

**TOWN OF  
APPLE VALLEY, CALIFORNIA  
AGENDA MATTER**

**Subject Item:**

**GENERAL PLAN AMENDMENT NO. 2008-001: A REQUEST TO CONSIDER A COMPREHENSIVE UPDATE OF THE TOWN OF APPLE VALLEY GENERAL PLAN, INCLUDING ALL MANDATED ELEMENTS.**

**ANNEXATION 2008-001: A REQUEST TO CONSIDER THE ANNEXATION OF 4.3 SQUARE MILES KNOWN AS THE "GOLDEN TRIANGLE," AND LOCATED EAST OF INTERSTATE 15, NORTH OF JOHNSON ROAD, WEST OF DALE EVANS PARKWAY, AND SOUTH OF MORRO ROAD.**

**ANNEXATION 2008-002: A REQUEST TO CONSIDER THE ANNEXATION OF 1.3 SQUARE MILES LOCATED SOUTH OF QUARRY ROAD AND EAST OF CENTRAL ROAD.**

**Recommended Action:**

**Reopen the public hearing and take testimony. Continue the public hearing to the Town Council's regular meeting of June 23, 2009.**

**Proposed by:** Planning Division

**Item Number** \_\_\_\_\_

**Town Manager Approval:** \_\_\_\_\_

**Budget Item**  Yes  No  N/A

Council Meeting Date: 6/9/2009

**SM1-1**

**Summary Statement:**

The Town Council opened the public hearing for General Plan Amendment 2008-01, Annexation 2008-01 and 2008-02 at its meeting of May 12, 2009. After considering several items, hearing public testimony, and accepting additional information for consideration, the Town Council continued the public hearing to June 9, 2009.

**Background and Introduction**

The Town Council considered most of the items brought forward in the May 12, 2009, staff report (Attachment No. 6). The Town Council also accepted two (2) land use change requests at the May 12, 2009 meeting, which are presented below. Remaining for consideration are the Planning Commission's recommendations for amendments to the General Plan, and review of the General Plan document by the Town Council.

**Land Use Change Requests**

At the meeting of May 12th, Mr. Dino De Fazio submitted two (2) requests for land use changes. The Land Use Change Request Matrix and supporting information are attached to this staff report as Attachment No. 1. Staff recommendations and prior General Plan Advisory Committee (GPAC) considerations are included in the Attachment. Staff requests that the Town Council consider each request, take public testimony, and provide a recommendation on each request individually.

**Planning Commission Recommendation**

The Planning Commission held three (3) public hearings in its consideration of the General Plan and Annexations, on March 18th, April 1st and April 15, 2009. The Commission considered a broad range of issues, including several land use change requests. The Commission recommends two (2) changes to the Land Use Map, as follows (please see Attachment No. 2):

1. Assessor's Parcel Numbers 434-064-14 & -15, located on the south side of Bear Valley Road, west of Central Road, change to Mixed Use; and
2. Assessor's Parcel Number 434-064-76 change to Residential Multi-Family (R-M).

The Planning Commission also recommends that the Town Council accept the Equestrian Advisory Committee's recommended changes to the Multi-Use Trails Map (General Plan Exhibit II-9), as shown in Attachment No. 3.

In addition, the Commission recommended changes to the text of the General Plan, which are identified below, and have been included in the Draft General Plan provided to each Council member (all the additions proposed by the Planning Commission are shown in underlined text within the General Plan).

1. The addition of the Green Valley Initiative policies and programs, in cooperation with the County of San Bernardino's efforts to improve regional greenhouse gas emissions (page III-77 and pages III-80 and III-81) .
2. The addition of explanatory text to the "Specific Plan" description in the Land Use Element (page II-12).
3. The addition of Program 1.C.3 in the Commercial and Industrial Land Use Goals, Policies and Programs (page II-27).

If the Town Council is in agreement with the Planning Commission's recommendations, staff would respectfully request that the Council make one motion accepting the Planning Commission's recommendation. If the Council wishes to consider one or all of its recommendations further, staff requests that individual discussion(s) and motion(s) be made by the Council on each item discussed.

The Planning Commission also discussed infill development in existing neighborhoods, where actual development has occurred at lower than allowed densities, and new projects propose smaller lots in conformance to the actual land use designation. The area used as an example was the residential neighborhood northeast of Saint Mary's Hospital. The Planning Commission expressed a concern that the compatibility of the neighborhood could be affected by new, smaller-lot subdivisions. The Commission directed staff to confer with the Town Council concerning seeking legal counsel on whether or not density buffering principles can be applied to residential infill development when a pattern of existing development is at variance with the underlying zoning of a proposed development.

In consultation with the Town Attorney, staff reviewed the provisions of the Development Code regarding buffering. Section 9.28.080.C. reads:

*"Transitional and Density Buffers*

1. *Transitional density buffers consisting of larger lot sizes should be provided at the periphery of new residential subdivisions to create a density transition between the new subdivision and adjacent residential land uses of lesser density.*
  - a. *The additional lot area required to create the buffer at the periphery of the new subdivision should be measured by the difference between the proposed density and the density of the abutting lots.*
  - b. *The additional lot area required to create the buffer at the periphery of the new subdivision shall not be required to exceed fifty (50) percent of the minimum lot area for the zoning district in which the proposed subdivision is located.*
2. *Transitional buffers between different land uses or development projects may consist of, but shall not be limited to, the following:*
  - a. *Larger lot size on the periphery of the subdivision where the subdivision abuts the different land use;*
  - b. *Increased building setbacks incorporating earthen berms and dense landscaping;*
  - c. *Streets separating the different land uses, where appropriate;*
  - d. *Solid barrier hardscape treatments such as decorative walls;*
  - e. *Trails and pedestrian circulation areas."*

The maps proposed in the St. Mary's area were designed to incorporate these requirements, and were required to have larger lots on their perimeter, to be more consistent with their surroundings. Lots on the perimeter of these new maps were  $\frac{3}{4}$  acre in size, much closer to the one (1) acre lot size of the surrounding lots.

Finally, the Planning Commission wished to point out to the Town Council that the policy regarding the preparation of the Apple Valley Habitat Conservation Plan, which had been deleted from the Land Use Element by the GPAC, was included by staff in the Biological Resources Element (Program 1.A.3, page III-53).

### **Housing Element**

As the Council is aware, the Housing Element of the General Plan is the only Element reviewed and approved by the State of California Department of Housing and Community Development. Staff has been negotiating with the Department for some months regarding the content and wording of the Housing Element. Those negotiations are concluded, resulting in minor changes and additions to the Housing Element, from that in the Council's copy of the General Plan. The final Draft Housing Element is attached (Attachment No. 5) for the Council's review. This version of the document will be the one included in the final General Plan, when adopted by the Council.

**SM1-3**

### **Town Council Comments on the General Plan**

As discussed at the Council's May 12, 2009 meeting, this portion of the June 9<sup>th</sup> meeting is reserved for the Council's comments on individual goals, policies or programs in the General Plan. Staff will introduce each Element in turn, and ask the Council for any comments or issues for discussion within that Element. Staff respectfully requests that the Council members bring up any comments or suggested changes as they occur, discuss the issue, allow public comment, and make a recommendation on each issue individually.

### **Environmental Review**

In conjunction with preparation of the General Plan, the Town prepared an Environmental Impact Report (EIR) for the project, as required by the California Environmental Quality Act (CEQA). The EIR found that build-out of the General Plan area will result in significant impacts, but that all these significant impacts can be mitigated to less than significant levels, with the exception of impacts to air quality, land use, traffic and circulation. As these impacts will remain significant, the Town is required to consider whether the benefits of the proposed project will outweigh these significant impacts. This evaluation was undertaken and Findings and Statement of Overriding Considerations are being prepared for the Town Council's consideration.

### **Findings**

In considering any General Plan Amendment, the Council and Commission are required by the Municipal Code to make specific Findings. The following are the Findings for a General Plan Amendment, required under Section 9.02.050 H 3 of the Development Code, with a comment to address each:

1. The proposed General Plan Amendment is consistent with the goals, policies and standards of all Elements of the General Plan and will further those goals, policies and standards;

Comment: The General Plan Update process has included over sixty (60) community meetings and interviews, public workshops, General Plan Advisory Committee meetings, joint General Plan Advisory Committee and Planning Commission, and Planning Commission and Town Council meetings, as well as public hearings, to assure that the text, goals, policies and programs developed in the General Plan are consistent with the vision of the community. The General Plan represents the short and long term goals for the growth of Apple Valley in the future.

2. The General Plan, as amended, will comprise an integrated, internally consistent and compatible statement of policies for the Town;

Comment: The General Plan has been comprehensively updated and is internally consistent in all respects. Goals, policies and programs in each Element have been designed to further the orderly growth of Apple Valley for the short and long term.

3. The General Plan Amendment furthers the public interest and promotes the general welfare of the Town by providing for a logical pattern of land uses and clarifying various land use policies for the Town.

Comment: The Land Use Element and associated Land Use Map have been reviewed in community workshops, General Plan Advisory Committee meetings, Planning Commission and Town Council workshops, and

assures the orderly development of residential, commercial and other land uses in the future.

**Attachments:**

1. Land Use Change Request Matrix and supporting materials
2. Location Map for APN 434-064-14, -15, & -76.
3. Equestrian Advisory Committee Recommended Trails Map
4. Planning Commission Minutes for meetings of March 18, April 1 and April 15, 2009
5. Final Draft Housing Element
6. May 12, 2009 Town Council Staff Report
7. Minutes of May 12, 2009 Town Council Meeting (excerpt relating to General Plan and Annexations only)

**Distributed Previously:**

1. Draft General Plan
2. Draft Environmental Impact Report

**ATTACHMENT NO. 1**

<b>Final Requests</b>	<b>APN</b>	<b>Location</b>	<b>Proposed General Plan</b>	<b>Owner Requested Land Use</b>	<b>Acreage</b>	<b>Property Owner Name</b>	<b>Staff Recommendation</b>	<b>GPAC/PC Recommendation</b>
<b>TC 5</b>	473-153-11	West side of Apple Valley Road between Hwy 18 and Quantico road	R-M	C-G or O-P	0.5 acre	Dino De Fazio	This would be a logical extension of O-P only if the three lots between Potomac and Quantico fronting Apple Valley Road would all be changed to O-P. The lot is otherwise located in an area designated R-M.	The GPAC considered this request (GPAC #36), and recommended that the land use designation remain R-M. The Planning Commission did not consider this request further.
<b>TC 6</b>	441-011-28 and -31	West side of Dale Evans (one lot west) between South and Waleew	R-SF	R-M	15.5 acres	Dino De Fazio and Ken Richmond	These lots do not front on Dale Evans, and are more appropriate as a continuation of the single family residential area to the west and south.	The GPAC considered these two lots along with the two lots to immediately east, fronting on Dale Evans (GPAC #35). The GPAC recommended R-M for the Dale Evans lots, and R-SF for the two lots which are the subject of this request.

Artisan Home Builders  
14173 Green Tree Blvd., Ste. A  
Victorville, CA 92395

Town of Apple Valley  
14955 Dale Evans Parkway  
Apple Valley, CA 92307

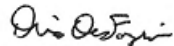
Re: Zone Change Request

Dear Town of Apple Valley,

This letter is to request a zone change in your current General Plan Update regarding the following property, Assessor's Parcel Number: **0473-153-11**.

Please change the zoning designation of the noted property to "General Commercial" (C-G) or to "Office Professional" (O-P). We appreciate your assistance in this matter.

Thank you,

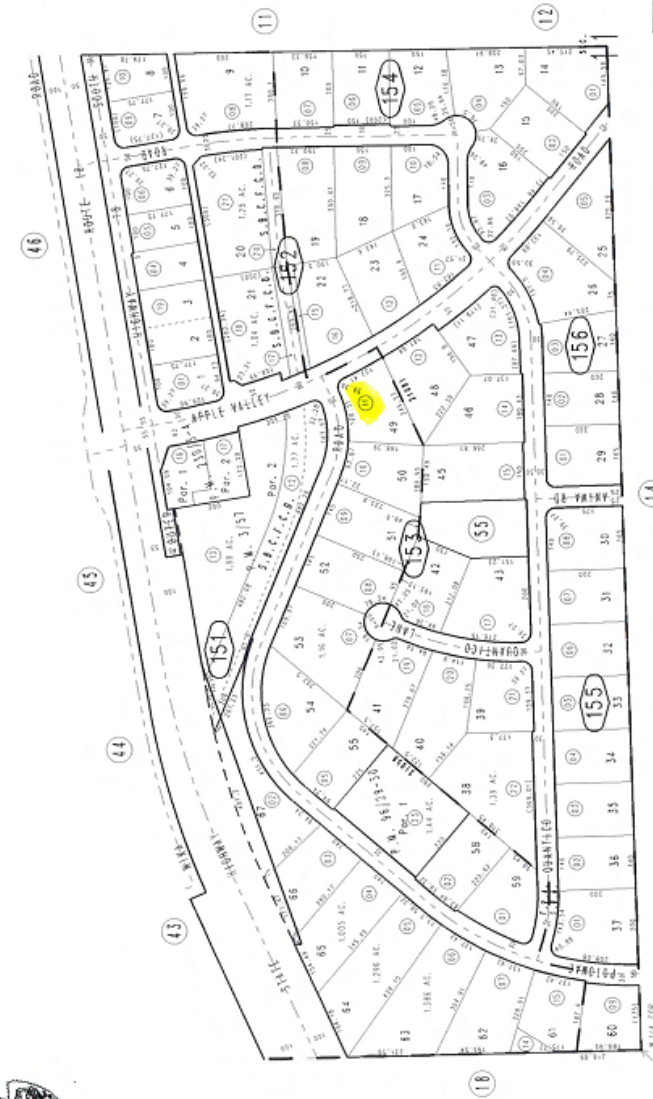


Artisan Home Builders  
Dino De Fazio, President

**SM1-7**

Tract No. 4994, M.B. 61/28-30  
 Town of Apple Valley 0473-15  
 Tax Rate Area  
 21058 21081

THIS MAP IS FOR THE PURPOSE  
 OF AS VALUING TAXATION ONLY.



REFRILLS  
 8100718 04  
 8100718 04  
 8100718 04  
 8100718 04  
 8100718 04

Assessor's Map  
 Book 0473 Page 15  
 San Bernardino County

Pin. N.W. 1/4, Sec. 11  
 T.5N., R.2W.

Parcel Map No. 183316, P.M. 210/3-4  
 Parcel Map No. 90071, P.M. 36/129-130  
 Plat. Parcel Map No. 546, P.M. 3/57

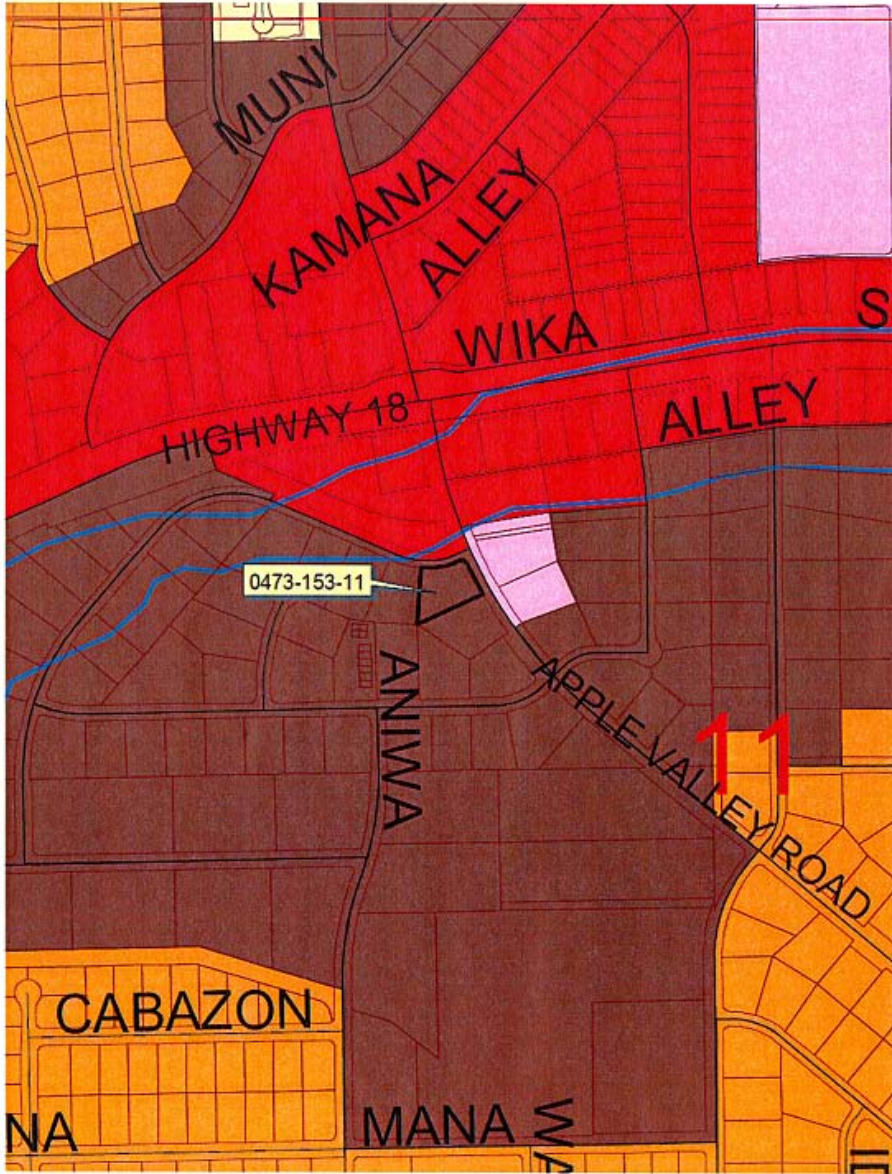
June 2004

SM1-8



# LOCATION MAP

APN 0473-153-11  
De Fazio



SM1-9

Dino De Fazio & Ken Richmond  
14173 Green Tree Blvd., Ste. A  
Victorville, CA 92395

Town of Apple Valley  
14955 Dale Evans Parkway  
Apple Valley, CA 92307

Re: Zone Change Request

Dear Town of Apple Valley,

We are writing to request a zone change in your current General Plan Update regarding the following properties, Assessor's Parcel Numbers:

**0441-011-28**  
[REDACTED]

**0441-011-31**  
[REDACTED]

Please change the zoning designation of the listed properties to "Residential Multi-Family" (R-M). We appreciate your assistance in this matter.

Thank you,



Dino De Fazio

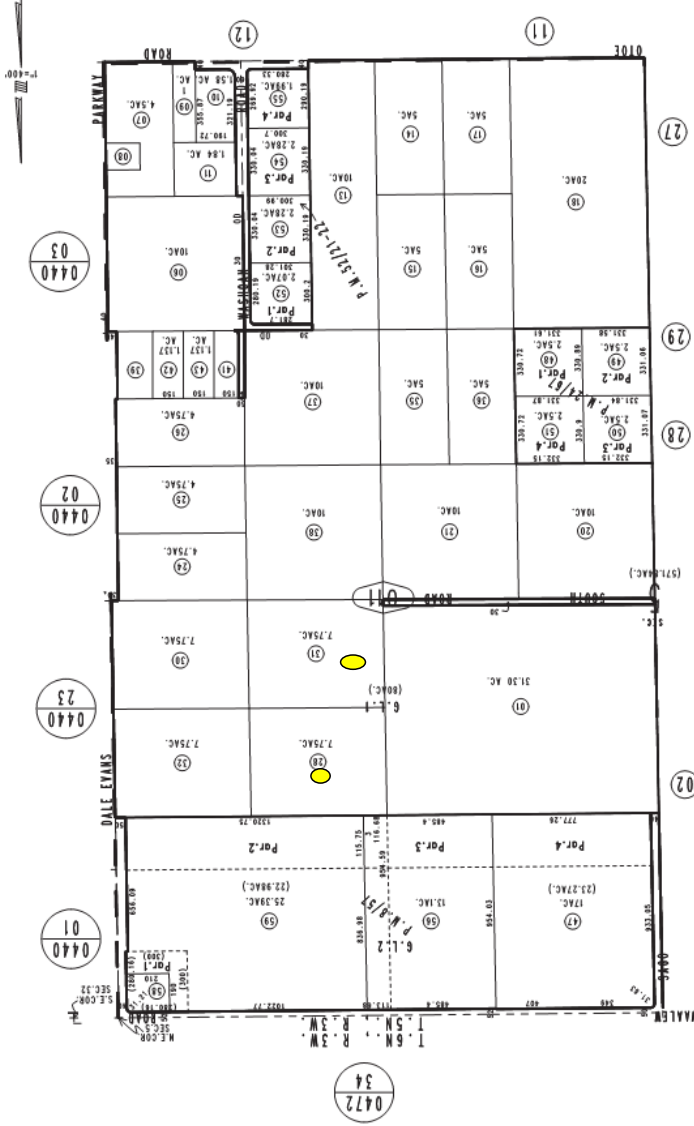
Ken Richmond

**SM1-10**

Town of Apple Valley 0441-01  
Tax Rate Area  
21062

E.1/2 Fractional Sec.5, T.5N.,R.3W., S.B.B.&M.

THIS MAP IS FOR THE PURPOSE  
OF AS VALUING TAXATION ONLY.



REVISED  
09/14/07 BK  
11/24/08 BA

Assessor's Map  
Book 0441 Page 01  
San Bernardino County

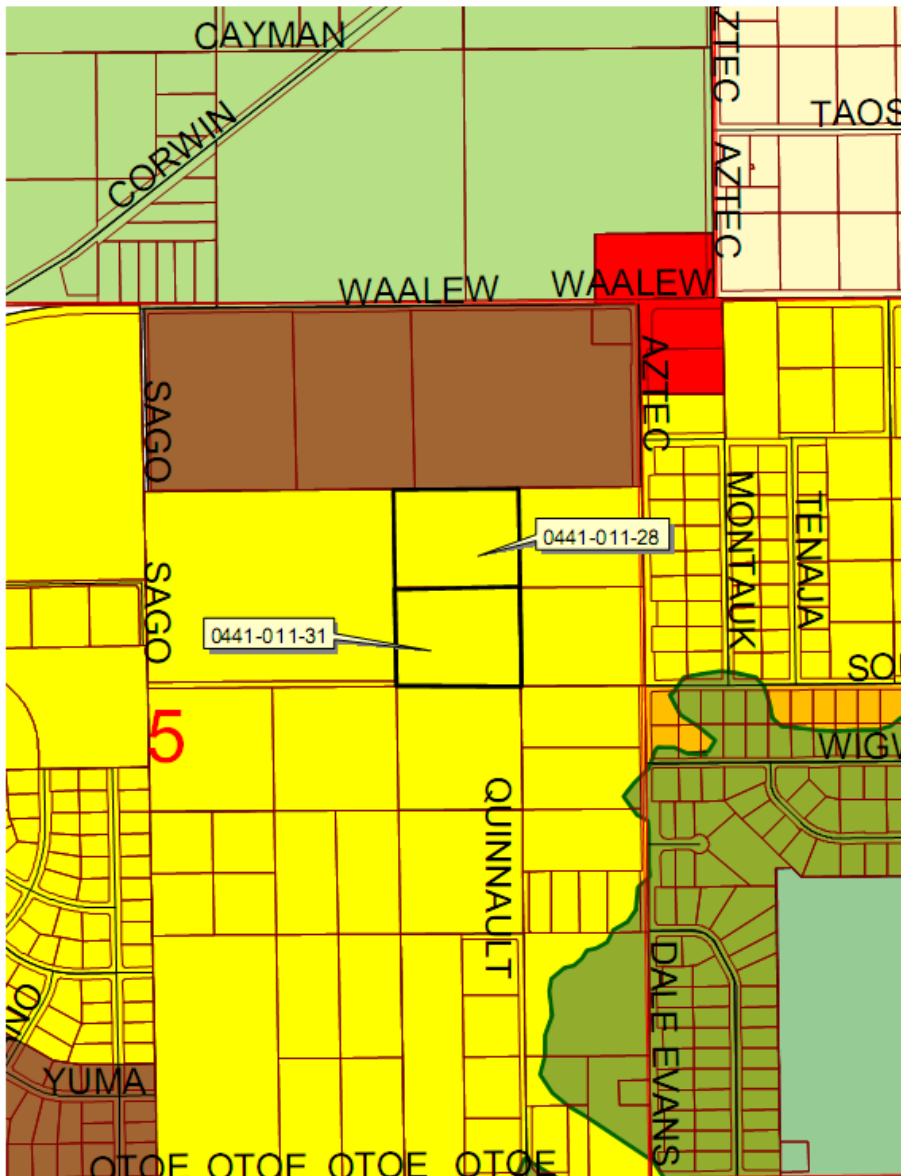
Parcel Map No.5484, P.M.52/21-22  
Parcel Map No.7754, P.M.34/67  
Parcel Map No.890, P.M.8/57

September 2003

SM1-11

# LOCATION MAP

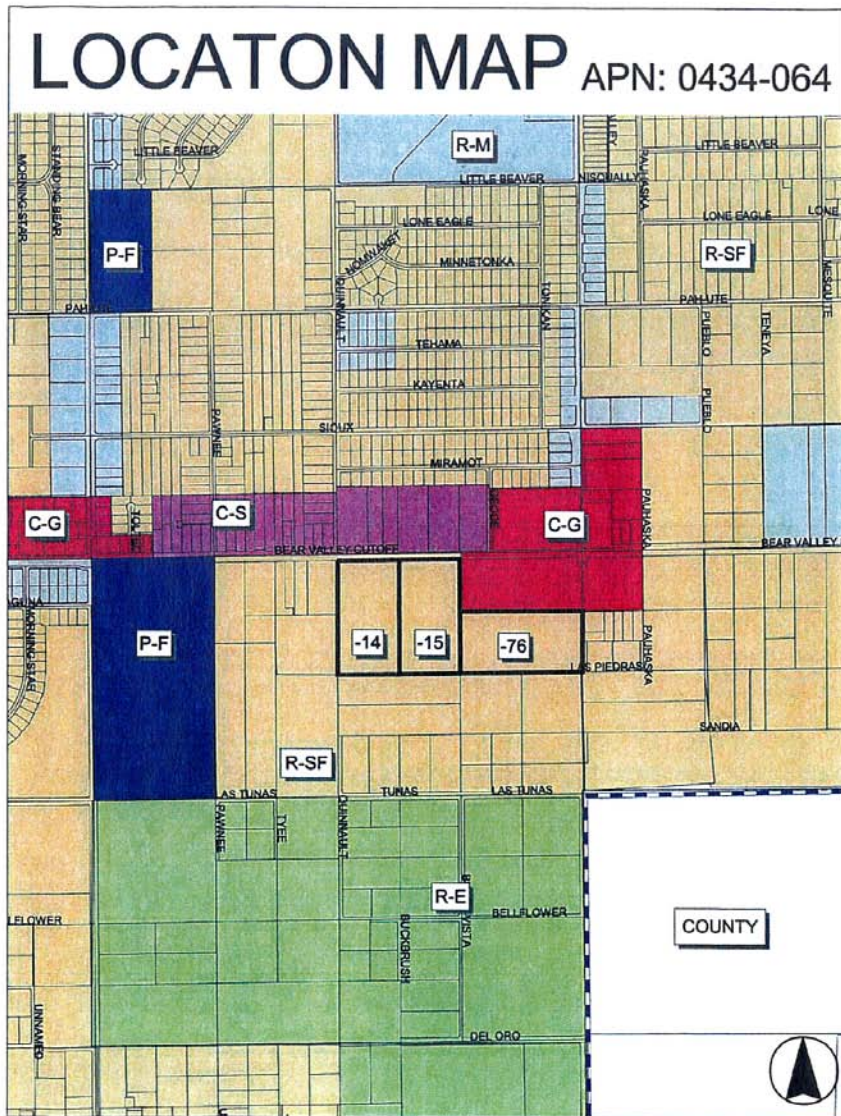
APNs 0441-011-28 & -31  
Richmond/De Fazio



SM1-12


ATTACHMENT NO. 2


General Plan Update (General Plan Amendment No. 2008-001),  
Annexation Nos. 2008-001 and 2008-002  
March 18, 2009 Planning Commission Meeting

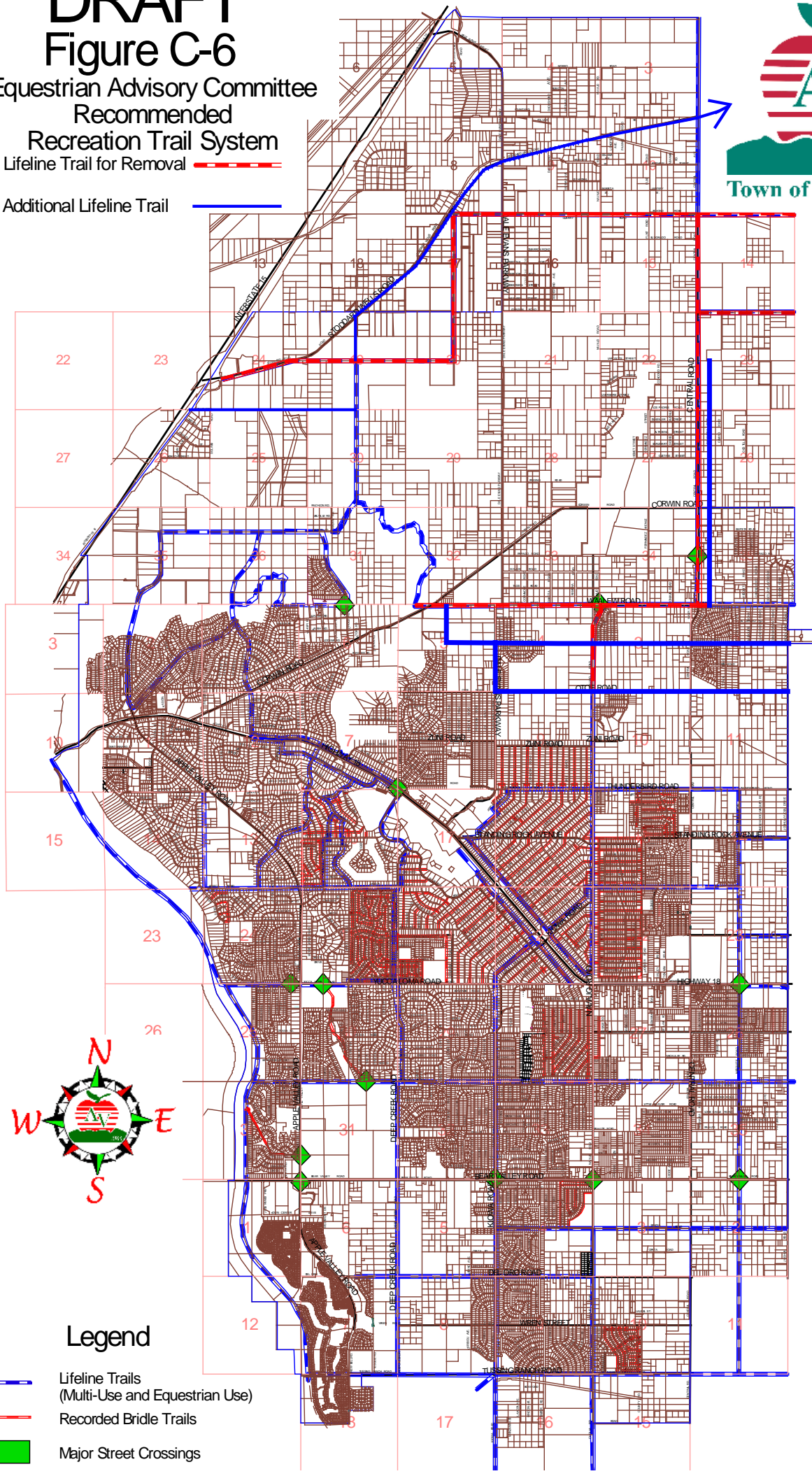





SM1-13

# DRAFT Figure C-6 Equestrian Advisory Committee Recommended Recreation Trail System

Lifeline Trail for Removal 

Additional Lifeline Trail 



- ### Legend
-  Lifeline Trails (Multi-Use and Equestrian Use)
  -  Recorded Bridle Trails
  -  Major Street Crossings

**ATTACHMENT NO. 4**

**MINUTES**

**TOWN OF APPLE VALLEY  
PLANNING COMMISSION  
Regular Meeting  
Wednesday, March 18, 2009**

**CALL TO ORDER**

At 6:05 p.m., the regular meeting of the Planning Commission of the Town of Apple Valley for March 18, 2009, was called to order by Chairman Kallen.

**ROLL CALL**

Roll call was taken with the following members present: Commissioner Larry Cusack, Commissioner John Putko, Vice-Chairman B.R. "Bob" Tinsley, and Chairman Bruce Kallen. Absent: Commissioner Hernandez.

**STAFF PRESENT**

Becky Reynolds, Principal Planner; Nicole Criste, Planning Consultant; Doug Fenn, Senior Planner; Carol Miller, Senior Planner; Pam Cupp, Associate Planner, Conrad Olmedo, Assistant Planner; Richard Pedersen, Deputy Town Engineer; and Patty Hevle, Planning Commission Secretary.

**PLEDGE OF ALLEGIANCE**

Commissioner Putko led the Pledge of Allegiance.

**1. APPROVAL OF MINUTES**

- A. Minutes for the Regular Meeting of March 4, 2009.
- B. The approved Minutes for February 25, 2009 Workshop – informational only.

**MOTION:**

Motion by Vice-Chairman Tinsley, seconded by Commissioner Putko, to approve the minutes for the Regular Meeting of March 4, 2009.

Motion carried by the following vote: Ayes: Commissioner Cusack, Commissioner Putko, Vice-Chairman Tinsley and Chairman Kallen. Noes: None. Abstain: None. Absent: Commissioner Hernandez.

**PUBLIC HEARING ITEMS**

**2. General Plan Amendment No. 2008-001 (General Plan Update), Annexation No. 2008-001 and Annexation No. 2008-002**

**Applicant:** Town of Apple Valley  
**Location:** The General Plan area encompasses approximately seventy-two (72) square miles. The Town limits can generally be described as follows: Bounded on the

west by the Mojave River and U.S. Interstate 15, on the north by the northern section lines of Sections 3, 4 and 5, Township 6 North, Range 3 West, San Bernardino Base and Meridian, on the east by Central Avenue and Joshua Road, and on the south by Tussing Ranch Road and Ocotillo Way.

Annexation 2008-001 is generally bounded on the west by U.S. Interstate 15, on the north by Morro Road, on the east by Dale Evans Parkway, and on the south by Johnson Road. The "Golden Triangle" area encompasses 4.3± square miles, most of which is undeveloped.

