

APPLE VALLEY, CALIFORNIA

AGENDA MATTER

Subject Item:

APPEAL NO. 2010-002 OF THE PLANNING COMMISSION'S APPROVAL OF AN AMENDMENT TO A PREVIOUSLY APPROVED DEVELOPMENT PERMIT NO. 2006-039; AMENDMENT NO. 1 FOR 126 SINGLE-FAMILY RESIDENTIAL HOMES. THE AMENDMENT INCLUDES MINOR ARCHITECTURAL REVISIONS AND A REDUCTION OF THE SQUARE FOOTAGE OF THE REMAINING NINETY-SIX (96) SINGLE-FAMILY RESIDENCES. THE SUBJECT SITE IS APPROXIMATELY EIGHTY-ONE (81)-ACRES IN SIZE WITHIN RECORDED TRACT MAP 14154-1, AND HAS A ZONING DESIGNATION OF EQUESTRIAN RESIDENTIAL (R-EQ).

Appeal Applicant:

Mayor Pro-Tem Sagona

Location:

The project site is located along Choco Road approximately 1/2-mile north of Corwin Road, at the terminus of Ta-Ki-Pi, Arcata and Ta-Wan-Ka Roads; APN 472-351-41, 42, 43 and 44.

Recommendation Action:

Open the public hearing and take testimony.

Close the public hearing. Then move to:

1. This project is within the scope of the approved Mitigated Negative Declaration that was adopted by the Planning Commission for Tentative Tract Map No. 14514 on May 16, 2001. The proposed request is within the scope of the adopted Mitigated Negative Declaration and no additional evaluation is necessary in compliance with the California Environmental Quality Act (CEQA).
2. Find the Facts presented within the staff report for the Council hearing of June 22nd, including the information within the Planning Commission's report for May 5, 2010, reflecting the public and Commissioner's comments at the hearing, and the record as a whole as discussed by the Council, and support the required Findings necessary to approve, Development Permit No. 2006-039; Amendment No. 1.
3. Deny the appeal against DP Development Permit 2006-03, Amendment No. 1.

Summary Statement:

At its meeting of May 5, 2010 the Planning Commission reviewed the applicant's request for an amendment to a previously approved Development Permit No. 2006-039 for 126 single-family

Proposed by: Planning Division

Item Number _____

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

Summary Statement (continued from page 1):

residential homes. The amendment includes minor architectural revisions and a reduction of the square footage of the remaining ninety-six (96) single-family residences. The applicant received a previous approval of Development Permit No. 2006-039 on October 18, 2006 for architectural review on the same number of lots of Tract Map No. 14514-1. Because of the worst economic downturn since the Great Depression, the building industry has suffered and financing larger homes that may require jumbo loans has become all but impossible. The applicant proposes to modify the architectural styles and reduce the square footage of the single-family units in an effort to develop a product that reflects current market conditions.

The new single-family homes will range in size from 2,311 to 3,186, square feet, not including the garage area. The property is required to conform to the standards specified under the Equestrian Residential zoning designation and Section 9.31.030 "Single-Family Architectural Design Standards". The minimum size for single-family residential homes in the Town's Development Code is 1,200 square feet; however, the applicant is proposing an average home size of 2,833 square feet of habitable area. The following list (on page 2) depicts the square footage totals of what was previously approved on October 18, 2006 by the Planning Commission, versus what was proposed and approved by the Planning Commission on May 5, 2010:

Previously Approved:	Plan 1:	3,492 sq. ft. (including 3 car garage, Optional 4 th car garage)
	Plan 2:	3,849 sq. ft. (including 3 car garage, Optional 4 th car garage)
	Plan 3:	4,019 sq. ft. (including 3 car garage)
	Plan 4:	4,204 sq. ft. (including 3 car garage - 2-separate garages, and Optional 4 th garage)
	Plan 5:	4,520 sq. ft. (including 2 car garage with opt. separate 2 car garage)
Proposed:	Plan 1:	2,953 sq. ft. (including 3 car garage)
	Plan 2:	3,294 sq. ft. (including 3 car garage)
	Plan 3:	3,527 sq. ft. (including 3 car garage)
	Plan 3x:	3,769 sq. ft. (including 3 car garage)
	Plan 4:	3,807 sq. ft. (including 3 car garage)

As depicted above, the applicant proposes five (5) floor plans, ranging in size from 2,953 to 3,807 square feet. The square footage reductions of the homes range from over 500 square feet to over 700 square feet (not including options). The submitted floor plans offer a variety of options, including casitas, outdoor covered patios, gated courtyard entries, home offices, additional bedrooms, indoor and outdoor fireplaces and French doors.

