



Town of
Apple Valley
California

**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA**

WEDNESDAY, AUGUST 17, 2022

Regular Meeting 6:00 p.m.

Town Council Chambers
14955 Dale Evans Parkway

PLANNING COMMISSION MEMBERS

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



**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY AUGUST 17, 2022 – 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 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

Commissioner Kallen; _____ Commissioner Tinsley; _____

Commissioner North; _____ Vice-Chairman Lanyon ; _____

Chairman Arias; _____

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

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

APPROVAL OF MINUTES

1. Approval of the minutes of the regular meeting of June 15, 2022.

PUBLIC HEARING ITEMS

2. Variance No. 2022-001

APPLICANT: Sami Allakkis

LOCATION: APN 043-243-02

ENVIRONMENTAL DETERMINATION: Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15305, Minor Alteration in Minor Class 5 – Minor Alteration in Land Use Limitation, the proposed request is Exempt from further environmental review.

PREPARED BY: Amanda Malone, Assistant Planner

RECOMMENDATION: Recommend approval

3 Tentative Parcel Map No. 20571

APPLICANT: Doug Vance/ Altec Engineering

LOCATION: APN 3112-676-01

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: Amanda Malone, Assistant Planner

RECOMMENDATION: Recommend approval

OTHER BUSINESS

PLANNING COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT

The Planning Commission will adjourn to its next regularly scheduled Planning Commission meeting on September 7th, 2022

**MINUTES
TOWN OF APPLE VALLEY
PLANNING COMMISSION
REGULAR MEETING
JUNE 15, 2022**

CALL TO ORDER

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

Roll Call

Present: Commissioner North, Commissioner Kallen, Commissioner Tinsley; Vice-Chairperson Lanyon

Absent: Chairperson Arias

Staff Present

Orlando Acevedo, Assistant Town Manager; Daniel Alcayaga, Planning Manager; Albert Maldonado, Town Attorney; Yenifer Cid, Assistant; Willow Waters, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Commissioner Tinsley.

PUBLIC COMMENTS

NONE

APPROVAL OF MINUTES

- 1. Approval of the minutes of the regular meeting of June, 2022.**

MOTION

Motion by Commissioner Tinsley, seconded by Commissioner North to approve the minutes of June, 2022, as amended.

Roll Call Vote

Yes: Commissioner North
Commissioner Tinsley
Commissioner Kallen
Vice-Chairperson Lanyon
Chairman Arias

Noes: None

Abstain: None

Absent: Chairman Arias

Motion carried, 4-0-0-1

PUBLIC HEARING

2.A- 2.J Tentative Tract Map No. 18619, 18351-18359 Extension of Time No. 2

Consideration of a three (3) year time extension for a previously Approved subdivision including a financing and infrastructure master map within the Bridle Path Estates Specific Plan. Tentative Tract Map No. 18619 will subdivide approximately 413 gross acres of the total 664 gross acre site, into nine (9) separate legal residential lots for future individual tentative tract maps and one (1) lot for a future private park.

Vice Chairperson Lanyon opened the public Hearing at 6:03 p.m.

Yenifer Cid, Assistant Planner presented the staff report as submitted to the Planning Department

Yenifer Cid gave specification of the project location, its history with the Town and the legislative extensions the project has recently received.

Vice Chairman Lanyon asks for any public comments, and applicant Eric Flodine presented a request to speak at 6:06p.m.

Mr. Flodine discussed the current economic impact on the project and accepts all conditions of approval.

The applicant and other staff had no other comments or questions.

Being there were Public Comments received by staff, Vice-Chairman Lanyon closed public comments 6:08p.m.

MOTION

Motion by Commissioner Kallen to approve Tentative Tract Map No. 18619, 18351-18359 Extension of Time No. 2 to adopt the recommended actions as presented in the Staff Report (or as amended). Seconded by Tinsley

Roll Call Vote

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

Motion carried, 4-0-0-1

3 General Plan Amendment No. 2021-002; Zone Change No. 2021-001;and Specific Plan No. 2021-001. Consideration of the Village Specific Plan

COMMISSIONER TINSLEY RECUSED HIMSELF FROM THE DIAS AT 6:09PM

The proposed Village Specific Plan guides the long-term development and redevelopment of a 1.5±-mile segment of Highway 18, including the Village commercial area. It revises land use designations and sets forth development guidelines in the context of five (5) planning districts to enhance the Village's identity as a downtown retail destination, guide future development of vacant parcels and redevelopment of underutilized parcels and protect and expand residential neighborhoods with guidelines that scale down development at the periphery of the Village.

Vice- Chairperson Lanyon opened the public Hearing at 6:10 p.m.

Daniel Alcayaga, Planning Manager presented the staff report.

Daniel Alcayaga briefly discussed that this item is a continuation from the regular May 18, 2022, Planning Commission meeting, and summarized the history of this item.

Daniel Alcayaga passed the meeting to Nicole Criste a representative for Terra Nova at 6:14 p.m. Nicole Criste and Robert Kilpatrick reviewed the power point previously presented to the commission on May 18, 2022.

Nicole Criste discussed the proposed boundary change on the south side of Highway 18 after receiving public comments from those property owners wishing to be removed from the Specific Plan. Ms. Criste explained that staff will be recommending this boundary change to Pauhaska Rd.

Chairman North asked staff for clarification on which sections will be removed from the specific plan, and Nicole Christe clarified the change in boundaries.

Discussion briefly moved to the infrastructure priorities, and the Commissioner discussed where the focus are as far as roundabouts and traffic changes.

Commissioner Kallen discussed the idea of where hotel, motels, and lodging would go and if incentives can be a goal in the future.

Vice-Chairman Lanyon opened public comments at 6:47 p.m.

Delshawn McClellon is called per his public comment request. McClellon shared his concerns about the environmental impact and the impact on workers.