Annexation 2008-002 is generally bound on the west by Central Avenue and the eastern boundary of the Town of Apple Valley, on the north by Quarry Road, on the east by the section line of Section 14, Township 6 North, Range 3 West, Section 14, and on the south by the half-section line of Section 23 Township 6 North, Range 3 West, San Bernardino Base and Meridian, Annexation 2008-002 is 1.3± square miles, and includes limited industrial (aggregate quarry) development.

Chairman Kallen opened the public hearing at 6:08 p.m.

Ms. Nicole Criste, Planning Consultant, presented the staff report as filed by the Planning Division. She suggested, and the Commission agreed, that the Commission hear each issue individually, take public comments, make its recommendations and then move to the next issue.

#### **1. Annexation Areas**

Ms. Criste stated that Annexation Area No. 2008-001 is proposed to be Regional Commercial and an industrial land use area along the I-15 corridor. The southern area is proposed to be a mix of Estate Residential (RE), Medium Density Residential (MDR), Mixed Use (MU), and Industrial in the northeast area. She stated the areas, that are currently under County jurisdiction, are of extremely low density; however, annexation will be completed through the Local Agency Formation Commission (LAFCO) after the General Plan is completed.

Annexation Area 2008-002 is expected to be integrated into the North Apple Valley Industrial Specific Plan. The County land uses in this area are primarily industrial and will be consistent with the area.

Chairman Kallen requested to know what would happen if the Annexation was not approved by LAFCO.

Ms. Criste explained that the voting process would involve the registered voters living in that area. If a majority voted against the Annexation, then it would fail and the General Plan Map would be amended to show the area in the Sphere of Influence with the existing land use designations.

Since there was no one in the audience requesting to speak to this item, Chairman Kallen closed the public hearing at 6:20 p.m.

Commissioner Putko requested to know the total number of residents within the Golden Triangle area. Ms. Criste responded that from a count conducted last year, she



believed it was between fifty (50) and seventy-five (75), with approximately forty (40) of those being registered voters.

**MOTION**

Motion by Commissioner Putko, seconded by Commissioner Cusack, to approve the recommendations of staff and to proceed with Annexation No. 2008-001 (the Golden Triangle).

**ROLL CALL VOTE:**

Ayes: Commissioner Cusack  
Commissioner Putko  
Vice-Chairman Tinsley  
Chairman Kallen  
Noes: None  
Abstain: None  
Absent: Commissioner Hernandez  
The motion carried by a 4-0-0-1 vote

**MOTION:**

Motion by Commissioner Putko, seconded by Commissioner Cusack, to approve the recommendations of staff and to proceed with Annexation No. 2008-002.

**ROLL CALL VOTE**

Ayes: Commissioner Cusack  
Commissioner Putko  
Vice-Chairman Tinsley  
Chairman Kallen  
Noes: None  
Abstain: None  
Absent: Commissioner Hernandez  
The motion carried by a 4-0-0-1 vote

**2. San Bernardino County Green Valley Initiative**

Chairman Kallen opened the public hearing at 6:22 p.m.

Ms. Criste advised that the County of San Bernardino has invited local jurisdictions to participate in its Green Valley Initiative, which is a set of policies integrated into its General Plan. She mentioned several policies that could be adopted by the Town and are designed to help the Town participate in reducing green house gas emissions and improving air quality. Ms. Criste stated that each jurisdiction that participates will have a staff coordinator. She stated this position would probably be added to an existing staff position as part of a project review process.

Chairman Kallen had questions concerning compliance.

Ms. Criste responded that the staff person would probably be the one to monitor the program.

Chairman Kallen had concerns regarding developers not wanting to participate if this policy were adopted.

Ms. Criste stated that all of the programs and policies are meant to encourage green building, not make it mandatory to the developer.

Ms. Criste further commented they could add an additional program to develop and offer incentive programs for green building and land use.

Since there was no one in the audience requesting to speak to this item, Chairman Kallen closed the public hearing at 6:40 p.m.

The Commission agreed they would recommend to the Town Council that an additional incentive program be considered to encourage green building and alternative energy.

Chairman Kallen commented that he would like to consider calling the program something different than Green Valley.

**MOTION:**

Motion by Commissioner Cusack, seconded by Commissioner Putko, to approve the San Bernardino County Green Valley Initiative and to include polices and programs into the General Plan that are consistent with the Initiative.

**ROLL CALL VOTE:**

Ayes: Commissioner Cusack  
Commissioner Putko  
Vice-Chairman Tinsley  
Chairman Kallen

Noes: None

Abstain: None

Absent: Commissioner Hernandez

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

**3. Trails Mapping**

Chairman Kallen opened the public hearing at 6:42 p.m.

Ms. Criste requested that the Commission consider the two (2) recommendations by the Equestrian Advisory Committee which are presented in the staff report and make a recommendation to the Town Council on whether or not they should be included in the General Plan.

Chairman Kallen stated that he agreed with the Equestrian Advisory Committee's recommendations regarding the Lifeline Trails.

Mr. William Furrage, Apple Valley, stated he would like to see a Multi-Use Trail from Bear Valley Road to Kiowa Road.

Chairman Kallen advised Mr. Furrage that this was not the area of discussion; however, he could voice his concerns during public comments, if he so desired.

Since there was no one else in the audience requesting to speak to this item, Chairman Kallen closed the public hearing at 6:55 p.m.

**MOTION:**

Motion by Vice-Chairman Tinsley, seconded by Commissioner Putko, to approve the Equestrian Advisory Committee's recommendations.

**ROLL CALL VOTE:**

Ayes: Commissioner Cusack  
Commissioner Putko  
Vice-Chairman Tinsley  
Chairman Kallen  
Noes: None  
Abstain: None  
Absent: Commissioner Hernandez  
The motion carried by a 4-0-0-1 vote

**RECESS**

Chairman Kallen, with the consensus of the Commission, called a recess at 6:56 p.m.

**RECONVENE**

Chairman Kallen reconvened the meeting at 7:07 p.m.

**4. The Village**

Chairman Kallen opened the public hearing at 7:07 p.m.

Ms. Criste stated the Village Merchants' Association has requested that its proposed Specific Plan for the Village area be included in the update of the General Plan. It would be added under the Commercial Land Use Policies and Programs.

Due to conflict of interests, Commissioner Cusack and Vice-Chairman Tinsley excused themselves from the dais at 7:10 p.m.

Since this presented a lack of a quorum, Ms. Criste stated they would move this item to the next Planning Commission meeting.

Commissioner Cusack and Vice-Chairman Tinsley returned to the dais at 7:11 p.m.

**5. Land Use Change Requests**

Chairman Kallen opened the public hearing at 7:11 p.m.

Ms. Criste commented that land use change requests can, and will, be made throughout the entire process, including when we move forward through the Town Council hearings.

Ms. Criste stated there were two (2) requests. The first one was from LADF Investment Fund 68, LLC, for three (3) lots on the south side of Bear Valley Road, east of Navajo Road. The applicant is requesting Mixed Use for two (2) lots and Medium Density Residential for the third lot. Ms. Criste stated that the recommendation of the General Plan Advisory Committee (GPAC) and the Planning Commission is that Medium Density Residential should be applied to all three (3) parcels, unless additional parcels were combined. She stated this area encompasses approximately sixty (60) acres total.

Commissioner Cusack felt that a Mixed Use designation would be conducive to the area.

Ms. Criste stated that the property owner is only requesting that Lots 14 and 15 be designated Mixed Use.

Since there was no one in the audience requesting to speak to this item, Chairman Kallen closed the public hearing at 7:24 p.m.

**MOTION:**

Motion by Commissioner Cusack, seconded by Vice-Chairman Tinsley that Parcels 14 and 15 be designated Mixed Use and that Parcel 76 remain as Medium Density Residential in the General Plan Update.

**ROLL CALL VOTE**

Ayes: Commissioner Cusack  
Commissioner Putko  
Vice-Chairman Tinsley  
Chairman Kallen

Noes: None

Abstain: None

Absent: Commissioner Hernandez

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

Ms. Criste moved onto the second land use request from property owner Jerry Stefek. He stated this land, Lots 52 and 54, was located on the east side of Central and the north side of Thunderbird. The property owner is requesting a change from Residential to Commercial.

Ms. Criste pointed out that the parcels are partially in the Dry Lake area which would hinder development.

Since there was no one in the audience requesting to speak to this item, Chairman Kallen closed the public hearing at 7:37 p.m.

**MOTION:**

Motion by Commissioner Cusack, seconded by Commissioner Putko, to deny the request of property owner Jerry Stefek.

**ROLL CALL VOTE:**

Ayes: Commissioner Cusack  
Commissioner Putko  
Vice-Chairman Tinsley  
Chairman Kallen  
Noes: None  
Abstain: None  
Absent: Commissioner Hernandez  
The motion carried by a 4-0-0-1 vote

**6. Specific Plan Policies**

Ms. Criste requested that the Commission disregard modifications brought forth at the joint Town Council and Planning Commission Workshop held on February 25, 2009, concerning Single Family Residential Land Use Policies 1.H and 1.I. She stated that Policy 1.J would be removed from their recommendation to Council and changed back to the original Policy 1.H for the Deep Creek area.

Ms. Criste also stated that the Town Council requested that the Commission refrain from discussing this issue due to current litigation.

Ms. Criste addressed Chairman Kallen's concerns regarding expanding the text on Specific Plans in the General Plan.

After some discussion it was agreed by the Commission that references to the location of the Policies and Programs to Specific Plans text would be added to the General Plan.

**7. Mixed Use Designation**

Chairman Kallen expressed concerns regarding restricting property owners to a mixture of commercial and multi-family projects.

Vice-Chairman Tinsley stated that the Commission had agreed to look at these projects on a case-by-case basis.

Ms. Criste stated that the GPAC was selective in applying this new designation and that less than ten (10) percent of the Commercial designation is in Mixed Use.

Commissioner Cusack commented that property owners who were against the Mixed Use Designation could request a zone change.

It was agreed by the Commission that no changes would be made to this designation.

Ms. Criste stated that the next meeting staff will bring back the Village Specific Plan Issue and Minutes from the GPAC, as well as two (2) other land use change requests that have been received. She requested that the Commissioners bring their General Plan books to the meeting.

**PUBLIC COMMENTS**

None

**PLANNING COMMISSION COMMENTS**

None

**STAFF COMMENTS**

Ms. Reynolds advised there would be four (4) Commissioners and two (2) staff members attending the Planners Institute next week.

**OTHER BUSINESS**

None

**ADJOURNMENT**

Motion by Vice-Chairman Tinsley, seconded by Commissioner Putko, and unanimously carried, to adjourn the meeting of the Planning Commission at 8:10 p.m. to the Regular Meeting of April 1, 2009.

Respectfully Submitted by:

\_\_\_\_\_  
Patty Hevle  
Planning Commission Secretary

Approved by:

\_\_\_\_\_  
Bruce Kallen, Chairman

**SM1-22**

## MINUTES

### TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, April 1, 2009

#### CALL TO ORDER

At 6:00 p.m., the regular meeting of the Planning Commission of the Town of Apple Valley for April 1, 2009, was called to order by Chairman Kallen.

#### ROLL CALL

Roll call was taken with the following members present: Commissioner Larry Cusack, Commissioner David Hernandez, Commissioner John Putko, Vice-Chairman B.R. "Bob" Tinsley, and Chairman Bruce Kallen.

#### STAFF PRESENT

Ken Henderson, Assistant Town Manager, Economic and Community Development; Becky Reynolds, Principal Planner; Nicole Sauviat Criste, Planning Consultant; Douglas Fenn, Senior Planner; Carol Miller, Senior Planner; Pam Cupp, Associate Planner, Conrad Olmedo, Assistant Planner; and Patty Hevle, Planning Commission Secretary.

#### PLEDGE OF ALLEGIANCE

Vice-Chairman Tinsley led the Pledge of Allegiance.

#### 1. APPROVAL OF MINUTES

A. Minutes for the Regular Meeting of March 18, 2009.

Chairman Kallen noted a change in the time of the recess, which should be 6:56 p.m. instead of 7:56 p.m.

#### MOTION:

Motion by Vice-Chairman Tinsley, seconded by Commissioner Cusack to approve the minutes for the Regular Meeting of March 18, 2009, with the above noted change.

Motion carried by the following vote: Ayes: Commissioner Cusack; Commissioner Putko, Vice-Chairman Tinsley and Chairman Kallen. Noes: None. Abstain: Commissioner Hernandez Absent: None.

#### PUBLIC HEARING ITEMS

**SM1-23**

**8. Conditional Use Permit No. 2009-001.**

**Applicant:** Ms. Yolanda Alkawass

**Location:** The property is located at 20276 Majestic Drive; APN 3087-192-31.

Chairman Kallen opened the public hearing at 6:04 p.m.

Ms. Becky Reynolds, Principal Planner, presented the staff report as filed by the Planning Division. She stated that the project was legally noticed; the Ad Hoc Group Home Committee was also notified by mail.

Commissioner Putko had questions regarding the requirement for the Conditional Use Permit.

Ms. Reynolds responded that the Development Code was amended in 2007 and required that a residential care home with more than six (6) residents would require a Conditional Use Permit. The applicant was requesting two (2) more residents which would bring her facility up to eight (8) residents. Ms. Reynolds further commented, that since there is a child care facility within 2000 feet of the proposed facility, the application did not meet the Code requirements for separation distance.

Mr. Ken Henderson, Assistant Town Manager – Economic and Community Development, stated that the Commission may want to consider that the creation of the Group Home Ordinance was to focus on the potential for parolees, sex offenders and criminals placed in a group home within a residential area. Although the applicant's residence houses the elderly, the facility falls within the group home category as defined in the current Ordinance.

Mr. Henderson suggested that, if the Commission desired to make an exception in this case, it should make a recommendation to the Town Council to amend the existing ordinance.

Commissioner Putko stated that the facility is licensed by the State as a residential care facility, and upon visiting the site, he was very impressed.

Mr. Henderson commented that, under the Ordinance, the facility is classified as a group home.

Ms. A. Haviva Shane, Deputy Town Attorney, stated that, even if a provision was made to the Ordinance with exceptions to care facilities, the project would still fall under the Conditional Use Permit requirements because it would exceed the six (6) resident limit.

Ms. Yolanda Alkawass, the applicant, stated she has received approval from the State of California for two (2) more residents. She stated there was very little traffic to and from the facility and no parking problems due to visitors. She further stated the facility is staffed twenty-four (24) hours daily, and the seniors are mobile but do not leave the facility.

Commissioner Hernandez, requested to know when the applicant became aware of the need for a Conditional Use Permit.



Ms. Alkawass stated she added six (6) bedrooms to the five (5) bedroom home in anticipation of having eight (8) residents. However, due to concerns about a group home in the neighborhood, she was allowed only six (6) residents.

Ms. Reynolds explained the reason for the Conditional Use Permit was for more than six (6) residents as a use of the property, not the construction of the added bedrooms.

Ms. Marie Burton, Apple Valley, stated she lives in the neighborhood and was not notified of the proposed project. She was opposed to the expansion of eight (8) residents and concerned about parking issues that have been ongoing since the facility opened.

Mr. Richard Kain, Apple Valley, also a neighbor of the applicant, expressed his opposition of the project and also commented on parking issues.

Mr. Joseph Camera, Apple Valley, expressed his support of the project, stating he has a relative living at the facility and they are cared for very well.

Mr. Michael Camera, of Victorville, spoke in favor of the project.

Mr. Gary Mitchell, of Apple Valley, felt the facility should not be allowed any more residents and was against the Conditional Use Permit application.

Ms. Kimberly Licea, Victorville, stated she is a cosmetologist and goes to the facility once a week to administer her services to the residents. She stated she has not noticed any traffic and spoke in favor of the project.

Ms. Bonita Rouch, Apple Valley, commented she did not receive notification of the project and expressed concerns about the residents being a danger to children and the community. She was against the project.

Mr. David Phillips, Apple Valley, expressed his concerns regarding declining property values because of the project.

Ms. Cheryl Martin, stated her aunt, who has dementia, lives at the facility and is very satisfied with the care.

Ms. Ida Hinterberg, Apple Valley, spoke against the project.

Ms. Alkawass, the applicant, spoke about her facility, stating the patients deserved to have a nice home, and she has not had an aggressive patient that would pose a danger to the neighborhood.

Since there was no one else in the audience requesting to speak to this item, Chairman Kallen closed the public hearing at 7:02 p.m.

Chairman Kallen cautioned the Commission against discussing finances in relation to this project.

Commissioner Hernandez stated that the issue is not the quality of care given by the facility, but that it simply does not adhere to the Development Code requirement of a 2000 foot separation.

Commissioner Cusack stated that, when the home was built for eight (8) residents, it did adhere to the previous Development Code. He stated that, if allowed, it must be used for elderly residents only.

Vice-Chairman Tinsley agreed, but felt that amendments should be made to the Development Code because this particular type of residential care should not be categorized as a "group home" in the Development Code. He stated he agreed with Mr. Henderson's recommendation to ask the Council to consider a Development Code Amendment.

Commissioner Putko agreed.

Chairman Kallen stated that, upon looking at the compatibility with the neighborhood and the parking issue, he was not in support of the Conditional Use Permit.

Ms. S. Haviva Shane, Town Attorney, advised the Commission to adhere to the Code, as it is currently, and if they so desire, send a recommendation to the Council concerning an Amendment of the Ordinance.

Mr. Henderson stated that for clarification, a residential care facility of six (6) or less can be approved by the State, without Town approval. However, if it is going to be more than six (6) residents, a CUP is required and the Town becomes involved in the approval/denial of the CUP application. He stated, if the Commission wanted to approve the project, then policy direction must be sought from the Council. The item could be continued, tabled, denied (as recommended by staff), or the Commission could make a recommendation to the Town Council to amend the Development Code.

**MOTION:**

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

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section 15332, Class 32, the proposed request is Exempt from further environmental review.
2. Find the facts presented in the staff report do not support the required Findings for approval for Conditional Use Permit No. 2009-001.
3. Adopt the negative comments, as provided in the staff report, for the Findings to deny Conditional Use Permit No. 2009-001.

**ROLL CALL VOTE:**

Ayes: Commissioner Hernandez  
Chairman Kallen  
Noes: Commissioner Cusack

**SM1-26**

Commissioner Putko  
Vice-Chairman Tinsley  
Abstain: None  
Absent: None.  
The motion failed by a 2-3-0-0 vote

**MOTION:**

Motion by Vice-Chairman Tinsley, seconded by Commissioner Putko, to have staff submit a recommendation to the Town Council indicating that the proposed Conditional Use Permit application is beyond the legislative intent of the current Group Home Ordinance and request that the Council direct the Planning Commission to review and consider the current Group Home Ordinance.

**Discussion on Motion:**

Ms. Shane, Town Attorney, suggested the Commission not limit the review to only Conditional Use Permit applications, but to exclude residential care facilities for elderly from the 2000-foot separation distance as is currently in the Development Code.

Chairman Kallen requested to know what would become of this application during the review period of the Ordinance, and if the residents in the neighborhood would be notified when these items come before the Commission in the future.

Mr. Henderson responded that the legal advertising would be done, and in addition, any resident who wished to be notified, can provide staff with their name and address and they will receive notification by mail.

Chairman Kallen re-opened the public hearing at 7:21 p.m. He then asked the applicant, Ms. Alkawass, if she understood the motion that was presented, and if she was willing to withdraw her application based on the Planning Commissions recommendation to the Town Council that the Group Home Ordinance be reviewed.

Ms. Alkawass stated she understood and agreed she would withdraw her application at this time.

**ROLL CALL VOTE:**

Ayes: Commissioner Cusack  
Commissioner Putko  
Vice-Chairman Tinsley  
Noes: Commissioner Hernandez  
Chairman Kallen  
Abstain: None  
Absent: None.  
The motion passed by a 3-2-0-0 vote

**RECESS**

Chairman Kallen called for a recess at 7:22 p.m.

## RECONVENED

Chairman Kallen reconvened the meeting at 7:30 p.m.

### 9. **General Plan Amendment No. 2008-001 (General Plan Update), Annexation No. 2008-001 and Annexation No. 2008-002**

**Applicant:** Town of Apple Valley

**Location:** The General Plan area encompasses approximately seventy-two (72) square miles. The Town limits can generally be described as follows: bounded on the west by the Mojave River and U.S. Interstate 15, on the north by the northern section lines of Sections 3, 4 and 5, Township 6 North, Range 3 West, San Bernardino Base and Meridian, on the east by Central Avenue and Joshua Road, and on the south by Tussing Ranch Road and Ocotillo Way.

Annexation 2008-001 is generally bounded on the west by U.S. Interstate 15, on the north by Morro Road, on the east by Dale Evans Parkway, and on the south by Johnson Road. The "Golden Triangle" area encompasses 4.3± square miles, most of which is undeveloped.

Annexation 2008-002 is generally bound on the west by Central Avenue and the eastern boundary of the Town of Apple Valley, on the north by Quarry Road, on the east by the section line of Section 14, Township 6 North, Range 3 West, Section 14, and on the south by the half-section line of Section 23 Township 6 North, Range 3 West, San Bernardino Base and Meridian, Annexation 2008-002 is 1.3± square miles, and includes limited industrial (aggregate quarry) development.

### **Vice-Chairman Tinsley and Commissioner Cusack left the dais due to a conflict of interest at 7:35 p.m.**

Ms. Nicole Sauviat Criste, Planning Consultant, presented the staff report as filed by the Planning Division.

Ms. Criste presented a web-streamed account of the General Plan Advisory Committee's (GPAC) opposition to the request for the Village Specific Plan. This segment was prepared in response to a letter received from a representative of the Village Merchants' Association asking that the program be placed, once again, in the General Plan and requesting a recommendation from the Planning Commission.

Mr. Ken Henderson, Assistant Town Manager - Economic and Community Development, provided background information on the Village Merchants Association. He stated that the Property Based Improvement District (PBID) determined that the best tool for revitalization in this area would be through a specific plan which would still conform to the General Plan.

Commissioner Hernandez requested to know staff's recommendation.

Mr. Henderson stated that staff's recommendation was to uphold the Village Merchants' Association's request for the Specific Plan designation for the Village area.

Ms. Criste stated that the Specific Plan designation will allow flexibility for revitalization of that area.

Chairman Kallen requested to know the percentage of property owners that are PBID participants and expressed concerns about imposing a specific plan on those owners who are in disagreement.

Mr. Henderson responded that within the defined boundaries of the PBID, there is 100% participation, although there could be some disagreements.

Mr. Henderson stated that a chapter in the Development Code could be established specifically for the Village with development standards that deal with its situation. He stated that having a specific plan would enhance the PBID's ability to obtain redevelopment funds.

Commissioner Hernandez requested to know if a specific plan could be brought forward by the PBID when they are ready to start revitalization.

Ms. Criste responded that with a specific plan in place, redevelopment funds can be obtained more easily.

Commissioner Putko requested to know if the Specific Plan designation would affect those property owners who have already started revitalizing their properties.

Ms. Criste stated it would not affect them in anyway.

Since there was no one in the audience requesting to speak to this item, Chairman Kallen closed the public hearing at 7:55 pm

**MOTION:**

Motion by Commissioner Hernandez, seconded by Commissioner Putko, that the Planning Commission accept staff's recommendation and include the Specific Plan designation into the Village area.

**ROLL CALL VOTE:**

Ayes: Commissioner Putko  
Commissioner Hernandez  
Chairman Kallen

Noes: None

Abstain: None

Absent: Commissioner Cusack  
Vice-Chairman Tinsley

The motion passed by a 3-0-0-2 vote

Vice-Chairman Tinsley and Commissioner Cusack returned to the dais at 7:56 p.m.

**LAND USE CHANGE REQUESTS:**

1. **Final 3: Heslin Becker Properties**

Ms. Nicole Sauviat Criste stated the request involves property at Rancherias and Highway 18, four (4) lots that total 4-½ acres. The property owner is requesting General Commercial and the current designation is Estate Residential. She stated the GPAC recommended General Commercial; however, it was changed to Mixed Use per the direction of the Planning Commission.

Mr. Matt Heslin, the applicant and developer, objected to the property being rezoned to Mixed Use. He stated the property could not be developed as a Mixed Use project because there is no demand for that type of use at this time. He further commented that the surrounding land uses are Commercial.

Chairman Kallen requested to know if there would be an objection if the property were zoned Multi-Family Residential.

Mr. Heslin stated “yes”, that they would need too many units to justify the property value. He stated that the GPAC agreed on a Commercial designation. Mr. Heslin further commented that he couldn’t find a Mixed Use designation in the Code.

Ms. Criste explained why the Mixed Use designation was not in the current Development Code.

Mr. Heslin stated his neighbors are in concurrence with the General Commercial designation.

Mr. Carl Coleman, of Apple Valley, stated he has properties along Highway 18 and also across the street from this property. He was opposed to changing this property from the Estate Residential (RE) designation.

Commissioner Cusack stated he preferred the GPAC’s recommendation of a Commercial designation for this property.

Discussion ensued regarding a Mixed Use versus a Commercial designation for this property.

Vice-Chairman Tinsley expressed concerns regarding the unity of the property owners around that location, so that one (1) large commercial project could be developed.

Ms. Criste stated that Town policy is to encourage lot consolidation.

**MOTION:**

Motion by Commissioner Cusack, seconded by Vice-Chairman Tinsley, to grant the applicant’s request and to uphold the GPAC’s recommendation of a General Commercial designation for this property.

**ROLL CALL VOTE:**

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

Abstain: None  
Absent: None  
The motion carried by a 5-0-0-0 vote

**2. Final 4: Roman Land Corp.**

Ms. Criste stated that this property consisted of almost 100 acres, off Dale Evans Parkway and Corwin Road, and has not been reviewed by GPAC or the Planning Commission. The current designation is Residential Low Density (RLD). The property owner has requested Medium Density Residential (MDR) or General Commercial (GC) at this location. She stated it is staff's position that the RLD designation is appropriate for this area since Bell Mountain takes up a portion of both lots.

Mr. Tony Roman, the applicant, stated the property next to his has a zoning designation of Multi-Density Residential (MDR) or General Commercial, and he would like his property to be zoned General Commercial. (GC)

Mr. Carl Coleman, Apple Valley, stated that a designation of Residential Low Density (RLD) will make it very hard to develop the property, because it will not support the cost of infrastructure. He stated that, because of this, much of the property in north Apple Valley designated RLD will not be developed.

Since there was no one else in the audience requesting to speak to this item, Chairman Kallen closed the public hearing at 8:40 p.m.

Chairman Kallen requested to know why staff was recommending a low density designation for these properties.

Ms. Criste stated it was staff's recommendation because of the location of Bell Mountain and its impacts on both properties and the discussion that GPAC had on the areas surrounding Bell Mountain with no significant development around an Open Space area.

Mr. Henderson commented that the GPAC was formed as a result of concerns expressed that staff would "drive" the General Plan Update process. He stated that staff was careful to ensure the GPAC formulated its own positions.

Chairman Kallen agreed that staff allowed the GPAC members to voice their opinions.

Commissioner Cusack felt that, in order for the land to be developed, more density would be required.

Chairman Kallen commented that, if the property were to remain RLD, Mr. Roman could come to the Commission with a Specific Plan request and develop a project through that means. He recommended that the applicant speak with staff on how to develop the property through this method.

**MOTION:**

Motion by Commissioner Hernandez, seconded by Vice-Chairman Tinsley, to accept staff's recommendation to maintain the RLD (Residential Low Density) zoning for this property

**SM1-31**

**ROLL CALL VOTE:**

Ayes: Commissioner Cusack  
Commissioner Hernandez  
Commissioner Putko  
Vice-Chairman Tinsley  
Chairman Kallen  
Noes: None  
Abstain: None  
Absent: None  
The motion carried by a 5-0-0 vote

**PUBLIC COMMENTS**

None

**PLANNING COMMISSION COMMENTS**

Chairman Kallen and Commissioner Cusack commented about the Planners Institute retreat.

**STAFF COMMENTS**

Ms. Nicole Sauviat Criste stated the next meeting will consist of additional land use requests and reviewing the General Plan Update elements, except land use.

Chairman Kallen commented that he would like to include infill properties, since projects have come up that do not conform to surrounding properties.

Mr. Henderson, Assistant Town Manager – Economic and Community Development, stated there are solutions to those types of problems and these items could be discussed on a future agenda with staff recommendations that can be forwarded to the Town Council.

**OTHER BUSINESS**

None.

**ADJOURNMENT**

Motion by Chairman Kallen, seconded by Vice-Chairman Tinsley, and unanimously carried, to adjourn the meeting of the Planning Commission at 9:00 p.m. to the Regular Meeting of April 15, 2009 at 6:00 p.m.

Respectfully Submitted by:

\_\_\_\_\_  
Patty Hevle  
Planning Commission Secretary

Approved by:

\_\_\_\_\_  
Bruce Kallen, Chairman



**MINUTES**  
**TOWN OF APPLE VALLEY**  
**PLANNING COMMISSION**  
**Regular Meeting**  
**Wednesday, April 15, 2009**

**CALL TO ORDER**

At 6:00 p.m., the regular meeting of the Planning Commission of the Town of Apple Valley for April 15, 2009, was called to order by Chairman Kallen.

**ROLL CALL**

Roll call was taken with the following members present: Commissioner David Hernandez, Commissioner John Putko, Vice-Chairman B.R. "Bob" Tinsley, and Chairman Bruce Kallen. Absent: Commissioner Larry Cusack

**STAFF PRESENT**

Becky Reynolds, Principal Planner; Nicole Sauviat Criste, Planning Consultant; Carol Miller, Senior Planner; Doug Fenn, Senior Planner; Pam Cupp, Associate Planner, Conrad Olmedo, Assistant Planner; Richard Pedersen, Deputy Town Engineer; and Patty Hevle, Planning Commission Secretary.

**PLEDGE OF ALLEGIANCE**

Vice-Chairman Tinsley led the Pledge of Allegiance.

1. **APPROVAL OF MINUTES**
  - A. Minutes for the Regular Meeting of April 1, 2009.

**MOTION:**

Motion by Commissioner Putko, seconded by Vice-Chairman Tinsley, to approve the minutes for the Regular Meeting of April 1, 2009.

Motion carried by the following vote: Ayes: Commissioner Hernandez, Commissioner Putko, Vice-Chairman Tinsley and Chairman Kallen. Noes: None. Abstain: None. Absent: Commissioner Cusack.

**PUBLIC HEARING ITEMS**

10. **General Plan Amendment No. 2008-001 (General Plan Update), Annexation No. 2008-001 and Annexation No. 2008-002**

**Applicant:** Town of Apple Valley  
**Location:** The General Plan area encompasses approximately seventy-two (72) square miles. The Town limits can generally be described as follows: bounded on the west by the Mojave River and U.S. Interstate 15, on the north by the northern section lines of Sections 3, 4 and 5, Township 6 North, Range 3 West, San Bernardino Base and

**SM1-33**

Meridian, on the east by Central Avenue and Joshua Road, and on the south by Tussing Ranch Road and Ocotillo Way.

Annexation 2008-001 is generally bounded on the west by U.S. Interstate 15, on the north by Morro Road, on the east by Dale Evans Parkway, and on the south by Johnson Road. The "Golden Triangle" area encompasses 4.3± square miles, most of which is undeveloped.

Annexation 2008-002 is generally bound on the west by Central Avenue and the eastern boundary of the Town of Apple Valley, on the north by Quarry Road, on the east by the section line of Section 14, Township 6 North, Range 3 West, Section 14, and on the south by the half-section line of Section 23 Township 6 North, Range 3 West, San Bernardino Base and Meridian, Annexation 2008-002 is 1.3± square miles, and includes limited industrial (aggregate quarry) development.

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

Ms. Nicole Sauviat Criste, Planning Consultant, presented the staff report as filed by the Planning Division. She commented there were four (4) additional property requests for the Commission to review.

**1. Final No. 5: Roxy Properties, LLC**

Chairman Kallen clarified that he worked at the same place as the agent representing the property owner; however, he was not involved with this property in any way.

Ms. Criste stated the applicant was requesting a change in zone from Residential Equestrian (R-EQ) to Neighborhood or General Commercial (C-G) in order to possibly use the property for a neighborhood commercial center; staff was not in favor of this change.

Chairman Kallen requested to know why staff was against the zoning change.

Ms. Criste stated that the demographics of the area would not support a neighborhood commercial project.

Mr. Angelo Cici, representing the property owner as well as the owners of some adjoining parcels, stated he did not agree and felt the C-G designation was warranted. Also, since the proposed freeway has a planned off-ramp at Standing Rock Road, a residential development would be undesirable at the location.

Chairman Kallen opened the item for public hearing at 6:15 p.m.; however, because there was no one requesting to speak to this item, the public hearing was closed.

Ms. Criste responded to the applicant's comments, stating that, even if the parcels were combined, it would be a total of 4-½ acres which would not be enough land for a neighborhood commercial center.

Chairman Kallen stated he was not against a C-G designation for the property, especially since there was a possible drainage situation that would present a problem for residential development.

Vice Chairman Tinsley stated the property owners could apply for a zone change if they wanted to develop the property as a commercial project. He further expressed concerns about setting a precedent for small commercial properties.

**MOTION:**

Motion by Commissioner Hernandez, seconded by Commissioner Putko, to adopt staff's recommendation for this property.

**ROLL CALL VOTE:**

Ayes: Commissioner Hernandez  
Commissioner Putko  
Vice-Chairman Tinsley  
Noes: Chairman Kallen  
Abstain: None  
Absent: Commissioner Cusack  
The motion carries by a 3-1-0-1 vote

**2. Final No. 6: Hamid Roknian**

Ms. Criste stated that the applicant, Hamid Roknian, is requesting a land use change from Single Family Residential (R-SF) to Multi-Family Residential (R-M) for two (2) parcels on the northwest corner of Kiowa and Tussing Ranch Roads. Ms. Criste commented that staff is recommending maintaining the R-SF designation.

Chairman Kallen was concerned with possible traffic impacts should the property be rezoned to R-M.

Mr. Roknian, the owner of the property, requested the zone change so his property would be in conformance with the surrounding zoning, which is R-M or Commercial (C-G). He stated that, due to the current economic conditions, the property would not be developed as a single family residential project.

Chairman Kallen opened the public hearing at 6:34 p.m., and since there were no speakers to this item, closed the public hearing.

Vice-Chairman Tinsley was not in favor of the change, citing concerns with density.

**MOTION:**

Motion by Vice-Chairman Tinsley, seconded by Commissioner Putko, to adopt staff's recommendation for this property.

**ROLL CALL VOTE:**

Ayes: Commissioner Hernandez

Commissioner Putko  
Vice-Chairman Tinsley  
Chairman Kallen  
Noes: None  
Abstain: None  
Absent: Commissioner Cusack  
The motion carries by a 4-0-0-1 vote

**11. Final No. 7: – Croft**

Ms. Criste stated that the applicant was requesting a Commercial designation for his property. However, it is staff's recommendation that the current Single Family Residential (R-SF) designation should remain.

The applicant was not present to comment.

Chairman Kallen opened the public hearing at 6:40 p.m. and, since there were no speakers, closed the public hearing.