The project retains the same three (3) distinct styles of architecture (Spanish Eclectic [Elevation A], French Country [Elevation B] and Italian Country [Elevation C]) as the existing homes. Also, the homes include decorative exterior features, such as shutters, rounded archways, iron accents and decorative wrought iron treatments.

May 5th Commission Action:

Following the public hearing and Planning Commission discussion, the Commission approved the proposed project. The Commission added a condition that the larger proposed single-family residences be located adjacent to existing single-family residences. Staff provided findings of approval based upon the comments and direction of the Planning Commission at the May 5, 2010 meeting.

After public testimony and discussion amongst the Commission members, a motion was made to adopt findings of approval on the Development Permit with the following Findings:

1. That the location, size, design, density and intensity of the proposed development is consistent with the General Plan, the purpose of this Code, the purpose of the zoning district in which the site is located, and the development policies and standards of the Town;

Comment: The site is developed with thirty (30) single-family residential units. The remaining lots have been improved and graded in conformance with the Town of Apple Valley Development Code. The site is within a Residential Equestrian (R-EQ) zone and is in compliance with the General Plan Land Use and Zoning District that allows new construction of residential homes, subject to approval of a Development Permit.

2. That the location, size and design of the proposed structures and improvements are compatible with the site's natural landforms, surrounding sites, structures and streetscapes;

Comment: The site is developed with thirty (30) single-family residential units. The remaining lots have been improved and graded in conformance with the Town of Apple Valley Development Code. The single-family residential development is compatible with the surrounding area as the site and existing improvements can facilitate the proposed project and the structures (homes) are permitted subject to approval of a Development Permit.

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

Comment: The site is developed with thirty (30) single-family residential units. The remaining lots have been improved and graded in conformance with the Town of Apple Valley Development Code. The single-family residential development is compatible with the site and surrounding area and has been designed with adequate setbacks and access. The use is not anticipated to generate excessive noise, vibration, traffic or other disturbances.

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

Comment: The site is developed with thirty (30) single-family residential units. The remaining lots have been improved and graded in conformance with the Town of Apple Valley Development Code. The single-family residential development will be required to be constructed in accordance with the Uniform Building Code and will be oriented in a manner that will optimize efficient energy resources. The project must also comply with requirements from the Building and Safety Division as well as UBC Title 24 requirements.

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

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

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

Comment: The site is developed with thirty (30) single-family residential units. The remaining lots have been improved and graded in conformance with the Town of Apple Valley Development Code. The single-family residential development is in conformance with Code requirements for appropriate setbacks. The proposed single-family residential development will not block public views and is in scale with other residential developments in the area.

7. That the amount, location, and design of open space and landscaping conforms to the requirements of this Code, enhances the visual appeal and is compatible with the design and function of the structure(s), site and surrounding area;

Comment: The site is developed with thirty (30) single-family residential units. The remaining lots have been improved and graded in conformance with the Town of Apple Valley Development Code. The single-family residential development is compatible with adjacent uses within the surrounding area. The location, size and design of the proposed landscaping will enhance the surrounding area. The project landscaping will incorporate a blend of plant material along the street frontages.

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

Comment: The site is developed with thirty (30) single-family residential units. The remaining lots have been improved and graded in conformance with the Town of Apple Valley Development Code. The single-family residential development is designed to be compatible with the surrounding development and will be located within the Residential Equestrian (R-EQ) zoning district. Single-family residential development, with adherence to recommended Conditions of Approval, is permitted subject to approval of a Development Permit.

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

Comment: The site is developed with thirty (30) single-family residential units. The remaining lots have been improved and graded in conformance with the Town of Apple Valley Development Code.

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

Comment: The site is developed with thirty (30) single-family residential units. The remaining lots have been improved and graded in conformance with the Town of Apple Valley Development Code. The project site is generally surrounded by existing single-family residential homes and vacant lots with no known historical structures on site or in the vicinity.

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

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

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

Comment: The site is developed with thirty (30) single-family residential units. The remaining lots have been improved and graded in conformance with the Town of Apple Valley Development Code. The single-family residential development will be located on a residential site which fronts the future extension of Choco Road, which is required to be improved to Town standards, including an

equestrian/bike path. Additionally, the proposal must adhere to Conditions of Approval required in the Development Permit. Therefore, the proposal will not adversely impact access, circulation and the physical character of surrounding streets.

