

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

APPEAL NO. 2009-001 OF THE PLANNING COMMISSION'S DENIAL OF TENTATIVE TRACT MAP TTM NO. 18732, A REQUEST TO SUBDIVIDE A TOTAL OF 5.47 NET ACRES INTO EIGHT (8) SINGLE-FAMILY RESIDENTIAL LOTS LOCATED WITHIN THE RESIDENTIAL EQUESTRIAN (R-EQ) ZONING DISTRICT. THE PROPOSED TENTATIVE TRACT MAP DEPICTS EIGHT (8) LOTS, RANGING FROM 28,314 TO 29,620 SQUARE FEET IN SIZE.

Appeal Applicant:

Mr. Richard Cotroneo

Location:

The project site is located at the northwest corner of Hausna and Ta-Ki-Pi Roads; APN 0441-032-02.

Summary Statement:

The applicant for Tentative Tract Map No. 18732 is appealing the Planning Commission's February 4th denial of the proposed map. At its meeting of February 4, 2009, the Planning Commission reviewed the applicant's request to subdivide an existing, 5.47 net acre parcel into eight (8) lots for future residential development within the Equestrian Residential (R-EQ) zoning district.

(Continued on page 2)

Recommended Action:

Open the public hearing and take testimony.

Close the public hearing. Then move to:

1. Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) a Mitigated Negative Declaration has been prepared. However, due to the Planning Commission direction to draft "Findings" for denial, this project is considered Exempt due to Section 15270 (a) – projects in which the local authority denies.
2. Find the Facts presented within the staff report for the Council hearing of March 10th, including the information within the Planning Commission's report for February 4, 2009, reflecting the public and Commissioner's comments at the hearing, and the record as a whole as discussed by the Council, do not support the required "Findings" necessary to approve TTM No. 18732, and deny Appeal 2009-001.

Proposed by: Planning Division

Item Number _____

Town Manager Approval: _____ **Budget Item** ☐ Yes ☐ No ☒ N/A

Summary Statement (continued from page 1):

Tentative Tract Map No. 18732 was originally reviewed at the January 7, 2009, Planning Commission meeting. Staff recommendation for approval was based upon:

“The Equestrian Residential (R-EQ) zoning district sets minimum property size standards for land uses, subject to conformance with the provisions of the Development Code. The R-EQ zoning district requires a minimum lot size of 0.4 acre (18,000 square feet), minimum lot width of 100 feet, and a minimum lot depth of 150 feet. The proposed map will create eight (8) lots with a minimum lot size of 28,314 square feet, exceeding the minimum lot area requirements. The proposed net lot area complies with Measure “N”.

Additionally, staff noted that there are lots of similar size and configuration located south and east of the site. Properties within the R-EQ zoning district are permitted to be subdivided into one-half (1/2)-acre minimum lot sizes. The Town Council has approved the following appealed subdivision maps in this area over the past several years: TPM 16828 (5.34 acres into four (4) lots with a 2.04 acre remainder) on January 25, 2005; TTM 17484 (6.26 acres into nine (9) lots) on July 20, 2005; TPM 17352 (five (5) acres into four (4) lots) on November 2, 2005; and TPM 17687 (1.8 acres into four (4) lots) on July 13, 2007;

At the January 7th Planning Commission hearing, Chairman Hernandez stated that the lots should be larger in this area. Commissioner Bob Tinsley, supported the project due to the fact that: “the area has always been zoned one-half (½)-acre ... that these lots are more than one-half (½)-acre and the area has been master planned for drainage.” However, the consensus of the other Commissioners was that the proposed lot sizes for Tentative Tract Map No. 18732 “are inconsistent with adjacent properties that range from two (2) to five (5) acres in size in the general vicinity of the surrounding area”, which are also within the R-EQ zoning district.

Following the public hearing and Planning Commission discussion, the Commission indicated its desire to deny the proposed tract map. The Commission continued the public hearing to February 4, 2009, and directed staff to prepare and bring back to the Commission negative “Findings” to allow the Planning Commission to deny the map. Staff provided negative “Findings” based upon the comments and direction of the Planning Commission at the January 7, 2009 meeting.

After public testimony and discussion amongst the Commission, a motion was made to adopt “Findings” of denial on the proposed map, with the following “Findings”:

As required under Section 9.71.040 (A.6) of the Development Code, the Tentative Map shall be denied by the Planning Commission if any of the following “Findings” are made (the Planning Commission could not make the “Findings” numbered 2, 3, 4 and 6):

1. That the proposed subdivision is consistent with the General Plan or 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 by size, shape, and configuration, has the ability to be used in a manner consistent with the General Plan Land Use Element and zoning district. The project is a proposal to subdivide 5.47 net acres into eight (8) single-family residential lots.

2. That the design or improvement of the proposed subdivision is not consistent with the General Plan or any applicable Specific Plan.

Comment: The project is a proposal to subdivide the property into eight (8) lots and, meets the minimum requirements for lot size, width, and depth as prescribed by the Code. All of the lots are less than one (1)-acre lot area, which is in conflict with the direction of the Planning Commission to increase lots sizes to one (1)-acre minimum for all lots within the subdivision and, therefore, will be inconsistent with the goals and policies of the General Plan.

3. That the site is not physically suitable for the proposed type of development.

Comment: The project is a proposal to subdivide the property into eight (8) single-family residential lots and, meets the minimum requirements for lot size, width, and depth as prescribed by the Code. All of the lots are less than one (1) acre lot size which is in conflict with the direction of the Planning Commission to increase lots sizes to one (1)-acre minimum for all lots within the subdivision; therefore, the proposed Tentative Tract Map will not be compatible with the goals and policies of the General Plan. Additionally, the project is incompatible in size, and shape compared to parcels that are larger than one (1) acre in the general vicinity of the subject site located within the Equestrian Residential (R-EQ) Zoning District.

4. That the site is not physically suitable for the proposed density of development.

Comment: The subject property has a General Plan land use designation of Single-Family Residential (R-SF), and by size, shape, and configuration, has the ability to be used in a manner consistent with the General Plan Land Use Element and zoning district. The project is a proposal to subdivide the property into eight (8) lots. All of the lots are less than one (1) acre, which is in conflict with the direction of the Planning Commission to increase lot sizes to one (1)-acre minimum for all lots within the subdivision. Therefore, the project is incompatible in size, and shape compared to parcels that are larger than one (1) acre in the general vicinity of the subject site located within the Equestrian Residential (R-EQ) Zoning District.

5. That the design of the proposed subdivision, or the proposed improvements, is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Comment: Based upon the information contained within the Initial Study prepared in conformance with the State Guidelines to Implement the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration was prepared. However, due to the Planning Commission direction to draft "Findings" for denial, this matter is considered Exempt due to Section 15270 (a) – projects in which the local authority denies.

6. That the design of the proposed subdivision or the type of proposed Improvements is likely to cause serious public health or safety problems.

Comment: In the opinion of the Planning Commission, the proposed Tentative Tract Map No. 18732 is not consistent with Town of Apple Valley General Plan and Development Code of the Town of Apple Valley and will not promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

7. That the design of the proposed subdivision or the type of proposed improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision or with public access to public resources as defined and regulated by Section 66478.1 et seq., of the Subdivision Map Act. In this connection, the Planning Commission may approve a Tentative Map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to the ones previously acquired by the public.

Comment: The design of the proposed subdivision and the type of proposed improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision or with public access to public resources as defined and regulated by Section 66478.1 et seq., of the Subdivision Map Act.

8. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction; no authority is hereby granted to the Planning Commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

Comment: The proposal consists of a land subdivision located on vacant, residentially designated land for the purpose of future residential development. This subdivision will not affect easements of record or to easements established by judgment of a court of competent jurisdiction; therefore, no authority is hereby granted to the Planning Commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

9. That the design of the proposed subdivision does not provide to the extent feasible for future passive or natural heating or cooling opportunities pursuant to Section 66473.1 of the Subdivision Map Act.

Comment: The lots created under this subdivision are appropriate in size to provide natural heating and cooling opportunities for development of the site. Any

future development is subject to the implementation of natural heating and cooling requirements pursuant to Title 24 energy requirements.

10. That the Planning Commission has not considered the effect of its action on the housing needs of the region or has not balanced those needs against the public service needs of its residents and available fiscal and environmental resources with favorable results pursuant to Section 66412.3 of the Subdivision Map Act.

Comment: The proposal consists of a proposed land subdivision located on vacant, residentially designated land for the purpose of future residential development. The denial of the proposed Tentative Tract Map will not affect the Planning Commission's action on the housing needs of the region and those needs against the public service needs of its residents and available fiscal and environmental resources with favorable results pursuant to Section 66412.3 of the Subdivision Map Act.

At the February 4th hearing, the Commission, by a vote of three (3) to one (1), approved a motion to deny Tentative Tract Map No. 18732 based on the fact that it could not make the required "Findings" to approve the application and, therefore, adopted "Findings" denying TTM No. 18732.

The property owner, Richard Cotroneo, submitted the Appeal No. 2009-001, challenging the Commissions actions, based on his determination that the project is in conformance with the Development Code and Subdivision Map Act.

Attachments:

Planning Commission Minutes: January 7, 2009, and February 4, 2009

Planning Commission Public Hearing Report: January 7, 2009, and February 4, 2009

MINUTE EXCERPT
TOWN OF APPLE VALLEY
PLANNING COMMISSION
Regular Meeting
Wednesday, January 7, 2009

PUBLIC HEARING ITEMS

2. Tentative Tract Map No. 18732

Applicant: DGRK Inc.

Location: The project site is located at the northeast corner of Hausna and Ta-Ki-Pi Roads; APN 0441-032-02.

Chairman Hernandez opened the public hearing at 6:05 p.m.

Mr. Douglas Fenn, Senior Planner, presented the staff report as filed by the Planning Division.

Commissioner Putko commented on lots that are larger than these in the immediate area.

Mr. Fenn commented on the approval of other projects in the area with similar sized lots. He further stated that the recommendation of the General Plan Advisory Committee was to maintain the existing zoning.

Chairman Hernandez had questions on drainage.

Mr. Richard Pedersen, Deputy Town Engineer, stated the flood zone boundaries have not yet been determined by the Federal Emergency Management Agency. He suggested a retention basin to handle drainage on both lots. He further commented there is a large retention basin to the north that mitigates flooding. Mr. Pedersen stated that the proposed forty (40)-foot drainage easement to the rear of the property would possibly be concrete with a retention basin and would require approval by the Town Engineer. He stated this easement only drains property on the proposed Tentative Tract Map and there would be on-site retention to the back of the lots.

Commissioner Kallen commented on the connection to the Multi-Use Trail system.

Mr. Fenn responded that, because of the drainage easement, the trail will be interrupted.

Mr. Rich Catrino, representing the applicant, commented on the drainage issue and the Multi-Use Trail.

Mr. Cliff Earp, of Apple Valley, stated he was part of the General Plan Advisory Committee and that the Committee did not address this area because projects had already been approved. They were, however, concerned about the transition from smaller to larger lots in this area. Mr. Earp presented a map to the Commission, stating the red areas on the map were the transition areas. He stated the Committee's concern

was protecting the existing neighborhoods and he felt that one (1)-acre lots or larger would be a good transition to protect the integrity of that neighborhood.

Mr. Ron Kidd, a representative of the applicant, commented that the proposed homes were between 3,200 to 3,600 square feet in size.