Daniel Seagondollar is called per his public comment request at 6:50p.m. Mr. Seagondollar discussed his concerns for being involved with the Village Specific Plan and explained his request for wanting to be removed.

William Ryan is called per his public comment request at 6:40p.m. Mr. Ryan discussed his concerns with homelessness, and street improvements that he does not believe will improve the already built business. The discussion then moves to any non-conforming structures already in the Specific Plan.

Vice-Chairman Lanyon closed public comments 6:10 p.m.

Commissioner Kallen further discussed the boundary changes and asked for consensus from the Commissioners about the change.

MOTION

Motion by Commissioner Kallen to move to approve General Plan Amendment No. 2021-002; Zone Change No. 2021-001; and Specific Plan No. 2021-001. Consideration of the Village Specific Plan to adopt the recommended actions as presented in the Staff Report and Resolution 2022-003 (or as amended).

Second by Commissioner North

Roll Call Vote

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

Motion carried, 3-0-1-1

OTHER BUSINESS

NONE

PLANNING COMMISSION COMMENTS

NONE

STAFF COMMENTS

NONE

Motion by Commissioner Kallen, seconded by Commissioner North and carried unanimously, to adjourn the meeting with the next regular Planning Commission meeting to be held August 17, 2022.

Chairperson Arias

Planning Commission Secretary
Willow Waters



TOWN OF APPLE VALLEY PLANNING COMMISSION

Staff Report

- AGENDA DATE:** August 17, 2022
- CASE NUMBER:** Variance No. 2022-001
- APPLICANT:** Sami Allakkis
- PROPOSAL:** A request for approval of a Variance to allow a reduced street front yard setback of twenty (20) feet deviating from the required fifty (50)-foot building setback line on Ohna Road. The project site is 0.48-acre in size and is located within the Single-Family Residential (R-SF) zoning designation.
- LOCATION:** APN: 0473-243-02
- ENVIRONMENTAL DETERMINATION:** Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15305, Minor Alteration in Minor Class 5 – Minor Alteration in Land Use Limitation, the proposed request is Exempt from further environmental review.
- CASE PLANNER:** Amanda Malone, Assistant Planner
- RECOMMENDATION:** Approval

PROJECT SITE AND DESCRIPTION

- A. Project Size:
The project site is 0.48 acres in size
- B. General Plan Designations:
- | | |
|----------------|----------------------------------|
| Project Site - | Single-Family Residential (R-SF) |
| North - | Single-Family Residential (R-SF) |
| South - | Single-Family Residential (R-SF) |
| East - | Single-Family Residential (R-SF) |
| West - | Medium Density Residential (R-M) |

C. Surrounding Zoning and Land Use:

Project Site-	Single-Family Residential (R-SF), Vacant lot
North -	Single-Family Residential (R-SF), Single-family residence
South -	Single-Family Residential (R-SF), Single-family residence
East -	Single-Family Residential (R-SF), Single-family residence
West -	Multi-Family Residential, (R-M) Multi-family residences, and vacant lots

D. Setback Analysis:

	Required	Proposed
Front Yard	50 ft.	20 ft.
Side Yard	10 ft.	10 ft.
Rear Yard	10 ft.	10 ft.

ANALYSIS

A. General:

The applicant is requesting review and approval of a Variance for relief from Development Code Section 9.28.040, Site Development Standards. Specifically, the applicant is seeking a Variance to grant a reduced front building setback, which would allow for him to build a single-family residence on his vacant property, with a minimum front-yard setback of twenty (20) feet where a minimum front yard setback of fifty (50) feet is required.

B. Site Analysis:

The project site is 20,932 square feet in size and is currently a vacant parcel, fronting Ohna Rd. This parcel falls within the Single-Family Residential zoning designation, and currently requires a fifty-foot (50') front building setback.

There is a significant slope on the property, with the highest point located in the rear of the property. This slope restricts the property owner from being able to build a single-family residential dwelling, without encroaching into the front setback.

**Table 1
 Surface Elevations relative to the Hill**

Feature	Surface Elevations
Street frontage	3006-3013'
Proposed House Pad	3015'
Top of House	3036'
Top of Hill	3064'

The applicant proposes a thirty (30)-foot encroachment into the required fifty-foot (50') setback along Ohna Rd. In accordance with the Development Code, Section 9.28.040 (Site Development Standards), the minimum front setback requirements for the Single Family Residential (R-SF) zoning district is thirty feet (30'). However, the subject site is within a Ranchos Residential Overlay District (Tract No. 7802) which requires a fifty-foot (50') front yard setback. The Ranchos Residential Overlay District establishes various building setbacks consistent with previously recorded residential subdivision tract maps and applicable Covenants, Conditions, and Restrictions (CC&Rs). Development Code,

Section 9.63.020 states that the Ranchos Residential Overlay District setbacks supersede the minimum setbacks specified in Section 9.28.040, -- (*-Site Development Standards*).

Although this neighborhood (Tract 7802) has a greater front yard setback requirement than the underlying zoning district, the proposed twenty-foot (20') front yard setback is not much of a deviation from setback requirements seen in the R-SF zone throughout the Town. In addition, the property directly to the west of the project site have a twenty-five-foot (25) front building setback, therefore, the visual impact from a community standpoint will not appear out of character.

Pursuant to the Development Code, Section 9.24.020, a Variance may only be approved when, because of special circumstances applicable to the property in question, strict application of the Code would deprive the property of a privilege enjoyed by other properties in the vicinity and under and identical zoning classification. The special circumstance necessary to approve the Variance exists in this case in that the property is impacted by significant topography. The property is on a hill and the strict application of the Code, such as requiring a new single-family residence to comply with a 50' front yard setback, would cause the property to be unbuildable. The 50' front setback would push the building further into steep slopes of the hill. The applicant has applied for a Variance that would allow the front yard setback to be reduced to 20' making construction of a new house possible on the property. It should be noted that adjacent property to the northwest is subject to a 25' street side yard setback on Ohna Road similar to what the applicant is applying for.