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

Comment: The site is developed with thirty (30) single-family residential units. The remaining lots have been improved and graded in conformance with the Town of Apple Valley Development Code. The single-family residential development will be located on a residential site that fronts Choco Road, which is required to be improved to Town standards and designed to accommodate residential traffic. In addition, the proposed project must adhere to the Conditions of Approval required in the Development Permit. Therefore, the proposal will not adversely impact the capacity and physical character of surrounding streets.

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

Comment: Traffic generated from the project will not adversely impact the surrounding area as circulation issues were addressed by the Town when Tentative Tract Map No. 14514 was reviewed and approved by the Planning Commission. The proposed single-family residential development will be located along Choco Road, which can accommodate traffic generated from the project site.

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

Comment: The project is within a Residential Equestrian (R-EQ) zoning district, using a site that has been determined to be outside of any known environmentally unique or fragile areas. If any Joshua Trees are found, the Trees must be relocated with the approval of the Town and under the direct supervision of a Desert Native Plant Expert.

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

Comment: This project is within the scope of the approved Mitigated Negative Declaration that was adopted by the Planning Commission for Tentative Tract Map No. 14514 on May 16, 2001. The proposed request is within the scope of the adopted Mitigated Negative Declaration and no additional evaluation is necessary in compliance with the California Environmental Quality Act (CEQA).

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

Comment: This project is within the scope of the approved Mitigated Negative Declaration that was adopted by the Planning Commission for Tentative Tract Map No. 14514 on May 16, 2001. The proposed request is within the scope of the adopted Mitigated Negative Declaration and no additional evaluation is necessary, in compliance with the California Environmental Quality Act (CEQA).

18. That the impacts which could result from the proposed development, and the proposed location, size, design and operating characteristics of the proposed development, and the conditions under which it would be operated or maintained, will not be detrimental to the public health, safety and welfare of the community or be materially injurious to properties or improvements in the vicinity, nor be contrary to the adopted General Plan; and

Comment: The site is developed with thirty (30) single-family residential units. The remaining lots have been improved and graded in conformance with the Town of Apple Valley Development Code. The single-family residential development, by its design and operating characteristics, and with adherence to the conditions under which it will be operated and maintained, will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity.

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

Comment: The site is developed with thirty (30) single-family residential units. The remaining lots have been improved and graded in conformance with the Town of Apple Valley Development Code. The single-family residential development will be built in conformance to the Development Code, subject to approval of a Development Permit and with adherence to the recommended Conditions of Approval.

Appellant Statement:

On May 10, 2010, the project was appealed to the Town Council and the appellant states the following reason for the appeal:

“Proposed project of new homes significantly smaller than the existing homes in this gated community and will significantly depreciate existing home values.”

Attachments:

1. Petition opposing Mello-Roos Bond(s) submitted by Ms. Rebecca Rickey
2. Appeal Application and supporting comments.

3. Planning Commission Minute Excerpt: May 5, 2010
4. Planning Commission Public Hearing Report: May 5, 2010

**Rebecca Rickey
Vista Del Sol Estates
19507 Chuparosa Road
Apple Valley, CA 92307**

**VIA EMAIL, U.S. MAIL, &
PERSONAL DELIVERY**

Mayor Peter Allan
Mayor Pro Tem Bob Sagona
Councilwoman Ginger Coleman
Councilman, Scott Nassif
Councilman, Rick Roelle

pallan@applevalley.org
bsagona@applevalley.org
gcoleman@applevalley.org
snassif@applevalley.org
rroelle@applevalley.org

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

**RE: PETITION OPPOSING MELLO-ROOS BOND(S)
COMMUNITY FACILITY DISTRICT NO. 2006-4
TRACT 14514-1**

Dear Honorable Mayor Allen, Honorable Mayor Pro Tem Sagona, Honorable Councilwoman Coleman, Honorable Councilman Nassif, Honorable Councilman Roelle, and Honorable Town Manager Robinson:

As a current resident of the Vista Del Sol Estates, the purpose of this letter is to serve as a petition from the residents opposing Mello-Roos Community Facility District No. 2006-4 and any corresponding bond amount(s). Note that I serve as a Member at Large on the Board of the Vista Del Sol Estates Homeowners Association.