**MOTION:**

Motion by Commissioner Hernandez, seconded by Vice-Chairman Tinsley, that the Planning Commission adopt staff's recommendation for the property.

**ROLL CALL VOTE:**

Ayes: Commissioner Hernandez  
Commissioner Putko  
Vice-Chairman Tinsley  
Chairman Kallen  
Noes: None  
Abstain: None  
Absent: Commissioner Cusack  
The motion carries by a 4-0-0-1 vote

**12. Final No. 8 – Patel, et al**

Ms. Criste presented the applicant's request for a Mixed Use (M-U) designation for property abutting the North Apple Valley Industrial Specific Plan. She stated that the GPAC had considered this request in past occasions and determined that the Estate Residential (R-E) be applied to these properties.

Mr. Carl Coleman, Altec Engineering, representing the property owners, presented the Commission with a definition of a M-U designation. He stated that the M-U designation would provide a buffer between residential uses and the commercial/industrial uses in the Specific Plan.

Chairman Kallen opened the public hearing at 6:50 p.m.

Mr. Kevin Patel, owner of one of the properties on Papago Road, stated, because his property is within close proximity of the airport, it would not be suitable for residences.

He also mentioned the proposed new freeway with an exit on and off ramp that would make the property compatible for a Commercial or M-U designation.

Since there was no one else in the audience requesting to speak to this item, Chairman Kallen closed the public hearing at 6:52 p.m.

Vice-Chairman Tinsley stated that a zone change could be applied for when a commercial project is being considered.

Ms. Criste stated that the GPAC did consider this area and, since there was existing scattered residential development, it felt the designation should be maintained at this location at this time.

**MOTION:**

Motion by Commissioner Hernandez, seconded by Commissioner Putko, to accept staff's recommendation for this property.

**ROLL CALL VOTE:**

Ayes: Commissioner Hernandez  
Commissioner Putko  
Vice-Chairman Tinsley  
Chairman Kallen  
Noes: None  
Abstain: None  
Absent: Commissioner Cusack  
The motion carries by a 4-0-0-1 vote

Ms. Criste stated that this concluded the land use requests and the next item for discussion is:

**Incentives for the Maintenance of Lot Sizes in Neighborhoods which are Partially Developed.**

Ms. Criste commented that a policy, requiring perimeter lots be the same size or larger than those abutting or across the street, could be applied throughout the Town.

Chairman Kallen responded that the 50% buffering requirement may present a problem.

Commissioner Hernandez commented that it would be difficult to apply such a policy for one-half (½)-acre lots.

Ms. Criste stated that property, adjacent to already developed land, would be required to match the lot size of the already developed property, regardless of the zoning. She stated the policy would be restrictive due to the many variables on properties.

Mr. Ken Henderson, Assistant Town Manager, Economic and Community Development, commented that staff should seek legal advice from the Town Attorney before adopting this type of policy.

**MOTION:**

Motion by Chairman Kallen, seconded by Commissioner Putko, to direct staff to confer with the Town Council concerning seeking legal counsel on whether or not density buffering principles can be applied to residential infill development when a pattern of existing development is at variance with the underlying zoning of a proposed development.

**ROLL CALL VOTE:**

Ayes: Commissioner Hernandez  
Commissioner Putko  
Vice-Chairman Tinsley  
Noes: Chairman Kallen  
Abstain: None  
Absent: Commissioner Cusack  
The motion carries by a 4-0-0-1 vote

**Commissioner Cusack arrived for the meeting at 7:18 p.m.**

**RECESS**

Chairman Kallen, with the consensus of the Commission, called for a recess at 7:20 p.m.

**RECONVENED**

Chairman Kallen reconvened the meeting at 7:30 p.m.

Ms. Criste commented that the last order of business was to go through the Elements of the General Plan other than Land Use Element.

**Circulation Element**

The Commission requested that the Equestrian Advisory Committee review this Element.

**Parks and Recreation Element**

The Commission requested that the Park and Recreation Commission review this document.

Ms. Criste stated this Element would be provided to the Commission as an informational item.

**Housing Element**

Commissioner Putko requested to know if this would deal with the group home issues.

Ms. Criste responded that the Housing Element does not deal with those issues directly; instead, those issues are dealt with through the Development Code.

**Water Resources Element**

The Commission had no comments.

**Open Space and Conservation Element**

The Commission had no comments.

**Biological Resources Element**

Chairman Kallen expressed concerns that, although the GPAC had recommended removal of reference to the Multi-Species Habitat Conservation Plan in the Land Use Element, it was then included in the Biological Resources Element, Ms. Criste stated that staff included it in the Land Use Element to tie with other elements for internal consistency with the General Plan, consistent with Council direction to prepare a Multi-Species Habitat Conservation Plan.

**MOTION:**

Motion by Commissioner Kallen, seconded by Commissioner Putko, that the Town Council be informed that the reference to the Multi-Species Habitat Conservation Plan was recommended to be removed from the Land Use Element by the GPAC; however, staff had added it to the Biological Resources Element.

**ROLL CALL VOTE:**

Ayes: Commissioner Cusack  
Commissioner Hernandez  
Commissioner Putko  
Vice-Chairman Tinsley  
Chairman Kallen

Noes: None

Abstain: None

Absent: None

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

**Cultural Resources – Archeological and Historical Resource Element**

Commissioner Cusack requested that the Historical Advisory Committee be provided a copy of this Element for review.

**Air Quality Element**

The Commission had no comments.

**Energy and Mineral Resources**

The Commission had no comments.

**Environmental Hazards, Geotechnical Hazards, Flood and Hydrology, Noise and Hazard and Toxic Materials Elements**

The Commission had no comments.

**Chapter 5** (Includes Public Services and Facilities Element, Water, Wastewater and Utilities, Public Buildings and Facilities, Schools and Libraries, Police and Fire and Emergency Preparedness)

The Commission had no comments on Chapter 5.

Ms. Criste stated that this action concluded the Commission's review of the Draft General Plan. She stated that the Environmental Impact Report (EIR) had been circulated for the forty-five (45)-day review period.

**MOTION:**

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

1. Adopt Planning Commission Resolution No. 2009-001, recommending to the Town Council:
  - a. Certification of the Environmental Impact report (SCH #2008091077) for the General Plan Update and Annexation Nos. 2008-001 and 2008-002;
  - b. Direct staff to prepare a Statement of Overriding Considerations for Town Council approval;
  - c. Approval of General Plan Amendment 2008-001, with the following Amendments:
    - i. Add the Green Valley Initiative Policies and Programs (Resolution Attachment A) to the Air Quality Element;
    - ii. Accept the Equestrian Advisory Committee's recommendations for Multi-Use Trails (Resolution Attachment B); and
    - iii. Change the Land Use designation on Assessor's Parcel Numbers 434-064-14 & 15 to Mixed Use (MU); and change the Land Use designation on Assessor's Parcel Number 434-064-76 to Medium Density Residential (R-M) (Greg Quan request Final #1); and
    - iv. Change the Land Use designation on Assessor's Parcel Numbers 442-041-14, -15, -16, -17 to General Commercial (C-G) (Heslin Becker request Final #3); and
    - v. Add text to the Land Use Element relating to Specific Plans (Resolution Attachment C); and
    - vi. Add Program 1.C.3 to the Commercial and Industrial Land Use Policies and Programs (Resolution Attachment D); and
    - vii. Land Use Element: delete Single Family Residential Policy 1.I, and restore Policy 1.H (deleting reference to Policy 1.I) to its original wording, as originally recommended by the Planning Commission.



- viii. Consult with legal counsel on the issue of density buffering for infill development; and
- ix. Advise the Council that Program 1A3 has been added to the Biological Resource Element, contrary to the General Plan Advisory Committee's recommendation to remove it from the Land Use Element.
- d. Approval of Annexation Nos. 2008-001 and 2008-002;
- e. Direct staff to prepare the necessary materials for submittal of the Annexation requests to the Local Agency Formation Commission.

**ROLL CALL VOTE:**

Ayes: Commissioner Cusack  
Commissioner Hernandez  
Commissioner Putko  
Vice-Chairman Tinsley  
Chairman Kallen  
Noes: None  
Abstain: None  
Absent: None  
The motion carries by a 5-0-0 vote

**PUBLIC COMMENTS**

None.

**PLANNING COMMISSION COMMENTS**

Chairman Kallen requested an update on the Development Code update meetings.

Ms. Reynolds, Principal Planner, stated no one will be appointed to the Development Code Update Committee until the General Plan update is completed.

**STAFF COMMENTS**

Ms. Reynolds, Principal Planner, stated the Planning Commission meeting on May 6 would consist of public hearing items.

**OTHER BUSINESS**

None

**ADJOURNMENT**

Motion by Chairman Kallen, seconded by Commissioner Putko, and unanimously carried, to adjourn the meeting of the Planning Commission at 8:00 p.m. to the Regular Meeting of May 6, 2009 at 6:00 p.m.

Respectfully Submitted by:

\_\_\_\_\_  
Patty Hevle

Planning Commission Secretary

\_\_\_\_\_  
Bruce Kallen, Chairman

**SM1-42**

## **HOUSING ELEMENT**

---

### **PURPOSE**

The Housing Element provides the Town direction in the distribution of housing throughout the community. Of particular concern to the Town is the provision of housing which is affordable to all its residents, both now and in the future. Apple Valley has traditionally been a residential community with a focus on rural character and quality of life. This Housing Element includes goals, policies and programs to assure that the Town's character and quality of life are available to all residents.

### **BACKGROUND**

The Housing Element works hand in hand with the Land Use Element, by assuring that adequate lands are available to provide housing for the period from 2006 through 2014. Land use designations are designed to accommodate all types of housing, to allow for the development of single family and multi-family units to meet the needs of the Town's residents, now and in the future.

The Housing Element describes existing housing types, the condition of the existing housing stock, overcrowding, overpayment, special housing needs, and the demand for affordable housing in the Town. The Element also includes an analysis of the progress made since the drafting of the last Housing Element, and projections of needs for the current planning period.

### **California Law**

California Government Code requires that every City and County prepare a Housing Element as part of its General Plan. In addition, State law contains specific requirements for the preparation and content of Housing Elements. According to Article 10.6, Section 65580, the Legislature has found that:

- (1) The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every California family is a priority of the highest order.
- (2) The early attainment of this goal requires the cooperative participation of government and the private sector in an effort to expand housing opportunities and accommodate the housing needs of Californians of all economic levels.
- (3) The provision of housing affordable to low and moderate income households requires the cooperation of all levels of government.
- (4) Local and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community.

- (5) The legislature recognizes that in carrying out this responsibility, each local government also has the responsibility to consider economic, environmental, and fiscal factors and community goals set forth in the General Plan and to cooperate with other local governments, and the state, in addressing regional housing needs.

Section 65581 of the Government Code states that the intent of the Legislature in enacting these requirements is:

- (1) To assure that local governments recognize their responsibilities in contributing to the attainment of the State housing goal.
- (2) To assure that cities and counties prepare and implement housing elements which, along with federal and State programs, will move toward attainment of the State housing goal.
- (3) To recognize that each locality is best capable of determining what efforts are required by it to contribute to the attainment of the State housing goal as well as regional housing needs.
- (4) To ensure that each local government cooperates with other local governments to address regional housing needs.

Government Code Section 65583 outlines the required content of all housing elements including identification and analysis of existing and projected housing needs, and a statement of goals, policies, quantified objectives, and scheduled programs for the preservation, improvement, and development of housing. Specific requirements include the following:

- (1) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The analysis should include population and employment trends; documentation of household characteristics; inventory of land suitable for residential development; governmental and other constraints to new housing development; analysis of any special housing needs and an assessment of existing affordable housing developments.
- (2) A program which sets forth a five-year schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the objectives of the housing element in order to meet the housing needs of all economic segments of the community.

#### **Consistency with the General Plan**

The Housing Element, as with all Elements of the General Plan, must be consistent with all other Elements. The Town's procedures for amendment of the General Plan are contained in Chapter I., Introduction and Administration. The Town will continue to evaluate any amendment to the General Plan, including updating of the Housing Element as required by State law, to assure that internal consistency is maintained.

#### **Evaluation of Existing Housing Element Policies and Programs**

The Town's Housing Element 2000 included a number of policies and "action" items to address housing needs for the 1998-2006 planning period. The effectiveness of these policies and their associated action items is reviewed below.

## H-1 Housing Production

### H-1.1 Encourage a variety of residential development opportunities in Apple Valley, ranging from very low density (1.0 dwelling unit per 5 acres) to medium density (2 to 15 dwelling units up to 2.5 net acres, and 2 to 20 dwelling units above 2.5 net acres), on the Land Use Policy Map.

**Action:** Provide a range of residential development opportunities including locating higher density residential development near public transportation.

**Anticipated Impact:** Accommodate Town's estimated RHNA of 1,000 dwelling units.

**Responsible Agency:** Community Development Department

**Financing:** Department budget

**Schedule:** Ongoing (1998-2005)

*Evaluation: The Town's General Plan maintained the same range of land use designations throughout the previous planning period. This range allowed the construction of 5,602 single family homes, 23 second units, 109 condominiums, 41 apartments, and 238 retirement/care living units. The Town's land use designations have been effective in allowing a range of housing types.*

### H-1.2 Encourage the development of housing for the elderly by offering incentives such as density increases and reductions in parking requirements. Coordinate with local lending institutions to ensure the availability of financing for senior housing projects and encourage congregate care facilities.

**Action:** Promote development and financing of senior housing through density bonuses, reduced parking requirements, and other development incentives.

**Anticipated Impact:** One (1) senior project (minimum of 50 units); ten (10) second senior units (granny housing)

**Responsible Agency:** Community Development Department

**Financing:** Department budget

**Schedule:** Ongoing (2000-2005)

**Action:** Process and approve requests for the establishment of residential care facilities, in accordance with Section 1566.3 of the Health and Safety Code, as a means of providing long-term transitional housing for very low income persons.

**Anticipated Impact:** Provision of transitional housing for additional very low income persons.

**Responsible Agency:** Community Development Department

**Financing:** Department budget

**Schedule:** Ongoing

*Evaluation: As stated above, there were 238 retirement/care units built for seniors in Town during the previous planning period. In addition, 765 units were built within the Del Webb/Pulte project, which are all age*

*restricted units. The project was reviewed expeditiously, and did not require incentives for completion.*

**H-1.3 Encourage the development of residential units which are accessible to handicapped persons or are adaptable for conversion to residential use by handicapped persons.**

**H-1.4 Pursuant to State law, require apartment complexes with 20 or more units to provide a minimum of one handicapped-accessible unit, with two units required of developments over 100 units.**

*Action:* Require apartment developments to provide units which are accessible to the handicapped.

*Anticipated Impact:* Twenty (20) handicapped accessible units (Some may be senior housing units).

*Responsible Agency:* Community Development Department

*Financing:* Private development

*Schedule:* **Ongoing (1998-2005)**

*Evaluation:* *The Town enforces the requirements of the Americans with Disabilities Act (ADA) for all construction projects. The retirement facility described above was constructed to be fully compliant with ADA standards, and includes 63 ADA accessible units. The Town will continue to implement these standards as new projects are brought forward.*

**H-1.5 Allow for the development of second dwelling units in residential zones, subject to the availability of adequate infrastructure.**

*Action:* Increase supply of rental and ownership units affordable to low and moderate income households.

*Anticipated Impact:* Develop one (1) project with an estimated 20 units

*Responsible Agency:* Community Development Department

*Financing:* CRA Set-Aside, Private development

*Schedule:* CRA Set-Aside (2005); Ongoing for private development

*Evaluation:* *The Town has updated its second unit requirements as State law has changed, and currently enforces the latest requirements. There were 23 second units, and 22 guest houses built during the planning period as a result.*

**H-1.6 Permit the development of manufactured housing in all residential zones. Preserve existing mobile homes.**

*Action:* Facilitate placement of manufactured units on residential lots.

*Anticipated Impact:* Conservation of the Town's existing inventory of 560 mobile home units.

*Responsible Agencies:* Community Development Department

*Financing:* Department budget.

*Schedule:* **2000-2005**

*Evaluation: The Town's Development Code continues to allow mobile homes and manufactured housing in single family residential zones. The Town has limited jurisdiction over mobile home parks, but enforces code compliance in the parks as it relates to life safety issues. There were 10 mobile homes installed as second units during the previous planning period, and 13 mobile homes installed as primary residences during the previous planning period. In 2008, the Department of Finance reports that there are a total of 1,043 mobile homes in Apple Valley.*

**H-1.7 Encourage the construction of planned residential developments under Specific Plan guidelines in Apple Valley.**

*Evaluation: There have been several Specific Plans approved in Apple Valley, including the Bridle Path Estates, North Pointe and Mansions projects. These projects provide for a mix of land uses, including 240 senior units, 53 assisted living units, 290 multi-family units, and 1,707 single family homes. These projects are approved, but have not been built.*

**H-1.8 Encourage the development of a full range of housing, including housing for moderate and upper-income households in Apple Valley.**

*Action:* Extend subsidies to lower income families and the elderly.  
*Anticipated Impact:* Actively pursue an additional 49 housing certificates and/or vouchers.  
*Responsible Agency:* County of San Bernardino Housing Authority  
*Financing:* HUD Section 8 Certificate/Voucher Programs  
*Schedule:* 1998-2005

*Evaluation: There were 5,602 single family, market rate homes built during the previous planned period. The Town's residential inventory grew at a healthy rate, based on a steady population growth.*

**H-1.9 Continue to facilitate timely permit and development plan processing for residential construction. Allow priority development review processing for low- and moderate-income housing applications, as well as housing for the elderly.**

*Action:* Expedite processing for elderly, low and moderate income housing applications; waive fees for shelters and transitional housing  
*Anticipated Impact:* Establish priority review and processing for affordable housing projects.  
*Responsible Agency:* Community Development Department  
*Financing:* Department budget  
*Schedule:* Ongoing (1998-2005)

*Action:* Periodically reexamine the Town's development fees and dedication requirements to ensure that they are in the range of similar service costs in surrounding communities. Defer fees for projects which contain units for very low or lower income families.  
*Anticipated Impact:* Control of development costs and fees in keeping with the general area; reduce or defer fees for very low and low housing projects.

*Responsible Agencies:* Community Development Department  
*Financing:* Department budget  
*Schedule:* 2000-2004

*Evaluation: The Town maintains a very rapid application review process. Most projects are heard by the Planning Commission within 60 to 90 days of having a complete application. Processing for the retirement/care facility was completed in a similarly rapid fashion. The Town has successfully implemented this policy.*

**H-1.10 Support and encourage local developers to participate in County-sponsored mortgage revenue bond and scattered site housing programs. Encourage landlords to list rental units with the County Housing Authority.**

*Action:* Provide small public housing that blends with existing neighborhoods  
*Anticipated Impact:* 8-10 units  
*Responsible Agency:* County of San Bernardino Housing Authority  
*Financing:* Private development  
*Schedule:* 1998-2005

*Evaluation: The development community has been encouraged to participate in a number of mortgage assistance programs. In addition, the Town has utilized set-aside funds, as part of its Down Payment Assistance Program, to assist 6 low and very low income households with a total of \$629,291 toward the purchase of their homes during the previous planning period.*

**H-2 Housing Conservation and Improvement**

**H-2.1 Maintain the code enforcement program as the primary tool for bringing substandard units into compliance with Town Codes, and for improving overall housing conditions in Apple Valley.**

*Action:* Enforce Town codes on property maintenance, building and zoning code compliance.  
*Anticipated Impact:* Rehabilitate 20 units per year (restore to habitable condition from non-habitable condition).  
*Responsible Agencies:* Community Development Department, Code Enforcement Division.  
*Financing:* Department budget  
*Schedule:* Ongoing (2000-2005)

**H-2.2 Maintain vigorous enforcement of the Town's nuisance ordinance, along with other applicable codes, to promote property maintenance.**

*Action:* Establish local rental rehabilitation program.  
*Anticipated Impact:* Local control of rental rehabilitation activities and more control over allocation of funds to meet local rental rehabilitation needs.  
*Responsible Agency:* Community Development Department/Economic Development Department



*Financing:* State HOME Funds  
*Schedule:* Establish by 2005

*Evaluation:* The Town continues to enforce property maintenance and life safety issues through its code enforcement division. The program focuses on neighborhood preservation, and the maintenance of quality of life.

**H-2.3 Actively market rehabilitation programs available through CDBG or HOME programs, which provide financial and technical assistance to lower income property owners to make housing repairs which could otherwise not be undertaken.**

*Action:* Provide grant monies to lower income households for needed housing maintenance and minor modifications (e.g. wheelchair access)

*Anticipated Impact:* Assist 100 units by 2005.

*Responsible Agency:* Economic Development Department

*Financing:* CDBG, HOME funds

*Schedule:* Ongoing (2000-2005)

**H-2.4 Develop and maintain a rehabilitation assistance brochure outlining help available to home and apartment owners, including kinds of permitted repairs and income qualification.**

*Action:* Alert property owners to the kinds of assistance available to upgrade their dwelling units.

*Anticipated Impact:* Send brochures to all residential property owners.

*Responsible Agency:* Community Development Department

*Financing:* Department budget

*Schedule:* Ongoing

**H-2.5 Initiate a local housing rehabilitation program using Community Development Block Grant (CDBG) funds and Community Redevelopment Agency (CRA) Housing Set-Aside Funds or HOME Investment Partnerships Program (HOME).**

*Action:* Provide rehabilitation assistance to lower income owner-occupied households, including additions to alleviate overcrowding.

*Anticipated Impact:* Assistance to 50 owner-occupied housing units.

*Responsible Agency:* Economic Development Department

*Financing:* HOME funds

*Schedule:* 2000-2005

*Action:* Continue to provide rehabilitation assistance for rental properties through the County of San Bernardino's Rental Rehabilitation Program until local rental rehabilitation program can be established.

*Anticipated Impact:* Rehabilitate 20 rental units.

*Responsible Agency:* County Housing Authority

*Financing:* CDBG

*Schedule:* Ongoing (2000-2005)

**H-2.6 Continue to pursue HOME funds for rehabilitation of single-family and multi-family housing.**

**Action:** Continue to inform private developers of the below market interest rate mortgage programs operated by the California Housing Finance Agency (CHFA) and direct interested developers to CHFA, as a means to facilitate the construction of new, affordable housing for moderate income households.

**Anticipated Impact:** Production of new, affordable housing for purchase by moderate income, first-time home buyers.

**Responsible Agency:** Community Development Department

**Financing:** CHFA Home Mortgage Purchase Program

**Schedule:** **Ongoing**

**Action:** Support the efforts of non-profit organizations, private developers, and the County of San Bernardino Housing Authority to obtain State and/or Federal funds for the construction of affordable housing for lower income households.

**Anticipated Impact:** Procurement of funding for the development of lower income housing.

**Responsible Agency:** Community Development Department/County of San Bernardino Housing Authority

**Financing:** HUD Section 202 and Public Housing Programs

**Schedule:** **Ongoing**

**Evaluation:** *The Town has established its own Residential Rehabilitation Loan Program, through the use of set-aside and HOME funds. During the previous planning period, \$509,095 was spent to assist 97 very low and low income households.*

**H-3 Housing Preservation and Enhancement**

**H-3.1 Ensure that multi-family development is compatible in design with single-family residential areas, and is consistent with the low-scale, rural character of Apple Valley.**

**Action:** Ensure that new housing will not require premature maintenance; provide quality development standards.

**Anticipated Impact:** Introduction of residential design guidelines; relating parking requirements to size of unit (not size of project); reduction of parking requirement for senior housing.

**Responsible Agencies:** Community Development Department

**Financing:** Department budget

**Schedule:** **2000-2005**

**Evaluation:** *Multi-family projects developed within the Town have been reviewed for consistency with their surroundings throughout the planning application process. The development of multi-family units has been successfully accomplished. The Town's review processes will continue to be implemented as projects are proposed.*

**H-3.2 Prohibit new residential development to front on major arterial highways without adequate setbacks and buffering.**

*Evaluation: The Town continues to review projects to assure that adequate buffers are provided when those projects are located on collectors or arterials. The Town utilizes design review and the CEQA process to assure quality of life for all residents of these projects.*

**H-3.3 Ensure high quality development standards in new mobile home developments, including compatibility with adjacent single-family neighborhoods.**

*Evaluation: There were no new mobile home parks developed during the previous planning period.*

**H-3.4 Require that housing constructed expressly for low and moderate income households not be concentrated in any single area of Apple Valley.**

*Evaluation: The Town has expressly, through the preparation of its Consolidated Plan for the Apple Valley/Victorville Consortium, addressed areas where there are currently identified low income population concentrations, to assure that future affordable housing projects are distributed through the community. The Town will continue to implement policies which assure that affordable housing is not located in one neighborhood or area.*

**H-3.5 Locate higher density residential development in close proximity to public transportation, community services, and recreational resources.**

*The Town continues to place Medium Density land use designations in areas where commercial, transit and school facilities are located, in order to assure that such development have access to transportation, jobs and services. Projects as they are proposed will continue to be considered on this basis.*

**H-3.6 Prohibit housing development in areas subject to significant geologic, flooding, noise and fire hazards, and in environmentally and archaeologically vulnerable areas.**

*Evaluation: The Town's General Plan, and its GIS system, include resources which map environmental hazards. These resources are always consulted when projects are proposed, to assure that housing is not placed in such a hazard area.*

**H-3.7 Accommodate new residential development which is coordinated with the provision of infrastructure and public services.**

*Evaluation: All projects are evaluated for their proximity to existing services. Development in the Town has occurred in a well planned manner, with little "leap frog" development, primarily due to the lack of infrastructure in outlying areas, and the cost of extending this infrastructure. The Town will continue to encourage development which connects to existing facilities and services.*

**H-3.8 Encourage to the greatest extent feasible the use of energy-conservation devices and passive design concepts that make use of the natural climate to increase energy efficiency and reduce housing costs.**

*Action:* Utilize the development review process to incorporate energy conservation techniques into the siting and design of proposed residences.

*Anticipated Impact:* Minimization of energy consumption in new housing.

*Responsible Agencies:* Community Development Department/Building and Safety Department

*Financing:* Department budget

*Schedule:* **Ongoing**

*Action:* Continue to require that all new residential development complies with the energy conservation requirements of Title 24 of the California Administrative Code.

*Anticipated Impact:* Minimization of energy consumption in new housing.

*Responsible Agency:* Building and Safety Department

*Financing:* Department budget

*Schedule:* **Ongoing**

*Action:* Continue to allow energy conservation measures as improvements eligible for assistance under the County's residential rehabilitation program.

*Anticipated Impact:* Reduction in energy consumption in existing residences.

*Responsible Agency:* Department of Environmental Services/County Office of Community Development

*Financing:* CDBG

*Schedule:* **Ongoing**

*Action:* Assist in distributing information to the public regarding free home energy audits and other programs available through local utility providers.

*Anticipated Impact:* Reduction in energy consumption in existing residences.

*Responsible Agencies:* Community Development Department/Building and Safety Department

*Financing:* Department Budgets

*Schedule:* **Ongoing**

**H-3.9 Regularly examine new residential construction methods and materials, and upgrade the Town's residential building standards as appropriate.**

*Action:* Periodically reexamine the Development Code (i.e., every 5 years) for possible amendments to reduce housing construction costs without sacrificing basic health and safety considerations.

*Anticipated Impact:* Utilization of codes that do not unnecessarily add to the cost of housing, while reflecting technological advances and changing public attitudes.

*Responsible Agencies:* Community Development Department

*Financing:* Department budget

*Schedule:* **2000-2004**

*Evaluation: The Town's Development Code includes provisions for passive and active solar design, which include allowances for the reduction of setbacks if solar systems are incorporated into residential units. Additional provisions are being considered, but will not affect the previous planning period.*

**H-3.10 Encourage neighborhood watch programs that promote safety and protection in residential neighborhoods.**

*Evaluation: The Town's Police Department has been actively establishing Neighborhood Watch programs, and has also been working with multi-family projects to establish crime free zones for these projects. These programs have been effective in improving neighborhood safety, and will be maintained.*

**H-3.11 Ensure that new residential development conforms to the voter-approved Measure "N."**

*Evaluation: The Town's Measure N was re-affirmed by the voters in 2006, and will continue to be implemented for all single family land use designations.*

**H-4 Housing Equal Opportunity**

**H-4.1 Affirm a proactive posture that will assure that unrestricted access is available to the community.**

*Action:* Continue to promote the removal of architectural barriers in order to provide barrier-free housing for handicapped or disabled persons.

*Anticipated Impact:* Continued removal of architectural barriers in residences occupied by handicapped or disabled persons.

*Responsible Agency:* Economic Development Department

*Financing:* CDBG, HOME funds

*Schedule:* **Ongoing**

*Action:* Enforce the handicapped accessibility requirements of Federal fair housing law that apply to all new multi-family residential projects containing four (4) or more units.

*Anticipated Impact:* Provision of new barrier-free housing for handicapped or disabled persons.

*Responsible Agency:* Department of Building and Safety

*Financing:* Department budget

*Schedule:* **Ongoing**

**H-4.2 Prohibit practices that restrict housing choice by arbitrarily directing prospective buyers and renters to certain neighborhoods or types of housing.**

**H-4.3 Provide fair housing information at Town Hall, to inform both landlords and tenants of their rights and responsibilities.**

**Action:** Continue to provide outreach material on state and federal fair housing laws and direct complaints of housing discrimination to appropriate enforcement agencies (i.e., State Department of Fair Employment, and Fair Housing Council, County of San Bernardino Housing Authority).

**Anticipated Impact:** Assurance that all Apple Valley residents are afforded equal opportunity when attempting to secure housing.

**Responsible Agency:** Community Development Department/San Bernardino County Housing Authority

**Financing:** Department budgets

**Schedule:** Ongoing

**Evaluation:** *The Town has been proactive, through the Apple Valley Consortium and its own efforts, in informing residents of fair housing practices, and their rights associated with housing. The Town refers residents to the appropriate agency through Town resources, included printed materials, web site information, and personal contact. These programs will be maintained.*

## H-5 Development Code Maintenance

### H-5.1 Continue to allow manufactured housing in all residential zones in the Town.

**Evaluation:** *The Town's Development Code continues to allow mobile homes and manufactured housing in single family residential zones. The Town has limited jurisdiction over mobile home parks, but enforces code compliance in the parks as it relates to life safety issues. There were 10 mobile homes installed as second units during the previous planning period, and 13 mobile homes installed as primary residences during the previous planning period. In 2008, the Department of Finance reports that there are a total of 1,043 mobile homes in Apple Valley.*

### H-5.2 Permit childcare facilities in single-family and multi-family residential zones, as well as in commercial and industrial areas where employment is concentrated. Remove any unnecessary restrictions related to development of childcare facilities in residential neighborhoods.

**Evaluation:** *The Development Code permits childcare facilities, both large and small, in multiple zones. The Town has also included childcare facilities as either an SUP or a CUP in its North Apple Valley Industrial Specific Plan, adopted in 2006, to encourage these facilities at what will be the Town's largest employment center.*

### H-5.3 Promote the inclusion of open space and parks within residential communities and seek to increase after school and other recreational programs at parks.

*Evaluation: The Town has required open space and parks in Specific Plans, and requires parks or the payment of in lieu fees for parks in subdivisions. The Town also took over parks and recreation functions previously controlled by a Parks and Recreation District in the past, and operates a number of after-school programs at the Civic Center complex. Finally, the Town constructed a public pool, as an additional Town-wide amenity.*

**H-5.4 Pursuant to State law, provide for a density bonus of 25 percent and at least one additional concession or incentive resulting in an identifiable cost reduction, for the inclusion of low and very low-income units.**

*Action:* Revise Development Code to encourage development of housing for seniors and other low income households by provision of 25% density bonus or other equivalent incentives. Offer additional bonus of 10% or other equivalent incentives for provision of large units (3 bedrooms and up).

*Anticipated Impact:* Provide 50 units of low income/seniors housing, including 10 for large households.

*Responsible Agencies:* Community Development Department

*Financing:* Department budget

*Schedule:* **Ongoing**

**H-5.5 Provide an added density bonus of 10 percent for inclusion of large units (3 bedrooms and up) affordable to low and very low income households.**

*Evaluation: The policies and action items relating to density bonus are no longer consistent with State law. The Town has amended its Development Code to maintain consistency with State law, and now offers density bonus provisions as stipulated in current State requirements. The Town will continue to update its Development Code to maintain this consistency, as the need arises.*

**H-5.6 Continue to cooperate with non-profit organizations to provide emergency shelter for the homeless in the Town.**

*Evaluation: The Town continues, through the Apple Valley/Victorville Consortium, to work with local agencies and organizations in providing shelter and transitional housing for the homeless. The Consortium efforts will continue to look at the use of CDBG and HOME funds for local homeless facilities, as funding needs are analyzed. The Town allows homeless shelters with approval of an SUP in the Service Commercial zone.*

**H-6 Home Ownership**

**H-6.1 Provide first-time homebuyer program as a tool to increase affordable homeownership opportunities for low and moderate income persons.**

*Evaluation: The development community has been encouraged to participate in a number of mortgage assistance programs. In addition, the Town has utilized set-aside funds, as part of its Down Payment Assistance Program, to assist 6 low and very low income households with a total of*

*\$629,291 toward the purchase of their homes during the previous planning period.*

**H-6.2 Participate as a member of the Pacific Housing Finance Authority in their Lease Purchase Homeownership Program.**

**H-6.3 Participate in California Cities Homeownership Authority's Lease Purchase Homeownership Program.**

*Evaluation: The Town continues to participate in the Pacific Housing Finance Authority's Homeownership Program. The California Cities Homeownership Authority Lease Purchase Program no longer exists.*

## **DEMOGRAPHIC INFORMATION**

This section of the Housing Element provides demographic background on the Town. The primary source of information is the US Census, which was last updated in 2000. Information was also collected from Town data sources, the Community Housing Affordability Survey (CHAS), the Department of Finance, and other sources. Where more recent data is available, it is also included.

## **REGIONAL SETTING**

The Town of Apple Valley is located in the Victor Valley, in San Bernardino County. The County of San Bernardino had a population of 895,016 in 1990. By the year 2000, the U.S. Census estimated that population in the County had grown to 1,709,434, an increase of 91% in ten years. The Department of Finance (DOF) estimates that the County had a population of 2,055,766 in 2008, an increase of 20% over the 2000 population.

### Historic and Current Town Population

Although the Town of Apple Valley has experienced consistent growth, it has not expanded as rapidly as the County in which it is located. The Town's population grew from 46,079 in 1990, to 54,239 in 2000, an increase of 17.7%. From 2000 to 2008, the Town's population increased 29.2%, to 70,092. When comparing Town and County growth rates, the Town's growth has in recent years exceeded the County's as a whole.

### Population by Age Group and Ethnicity

Apple Valley's median age was 35.4 years in 2000, which showed that the population had aged somewhat since 1990, when the median age was 30.8 years. The Town has experienced the aging of the population seen across the country, and median age is expected to continue to increase over time. Table III-1 illustrates the Town's population by age group.