C. Environmental Assessment:

This Variance falls into the category of a minor alteration, as this land use decision will not result in any changes of land use or density. The area of disturbance does not exceed a slope of 20%. Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15305, Class 5, the proposed request is Exempt from further environmental review.

D. Noticing:

This item was advertised as a public hearing in the Apple Valley News newspaper and notices were mailed to all property owners within a 300-foot radius.

E. Findings:

In considering any Variance, the Commission is required by Development Code Section 9.24.070 to make the following findings:

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

Comment: Due to the significant slope on the property, significant topographical barriers, and strict application of the Ranchos Overlay, the requirements would preclude the owners from building a single-family residence. The property directly to the west of this site enjoys a street side building setback of twenty-five feet (25'). Permitting a reduction in the required front-yard setback to twenty

feet (20') would permit the property a privilege already enjoyed by other neighboring properties.

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

Comment: Staff finds that although the proposal is inconsistent with the Ranchos Overlay requirements, the request is not substantially different from the underlying R-SF standards. Therefore, granting the Variance will be consistent with the general intent and purpose of the Development Code provisions for the district in which the property is located.

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

Comment: Without approval for the Variance to allow the twenty (20) foot front building setback, the adherence to the Ranchos Overlay setback requirement would preclude the applicant from constructing a single-family residence, as this parcel contains many topographical difficulties. The granting of the Variance would allow the property owner to construct a dwelling consistent with other properties within the R-SF land use district.

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

Comment: The proposed twenty-foot (20') front yard setback is a small deviation from the required thirty-foot (30') front building setback found within the residential areas so the visual impact from a community standpoint will not appear out of character or materially detrimental to the public health, safety or welfare, or injurious to the property or improvements. Given the shape of the lot and the orientation of the proposed dwelling, the twenty (20) foot encroachment will not be an impact to the character of the neighborhood.

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

Comment: The granting of the Variance would allow the property owner to construct a single-family dwelling consistent with other properties within the R-SF land use district and therefore, will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the zoning district.

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

Comment: The proposed Variance will not alter the allowable uses or permitted activity of the property.

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 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. 2022-001.
3. Approve Variance No. 2022-001, subject to the attached Conditions of Approval.

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Zoning Map
3. Site Plan
4. Grading Plan
5. Floor Plan
6. Elevations
7. Arial View Photosim
8. Four (4) photos of the vacant parcel/slope

TOWN OF APPLE VALLEY

CONDITIONS OF APPROVAL

Case Nos. Variance No. 2022-001

Please note: *Many of the suggested Conditions of Approval presented herewith are provided for informational purposes and are otherwise required by the Municipal Code. Failure to provide a Condition of Approval herein that reflects a requirement of the Municipal Code does not relieve 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 to approve a specific use of land, if not established in conformance to any conditions applied, shall become void two (2) years from the date of action of the reviewing authority (August 17, 2024). This shall be the final extension of time, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The Variance becomes effective 10 days from the date of the decision unless an appeal is filed as stated in the Town's Development Code, Section 9.03.0180.
- P2. The applicant shall defend at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P3. The applicant recognizes the approval of Variance No. 2022-001 by the Planning Commission as acknowledgment of Conditions of Approval, unless an appeal is filed in accordance with Section 9.12.250, *Appeals*, of the Town of Apple Valley Development Code.

Building and Safety Division Conditions of Approval

- B1. Grading and drainage plans including a soils report must be submitted to and approved by the Building Department and Engineering Department prior to grading permit issuance.

- B2. Submit plans, engineering and obtain permits for all structure, retaining walls, signs...
- B3. A pre-construction permit and inspection are required prior to any land disturbing activity to verify requirements for erosion control, flood hazard, native plant protection and desert tortoise habitat
- B4. All utilities shall be placed underground in compliance with Town Ordinance No. 89
- B5. Dust palliative or hydro seed will be required on those portions of the site graded but not constructed (phased construction)
- B6. Page two of the submitted building plans will be the Conditions of Approval
- B7. Construction must comply with 2019 California Code of Regulations, Title 24, Parts 1-12 (Building Codes)
- B8. Best Management Practices (BMP's) are required for the site during construction
- B9. Provide Water Quality Management Plan (WQMP) or Alternative Compliance Plan

Public Works Division Conditions of Approval

- PW1. Sewage disposal shall be by connection to the Town of Apple Valley sewer system. Plans must be approved by the Town of Apple Valley Public Works Department.
- PW2. Sewer connection fees required.