Please see the enclosed Exhibit 'A' incorporating the signatures of my fellow residents at Vista Del Sol Estates who also oppose Mello-Roos Community Facility District No. 2006-4 and any corresponding bond amount(s).

Thank you for valued consideration in this regard. If you should have any questions, please do not hesitate to call me directly at 760.242.7014 H or 630.234.2911 M.

Very Truly Yours,



Rebecca Rickey

Enclosures: Exhibit 'A'

17-9

Exhibit 'A'

**RE: PETITION OPPOSING MELLO-ROOS BOND(S)
COMMUNITY FACILITY DISTRICT NO. 2006-4
TRACT 14514-1
ZIP CODE 92307**

As a current resident of the Vista Del Sol Estates in Apple Valley, my signature below shall confirm my opposition against the Mello-Roos Community Facility District No. 2006-4 and any corresponding bond amount(s).

Residence 1

Shawn Rickey
Signature
Shawn Rickey
Name Printed
19507 Chuparosa Rd
Street Address

Rebecca Rickel
Signature
Rebecca Rickel
Name Printed
19507 Chuparosa Rd
Street Address

Residence 2

Dyan Lucero
Signature
Dyan Lucero
Name Printed
19651 Chuparosa Rd.
Street Address

Dennis Lucero
Signature
Dennis Lucero
Name Printed
19651 Chuparosa Rd.
Street Address

Residence 3

Alan G. Milhan
Signature
Alan G. Milhan
Name Printed
19382 Chuparosa Rd
Street Address

Patricia E. Milhan
Signature
PATRICIA E. MILHAN
Name Printed
19382 Chuparosa Rd
Street Address

Residence 4

Shirley A. Sznaper
Signature
Shirley A. Sznaper
Name Printed
19398 Chuparosa Rd.
Street Address

E Sznaper
Signature
Edward Sznaper
Name Printed
19398 Chuparosa Rd.
Street Address

Residence 5

Larry Roberson
Signature
LARRY ROBERSON
Name Printed
19431 CHUPAROSA
Street Address

Roxanne Roberson
Signature
Roxanne Roberson
Name Printed
19431 Chuparosa Rd
Street Address

Residence 6

Robert Rife
Signature
ROBERT RIFE
Name Printed
19521 ARCATAS RD.
Street Address

Joyce Rife
Signature
Joyce Rife
Name Printed
19521 Arcata Rd
Street Address

Residence 7

Carren Langston
Signature
Carren Langston
Name Printed
19415 Chuparosa Rd
Street Address

Ruby L. Langston
Signature
RUBY L. LANGSTON
Name Printed
19415 CHUPAROSA RD
Street Address

Residence 8

Paul A. White, MD
Signature
PAUL A. WHITE, MD
Name Printed
19397 Chuparosa Road.
Street Address

Nahona Lulu Silva M.
Signature
NAHONA LULU SILVA M.
Name Printed
19397 CHUPAROSA RD.
Street Address

Residence 9

Bernice Washington
Signature
Bernice Washington
Name Printed
19506 Arcata Rd
Street Address

Bernice Washington
Signature
Bernice Washington
Name Printed
19506 Arcata Rd
Street Address

Residence 10

Robert Eliseo
Signature
ROBERT ELISEO
Name Printed
19539 Chuparosa rd.
Street Address

Kristin Braun
Signature
Kristin Braun
Name Printed
19539 Chuparosa Rd.
Street Address

Residence 11

Maurice Kragness
Signature
MAURICE KRAGNESS
Name Printed
19587 CHUPAROSA ROAD
Street Address

Therese M. Kragness
Signature
Therese M. Kragness
Name Printed
19587 Chuparosa Rd.
Street Address

Residence 12

Maria Concepcion Rabe
Signature
MARIA CONCEPCION RABE
Name Printed
19619 CHUPAROSA RD
Street Address

Signature

Name Printed

Street Address

Residence 13

David Lindblom
Signature
DAVID LINDBLOM
Name Printed
19635 Chuparosa Rd
Street Address

Debbie Arino
Signature
DEBBIE ARINO
Name Printed
19635 CHUPAROSA RD
Street Address

Residence 14

Paul Heredia
Signature
PAUL HEREDIA
Name Printed
19603 Chuparosa Rd.
Street Address

Tammy Heredia
Signature
Tammy R. Heredia
Name Printed
19603 Chuparosa Rd.
Street Address

Residence 15

Lisa Robinson
Signature
Lisa Robinson
Name Printed
19463 Chuparosa Rd.
Street Address