**Table III-1  
Age Distribution, 2000**

<b>Age</b>	<b>Number</b>	<b>% of Total</b>
Under 19	18,606	34.3%
18-34	8,198	15.1%
35-44	8,196	15.1%
45-64	11,794	21.8%
65+	7,445	13.7%
<b>Total</b>	<b>54,239</b>	<b>100%</b>

Source: 2000 U.S. Census

Table III-2 describes the Town's ethnic distribution according to the 2000 Census.

Table III-2  
**Ethnic Characteristics, 2000**

	<b>Number</b>	<b>% of Total</b>
White	43,527	80.3%
Black	4,790	8.8%
Native American	1,234	2.3%
Asian & Pac. Islanders	1,846	3.4%
Other	5,374	9.9%
<b>Hispanic</b>	<b>10,067</b>	<b>18.6%</b>

Note: the ethnic population numbers may seem distorted because the U.S. Census does not consider Hispanic ancestry to be a race. For this reason, some Hispanics choose to list themselves under the classification for other races.  
Source: 2000 Census of Population and Housing

Household Size and Income

There were 18,592 households in Town in 2000, of which 14,358 were family households, and 4,199 were non-family households. This represents an average household size of 2.9 persons.

Median household income in 2000 was \$40,421, only slightly lower than the County median income for the same time period, which stood at \$42,066 for the same time period. The Town further estimates that in 2008, median household income had risen to \$54,323. Table III-3 lists the number of households in each income range in 2000.

**Table III-3**  
Household Income Distribution, 2000

<b>Income</b>	<b>No. of HH</b>	<b>% of Total</b>
Less than \$10,000	1,612	8.7%
10,000-14,999	1,397	7.5%
15,000-24,999	2,666	14.3%
25,000-34,999	2,477	13.3%
35,000-49,999	3,064	16.5%
50,00-74,999	3,562	19.2%
75,000-99,999	2,011	10.8%
100,000-\$149,000	1,293	7.0%
\$150,000-\$199,999	293	1.6%
\$200,000 +	217	1.2%
<b>Total</b>	<b>18,592</b>	<b>100%*</b>

Source: 2000 U.S. Census (Differences due to rounding.)

The Census identified 9,296 persons in Town were living below the poverty level in 2000. This population was represented in 1,918 families, 1,635 of which had children under 18 years of age. Of the 1,918 families, 1,031 were female-headed households.

**Employment and Major Employers**

The Town had a total of 21,748 persons over 16 years of age in the labor force, of which 1,932 (5.0%) were unemployed. The largest labor sector in which Town residents were employed was “education, health and social services,” which employed 25.5% of the labor force, as shown in Table III-4.

**Table III-4**  
**Employment by Industry, 2000**

<b>Industry</b>	<b>No. of Employees</b>	<b>% of Total</b>
Agriculture/Forest/Fish/Mining	251	1.3%
Construction	1,414	7.2%
Manufacturing	1,445	7.3%
Wholesale Trade	569	2.9%
Retail Trade	2,568	13.0%
Transportation, warehousing & utilities	1,817	9.2%
Information	292	1.5%
Finance, insurance & real estate	1,182	6.0%
Professional, scientific, management & administration	1,327	6.7%
Educational, health & social services	5,036	25.5%
Arts, entertainment, recreation, accommodation & food service	1,492	7.6%
Other services (except public administration)	1,204	6.1%
Public Administration	1,161	5.9%

Source: 2000 Census

The Town also tracks its largest employers, as depicted in Table III-5. It should be noted that there is no data on how many of these employees are Apple Valley residents.

**Table III-5**  
**Major Employers, 2008**

<b>Employer</b>	<b>No. of Emps.</b>
Apple Valley Unified School District	1,770
Saint Mary's Medical Center	1,350
Wal-Mart Distribution Center	1,100
Target Stores	402
Stater Brothers	292
Lowe's Home Improvement	286
Wal-Mart	276
WinCo Foods	201
Mervyn's	140
Apple Valley Christian Centers	140
Town of Apple Valley	117
Home Depot	115

Source: Town of Apple Valley

Housing Unit Types

The 2000 Census showed a total of 20,161 housing units in Town in 2000. By 2008, as demonstrated in Table III-6, the total number of housing units had risen to 24,925. Single family detached units continue to be the predominant housing type in Town.

**Table III-6**  
Housing Characteristics

<b>Units in Structure</b>	<b>2000*</b>	<b>2008**</b>
Single Family, detached	14,950	19,380
Single Family, attached	726	727
2-4 Units, Multi-family	2,074	2,089
5+ Units, Multi-family	1,377	1,686
Mobile homes	1,034	1,043
<b>Total</b>	<b>20,161</b>	<b>24,925</b>

\*Source: 2000 US Census

\*\*Department of Finance, January 2008 estimates

Age of Housing Stock

The Census identified 15,676 housing units in Town which were built prior to 1980. From 1981 through the year 2000, an additional 4,485 units were built, and from 2001 through 2008, the Department of Finance estimates that an additional 4,764 units were constructed. Therefore, 37% of the Town's housing stock is less than 30 years old, while 63% of the housing stock is over 30 years old.

Condition of Housing Stock

As stated above, the Town assisted 97 households in the previous planning period with the rehabilitation of their homes. The Code Compliance Division has ordered or undertaken the demolition of one home in the last five years. The 2000 Census identified 88 housing units in Town without plumbing facilities. The condition of the housing stock in Town is generally good, and the Town maintains an aggressive program of compliance, and rehabilitation assistance.

**Comment [NC1]:** Lori: Can you have Code Compliance fill in the two blanks in this paragraph?

Vacancy Status and Tenure

The Census also determined that there were 18,575 occupied housing units in Town in 2000, representing a vacancy rate of 9.2%. The Census further determined that 136 vacant units were for seasonal use, one unit was for migrant workers, and the balance of the units were for rent or for sale. In 2008, the Department of Finance estimated that the vacancy rate was 8.4%. Given the 23.6% increase in housing during the period from 2000 to 2008, it appears that the housing stock has been quickly absorbed in Town in the last eight years.

**Table III-7  
Vacancy Status – 2000**

<b>Unit Type</b>	<b>No. of Units Vacant</b>	<b>% of All Vacant Units</b>
For Rent	473	29.5%
For Sale	462	28.8%
Rented or Sold, not occupied Seasonal, Recreational or Occasional Use	110	6.8%
<i>For Migrant Workers</i>	1	0.0%
Other Vacant	424	26.4%
<b>Total</b>	<b>1,606</b>	<b>100%</b>

Source: 2000 Census

Of the occupied housing units, 12,996 units (70%) were owner-occupied, while 5,561 units were renter-occupied.

**Overcrowding**

An overcrowded housing unit is defined as one in which 1.01 persons resides. Table III-8 illustrates the 2000 Census estimates for persons per room. A total of 1,266 housing units in Town were overcrowded in 2000, representing 6.8% of the total occupied housing units in Town. Of the overcrowded units, 801 were renter-occupied, and 465 were owner-occupied.

**Table III-8  
Overcrowding, 2000**

<b>Persons/Room</b>	<b>No. of HH</b>
<b>Owner-Occupied Units</b>	
0.50 or less	8,949
0.51 to 1.00	3,664
1.01 to 1.50	284
1.51 to 2.00	122
2.01 or more	59
<b>Renter-Occupied Units</b>	
0.50 or less	2,223
0.51 to 1.00	2,473
1.01 to 1.50	538
1.51 to 2.00	141
2.01 or more	122

Source: 2000 Census

**Overpayment**

Overpayment is defined as more than 30% of all household income being dedicated to the cost of housing. The Comprehensive Housing Affordability Strategy (CHAS) estimates those households that are overpaying for housing. Table III-8a, below, lists the 2000 CHAS estimates.

Table III-8a  
Overpayment by Income Level 2000

Household Type	Low Income	Very Low Income	Extremely Low Income
<b>Total Renter Occupied</b>	<b>1,169</b>	<b>1,081</b>	<b>1,420</b>
Elderly renters	65	164	130
Small family renters	240	380	574
Large family renters	30	180	299
Other	24	74	214
<b>Total Owner Occupied</b>	<b>2,106</b>	<b>1,099</b>	<b>843</b>
Elderly owners	390	330	320
Small family owners	439	184	190
Large family owners	163	95	40
Other	50	85	125

Source: CHAS Data Book 2000.

#### Housing Values

The 2000 Census estimated values for owner-occupied single family homes in Town. These are listed in Table III-9.

Table III-9  
Values, Specified Owner-Occupied  
Housing Units, 2000

Value	Number
Less than \$50,000	153
\$50,000 to 99,999	4,714
\$100,000 to 149,999	3,727
\$150,000 to 199,999	2,068
\$200,000 to 299,999	1,016
\$300,000 to 499,999	171
\$500,000 to 999,999	27
\$1,000,000 or more	7

Source: 2000 Census

The median housing unit value in 2000 was \$12,700. For renters, the median contract rent at that time was \$573. Housing costs in Apple Valley in 2000 were therefore affordable. 2008 housing values and rental rates are discussed below in the section titled "Economic Constraints".

#### **SPECIAL HOUSING NEEDS**

This section of the Housing Element quantifies households with special needs such as farm workers, the homeless and the elderly living in Town. These households can have housing needs which may be more difficult to address, and which require special attention.

### Farm Workers

No single source of data exists to identify farm workers in California. In 2000, the Census identified that there were 251 persons employed in “farming, fishing, forestry and mining” in Town. However, the location of one mine within Town limits, and another immediately northeast of Town limits, makes it likely that the majority of these workers are in mining. Animal keeping and equestrian facilities occur in the Deep Creek area, at the southern end of Town, but no significant crop farming occurs within Town limits or in the immediate area.

### Homeless, Transitional and Single Room Occupancy Housing

The Community Action Partnership conducted a survey of homeless persons in 2003. That survey counted homeless persons on the streets, in shelters, and at other locations, to estimate the number of homeless persons in the County, by Supervisorial District. Apple Valley is located in District 1, which includes lands from Needles to Victorville, and from Yucca Valley to Barstow. The survey identified a total of 1,078 homeless persons in District 1 in 2003. It is not possible to determine what percentage of this total reside in Apple Valley.

Three shelters are available in the adjacent city of Victorville: two domestic violence shelters, High Desert Domestic Violence and Victor Valley Domestic Violence shelters, which offer safe housing (a total of 44 beds) and services to women and their children; and High Desert Homeless Services, which provides 55 beds, as well as support services. In addition, a number of organizations, including Catholic Charities, Church of the Valley, and the Salvation Army provide support services to the homeless in Apple Valley and the region.

The Town allows the development of shelters and transitional housing with approval of a Special Use Permit in commercial and industrial zones. There are currently more than 3,000 acres of vacant commercial land and more than 600 acres of vacant industrial land in Town, indicating that there is more than enough land available for homeless and transitional housing in Apple Valley. The Town’s Development Code does not define, or explicitly list, Single Room Occupancy facilities. Consistent with the provisions of Government Code 65583, a program has been included in this Element which requires the modification of the Development Code.

### The Elderly

The 2000 Census identified 7,445 persons 65 years of age or older in Apple Valley. The Census further identified that there were 5,160 households with one or more of the members of the household being 65 years of age or older. Of the Town’s owner-occupied units, 3,905 consisted of a householder of 65 years of age or older, while 647 renter-occupied units were occupied by a householder of over 65.

The 2000 Community Housing Affordability Strategy (CHAS), determined that 31.5% of persons over 65 were paying more than 30% of their income for housing.

### Disabled Persons

The 2000 Census identified 10,501 persons in Town with disabilities, of which 3,167 were persons over the age of 65.

The California Building Code requires that all new multi-family construction include a percentage of units accessible to persons with disabilities. The Town's Building Department requires compliance with these standards as part of the Building Permit review and inspection process, as does every other community in the country. The Town has no requirements which would constrain the development of housing for disabled persons – housing for disabled persons, whether in a group setting, apartment or condominium project, or a single family home, is not considered any differently than housing for any other member of the community. There are no requirements for concentration of residential care facilities; no site planning requirements that constrain housing for persons with disabilities; the Development Code defines family consistent with the federal definition, as one or more individuals in a household; and no parking requirements for any and all housing types that serve persons with disabilities. In order to accommodate reasonable accommodation, a program has also been added to this Element which requires that the Development Code be clarified to state that access ramps may be constructed within the front, side or rear yard setback of any residential structure, as part of the building permit plan check. No variance or Conditional Use Permit is currently required, nor will it be.

#### Large Families

In 2000, there were 2,887 households with 5 or more persons in Town, of which 1,799 lived in owner-occupied units, and 1,088 lived in renter-occupied housing units.

#### Single-Parent Families

There were 1,010 male-headed single parent families and 2,627 female-headed single parent families in Apple Valley in 2000. 632 of the households with male-headed families had children under 18, while 1,724 of the female-headed single parent households included children under 18.

#### Extremely Low Income Households

The 2000 Census estimated that 3,061 households in Town had household incomes of less than \$15,000. The Census further estimated that of those households with incomes of less than \$19,999, 740 households were paying more than 30% of their household income for rent, and 1,129 households were paying more than 30% of their household income for owner occupied units. It is estimated that there will be a need for 456 very low income units during this planning period (See Table III-15). Extremely low income households are expected to require rental housing in the planning period. The Town's Redevelopment Agency set aside funds have been allocated to include the construction of up to 300 units of housing affordable to extremely low, very low, and low income housing (please see Redevelopment Agency Funding section, below). It is expected that half of these units will be restricted to extremely low income households, providing up to 150 units for this income category. Additional units will be constructed through private development efforts and County Housing Authority plans.



## **EXISTING AFFORDABLE HOUSING PROGRAMS**

This section of the Housing Element addresses existing programs available in Apple Valley and the region relating to affordable housing. It is important to note that the Town has a multi-agency approach to affordable housing programs. In addition to the Town's Redevelopment Agency, the Town participates in the Apple Valley/Victorville Consortium, which prepared the Consolidated Plan 2007-2012 for the two cities. The Consortium has been successful in establishing an agreement which resulted in a direct allocation of HOME funds.

In addition, the Town participates in the Victor Valley Economic Development Agency, a joint powers authority which is responsible for the redevelopment of the former George Air Force Base, and land immediately surrounding the Base.

Finally, the Town's Redevelopment Agency operates programs and strategies for affordable housing in the Town.

### **Existing Programs**

#### Residential Rehabilitation Loan Program

The Town provides no interest deferred loans to improve unsafe living conditions or correct code violations in the owner-occupied homes of very low and low income households. The maximum amount available per household is \$20,000.

#### Down Payment Assistance Program

The Town will provide very low and low income households with up to \$65,000 toward the purchase of a home within Town limits. The down payment assistance is provided as a deferred loan for up to 30 years, applied to homes with a purchase price of no more than \$344,650.

#### Tenant Based Rental Assistance

The Consortium may allocate HOME funds toward rental assistance programs for very low and low income renters within the Town.

### **County and Federal Programs**

County, State and federal programs available to the Town are described below.

#### Section 8 Housing Assistance

San Bernardino County provides HUD Section 8 rental assistance to lower income renters within the Town. There is currently a 74 unit County Section 8 apartment project within Apple Valley. In addition, Section 8 certificates are provided to Apple Valley residents, and generally assist between 350 and 375 households at any given time.

Fair Housing Programs

The Town works with the County of San Bernardino to provide anti-discrimination, landlord-tenant mediation, fair housing training and technical assistance, enforcement of housing rights, administrative hearings, home buyer workshops, lead-based paint programs, and other housing related services for Town residents.

County Mortgage Revenue Bond Funds

San Bernardino County annually issues bonds to fund a mortgage assistance program for low and moderate income households. The program allows the County to provide low interest mortgages to eligible households.

CalHFA Housing Assistance Program

This program is available to low and moderate income first time homebuyers who secure a CalHFA 30 year fixed mortgage. The program allows a deferred loan of up to 3% of the purchase price or appraised value of the home, to be applied as a down payment.

California Homebuyer’s Downpayment Assistance Program

Moderate income households may receive a deferred loan of up to 3% of the purchase price or appraised value of a home, to be applied to either the down payment or the closing costs for the residence.

HomeChoice Program

This State program provides disabled moderate income households with a low-interest 30 year mortgage for a first time home.

Low Income Housing Tax Credit Program

This competitive program provides tax credits to those private sector developers who provide affordable rental units within their projects. The units can consist of all or part of a project, and must meet certain specified criteria. Units must be restricted for a period of at least 30 years.

**CONSTRAINTS TO THE DEVELOPMENT OF HOUSING**

**Governmental Constraints**

Application Fees

The Town of Apple Valley has a “fee for service” application fee schedule. A deposit is applied to most applications made to the Town. Staff time and expenses are billed against the deposit. In most cases, the deposit is not exceeded; and any unused deposit is returned to the applicant upon completion of the case. Table III-10, below, illustrates typical permit fees, and shows that the fees are not unusually high when compared to other communities in San Bernardino County.

**Table III-10  
Planning Division Fees**

Permit Type	Deposit (\$)
General Plan Amendment	11,708.00
Change of Zone	10,133.00
Conditional Use Permit, Minor	3,152.00
Conditional Use Permit, Major	6,305.00
Development Permit	1,687.00
Planned Development Permit	2,548.00
Pre-Application	1,208.00
Environmental Assessment (Initial Study)	579.00
Tentative Tract Map	7,317.00
Tentative Parcel Map	3,939.00

Source: Town of Apple Valley, Resolution 2008-30

**General Plan and Zoning Ordinance Constraints**

The Land Use Element includes a number of residential land use densities. As governed by Measure N, single family home lots are allowed at densities ranging from over 5 acres to 2 per acre. The Land Use Element also includes the Medium Density Residential land use designation, which allows 4 to 20 units per acre; and a new designation being created with the General Plan Update of 2008, Mixed Use, which allows densities of 4 to 30 units per acre. The Mixed Use designation also requires that both commercial and residential components be integrated into all proposed projects in the designation, thereby assuring that higher density residential development will occur within commercial projects. This land use designation has been applied primarily along major transportation and employment corridors, including Bear Valley Road, Highway 18, and Dale Evans Parkway.

The Development Code includes residential zones consistent with the General Plan, as required by law. Single family residential zones include sub-zones focused on equestrian communities and other specified needs of the community. The development standards allow lot sizes of 5 acres or more, ranging to up to 2 units per acre. The Multi-Family District, which corresponds to the Medium Density Residential land use designation, allows up to 20 units per acre. The Mixed Use District, still under development as part of the General Plan Update, will allow up to 30 units per acre, when integrated with a commercial project. The Town’s development standards are consistent with those of all surrounding jurisdictions, the County of San Bernardino, and all other communities in southern California. None of the Town’s standards can be characterized as excessive, or as consisting of a constraint on the development of affordable housing.

The Development Code has also been amended to include the State’s density bonus provisions, and the second unit standards.

Table III-11 illustrates the development standards in the Low Density, Estate, Single Family Residential and Multi-Family Residential districts.

**Table III-11  
Minimum Development Standards for Residential Zones**

<b>Standard</b>	<b>R-LD</b>	<b>R-E</b>	<b>R-SF</b>	<b>R-M</b>
Units per Acre	1 d.u./2.5 ac.	1	2	20
Lot Area	2.5 ac.	1 ac.	18,000 s.f.	18,000 s.f.
Lot Width	150 feet	125 feet	100 feet	100 feet
Lot Depth	300 feet	250 feet	150 feet	150 feet
Building Lot Coverage	25%	25%	40%	60%
Landscaped Area	N/A	N/A	N/A	15%
Building Height	35 feet	35 feet	35 feet	50 feet
Parking Required	2/unit	2/unit	2/unit	Studio: 1 covered & 1 open 1 & 2 Bdrm: 2/unit & 0.5 guest/unit 3+ Bdrm: 3/unit & 0.5 guest/unit
Open Space				Private: 150 sf. Common: 15% of project area

Source: Town of Apple Valley Development Code

The Multi-Family zone allows 20 units per acre with 60% building coverage in structures of 50 feet in height (4 stories). Assuming an average unit size of 1,200 square feet, and allowing for open space and surface parking requirements, a density of 20 units per acre can be achieved within 2 and 3 story buildings. Therefore, the Town’s development standards do not constrain the development of affordable housing.

**Permit Processing**

Permit processing in Town is consistent for all land use districts. Permitted uses of any kind in any zone require approval of a site plan, which is generally processed in a period of 60 to 120 days, as are tentative tract maps for single family homes. Single family homes on infill lots are not subject to any Planning Division review, and require only a building permit. The Development Plan review and approval process consists of a review of development standards for consistency at the staff level, and review and approval by the Planning Commission. The findings required to approve a project are consistent with all communities in California, and relate to General Plan and Zoning consistency, the physical ability of the site to accommodate the proposed project, and the California Environmental Quality Act, as follows:

- A. That the location, size, design, density and intensity of the proposed development is consistent with the General Plan, the purpose of this Code, the purpose of the zoning district in which the site is located, and the development policies and standards of the Town;
- B. That the location, size and design of the proposed structures and improvements are compatible with the site's natural landforms, surrounding sites, structures and streetscapes;

- C.* That the proposed development produces compatible transitions in the scale, bulk, coverage, density and character of development between adjacent land uses;
- D.* That the building, site and architectural design is accomplished in an energy efficient manner;
- E.* That the materials, textures and details of the proposed construction, to the extent feasible, are compatible with the adjacent and neighboring structures;
- F.* That the development proposal does not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings with respect to mass and scale to an extent unnecessary and inappropriate to the use;
- G.* That the amount, location, and design of open space and landscaping conforms to the requirements of this Code, enhances the visual appeal and is compatible with the design and function of the structure(s), site and surrounding area;
- H.* That quality in architectural design is maintained in order to enhance the visual environment of the Town and to protect the economic value of existing structures;
- I.* That excessive and unsightly grading of hillsides does not occur, and the character of natural landforms and existing vegetation are preserved where feasible and as required by this Code;
- J.* That historically significant structures and sites are protected as much as possible in a manner consistent with their historic values;
- K.* That there are public facilities, services and utilities available at the appropriate levels or that these shall be installed at the appropriate time to serve the project as they are needed;
- L.* That access to the site and circulation on- and off-site is safe and convenient for pedestrians, bicyclists, equestrians and motorists;
- M.* That the proposed development's generation of traffic will not adversely impact the capacity and physical character of surrounding streets;
- N.* That traffic improvements and or mitigation measures are provided in a manner adequate to maintain a Level of Service C or better on arterial roads and are consistent with the Circulation Element of the Town General Plan;
- O.* That environmentally unique and fragile areas such as the knolls, areas of dense Joshua trees, and the Mojave River area shall remain adequately protected;
- P.* That there will not be significant harmful effects upon environmental quality and natural resources;
- Q.* That there are no other relevant negative impacts of the proposed use that cannot be mitigated;
- R.* That the impacts which could result from the proposed development, and the proposed location, size, design and operating characteristics of the proposed development, and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety and welfare of the community or be materially injurious to properties or improvements in the vicinity nor be contrary to the adopted General Plan; and
- S.* That the proposed development will comply with each of the applicable provisions of this code, and applicable Town policies, except approved variances.

Single family homes do not require discretionary review, and are processed through the Building Department, unless part of a master planned community. Should a Conditional Use Permit be required for any reason, it is processed concurrently with the site plan review, and does not extend the permit processing timeline. The Town always provides expedited permit processing, and even when required to process a General Plan Amendment and Zone Change, can process applications in less than six months. The Town's permit processing, therefore, does not represent a constraint on development.

#### Infrastructure Requirements

As with most communities, adjacent roadways must be improved to their ultimate half width when development occurs. Generally, the Town requires half width improvements to include curb, gutter and sidewalk; in more rural areas, however, the Planning Commission has the ability to allow rolled curb and/or no sidewalk. Roadway standards for local or local streets require a paved width of 40 feet within a 60 foot right of way. The Town will also allow deviations to these standards, including the narrowing of streets within planned communities.

#### Water and Sewer Services

Water and sanitary sewer services are provided by the Apple Valley Ranchos Water Company and other independent water companies, and the Victor Valley Waste Water Reclamation Authority, respectively. Lands designated for Multi-Family or Mixed Use development in Town are located on major roadways, which are serviced by water and sewer mains currently. The water purveyors, and the sanitary sewer system, have current capacity, or expansion plans sufficient to accommodate growth in Town, including the Town's regional housing need allocation. The Town will, as required, provide the water purveyors and the Reclamation Authority with copies of the adopted Housing Element. These purveyors are also required by law to provide priority service for affordable housing projects.

#### Development Impact Fees

As new development occurs, it increases the need for Town services and facilities. In order to offset these increased needs, the Town has established Development Impact Fees, as shown in Table III-12.

**Table III-12  
Development Impact Fees**

<b>Fee Type</b>	<b>Single Family/Condo Fee (per unit)</b>	<b>Multi-Family Fee (per unit)</b>	<b>Manufactured or Mobile Home Fee (per unit)*</b>
Park	\$3,208	\$2,614	\$3,208
Transportation Impact	\$5,985	\$3,996	5,985
Law Enforcement Facilities	\$147.64	\$182.44	\$147.64
Animal Control Facilities	\$54.84	\$54.84	\$54.84
Storm Drainage Facilities	\$1,581.87	\$373.32	\$1,581.87
General Government Facilities	\$407.07	\$407.07	\$407.07
Aquatics Facilities	\$84.37	\$68.55	\$84.37
Public Meetings Facilities	\$261.54	\$213.03	\$261.54
Recycle Deposit	\$500.00	\$0.00	\$500.00
Sewer Impact	\$2,127.09	\$1,515.43	\$864.76
Fire Department Impact	\$740.00	\$924.00	\$1,431.00

\*Only if located on single family residential lots, not in mobile home parks.  
Source: Town of Apple Valley

**Building Code Requirements**

As with most communities in California, the Town has adopted the California Building Code (CBC), and updates the Code periodically as State-wide updates are developed. Currently (2008), the Town is enforcing the provisions of the 2007 CBC. The Town cannot adopt standards that are less stringent than the CBC. Since all communities in the State enforce similar provisions, the Town's CBC requirements are not an undue constraint on the development of affordable housing.

**Building Permit Fees**

The Building Department charges on a per square foot basis for building permit plan checks and inspections. Fees are based on the CBC components, and include electrical, plumbing, structural and architectural fees.

In addition to the Town's fees, residential developers are responsible for the payment of the State mandated school fees, as well as connection and/or metering fees for public utilities. The current (2008) school fees in Apple Valley are \$4.02 per square foot.

**Economic Constraints**

Economic constraints are those associated with the cost of land and construction, and the ability to finance any housing, ranging from single family homes to larger apartment or condominium projects.

#### Land and Housing Costs

The cost of land has the potential to impact the overall cost of housing. Land for single family homes in Apple Valley, ranging from half-acre to whole tracts, is available in the \$20,000 to \$75,000 per acre range.

The median listing price for a single family home in Apple Valley is currently (August 2008) approximately \$220,000, a significant decrease from the same period in 2007, when the median listing price stood at \$338,000. The current economic downturn makes single family homes affordable to the moderate income household in Apple Valley.

Apartment projects in Apple Valley are generally smaller, and may be characterized as duplexes, or projects of 10 units or less, privately owned. Such projects for sale in 2008 range in price from \$80,000 to \$125,000 per unit.

The rental rates for typical apartment units in Apple Valley range from \$700 per month for a two bedroom, one bath unit to \$1,250 for a three bedroom, 2 bath unit.

#### Construction Costs

Construction costs have been similarly affected by current economic conditions. Single family construction costs range from \$95 to over \$200 per square foot (excluding site improvements), varying based on the size of the home and the materials selected. Multi-family construction costs generally range from \$90 to \$150 per square foot.

#### Financing Costs

The cost of financing can also impact the development community's ability to fund projects. The current mortgage crisis has made single family loans extremely difficult to secure. Although this condition is not expected to continue through the entire planning period, the duration of the current economic downturn could impact the ability of developers to fund and construct affordable housing in Town.

#### **Physical Constraints**

##### Age of Housing Stock

The 2000 Census determined that 63% of the Town's housing stock was built before 1980, meaning that 15,676 units are 28 years old or older. The cost of maintaining older residential units can escalate, however, the mild climate and moderate conditions in Apple Valley help to preserve housing in better condition. The Town also maintains a Residential Rehabilitation Loan Program to assist very low and low income households in making repairs to their properties.



## Environmental Constraints

Apple Valley's primary environmental constraint is associated with storm water management. Although a Master Plan of Drainage was prepared for Apple Valley, its implementation has been limited, and sheet flow flooding during major storms remains an issue of concern. In addition, the Dry Lake area, located in the east-central area of Town, has limited development potential due to flooding. Sites identified for Multi-Family or Mixed Use on the Land Use Map are located outside flood channels, and will not be significantly impacted by flooding requirements, other than those imposed on all developments by the National Pollution Discharge Elimination System (NPDES) As with all of California, the Town's water suppliers face continued challenges in providing water in the long term. The Town, as required by law, will provide this Housing Element to all its water providers upon its adoption. As described below under Land Inventory, however, sufficient lands are available to meet the Town's RHNA allocation during the current planning period.

## Energy Conservation

In addition to the requirements of Title 24 of the Building Code, the Town requires the installation of water conserving landscaping for all new projects. Although the cost of installation of energy efficient, "green" or similar products in a home or apartment may increase the initial cost, the affordable housing providers and residents who participated in the Town's workshops, clearly indicated that the cost differential was becoming smaller as technologies improved; and that the long term benefit to the home owners or renters was worth the added initial expense. The Town will continue to work with the development community in implementing energy efficient and 'green' technologies in new projects in the future.

## HOUSING NEEDS

### Affordable Units at Risk

There are no units at risk of losing their affordability restrictions in Apple Valley in the next ten years.

### San Bernardino County Income Limits

Income limits for affordability are established annually on a regional basis by the Department of Housing and Community Development. Table III-13 provides the current (2008) income limits applicable to the Town of Apple Valley. The median household income for a family of four in 2008 is \$62,000.

**Table III-13**  
**Income Limits for San Bernardino County 2008**

# of Persons	Moderate	Low	Very Low	Extremely Low
1	\$52,100	\$37,300	\$23,300	\$14,000
2	\$59,500	\$42,650	\$26,650	\$16,000
3	\$67,000	\$47,950	\$29,950	\$18,000

**SM1-73**

4	\$74,400	\$53,300	\$33,300	\$20,000
5	\$80,400	\$57,550	\$35,950	\$21,600
6	\$86,300	\$61,850	\$38,650	\$23,200
7	\$92,300	\$66,100	\$41,300	\$24,800
8	\$98,200	\$70,350	\$43,950	\$26,400

Households Overpaying for Housing

When a household pays more than 30% of its income toward its housing expenses, it is considered to be over-paying. The 2000 Census identified 2,539 renter households paying 30% or more for housing, and 3,537 owner households overpaying for housing.

**Affordability of Housing**

In order to determine the level of affordability for market housing in Apple Valley, a comparison of for-sale and for-rent market housing was undertaken. Table III-14 illustrates that the low income household of 4 is able to find rental housing well within its ability to pay, but falls \$23 per month short in being able to afford to purchase a median priced home. The Table demonstrates that although rental units are still affordable to low income households, the low income household may not be able to purchase a home in Apple Valley.

**Table III-14  
Affordability of Housing 2008**

Type of Housing Cost	Ownership	Rental
Median Single Family Purchase Price	\$220,000	N/A
Median Mortgage Costs (PITI)	\$1,355	N/A
Rental Rate	N/A	\$1,000
30% of Low Income Household Income	\$1,332	\$1,332
Affordability Gap	-\$23	\$332

If the analysis in Table III-14 is completed for a moderate income 4-person household, that household can afford monthly housing costs of \$1,860. The current market rate housing in Apple Valley would be affordable to that household, with an overage of \$505 for an ownership unit, and \$860 for a rental unit. This analysis concludes, therefore, that moderate income households can generally be housed in market housing in Apple Valley, and do not require subsidy.

Mobile Home Parks

There are 12 mobile home parks in Apple Valley, located throughout the community, providing more than 1,025 mobile home spaces. These projects provide an affordable housing option, as mobile homes currently (2008) sell in the range from \$50,000 to \$150,000 per unit.

Second Units

The Town in 2004 adopted the State’s model ordinance for second unit development, in order to facilitate the development of such units on single family lots. The ordinance allows second units, consistent with state law, on single family lots, as long as the development standards in the zone are met. Second units can provide an affordable option for rental units within the community.

**Regional Housing Needs Allocation**

The State and Southern California Association of Governments develop housing allocations for each Housing Element planning period. For the 2006-2014 planning period, Apple Valley’s share of the Regional Housing Needs Allocation (RHNA) is:

**Table III-15  
RHNA by Income Category, 2006-2014**

	<b>Units</b>
Extremely Low	456
Very Low Income	456
Low Income	627
Moderate Income	736
Above Moderate Income	1,661
<b>Total Units Needed</b>	<b>3,887</b>

**Quantified Objectives**

**Table III-16  
Quantified Objectives Matrix, 2006-2014**

<b>Income Category</b>	<b>Very Low</b>	<b>Low</b>	<b>Moderate</b>	<b>High</b>	<b>Total</b>
New Construction	912	627	736	1,661	3,887
Rehabilitation	80	80	0	0	160
Conservation	20	20	20	0	60

**LAND INVENTORY**

The Town’s Regional Housing Needs Assessment for 2006-2014 estimates that a total of 3,887 housing units will be built in Apple Valley. Of these, 1,611 are expected to be constructed for those of above moderate income. These units are expected to be market-driven, and constructed as single family homes typical of those already occurring in Apple Valley. As shown in the analysis under ‘Affordability of Housing,’ above, the moderate income households in Apple Valley are also able to afford the currently marketed housing available in the community. Therefore, the Town will need to assure that sufficient land is available for all very low and low income housing units needed during the planning period, or a total of 1,539 units.

The rising cost of land and housing makes it likely that these units will be of higher density, although they may be either for-sale or for-rent units. Table III-17 and III-18 list the available vacant lands in the Town by Assessor’s Parcel Number, provides the size of each parcel, and the potential number of units that could be developed on that parcel. For the Multi-Family District,

a density of 15 units per acre has been assumed, to allow for infrastructure and open space. The estimate is based on constructed and approved projects in this designation, including: the Cornerstone Communities project, approved for 225 units on 15 acres; the Apple Wood Apartment project, approved for 140 units on 11 acres; and the Rock Springs Senior Apartment project, approved and constructed 123 units on 9 acres; smaller projects, consisting of 8 to 12 units, have been approved and implemented on lots ranging from ½ to 1 acre.