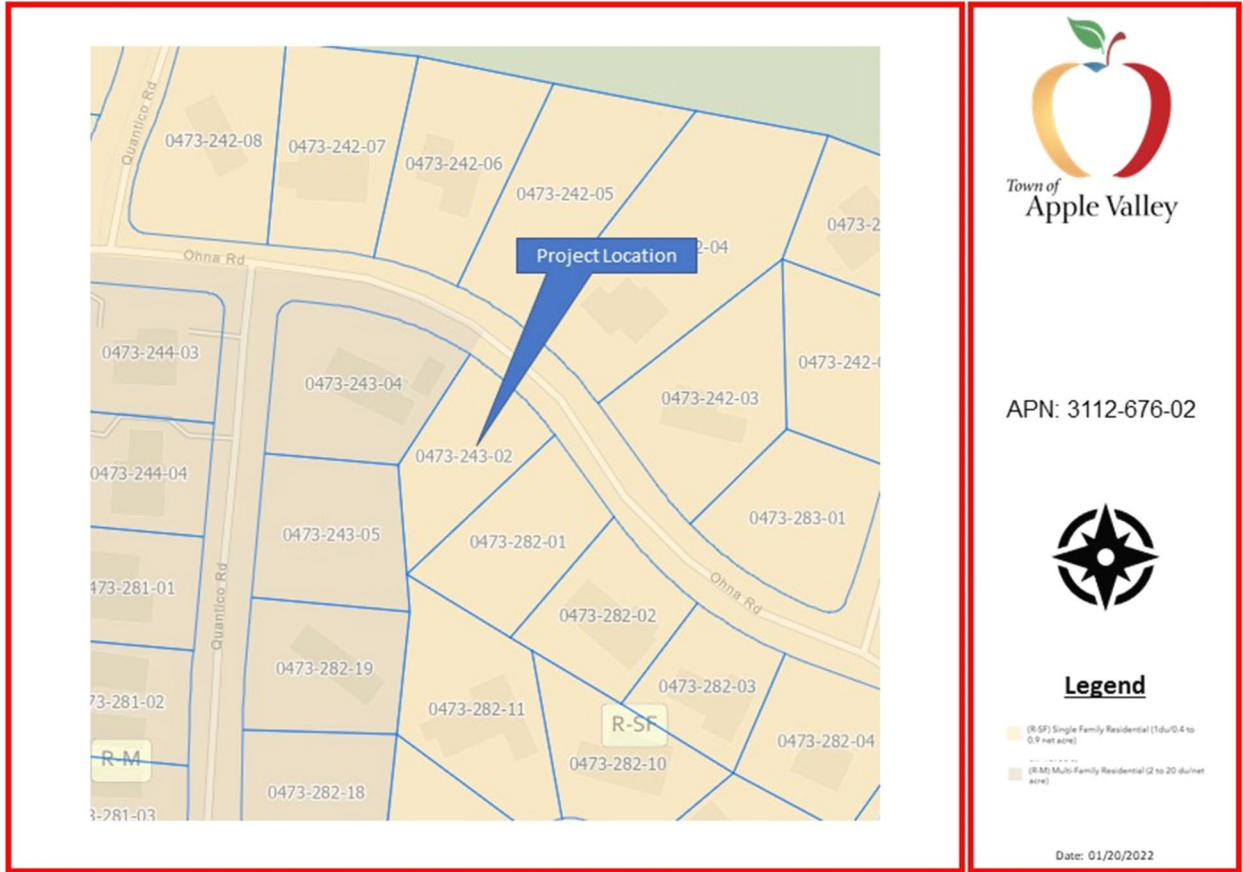
Environmental & Regulatory Compliance Conditions of Approval

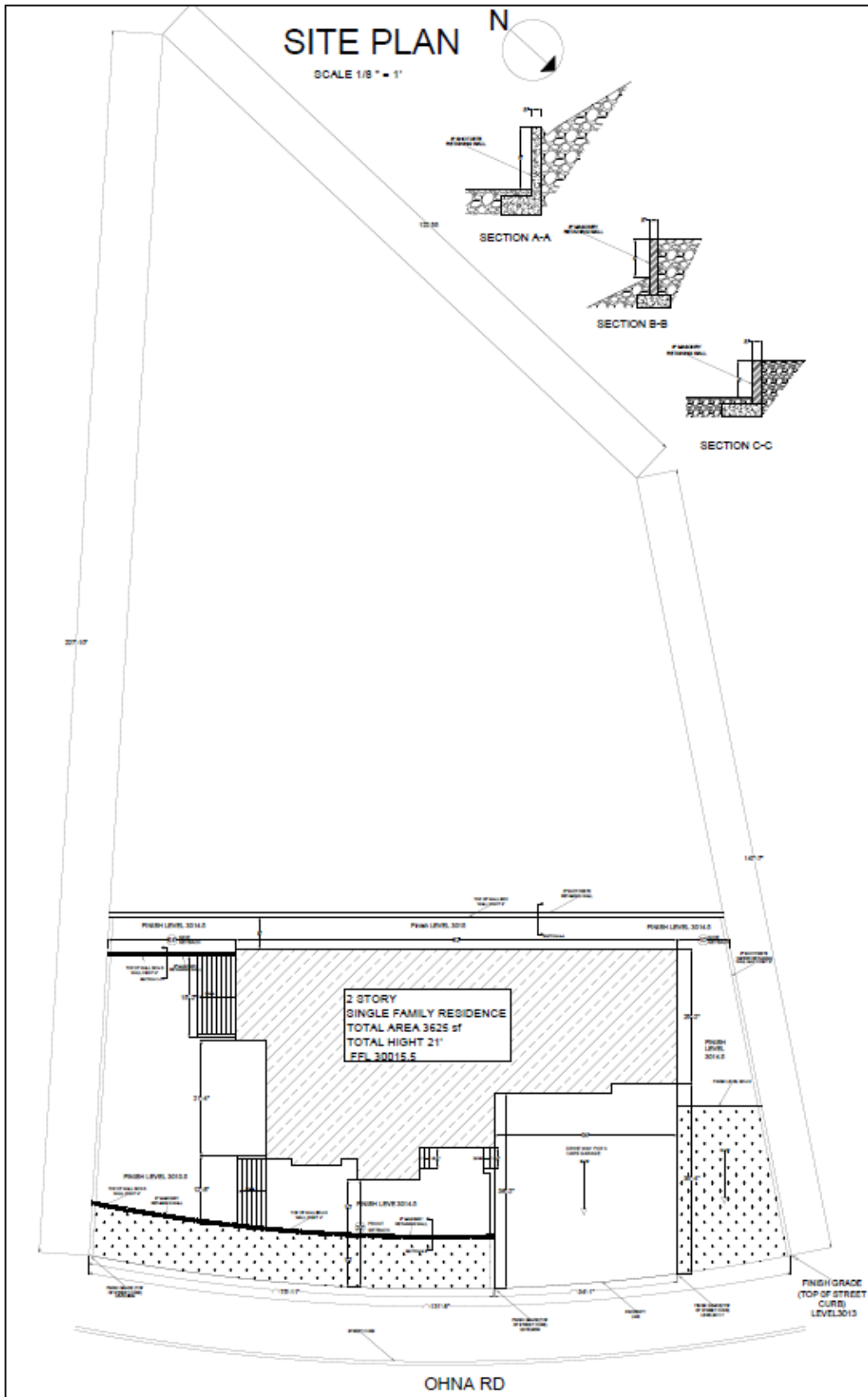
- ER1. Pursuant to AVMC § 8.19.020(a) et seq., the construction contractor shall complete and submit a Waste Management Plan ("WMP"); on a WMP form approved by the Town for this purpose as part of the application packet for the building or tenant improvement permit.
- ER2. Pursuant to AVMC § 8.19.050 and The California Green Code the contractor shall submit documentation proving that the project has met the diversion requirement prior to the issuance of a Certificate of Occupancy. The diversion requirement shall be at least sixty five percent (65%) of the total C&D debris generated by the project via reuse or recycling.