Frank W. Robinson
Signature
Frank W. Robinson
Name Printed
19463 Chuparosa Rd.
Street Address

Residence 16

Kathleen M. Oriet
Signature
Kathleen M. Oriet
Name Printed
19538 Chuparosa Rd.
Street Address

James Oriet
Signature
James Oriet
Name Printed
19538 Chuparosa Rd.
Street Address

Residence 17

Thomas J. Micklewright
Signature
Thomas J. Micklewright
Name Printed
19505 Arcata Rd.
Street Address

Bertha L. Micklewright
Signature
BERTHA L. MICKLEWRIGHT
Name Printed
19505 ARCATTA RD
Street Address

Residence 18

Leon H. White
Signature
Leon H. White
Name Printed
19509 Arcata Rd., A.V.
Street Address

Phyllis A. White
Signature
Phyllis A. White
Name Printed
19509 Arcata Rd., A V
Street Address

Residence 19

REGINA DE LUNA
Signature
REGINA DE LUNA
Name Printed
19491 Chuparosa Rd., AV
Street Address

Dominador Frederick P. Carrasco, Jr
Signature
DOMINADOR FREDERICK P. CARRASCO, JR
Name Printed
19491 Chuparosa Rd., AV, CA
Street Address

Residence 20

Signature

Name Printed

Street Address

George Perez
George Perez
19556 Chuparosa Rd Av CA92507

Signature

Name Printed

Street Address

Residence 21

Signature

Name Printed

Street Address

Lorena Sandoval
Lorena Sandoval
19555 Chuparosa Rd.

Signature

Name Printed

Street Address

Leo Sandora QJR.
Leo Sandoval
19555 Chuparosa Rd.

Residence 22

Signature

Name Printed

Street Address

Chung Pyo
CHUNG S. PYO
19571 Arcata Road Apple Valley

Signature

Name Printed

Street Address

Helen Pyo
Helen Pyo
19571 Arcata Rd

Residence 23

Signature

Name Printed

Street Address

Livia Orlay
LIVIA ORLAY
Street Address

Signature

Name Printed

Street Address

Residence 24

Signature

Name Printed

Street Address

Jason Atkins
Jason Atkins
19416 Chuparosa

Signature


Name Printed

Street Address

Aubrey Atkins
Aubrey Atkins
19416 CHUPAROSA

Vista Del Sol Estates Petition Exhibit 'A'
May 25, 2010


Residence 25



Signature
Joel A. Beckingham

Name Printed
19520 Chipmunk Rd, 92507

Street Address



Signature
Deborah Beckingham

Name Printed
Same

Street Address

Residence 26

Signature

Name Printed

Street Address

Signature

Name Printed

Street Address

Residence 27

Signature

Name Printed

Street Address

Signature

Name Printed

Street Address

Residence 28

Signature

Name Printed

Street Address

Signature

Name Printed

Street Address

Residence 29

Signature

Name Printed

Street Address

Signature

Name Printed

Street Address



APPEAL

This request must be filed with the Planning Division within ten (10) calendar days following the date of action. An Appeal request received after this time *will not be accepted*. Appeals requiring Town Council consideration will be forwarded to the Town Clerk by the Director.

Appl 2010-002

FOR TOWN USE ONLY

Date Submitted: 5/10/10 Case No.: PP 2006-039 Amend 1 Received By: F. Robinson
Planning Fee: 0 Other Fees: 0 Case Planner: Fenn

Type or print legibly in ink only

PROPERTY ADDRESS _____

FEE

	Initial Deposit	Actual Cost not to exceed
<input type="checkbox"/> Appeal Fee – To Planning Commission	\$224.00	\$224.00
<input type="checkbox"/> Appeal Fee – To Town Council	\$224.00	\$224.00

The Appeal Fee does not apply to permits the Planning Commission acted to revoke or amend.