The Town and Housing Partners I, a Community Housing Development Organization, are also partnering to build 80 low and moderate income units on 5 acres (a density of 16 units per acre), on the south side of Sequoia, west of Kiowa Road, on land designated Medium Density Residential. The Town has committed HOME funds for the project. The project will include 8 extremely low, 52 very low income units, 19 low income units, and one manager’s unit. The project pro forma demonstrates a cost of \$176,250 per unit.

As previously stated, land cost in Apple Valley ranges from \$20,000 to \$75,000 per acre. At a density of 15 units per acre, this equates to \$1,333 to \$5,000 per unit. The affordable housing community in Apple Valley estimates that construction costs for affordable housing units are approximately \$125,000 to \$176,250. When added to land cost, this represents a total cost per unit of \$126,333 to \$181,250 per unit. Projects in this cost range can be funded, when including HOME funds, tax credit funds or other programs, and built in the range of 14 to 16 units per acre. Most importantly, the affordable housing community has indicated that projects above this range are not marketable, insofar as more dense projects cannot be built and include the amenities and common areas which make a project a liveable community for the families who are looking for rental units. Palm Desert Development Company, which attended the Town’s affordable housing workshops for the General Plan, clearly stated that they will not plan projects at densities over 16 units per acre, since the higher densities do not allow them to create communities which they can lease, because they cannot provide the services and amenities which create a healthy living environment. These same developers have stated that a density of 15 units per acre is financially feasible in the Apple Valley market. The Development Code allows up to 20 units per acre.

The Mixed Use District assumes a density of 22 units per acre on 25% of the parcel, to account for infrastructure and open space, and also for the commercial component of the Mixed Use project. This District is new to the General Plan, and has not been implemented. However, the development standards and policies in the Land Use Element require that residential development be included in all Mixed Use projects, and the maximum density allowed is 30 units per acre. As a result, the density calculated below, at 22 units per acre, is conservative.

<b>Table III-17 Vacant Land Inventory, Multi-Family District</b>		
<b>APN</b>	<b>Size (Acres)</b>	<b>Potential Units</b>
43406302	32.0	481
43406406	1.5	22

<b>Table III-17 Vacant Land Inventory, Multi-Family District</b>		
<b>APN</b>	<b>Size (Acres)</b>	<b>Potential Units</b>
43406407	1.2	18
43406408	1.9	28
43406409	4.3	64
43406414	18.7	281
43406415	18.7	281
43406476	19.9	298
43939205	10.0	150
43939225	10.0	150
43939233	5.0	75
43939234	2.5	37
43939235	2.5	37
44101106	10.1	152
44101107	4.5	68
44101108	0.5	8
44101109	1.0	15
44101110	1.6	24
44101111	2.0	30
44101124	4.8	71
44101125	4.7	71
44101126	4.8	72
44101130	8.1	122
44101132	8.1	121
44101139	1.3	20
44101141	0.9	14
44101142	1.1	17
44101143	1.1	17
44113301	4.6	69
44114154	5.5	82
47229226	5.9	88
47229227	3.5	53
47229228	3.5	53
47229229	3.5	53
47229230	5.1	76
47229238	5.9	88
47229239	5.7	85
47229240	5.4	81
47229241	81.9	1228
47229242	8.6	129
47229243	8.5	128
47229244	2.8	42

**SM1-77**

<b>Table III-17 Vacant Land Inventory, Multi-Family District</b>		
<b>APN</b>	<b>Size (Acres)</b>	<b>Potential Units</b>
47229245	2.8	42
47229246	6.5	97
47229247	9.2	139
47229248	4.8	72
47229249	7.6	114
47229250	2.6	40
47229251	2.2	33
47229252	14.3	214
47229254	7.1	107
47229255	7.0	105
47229256	6.3	94
47229257	1.0	15
47229258	2.5	37
47229266	2.5	37
47229267	2.1	31
47230204	2.3	34
47230205	2.6	39
47230206	5.2	78
47230207	5.2	78
47230208	5.2	78
47230209	5.2	78
47230210	5.2	78
47230212	2.6	39
47230213	2.6	39
47230214	2.2	33
47230215	2.5	38
47230216	2.5	38
47230217	2.5	38
47230218	2.5	38
47230219	2.5	38
47230220	2.5	38
47230221	9.5	142
47230222	2.5	38
47230223	2.2	32
47230224	2.2	32
47230225	2.5	38
47230228	5.2	78
47230229	5.2	78
47230230	5.2	78
47230236	5.2	78

**SM1-78**

<b>Table III-17 Vacant Land Inventory, Multi-Family District</b>		
<b>APN</b>	<b>Size (Acres)</b>	<b>Potential Units</b>
47230237	5.2	77
47230238	5.2	77
47230239	5.1	77
47230240	13.2	198
47230241	13.3	199
47230242	9.6	144
47230243	10.2	154
47230244	10.2	152
47230245	9.8	148
47230246	10.2	153
47230247	3.3	50
47230248	6.9	103
47230249	10.2	153
47230250	10.2	153
47230251	2.2	33
47230254	2.6	38
47230255	2.6	38
47230256	2.6	39
47230257	2.6	39
47230258	13.2	198
47231204	4.8	71
47231206	5.5	83
47231207	1.9	29
47231211	13.3	200
47231212	3.4	52
47231213	2.5	38
47231217	2.3	35
47231218	2.9	44
47231251	3.7	56
47231253	5.6	84
47234211	37.0	555
47234214	34.9	523
308737205	4.7	70
308740102	1.0	15
308740103	1.0	15
308740104	1.1	17
308740105	9.7	145
308748105	10.1	151
308748106	4.1	61
308748107	4.0	59

**SM1-79**

**Table III-17  
Vacant Land Inventory,  
Multi-Family District**

<b>APN</b>	<b>Size (Acres)</b>	<b>Potential Units</b>
308748108	8.8	132
308748109	3.1	47
308748110	2.5	37
308748111	6.4	97
308748112	32.0	481
<b>Total Units</b>		<b>12,891</b>



<b>Table III-18 Vacant Land Inventory, Mixed Use District</b>		
<b>APN</b>	<b>Size (Acres)</b>	<b>Potential Units</b>
43403201	0.6	3
43403202	1.3	7
43403203	1.0	5
43403204	1.0	6
43403205	1.0	6
43403206	1.8	10
43403207	1.8	10
43403208	4.8	26
43403209	2.2	12
43403210	3.1	17
43403211	18.9	104
43403212	17.0	94
43404201	1.3	7
43404202	1.0	6
43404203	1.0	5
43404204	1.0	6
43404205	11.8	65
43404206	1.7	9
43404207	0.5	3
43404208	0.4	2
43404209	3.6	20
43404216	1.1	6
43404217	1.1	6
43404218	1.2	7
43404219	1.2	7
43404220	4.9	27
43404221	5.0	27
43404222	5.0	27
43404223	1.4	7
43404224	1.0	5
43404225	2.5	14
43404226	1.3	7
43404227	1.3	7
43404228	1.0	5
43404229	1.5	8
43404230	7.5	41
43404231	2.5	14
43405189	3.0	17
43405191	30.7	169

**SM1-81**

<b>Table III-18 Vacant Land Inventory, Mixed Use District</b>		
<b>APN</b>	<b>Size (Acres)</b>	<b>Potential Units</b>
43494111	0.5	3
43494112	0.4	2
43494113	0.4	2
43494114	0.4	2
43494115	0.6	4
43494116	0.6	3
43494117	0.4	2
43494118	0.4	2
43494119	0.4	2
43494120	0.5	3
43494121	0.5	3
43494122	0.4	2
43494123	0.4	2
43494124	0.4	2
43494125	0.6	3
43494126	0.6	3
43494127	0.4	2
43494128	0.4	2
43494129	0.4	2
43494130	0.5	3
43495101	0.5	3
43495102	0.5	3
43495103	0.5	3
43495104	0.4	2
43495105	0.4	2
43495106	0.4	2
43495107	0.6	3
43495108	0.6	3
43495109	0.5	3
43495110	0.5	2
43495111	0.5	2
43495112	0.5	3
43495113	0.6	3
43495114	0.5	3
43495115	0.5	3
43495116	0.5	3
43495117	0.4	2
43495118	0.5	3
43495119	0.6	3
43495120	0.5	3

<b>Table III-18 Vacant Land Inventory, Mixed Use District</b>		
<b>APN</b>	<b>Size (Acres)</b>	<b>Potential Units</b>
43495121	0.5	3
43495122	0.5	3
43495123	0.5	3
43495124	2.5	14
43902205	15.7	87
43902219	10.0	55
43902221	3.5	19
43902224	5.0	27
43902225	5.0	27
43907301	38.1	209
43907302	8.0	44
47227339	3.7	21
47227340	1.1	6
47227341	57.2	314
47227342	13.1	72
47227355	19.8	109
308720113	3.8	21
308720114	4.8	26
308720115	4.8	26
308720116	4.8	26
311218103	99.5	547
311246201	5.0	28
<b>Total Units</b>		<b>2,620</b>

As shown in the two Tables, the Town has vacant lands available to accommodate over 15,511 units in its Multi-Family and Mixed Use Districts. The lands available are generally served by trunk lines, and occur on Town streets which are paved. There is therefore more than enough land available to meet the Town’s RHNA for the planning period. A map of vacant lands is also provided below, as Exhibit III-1.

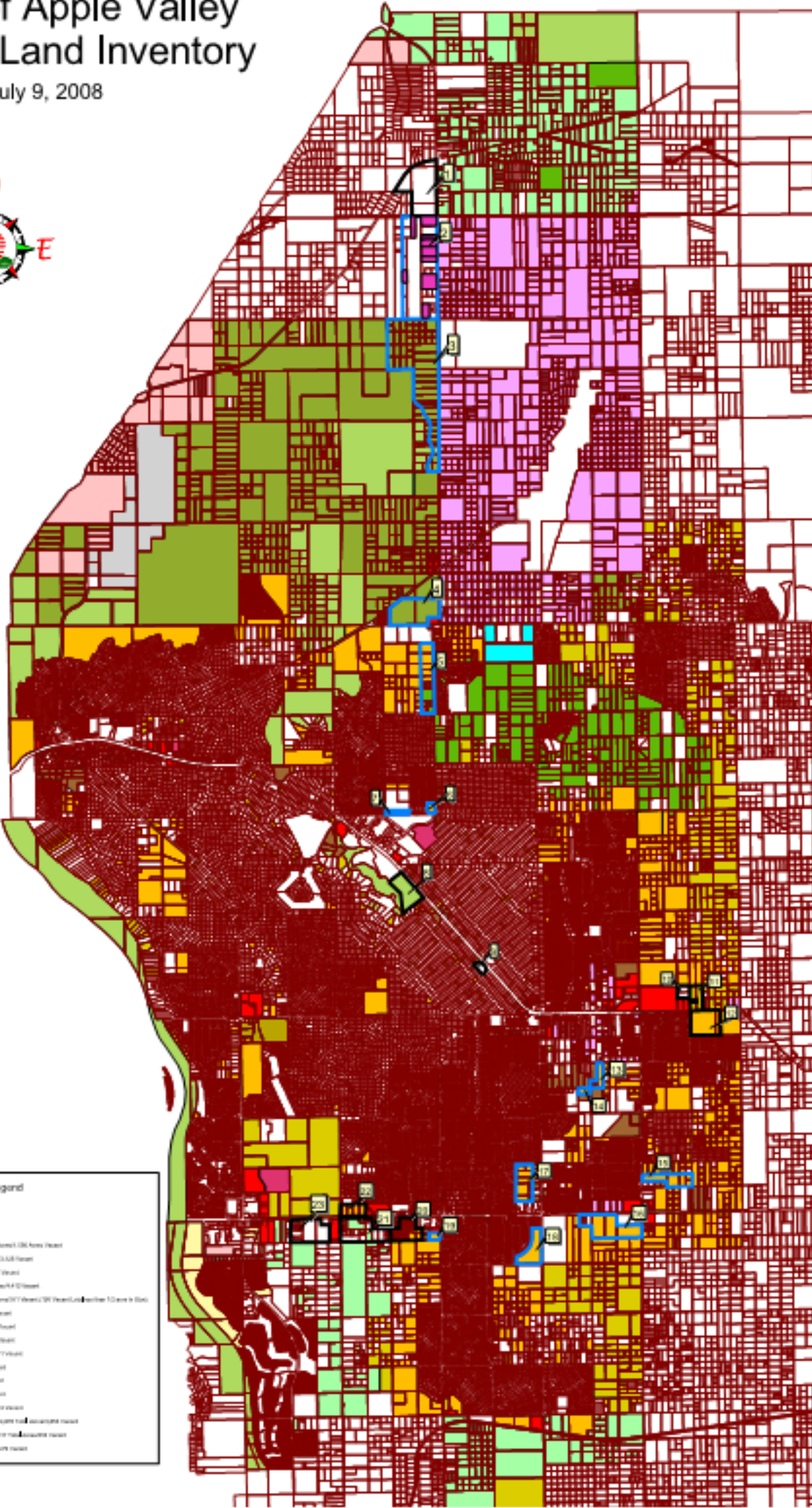
As described in the Land Use Element, there are 236.7 acres of vacant land designated Mixed Use within the Town boundary. These lands have the potential to generate 7,101 units of housing. Although not all these units are expected to develop as affordable housing units, there is more than enough land available to provide the 1,539 affordable housing units needed to meet the Town’s very low and low income housing need in the planning period. Development standards in the Mixed Use zone will be consistent with the Multi-Family zone, and will allow construction of structures of 4 stories in height. With the requirement for limited common area open space, and the ability to provide parking either in surface parking lots or in parking structures, the Development Code standards facilitate the construction of projects at a density of 30 units per acre.

## **REDEVELOPMENT AGENCY FUNDING**

The Town's Five Year Implementation Plan, for the period from 2006 through 2011, shows that the Town is expecting to receive approximately \$1,020,000 per year in housing set-aside funds. For the planning period as a whole, therefore, the Town will receive approximately \$8,160,000 in housing set aside funds. The Implementation Plan has allocated \$4,500,000 from 2006 through 2011 for financing and development of a minimum of 200 very low and low income housing units. In addition, the Plan allocates \$1,000,000 toward the Residential Rehabilitation Loan Program, to assist 30 to 50 homeowners; and \$3,225,000 to the Down Payment Assistance Program, to assist 75 to 100 very low and low income households in purchasing housing during the period from 2006 to 2011. These allocations have the potential to generate new housing for 275 to 300 very low and low income households, and rehabilitate 30 to 50 existing homes.

# Town of Apple Valley Vacant Land Inventory

July 9, 2008



Legend	
[Pink]	Unimproved land or vacant lots
[Black]	Highway Right-of-Way
[Blue]	Water
[Light Green]	Open Space/Conservation
[Light Green]	Low Density Residential
[Light Green]	Medium Density Residential
[Light Green]	High Density Residential
[Light Green]	Office Professional
[Light Green]	Community Commercial
[Light Green]	General Commercial
[Light Green]	Industrial
[Light Green]	Public Use
[Light Green]	Government
[Light Green]	Other

## **PUBLIC PARTICIPATION**

The Town held over 30 workshops and meetings during its General Plan update process. Three of these meetings focused on housing issues, while another 5 to 10 were held for residents in particular neighborhoods, with a focus on land use designations to accommodate multi-family housing. The workshops were advertised in the local newspaper, on the Town's website, and flyers and invitations were distributed to a number of individuals and organizations. The mailing lists are appended to this Element as Appendix A. The residents at these workshops indicated that a broader range of housing types should be provided in Town; that multifamily housing should be provided throughout the community and not concentrated in one area; and that the provisions of Measure N should be adhered to for single family development. In addition, the General Plan Advisory Committee reviewed all areas of Town for availability of Medium Density and Mixed Use land uses, and assigned the land use designations to a number of properties, as part of their public meetings. Finally, public hearings were held before the Planning Commission and City Council for the adoption of the Element, in \_\_\_\_\_, 2009.

**GOALS, POLICIES AND PROGRAMS**

Goal 1

**Housing of all types to meet the needs of current and future residents in all income levels.**

Policy 1.A

**Ensure that new residential development conforms to the voter-approved Measure “N.”**

Policy 1.B

**Maintain a wide range of residential land use designations, ranging from very low density (1.0 dwelling unit per 5 acres) to medium density (4 to 20 dwelling units per acre) and mixed use (4 to 30 units per acre), on the Land Use Map.**

Program 1.B.1

**Require that housing constructed expressly for low and moderate income households not be concentrated in any single area of Apple Valley.**

**Responsible Agency:** Community Development Department

**Schedule:** Ongoing

**Program 1.B.2**

Locate higher density residential development in close proximity to public transportation, community services, and recreational resources.

**Responsible Agency:** Community Development Department

**Schedule:** Ongoing

**Program 1.B.3**

Periodically review the Development Code for possible amendments to reduce housing construction costs without sacrificing basic health and safety considerations.

**Responsible Agency:** Community Development Department

**Schedule:** 2009, Every 5 years thereafter

**Policy 1.C**

Encourage housing for special needs households, including the elderly, single parent households, large households, the disabled and the homeless.

**Program 1.C.1**

Offer incentives such as density bonus and reductions in parking requirements for senior housing.

**Responsible Agency:** Community Development Department

**Schedule:** Ongoing

**Program 1.C.2**

Process requests for the establishment of State licensed residential care facilities, in accordance with Section 1566.3 of the Health and Safety Code, as a means of providing long-term transitional housing for very low income persons.

**Responsible Agency:** Community Development Department

**Schedule:** Ongoing

Program 1.C.3

**Pursuant to State law, require apartment complexes with 20 or more units to provide a minimum of one handicapped-accessible unit, with two units required of developments over 100 units.**

**Responsible Agency:** Community Development Department

**Schedule:** Ongoing

Program 1.C.4

**The Development Code shall be clarified to state that handicapped ramps are permitted in the front, side or rear yard setback of any residential structure. A reasonable accommodation procedure shall be established to provide exception in zoning and land use for persons with disabilities.**

**Responsible Agency:** Community Development Department

**Schedule:** 2010-2011

Program 1.C.4

**Pursuant to State law, require apartment complexes with 16 or more units to provide an on-site property manager.**

**Responsible Agency:** Community Development Department

**Schedule:** Ongoing

Program 1.C.5

**Encourage the development of second units, consistent with the requirements of State law and the Development Code, as a means of providing affordable housing opportunities in the single family residential districts.**

**Responsible Agency:** Community Development Department

**Schedule:** Ongoing

**Program 1.C.6**

Expedite processing for elderly, low and moderate income housing applications; waive fees for shelters and transitional housing.

**Responsible Agency:** Community Development Department

**Schedule:** Ongoing

**Program 1.C.7**

**Maintain the Down Payment Assistance Program as a tool to increase affordable homeownership opportunities for low and moderate income persons.**

**Responsible Agency:** Redevelopment Agency

**Schedule:** Ongoing



**Program 1.C.8**

Participate in regional, state and federal programs which assist very low, low and moderate income households in buying their own home, and provide information at Town Hall on these programs.

**Responsible Agency:** Redevelopment Agency

**Schedule:** Ongoing

Policy 1.D

**Continue to encourage mobile homes as an affordable housing option for all segments of the community.**

**Program 1.D.1**

Allow the placement of mobile and manufactured homes in all single family districts.

**Responsible Agency:** Community Development Department

**Schedule:** Ongoing

Program 1.D.2

**Ensure high quality development standards through the implementation of the new Mobile Home Park zone, consistent with the Development Code in mobile home developments.**

**Responsible Agency:** Community Development Department

**Schedule:** Ongoing

Policy 1.E

**Affordable housing should be distributed throughout the community, and should blend with existing neighborhoods**

Program 1.E.1

**Support and encourage local developers to participate in County-sponsored mortgage revenue bond and scattered site housing programs by including the programs in literature provided by the Redevelopment Agency on local and regional housing programs, with a particular focus encouraging the development of housing for extremely low and very low income households. The Redevelopment Agency will utilize all available funding sources to meet its extremely low income housing allocation. The Redevelopment Agency will consider reducing, waiving or subsidizing development and impact fees for developments targeted toward affordable housing; assisting developers in site identification; or using HOME funds to assist in development of housing for lower income housing, including extremely low income households.**

**Responsible Agency:** Redevelopment Agency, Community Development Department, San Bernardino Housing Authority

**Schedule:** Annually, Ongoing

Program 1.E.2

Support the efforts of non-profit organizations, private developers, and the County of San Bernardino Housing Authority to obtain State and/or Federal funds for the construction of affordable housing for extremely low, very low and low income households by writing letters of support, and expediting permit processing for projects requiring pre-approval of development projects.

**Responsible Agency:** Redevelopment Agency, San Bernardino Housing Authority  
**Schedule:** Annually, **Ongoing**

Program 1.E.3

New multiple housing projects shall incorporate designs which are compatible with surrounding single family residential neighborhoods, and are consistent with the low-scale, rural character of Apple Valley.

**Responsible Agency:** Community Development Department  
**Schedule:** **Ongoing**

Policy 1.F

**Permit childcare facilities in single-family and multi-family residential zones, as well as in commercial and industrial areas where employment is concentrated.**

Policy 1.G

**New residential development must assure the provision of infrastructure and public services.**

Policy 1.H

**Encourage energy-conservation and passive design concepts that make use of the natural climate to increase energy efficiency and reduce housing costs.**

Program 1.H.1

Utilize the development review process to encourage energy conservation in excess of the CBC's Title 24 requirements, which incorporate energy conservation techniques into the siting and design of proposed residences.

**Responsible Agencies:** Community Development Department, Building and Safety Department  
**Schedule:** **Ongoing**

Program 1.H.2

Continue to allow energy conservation measures as improvements eligible for assistance under the Residential Rehabilitation Loan Program.

**Responsible Agency:** Redevelopment Agency  
**Schedule:** **Ongoing**

Program 1.H.3

Provide brochures and contact information to local utilities for energy audits and energy efficient appliance programs, as they are available.

**Responsible Agency:** Building and Safety Department  
**Schedule:** **Ongoing**

Program 1.H.4

The Redevelopment Agency shall maintain a brochure which describes the improvements eligible for the Residential Rehabilitation Loan Program, including energy conservation measures, and shall distribute the brochure at Town Hall, the Community Center, the Senior Center, the Library, churches and other sites where they can be available to the community at large.

**Responsible Agency:** Building and Safety Department  
**Schedule:** 2009-2010, Ongoing

Policy 1.I  
**Provide housing for the homeless in the community.**

Program 1.I.1

Consistent with the requirements of Government Code 65583, the Town Development Code will be amended as follows:

- a. Single Room Occupancy shall be defined in Chapter 9.08.
- b. Single Room Occupancy shall be added as a Conditionally Permitted Use in the Planned Industrial zone.
- c. Homeless shelters and transitional housing shall be added as a permitted use as required by Government Code 65583, in the Planned Industrial zone.
- d. Transitional and supportive housing shall be subject to only those restrictions that apply to other residential uses of the same type in the same zone.

**Responsible Agency:** Community Development Department  
**Schedule:** 2008-2009

Goal 2

**Housing which is safe and properly maintained, to assure that the best quality of life is provided to all residents.**

Policy 2.A  
**Maintain the code enforcement program as the primary tool for bringing substandard units into compliance with Town Codes, and for improving overall housing conditions in Apple Valley.**

**Program 2.A.1**

Enforce Town codes on property maintenance, building and zoning code compliance.

**Responsible Agencies:** Community Development Department, Code Enforcement Division.  
**Schedule:** Ongoing

**Program 2.A.2**

Establish a local rental rehabilitation program using redevelopment set-aside funds, state and federal monies to assist 40 very low and low income households during the planning period.

**Responsible Agency:** Redevelopment Agency  
**Schedule:** 2010

Program 2.A.3

**Actively market rehabilitation programs available through CDBG or HOME programs, which provide financial and technical assistance to lower income property owners to make housing repairs, by including**

them in the brochure described in Program I.H.4, to be distributed throughout the community. Endeavor to assist 40 very low and low income households through these programs.

**Responsible Agency:** Redevelopment Agency  
**Schedule:** Ongoing

Program 2.A.4

**Maintain the Residential Rehabilitation Loan Program currently funded through the Redevelopment Agency. Endeavor to assist 80 very low, low and moderate income households through this program.**

**Responsible Agency:** Redevelopment Agency  
**Schedule:** Ongoing

Program 2.A.5

**Continue to pursue HOME funds for rehabilitation of single-family and multi-family housing, and provide information on these programs in brochures distributed by the Agency to the community.**

**Responsible Agency:** Redevelopment Agency  
**Schedule:** Annually

Program 2.A.6

**Distribute Neighborhood Stabilization Program (NSP) funds as established in the Five Year Consolidated Plan adopted in November, 2008 for downpayment assistance and the acquisition, rehabilitation and/or construction of multiple family units.**

**Responsible Agency:** Redevelopment Agency  
**Schedule:** Annually

Policy 2.B

**Prohibit housing development in areas subject to significant geologic, flooding, noise and fire hazards, and in environmentally and archaeologically vulnerable areas.**

Policy 2.C

**Encourage neighborhood watch programs that promote safety and protection in residential neighborhoods.**

Policy 2.C.1

**Encourage landlords and property managers to participate in the Crime Free Multi-Family Housing Program sponsored by the San Bernardino County Sherriff's office.**

**Responsible Agency:** Redevelopment Agency  
**Schedule:** Ongoing

Goal 3

**Unrestricted access to housing throughout the community.**

**Policy 3.A**

Continue to promote the removal of architectural barriers in order to provide barrier-free housing for handicapped or disabled persons.

**Program 3.A.1**

Enforce the handicapped accessibility requirements of Federal fair housing law that apply to all new multi-family residential projects containing four (4) or more units.

**Responsible Agency:** Department of Building and Safety

Schedule: **Ongoing**

Policy 3.B

**Prohibit practices that arbitrarily direct buyers and renters to certain neighborhoods or types of housing.**

Program 3.B.1

**Provide fair housing information at Town Hall, the Library, the Senior Center and local churches to inform both landlords and tenants of their rights and responsibilities. The information shall direct landlords and tenants to the San Bernardino Housing Authority, which has an established dispute resolution program.**

**Responsible Agency:** Community Development Department, San Bernardino County Housing Authority

Schedule: **Ongoing**

**TOWN OF  
APPLE VALLEY, CALIFORNIA  
AGENDA MATTER**

**SUBJECT ITEM:**

**GENERAL PLAN AMENDMENT NO. 2008-001: A REQUEST TO CONSIDER A COMPREHENSIVE UPDATE OF THE TOWN OF APPLE VALLEY GENERAL PLAN, INCLUDING ALL MANDATED ELEMENTS.**

**ANNEXATION 2008-001: A REQUEST TO CONSIDER THE ANNEXATION OF 4.3 SQUARE MILES KNOWN AS THE "GOLDEN TRIANGLE," AND LOCATED EAST OF INTERSTATE 15, NORTH OF JOHNSON ROAD, WEST OF DALE EVANS PARKWAY, AND SOUTH OF MORRO ROAD.**

**ANNEXATION 2008-002: A REQUEST TO CONSIDER THE ANNEXATION OF 1.3 SQUARE MILES LOCATED SOUTH OF QUARRY ROAD AND EAST OF CENTRAL ROAD.**

**SUMMARY STATEMENT** – (Continued to Page Two)

**Recommended Action:**

**Move to open public hearing and take testimony. Continue the public hearing to the Town Council's regular meeting of June 9, 2009.**

**Proposed by:** Planning Division **Item Number** \_\_\_\_\_

**Town Manager Approval:** \_\_\_\_\_ **Budget Item**  Yes  No  N/A

Council Meeting Date: 5/12/2009

**SM1-94**

**Summary Statement:**

At the April 15, 2009 Planning Commission meeting, the Commission reviewed General Plan Amendment No. 2008-001, Annexation No. 2008-001 and Annexation No. 2008-002, and recommended approval of these items by the Town Council.

**Background and Introduction**

The Town initiated the Comprehensive General Plan Update process in the spring of 2007. A series of over sixty (60) individual interviews of stakeholders and community meetings were held through the fall of that year. After the completion of the work of the General Plan Advisory Committee (GPAC) on the "Land Use Element" and "Land Use Map", in June of 2008, a Draft General Plan was completed.

The Town Council also directed staff to include consideration of Annexation Nos. 2008-001 and 2008-002 in the General Plan Update process. The Annexation effort will continue, should the Town Council approve the land use plan for the areas, after approval of the General Plan, and should be completed by the end of 2009 or early 2010.

With completion of the Draft General Plan, the environmental review process was initiated in mid-2008. The Draft Environmental Impact Report (EIR) for the General Plan was completed and transmitted to the public, utilities, governmental agencies and others for a forty-five (45)-day public comment period, which ended on March 26, 2009. Comments were received, and responses have been prepared, which are included in the Response to Comments attached to this staff report.

**General Plan**

The General Plan area encompasses approximately seventy-two (72) square miles. The Town limits can generally be described as follows: bounded on the west by the Mojave River and U.S. Interstate 15, on the north by the northern section lines of Sections 3, 4 and 5, Township 6 North, Range 3 West, San Bernardino Base and Meridian, on the east by Central Avenue and Joshua Road, and on the south by Tussing Ranch Road and Ocotillo Way.

The proposed General Plan encompasses all the mandated elements (please see the description in the attached Planning Commission staff report). The land use plan for the proposed General Plan does not significantly vary from the existing land use pattern in Town. Table 1 summarizes the land use distribution of the current General Plan, while Table 2 illustrates the proposed General Plan land use plan.

**Table 1  
Existing General Plan Land Use Alternative Build Out Land Use Summary**

Town Limits Only						
Land Use Designation	Developed Acres	Vacant Acres	Total Acres	Existing Units	Potential Units	Total Units
<b>Residential Designations</b>						
Very Low Density Residential	174.46	1,828.18	2,002.64		366	366
Low Density Residential	503.64	3,403.59	3,907.23		1,361	1,361
Estate Residential	3,128.95	2,836.06	5,965.02	20,107	2,836	22,943
Single Family Residential	8,625.30	4,690.55	13,315.86		7,036	7,036
Medium Density Residential	852.07	564.16	1,416.22	3,775	8,462	12,237

**Table 1  
Existing General Plan Land Use Alternative Build Out Land Use Summary**

Community Reserve	30.07	3,241.00	3,271.07		3,241	3,241
Specific Plan/Residential Units	1,068.45	5,884.28	6,952.73		2,869	2,869
			<b>Total</b>	<b>23,882</b>	<b>26,171</b>	<b>50,053</b>
<b>Commercial Designations</b>						
				<b>Existing SF</b>	<b>Potential SF</b>	<b>Total SF</b>
General Commercial	368.44	523.83	892.27	3,530,803	5,019,991	8,550,794
Regional Commercial	19.40	844.56	863.96	185,937	8,093,581	8,279,518
Service Commercial	147.66	150.77	298.42	1,415,034	1,444,831	2,859,865
Office Professional	49.34	186.04	235.38	472,851	1,782,838	2,255,689
Specific Plan/Commercial	1,068.45	5,884.28	6,952.73	1,740,086	4,922,924	6,663,010
			<b>Total</b>	<b>7,344,710</b>	<b>21,264,165</b>	<b>28,608,875</b>
<b>Industrial Designations</b>						
				<b>Existing SF</b>	<b>Potential SF</b>	<b>Total SF</b>
Planned Industrial	3.50	91.49	95.00	33,560	876,810	910,369
Specific Plan/Industrial	1,068.45	5,884.28	6,952.73	3,053,208	33,885,237	36,938,445
			<b>Total</b>	<b>3,086,768</b>	<b>34,762,047</b>	<b>37,848,814</b>
<b>Other Designations</b>						
Public Facility	263.78	60.92	324.70			
Open Space	241.94	2,771.70	3,013.64			0
Mineral Resources	111.6	340.9	452.5			0
Street Rights-of-Way	2,563.53	1,378.11	3,941.64			
<b>Grand Total</b>	<b>18,152.1</b>	<b>28,796.2</b>	<b>46,948.3</b>			
<b>Annexation Areas Only</b>						
	<b>Developed Acres</b>	<b>Vacant Acres</b>	<b>Total Acres</b>	<b>Existing Units</b>	<b>Potential Units</b>	<b>Total Units</b>
<b>Residential Designations</b>						
Rural Living	157.0	2,376.5	2,533.5		2,377	2,377
Rural Living, 5 AC.	14.2	425.5	439.7		85	85
Resource Conservation	0.1	77.7	77.8		4	4
			<b>Total</b>	<b>-</b>	<b>2,465</b>	<b>2,465</b>
<b>Commercial Designations</b>						
				<b>Existing SF</b>	<b>Potential SF</b>	<b>Total SF</b>
Neighborhood Commercial		7.9	7.9	-	53,192	53,192
<b>Industrial Designations</b>						
				<b>Existing SF</b>	<b>Potential SF</b>	<b>Total SF</b>
Community Industrial		50.5	50.5	-	483,608	483,608
Regional Industrial		273.2	273.2	-	2,617,768	2,617,768
			<b>Total</b>	<b>-</b>	<b>3,101,376</b>	<b>3,101,376</b>
<b>Other Designations</b>						
Street Rights-of-Way	43.0	154.0	197.0			
<b>Grand Total</b>	<b>214.3</b>	<b>3,365.2</b>	<b>3,579.6</b>			
<b>Planning Area Total</b>						
<b>Land Use Designation</b>	<b>Developed Acres</b>	<b>Vacant Acres</b>	<b>Total Acres</b>	<b>Existing Units</b>	<b>Potential Units</b>	<b>Total Units</b>
<b>Residential Designations</b>						

SM1-96



**Table 1  
Existing General Plan Land Use Alternative Build Out Land Use Summary**

Rural Living (County)	157.0	2,376.5	2,533.5		2,377	2,377
Rural Living, 5 AC. (County)	14.2	425.5	439.7		85	85
Resource Conservation (County)	0.1	77.7	77.8		4	4
Very Low Density Residential	174.46	1,828.18	2,002.64		366	366
Low Density Residential	503.64	3,403.59	3,907.23		1,361	1,361
Estate Residential	3,128.95	2,836.06	5,965.02	20,107	2,836	22,943
Single Family Residential	8,625.30	4,690.55	13,315.86		7,036	7,036
Medium Density Residential	852.07	564.16	1,416.22	3,775	8,462	12,237
Community Reserve Specific Plan/Residential Units	30.07	3,241.00	3,271.07		3,241	3,241
	1,068.45	5,884.28	6,952.73		2,869	2,869
			<b>Total</b>	<b>23,882</b>	<b>28,637</b>	<b>52,519</b>
<b>Commercial Designations</b>				<b>Existing SF</b>	<b>Potential SF</b>	<b>Total SF</b>
Neighborhood Commercial (County)		7.9	7.9	-	<b>53,192</b>	<b>53,192</b>
General Commercial	368.44	523.83	892.27	3,530,803	5,019,991	8,550,794
Regional Commercial	19.40	844.56	863.96	185,937	8,093,581	8,279,518
Service Commercial	147.66	150.77	298.42	1,415,034	1,444,831	2,859,865
Office Professional	49.34	186.04	235.38	472,851	1,782,838	2,255,689
Specific Plan/Commercial	1,068.45	5,884.28	6,952.73	1,740,086	4,922,924	6,663,010
			<b>Total</b>	<b>7,344,710</b>	<b>21,317,357</b>	<b>28,662,067</b>
<b>Industrial Designations</b>				<b>Existing SF</b>	<b>Potential SF</b>	<b>Total SF</b>
Community Industrial (County)		50.5	50.5	-	483,608	483,608
Regional Industrial (County)		273.2	273.2	-	2,617,768	2,617,768
Planned Industrial	3.50	91.49	95.00	33,560	876,810	910,369
Specific Plan/Industrial	1,068.45	5,884.28	6,952.73	3,053,208	33,885,237	36,938,445
			<b>Total</b>	<b>3,086,768</b>	<b>37,863,422</b>	<b>40,950,190</b>
<b>Other Designations</b>						
Public Facility	263.78	60.92	324.70			
Open Space	241.94	2,771.70	3,013.64			
Mineral Resources	111.6	340.9	452.5			
Street Rights-of-Way	2,563.74	1,382.01	3,945.75			
<b>Grand Total</b>	<b>18,323.6</b>	<b>32,011.3</b>	<b>50,335.0</b>			

