounding streets.

13. That the proposed development's generation of traffic will not adversely impact the capacity and physical character of surrounding streets;

Comment: The proposed single-family residential development will be located on a residential site with interior local roads, which are required to be improved to Town standards and designed to accommodate residential traffic. In addition, the proposed project must adhere to the Conditions of Approval required in the Development Permit. Therefore, the proposal will not adversely impact the capacity and physical character of surrounding streets.

14. That traffic improvements and/or mitigation measures are provided in a manner adequate to maintain a Level of Service C or better on arterial roads and are consistent with the Circulation Element of the Town General Plan;

Comment: Traffic generated from the project will not adversely impact the surrounding area as circulation issues were addressed by the Town when Tentative Tract Map No. 16059 was reviewed and approved by the Planning Commission. The proposed single-family residential development will be located with interior local roads that can accommodate traffic generated from the project site.

15. That environmentally unique and fragile areas, such as the knolls, areas of dense Joshua trees, and the Mojave River area, shall remain adequately protected;

Comment: The proposal is within a Residential Single Family (R-SF) zoning district, using a site that has been determined to be outside of any known environmentally unique or fragile areas.

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

Comment: The project is within the scope of the approved Mitigated Negative Declaration that was adopted by the Planning Commission for Tentative Tract Map No. 16059 on February 20, 2002. Therefore, pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed request is not subject to further evaluation.

17. That there are no other relevant negative impacts of the proposed use that cannot be mitigated;

Comment: The project is within the scope of the approved Mitigated Negative Declaration that was adopted by the Planning Commission for Tentative Tract Map No. 16059 on February 20, 2002. Therefore, pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed request is not subject to further evaluation.

18. That the impacts which could result from the proposed development, and the proposed location, size, design and operating characteristics of 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; and

Comment: The proposed single-family residential development, by its design and operating characteristics, and with adherence to the conditions under which it will be operated and maintained, will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity.

19. That the proposed development will comply with each of the applicable provisions of this Code and applicable Town policies, except approved variances.

Comment: The proposed single-family residential development can be built in conformance to the Development Code, subject to

approval of a Development Permit and with adherence to the recommended Conditions of Approval.

RECOMMENDATION:

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

1. Determine that the project is Exempt from further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve Development Permit No. 2021-010, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Building Elevations (Plans 1, 2 & 3)
3. Zoning Map

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Case No. Development Permit No. 2021-010

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

Planning Division Conditions of Approval

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval, if not exercised in conformance to any conditions, shall become void 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 void date to obtain a three-year extension. The Development Permit becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code, Section 9.12.250.
- P2. The applicant shall agree to defend, at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P3. The approval of Development Permit No. 2021-010 by the Planning Commission is recognized as acknowledgment of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, *Appeals*, of the Town of Apple Valley Development Code.
- P4. Any equipment, whether on the roof, side of the structure or ground, shall be screened from public view from adjacent property or from a public right-of-way. The method of screening shall be integrated into the architectural design of the building and/or landscaping.
- P5. Property line walls and fences adjacent to streets shall be constructed of decorative materials such as rail fencing, split face block or slumpstone. Such

- fencing shall incorporate appropriate decorative enhancements such as caps or pilasters.
- P6. Final landscape and irrigation plans shall be submitted and installed for each individual unit, prior to issuance of occupancy permits.
- P7. All tract identification signs shall have a separate permit and are subject to final approval by the Town Planning Division.
- P8. The rendering(s) presented to and approved by the Planning Commission at the public hearing shall be the anticipated and expected appearance of the structure upon completion.
- P9. It is the sole responsibility of the applicant on any Permit, or other appropriate discretionary review application, for any structure to submit plans, specifications and/or illustrations with the application that will fully and accurately represent and portray the structures, facilities and appurtenances thereto that are to be installed or erected if approved by the Commission. Any such plans, specifications and/or illustrations that are reviewed and approved by the Planning Commission at an advertised public hearing shall accurately reflect the structure, facilities and appurtenances expected and required to be installed at the approved location without deviations, modifications, alterations, adjustments or revisions of any nature.
- P10. The Director shall have the authority for minor architectural changes focusing around items such as window treatments, color combinations, façade treatments, and architectural relief. Questions on the interpretation of this provision or changes not clearly within the scope of this provision shall be submitted to the Planning Commission for consideration under a Revision to the Development Permit.
- P11. 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.
- P12. The applicant shall submit landscape plans, prepared by a landscape architect, for each lot consistent with the approval obtained by the Planning Commission associated with DP-2021-010. A condition of approval requires that landscaping plans shall be submitted for each lot and that the landscaping plans for corner lots and odd shaped lots situated at the knuckle of private roadways shall be in substantial conformance with the approved landscaping plans associated with DP-2021-010.