APPELLANT INFORMATION

Name Bob Sagona Telephone (760) 242-1079
Fax _____ Email avbobsagona@aol.com
Address 15200 Kinai Road,
City Apple Valley State CA Zip 92307

PROJECT INFORMATION

Project Number Being Appealed Development Permit No. 2006-039 Amendment No. 1
Project Description _____

Assessor's Parcel No. (s) _____ Tract _____ Lot _____

APPEAL STATEMENT

1. I am/We do hereby appeal the findings/conditions/interpretations of the Town of Apple Valley:

(Check one)

- | | |
|---|--|
| <input checked="" type="checkbox"/> Planning Commission | <input type="checkbox"/> Planning Director |
| <input type="checkbox"/> Public Works Director | <input type="checkbox"/> Building Official |
| <input type="checkbox"/> Town Engineer | <input type="checkbox"/> Fire Chief |

2. I/We appeal to the Town of Apple Valley:
(check one)

- | | |
|--|--|
| <input type="checkbox"/> Planning Commission | <input checked="" type="checkbox"/> Town Council |
|--|--|

3. I/We am/are appealing the project action taken to:
(Check those which apply)

- | | |
|---|---|
| <input checked="" type="checkbox"/> Deny the project | <input type="checkbox"/> Adopt a Negative Declaration |
| <input type="checkbox"/> Approve the project | |
| <input type="checkbox"/> *Approve the project condition of (specify): | |

Other: _____

4. Detail what is being appealed and what action or change you seek. Specifically address the findings, mitigation measures and/or policies with which you disagree. Also state exactly what action/changes you would seek.

Proposed project of new homes significantly smaller than the existing homes in this gated community and will significantly depreciate existing home values.

I/We understand that as appellant I/We have the burden of proof in this matter:

Bob Sagona
Signature

[Handwritten Signature]
Signature

Date 10 MAY 2010

MINUTES EXCERPT

TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, May 5, 2010

CALL TO ORDER

At 6:00 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for May 5, 2010, was called to order by Chairman Kallen.

ROLL CALL

Planning Commission

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

Lori Lamson, Assistant Director of Community Development; Carol Miller, Senior Planner; Pam Cupp, Associate Planner; Douglas Fenn, Senior Planner; Richard Pedersen, Deputy Town Engineer; and Patty Hevle, Planning Commission Secretary.

2. Development Permit No. 2006-039, Amendment No. 1

Applicant: K. Hovnanian-Forecast Homes

Location: The project site is located along Choco Road, approximately ½ mile north of Corwin Road, at the terminus of Ta-Ki-Pi, Arcata and Ta-Wan-Ka Roads; APNs 472-351-41, -42, -43 and -44.

Chairman Kallen opened the public hearing at 7:00 p.m.

Mr. Doug Fenn, Senior Planner, presented the staff report as filed by the Planning Division. He stated the developer had only built one-half (½) of the homes when the economy took a downturn, but now wants to finish the project with reduced square footage of the remaining ninety-six (96) single-family residential homes.

Vice-Chairman Tinsley requested to know if the reduction in square footage would be taken from the garages.

Mr. Fenn stated that was correct; there would no longer be four (4)-car garage homes, but there would be three (3)-car garages.

Chairman Kallen commented that the smallest home is now 2,311 square feet with a three (3) car garage. He asked about any changes in the Conditions of Approval.

Mr. Fenn replied there were some added Conditions of Approval, as well as some being removed, and those were depicted in the staff report.

Mr. James Krandall, the applicant representing K. Hovnanian-Forecast Homes, requested approval and stated he agreed with all of the Conditions of Approval. He stated the quality of the homes will remain high; however, they are just reducing the square footage. He stated, in order to blend the homes with the existing ones, they will be placing the higher square footage homes next to the existing homes.

Commissioner Cusack requested to know if an additional garage could be added if a buyer requested a four (4)-car garage.

Mr. Krandall responded that only three (3)-car garages would be available.

Ms. Kim Magana, of Apple Valley, expressed her concerns about the homes blending into the existing residences. She also stated that the existing residents purchased their homes at the top of the market and would be paying most of the Community Facilities District (CFD)/Mello-Roos taxes since the tax rate is based upon the appraised value of the home. She requested that the builder wait until the market rebounds and then build out the project.

Mr. Bob Rife, Apple Valley, expressed concerns about having a smaller home next to his 3,720 square foot home. He stated that the applicant advised him that they could not guarantee what would be built next to him.

Mr. Krandall stated that the CFD/Mello-Roos is based upon the appraised value of the home and, if home values have declined, the owners can have their properties re-appraised through the San Bernardino County tax assessor. He stated that the larger homes would be built around the existing homes.

Vice-Chairman Tinsley commented about a difference in the elevations.

Mr. Krandall stated the quality of the elevations is the same as the existing residences.

Commissioner Putko stated he was not aware there were Mello-Roos in Apple Valley.

Ms. Lamson, Assistant Director of Community Development, commented on the Commission being cautious about restricting discussion to square footage and aesthetics and not monetary or economical issues.