Mr. Catrino responded to Mr. Earp's comments and stated that some of the lots surrounding this project are only one-half ($\frac{1}{2}$)-acre in size, and they were planning on at least three-quarter ($\frac{3}{4}$)-acre lots.

Mr. Catrino agreed with all of the Conditions of Approval.

Since there was no one else in the audience requesting to speak to this item, Chairman Hernandez closed the public hearing at 6:28 p.m.

Commissioner Kallen commented on the lots being large enough for equestrian uses.

Commissioner Cusack asked questions on other tracts in the area that were approved by Council.

Ms. Lamson responded there were two (2) tracts to the east.

Vice-Chairman Tinsley stated that the area has always been zoned one-half ($\frac{1}{2}$)-acre, even though most homes were built on larger parcels due to the fact there was no sewer available at the time and septic systems had to be installed. He further commented that these lots are more than one-half ($\frac{1}{2}$)-acre and the area has been master planned for drainage. He felt that the right-of-zone takes precedence and that the quality of the area will sustain what is built.

Commissioner Kallen agreed with Mr. Cliff Earp regarding the transition from larger to smaller lots and felt that these lots would be too small. He felt that projects in this area are reviewed on a case-by-case basis and would like to find a balance between existing and future homes.

Vice-Chairman Tinsley stated that existing residents could subdivide their lots if they so desired.

Chairman Hernandez felt the project was not compatible with the surrounding area, even though the zoning permits it. He stated that the project would be detrimental to the existing property owners.

Commissioner Putko agreed.

Ms. Lori Lamson, Assistant Director of Community Development, recommended that, if the Commission were leaning toward denial of the project, that the project be continued in order for staff to bring back Findings for denial. She provided background to the Commission of the Council's policy decision where they previously approved three (3) parcel maps, of similar configurations, within this same area that had previously been denied by the Commission.

Commissioner Kallen requested that staff consider looking into this area during the General Plan Update process.

MOTION:

Motion by Vice-Chairman Tinsley to approve the item. The motion failed for lack of a second.

MOTION:

Motion by Commissioner Kallen, seconded by Commissioner Putko, to continue this item to the meeting of February 4, 2009, to allow staff to prepare "Findings" for denial.

ROLL CALL VOTE:

Ayes:	Commissioner Cusack
	Commissioner Kallen
	Commissioner Putko
	Chairman Hernandez
Noes:	Vice-Chairman Tinsley
Abstain:	None
Absent:	None

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

MINUTE EXCERPT
TOWN OF APPLE VALLEY
PLANNING COMMISSION
Regular Meeting
Wednesday, February 4, 2009

PUBLIC HEARING ITEMS

3. Tentative Tract Map No. 18732

Applicant: DGRK Inc.

Location: The project site is located at the northwest corner of Hausna and Ta-Ki-Pi Roads; APN 0441-032-02.

Chairman Kallen re-opened the open, continued public hearing at 6:05 p.m.

Mr. Doug Fenn, Senior Planner, presented the staff report as filed by the Planning Division.

Mr. Nick Barron, the applicant, commented on the project being in compliance with the Development Code.

Since there was no one in the audience requesting to speak to this item, Chairman Kallen closed the public hearing at 6:10 p.m.

Vice-Chairman Tinsley stated that the zoning of the property should take precedence in approving this project.

MOTION:

Motion by Commissioner Hernandez, seconded by Commissioner Putko, that the Planning Commission move to:

1. Find the Facts presented in the staff report support the Findings for Denial and adopt the Findings.

ROLL CALL VOTE:

Ayes: Commissioner Hernandez
Commissioner Putko
Chairman Kallen

Noes: Vice-Chairman Tinsley

Abstain: None

Absent: Commissioner Cusack

The motion carried by a 3-1-0-1 vote



TOWN OF APPLE VALLEY PLANNING COMMISSION

Staff Report

AGENDA DATE:	February 4, 2009 (continued from January 7, 2009)
CASE NUMBER:	Tentative Tract Map No. 18732
APPLICANT:	DGRK Inc., representing Mr. Nicolas Barron
PROPOSAL:	A request to subdivide a total of 5.47 net acres into eight (8) single-family residential lots located within the Residential Equestrian (R-EQ) zoning district. The proposed Tentative Tract Map depicts eight (8) lots, ranging from 28,314 to 29,620 square feet in size.
LOCATION:	The project site is located at the northwest corner of Hausna and Ta-Ki-Pi Roads; APN 0441-032-02.
ENVIRONMENTAL DETERMINATION:	Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) a Mitigated Negative Declaration has been prepared. However, due to the Planning Commission direction to draft findings for denial, this is considered Exempt due to Section 15270 (a) – projects in which the local authority denies.
CASE PLANNER:	Mr. Douglas Fenn, Senior Planner
RECOMMENDATION:	Denial

PROJECT SITE AND DESCRIPTION

- A. Project Size
The project site is currently 5.47 net acres in size. The proposed subdivision will create eight (8) parcels with a minimum lot size of 28,314 square feet.
- 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 – Residential Equestrian (R-EQ); Vacant

North - Residential Equestrian (R-EQ); Single-family residences and vacant

South - Residential Equestrian (R-EQ); Single-family residences and vacant

East - Residential Equestrian (R-EQ); Single-family residences and vacant

West - Residential Equestrian (R-EQ); Vacant

D. Site Characteristics

The project site is vacant with a subtle fall of twenty-seven (27) feet from the northeast corner to the southwest corner of the property. The site contains desert vegetation consisting of creosote bushes, rabbitbrush, desert grasses, and seven (7) Joshua trees. Vacant properties and single-family residences, to the north, east, and south, surround the subject site. The property to the west is vacant and the “Desert Knoll Wash” bisects this site from a northerly to southerly direction. The properties that surround the subject site are zoned as Residential Equestrian (R-EQ), with a corresponding General Plan Designation of Residential Single-Family (R-SF).

BACKGROUND

Tentative Tract Map No. 18732 was originally reviewed at the January 7, 2009, Planning Commission meeting. Following the public hearing and Planning Commission discussion, the Commission reached a consensus for denial of the proposed tract map. The Planning Commission voiced concern that the proposed parcels were too small in comparison to the existing two to five (2-5)-acre parcels in the general vicinity of the surrounding area. The Commission continued the public hearing item to February 4, 2009, and directed staff to bring it back with negative “Findings” to allow the Planning Commission to deny the map.

Chairman Hernandez stated that the lots should be larger in this area, and this was also the consensus of the other Planning Commissioners present at the meeting. The proposed lot sizes for Tentative Tract Map No. 18732 “are inconsistent with adjacent properties that range from two (2) to five (5) acres in size in the general vicinity of the surrounding area”, which are also within the R-EQ zoning district. There are lots with similar lot area and configuration located south and east of the site. Properties within the R-EQ zoning district are permitted to be subdivided into one-half (1/2) acre minimum lot sizes.

The applicant has not revised the original tract map, therefore, staff is providing negative findings based upon the comments and direction by the Planning Commission at the January 7, 2009 meeting.

Staff analysis of the proposed Tentative Tract Map 18732 is provided in the attached staff report from the January 7, 2009 Planning Commission meeting.

ANALYSIS

A. General

A complete analysis of the project is provided in the January 7, 2009, staff report attached to this report.

B. Environmental Assessment

Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) a Mitigated Negative Declaration has been prepared. However, due to the Planning Commission direction to draft findings for denial, this is considered Exempt due to Section 15270 (a) – projects in which the local authority denies.

C. Noticing

The public hearing for proposed Tentative Tract Map was legally noticed on December 19, 2008.

D. Findings

As required under Section 9.71.040 (A.6) of the Development Code, the Tentative Map shall be denied by the Planning Commission if **any** of the following findings are made:

2. That the proposed subdivision is consistent with the General Plan or 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 by size, shape, and configuration, has the ability to be used in a manner consistent with the General Plan Land Use Element and zoning district. The project is a proposal to subdivide 5.47 net acres into eight (8) single-family residential lots.

2. That the design or improvement of the proposed subdivision is not consistent with the General Plan or any applicable Specific Plan.

Comment: The project is a proposal to subdivide the property into eight (8) lots and, meets the minimum requirements for lot size, width, and depth as prescribed by the Code. All of the lots are less than one (1)-acre lot area, which is in **conflict** with direction by the Planning Commission to increase lots sizes to one (1)-acre minimum for all lots within the subdivision and, therefore, will be inconsistent with the goals and policies of the General Plan.

3. That the site is not physically suitable for the proposed type of development.

Comment: The project is a proposal to subdivide the property into eight (8) single-family residential lots and, meets the minimum requirements for lot size, width, and depth as prescribed by the Code. All of the lots are less than one (1) acre lot size which is in **conflict** with direction by the Planning Commission to increase lots sizes to one (1)-acre minimum for all lots within the subdivision; therefore, the proposed Tentative Tract Map will

not be compatible with the goals and policies of the General Plan. Additionally, the project **is incompatible in size, and shape compared to parcels that are larger than one (1) acre in the general vicinity of the subject site located within the Equestrian Residential (R-EQ) District.**

4. That the site is not physically suitable for the proposed density of development.

Comment: The subject property has a General Plan land use designation of Single-Family Residential (R-SF), and by size, shape, and configuration, has the ability to be used in a manner consistent with the General Plan Land Use Element and zoning district. The project is a proposal to subdivide the property into eight (8) lots. All of the lots are less than one (1) acre which is in **conflict** with direction by the Planning Commission to increase lot sizes to one (1)-acre minimum for all lots within the subdivision. Therefore, the project **is incompatible in size, and shape compared to parcels that are larger than one (1) acre in the general vicinity of the subject site located within the Equestrian Residential (R-EQ) District.**

5. That the design of the proposed subdivision, or the proposed improvements, is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Comment: Based upon the information contained within the Initial Study prepared in conformance with the State Guidelines to Implement the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration was prepared. However, due to the Planning Commission **direction to draft Findings for denial**, this matter is considered Exempt due to Section 15270 (a) – projects in which the local authority denies.

6. That the design of the proposed subdivision or the type of proposed Improvements is likely to cause serious public health or safety problems.

Comment: In the opinion of the Planning Commission, the proposed Tentative Tract Map No. 18732 is **not** consistent with Town of Apple Valley General Plan and Development Code of the Town of Apple Valley and will not promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

7. That the design of the proposed subdivision or the type of proposed improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision or with public access to public resources as defined and regulated by Section 66478.1 et seq., of the Subdivision Map Act. In this connection, the Planning Commission may approve a Tentative Map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to the ones previously acquired by the public.

Comment: The design of the proposed subdivision and the type of proposed improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision or with public access to public resources as defined and regulated by Section 66478.1 et seq., of the Subdivision Map Act.

8. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction; no authority is hereby granted to the Planning Commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

Comment: The proposal consists of a land subdivision located on vacant, residentially designated land for the purpose of future residential development. This subdivision will not affect easements of record or to easements established by judgment of a court of competent jurisdiction; therefore, no authority is hereby granted to the Planning Commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

9. That the design of the proposed subdivision does not provide to the extent feasible for future passive or natural heating or cooling opportunities pursuant to Section 66473.1 of the Subdivision Map Act.

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

10. That the Planning Commission has not considered the effect of its action on the housing needs of the region or has not balanced those needs against the public service needs of its residents and available fiscal and environmental resources with favorable results pursuant to Section 66412.3 of the Subdivision Map Act.