MEDITERRANEAN



SPANISH REVIVAL

APPLICANT
RAVENSWOOD 8 LLC
10200 VON KARMAN AVENUE
SUITE 400
DOWNEY, CA 90242
909.590.0633

PROJECT
RAVENSWOOD 17
CITY OF APPLE VALLEY, CALIFORNIA

DESIGN
PLAN 1
EXTERIOR ELEVATIONS



RANCH



SPANISH REVIVAL

APPLICANT
RAVENSWOOD II LLC
11200 VON KARMAN AVENUE
SUITE 800
IRVINE, CA 92612

PROJECT
RAVENSWOOD 17
CITY OF IRVINE, CALIFORNIA

DRAWING
PLAN 2



RANCH



MEDITERRANEAN

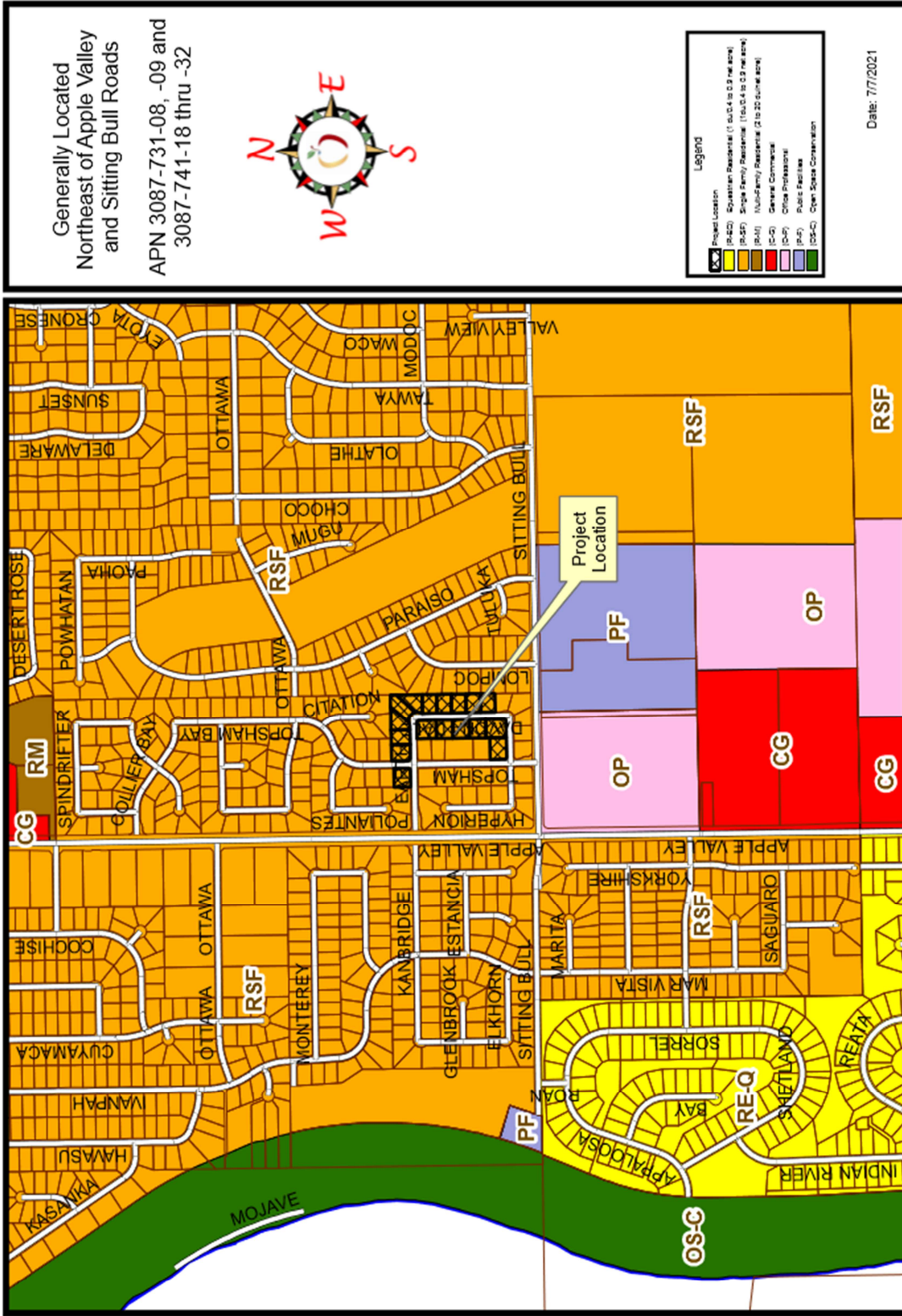
APPLICANT
RAVENSWOOD 8, LLC
11200 VON KARMAN AVENUE
SUITE 400
DENVER, CO 80262

PROJECT
RAVENSWOOD 17

DESIGN
PLAN 3

Development Permit No 2021-010

ZONING/LOCATION MAP





Planning Commission Agenda Report

Date: July 21, 2021 Item No. 4

To: Planning Commission

Subject: INTERIM LOCAL POLICY AND PROCEDURES ON THE WESTERN JOSHUA TREE

From: Orlando Acevedo, Director of Business Development and Communication

Submitted by: Pam Cupp, Senior Planner
Community Development

RECOMMENDED ACTION

Receive and File

SUMMARY

On September 22, 2020 the California Department of Fish and Wildlife (CDFW) accepted a petition to list the Western Joshua Tree (“WJT” or “tree”) as a threatened or endangered species in the State of California under the California Endangered Species Act (CESA). As a candidate for listing, the tree must be protected as if it were already a threatened or endangered species during the candidacy review period, which has been extended through April 2022, . Under CESA, it is illegal to harm, remove, damage, or relocate, which are all considered a “take” of the species, without approval of Incidental Take Permit issued by CDFW.

Per state law, there is no grandfathering period of this action. Any trees that were upright and living at the time of candidacy are subject to these protections, regardless if entitlements or permits were issued prior to or after September 22nd. Due to some confusion regarding what authority the Town has in this matter, specifically relating