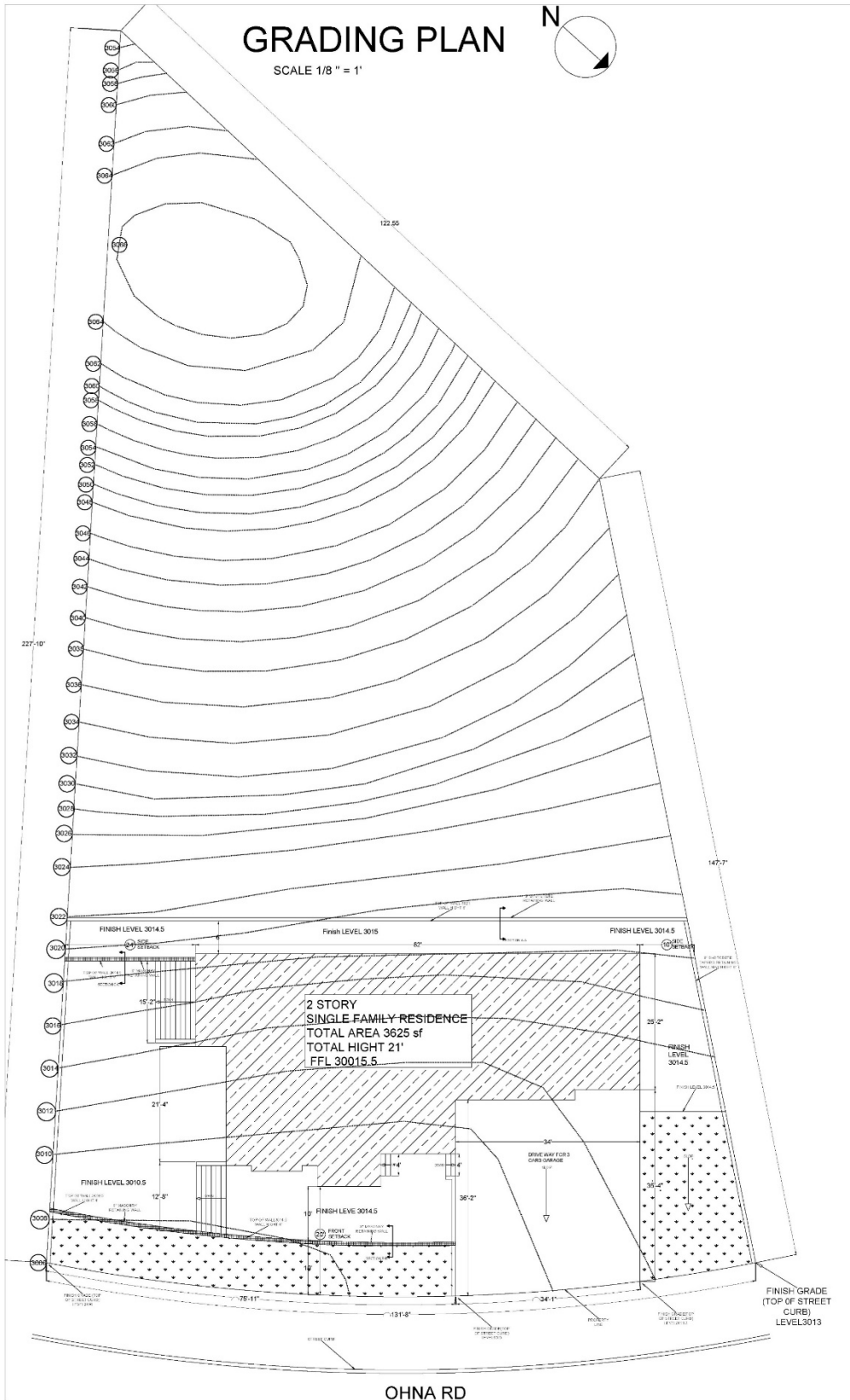
End of Conditions

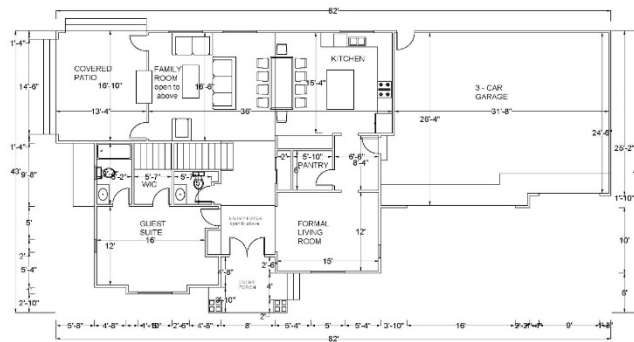
Zoning Map

Variance 2022-001

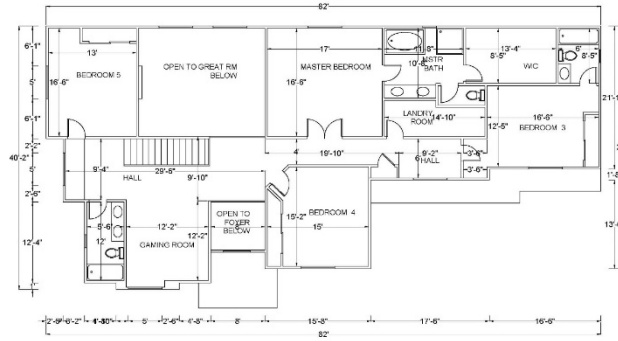




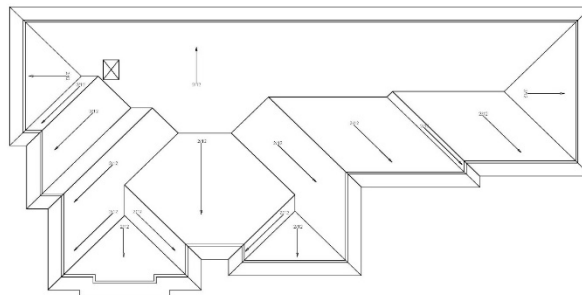




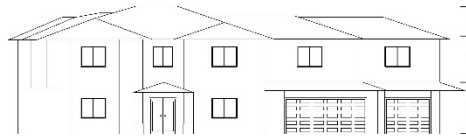
FIRST FLOOR
SCALE 1/8" = 1'



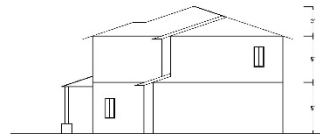
SECOND FLOOR