Comment: The proposal consists of a proposed land subdivision located on vacant, residentially designated land for the purpose of future residential development. The **denial** of the proposed Tentative Tract Map will **not** affect the Planning Commission's action on the housing needs of the region and those needs against the public service needs of its residents and available fiscal and environmental resources with favorable results pursuant to Section 66412.3 of the Subdivision Map Act.

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 the Facts presented in the staff report support the required Findings for denial and adopt the Findings.

2. Find, that pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15270 (a), that a project which is denied is Exempt from CEQA.
3. In accordance with previous direction by the Planning Commission, deny Tentative Tract Map 18732.

Prepared By:

Reviewed By:

Douglas Fenn
Senior Planner

Lori Lamson
Assistant Director of Community Development

ATTACHMENTS:

1. Staff Report January 7, 2009 Planning Commission Meeting



TOWN OF APPLE VALLEY PLANNING COMMISSION

STAFF REPORT

AGENDA DATE:	January 7, 2009
CASE NUMBER:	Tentative Tract Map No. 18732
APPLICANT:	DGRK Inc., representing Mr. Nicolas Barron
PROPOSAL:	A request to subdivide a total of 5.47 net acres into eight (8) single-family residential lots located within the Residential Equestrian (R-EQ) zoning district. The proposed Tentative Tract Map depicts eight (8) lots, ranging from 28,314 to 29,620 square feet in size.
LOCATION:	The project site is located at the northwest corner of Hausna and Ta-Ki-Pi Roads; APN 0441-032-02.
ENVIRONMENTAL DETERMINATION:	Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration has been prepared for this project.
CASE PLANNER:	Mr. Douglas Fenn, Senior Planner
RECOMMENDATION:	Approval

PROJECT SITE AND DESCRIPTION

- B. Project Size
The project site is currently 5.47 net acres in size. The proposed subdivision will create eight (8) parcels with a minimum lot size of 28,314 square feet.
- 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)

D. Surrounding Zoning and Land Use

Project Site – Residential Equestrian (R-EQ); Vacant

North - Residential Equestrian (R-EQ); Single-family residences and vacant

South - Residential Equestrian (R-EQ); Single-family residences and vacant

East - Residential Equestrian (R-EQ); Single-family residences and vacant

West - Residential Equestrian (R-EQ); Vacant

D. Site Characteristics

The project site is vacant with a subtle fall of twenty-seven (27) feet from the northeast corner to the southwest corner of the property. The site contains desert vegetation consisting of creosote bushes, rabbitbrush, desert grasses, and seven (7) Joshua trees. Vacant properties and single-family residences, to the north, east, and south, surround the subject site. The property to the west is vacant and the “Desert Knoll Wash” bisects this site from a northerly to southerly direction. The properties that surround the subject site are zoned as Residential Equestrian (R-EQ), with a corresponding General Plan Designation of Residential Single-Family (R-SF).

ANALYSIS

A. General

The Equestrian Residential (R-EQ) zoning district sets minimum property size standards for land uses, subject to conformance with the provisions of the Development Code. The R-EQ zoning district requires a minimum lot size of 0.4 acre (18,000 square feet), minimum lot width of 100 feet, and a minimum lot depth of 150 feet. The proposed map will create eight (8) lots with a minimum lot size of 28,314 square feet, exceeding the minimum lot area requirements. The proposed net lot area complies with Measure “N”.

The proposed lot sizes for Tentative Tract Map No. 18732 are inconsistent with adjacent properties that range from two (2) to five (5) acres in size east of the site, which are also within the R-EQ zoning district. There are lots with similar lot area and configuration located southwest and north of the site. Additionally, there have been several subdivisions approved in this general vicinity, with one-half (1/2)-acre minimum lot sizes. Properties within the R-EQ zoning district are permitted to be subdivided into one-half (1/2)-acre minimum lot sizes. Therefore, the subdivision is a logical extension of development that is consistent with the goals and policies of the General Plan to encourage single-family detached housing on lots of no less than 18,000 square feet in size.

A Development Permit is required for homes built within a subdivision of five (5) or more lots. Based upon the information provided, implementation of development standards and Conditions of Approval, the proposed subdivision of 5.47 net acres into eight (8) single-family lots for future residential land use within the R-EQ zoning designation will not produce adverse impacts upon the site nor surrounding properties.

1. Traffic and Circulation

The Engineering Division is recommending half-width local road improvements along the development side of Huasna and Ta-Ki-Pi Roads.

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 Tract map is conditioned (PW Nos. 1-4) to connect to the Town of Apple Valley's sewer system, and develop the sewer line and lateral connection to each parcel.

B. Development Advisory Board:

This proposal was reviewed by the members of the Development Advisory Board on October 21, 2008, and distributed for formal comments on November 13, 2008. Recommended Conditions of Approval are attached for the Commission's consideration.

C. Environmental Assessment

Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration has been prepared for this project.

D. Noticing

The public hearing for proposed Tentative Tract Map was legally noticed on December 19, 2008.

E. Findings

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

3. 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 by size, shape, and configuration, has the ability to be used in a manner consistent with the General Plan Land Use Element and zoning district. The project is a proposal to subdivide the property into eight (8) lots and, with adherence to the recommended conditions, will meet the minimum requirements for lot size, width, and depth as prescribed by the Code.

4. 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, which is Residential Equestrian (R-EQ). No houses are being removed and housing needs will not be negatively impacted.

5. 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. However, 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 and is required to connect into the Town's sewer system.

RECOMMENDATION

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

1. Determine that the proposed Tentative Tract Map will not have a significant effect on the environment, with adherence to the Conditions of Approval recommended in this report and implementation of mitigation measures identified in the Initial Study.
2. Adopt the Mitigated Declaration and Mitigation Monitoring program for Tentative Tract Map No. 18732. Find that based on the whole record before the Planning Commission (including the Initial Study and any comments received), there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Town's independent judgment and analysis. The Mitigated Negative Declaration is available at the Town's Economic and Community Development Department, which constitutes the record of proceedings upon its decision.
3. Determine that the proposed Tentative Tract Map will not have a significant effect on the environment, with adherence to the Conditions of Approval recommended in this report and implementation of mitigation measures identified in the Initial Study.

4. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
5. Approve Tentative Tract Map No. 18732, subject to the attached Conditions of Approval.
6. Direct Staff to file a Notice of Determination.

Prepared By:

Reviewed By:

Douglas Fenn
Senior Planner

Lori Lamson
Assistant Director of Community Development

ATTACHMENTS:

2. Recommended Conditions of Approval
3. Tentative Tract Map No. 18732
4. Zoning Map

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Case No. Tentative Parcel Map No. 18732

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 Tract Map becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. Prior to approval of the Final Map, the following agencies shall provide written verification to the Planning Division that all pertinent conditions of approval and applicable regulations have been met:
- Apple Valley Fire Protection District
Apple Valley Ranchos Water Company
Apple Valley Public Services Division
Apple Valley Engineering Division
Apple Valley Planning Division
- P3. The filing of a Notice of Mitigated Negative Declaration requires the County Clerk to collect a documentary handling fee of fifty dollars (\$50.00). As of January 1, 2009 a fee of \$1,993.00 is required to be collected for county processing of the Notice of Determination for state Fish and Game fees. The fee must be paid within five (5) days of approval in accordance with Town procedures. All fees must be paid prior to the issuance of any permits. All checks shall be made payable to the Clerk of the Board of Supervisors.
- P4. The applicant shall agree to 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 because of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of these obligations under this condition.
- P5. Tentative Tract Map No. 18732 shall adhere to all requirements of the Development Code.

- P6. The applicant understands approval of the Tentative Tract Map No. 18732 by the Planning Commission as acknowledgement 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.
- P7. Prior to recordation, the applicant shall provide the Planning Division with a copy of the subdivision in an electronic format compatible with the Town's current technology.
- P8. The project shall conform to the Residential Equestrian (R-EQ), development standards for front, side and rear yard-building setbacks.
- P9. All subdivision walls proposed for construction along the perimeter of the property lines shall be constructed of slump stone, split face or masonry material. Prior to issuance of grading permits, the Developer/applicant shall submit detailed plans showing all proposed walls for this subdivision subject to approval by the Assistant Town Manager Economic and Community Development (or designee).
- P10. 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.
- P11. The development of single-family residences will require the installation of landscaping within the required front and street-side yard setbacks. Landscaping shall be installed and maintained from the back of curb.
- P12. Landscaping shall be installed with appropriate combinations of drought-tolerant trees, shrubs, and ground cover, consistent with Chapter 9.75, Water Conservation Landscape Regulations, of this Code.
- P13. Final landscape and irrigation plans shall be submitted prior to the issuance of any Building permits and installed prior to issuance of occupancy permits subject to approval by the Planning Division.
- P14. 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.
- P15. Any protected desert plants or Joshua Trees impacted by development are subject to the regulations specified in Section 9.76.020 (Plant Protection and Management) of the Development Code.
- P16. Prior to map recordation, the applicant shall provide an equestrian/bike trail easement. The design of the easement including landscaping and fencing shall match the adjacent development to the east and shall conform to Equestrian Trail Standards. Plans shall be submitted and approved by the Planning Commission at the time that a Development Permit is reviewed for the homes to be built.

- P17. A copy of the final grading plan shall be submitted to the Planning Division for review and approval.
- a. All on-site cut and fill slopes shall be limited to a maximum slope ratio of 2 to 1 and a maximum vertical height of thirty (30) feet. Setbacks from top and bottom of slopes shall be a minimum of one-half the slope height.
 - b. Slopes shall be contour graded to blend with existing natural contours.
 - c. Slopes shall be a part of the downhill lot when within or between individual lots.

Engineering Division Conditions of Approval

- EC1. The Town Engineer showing provisions for receiving shall submit a final drainage plan with street layouts for review and approval 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 ninety (90) percent of the pre-development flow for a 100-year design storm. (Town Resolution 2000-50; Development Code 9.28.050.C, 9.28.100)
- EC2. Street improvement plans shall be submitted to the Town Engineer for review and approval.
- EC3. All streets abutting the development shall be improved a minimum half-width of twenty-eight (28) feet with curb, gutter and sidewalk on the development side.
- EC4. Huasna Road adjacent to the property shall be improved to the Town's half-width Local Street standards.
- EC5. Ta-Ki-Pi Road adjacent to the property shall be improved to the Town's half-width Local Street standards, including the large half of an offset cul-de-sac, which shall be constructed to Town standards at the end of Ta-Ki-Pi Road.
- EC6. Additional road dedication for the large half of an offset cul-de-sac on Ta-Ki-Pi Road adjacent to the property shall be granted to the Town of Apple Valley.
- EC7. During the grading of the streets, soils testing of the street sub grades by a qualified soils engineering firm shall be performed to determine appropriate structural street section. Minimum asphalt concrete thickness for all streets shall be 0.33 feet.
- EC8. All drainage easements, brow ditches, swales, etc. shall be submitted to the Town Engineer for review and approval. Backyard retention is not allowed. All cross-lot drainage shall be in improved concrete swales, which are to be approved by the Town Engineer.
- EC9. All required improvements shall be constructed and approved or bonded in accordance with Town Development Code.