to the permitting of removal or disturbance of living and/or fallen trees, staff has drafted a local policy that can be shared with homeowners, builders and developers. The policy follows the regulations set forth by CDFW and provides a step-by-step process, contact information, and identifies qualifications of a Desert Native Plant Specialist.

The proposed policy will remain in place until a formal determination has been made by CDFW.

ATTACHMENTS

Interim Local Policy and Procedures on the Western Joshua Tree

Town of Apple Valley

ITERIM LOCAL POLICY AND PROCEDURES ON THE WESTERN JOSHUA TREE

Section I: Purpose

The purpose of this policy is to provide helpful direction and clarify the requirements relating to the potential removal, relocation or trimming of a Western Joshua Tree associated grading conducted on a site that may contain the Western Joshua Tree.

Section II: Background

On September 22, 2020 the California Department of Fish and Wildlife (CDFW) accepted a petition to list the Western Joshua Tree (“WJT” or “tree”) as a threatened or endangered species in the State of California under the California Endangered Species Act (CESA). As a candidate for listing, the tree must be protected as if it were already a threatened or endangered species during the candidacy review period, which has been extended through April 2022. Under CESA, it is illegal to harm, remove, damage, or relocate, which are all considered a “take” of the species, without approval of an Incidental Take Permit issued by CDFW. With respect to the Western Joshua Tree, removal of a tree, or any part thereof, or impacts to the seedbank surrounding one or more trees may result in “take” of the species which is prohibited by State law unless otherwise authorized.

During the CDFW review period, the Town is not authorized to issue local permits to remove, relocate or trim WJT and does not have authorization over CDFW’s Incidental Take Permit.