Since there was no one else in the audience requesting to speak to this item, Chairman Kallen closed the public hearing at 7:20 p.m.

Commissioner Hernandez commented on adding a Condition of Approval requiring the developer to place the largest homes next to the existing residences.

Ms. Lamson stated that staff could add that Condition.

MOTION:

Motion by Chairman Kallen, seconded by Vice-Chairman Tinsley, that the Planning Commission move to:

1. Determine that the project is within the scope of the approved Mitigated Negative Declaration that was adopted by the Planning Commission for Tentative Tract Map No. 14514 on May 16, 2001. Therefore, the proposed request requires no additional evaluation in compliance with the California Environmental Quality Act (CEQA).
2. Find the Facts presented in the staff report support the required Findings for Approval and adopt the Findings.
3. Approve Development Permit No. 2006-039; Amendment No. 1, subject to the amended Conditions of Approval.
4. Direct staff to file a Notice of Exemption.

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



TOWN OF APPLE VALLEY PLANNING COMMISSION

Staff Report

- AGENDA DATE:** May 5, 2010
- CASE NUMBER:** Development Permit No. 2006-039; Amendment No. 1
- APPLICANT:** K. Hovnanian-Forecast Homes
- PROPOSAL:** The applicant is requesting an amendment to a previously approved Development Permit No. 2006-039 for 126 single-family residential homes. The amendment includes minor architectural revisions and a reduction of the square footage of the remaining ninety-six (96) single-family residences. The subject site is approximately eighty-one (81)-acres in size within recorded Tract Map 14154-1, and has a zoning designation of Equestrian Residential (R-EQ).
- LOCATION:** The project site is located along Choco Road approximately 1/2-mile north of Corwin Road, at the terminus of Ta-Ki-Pi, Arcata and Ta-Wan-Ka Road; APN 472-351-41, 42, 43 and 44.
- ENVIRONMENTAL DETERMINATION** This project is within the scope of the approved Mitigated Negative Declaration that was adopted by the Planning Commission for Tentative Tract Map No. 14514 on May 16, 2001. The proposed request is within the scope of the adopted Mitigated Negative Declaration and no additional evaluation is necessary in compliance with the California Environmental Quality Act (CEQA).
- CASE PLANNER:** Mr. Douglas Fenn, Senior Planner
- RECOMMENDATION:** Approval
- PROJECT AND SITE DESCRIPTION:**
- A. Project Size:
The proposed development is within the Equestrian Residential (R-EQ) Zoning District. The eighty-one (81)-acre site is Phase 1 of a 162-acre site reviewed and approved for a

235 single-family residential subdivision under Tentative Tract Map (TTM) No. 14514. Tract Map No. 14514-1 is a recorded map and thirty (30)-single-family residences have been developed since the first approval of Development Permit DP 2006-039 on October 18, 2006.

B. General Plan Designations:

Project Site - Single-Family Residential (R-SF)
 North - Low Density Residential (R-LD)
 South - Single Family Residential (R-SF)
 East - Residential Low Density (R-LD)
 West - Residential Very Low Density (R-VLD)

C. Surrounding Zoning and Land Use:

North - Residential Low Density (R-LD), Vacant
 South - Residential Equestrian (R-EQ) Vacant & scattered single-family residences
 East - Residential Low Density (R-LD), Vacant
 West - Residential Very Low Density (R-VLD), Vacant

D. Parcel/Lot Analysis:

Required: Minimum 18,000 sq. ft.
 Proposed: 126 lots ranging in size from 18,000 sq. ft. to 32,224 sq. ft.

E. Building/Unit Analysis:

Required: Minimum 1,200 sq. ft.

Proposed:

Plan 1:	2,953 sq. ft. (including garage)
Plan 2:	3,294 sq. ft. (including garage)
Plan 3:	3,527 sq. ft. (including garage)
Plan 3x:	3,769 sq. ft. (including garage)
Plan 4:	3,807 sq. ft. (including garage)

F. Building Height:

Permitted Maximum: 35 ft.
 Proposed Maximum: 21 ft.

G. Setback Analysis:

Shall vary in conformance with the R-EQ site development standards specified within the adopted Development Code.

H. Parking Analysis:

Required: Minimum two (2)-car garage (20' x 20' clear space) per home
 Proposed: All of the proposed plans are three (3)-car garages with no option for a fourth space.