**SM1-97**

**Table 2  
Proposed General Plan Build Out Summary: Town & Unincorporated Lands**

<b>RESIDENTIAL LAND USES</b>												
Land Use Designation	Town Limits						Annexation Areas					
	AC Dev.	AC Vacant	AC Total	Exist. Units	Future Units	Total Units	AC Dev.	AC Vacant	AC Total	Exist. Units	Future Units	Total Units
Very Low Density Residential (1 du/5 or more gross ac)	174.1	1,787.4	1,961.5		357	357	--	--	--	--	--	--
Low Density Residential (1 du/2.5 - 5 gross ac)	390.1	3,113.3	3,503.5		1,245	1,245	--	--	--	--	--	--
Estate Residential (1du/1 – 2.5 gross ac)	3,177.8	3,489.1	6,666.9	20,107	3,489	23,596	55.7	722.3	778.0	--	722	722
Estate Residential ¾ (1 du/0.75 – 1 ac)	20.8	454.9	475.7		607	607	--	--	--	--	--	--
Single-Family Residential (1 du/0.4-0.9 ac)	8,424.0	4,103.9	12,527.9		6,156	6,156	--	--	--	--	--	--
Medium Density Residential (4- 20 du/ac)	745.1	1,180.8	1,925.9	3,775	17,712	21,487	41.4	177.3	218.7	--	2,659	2,659
Mobile Home Park (5-15 du/ac)	178.5	1.5	180.0	1,043	23	1,066	--	--	--	--	--	--
Mixed Use	51.6	236.7	288.3		2,130	2,130	0.00	94.8	94.8	--	854	854
Specific Plan	1,068.6	5,978.2	7,046.8		2,869	2,869	--	--	--	--	--	--
<b>Residential Total</b>	<b>14,230.7</b>	<b>20,345.9</b>	<b>34,576.6</b>	<b>24,925</b>	<b>34,588</b>	<b>59,513</b>	<b>97.2</b>	<b>994.4</b>	<b>1,091.6</b>	<b>--</b>	<b>4,236</b>	<b>4,236</b>

<b>COMMERCIAL AND INDUSTRIAL LAND USES</b>									
Land Use Designation	Town Limits				Annexation Areas				
	Acres Dev.	Acres Vacant	Acres Total	Total Potential SF	Acres Dev.	Acres Vacant	Acres Total	Total Potential SF	
Mixed Use <sup>1</sup>	51.6	236.7	288.3	1,587,686	0.0	94.9	94.9	636,612	
General Commercial	385.5	1,165.3	1,550.8	14,861,742	11.7	40.8	52.6	503,617	
Regional Commercial	31.7	1,271.3	1,303.0	12,486,488	7.2	435.3	442.5	4,240,502	
Service Commercial	146.8	188.7	335.6	3,215,875	--	--	--	--	
Office Professional	74.2	542.6	616.8	5,910,597	--	183.1	183.1	1,754,639	
Specific Plan <sup>1</sup>	1,068.6	5,978.2	7,046.8	6,663,010	--	--	--	--	
<b>Commercial Sub Total</b>	<b>638.2</b>	<b>3,167.9</b>	<b>3,806.1</b>	<b>44,725,397</b>	<b>19.0</b>	<b>659.2</b>	<b>678.1</b>	<b>7,135,369</b>	
Planned Industrial	21.4	623.9	645.3	6,183,941	55.3	1,557.8	1,613.1	14,929,042	
Specific Plan <sup>1</sup>	1,068.6	5,978.2	7,046.8	36,938,445	--	--	--	--	
<b>Industrial Total</b>	<b>21.4</b>	<b>623.9</b>	<b>645.3</b>	<b>43,122,386</b>	<b>55.3</b>	<b>1,557.8</b>	<b>1,613.1</b>	<b>14,929,042</b>	

**Table 2  
Proposed General Plan Build Out Summary: Town & Unincorporated Lands**

<b>Sub Total</b>								
<b>Grand Total Commercial &amp; Industrial</b>	<b>659.6</b>	<b>3,791.8</b>	<b>4,451.4</b>	<b>87,847,783</b>	<b>74.2</b>	<b>2,217.1</b>	<b>2,291.2</b>	<b>22,594,023</b>
Public Facility	353.5	119.1	472.5		--	--	--	
Open Space	233.3	2,820.6	3,053.9		--	--	--	
Mineral Resources	111.6	340.9	452.5		--	--	--	
Street Rights-of-Way	2,563.5	1,377.8	3,941.2		43.1	153.8	196.9	
<b>Grand Total Other Uses</b>	<b>3,261.8</b>	<b>4,658.5</b>	<b>7,920.3</b>		<b>43.1</b>	<b>153.8</b>	<b>196.9</b>	

<sup>1</sup> Mixed-Use and Specific Plan acreage included under Residential, above.

The proposed General Plan includes three (3) new land use designations: Estate Residential  $\frac{3}{4}$  (1 du/0.75 – 1.0 ac), Mobile Home Park (both applying to residential uses), and Mixed Use, which provides for residential and commercial components within an integrated master-planned project.

The details of the General Plan can be found in the General Plan document itself, previously provided to the Town Council. Please note that the Housing Element has been modified slightly to add text requested by the State Department of Housing and Community Development. Negotiations regarding the Housing Element are almost complete, and staff anticipates final results of these negotiations to be completed the May 12, 2009 Council meeting and made a part of the staff presentation.

**Annexation Nos. 2008-001 and 2008-002**

Annexation No. 2008-001 is generally bounded on the west by U.S.-Interstate 15, on the north by Morro Road, on the east by Dale Evans Parkway, and on the south by Johnson Road. The “Golden Triangle” area encompasses 4.3± square miles, most of which is undeveloped.

Annexation No. 2008-002 is generally bounded on the west by Central Road and the eastern boundary of the Town of Apple Valley, on the north by Quarry Road, on the east by the section line of Section 14, Township 6 North, Range 3 West, Section 14, and on the south by the half-section line of Section 23 Township 6 North, Range 3 West, San Bernardino Base and Meridian. Annexation No. 2008-002 is 1.3± square miles, and includes limited industrial (aggregate quarry) development.

The land use statistics relating to the Annexations are provided in Table 1 and 2 above. As demonstrated in the Tables, and on the Land Use Map contained in the General Plan, the greatest change in land use pattern will occur in No. Annexation 2008-001, where land use designations under the current San Bernardino County General Plan are primarily Rural Residential, and where the proposed General Plan establishes a broad range of land uses, including residential, commercial and industrial lands. The character of Annexation No. 2008-002 will be generally consistent with that anticipated by the San Bernardino County General Plan, as the County envisioned industrial land uses on these lands, and the proposed General Plan applies consistent industrial designations.

### **Land Use Change Requests**

Since the Planning Commission's hearing on April 15, 2009, staff has received four (4) requests for changes to land use designations on individual lots. These are described in the Land Use Change Request Matrix (Attachment 1). Staff respectfully requests that the Mayor and Council consider each request individually, including taking public testimony, and make a preliminary determination on each request.

#### Letter from Mr. Carl Coleman

In addition, staff received a study, addressed to the Town Council, from Mr. Carl Coleman, Altec Engineering. The study (Attachment 2), entitled "General Plan Analysis," makes several broad requests for changes to the Land Use Map, which are addressed individually below. The staff comments on the areas addressed by Mr. Coleman are numbered as Mr. Coleman numbered them.

Area 1: This area was considered as a Focus Area in the community workshops and in the GPAC meetings. Several land use scenarios were discussed, and the GPAC felt that the areas east of Dale Evans and north of Quarry Road should remain in large lots. The Committee ultimately recommended the Residential Low Density (R-LD) designation, at a minimum lot size of 1 to 2.5 acres; and the Residential Very Low Density (R-VLD) designation, at a minimum lot size of five (5) acres or more. Staff concurs with the GPAC's determination – the area is, and will continue to be, rural, is adjacent to open space to the north, and very low intensity residential uses in the County to the east. Mr. Coleman's request for Residential Single Family (R-SF) or Residential Estate (R-E) designation would result in an increase at build-out from about 675 units to 2,700 or 1,350 units, respectively, thereby increasing intensity by two (2) to four (4) times.

Area 2: This area was also considered by GPAC as part of the "Golden Triangle" focus area. (Please also see the "Land Use Change Request TC 2".) The GPAC discussed land use intensity in this area, and felt that the Residential Single Family (R-SF) designation was too intense. The Residential Single Family (R-SF) designation proposed by Mr. Coleman would double the potential units in this area, from 1,430 to 2,860.

Area 3: This area was not considered in particular by the GPAC. However, the GPAC felt that lands surrounding open space areas, such as these 150 acres, should not be developed into more intense land uses, in order to protect the open space areas. The Residential Estate (R-E) designation would accommodate 150 units. Mr. Coleman's proposal of the Residential Multi-Family (R-M) designation would result in up to 3,000 units. This is a significant departure from the Town's character.

Area 4: This area has been considered on several occasions by the GPAC and the Planning Commission at Mr. Coleman's request. He represents some, but not all, of the property owners in the area. The Planning Commission considered the request as its "Land Use Change Request 8" at its meeting of April 15, 2009 (please see attached staff report), and recommended that the Residential Estate (R-E) designation be maintained, consistent with prior actions by both the GPAC and Planning Commission at earlier meetings. These lands were excluded from the North Apple Valley Industrial Specific Plan because of large-lot, residential equestrian, development in the area. The Mixed Use (M-U) designation is not appropriate for these lands, as it represents a radical departure from the area's current character.

Area 5: This area is an older, existing, and partially developed subdivision. The area's character has been established and intensification to the Residential Single Family (R-SF) designation would result in spotty and inconsistent development. The GPAC and Planning Commission did not

address these areas specifically. A change to the Residential Single Family (R-SF) designation would change the ultimate build-out in this area from less than eighty (80) units to 160 units.

Area 6: The GPAC and Planning Commission considered these lands in their deliberations. The landowner made a request of the GPAC, which was repeated at the Joint Planning Commission and GPAC Workshop. Both bodies recommended that the Residential Estate (R-E) designation be maintained. Although greater density may be appropriate in the future, both bodies felt the Residential Estate (R-E) designation was appropriate at this time. The change, requested by Mr. Coleman, would increase density from about 265 units to 530 units.

Area 7: The Deep Creek area was discussed at length by the GPAC and Planning Commission. Although some intensification of land use was proposed, both bodies consistently supported maintaining the Residential Low-Density (R-LD) land use designation. Under this designation, up to 360 units could occur. Under Mr. Coleman's proposal of Residential Estate (R-E) designation, up to 900 units could occur. The character of the Deep Creek area would be significantly affected by this proposed change.

Area 8: This area was discussed by the GPAC in the context of potentially assigning the Residential Equestrian 3/4 (RE-3/4) designation. In addition, the area includes "Land Use Change Request TC 4", described in Attachment 1 of this staff report. The GPAC felt that changing the designation was not appropriate, in part because this area borders San Bernardino County lands at very low intensity, and is partially subdivided into larger lots. The area currently could develop up to 880 units. At Mr. Coleman's suggested Residential Single Family (R-SF) designation, 1,760 units could occur.

Area 9: This area has not been proposed for change from the existing General Plan. The Open Space designation applies to the slope areas, while the Residential Estate (R-E) designation applies to the lots adjacent to Rancherias Road. Staff believes that the designation is correct.

Conclusion: The changes envisioned by Mr. Coleman would increase residential units by up to 8,000 units (from 3,840 to up to 11,910) throughout the community. This represents a thirteen percent (13%) increase in build-out units. Staff would respectfully point out that, if the Council wishes to make the changes requested by Mr. Coleman, the analysis in the General Plan must be revised, the General Plan Environmental Impact Report will need to be re-circulated, and the Council should direct staff to table these proceedings until such time as that process is complete. Staff would anticipate that the process would require about six (6) months before the matter can be returned to the Planning Commission for its consideration, prior to Council action.

#### **Planning Commission Recommendation**

The Planning Commission held three (3) public hearings in its consideration of the General Plan and Annexations, on March 18, April 1 and April 15, 2009. The Commission considered a broad range of issues, including several land use change requests. The Commission recommends two (2) changes to the Land Use Map, as follows (please see Attachment 3):

3. Assessor's Parcel Numbers 434-064-14 & -15, located on the south side of Bear Valley Road, west of Central Road, to Mixed Use; and
4. Assessor's Parcel Number 434-064-76 to R-M.

The Planning Commission also recommends that the Town Council accept the Equestrian Advisory Committee's recommended changes to the Multi-Use Trails Map (General Plan Exhibit II-9), as shown in Attachment 4.

**SM1-101**

In addition, the Commission recommended changes to the text of the General Plan, which are identified below, and have been included in the Draft General Plan provided to each Council member (all the additions proposed by the Planning Commission are shown in underlined text within the General Plan).

4. The addition of the Green Valley Initiative policies and programs, in cooperation with the County of San Bernardino's efforts to improve regional greenhouse gas emissions (page III-77 and pages III-80 and III-81) .
5. The addition of explanatory text to the "Specific Plan" description in the Land Use Element (page II-12).
6. The addition of Program 1.C.3 in the Commercial and Industrial Land Use Goals, Policies and Programs (page II-27).

The Planning Commission also discussed infill development in existing neighborhoods, where actual development has occurred at lower than allowed densities, and new projects which propose smaller lots in conformance to the actual designation. The area used as an example was the residential neighborhood northeast of Saint Mary's hospital. The Planning Commission expressed a concern that the compatibility of the neighborhood could be affected by new, smaller-lot subdivisions. The Commission directed staff to confer with the Town Council concerning seeking legal counsel on whether or not density buffering principles can be applied to residential infill development when a pattern of existing development is at variance with the underlying zoning of a proposed development. The Town Attorney will provide further information on this matter at the June 9, 2009 Town Council meeting.

Finally, the Planning Commission wished to point out to the Town Council that the policy regarding the preparation of the Apple Valley Habitat Conservation Plan, which had been deleted from the Land Use Element by the GPAC, was included by staff in the Biological Resources Element (Program 1.A.3, page III-53).

**Environmental Review**

In conjunction with preparation of the General Plan, the Town prepared an Environmental Impact Report (EIR) for the project, as required by the California Environmental Quality Act (CEQA). The EIR found that build-out of the General Plan area will result in significant impacts, but that all these significant impacts can be mitigated to less than significant levels, with the exception of impacts to air quality, land use, and traffic and circulation. As these impacts will remain significant, the Town is required to consider whether the benefits of the proposed project will outweigh these significant impacts. This evaluation was undertaken and Findings and Statement of Overriding Considerations are being prepared for the Town Council's consideration.

**Findings**

In considering any General Plan Amendment, the Council and Commission are required by the Municipal Code to make specific Findings. The following are the Findings for a General Plan Amendment required under Section 9.02.050 H 3 of the Development Code, with a comment to address each:

4. The proposed General Plan Amendment is consistent with the goals, policies and standards of all elements of the General Plan and will further those goals, policies and standards;

Comment: The General Plan Update process has included over sixty (60) community meetings and interviews, public workshops, General Plan Advisory Committee meetings, joint General Plan Advisory Committee and Planning Commission, and Planning Commission and Town Council meetings, as well as public hearings to assure that the text, goals, policies and programs developed in the General Plan are consistent with the vision of the community. The General Plan represents the short and long term goals for the growth of Apple Valley in the future.

5. The General Plan, as amended, will comprise an integrated, internally consistent and compatible statement of policies for the Town;

Comment: The General Plan has been comprehensively updated and is internally consistent in all respects. Goals, policies and programs in each element have been designed to further the orderly growth of Apple Valley for the short and long term.

6. The General Plan Amendment furthers the public interest and promotes the general welfare of the Town by providing for a logical pattern of land uses and clarifying various land use policies for the Town.

Comment: The Land Use Element and associated Land Use Map have been reviewed in community workshops, General Plan Advisory Committee meetings, Planning Commission and Town Council workshops, and assures the orderly development of residential, commercial and other land uses in the future.

**Attachments:**

1. Land Use Change Request Matrix and supporting materials
2. "General Plan Analysis," submitted by Carl Coleman, Altec Engineering
3. Location Map for APN 434-064-14, -15, & -76.
4. Equestrian Advisory Committee Recommended Trails Map
5. Draft General Plan (Separate Handout)
6. Draft Environmental Impact Report (Separate Handout)

Attachment No. 1

Final Requests	APN	Location	General Plan Land Use	Owner Requested Land Use	Acreage	Property Owner Name	Staff Recommendation	GPAC/PC Recommendation
TC 1	437-062-44	East side of Central, north of Standing Rock	R-SF	C-G	2.5 acres	Representative: Shear Realty	The property immediately south was designated C-G at the joint Planning Commission/GPAC workshop. However, this parcel is not on the corner, and it is unlikely additional commercial land can be supported at this location, due to the proximity to SR-18.	The GPAC did not consider this property.  Planning Commission maintained the R-SF designation on the property.
TC 2	0472-292-19, -24, and -60	Non-contiguous lots -- East and west side of Stoddard Wells, north of Johnson Road.  Located in Annexation 2008-001	R-E	Industrial or Commercial (no designation specified)	Lot -19: 23.23 acres Lot -24: 52.36 acres Lot -60: 2.8 acres  Total: 78.39 acres	R.W. Steward	These properties are located in the center of an area proposed for R-E as part of the Golden Triangle. The R-E designation is appropriate.	The GPAC did not consider these properties in particular, but felt that the central core of the Golden Triangle, away from Dale Evans and I-15, should remain low intensity residential.  The Planning Commission did not address this area.



Final Requests	APN	Location	General Plan Land Use	Owner Requested Land Use	Acreage	Property Owner Name	Staff Recommendation	GPAC/PC Recommendation
TC 3	3038-372-06	West side of Quinnault, north of Nisqually	R-M	MHP	4.8 acres	Representative: Joseph E. Bonadiman & Assoc.	The General Plan requires all new MHPs to file a General Plan Amendment and Zone change when the project is processed. In this case, however, granting the GP designation will preclude development of the site until such time as the Development Code standards are developed, which will take about 6 months. Staff would recommend that the designation remain R-M, so that the MHP can be processed with a CUP immediately, and that the Council direct staff to process the GPA and Development Code Amendment concurrently, at no charge to the applicant.	Neither the GPAC nor the Planning Commission considered this property. This is a new request.
TC 4	434-153-05, 434-481-15, 16, 17, 18, 19, 20, 21 and 22	West side of Central between Las Tunas (Sandia) and Lancelet Road	R-E	R-SF	91.71	Star-West Homes	This 1 acre minimum area is a natural transition between more dense residential land uses to the west and the County land use designations to the east, which are a minimum lot size of 2.5 and 1 acre. The R-E designation should be maintained	At the joint GPAC/PC meeting, the GPAC proposed R-SF; the Planning Commission recommended R-E. The R-E designation has been carried forward in the Draft General Plan.

TC 1



April 17, 2009

Town of Apple Valley  
14955 Dale Evans Parkway  
Apple Valley, CA 92307  
Attention: Becky Reynolds

RECEIVED

APR 20 2009

RE: Parcel 0437-062-44

Community Development

Dear Ms. Reynolds:

At the Planning Commission Meeting on April 15, 2009, I represented the owners of the referenced parcel. The owners requested changing the current zoning of the parcel from Residential (R-EQ) to Neighborhood or General Commercial. The change was requested to be included in the General Plan Amendment. The request was denied. I believe that this decision should be reviewed by the Town Council at their next meeting when the General Plan Amendment will be presented to the Council. I would like the opportunity to address the Council and present my reasons for approval to the Council members. I do not believe the decision by the Planning Commission is in the best interests of the Town of Apple Valley or consistent with prior Planning Commission decisions of a like nature. Some of the reasons I would like to present to the Council members are as follows:

1. **NEIGHBORHOOD CENTER** – Currently there is no neighborhood retail center servicing the surrounding residences. The closest commercially zoned property is almost 2 miles away. For those who live in the Sycamore Rocks or Fairview Valley area, the closest center is approximately 5 miles from their home. By creating a neighborhood center, the community will be able to utilize services closer to their home saving time and fuel.

2. **BEST USE** – Central Road is designated as a “Major Divided Parkway”, eventually a 4 lane road. Standing Rock is designated as a “Secondary Road”. In addition, the proposed E-220 has a planned off-ramp at Standing Rock Road, which will increase traffic and possibly increase Standing Rock Road’s designation to a Major Road. Considering the current and future traffic requirements of that area a neighborhood commercial center would benefit the residences surrounding that area and optimize the property’s use.

3. **FLOOD CHANNEL** – Central Road has been identified by the Town of Apple Valley as a one hundred year flood channel. It is my understanding that the Town of Apple Valley may require an easement up to 150 feet across the western border of the property, Central Road. Such a requirement could substantially hinder the reasonable development of the property for residential use. By changing the zoning to commercial, the development of the property could utilize the easement as additional parking and landscape area to reduce the threat of harm and/or loss of residential structures in the event of such a flood.

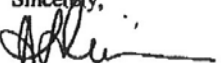
18564 Highway 18, Suite 205 • Apple Valley, CA 92307 • (760) 242-7221 • Fax (760) 242-7226  
RESIDENTIAL • LAND • COMMERCIAL/INDUSTRIAL PROPERTIES

SM1-106

**4. ADJOINING PROPERTY** -- The owners of the adjoining property (0437-062-36) requested and received a like zoning change approval from the Planning Commission to be included in the General Plan Amendment. It is noted that the planning department staff did not recommend a change of zoning for this property as it was "too small for commercial development". Nevertheless, the Planning Commission approved the request.

At the Planning Commission meeting on April 15, 2009, where the request for a zoning change of the referenced property was presented, the planning staff did not recommend a change as they said "it is unlikely additional commercial development can be supported at this location". On one hand we have a property that is too small for commercial development and a larger parcel(s) would obviously be preferable. On the other hand we have requested an increase in the size of the same commercial area property and the staff says it is unlikely that additional commercial development can be supported. It appears to me that the rationale here is inconsistent. If both of these properties were zoned to Neighborhood or General Commercial, the size of the combined properties would allow for a neighborhood center to include adequate necessary services.

Your cooperation and consideration in this matter would be appreciated. If additional information is required, please contact me at 760-219-9823.

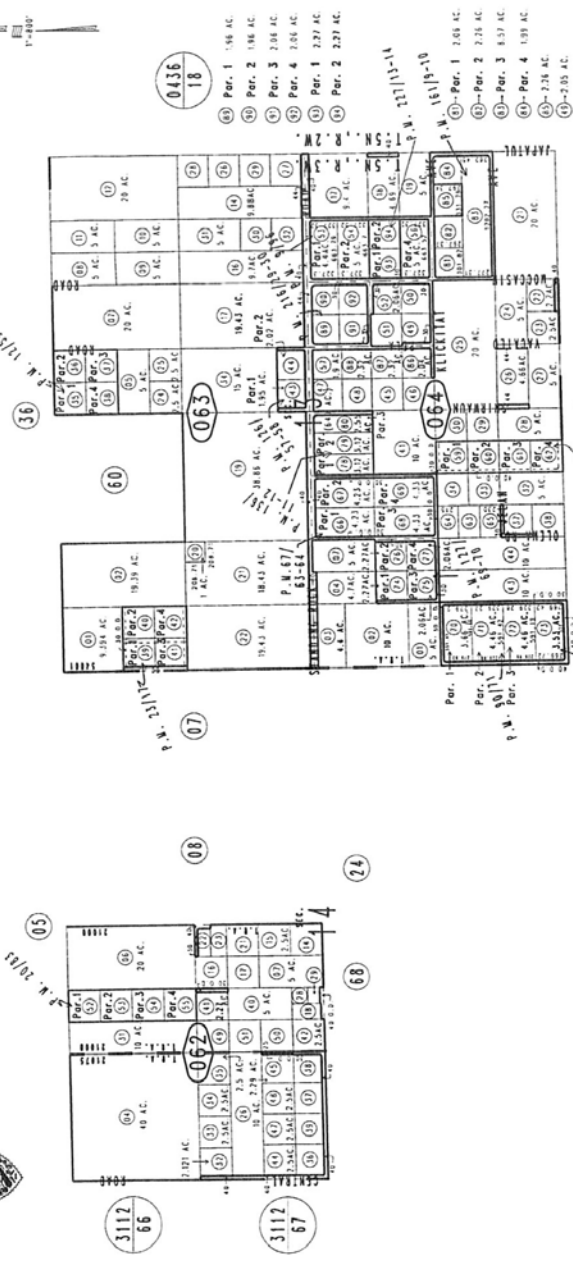
Sincerely,  
  
Angelo Cici

CC: Lori Voightlander, Dan Ewings, Stephanie Ewings-Peloquin

Sec. 13 & N.W.1/4 Sec. 14, T.5N., R.3W., S.B.B.&M.

Town of Apple Valley 0437-06  
 Apple Valley  
 Tax Rate Area  
 21000 21075 34001

THIS MAP IS FOR THE PURPOSE  
 OF AS VALUING TAXATION ONLY.



- Parcel Map No. 8795, P.M. 90/71
- Parcel Map No. 6447, P.M. 67/63-64
- Parcel Map No. 3153, P.M. 29/77
- Parcel Map No. 7506, P.M. 25/77
- Parcel Map No. 2448, P.M. 20/85
- Parcel Map No. 1487, P.M. 12/59
- Parcel Map No. 874, P.M. 9/96
- Parcel Map No. 16095, P.M. 22/113-14
- Parcel Map No. 16967, P.M. 216/79-80
- Parcel Map No. 11938, P.M. 161/9-10
- Parcel Map No. 11882, P.M. 136/11-12
- Parcel Map No. 10761, P.M. 127/69-70
- Parcel Map No. 11371, P.M. 126/57-58
- Parcel Map No. 1586 AC, P.M. 11/11
- Parcel Map No. 1587 AC, P.M. 11/12
- Parcel Map No. 1588 AC, P.M. 11/13
- Parcel Map No. 1589 AC, P.M. 11/14
- Parcel Map No. 1590 AC, P.M. 11/15
- Parcel Map No. 1591 AC, P.M. 11/16
- Parcel Map No. 1592 AC, P.M. 11/17
- Parcel Map No. 1593 AC, P.M. 11/18
- Parcel Map No. 1594 AC, P.M. 11/19
- Parcel Map No. 1595 AC, P.M. 11/20
- Parcel Map No. 1596 AC, P.M. 11/21
- Parcel Map No. 1597 AC, P.M. 11/22
- Parcel Map No. 1598 AC, P.M. 11/23
- Parcel Map No. 1599 AC, P.M. 11/24
- Parcel Map No. 1600 AC, P.M. 11/25
- Parcel Map No. 1601 AC, P.M. 11/26
- Parcel Map No. 1602 AC, P.M. 11/27
- Parcel Map No. 1603 AC, P.M. 11/28
- Parcel Map No. 1604 AC, P.M. 11/29
- Parcel Map No. 1605 AC, P.M. 11/30
- Parcel Map No. 1606 AC, P.M. 11/31
- Parcel Map No. 1607 AC, P.M. 11/32
- Parcel Map No. 1608 AC, P.M. 11/33
- Parcel Map No. 1609 AC, P.M. 11/34
- Parcel Map No. 1610 AC, P.M. 11/35
- Parcel Map No. 1611 AC, P.M. 11/36
- Parcel Map No. 1612 AC, P.M. 11/37
- Parcel Map No. 1613 AC, P.M. 11/38
- Parcel Map No. 1614 AC, P.M. 11/39
- Parcel Map No. 1615 AC, P.M. 11/40
- Parcel Map No. 1616 AC, P.M. 11/41
- Parcel Map No. 1617 AC, P.M. 11/42
- Parcel Map No. 1618 AC, P.M. 11/43
- Parcel Map No. 1619 AC, P.M. 11/44
- Parcel Map No. 1620 AC, P.M. 11/45
- Parcel Map No. 1621 AC, P.M. 11/46
- Parcel Map No. 1622 AC, P.M. 11/47
- Parcel Map No. 1623 AC, P.M. 11/48
- Parcel Map No. 1624 AC, P.M. 11/49
- Parcel Map No. 1625 AC, P.M. 11/50
- Parcel Map No. 1626 AC, P.M. 11/51
- Parcel Map No. 1627 AC, P.M. 11/52
- Parcel Map No. 1628 AC, P.M. 11/53
- Parcel Map No. 1629 AC, P.M. 11/54
- Parcel Map No. 1630 AC, P.M. 11/55
- Parcel Map No. 1631 AC, P.M. 11/56
- Parcel Map No. 1632 AC, P.M. 11/57
- Parcel Map No. 1633 AC, P.M. 11/58
- Parcel Map No. 1634 AC, P.M. 11/59
- Parcel Map No. 1635 AC, P.M. 11/60
- Parcel Map No. 1636 AC, P.M. 11/61
- Parcel Map No. 1637 AC, P.M. 11/62
- Parcel Map No. 1638 AC, P.M. 11/63
- Parcel Map No. 1639 AC, P.M. 11/64
- Parcel Map No. 1640 AC, P.M. 11/65
- Parcel Map No. 1641 AC, P.M. 11/66
- Parcel Map No. 1642 AC, P.M. 11/67
- Parcel Map No. 1643 AC, P.M. 11/68
- Parcel Map No. 1644 AC, P.M. 11/69
- Parcel Map No. 1645 AC, P.M. 11/70
- Parcel Map No. 1646 AC, P.M. 11/71
- Parcel Map No. 1647 AC, P.M. 11/72
- Parcel Map No. 1648 AC, P.M. 11/73
- Parcel Map No. 1649 AC, P.M. 11/74
- Parcel Map No. 1650 AC, P.M. 11/75
- Parcel Map No. 1651 AC, P.M. 11/76
- Parcel Map No. 1652 AC, P.M. 11/77
- Parcel Map No. 1653 AC, P.M. 11/78
- Parcel Map No. 1654 AC, P.M. 11/79
- Parcel Map No. 1655 AC, P.M. 11/80
- Parcel Map No. 1656 AC, P.M. 11/81
- Parcel Map No. 1657 AC, P.M. 11/82
- Parcel Map No. 1658 AC, P.M. 11/83
- Parcel Map No. 1659 AC, P.M. 11/84
- Parcel Map No. 1660 AC, P.M. 11/85
- Parcel Map No. 1661 AC, P.M. 11/86
- Parcel Map No. 1662 AC, P.M. 11/87
- Parcel Map No. 1663 AC, P.M. 11/88
- Parcel Map No. 1664 AC, P.M. 11/89
- Parcel Map No. 1665 AC, P.M. 11/90
- Parcel Map No. 1666 AC, P.M. 11/91
- Parcel Map No. 1667 AC, P.M. 11/92
- Parcel Map No. 1668 AC, P.M. 11/93
- Parcel Map No. 1669 AC, P.M. 11/94
- Parcel Map No. 1670 AC, P.M. 11/95
- Parcel Map No. 1671 AC, P.M. 11/96
- Parcel Map No. 1672 AC, P.M. 11/97
- Parcel Map No. 1673 AC, P.M. 11/98
- Parcel Map No. 1674 AC, P.M. 11/99
- Parcel Map No. 1675 AC, P.M. 11/100