SCALE 1/8" = 1'



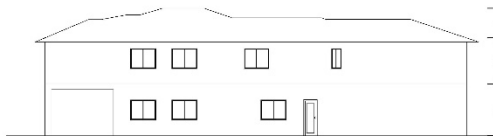
ROOF PLAN
SCALE 1/8" = 1'



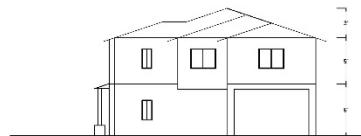
FRONT ELEVATION
SCALE 1/8" = 1'



NORTH-EAST SIDE ELEVATION
SCALE 1/8" = 1'



REAR ELEVATION
SCALE 1/8" = 1'

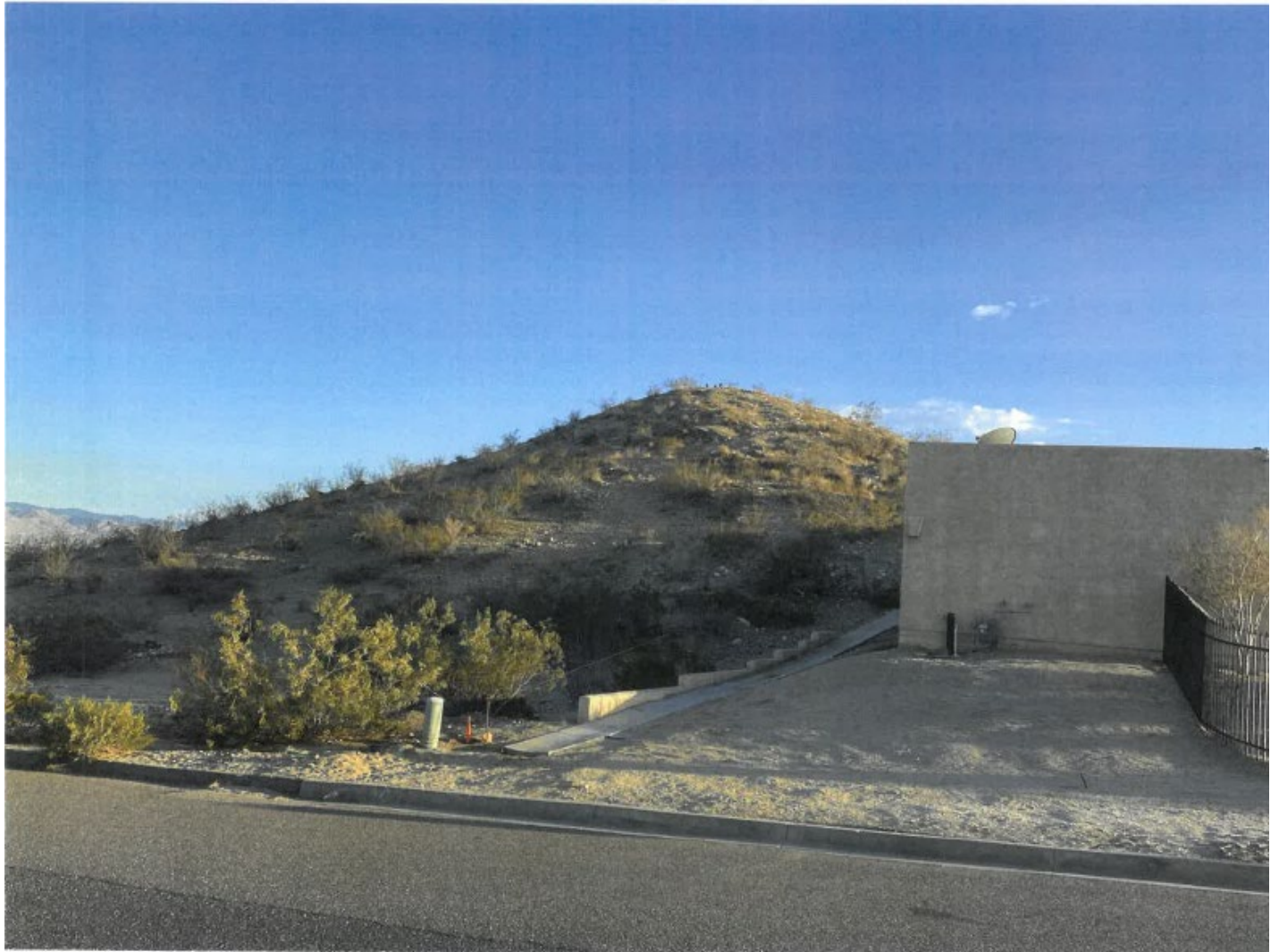


SOUTH-WEST SIDE ELEVATION
SCALE 1/8" = 1'