- EC10. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC11. Final improvement plans and profiles shall indicate the location of any existing utility, which would affect construction and shall provide for its relocation at no cost to the Town.
- EC12. The Town Engineer shall approve a final grading plan prior to issuance of a grading permit. A grading permit shall not be issued until street improvement plans have been submitted to the Town Engineer for review and substantial completion of the street plans has been attained as determined by the Town Engineer.
- EC13. 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.
- EC14. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)
- EC15. The developer shall make a good faith effort to acquire the required off-site property interests. If the developer fails to acquire those interests the developer shall, at least 120 days prior to submittal of the final map for approval, enter into an agreement to complete the improvements pursuant to Government Code Section 66462 at such time as the Town acquires the property interests required for the improvements. Such agreement shall provide for payment by the developer of all costs incurred by Town to acquire the off-site property interests required in connection with the subdivision. Security for a portion of these costs shall be in the form of a cash deposit in the amount given in an appraisal report obtained by the developer, at the developer's cost. The Town shall have approved the appraiser prior to commencement of the appraisal. Additional security may be required as recommended by the Town Engineer and Town Attorney.
- EC16. The developer shall pay traffic impact fees adopted by the Town.
- EC17. The developer shall pay any developer fees adopted by the Town including but not limited to drainage fees.
- EC18. Any required street striping shall be thermoplastic as approved by the Town Engineer.
- EC19. In the event that an applicant/developer chooses to seek Council approval of the Final Map prior to completion of the required improvements, an "Agreement for Construction of Improvements" shall be required. In accordance with the California Labor Code, any such Agreement will contain a statement advising the developer that certain types of improvements will constitute a public project as defined in California Labor Code, Sections 1720, and following, and shall be performed as a public work, including, without limitation, compliance with all prevailing wage requirements.

Park and Recreation Division Conditions of Approval:

- PR1. This project is subject to applicable Quimby Fees and/or land dedication requirements 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.

Public Works Division Conditions of Approval:

PRIOR TO RECORDATION:

- PW1. A sewer feasibility study is required to determine how the Town of Apple Valley can provide public sewer collection. Contact the Apple Valley Public Works Department (760-240-7000 ext. 7500) to determine procedure and costs associated with completing said study.
- PW2. Construct the sewer collector lines and laterals to each lot to connect to the trunk sewer system or other system as approved in advance by the Town.
- PW3. Sewage disposal shall be by connection to the Town of Apple Valley sewer system. The Town of Apple Valley Public Works Department must approve financial arrangements, plans, and improvement agreements.
- PW4. Buy-in fees will be required prior to Building Permit. Contact the Public Works Department for costs associated with said fees.

Building Division Conditions of Approval

- BC1. Grading and drainage plans including a soils report must be submitted to and approved by the Building and Engineering Departments prior to grading permit issuance.
- BC2. Submit plans, engineering and obtain permits for all structures, retaining walls, and signs.
- BC3. A pre-construction permit and inspection are required prior to any land disturbing activity to verify requirements for erosion control, flood hazard native plant protection, and Desert Tortoise habitat.
- BC4. A notice of Intent (NOI) and Storm Water prevention Plan (SWPP) must be submitted to and approved by the Engineering and Building Departments prior to issuance of a grading permit and or any land disturbance.
- BC5. All cross lot drainage requires easements and may require improvements at time of development.
- BC6. Comply with State of California Disability Access requirements.
- BC7. A pre-grading meeting is required to beginning any land disturbance. This meeting will include the Building Inspector, General Contractor, Grading Contractor Construction, soil technician, and any other parties required to be present during the grading process such as Biologist, or Paleontologist.
- BC8. A dust palliative or hydro seed will be required on those portions of the site graded but not constructed (phased construction).
- BC9. Construction must comply with 2007 California Building Codes.

BC10. Best Management Practices (BMP's) are required for the site during construction.

Fire Protection District Conditions of Approval

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

FD2. Prior to combustible construction, the development, and each phase thereof, shall have two points of paved access for fire and other emergency equipment, and for routes of escape, which will safely handle evacuations. Each of these points of access shall provide an independent route into the area in which the development is located.

Apple Valley Fire Protection District
Ordinance 22, Section (I)
Install per A.V.F.P.D. Standard ARI #8

FD3. A turnaround shall be required at the end of each roadway 150 feet or more in length and shall be approved by the Fire District. Cul-de-sac length shall not exceed one 1,000 feet.

Turning radius on all roads within the facility shall not be less than twenty-two (22) feet inside and minimum of forty (40) feet outside turning radius with no parking on street, or forty-four (44) feet with parking. Road grades shall not exceed twelve (12) percent unless approved by the Chief.

Uniform Fire Code, Section 902.
Apple Valley Fire Protection District
Ordinance 22, Section 1 (e)
Install per A.V.F.P.D. Standard Series #202

FD4. 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.

Apple Valley Fire Protection District,
Ordinance 42

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. The minimum water main size for commercial is twelve (12) inches, for residential development, eight (8) inches.

B. System Standards:

*Fire Flow 500 GPM @ 20 psi Residual Pressure

Duration 1 Hour

Hydrant Spacing 660 Feet

*If blank, flow to be determined by calculation when additional construction information is received.

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

- C. A total of one (1) fire hydrant will be required at time of building permit issuance. It is the responsibility of the owner/developer to provide all new fire hydrants with reflective pavement markers set into pavement and curb identification per A.V.F.D. Standard.

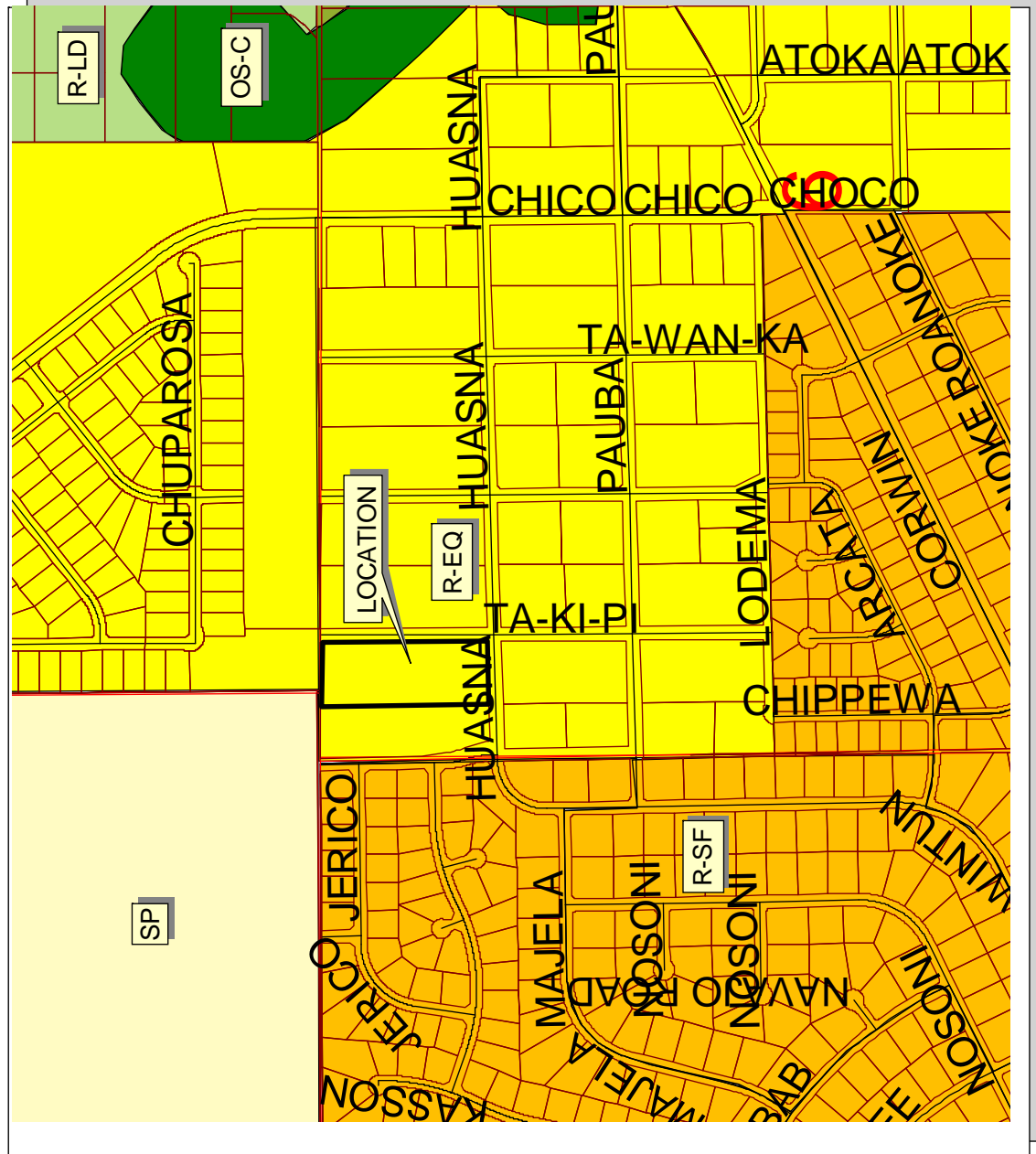
Install per A.V.F.P.D. Standard Series #101

- FD5. An approved fire sprinkler system shall be installed throughout any building:
- 5,000 square feet or greater, including garage and enclosed areas under roof, or
 - Other per California Building Code requirements.
- Apple Valley Fire Protection District,
Ordinance 45
- FD6. 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.
- FD7. Prior to issuance of Building Permit, the developer shall pay all applicable fees as identified in the Apple Valley Fire Protection District Ordinance.

End of Conditions

ZONING MAP

Tentative Tract Map No. 18732



Located at the
northwest corner of
Huasna &
Ta-ki-pi Roads

APN 0441-032-02



Zoning Designations

- (R-LD) Low Density Residential (1 DU per 2.5 to 5 Gross Acres)
- (R-EO) Equine Residential (1 DU per 0.4 Net Acres)
- (R-SF) Single-Family Residential (1 DU per 0.4 Net Acres)
- Birds' Trails Specific Plan
- (OS-C) Conservation Open Space



**ENVIRONMENTAL CHECKLIST FORM
(INITIAL STUDY)
AND MITIGATION MONITORING AND COMPLIANCE
PROGRAM**

FOR

DGRK Inc.

**PROPOSED
*TTM 18732***

Prepared by:

**Douglas Fenn
Senior Planner**

**Town of Apple Valley
Planning Division
December 18, 2008**

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**TOWN OF APPLE VALLEY
INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM**

This form and the descriptive information in the application package constitute the contents of Initial Study pursuant to Town of Apple Valley Development Code and Section 15063 of the State CEQA Guidelines.

PROJECT INFORMATION

1. **Project title:**
TTM 18732
2. **Lead agency name and address:**
Town of Apple Valley
Planning Division
14955 Dale Evans Parkway
Apple Valley, CA 92307
3. **Contact person and phone number:**
Douglas Fenn, Senior Planner
(760) 240-7200 ext2707
4. **Project location:**
The project site is located at the northwest corner of Hausna and Taki-Pi Roads; APN 0441-032-02
5. **Description of project:**
A request to subdivide a total of 5.47 net acres into eight (8) single-family residential lots located within the Residential Equestrian (R-EQ) zoning district. The proposed Tentative Tract Map depicts eight (8) lots, ranging from 28,314 to 29,620 square feet in size.