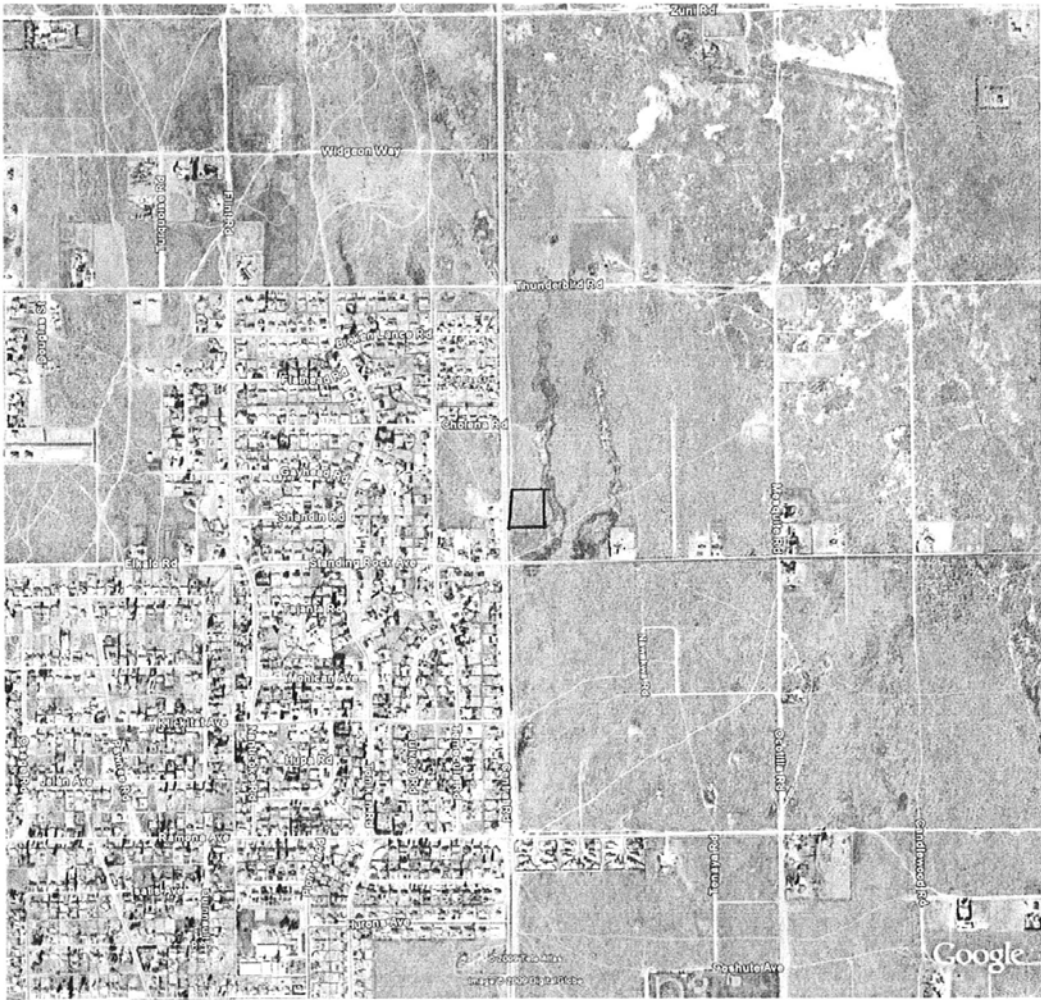
May 2004

Assessor's Map 06  
 Book 0437 Page 06  
 San Bernardino County

TC1

SM1-108

TC1

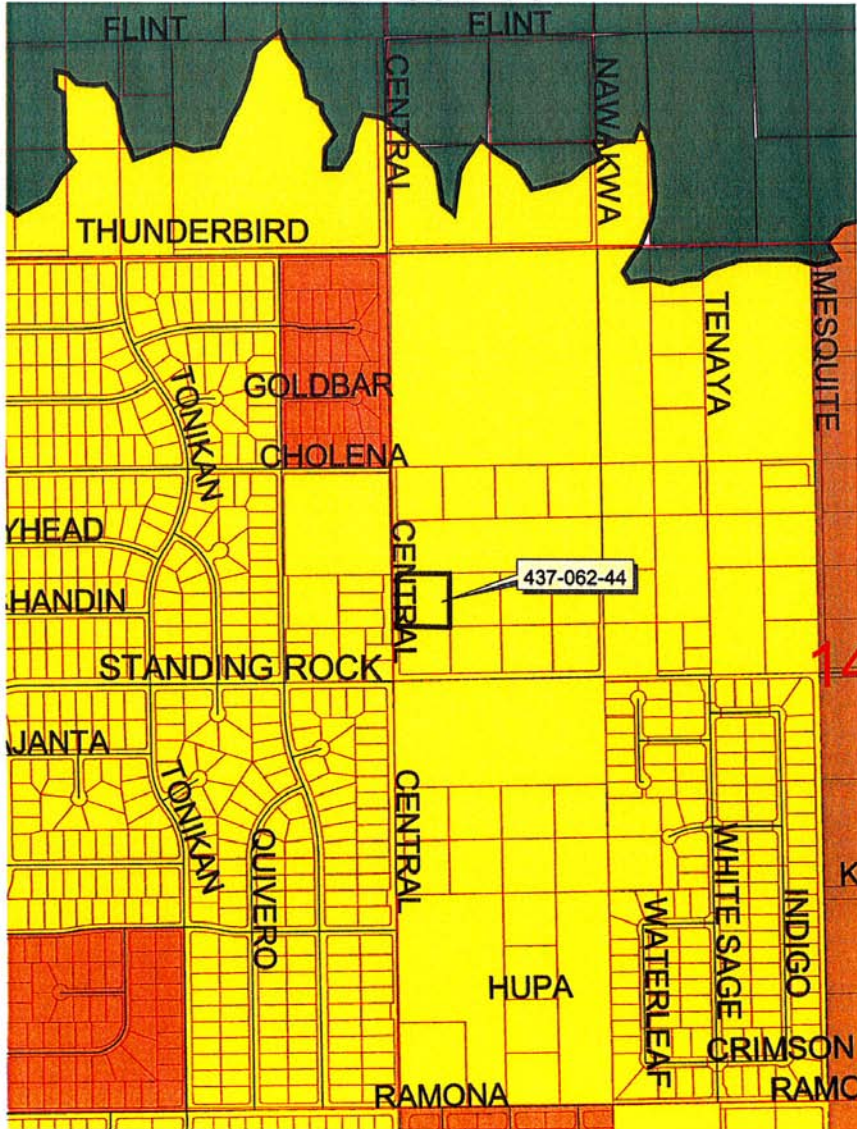


SM1-109

Tc1

# LOCATION MAP

437-062-44



SM1-110

TC 2

ATT: BECKY REYNOLDS

I'M REQUESTING THAT ARE PARCELS OF LAND BE CONSIDERED IN THE GENERAL PLAN TO BE ZONED INDUSTRIAL OR COMMERCIAL CONSIDERING THE LOCATION OF THESE PARCELS OF LAND WE ARE LOCATED ON QUARRYS RD AND STODDARD WELLS RD. PARCELS NUMBER ARE 0472-292-19, 0472-292-24 AN 0472-292-60 WE WOULD LIKE TO HAVE ONE OF THE ZONING FACTOR ADDRESSED IN THE GENERAL PLAN, IT WOULD NOT MAKE ANY LOGICAL REASON TO PUT RESIDENT NEXT TO THE RAILROAD TRACKS PLUS WE HAVE HEAVY TRUCK TRAFFIC IN THE AREA.. IF YOU HAVE ANY QUESTION FEEL FREE TO GIVE ME A CALL. R.W. STEWARD/OWNER  
H. 760-961-9492 C 918-360-9594

Apr. 14 2009 11:42AM PT

FROM NO. :

FROM :

SM1-111

TC2

ATT: BECKY REYNOLDS

Sec 17 B Fractional Sec 18, T6N, R37W, S8B, B 1/4

STEWART PROPERTY  
LOCATION

Apple Valley  
Title & Escrow  
54685 Aliso  
54770 54775

472-29



1	1/1/1978	44
2	1/1/1978	45
3	1/1/1978	46
4	1/1/1978	47

Assessor's Map  
Book 472 Page 29  
San Bernardino County

© MC 14302, RM 12177-8  
 1. No. 2214, P.M. 20/25  
 2. No. 2581, P.M. 25/75  
 3. No. 4252, P.M. 19/98  
 4. No. 2123, P.M. 18/73

HPF, 14 2007 11-10-07 72

SM1-112

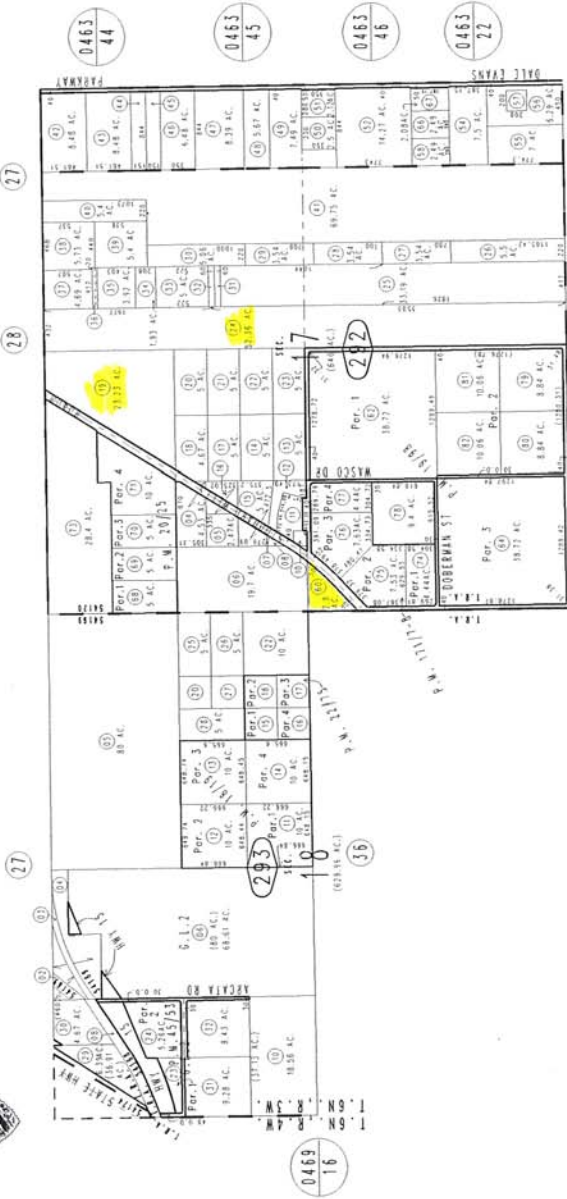


0472-29

Sec.17 & Fractional Sec.18, T.6N.,R.3W., S.B.B.&M.

Apple Valley  
Tax Rate Area  
54166.54169  
54170.54175

THIS MAP IS FOR THE PURPOSE  
OF AS VALUING TAXATION ONLY.



- Parcel Map No. 14509, P.M. 171172-8
- Parcel Map No. 2711, P.M. 20725
- Parcel Map No. 2583, P.M. 22725
- Parcel Map No. 3188, P.M. 19798
- Parcel Map No. 255, P.M. 45753
- Parcel Map No. 2123, P.M. 18719

June 2004

Assessor's Map  
Book 0472 Page 29  
San Bernardino County

REVISED  
06/14/04  
07/22/04

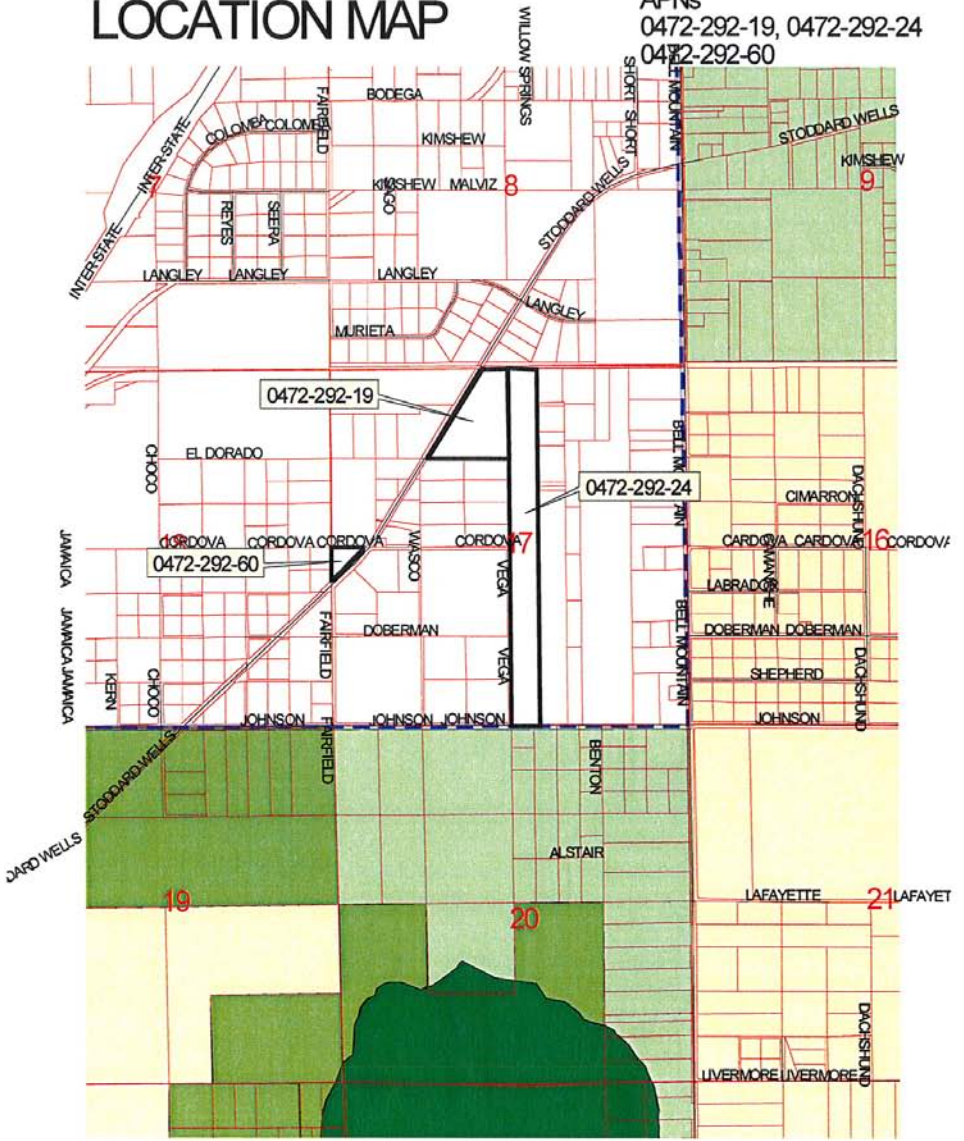
TC 2

SM1-113

TC 2

# LOCATION MAP

APNs  
0472-292-19, 0472-292-24  
0472-292-60



SM1-114

TC 3



RECEIVED

April 8, 2009

APR 13 2009

Community Development

Town of Apple Valley  
Planning Division  
14955 Dale Evans Parkway  
Apple Valley, CA 92307

Attn: Becky Reynolds, Principle Planner  
Re: Request for GPA Amendment Exemption – Apple Valley Estates MHP Project

Dear Ms. Reynolds:

This Request for General Plan Amendment (GPA) Application Exemption is submitted by Joseph E. Bonadiman & Associates, Inc. (JBA) to the Town of Apple Valley (Town) for the Apple Valley Estates Mobile Home Park Project (Project). JBA is submitting this letter pursuant to the recommendation of Planning Division staff.

The Project involves APN 3087-372-06-0000 and is located northwest of the Quinalt Road and Friar Lane intersection, directly north and adjacent to an existing mobile home park. The existing property is currently designated as "R-M" (Medium-Density Residential) in the Town of Apple Valley General Plan. A Conditional Use Permit (CUP) Application is currently being prepared by JBA and will be submitted in the very near future. Refer to the attached CUP Site Plan for details regarding the proposed Project.

Per phone conversation with Planning Division staff on April 8, 2009, General Plan Amendment(s) affecting the area of the Project site is/are forthcoming. As such, JBA requests exemption from being required to prepare a GPA Application in addition to the Project CUP Application under preparation.

Please do not hesitate to call me at (909) 885-3806 x127 if you have any questions regarding this request. I appreciate your expeditious attention to this matter.

Very Truly Yours,

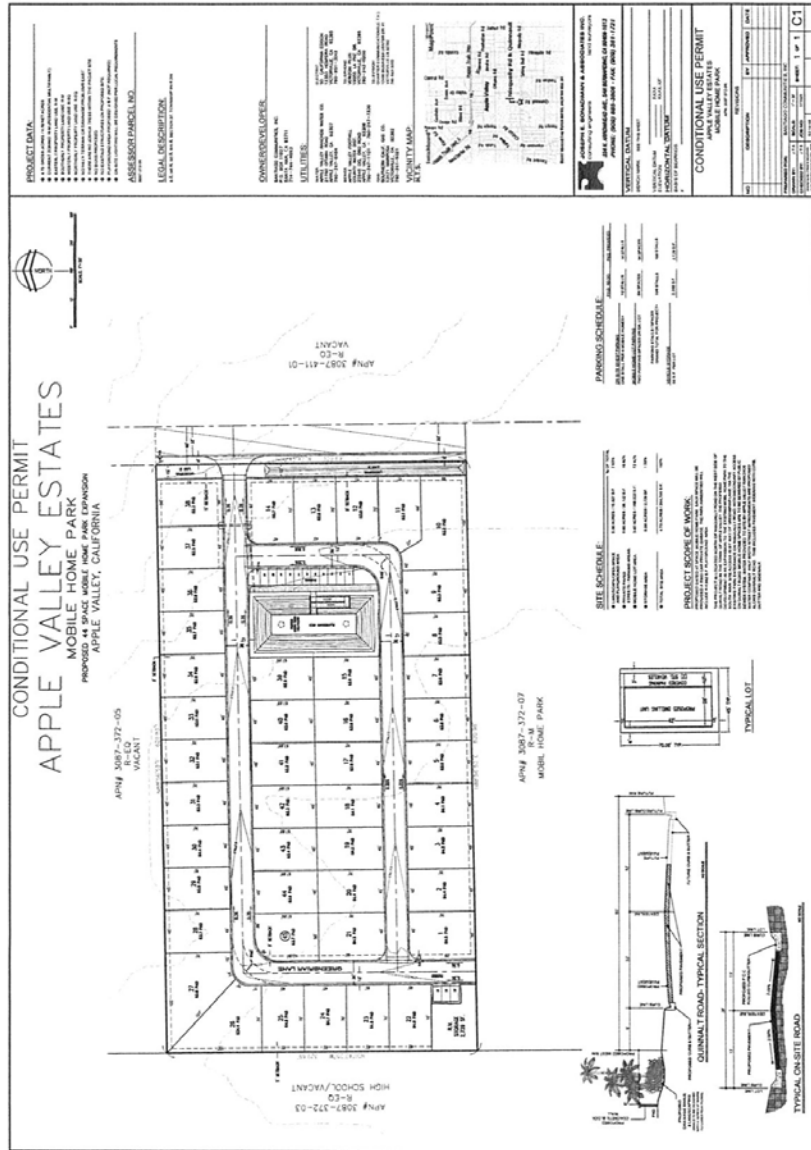
Jesse Nash  
Associate

Attachment: CUP Site Plan (Reduced 11x17)

cc: EJB/File

SM1-115

TC3

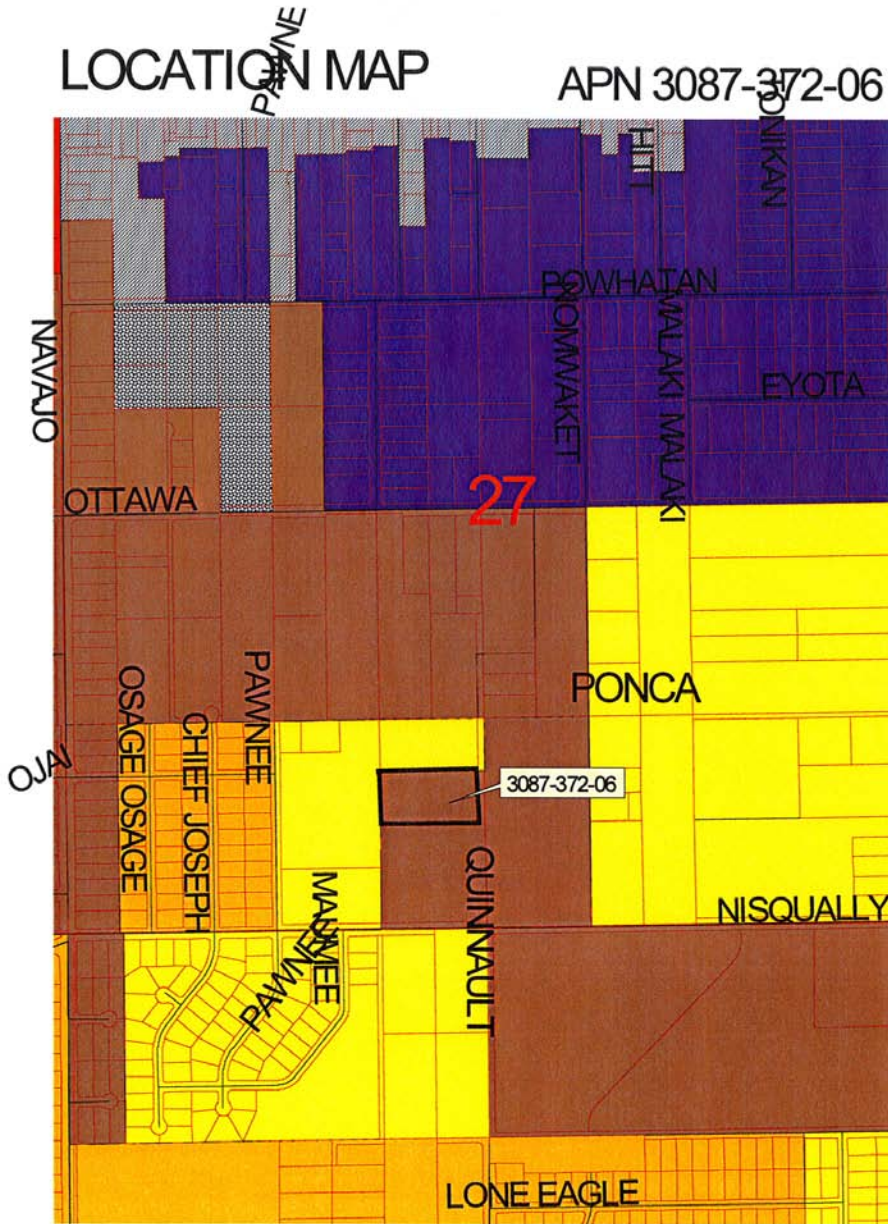


SM1-116

TC3

# LOCATION MAP

APN 3087-372-06



Al.

SM1-117

TC 4

**Star West Homes**  
13600 Hitt Road, Ste. A  
Apple Valley, CA. 92308  
760-247-3828

**RECEIVED**

APR - 6 2009

**Community Development**

Mr. Ken Henderson  
Director of Community Development  
Town of Apple Valley  
14955 Dale Evans Parkway  
Apple Valley, CA. 92307

RE: APN's 434-481-15 to 22

Dear Mr. Henderson,

This is to request that our properties on Central Road south of Bear Valley Road which were included in the General Plan Amendment and Zone Change 2005-006 be considered by the Planning Commission for single family residential in the General Plan Update. This property consists of 60 acres located south of Sandia Road and west of Central Road. We had a Tentative Tract consisting of 104 residential lots and 3 recreation and retention lots which went through the planning process to the point where it was approved by the Equestrian Committee.

We conducted surveys, topographic mapping, drainage studies, noise studies, biological studies for plants and animals, traffic studies, and worked with the Apple Valley Ranchos to get the land included in their service area. We paid the Town for a sewer feasibility study and will be paying a million dollars or more to extend sewers to the property.

This property was reviewed by the General Plan Advisory Committee (GPAC) and recommended by them for the single family designation. At the special workshops meeting of the planning commission and GPAC the recommendation of the GPAC was overturned by the planning commission. We were not able to attend that meeting and when Mr. Coleman, our engineer, tried to speak to the matter Chairman Hernandez would not allow him to do so.

At the March 4, 2009 Planning Commission meeting Mr. Coleman again presented testimony requesting that the matter be reconsidered by the Planning Commission. He advised my partner Stan Mullins and me that if the Planning Commission were to reconsider our request, they would have to reconsider all such requests and they could be flooded with requests. Mr. Coleman attended the April 1, 2009 meeting and found that additional requests were being considered.

We have built numerous homes in Apple Valley and want to continue being a part of the "Better Way of Life" you offer. We have offices at 13600 Hitt Road and want to put people to work when the economy and lenders permit.

**SM1-118**

TC 4

We ask that in all fairness to the time and effort we have expended on this project that the Planning Commission recommends a R-SF designation for this property to the Town Council.

*Stanley N. Mullins*  
*Philip A. Keller*

SM1-119

TC 4

SIGNIFICANT DATES

General Plan Amendment 2005-006, Zone Change 2005-006, Tentative Tract 17321 and Tentative Tract 17322

- November 18, 2004 DAB – HP Chang, planner  
60 acres adjacent to R-SF (Tract 17322) was okay to request GPA/ZC, but 40 acres (Tract 17321) would be considered spot zoning and planning would not support. No mention was made of studies that would be required, including preparation of an Environmental Impact Report (EIR).
- December 7, 2004 Altec contacted the owners of the intervening 40 acres and included it in the application to eliminate the spot zoning concern.
- June 5, 2005 Traffic study completed.
- July 8, 2005 Applications filed with Planning for GPA, ZC, Tract 17321 (72 lots) and Tract 17322 (104 lots), and agreement signed that if deemed incomplete the higher fee would be paid. It was assumed by Altec that since the project had gone to DAB, no additional items would be required.
- July 18, 2005 GPZ/ZC – Received letter from Phil Block deeming the submittal incomplete and requesting 7 additional items, including an additional \$15,212.50 filing fee.
- Additional items requested included:
- |                            |          |
|----------------------------|----------|
| Cultural Resources Studies | \$7,500  |
| Biota                      | \$10,000 |
- August 3, 2005 Tract 17321 - Received letter from Lori Lamson deeming the application incomplete and requesting 7 additional items of information along with additional filing fees of \$4,800 implemented July 10<sup>th</sup>. In this letter a statement was made that once the requested items were provided, the project could proceed to the Equestrian Committee, Planning Commission, and Town Council.
- Additional items requested included:
- |                    |                 |
|--------------------|-----------------|
| Traffic Studies    | \$3,000         |
| Hydrology Study    | \$2,500         |
| Noise Impact       | Tract Condition |
| Air Quality Impact | Not required    |
- August 3, 2005 Tract 17322 - Received letter from Lori Lamson deeming the application incomplete and requesting 12 additional items of information along with additional filing fees of \$4,800 implemented July 10<sup>th</sup>. In this letter a



TC 4

statement was made that once the requested items were provided, the project could proceed to the Equestrian Committee, Planning Commission, and Town Council.

Additional items requested included:

Traffic Studies	\$3,000
Hydrology Study	\$2,500
Noise Impact	Tract Condition
Air Quality Impact	Not required

- August 8, 2005 Appeal of additional filing fees filed with a \$200 fee.
- August 8, 2005 Carl Coleman wrote a letter to the mayor and Town Council requesting fee increases not be required for this and other projects Altec had filed on or before July 8, 2005.
- September 16, 2005 Received a letter from Mr. Ken Henderson ignoring all arguments against fee increase and advising an appeal and more fees be paid.
- August –  
October 2005 Submitted to Apple Valley Ranchos Water Company to annex these and numerous other properties into the Water Company boundary for service.
- September 26, 2005 Appeal of the fee increase filed for Council consideration.
- November 8, 2005 Council upheld Mr. Henderson's decision and denied the appeal of the fee waiver.
- November 29, 2005 Tract 17322 – Additional items submitted to Planning staff.
- December 13, 2005 GPA/ZC –Additional items submitted to Planning staff, including a will serve letter from Apple Valley Ranchos Water Company, an 8 ½ x 11 site plan, and hydrology and traffic impact reports.
- December 13, 2005 Tract 17321 –Additional items were submitted to Planning staff.
- January 3, 2006 GPZ/ZC, Tract 17321 & 17322 – The biological report for all projects were submitted to Planning staff, along with additional fees totaling \$20,012.50.
- February 1, 2006 GPA/ZC – Received letter from Phil Block DEEMING THE APPLICATION COMPLETE, and providing information on the new Measure N. Mr. Block indicated that if the outcome of the measure was positive, he anticipated the request would be “before the Planning Commission in July.”

SM1-121

TC 4

- February 1, 2006 Tract 17321 – Received letter from Phil Block indicating an additional item needed to be resolved. However, the item was to be sent to the Commission for a decision. The project would be conditioned to comply with the Noise Element and no Air Quality Report would be required. Since this was the only outstanding item, the application would be DEEMED COMPLETED. Mr. Block also provided information on the new Measure N, and indicated that if the outcome of the measure was positive, he anticipated the request would be “before the Planning Commission in July.”
- February 1, 2006 Tract 17322 – Received letter from Phil Block requesting additional items and providing information on the new Measure N. Mr. Block indicated that if the outcome of the measure was positive, he anticipated the request would be “before the Planning Commission in July.” The project would be conditioned to comply with the Noise Element and no Air Quality Report would be required. Identified that is one of the items was resolved, the application would be DEEMED COMPLETE.
- February 9, 2006 Tract 17322 – All requested items from August 3, 2005 and February 1, 2006 letters were submitted to Planning staff.
- June 6, 2006 Voters approved the new Measure N.
- September 1, 2006 Phil Block and Ginger Becker had a telephone conversation on all projects. He scheduled a meeting with Mr. Coleman and Mr. Pederson to discuss the traffic study, the drainage study, Lots A – F, and air quality thresholds. Mr. Block also indicated the tracts would be submitted to the Equestrian Committee at its September 27<sup>th</sup> meeting.
- September 12, 2006 Sewer Feasibility Study requested and \$1,579 fee paid.
- October 11, 2006 The Equestrian Committee reviewed TT 17321 and approved it unanimously.
- March 21, 2007 Tract 17322 – A revised map and traffic study update were submitted to Planning staff. Revisions were made at the request of Phil Block.
- Scheduled for Planning Commission at its May 16, 2007 meeting by Planning staff.
- April 27, 2007 Altec Engineering requested that the applications for TT 17322 be tabled to the next GPA cycle to allow both partners in the project to be present.
- Letter sent to Phil Block requesting continuance to the September 19, 2007 Planning Commission hearing.

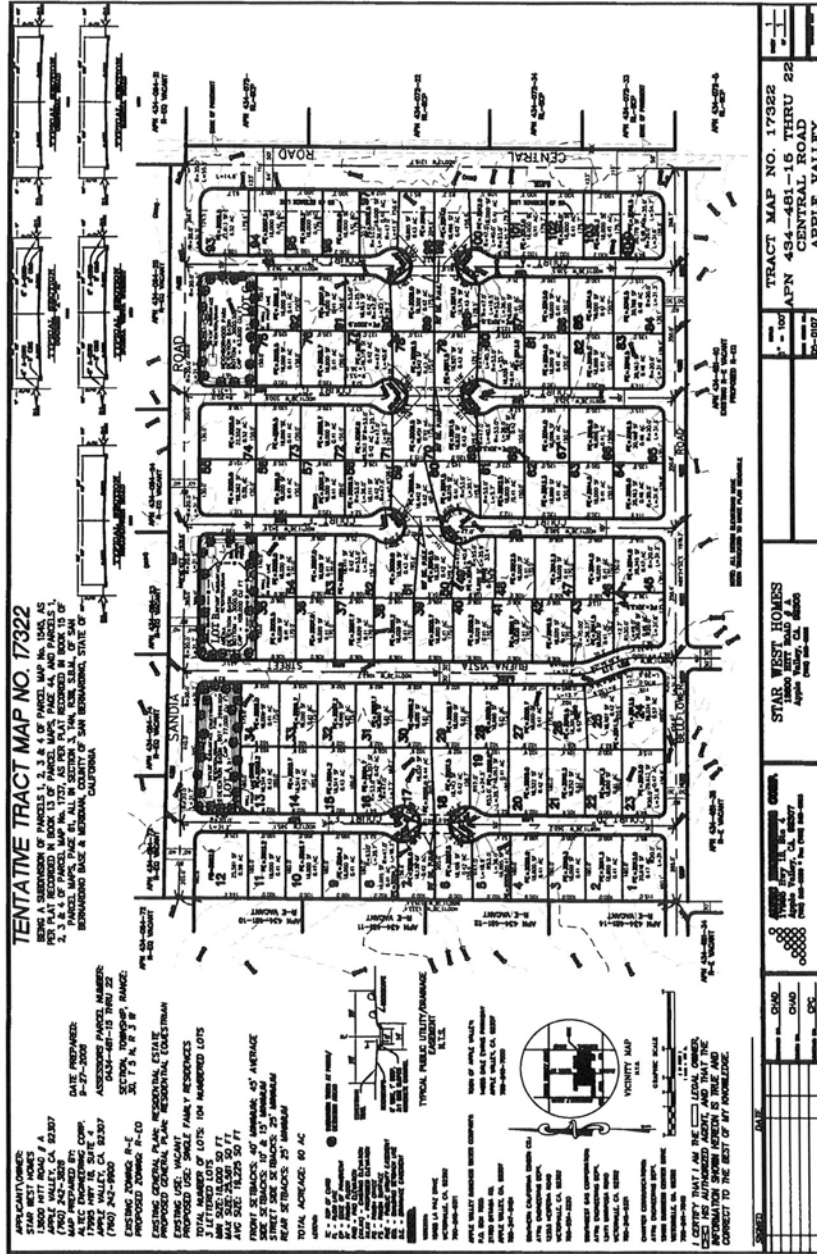
SM1-122

TC 4

- May 15, 2007 GPA/ZC - Received a copy of the Initial Study being prepared which indicated an EIR would be required. THIS WAS THE FIRST MENTION OF AN EIR.
- May 16, 2007 Phil Block indicated that the Initial Studies for Tract 17321 and 17322 were not completed because we had requested they be tabled, along with the GPA/ZC. However, the environmental analysis for the project is incomplete by staff and their request for an EIR is not based on all information provided for every aspect of the project. Therefore, any EIR prepared at this point would be deemed inadequate for the tracts.
- May 16, 2007 Planning Commission tabled the projects until the next General Plan cycle.
- May 25, 2007 Will serve letter received from Apple Valley Ranchos Water Company.
- September 27, 2007 Phil Block indicated the projects would be abandoned if a response was not received on whether the projects were proceeding to Planning Commission or the applicant was going to participate in the General Plan Update process.

The applicant decided that since an EIR would cost upwards of \$100,000 and take a year or more to complete, they would participate in the General Plan Update. The General Plan Advisory Committee recommended the properties be changed to R-EQ as requested. The Planning Commission chairman, while considering the GPAC recommendations, picked out the parcel for the Planning Commission to go against the GPAC recommendations and called for a vote of the Planning Commission without allowing any public input.

TC 4



SM1-124



Attachment No. 2

**Altec Engineering, Inc.**  
17995 U.S. Highway 18, Suite 4  
Apple Valley, CA 92307

(760) 242-9900  
Fax (760) 242-9918  
[AltecEng@aol.com](mailto:AltecEng@aol.com)

**RECEIVED**

MAR 16 2009

**Community Development**

**General Plan Analysis**

By

Carl P. Coleman, P.E.  
Former Council Member  
Town of Apple Valley

Presented to:

Town Council  
Town of Apple Valley

March 10, 2009

Civil Engineering  
Land Surveying & GPS  
Land Planning & GIS

Biological, Native Plant & Phase I Assessments  
Valuations & Marketing Studies  
©

Real Estate Services  
Feasibility Analysis  
Construction Management & Inspection

**SM1-126**

**Altec Engineering, Inc.**  
17995 U.S. Highway 18, Suite 4  
Apple Valley, CA 92307

(760) 242-9900  
Fax (760) 242-9918  
[AltecEng@aol.com](mailto:AltecEng@aol.com)

---

## Forward

Mayor Rollee and Council Members,

I believe I have a unique insight in several areas that I would like to share with you. My nine years as General Manager of the Mojave Water Agency and thirty-six years as a civil engineer in Apple Valley working on hundreds of projects gives me a depth of knowledge that I hope you will utilize in your review of the 2009 General Plan for Apple Valley.

For any area to develop it must have the ability to put in place all of the elements of infrastructure required for a safe and healthy living environment. They include a safe and adequate water supply for both domestic use and fire protection, the ability to dispose of domestic sewage, electric service, telephone service, paved access for emergency vehicles, protection from flooding, access to other public services and proper zoning.

Many areas of our town do not have these things. I believe all areas should have the opportunity to develop in accordance with reasonable guidelines provided by Town policy established by the Council.

I have attended numerous meetings and studied the General Plan and the Environmental Impact Report. I have outlined on the Preferred Alternative Map prepared by Terra Nova nine areas of the Town in which I believe I can offer some information for your consideration.