Planning Commission Agenda Report

Date: August 17, 2022

To: Planning Commission

Case Number: Tentative Parcel Map No. 20571

Applicant: Doug Vance/ Altec Engineering

Proposal: A request to approve a Tentative Parcel Map to subdivide 10- acres into four (4), one-acre parcels and a remainder parcel in the Residential Equestrian (R-EQ) District located at the southeast corner of Cholena & Temecula Roads

Location: APN: 3112-676-01

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: Amanda Malone, Assistant Planner

Recommendation: Approval

PROJECT SITE AND DESCRIPTION

- A. Project Size:
The existing parcel is approximately 10.0 +/- acres in size.
- B. General Plan Designations:
- Project Site – Single Family Residential (R-SF)
 - North - Single Family Residential (R-SF)
 - South - Single Family Residential (R-SF)
 - East - Single Family Residential (R-SF)
 - West - Single Family Residential (R-SF)

C. Surrounding Zoning and Land Use:

- Project Site – Equestrian Residential (R-EQ)
- North - Single Family Residential (R-SF)
- South - Equestrian Residential (R-EQ)
- East - Equestrian Residential (R-EQ)
- West - Equestrian Residential (R-EQ)

D. Site Characteristics:

The existing site is currently vacant and consists mainly of sparse vegetation. The property is relatively flat with no apparent drainage courses. The surrounding properties consist of residential properties to the north, west, and south. Properties to the east consist of vacant lots.

ANALYSIS

A. General:

The applicant is requesting Planning Commission review and approval of a Tentative Parcel Map that will subdivide approximately 10 acres into four (4) parcels and a remainder. The project is located within the Equestrian Residential (R-EQ) zoning designation. The Equestrian Residential (R-EQ) zoning designation requires that each lot is a minimum of 0.4 net acre in size, with a minimum lot width of 100 feet and a minimum lot depth of 150 feet.

The proposed subdivision will create four (4) parcels and a remainder:

- Parcel Nos. 1 through 4 will all be 1.00 acres in size with a lot width of 125.84 feet and a lot depth of 346.15 feet.
- The remainder parcel will be 4.38 acres in size

The lot configurations proposed are consistent with the requirements shown in Table 9.28.040-A *Site Development Standards* and Figure 9.28.040-B *Varied Setbacks* of the Town's Municipal Code. The proposed lots comply with the Development Code standards.

The existing parcel is currently vacant and consists of one (1) Joshua Tree on what is proposed as Parcel No. 2. Staff is recommending Condition P7, stating that any development is subject to the Town's Interim Local Policy and Procedures on the Western Joshua Tree. The builder has the option to protect the Western Joshua Tree in place consistent with this policy. If the builder wishes to disturb the area within forty (40') feet of the Joshua Tree, an arborist report is required to be prepared by a local certified arborist stating disturbance will not affect the tree and all recommendations from such report must be followed.

1. Traffic and Circulation

The project site has approximately 609 feet of frontage on Temecula Road, which is paved, allowing access to the proposed subdivision. 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 those curbs, gutters and sidewalk 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 at the corner of Temecula and Cholena Roads 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 for this subdivision. The Engineering Department is requesting a thirty (30') foot wide half-width road dedication along Temecula Road, and a sixty-four (64') foot wide half-width road dedication along Central Road that shall be granted to the Town of Apple Valley prior to Final Map Approval.

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 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 four (4)-lot subdivision will neither produce adverse impacts upon the site nor surrounding properties. The project site is designated for single-family development and is within the Equestrian Residential (R-EQ) zone. Adjacent to the project site are Equestrian Residential (R-EQ) and Single Family Residential (R-SF) zoning, which will allow the property owner to develop the site 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. Pursuant to Section 15315, this subdivision of property is in an urbanized area, is zoned for residential use, and is being divided into four parcels and a remainder. This division of property is in conformance with the General Plan and zoning and does not require neither variance nor exception. The parcel was not involved in a division of a larger parcel and the parcel does not have an average slope greater than 20%

C. Noticing:

The public hearing for proposed Tentative Parcel Map No. 20571 was legally noticed on August 5, 2022.

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 (A)(5) of the Development Code and a comment to address each:

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

Comment: The subject property has a General Plan land use designation of Single Family Residential (R-SF) and zoning designation of Equestrian Residential (R-EQ) 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 10 acres into four (4) 1.00 acre lots and a remainder, and with adherence to the recommended conditions, will meet the minimum requirements for lot size, width and depth as prescribed by the Code.

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

Comment: The proposal consists of a land subdivision located on residentially designated land for the purpose of future residential development at the density allowed by the underlying zoning. The proposed subdivision will allow the

property owner to develop the property in a manner that is consistent with the Town's General Plan Goals and Objectives to promote single-family residential development.

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

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

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

Comment: The project is a residential land subdivision. 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 affect the existing sewer system.

5. In order to avoid the creation of undevelopable parcels of land, any subdivision falling wholly or partially in areas of fifteen (15) percent or steeper slopes shall be subject to the findings contained in Section 9.71.060.D of this Chapter.

Comment: The subdivision does not involve land in an area with 15% or steeper slopes and no further findings are required.