ENVIRONMENTAL/EXISTING SITE CONDITIONS

The project site is vacant with a subtle fall of twenty-seven (27) feet from the northeast corner to the southwest corner of the property. The site contains desert vegetation consisting of Cresote brushes, rabbit brush, desert grasses, and seven (7) Joshua Trees. Vacant properties and single-family residences, to the north, east, and south, surround the subject site. The property to the west is vacant and the "Desert Knoll Wash" bisects this site from a northerly to southerly direction. The properties that surround the subject site are zoned as Residential Equestrian (R-EQ), with a corresponding General Plan Designation of Residential Single-Family (R-SF).

	EXISTING LAND USE	TOWN OF APPLE VALLEY ZONING AND GENERAL PLAN DESIGNATION
North	Vacant and Single-Family Residences	Residential Equestrian (R-EQ) Single-Family Residential (R-SF)
South	Vacant and Single-Family Residences	Residential Equestrian (R-EQ) Single-Family Residential (R-SF)
East	Vacant and Single-Family Residences	Residential Equestrian (R-EQ) Single-Family Residential (R-SF)
West	Vacant	Residential Equestrian (R-EQ) Single-Family Residential (R-SF)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the following finding is made:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Douglas Fenn
Senior Planner

Date

Lori Lamson
Assistant Director of Community Development

Date

I. AESTHETICS

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION:

- a-c: The site is not located along, nor within the viewshed of, a Scenic Route listed in the County General Plan, Town General Plan or designated by the State of California. A request to subdivide 5.47 net acres into eight (8) single-family residential lots located within the Residential Equestrian (R-EQ) zoning district. The proposed Tentative Tract Map depicts eight (8) lots, ranging from 28,314 to 29,620 square feet in size. The project site is vacant with a subtle fall of twenty-seven (27) feet from the northeast corner to the southwest corner of the property. The site contains desert vegetation consisting of Cresote brushes, rabbit brush, desert grasses, and seven (7) Joshua Trees. Vacant properties and single-family residences, to the north, east, and south, surround the subject site. The property to the west is vacant and the "Desert Knoll Wash" bisects this site from a northerly to southerly direction. The properties that surround the subject site are zoned as Residential Equestrian (R-EQ), with a corresponding General Plan Designation of Residential Single-Family (R-SF). No unique rock outcroppings or historic buildings are located on the site, and the proposed project will be compatible with surrounding land uses. This subdivision shall also comply with the Town's adopted Ordinance that requires curb, gutter and sidewalk to improve the roadways, for function and aesthetics. The project will be conditioned to meet or exceed the development standards to minimize impacts. Therefore, there is no substantial adverse impact on the existing visual character or quality of the site and its surroundings.
- d: The applicant request to subdivide 5.47 net acres into eight (8) single-family residential lots located within the Residential Equestrian (R-EQ) zoning district. The proposed Tentative Tract Map depicts eight (8) lots, ranging from 28,314 to 29,620 square feet in size. The project will be conditioned to meet or exceed the Standard Uniform Building Code requirements for construction of lighting facilities requiring that they be located at specific intersections within the boundaries of the site. The resultant incremental increase in new light or glare, which may occur from streetlights, does not constitute a significant impact, because it would be consistent with other light/glare produced by adjacent, development. The resultant incremental increase in new light or glare which may occur from street lights does not constitute a significant impact.

II. AGRICULTURE RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

Potentially Significant Impact ☐ Less than Significant with Mitigation Incorp. ☐ Less than Significant Impact ☐ No Impact ☒

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

Potentially Significant Impact ☐ Less than Significant with Mitigation Incorp. ☐ Less than Significant Impact ☐ No Impact ☒

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

Potentially Significant Impact ☐ Less than Significant with Mitigation Incorp. ☐ Less than Significant Impact ☐ No Impact ☒

SUBSTANTIATION:

a-c: No impact is anticipated. According to the Town's Development Code, agricultural uses are permitted within areas zoned (R-EQ). The project site is designated for residential land uses and is within the Residential Equestrian (R-EQ) zoning district. The site is not located in an area that has been designated by the California Department of Conservation as an Important Farmland, and it is not being used for agricultural purposes. No Williamson Act Contracts exist for the subject parcel and use of the site as a residential subdivision. The nearest area zoned Open Space is located one-half mile northeast of the project site. The project will not result in the conversion of farmland to a non-agricultural use. No impact is anticipated.

III. AIR QUALITY

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

a) Conflict with or obstruct implementation of the applicable air quality plan?

Potentially Significant Impact ☐ Less than Significant with Mitigation Incorp. ☐ Less than Significant Impact ☒ No Impact ☐

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

a-c: The project area is located within the Mojave Desert Air Quality Management District (MDAQMD) which lies in the San Bernardino County portion of the Mojave Desert Air Basin (MDAB). This portion of the basin has been designated as a 'non-attainment' area with respect to violating National Air Quality Standards for particulate matter classified as equal to, or smaller than, 10 microns in diameter (PM₁₀). Because the proposed site disturbance will be greater than ½ acre, the project is subject to the regulatory provisions of Rule 403.2 (Fugitive Dust Control for the Mojave Desert Planning Area) which requires a number of operating conditions to reduce fugitive dust generation to the lowest extent possible.

In order to estimate the emission levels of criteria pollutants, the MDAQMD accepts the use of equipment emissions factors which have been adopted by the South Coast Air Quality Management District. These factors have been used to calculate expected construction-related emissions for this project. Projects with a construction phase of under one year can be compared to the Daily Significance Thresholds listed in the MDAQMD and AVAPCD Draft "CEQA and Federal Conformity Guidelines" for a determination of their significance.

The highest daily emissions will occur during grading and trenching activities for development of future single-family development. Daily emissions during building construction are expected to be minimal. Using a worst case scenario of the use of one tractor, one loader, two haul trucks and one trencher working continuously for eight (8) hours per day simultaneously, the following daily construction emissions were estimated using the fuel type (diesel or gas) of highest impact for each type of equipment:

Emission Source*	Criteria Pollutant				
Equipment Emissions	VOC	NO _x	PM ₁₀	CO	SO _x
Tractor	.96	10.08	.90	2.80	1.12
Wheeled Loader	4.12	15.20	1.36	124.56	1.46
Haul Trucks (2)	3.04	66.72	4.16	28.80	7.20
Trencher	.21	.18	.01	4.56	.02
Earthmoving Activities (< 1 acre per day)[BASED ON FACTOR OF 26.4 LBS PER DAY PER ACRE of PM ₁₀]	N/A	N/A	26.40	N/A	N/A

Equipment Emissions	VOC	NO	PM	CO	SO
Total Daily Estimated Emissions: Lbs/Day	8.33	92.18	32.83	160.72	9.80
MDAQMD Daily Threshold of Significance**: Lbs/Day	137.00	137.00	82.00	548.00	137.00
Threshold Exceeded?	NO	NO	NO	NO	NO

*Source: SCAQMD handbook, 1958 update

**Source: MDAQMD, Draft CEQA and Federal Conformity Guidelines

As the previous table illustrates, the proposed tract map and future single-family project will not have the potential to generate significant air emissions. Because the project emissions are less than significant, significant deterioration of ambient air quality will not occur. Impacts to air quality are expected to be minimal and well below established thresholds of significance. Air quality will be impacted by dust generated during future construction and exhaust emissions from the equipment used to construct the improvements. Those effects that occur will be temporary, limited to the construction period. Upon completion of construction activities, no increased air quality impacts are expected to occur due to operations as patronage and travel distances are expected to remain at existing levels or increase only slightly. As stated in the negative declaration done for MDAQMD Rule 403.2, compliance with the control and contingency measures listed in the Rule is presumed to reduce air quality impacts from fugitive dust (PM₁₀) to a level which meets federal PM₁₀ standards and improves ambient air quality.

- d-e: The project is a request to subdivide 5.47 net acres into eight (8) single-family residential lots located within the Residential Equestrian (R-EQ) zoning district. The proposed Tentative Tract Map depicts eight (8) lots, ranging from 28,314 to 29,620 square feet in size. The project site is vacant with a subtle fall of twenty-seven (27) feet from the northeast corner to the southwest corner of the property. The site contains desert vegetation consisting of Cresote brushes, rabbit brush, desert grasses, and seven (7) Joshua Trees. Vacant properties and single-family residences, to the north, east, and south, surround the subject site. The property to the west is vacant and the "Desert Knoll Wash" bisects this site from a northerly to southerly direction. The properties that surround the subject site are zoned as Residential Equestrian (R-EQ), with a corresponding General Plan Designation of Residential Single-Family (R-SF). The following schools are within one (1) mile from the subject site: Desert Knolls Elementary, Vista Campania Middle School and the Lady of the Desert (a private Catholic school). There are no other sensitive receptors in the area. The project does not include any sources of odor producers not commonly found within a residential area, which would cause impacts to the surrounding area. Any future development shall meet and/or exceed all of the Town's adopted development standards to minimize any potential impacts. Less than significant impact is anticipated.

IV. BIOLOGICAL RESOURCES

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified

as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

☐
☒
☐
☐

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

- a: The project site is surrounded by vacant land, and single-family residences. The Desert Tortoise was determined, per several site visits, to be absent from the site and surrounding zone of influence and has a low potential for re-inhabiting the site. However, there could be two (2) special-status species which have the potential to occur on the project site: Mohave Ground Squirrel and Burrowing Owl. Therefore, a 2081 incidental take permit with the California Department of Fish and Game (CDFG) will be completed in addition to mitigation (1:1) that will offset impacts to the species. Prior to any grading of the site, clearance must be obtained from the Department of Fish and Game and during all phases of the project, the site shall be monitored to ensure that the presence of any sensitive or special status animal species is not evident. A pre-construction survey shall be conducted prior to land clearing to ensure the special status species. Any development shall meet and/or exceed all of the Town's adopted development standards to minimize any potential impacts. Less than significant impact with mitigation is anticipated.

Proposed Mitigation Measure #1 and 2:

- Prior to any grading of the site, clearance must be obtained from the California Department of Fish and Game (CDFG) and during all phases of the project, the site shall be monitored to ensure that the presence of any sensitive or special status animal species is not evident. A pre-construction survey shall be conducted prior to land clearing to ensure the special status species (Desert Tortoise, Mohave ground squirrel, Burrowing Owl, sharp-shinned hawk and loggerhead shrike) have not moved on to the site since clearance was obtained by the CDFG.***

2. ***As compensation for the direct loss of Burrowing Owl nesting and foraging habitat, the project proponent shall mitigate by acquiring and permanently protecting known Burrowing Owl nesting and foraging habitat at the following ratio:***
- a. ***Replacement of occupied habitat with occupied habitat at 1.5 times 6.5 acres of Burrowing Owl habitat per pair or unpaired birds should be acquired and permanently protected.***
 - b. ***Replacement of occupied habitat with occupied habitat at 2 times 6.5 acres of Burrowing Owl habitat per pair or unpaired birds and/or***
 - c. ***Replacement of occupied habitat with occupied habitat at 3 times 6.5 acres of Burrowing Owl habitat per pair or unpaired birds should be acquired and permanently protected.***

The project proponent shall establish a non-wasting endowment account for the long-term management of the preservation site for Burrowing Owls. The site shall be managed for the benefit of Burrowing Owls. The preservation site, site management and endowment shall be approved by the CDFG.