---

Civil Engineering  
Land Surveying & GPS  
Land Planning & GIS

Biological, Native Plant & Phase I Assessments  
Valuations & Marketing Studies  
©

Real Estate Services  
Feasibility Analysis  
Construction Management & Inspection

**SM1-127**

**Altec Engineering, Inc.**  
17995 U.S. Highway 18, Suite 4  
Apple Valley, CA 92307

(760) 242-9900  
Fax (760) 242-9918  
AltecEng@aol.com

Area ① consists of approximately 1350 acres of land which has only 16 homes built on dirt roads and limited infrastructure. Parcel sizes in this area are as follows:

1 – 160 acre  
2 – 40 acre  
1 – 20 acre  
35 – 10 acre  
7 – 7 acre  
58 – 5 acre  
13 – 4 acre  
122 – 2.5 acre  
8 - <2.5 acre

The proposed General Plan designations for this area are R-LD and R-VLD. It is my opinion that these properties cannot possibly develop in any reasonable manner with these designations. My experience in this area is that bedrock is very near the surface making wells and sewage disposal difficult on individual parcels.

I would recommend that this area be designated R-SF or R-EQ which will allow enough density to support paved roads, drainage, sewers, water and other utilities and services.

Area ② consists of approximately 1430 acres of land which has only 15 homes built on dirt roads and limited infrastructure. Parcel sizes in this area are as follows:

1 – 154 acre  
8 – 40 acre  
1 – 28 acre  
1 – 23 acre  
7 – 20 acre  
40 – 10 acre  
4 – 8 acre  
42 – 5 acre  
13 – 4 acre  
61 – 2.5 acre  
6 - <2.5 acre

The proposed General Plan designations for this area are R-E which will support approximately 1430 new homes when fully developed. Roads, drainage, sewers, water and other utilities and services will be very difficult to provide due to the near surface bedrock. An R-SF designation would greatly improve the potential development of this area.

Area ③ consists of approximately 150 acres of land which has no homes built on it at this time. It is bounded on the north by Regional Commercial, on the south by R-SF and on the east and west O-S. Again there is very little soil over the bedrock and all water, sewer, drainage, power and

Civil Engineering  
Land Surveying & GPS  
Land Planning & GIS

Biological, Native Plant & Phase I Assessments  
Valuations & Marketing Studies  
©

Real Estate Services  
Feasibility Analysis  
Construction Management & Inspection



**Altec Engineering, Inc.**  
17995 U.S. Highway 18, Suite 4  
Apple Valley, CA 92307

(760) 242-9900  
Fax (760) 242-9918  
[AltecEng@aol.com](mailto:AltecEng@aol.com)

roads will be difficult to accomplish in this area. I think this area would be better suited to an R-M designation.

Area④ consists of approximately 160 acres of land which has only 12 homes built along Central and Waalew Roads on 1 to 10 acre parcels. Parcel sizes in this area are as follows:

4 – 10 acre  
6 – 5 acre  
4 – 4 acre  
18 – 2.5 acre  
26 - <2.5 acre

The proposed General Plan designation for this area is R-E. The property is bounded on the north and west by Airport Industrial, on the south by R-SF and Commercial and on the east by Central Road. There is major drainage that crosses this area that will have to be handled for development to take place. The High Desert Corridor crosses the valley at the southwest corner of this property.

This area does have access to water, future sewer, other utilities, jobs from the industrial specific plan and good access roads. This area could be the first to provide housing and commercial services to the airport industrial with a Mixed Use designation. I would recommend a mixed use designation for this area.

Area⑤ consists of approximately 80 acres of land which has 47 single family homes built on 1 to 5 acre parcels. This is a unique area surrounded by Rancho subdivisions and commercial lots along Highway 18. It was subdivided by deed and parcel maps when paved roads and drainage easements were not required. Many homes are located on dirt roads and are subject to sever flooding problems. These improvements could be achieved by changing the General Plan designation to match the surrounding subdivisions and require a fair share payment for roads and drainage when future development takes place.

Area⑥ consists of approximately 265 acres of land which was previously planted in alfalfa and is definitely in the path of development. It will be easy to obtain the necessary infrastructure for this land if it is properly General Planned and zoned. The proposed General Plan designation is R-E and makes little sense when it is surrounded with R-SF on the north and east and a school and OP on the west and CR on the south. This property should have a General Plan designation of R-SF to match surrounding development and provide customers for the adjacent businesses.

Area⑦ consists of approximately 900 acres of land, 133 parcels and 110 homes. This property slopes to the west and has some great views. It is surrounded by the Jess Ranch Specific Plan to the west, R-SF on the east, commercial and mixed use along Bear Valley Road and Tussing Ranch Road planned for a major arterial and county land on the south. The proposed General Plan designation is R-LD.

Civil Engineering  
Land Surveying & GPS  
Land Planning & GIS

Biological, Native Plant & Phase I Assessments  
Valuations & Marketing Studies  
©

Real Estate Services  
Feasibility Analysis  
Construction Management & Inspection

**SM1-129**

**Altec Engineering, Inc.**  
17995 U.S. Highway 18, Suite 4  
Apple Valley, CA 92307

(760) 242-9900  
Fax (760) 242-9918  
[AltecEng@aol.com](mailto:AltecEng@aol.com)

Let's take a look at the R-LD designation. It allows single family homes on 2.5 to 5 acres. Permitted uses are agricultural and ranching activities, animal keeping (both personal and commercial) and home occupations.

What does commercial animal keeping consist of? It can consist of the following:

1. Turkey ranch (noise, dust and smells)
2. Chicken ranch (noise and smell)
3. Cattle feeding (pollution, flies, birds and smell)
4. Horse ranch (auctions, smell, pollution, flies, etc.)
5. Pig farm (smell, pollution, flies, etc.)

I believe that the R-LD designation is a step backward with no potential for anything but creating havoc in the future. Imagine what will happen when the Town Council is faced with approving a commercial animal keeping operation next to the wall surrounding Jess Ranch with hundreds of senior citizens mad as heck at what is happening to them. This is an area where the Estate Residential designation (R-E) could truly protect the present homeowners and lessen the prospect for future conflicts.

Area ⑧ consists of approximately 880 acres of land with 80 single family homes built on dirt roads except for Central Road, Navajo Road, Tussing Ranch Road and portion of Wren Street and Quinnault Road. Central Road and Tussing Ranch Road are major arterials where future access from driveways will be limited.

Parcel sizes in this area are as follows:

- 4 – 40 acre
- 3 – 20 acre
- 6 – 15 acre
- 13 – 10 acre
- 42 – 5 acre
- 3 – 3.5 acre
- 50 – 2.5 acre
- 61 - <2.5 acre

The proposed General Plan designation for this area is R-E. The area is bounded on the north by R-SF and Apple Valley High School, on the west by R-SF, on the south by the railroad to Mitsubishi Cement and on the east by county lands. I have done a lot of work in this area over the years and R-E designation does not allow for a project that will pay development costs and allow for a profit to the developer. If this area is to have a chance for development it must be designated R-EQ or R-SF.

I have prepared a General Plan Amendment and Zone Change application and tentative tracts for 100 acres in this area where Star West Homes (a company that has offices on Hitt Road and has built and sold numerous fine homes in Apple Valley) wishes to ready it's property for development when the economy improves. Attached is a timeline for work that has been done

Civil Engineering  
Land Surveying & GPS  
Land Planning & GIS

Biological, Native Plant & Phase 1 Assessments  
Valuations & Marketing Studies  
©

Real Estate Services  
Feasibility Analysis  
Construction Management & Inspection

**Altec Engineering, Inc.**

17995 U.S. Highway 18, Suite 4  
Apple Valley, CA 92307

(760) 242-9900

Fax (760) 242-9918

[AltecEng@aol.com](mailto:AltecEng@aol.com)

---

on these properties. If nothing else I would like you to include these properties in the General Plan update so we can proceed with the Tentative Tracts 16921 and 16922.

Area ① is along Rancherias Road near the country club. The open space designation on Bass Hill extends into the cove area and across three building lots on Rancherias. This infringement on owner's rights should be eliminated.

---

Civil Engineering  
Land Surveying & GPS  
Land Planning & GIS

Biological, Native Plant & Phase 1 Assessments  
Valuations & Marketing Studies  
©

Real Estate Services  
Feasibility Analysis  
Construction Management & Inspection

**SM1-131**

SIGNIFICANT DATES

General Plan Amendment 2005-006, Zone Change 2005-006, Tentative Tract 17321 and Tentative Tract 17322

- November 18, 2004 DAB – HP Chang, planner  
60 acres adjacent to R-SF (Tract 17322) was okay to request GPA/ZC, but 40 acres (Tract 17321) would be considered spot zoning and planning would not support. No mention was made of studies that would be required, including preparation of an Environmental Impact Report (EIR).
- December 7, 2004 Altec contacted the owners of the intervening 40 acres and included it in the application to eliminate the spot zoning concern.
- June 5, 2005 Traffic study completed.
- July 8, 2005 Applications filed with Planning for GPA, ZC, Tract 17321 (72 lots) and Tract 17322 (104 lots), and agreement signed that if deemed incomplete the higher fee would be paid. It was assumed by Altec that since the project had gone to DAB, no additional items would be required.
- July 18, 2005 GPZ/ZC – Received letter from Phil Block deeming the submittal incomplete and requesting 7 additional items, including an additional \$15,212.50 filing fee.
- Additional items requested included:
- |                            |          |
|----------------------------|----------|
| Cultural Resources Studies | \$7,500  |
| Biota                      | \$10,000 |
- August 3, 2005 Tract 17321 - Received letter from Lori Lamson deeming the application incomplete and requesting 7 additional items of information along with additional filing fees of \$4,800 implemented July 10<sup>th</sup>. In this letter a statement was made that once the requested items were provided, the project could proceed to the Equestrian Committee, Planning Commission, and Town Council.
- Additional items requested included:
- |                    |                 |
|--------------------|-----------------|
| Traffic Studies    | \$3,000         |
| Hydrology Study    | \$2,500         |
| Noise Impact       | Tract Condition |
| Air Quality Impact | Not required    |
- August 3, 2005 Tract 17322 - Received letter from Lori Lamson deeming the application incomplete and requesting 12 additional items of information along with additional filing fees of \$4,800 implemented July 10<sup>th</sup>. In this letter a

statement was made that once the requested items were provided, the project could proceed to the Equestrian Committee, Planning Commission, and Town Council.

Additional items requested included:

Traffic Studies	\$3,000
Hydrology Study	\$2,500
Noise Impact	Tract Condition
Air Quality Impact	Not required

- August 8, 2005 Appeal of additional filing fees filed with a \$200 fee.
- August 8, 2005 Carl Coleman wrote a letter to the mayor and Town Council requesting fee increases not be required for this and other projects Altec had filed on or before July 8, 2005.
- September 16, 2005 Received a letter from Mr. Ken Henderson ignoring all arguments against fee increase and advising an appeal and more fees be paid.
- August –  
October 2005 Submitted to Apple Valley Ranchos Water Company to annex these and numerous other properties into the Water Company boundary for service.
- September 26, 2005 Appeal of the fee increase filed for Council consideration.
- November 8, 2005 Council upheld Mr. Henderson’s decision and denied the appeal of the fee waiver.
- November 29, 2005 Tract 17322 – Additional items submitted to Planning staff.
- December 13, 2005 GPA/ZC –Additional items submitted to Planning staff, including a will serve letter from Apple Valley Ranchos Water Company, an 8 ½ x 11 site plan, and hydrology and traffic impact reports.
- December 13, 2005 Tract 17321 –Additional items were submitted to Planning staff.
- January 3, 2006 GPZ/ZC, Tract 17321 & 17322 – The biological report for all projects were submitted to Planning staff, along with additional fees totaling \$20,012.50.
- February 1, 2006 GPA/ZC – Received letter from Phil Block DEEMING THE APPLICATION COMPLETE, and providing information on the new Measure N. Mr. Block indicated that if the outcome of the measure was positive, he anticipated the request would be “before the Planning Commission in July.”

- February 1, 2006 Tract 17321 – Received letter from Phil Block indicating an additional item needed to be resolved. However, the item was to be sent to the Commission for a decision. The project would be conditioned to comply with the Noise Element and no Air Quality Report would be required. Since this was the only outstanding item, the application would be DEEMED COMPLETED. Mr. Block also provided information on the new Measure N, and indicated that if the outcome of the measure was positive, he anticipated the request would be “before the Planning Commission in July.”
- February 1, 2006 Tract 17322 – Received letter from Phil Block requesting additional items and providing information on the new Measure N. Mr. Block indicated that if the outcome of the measure was positive, he anticipated the request would be “before the Planning Commission in July.” The project would be conditioned to comply with the Noise Element and no Air Quality Report would be required. Identified that is one of the items was resolved, the application would be DEEMED COMPLETE.
- February 9, 2006 Tract 17322 – All requested items from August 3, 2005 and February 1, 2006 letters were submitted to Planning staff.
- June 6, 2006 Voters approved the new Measure N.
- September 1, 2006 Phil Block and Ginger Becker had a telephone conversation on all projects. He scheduled a meeting with Mr. Coleman and Mr. Pederson to discuss the traffic study, the drainage study, Lots A – F, and air quality thresholds. Mr. Block also indicated the tracts would be submitted to the Equestrian Committee at its September 27<sup>th</sup> meeting.
- September 12, 2006 Sewer Feasibility Study requested and \$1,579 fee paid.
- October 11, 2006 The Equestrian Committee reviewed TT 17321 and approved it unanimously.
- March 21, 2007 Tract 17322 – A revised map and traffic study update were submitted to Planning staff. Revisions were made at the request of Phil Block.
- Scheduled for Planning Commission at its May 16, 2007 meeting by Planning staff.
- April 27, 2007 Altec Engineering requested that the applications for TT 17322 be tabled to the next GPA cycle to allow both partners in the project to be present.
- Letter sent to Phil Block requesting continuance to the September 19, 2007 Planning Commission hearing.

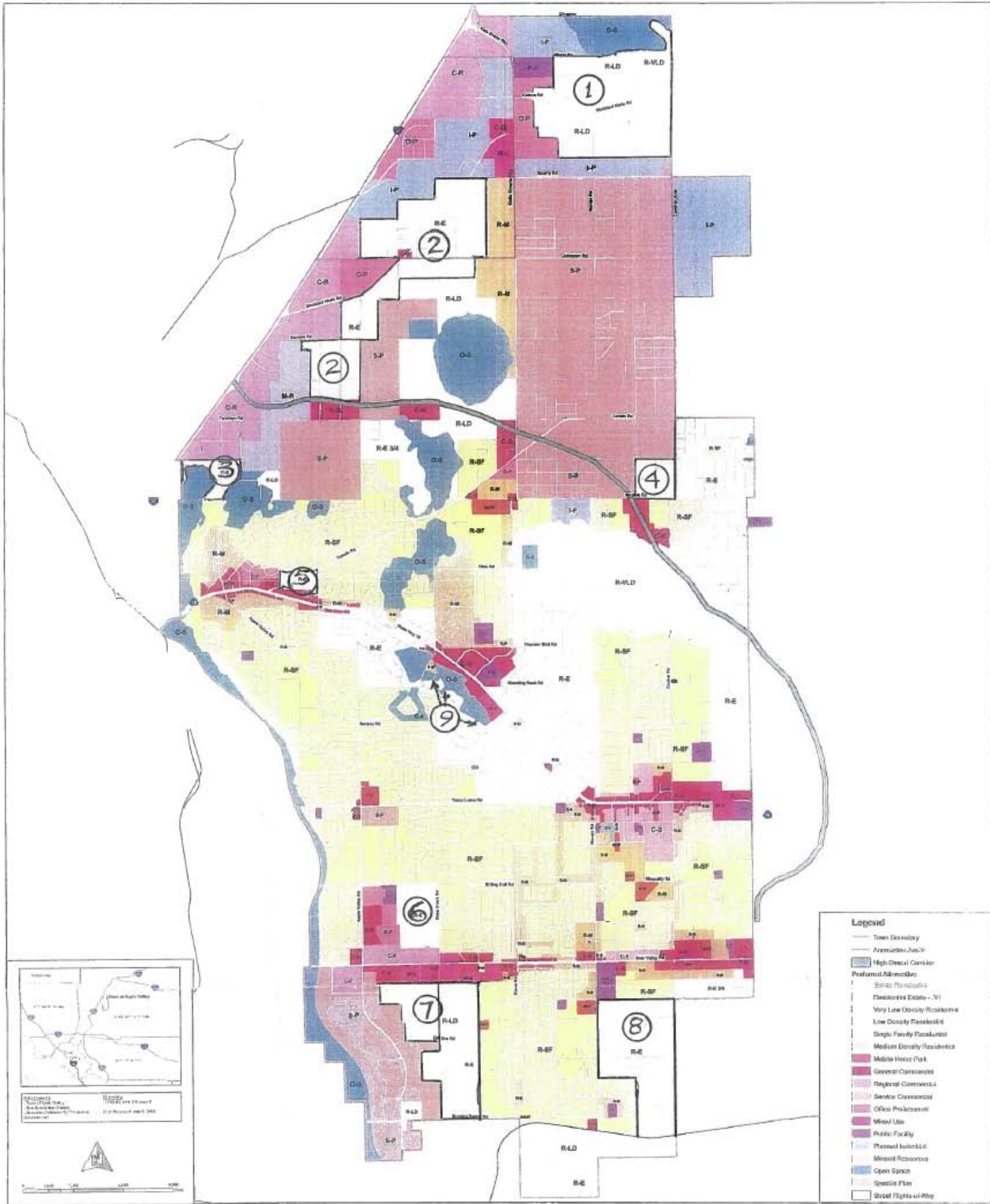
- May 15, 2007 GPA/ZC - Received a copy of the Initial Study being prepared which indicated an EIR would be required. THIS WAS THE FIRST MENTION OF AN EIR.
- May 16, 2007 Phil Block indicated that the Initial Studies for Tract 17321 and 17322 were not completed because we had requested they be tabled, along with the GPA/ZC. However, the environmental analysis for the project is incomplete by staff and their request for an EIR is not based on all information provided for every aspect of the project. Therefore, any EIR prepared at this point would be deemed inadequate for the tracts.
- May 16, 2007 Planning Commission tabled the projects until the next General Plan cycle.
- May 25, 2007 Will serve letter received from Apple Valley Ranchos Water Company.
- September 27, 2007 Phil Block indicated the projects would be abandoned if a response was not received on whether the projects were proceeding to Planning Commission or the applicant was going to participate in the General Plan Update process.

The applicant decided that since an EIR would cost upwards of \$100,000 and take a year or more to complete, they would participate in the General Plan Update. The General Plan Advisory Committee recommended the properties be changed to R-EQ as requested. The Planning Commission chairman, while considering the GPAC recommendations, picked out the parcel for the Planning Commission to go against the GPAC recommendations and called for a vote of the Planning Commission without allowing any public input.

# Town of Apple Valley

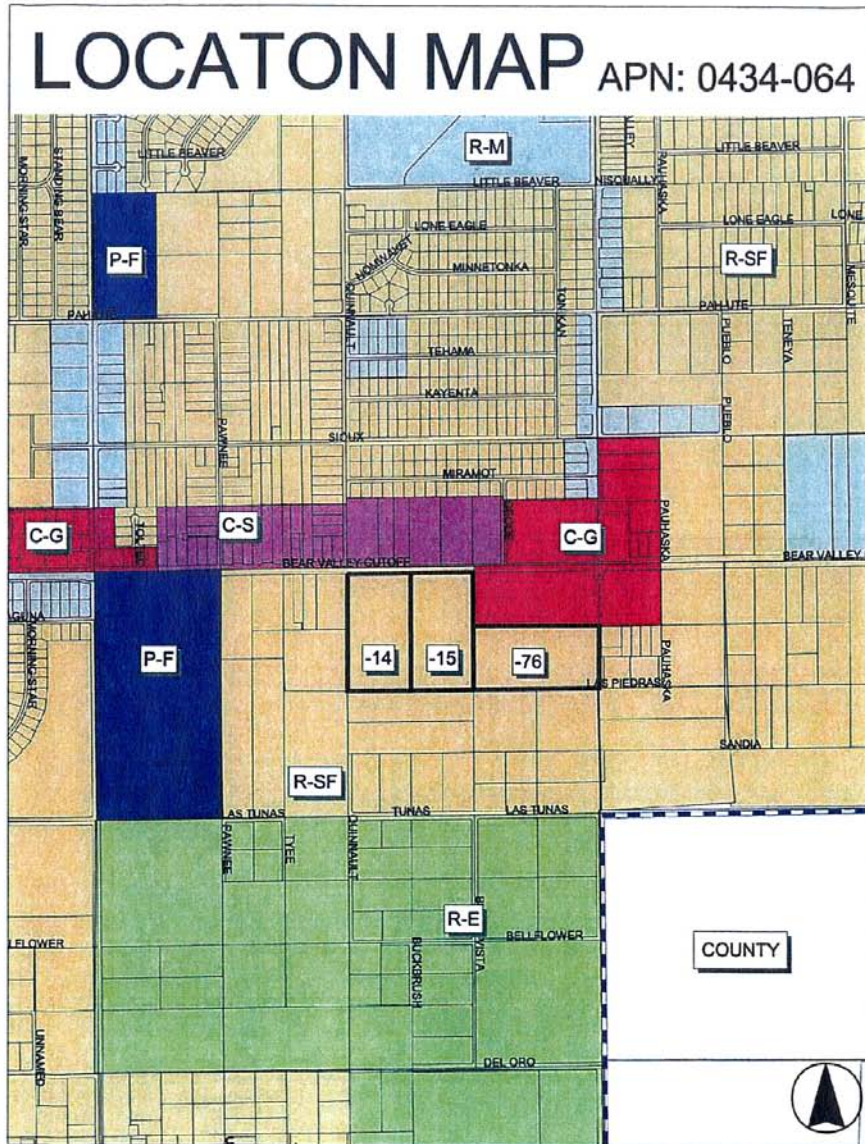


Preferred Alternative





General Plan Update (General Plan Amendment No. 2008-001),  
Annexation Nos. 2008-001 and 2008-002  
March 18, 2009 Planning Commission Meeting



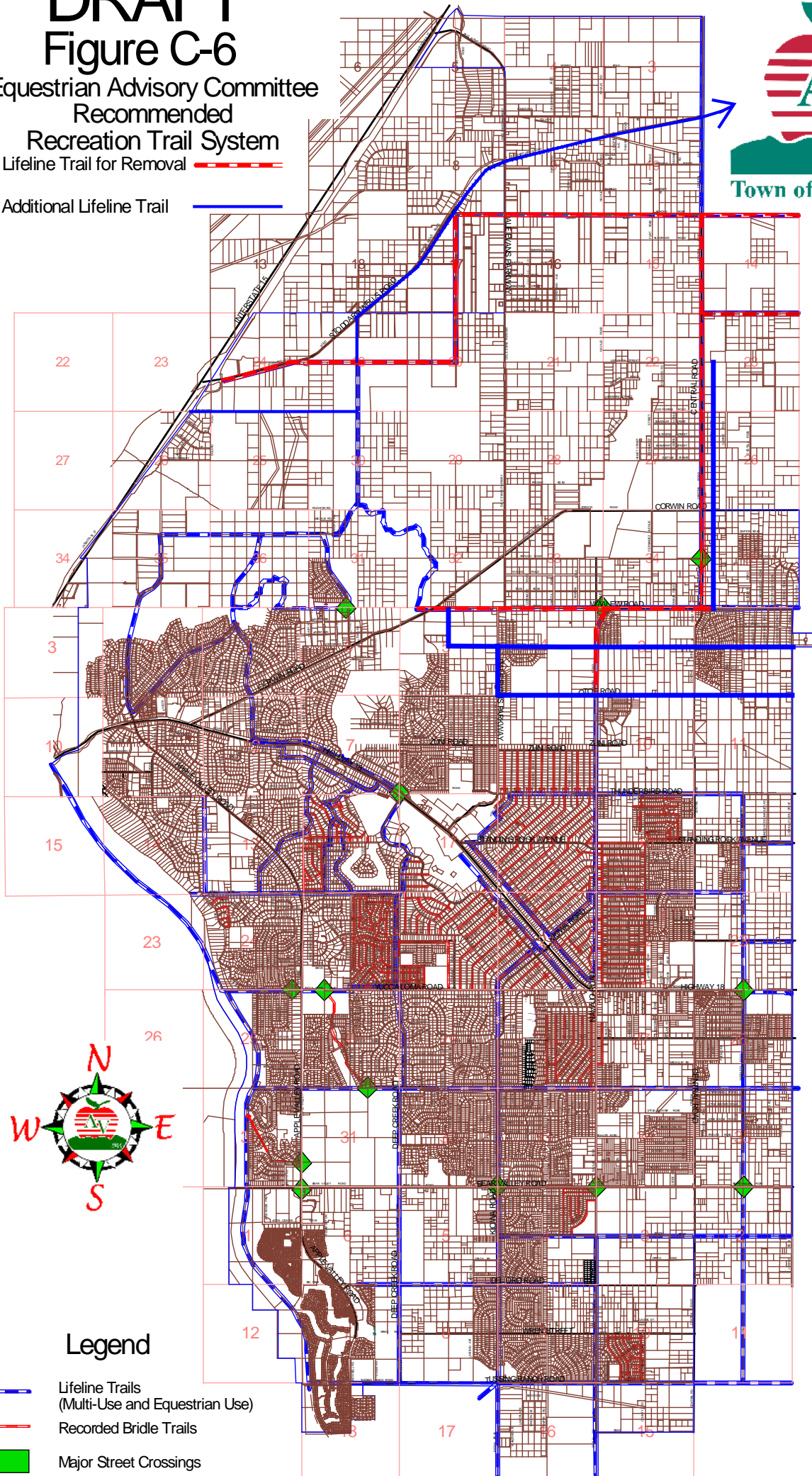
SM1-137

# DRAFT Figure C-6




Equestrian Advisory Committee  
Recommended  
Recreation Trail System

Lifeline Trail for Removal 

Additional Lifeline Trail 



### Legend

-  Lifeline Trails (Multi-Use and Equestrian Use)
-  Recorded Bridle Trails
-  Major Street Crossings

**ATTACHMENT NO. 7**

**TOWN OF APPLE VALLEY  
TOWN COUNCIL – SPECIAL MEETING  
MINUTES – MAY 12, 2009**

The Special Meeting of the Town of Apple Valley Town Council was called to order at 4:09 p.m. at Town Hall, 14955 Dale Evans Parkway, Apple Valley, California.

**ROLL CALL**

Roll call was taken with the following members present: Council Members Peter Allan; Bob Sagona; Ginger Coleman; Mayor Pro Tem Scott Nassif; Mayor Rick Roelle. Absent: None.

**BUSINESS OF THE COUNCIL**

**General Plan Amendment No. 2008-001 (General Plan Update), Annexation No. 2008-001 and Annexation No. 2008-002.**

Ms. Nicole Criste, Consultant, presented the staff report as filed with the Town Clerk. She stated that staff was pleased to presented the results of several years worth of community input. She presented the proposed General Plan and commented on items included in the proposed document including an Environmental Impact Report.

Ms. Criste stated that this Public Hearing would be continued to a special meeting on June 9, 2009.

Ms. Criste explained that the staff report includes short summaries of proposed changes. She also stated that the Council will be asked to review four (4) requests that have been submitted to staff for land use changes.

Councilwoman Coleman stated that there is a general law exception that allows large property owners to vote on certain issues that pertain to their property. She stated that based on this law, she does not need to excuse herself from the discussion on the land use changes; however, legal counsel has recommended that she not participate in the discussions when Altec Engineering is making its presentations.

Mayor Roelle opened the public hearing at 4:15 p.m.

Anthony Thomas, Property Owner, believed the residents and property owners in the Bell Mountain area should remain outside the Town limits. He recommended the Golden Triangle remain County property.

Jim Blackburn, Property Owner, expressed concern regarding the Town's desire to incorporate the property near Bell Mountain. He stated that incorporation was unsuccessfully attempted several years ago with a vote of 49-3.

Ms. Criste explained the process that takes place for annexation.

Dino Defazio, Developer, commented property that he owns within the Town where the zoning may be changed to multi-family. He requested an update on the multi-species plan.

Angelo Cici, Shear Realty, expressed concern regarding a decision made by the Planning Department regarding regarding a change in zoning.

**SM1-139**

Ms. Criste informed the Town Council that Mr. Defazio's property would be considered at the meeting of June 9.

**TC1**

*Location: East side of Central, north of Standing Rock. Property immediately south was designated C-G at the joint Planning Commission/GPAC workshop. However, this parcel is not on the corner, and it is unlikely additional commercial land can be supported at this location, due to the proximity to SR-18.*

Councilman Allan questioned the discussions held by the Planning Commission on this property.

Ms. Criste explained that these are two separate properties with separate owners. She stated that the Planning Commission felt a change should not be considered until actual projects are proposed.

Discussion ensued regarding a zone change from Residential to Commercial.

Mayor Pro Nassif shared concern about the development of the area and stated he is in support of the Planning Commission recommendation until an actual project comes forth.

Councilwoman Coleman shared concern regarding making any changes to the area without an existing project.

Mayor Roelle also shared concern regarding making zone changes at this time.

**MOTION**

Motion by Councilman Allan, seconded by Mayor Roelle to approve the request to change zoning from Residential to Commercial.

Vote: Motion failed 1-4-0-0

Yes: Councilmember Allan. Noes: Councilmembers Coleman; Sagona; Mayor Pro Tem Nassif; Mayor Roelle. Absent: None.

Nicole Criste, Terra Nova, requested that the Council make a motion to decide if the zoning should remain single family residential

**MOTION**

Motion by Councilwoman Coleman, seconded by Councilman Sagona to maintain the current zoning.

Vote: Motion carried 5-0-0-0

Yes: Councilmember's Allan; Coleman; Sagona; Mayor Pro Tem Nassif; Mayor Roelle. Absent: None.

**TC2:**

*Location: Non-contiguous lots -- East and west side of Stoddard Wells, north of Johnson Road. The GPAC did not consider these properties in particular, but felt that the central core of*

**SM1-140**

*the Golden Triangle, away from Dale Evans and I-15, should remain low intensity residential. The Planning Commission did not address this area. Located in Annexation 2008-001*

Ms. Criste commented on TC2. She gave the dimensions of the property. She stated that the Planning Commission did not address this property. The Applicant was not present to speak.

Mayor Pro Tem Nassif stated that he was in support of this project.

Mayor Roelle stated he would support to keep land use designation as recommended.

#### **MOTION**

Motion by Mayor Pro Tem Nassif, seconded by Councilwoman Coleman to keep land use designation as recommended.

Vote: Motion carried 5-0-0-0

Yes: Councilmember's Allan; Coleman; Sagona; Mayor Pro Tem Nassif; Mayor Roelle. Absent: None.

#### **TC3:**

*Location: West side of Quinnault, north of Nisqually. The General Plan requires all new MHPs to file a General Plan Amendment and Zone change when the project is processed. In this case, however, granting the GP designation will preclude development of the site until such time as the Development Code standards are developed, which will take about 6 months. Staff would recommend that the designation remain R-M, so that the MHP can be processed with a CUP immediately, and that the Council direct staff to process the GPA and Development Code Amendment concurrently, at no charge to the applicant.*

Ms. Criste stated that this request was submitted after the Planning Commission's review of their portions of the map and after they took action. Staff's recommendation is a procedural one. She explained that when you adopt the General Plan and the Mobile Home Park designation there can be no changes for four to six months during the process. She explained the need to take the action on this item so that there will not be a delay in the project due to procedures that will have to take place.

Ian Summers, Santiago Summers, representing the Applicant, is in agreement with the plan.

#### **MOTION**

Motion by Councilman Sagona, Seconded by Mayor Pro Tem Nassif, to continue with current zoning designation.

Vote: Motion carried 5-0-0-0

Yes: Councilmember's Allan; Coleman; Sagona; Mayor Pro Tem Nassif; Mayor Roelle. Absent: None.

#### **TC4:**

*Location: West side of Central between Las Tunas (Sandia) and Lancelet Road. This 1 acre minimum area is a natural transition between more dense residential land uses to the west and the County land use designations to the east, which are a minimum lot size of 2.5 and 1 acre. The R-E designation should be maintained*

**SM1-141**

Councilwoman Coleman stated that she had a conflict of interest on this item and will not be participating in the vote.

Nicole Criste, Terra Nova, explained this project and the proposed designation.

Councilman Allan questioned the number of individuals who owned the property.

Carl Coleman, Altec Engineering, representing the owner, commented on the amount of work that was done on this property. He stated that after the review of the project by the Planning Commission and GPAC (joint), a Planning Commissioner recommended that it not be changed. He stated he was unable to speak on this item. He expressed concern regarding the discussions that took place at the Planning Commission. Mr. Coleman believes that by changing the zoning to residential from residential estate it would be more feasible.

Mayor Pro Tem Nassif had questions regarding zoning on the map.

Discussion ensued regarding pages 1-32 of the staff report.

Dino Defazio, Apple Valley, commented on the request for ½ acre lots. He recommended that the Council side with the property owner. He believed that the change in density would assist the development in the area.

Mayor Pro Tem expressed concern regarding changing the zoning to ½ acre. He understands the cost of development; however, he believed it would be best to remain consistent.

Councilman Allan commented on the need to possibly rezone the property to draw additional business to the area.

#### **MOTION**

Motion by Mayor Pro Tem Nassif and seconded by Councilman Allan, to change the zoning as requested by the Applicant.

Vote: Motion carried 3-1-1-0

Yes: Councilmember's Allan; Sagona; Mayor Pro Tem Nassif. Noes: Mayor Roelle. Abstain: Councilwoman Coleman.

#### **TC5:**

Councilwoman Coleman stated that she had a conflict of interest on this item and will not be participating in the vote.

Nicole Criste, Terra Nova, stated that there are nine land use recommendations.

Mr. Ken Henderson, explained the need to review the recommendations and provide Mr. Coleman the opportunity to present his request.

Mayor Roelle, with the consensus of the Town Council, recommended that all nine recommendations not be addressed at this time. It was the recommendation of Mr. Coleman to discuss Area 4.

**SM1-142**

Carl Coleman, Altec Engineering, commented on his proposed project. He asked the Council to consider Area 4 to move forward. He stated he has not been paid any money for the proposed project.

Nicole Criste, Terra Nova, commented on Area 4 as recommended by Mr. Coleman. She stated that Mr. Coleman has represented owners in the area.

Discussion ensued regarding a zone change for this property.

**MOTION**

Motion by Councilman Allan; seconded by Councilman Sagona, to move to maintain the current zoning.

Vote: Motion carried 4-0-1-0

Yes: Councilmember's Allan; Sagona; Mayor Pro Tem Nassif; Mayor Roelle. Abstain: Councilwoman Coleman.

**PUBLIC COMMENTS**

None

**ADJOURNMENT**

Motion by Mayor Roelle to adjourn the Special Meeting at 5:50 p.m. and continue the Special Meeting to June 9, 2009 at 4:00 p.m.