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 (Minor Division), 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. 20571, subject to the attached Conditions of Approval.

ATTACHMENTS:

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

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Tentative Parcel Map No. 20571

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. Apple Valley Public Works Division
 - c. Apple Valley Engineering Division
 - d. Apple Valley Planning Division
 - e. Liberty Utilities
- 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. 20571 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. 20571 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. Development of the parcel is subject to the Town's Interim Local Policy and Procedures on the Western Joshua Tree published July 21, 2021 or amendment thereof.
- P8. The project shall conform to the Equestrian Residential (R-EQ) 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 Equestrian Residential (R-EQ) zoning designation.

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 30-ft wide half-width road dedication along Temecula Road shall be granted to the Town of Apple Valley prior to Final Map Approval.
- EC3. 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.
- EC4. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC5. 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.
- EC6. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)
- EC7. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC8. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC9. A Storm Water Pollution Prevention Plan (SWPPP) in accordance with the National Pollutant Discharge Elimination System (NPDES) shall be required.

Park District Conditions of Approval

- PR1. This project is subject to applicable Quimby Fees as determined by the Town. Quimby Fees shall be collected at time of issuance of building permit and shall be the fee adopted by the Town Council at the time of permit issuance.

Public Works Division Conditions of Approval

No Conditions

Building and Safety Department Conditions of Approval

BC1. An engineered grading report including soils report shall be submitted to and approved by the Building Official prior to recordation of the final map or issuance of permits for grading in excess of 1000 cubic yards.

Fire Protection District Conditions of Approval

1. 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 requirement.

2. 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.

3. The development and each phase thereof may be required to 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.

4. 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.

5. 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 2 Hour

Hydrant Spacing 660 Feet

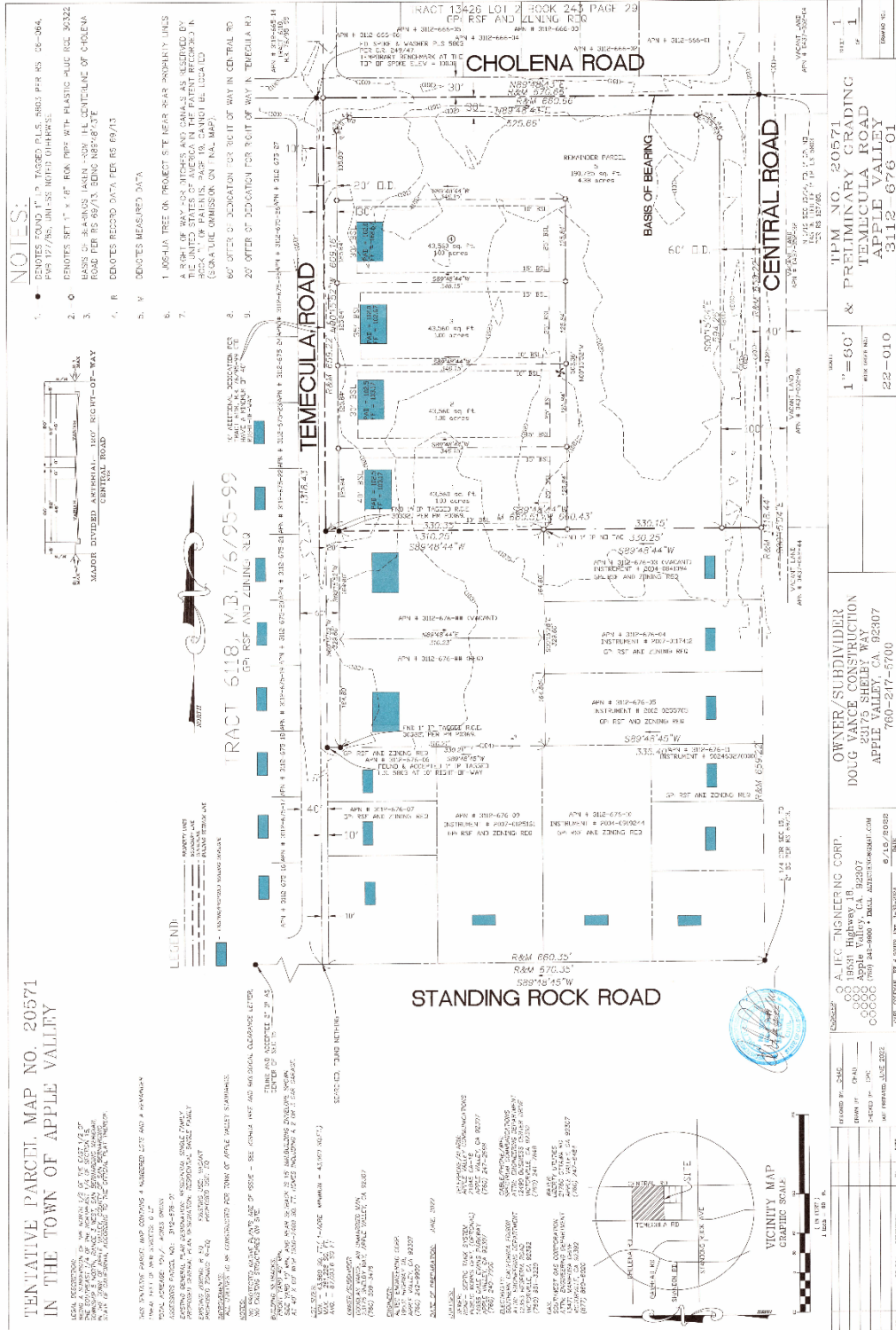
NFPA 13D (RESIDENTIAL AUTOMATIC FIRE SPRINKLER SYSTEM): REQUIRED

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.**

6. 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.

7. 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**

Tentative Parcel Map



Zoning Designation Map

Tentative Parcel Map No. 20571