Section III: Potential Disturbance Due to Development

At time of submittal, site and grading plans will be required to include the location of all Western Joshua Trees on-site and/or within a forty (40)-foot radius of any planned disturbance area. This radius is consistent with the County of San Bernardino Land Use guidance. When a project submits an application for a building permit, Town Staff will complete a pre-site inspection to determine the presence or absence of the Western Joshua Tree. If the development requires a land use application, the site plan must identify the location of all existing Western Joshua Trees on-site or within forty (40) feet of the proposed area of disturbance. If a development is subject to the California Environmental Quality Act (CEQA), the Applicant must identify if the WJT will be protected, relocated, or removed consistent with this policy.

Three potential scenarios exist should WJT be present on a site or within forty (40) feet of any ground disturbance:

1. **Clear Avoidance:** If sufficient evidence is presented, and confirmed through a pre-site inspection, that there will be no disturbance within forty (40) feet of an existing Western Joshua Tree, no further action will be required.
2. **Expert Determination of Avoidance:** If the proposed grading/construction is within forty (40) feet of a Western Joshua Tree, the applicant may seek a determination from a Desert Native Plant Specialist to attest to and confirm avoidance of the Western Joshua Tree with a reduced separation distance. The specialist’s report may specify protective measures to ensure that the proposed grading/construction will avoid any impact resulting in a take of any Western Joshua Tree. The report must include a site plan, drawn to scale, showing the location of proposed grading/construction and all existing Western Joshua Trees, with photos showing all Western Joshua Trees in relation to the proposed grading/construction. The report must contain the

findings and avoidance recommendations of the Desert Native Plant Specialist, as well as a signature and all pertinent license/qualifications information.

Per state law, a Desert Native Plant Specialist is all the following:

- A certified arborist, who appears on the Town’s approved local arborist list;
 - An individual with a four-year college degree in ecology or fish and wildlife related biological science and at least two years of professional experience with relocation or restoration of native California desert vegetation; or
 - An individual with at least five years professional experience with relocation or restoration of native California desert vegetation, Examples: Full-time professional nursery or landscape professional experience with native California desert plants, including western Joshua trees.
3. State Permit Required for Take: If it is determined that the proposed development activity would require a take of the Western Joshua Tree, as defined above, the project may be redesigned to avoid impact to the tree, or the applicant must obtain an Incidental Take Permit (ITP) from the California Department of Fish and Wildlife before the project can proceed. No additional approvals are required by the Town if an ITP is obtained from CDFW. Meaning the Town is not issuing permits while the WJT is protected.

To obtain a ITP visit: wildlife.ca.gov/Conservation/CESA/Permitting/Incidental-Take-Permits

Section IV: Disturbance Not Necessarily Associated with a Development Project

Because of the public health and safety hazard that may be presented by dead or weakened Western Joshua Trees in public rights-of-way or near structures, the California Fish and Game Commission recently created a special order allowing incidental take of Western Joshua Trees during the CESA candidacy review period for activities that meet certain conditions ([Section 749.11, Title 14, California Code of Regulations \(CCR\)](#)). These emergency regulations are effective January 7, 2021, through April 2022, or as may be further extended by CDFW.

Under the emergency regulations, CDFW can issue permits allowing the removal of a dead Western Joshua Tree or the trimming of a Western Joshua Tree, without payment of mitigation fees or other mitigation, if:

- The dead WJT has fallen over and is within 30’ of an existing structure.
- Limb(s) have fallen over;
- The dead WJT or limb(s) are leaning against an existing structure; and
- The dead WJT or limb(s) creates an imminent threat to public health or safety.

Under such circumstances, a permit can be obtained from CDFW by emailing or mailing an application, pictures and other documentation as may be needed to CDFW.

Additional information together with the permit and submittal instructions is located on the California Department of Fish and Wildlife website: <https://wildlife.ca.gov/Conservation/CESA/WJT>.

Section V: Resource Contact Information

Question or comments may be directed to the California Department of Fish and Wildlife at (909) 484-0167 or WJT@wildlife.ca.gov.

The Town of Apple Valley Planning Division is available at (760) 240-7000, ext. 7200 or via email at Planning@applevalley.org.