All owls associated with occupied burrows, that will be directly impacted (temporarily or permanently) by the project shall be relocated and the following measures shall be implemented to avoid take of owls:

- ***Occupied burrows should not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the Planning Division verifies through non-invasive methods either: 1) the birds have not begun egg-laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.***
- ***Owls must be relocated by a qualified biologist from any occupied burrows that will be impacted by project activities. Suitable habitat must be available adjacent to or near the disturbance site or artificial burrows will need to be provided nearby. Once the biologist has confirmed that the owls have left the burrow, burrows should be excavated using hand tools and refilled to prevent reoccupation.***
- ***All relocation shall be approved by the CDFG. The permitted biologist shall monitor the relocated owls a minimum of three days per week for a minimum of three weeks. A report summarizing the results of the relocation and monitoring shall be submitted to the CDFG within thirty (30) days following completion of the relocation and monitoring of the owls.***

- b-c: The project will not have a substantial adverse effect on any riparian habitat or federally protected wetland. The site is located in the Mojave Desert and is not within any waterway according to a survey of the site conducted as part of the Biological Assessment Report, no wetlands were identified on-site. According to the USGS map, no blue line stream traverses through the site. The project will be conditioned to meet and/or exceed all of the Town's adopted development standards to minimize any potential impacts. No impact is anticipated.
- d: The proposed project will not have any adverse effect on the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors as the area is not identified as a protected path for the native residents or migratory fish or wildlife species. The project will be conditioned to meet and/or exceed all of the Town's adopted development standards to minimize any potential impacts to biological resources. No impact is anticipated.
- e: The site contains stands of Creosote bushes, Rabbitbrush and desert grasses. Based upon the submitted field observation and data analysis there are seven (7) Joshua trees on the subject site. The trees will be transplanted in accordance with provisions of the Town of Apple Valley Development Code and under the supervision of a qualified desert native plant botanist/ biologist approved by the Town of Apple Valley. Less than significant impact is anticipated.

- f: The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional or state habitat conservation plan. The West Mojave Plan is currently being reviewed and would include the areas within Town limits. The project site is not within any conservation area delineated in the draft Plan. The project site is not within any conservation area delineated in the draft Plan. No impact is anticipated.

V. CULTURAL RESOURCES

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

- a) a-b. There are no structures on-site which may be considered historic. Therefore, there will be no impact of historical resources as defined in §15064.5. (Title 14. California Code of Regulations, Chapter 3, Guidelines for Implementation of the California Quality Act). Applicable Goals and Policies of the Open Space/Conservation Element of the adopted General Plan are:
- b)
- Goal OSC-4 The Town will encourage and support the preservation of historic and cultural resources. This goal is implemented through policies OSC-4-1 and OSC-4-2.
- Policy OSC-4-1 The Town will require that archaeological resources in the planning area are preserved and or salvaged if threatened by development.
- Policy OSC-4-2 The Town will require that prehistoric and historic archaeological resources and historic structures will be inventoried in identified areas and evaluated according to CEQA regulations and appropriate California Office of Historic Preservation guidelines prior to adoption of mitigation measures and the acceptance of conditions of approval and permit approvals.

According to the Town's General Plan, materials of historic and prehistoric nature are likely to occur in the vicinity of the Mojave River. The project site is located northwest corner of Hausna and Taki-Pi Roads approximately two (2) miles east of the Mojave River. Based on the site's location from the river, lack of historical structures, and existing surrounding land uses, there would be no impact of historical resources as defined in § 15064.5.

Based on the location of the project site from the Mojave River two (2) miles), there is low potential for yielding any historic or archaeological resources. The proposed project would not cause a substantial adverse change to an archaeological resource, because there are no such resources presently identified

on the site. Therefore, no impacts to a historical resource would occur as a result of the project as defined in § 15064.5.

- c: The project site, as most of the area within the Town of Apple Valley, is comprised predominantly of unconsolidated alluvium. The alluvium is derived from granitic rock of the Fairview Mountains. More specifically, the alluvial soils on-site are classified as Bryman loamy fine sand, two (2) to five (5) percent slopes. According to the U.S. Department of Agriculture, Natural Resources Conservation Service, this very deep, well drained soil is on terraces, and formed in alluvium derived from granitic material.

Older Alluvium has high potential to contain significant nonrenewable resources throughout its extent and, therefore, is assigned high paleontologic sensitivity. Exposures of Pleistocene older alluvial sediments in the nearby Victorville and Hesperia area were documented to contain fossil resources. The Town of Apple Valley addresses archaeological resources in its Open Space/Conservation Element of the General Plan. Implementation of policies contained in the General Plan would ensure impacts to paleontological resources from future development of the site are minimized. Therefore, there will be a less than significant impact to paleontological resource.

- d: The project site is vacant and is not known to contain human remains. Should remains be uncovered during future grading of the site, appropriate authorities would be contacted as required by State law. Therefore, there will be a less than significant impact.

VI. GEOLOGY AND SOILS

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

- a (i-iv): The General Plan indicates that the project site is not located within a special studies (Alquist-Priolo) zone and, therefore, does not require a geologic study. Future residential development would subject residents to geologic hazards such as earthquakes that occur from time to time in the Southern California area. The closest mapped fault is the North Frontal Fault, which lies approximately three (3) miles southeast of the project site. The Mojave Desert is a seismically active region; however, safety provisions identified in the Uniform Building Code shall be required when development occurs which would reduce potential ground shaking hazards to a less than significant level. The project site is not within a known area which may be susceptible to the effects of liquefaction, and no hills or mountains surround the site that would subject future development to landslides or rock falls. Safety provisions identified in the Uniform Building Code shall be required when development occurs which will reduce potential ground shaking hazards to a level below significance. Apple Valley, like most cities in California, is located in a seismically active region. It can be expected, therefore, that the project site could experience strong seismic ground shaking at some point in time. Any future construction on-site shall be seismically designed to mitigate anticipated ground shaking. Topographically, the site consists of generally flat terrain. Landslides are not expected to impact areas of this type.
- b: According to the Soil Survey of San Bernardino County (Mojave River Area, Sheet No. 32 – Apple Valley Quadrangle), on-site soils occur within the Bryman series, specifically the 106 Bryman loamy fine sand, and can generally be classified as very deep, well drained soils located on terraces. These soils formed in alluvium derived from granitic material. Permeability of this Bryman soil is moderately slow. Runoff is slow, and the hazard of water erosion is slight. The hazard of soil blowing is high.

The State of California is authorized to administer various aspects of the National Pollution Discharge Elimination System (NPDES). Construction activities covered under the State’s General Construction permit include removal of vegetation, grading, excavation, or any other activity that causes the disturbance of one acre or more. The General Construction permit requires developments of one acre or more to reduce or eliminate non-storm water discharges into storm water systems, and to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). These permits are administered by the SWRCB through the Regional Water Quality Control Board (RWQCB) Lahontan Region. Currently, no requirements have been adopted by the RWQCB, Lahontan Region. However, the Town of Apple Valley was encouraged to require a SWPPP for all development disturbing one acre of more. Submittal of a SWPPP is a standard Condition of Approval applicable to future development of this project site. According to the Town’s Engineering Division, the SWPPP must include Best Management Practices (BMP’s) to prevent construction of the project to pollute surface waters. BMP’s would include, but would not be limited to street sweeping of adjacent roads during construction, and the use of hay bales or sand bags to control erosion during the rainy season. These are discussed in greater detail in Section 8, Hydrology and Water Quality, within this Initial Study. Therefore, there is a less than significant impact of soil erosion occurring at this project site with proper construction methods, conformance to MDAQMD standards and development standards as defined in the Town of Apple Valley Development Code and the latest UBC regulations. Less than significant impact is anticipated.

- c-d: The project site is relatively flat. The potential of unstable soil condition, landslide, lateral spreading, subsidence, liquefaction or collapse is present because of the geographical make up of the area and the frequency of earthquake occurrences in Southern California. The General Plan indicates that the project site is not located within a special studies zone or an earthquake fault zone. Any project within the area of Southern California shall meet the latest UBC standards to minimize the potential impact caused by an earthquake. However, any future single-family residence will meet and/or exceed the development standards set by the Town of Apple Valley. Therefore, there is a less than significant impact of soil erosion or instability occurring at this project site with proper construction methods and development standards as defined in the Town of Apple Valley Development Code and the latest UBC regulations. No impact is anticipated.
- e: Currently there is no sewer service available to the site from the Town of Apple Valley. Per the direction of the Director of Public Services, Denis Cron, the applicant prepared a sewer feasibility study and the project is required to install and extend a sewer line system to the project site. The project will be conditioned in conformance with the Town's adopted sewer use ordinance and sewer connection policies. Financial arrangements, plans and improvement agreements must be approved by the Town of Apple Valley Public Works Department. Therefore less than significant impacts will occur.

VII. HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

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

a-c: A site survey was performed and there are no known hazardous materials on the project site. The proposed project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school. Therefore, the project would not create a hazard to the public or environment through the routine transport, use or disposal of hazardous materials. The following schools are within one (1) mile from the subject site: Desert Knolls Elementary, Vista Campana Middle School and the Lady of the Desert (a private Catholic school). No impact is anticipated.

d: This project is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, this project would not create a significant hazard to the public or the environment. No impact is anticipated.

e-f: The project site is not located within two miles of a public airport or public use airport. The nearest airport is the Apple Valley Airport located approximately 2.5 miles northeast of the project site. The Osborne Airstrip is the nearest private airstrip and is located approximately four (4) miles northwest of the project site. No impacts related to air traffic are anticipated to occur.

g: The proposed tentative tract map is a residential project of 5.47 acres within the Residential Equestrian (R-RQ) zoned land for future single-family residential development would not impair or interfere with the Town's adopted emergency evacuation plan. No impact is anticipated.

h: The Apple Valley Fire District reviews development projects to ensure applicable development requirements are met. The Fire District reviewed the project for compliance with current fire protection requirements. The District issued fire protection requirements to become Conditions of Approval. Prior to construction, the owner is required to contact the Fire District for verification of current fire protection development requirements. Upon implementation of conditions of approval, impacts from fire hazards would be reduced to a less than significant level.

VIII. HYDROLOGY AND WATER QUALITY

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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Would the project:

a) Violate any water quality standards or waste discharge requirements?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of

the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

- a: Future development at the project site would disturb approximately 5.47 acres and is therefore subject to the National Pollution Discharge Elimination System (NPDES) permit requirements. The State of California is authorized to administer various aspects of the NPDES. Construction activities covered under the State's General Construction permit include removal of vegetation, grading, excavating, or any other activity that causes the disturbance of one acre or more. The General Construction permit requires recipients to reduce or eliminate non-storm water discharges into stormwater systems, and to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). The purpose of a SWPPP is to: 1) identify pollutant sources that may affect the quality of discharges of stormwater associated with construction

activities; and 2) identify, construct and implement stormwater pollution control measures to reduce pollutants in stormwater discharges from the construction site during and after construction.

Permits are administered by the SWRCB through the RWQCB, Lahontan Region. Currently, no requirements have been adopted by the RWQCB, Lahontan Region. However, the Town of Apple Valley was encouraged to require a SWPPP for all development disturbing one acre or more. Submittal of a SWPPP is a standard Condition of Approval applicable to future development of this project site. According to the Town's Engineering Division, the SWPPP must include Best Management Practices (BMP's) to prevent construction of the project from polluting surface waters. BMP's would include, but would not be limited to street sweeping of adjacent roads during construction, and the use of hay bales or sand bags to control erosion during the rainy season.

- c) Prior to issuance of grading permits, the applicant is required to submit a Notice of Intent (NOI) to the Town Engineer to comply with obtaining coverage under the NPDES General Construction Storm Water Permit from the SWRCB. Evidence that this has been obtained (i.e., a copy of the Waste Dischargers Identification Number) must be submitted to the Town Engineer for coverage under the NPDES General Construction Permit. Implementation of requirements set forth by the Town of Apple Valley would ensure impacts to water quality are reduced to a less than significant level.

b-f: The project is a request to subdivide 5.47 net acres into eight (8) single-family residential lots located within the Residential Equestrian (R-EQ) zoning district. The proposed Tentative Tract Map depicts eight (8) lots, ranging from 28,314 to 29,620 square feet in size. The project site is vacant with a subtle fall of twenty-seven (27) feet from the northeast corner to the southwest corner of the property. The site contains desert vegetation consisting of Cresote brushes, rabbit brush, desert grasses, and seven (7) Joshua Trees. Vacant properties and single-family residences, to the north, east, and south, surround the subject site. The property to the west is vacant and the "Desert Knoll Wash" bisects this site from a northerly to southerly direction. The properties that surround the subject site are zoned as Residential Equestrian (R-EQ), with a corresponding General Plan Designation of Residential Single-Family (R-SF). The site is not presently used for or designated for groundwater recharge. Future development at the project site would cause changes in absorption rates, drainage patterns, and the rate and amount of surface water runoff due to the amount of new building and hardscape proposed on site; however, development would not alter the course of any stream or river. No rivers exist adjacent to or near the project site. The closest river is the Mojave River located over 2.5 miles west of the project site. The Town would require landscaping of all non-hardscape areas to prevent erosion. The Town Engineer must approve a grading and drainage plan prior to the issuance of grading permits. Implementation of requirements set forth by the Town of Apple Valley would ensure impacts to water quality are reduced to a less than significant level.

g-h: The project site is not located within the 100-year Flood Zone as indicated in the Town of Apple Valley General Plan. At the time of development, the applicant must conform to FEMA requirements and the Town's regulations to mitigate any potential flood hazards.

i-j: No levees, dams or large bodies of water are located near the development site which would subject people to flooding, seiche, tsunami or mudflow. The nearest area prone to seiche and tsunami is approximately 100 miles west from the project site.

IX. LAND USE AND PLANNING

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

a-c: The project is a request to subdivide 5.47 net acres into eight (8) single-family residential lots located within the Residential Equestrian (R-EQ) zoning district. The proposed Tentative Tract Map depicts eight (8) lots, ranging from 28,314 to 29,620 square feet in size. The project site is vacant with a subtle fall of twenty-seven (27) feet from the northeast corner to the southwest corner of the property. The site contains desert vegetation consisting of Cresote brushes, rabbit brush, desert grasses, and seven (7) Joshua Trees. Vacant properties and single-family residences, to the north, east, and south, surround the subject site. The property to the west is vacant and the "Desert Knoll Wash" bisects this site from a northerly to southerly direction. The properties that surround the subject site are zoned as Residential Equestrian (R-EQ), with a corresponding General Plan Designation of Residential Single-Family (R-SF). The project complies with the General Plan and Development Code. No habitat conservation plan or natural community conservation plan exists over this site at this time. The proposed use is consistent with other uses in the vicinity and no land use conflicts are anticipated. Therefore, no impact is anticipated.

X. MINERAL RESOURCES

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

a-b: This is a request to subdivide 5.47 net acres into eight (8) single-family residential lots located within the Residential Equestrian (R-EQ) zoning district. The proposed Tentative Tract Map depicts eight (8) lots, ranging from 28,314 to 29,620 square feet in size. The project site is vacant with a subtle fall of twenty-seven (27) feet from the northeast corner to the southwest corner of the property. The site contains desert vegetation consisting of Cresote brushes, rabbit brush, desert grasses, and seven (7)

Joshua Trees. Vacant properties and single-family residences, to the north, east, and south, surround the subject site. The property to the west is vacant and the "Desert Knoll Wash" bisects this site from a northerly to southerly direction. The properties that surround the subject site are zoned as Residential Equestrian (R-EQ), with a corresponding General Plan Designation of Residential Single-Family (R-SF). There is no known mineral resource identified at this location. Therefore, no impact is anticipated.

XI. NOISE

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

- a: The proposed project is a request to subdivide 5.47 net acres into eight (8) single-family residential lots located within the Residential Equestrian (R-EQ) zoning district. The proposed Tentative Tract Map depicts eight (8) lots, ranging from 28,314 to 29,620 square feet in size. The project site is vacant with a subtle fall of twenty-seven (27) feet from the northeast corner to the southwest corner of the property. The site contains desert vegetation consisting of Cresote brushes, rabbit brush, desert grasses, and seven (7) Joshua Trees. Vacant properties and single-family residences, to the north, east, and south, surround the subject site. The property to the west is vacant and the "Desert Knoll Wash" bisects this site from a northerly to southerly direction. The properties that surround the subject site are zoned as Residential Equestrian (R-EQ), with a corresponding General Plan Designation of Residential Single-Family (R-SF). The maximum exterior noise level considered to be normally acceptable for multiple-family residential development is 65 decibels (dBA). Noise Policy N-1.2 from the Town of Apple Valley 1998 General Plan states that new residential development in areas designated as having a Community

Noise Equivalent Level (CNEL) of 65 dBA or higher are required to incorporate sound insulation, as necessary, to meet acceptable interior noise levels. In addition, the California Noise Insulation Standards apply to new multiple-family residential development located in areas exposed to ambient noise levels that exceed 60 dBA. Therefore, less than significant impact is anticipated.

- b-d: Some incremental increase in ambient noise levels would occur during future construction due to the project. However, construction activities would be short-term and would be required to comply with the Town's adopted Noise Ordinance.compliance with the Town's construction hours of 7:00 a.m. to 7:00 p.m. which will mitigate temporary noise impacts during night time hours. Noise levels generated by the development would be consistent with levels anticipated for the site. Some incremental increase in ambient noise levels would occur during construction of single-family homes. However, construction activities would be short-term Therefore, less than significant impact is anticipated.
- e-f: The project site is not located within two miles of a public airport or public use airport (the nearest airport is the Apple Valley Airport located approximately 2.5 miles north of the project site. The Osborne Airstrip is the nearest private airstrip and is located approximately four (4) miles north of the project site. Therefore, no impact is anticipated.

XII. POPULATION AND HOUSING

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

- a: The project is a request to subdivide 5.47 net acres into eight (8) single-family residential lots located within the Residential Equestrian (R-EQ) zoning district. The proposed Tentative Tract Map depicts eight (8) lots, ranging from 28,314 to 29,620 square feet in size. The project site is vacant with a subtle fall of twenty-seven (27) feet from the northeast corner to the southwest corner of the property. The site contains desert vegetation consisting of Cresote brushes, rabbit brush, desert grasses, and seven (7) Joshua Trees. Vacant properties and single-family residences, to the north, east, and south, surround the subject site. The property to the west is vacant and the "Desert Knoll Wash" bisects this site from a northerly to southerly direction. The properties that surround the subject site are zoned as Residential Equestrian (R-EQ), with a corresponding General Plan Designation of Residential Single-Family (R-SF). The amount of population anticipated from this project meets the intent of the General Plan under this zone. Less than significant impact is anticipated.

b-c: Currently, there are no existing homes on the project site and will not displace any people. Therefore, this project would not induce a population growth more than anticipated and identified in the General Plan. No impact is anticipated.

XIII. PUBLIC SERVICES

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

SUBSTANTIATION:

- a. The Apple Valley Fire Protection District provides fire protection for the Town. Currently the nearest fire station is generally located at Apple Valley and Outer Highway 18 approximately one (1) mile south of the project site. The Town maintains a joint response/automatic aid agreement with the fire departments in neighboring cities including Victorville, and Hesperia. The District also participates in the California Master Mutual Aid Agreement. Implementation of Conditions of Approval set forth by the Fire District would ensure that future development would not create a fire hazard or endanger the surrounding area. Any subsequent development will be required to pay any applicable fire impact fees.

The Fire Protection District reviews development projects to ensure applicable development requirements are met. The District reviewed the proposed project for compliance with current fire protection requirements. The District issued fire protection requirements to become conditions of approval. Prior to construction, the owner is required to contact the Fire District for verification of current fire protection development requirements. Upon implementation of conditions of approval, impacts from fire hazards would be reduced to a less than a significant level.

The Apple Valley Police Department would provide police protection to the future development of the site. The General Plan identifies the area as Residential Equestrian (R-EQ), zone and multi-family residential units meet the intent of the General Plan. No impact is anticipated.

Schools services within the Town of Apple Valley are provided by the Apple Valley Unified School District. The Town mitigates impacts on school services through the collection of development fees. Under Section 65995 of the California Government Code, school districts may charge development fees to help finance local school services. However, the code prohibits State or local agencies from imposing school impact fees, dedications, or other requirements in excess of the maximum allowable fee, which is currently \$4.02

per square foot of new residential development. The applicant would be required to pay appropriate school fees associated with new residential development to off-set impacts to schools. No impact is anticipated.

Approval of the project would result in future development of eight (8) single-family residential units within an area zoned as Residential Equestrian (R-EQ). Initial review of the project by the Town of Apple Valley Park and Recreation Department indicated that future residential development would be subject to applicable Quimby fees. The residential structures themselves, resulting from the approval of the project, would be required to pay any and all applicable fees to provide the project's fair share of any identified public facilities needed. Prior to issuance of building permit, the developer would be required to pay park fees as a Condition of Approval. No impact is anticipated.

XIV. RECREATION

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

SUBSTANTIATION:

a-b: The project is a request to subdivide 5.47 net acres into eight (8) single-family residential lots located within the Residential Equestrian (R-EQ) zoning district. The proposed Tentative Tract Map depicts eight (8) lots, ranging from 28,314 to 29,620 square feet in size. The project site is vacant with a subtle fall of twenty-seven (27) feet from the northeast corner to the southwest corner of the property. The site contains desert vegetation consisting of Cresote brushes, rabbit brush, desert grasses, and seven (7) Joshua Trees. Vacant properties and single-family residences, to the north, east, and south, surround the subject site. The property to the west is vacant and the "Desert Knoll Wash" bisects this site from a northerly to southerly direction. The properties that surround the subject site are zoned as Residential Equestrian (R-EQ), with a corresponding General Plan Designation of Residential Single-Family (R-SF). This will increase the use of existing neighborhood and regional parks or other recreational facilities. Per the Town Code, the Park Development fee will be assessed per dwelling unit. The proposed project does not include recreational facilities and would not induce the need for any construction or expansion of recreational facilities. No impact is anticipated.

XV. TRANSPORTATION/TRAFFIC

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

- a-b: The project is a request to subdivide 5.47 net acres into eight (8) single-family residential lots located within the Residential Equestrian (R-EQ) zoning district. The proposed Tentative Tract Map depicts eight (8) lots, ranging from 28,314 to 29,620 square feet in size. The project site is vacant with a subtle fall of twenty-seven (27) feet from the northeast corner to the southwest corner of the property. The site contains desert vegetation consisting of Cresote brushes, rabbit brush, desert grasses, and seven (7) Joshua Trees. Vacant properties and single-family residences, to the north, east, and south, surround the subject site. The property to the west is vacant and the "Desert Knoll Wash" bisects this site from a northerly to southerly direction. The properties that surround the subject site are zoned as Residential Equestrian (R-EQ), with a corresponding General Plan Designation of Residential Single-Family (R-SF). The project will increase vehicle trips and traffic congestion impacts in this section of the Town which is primarily vacant land. The roadways adjacent to the development will be required to be improved to the Town's major and local road standards and is consistent with the Circulation Map. The project requires payment of traffic impact fees to reduce regional traffic impacts. Therefore, there will be a less than significant impact.
- c: The project site is not located within two miles of a public airport or public use airport. The nearest airport is the Apple Valley Airport located approximately 2.5 miles north of the project site. No impact is anticipated.
- d-e: The project will not include the development of any potentially dangerous intersections or road curvatures. Standard conditions of approval would ensure traffic safety hazards are minimized. The project will not include the development of any potentially dangerous intersections or road curvatures. The Apple Valley Fire Protection District reviewed the proposed residential development for adequate emergency access, and developed requirements to be adopted as Conditions of Approval. No impact is anticipated.
- f: The project is a request subdivide 5.47 net acres into eight (8) single-family residential lots located within the Residential Equestrian (R-EQ) zoning district. The proposed Tentative Tract Map depicts eight (8) lots, ranging from 28,314 to 29,620 square feet in size. The project site is vacant with a subtle

fall of twenty-seven (27) feet from the northeast corner to the southwest corner of the property. The site contains desert vegetation consisting of Cresote brushes, rabbit brush, desert grasses, and seven (7) Joshua Trees. Vacant properties and single-family residences, to the north, east, and south, surround the subject site. The property to the west is vacant and the "Desert Knoll Wash" bisects this site from a northerly to southerly direction. The properties that surround the subject site are zoned as Residential Equestrian (R-EQ), with a corresponding General Plan Designation of Residential Single-Family (R-SF). This project shall provide adequate parking in accordance to the requirements of the Town of Apple Valley Development Code.

- g. The project design provides ample area for pedestrian access and must conform to Multi-Use Equestrian standards. Development on the site would be required to include elements designed to encourage and support alternative transportation (e.g. sidewalks, pedestrian crossings), and would not interfere with any existing or proposed bus stops.

XVI. UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill(s) with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

- a-b & e: Currently there is no sewer service available to the site from the Town of Apple Valley. Per the direction of the Director of Public Services Denis Cron, the applicant prepared a sewer feasibility study and the project is required to install and extend a sewer line system to the project site. The project will be conditioned in conformance with the Town's adopted sewer use ordinance and sewer connection policies. This project will meet the adopted wastewater discharge criteria and will not exceed wastewater treatment requirements of the Regional Water Quality Control Board. The project shall implement all Town adopted requirements for the wastewater discharge through the Public Services Department. With the Town requirements in place, this project will not have a significant impact to the wastewater discharge. There will be a less than significant impact related to wastewater treatment anticipated with the development of this project.
- c: A final drainage plan is required for review and approval by the Town Engineer. Potential impacts will be mitigated through proper site grading. There will be a less than significant impact to storm drainage facilities.
- d: The site is within the local purveyor's service of the Apple Valley Ranchos Water Company, and confirmed to staff (with application and will serve letter) and the applicant that the company has the capacity to service the project. The applicant will be responsible for extending and developing the infrastructure of the water system to their site.
- f-g: Future solid waste generated by the future single-family development would be ultimately transported to the Victorville Regional Sanitary Landfill. Recently, the County of San Bernardino Solid Waste Management Division requested an approval of the expansion of the landfill. Based on San Bernardino Associated Governments (SCAG) San Bernardino High Desert population projections to 2025, the landfill site life was calculated using a 2.7 percent growth rate per year. The County of San Bernardino Solid Waste Management Division prepared an Environmental Impact Report to review the environmental effects of expanding the landfill to accommodate future growth. The expansion project was approved, and extended the landfill projected closure date from 2005 to 2081, a period of 76 years. Based on approval of the expansion at the Victorville Regional Landfill, solid waste generated by future development at the project site would have a less than significant impact on the permitted capacity.

As required by Assembly Bill 939 (AB939) of the California Integrated Waste Management Act, all cities and counties within the state must divert 50 percent of their wastes from landfills by the year 2000. According to tonnage reports, the Town has met the 50 percent diversion mandate. To achieve the State-mandated diversion goal, the Town has implemented a variety of programs that seek to reduce the volume of solid waste generated, encourage reuse, and support recycling efforts. This development shall be required to comply with Construction and Demolition (C&D) waste standards.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
d) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Does the project have environmental effects which will cause Substantial adverse effects on human beings, either directly Or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

a-d: The site is surrounded by developed residential properties. There are some medium stands of Creosote bushes, and desert grasses and seven (7) Joshua Trees. The Town of Apple Valley Municipal Code and under the supervision of a qualified desert native plant botanist/ biologist approved by the Town of Apple Valley manager or designee, will enforce and monitor any relocation of Joshua Trees. Prior to any grading of the site, clearance must be obtained from the California Department of Fish and Game and during all phases of the project, the site shall be monitored to ensure that the presence of any sensitive or special status animal species is not evident. The site is located in the Mojave Desert and is not within any waterway. The project shall be required to meet and/or exceed the Town's adopted development standards to minimize any potential impacts to biological resources. The project is not anticipated to have the potential to degrade the quality of the environment, substantially reduce the habitat or a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. Less than significant impact with mitigation is anticipated.

While future increases in population and housing will occur within the Town, the rate of growth would be consistent with SCAG rates. Since population growth is anticipated by SCAG, the proposed project would not cumulatively result in substantial unanticipated population growth. Although not significant on its own, the project would contribute to cumulative air emissions in the region, as would all future development in the region.

XVIII. MITIGATION MEASURES

(Any mitigation measures which are not 'self-monitoring' shall have a Mitigation Monitoring and Reporting Program prepared and adopted at time of project approval.)

MITIGATION MONITORING AND REPORTING PROGRAM

This mitigation monitoring and compliance program had been prepared for use in implementing the conditions of approval for:

TTM 18732

The program has been prepared in compliance with State law and the initial environmental study prepared for the project by San Bernardino County.

The California Environmental Quality Act (Public Resource Code Section 21081.6) requires adoption of a reporting or monitoring program for those measures placed on a project to mitigate or avoid adverse effects on the environment. The law states that the reporting or monitoring program shall be designed to ensure compliance during project implementation.

The monitoring program contains the following elements:

- 1) The mitigation measures are recorded with the action and procedure necessary to ensure compliance. In some instances, one action may be used to verify implementation of several mitigation measures.
- 2) A procedure for compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what action will be taken and when, and to whom and when compliance will be reported.
- 3) The program contains a separate Mitigation Monitoring and Compliance Record for each action. On each of these record sheets, the pertinent actions and dates will be logged, and copies of permits, correspondence or other relevant data will be attached. Copies of the records will be submitted to the Planning Department.
- 4) The program has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendation by those responsible for the program. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the program.

Mitigation Measures

IV. BIOLOGICAL RESOURCES

1. *Prior to any grading of the site, clearance must be obtained from the California Department of Fish and Game (CDFG) and during all phases of the project, the site shall be monitored to ensure that the presence of any sensitive or special status animal species is not evident. A pre-construction survey shall be conducted prior to land clearing to ensure the special status species (Desert Tortoise, Mohave ground squirrel, Burrowing Owl, sharp-shinned hawk and loggerhead shrike) have not moved on to the site since clearance was obtained by the CDFG.*
2. *As compensation for the direct loss of Burrowing Owl nesting and foraging habitat, the project proponent shall mitigate by acquiring and permanently protecting known Burrowing Owl nesting and foraging habitat at the following ratio:*
 - d. *Replacement of occupied habitat with occupied habitat at 1.5 times 6.5 acres of Burrowing Owl habitat per pair or unpaired birds should be acquired and permanently protected.*
 - e. *Replacement of occupied habitat with occupied habitat at 2 times 6.5 acres of Burrowing Owl habitat per pair or unpaired birds and/or*
 - f. *Replacement of occupied habitat with occupied habitat at 3 times 6.5 acres of Burrowing Owl habitat per pair or unpaired birds should be acquired and permanently protected.*

The project proponent shall establish a non-wasting endowment account for the long-term management of the preservation site for Burrowing Owls. The site shall be managed for the benefit of Burrowing Owls. The preservation site, site management and endowment shall be approved by the CDFG.

All owls associated with occupied burrows, that will be directly impacted (temporarily or permanently) by the project shall be relocated and the following measures shall be implemented to avoid take of owls:

- *Occupied burrows should not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the Planning Division verifies through non-invasive methods either: 1) the birds have not begun egg-laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.*
- *Owls must be relocated by a qualified biologist from any occupied burrows that will be impacted by project activities. Suitable habitat must be available adjacent to or near the disturbance site or artificial burrows will need to be provided nearby. Once the biologist has confirmed that the owls have left the burrow, burrows should be excavated using hand tools and refilled to prevent reoccupation.*
- *All relocation shall be approved by the CDFG. The permitted biologist shall monitor the relocated owls a minimum of three days per week for a minimum of three weeks. A report summarizing the results of the relocation and monitoring shall be submitted to the CDFG within thirty (30) days following completion of the relocation and monitoring of the owls.*

IMPLEMENTATION AND VERIFICATION:

- A. An assessment report by a certified biologist shall be submitted to the Planning Division in compliance with the above mitigation prior to any grading work or permits.

COMPLIANCE RECORD:

WHEN REQUIRED:

- A. Prior to land disturbance
B. On-going throughout construction.

Check items which apply:

Implementation compliance	Signature of Town Official/ Date Verified
<input type="checkbox"/> Special Status plants found on-site	
<i>Date found:</i>	
<i>Date of meeting with CDFG:</i>	
<i>Date of meeting with USFWS:</i>	
<i>Attach map and description of population found</i>	
Construction activities occurring between March 1 and April 31	
<i>Date of biologist survey (must be at least 7 days prior to commencement of construction):</i>	
<i>Mapped locations of birds nests and/ or burrowing owl burrows attached</i>	
<i>Date survey submitted to CDFG:</i>	
<i>Biologist recommendations attached.</i>	
Construction activities occurring between March 1 and April 31	
<i>Date of burrowing owl exclusion (must be at least 3 days prior to commencement of construction):</i>	
<input type="checkbox"/> Joshua trees present on site	
<i>Attach map of existing Joshua trees specifying relocation site for each tree</i>	
<i>Attach evidence of certified botanist/ biologist supervision of relocation of Joshua trees</i>	
<input type="checkbox"/>	
<i>If consultation with CDFG to determine whether additional Mojave Ground Squirrel surveys are needed:</i>	

REFERENCES

Alquist-Priolo Special Studies Zone Act Map Series (PRC 27500)

California Department of Water Resources, Bulletin #118 (Critical Regional Aquifers), 1975.

County of San Bernardino, Countywide Integrated Waste Management Plan, March 1995

County of San Bernardino Hazard Overlay Maps

County of San Bernardino Identified Hazardous Materials Waste Sites List, April 1998

Environmental Impact Report, San Bernardino County General Plan, 1989

Federal Emergency Management Agency Flood Insurance Rate Map and Flood Boundary Map (Map #).

Mojave Desert Air Quality Management District, Mojave Desert Planning Area – Federal Particulate Matter (PM10) Attainment Plan, July 1995

Mojave Desert Air Quality Management District, Rule 403.2: Fugitive Dust Control Planning Area, July 1996

Contamination-Hazardous Analysis – Environmental Data Resources Inc., October 04, 2007

Sensitive Wildlife Survey Assessment - RCA Associates, LLC, September 18, 2008