I. Options:

Plan No.	Options
Plan 1	Office/Den or 5 th bedroom
Plan 2	5 th and 6 th bedroom
Plan 3	5 th and 6 th bedroom
Plan 3x	4 th and 5 th bedroom in addition to standard Casita
Plan 4	Den/Office and/or additional bedroom

ANALYSIS:

B. Background:

The applicant received a previous approval of Development Permit No. 2006-039 on October 18, 2006 for architectural review on the same number of lots of Tract Map No. 14514-1. Because of the recent economic downturn, the building industry has suffered; the applicant proposes to modify the architectural styles and reduce the square footage of the single-family units.

C. General:

The new homes will range in size from 2,311 to 3,186, square feet, not including the garage area. The property is required to conform to the standards specified under the Equestrian Residential zoning designation and Section 9.31.030 "Single-Family Architectural Design Standards". The minimum size for single-family residential homes in the Town's Development Code is 1,200 square feet; however, the applicant is proposing an average home size of 2,833 of livable square footage. Pursuant to the Development Code, a Development Permit is required for all new single-family residential constructions within a tract to afford the Commission the opportunity to review the architectural/aesthetics of all proposed structures.

D. Site Analysis:

The project site is currently developed with thirty (30) single-family residential units along with street improvements, and all of the remaining ninety-six (96) lots are shovel-ready graded lots. The site is adjacent to vacant property to the north; to the east, west and to the south are vacant properties and scattered single-family homes. The properties to the north and east have a General Plan Land Use and Zoning designation of Residential Low Density (R-LD); properties to the west of the site have a General Plan Land Use and Zoning designation of Residential Very Low Density (R-VLD); properties to the south have a General Plan Land Use of Single Family Residential (R-SF), with a Zoning designation of Residential Equestrian (R-EQ).

E. Architecture Analysis:

Five (5) floor plans are proposed, ranging in size from 2,311 to 3,186 square feet of living area. The floor plans submitted for Commission consideration identify standard features, such as three (3)-car garages, side entry garages, front courtyards, four (4) or more bedrooms, as well as multiple interior use design features, such as laundry rooms and office/dens. Also, the homes include decorative exterior features, such as shutters, rounded archways, iron accents and decorative wrought iron treatments. The submitted floor plans offer a variety of options, including casitas, outdoor covered patios, gated courtyard entries, home offices, additional bedrooms, indoor and outdoor fireplaces and French doors.

Three (3) distinct styles of architecture (Spanish Eclectic [Elevation A], French Country [Elevation B] and Italian Country [Elevation C]) are proposed for each of the five (5) models, totaling fifteen (15) architectural designs. The following is a brief summary of colors and architectural feature elements that are incorporated for the architectural styles:

Spanish Eclectic (A):

The Spanish Eclectic style incorporates wood appearance single and double entry doors, sloped wing-walls, round tile roofs, rounded archways and iron inset tile accent treatments. The pitch of the roofs in Plans 3, 3x and 4 mimic the California Spanish style that is prevalent in Southern California. The Spanish Eclectic style architecture is proposed with warm color “S” roof tiles including orange and brown, with complements of light tan, Navajo white and sand stucco. The accent color varies from deep brown, blue and olive green.

French Country (B):

The French Country style architecture is proposed with darker color, flat roof tiles including grey, brown and blue-brown, with complements of light tan, light grey and light sand stucco. The French Country style incorporates European country shutters, stonework entryway, raised rooflines, flat tile roof and accent vents. The roofline of Plans 1, 2, 3x and 4 are reflective of the Victorian Plantation House’s that were/are built using the French Tradition that is commonly seen in southern Louisiana and Mississippi. The accent colors consist of blue, gray, maroon and brown. The French style incorporates pre-fabricated complementary stone and brick veneers.

Italian Country (C):

The Italian Country style incorporates wood appearance doors, exterior shutters, stone veneer to the top of the primary pop-out walls, block window lines, flat tile roof, and decorative vent elements. The Italian Country style architecture is proposed with deep “cool” color, textured flat tile roofing including dark brown, grey and light brown-grey with beige-tan, cream-tan and khaki-tan stucco colors. The accent colors range from steel blue to brown. The Italian Country style, like the French Country style, incorporates the use of pre-fabricated stone veneers of matching or complimenting colors.

Although the overall design of the houses are richly varied, the rear and side elevations do not carry the architectural theme that is provided on the front elevations. Staff is recommending that additional design elements be incorporated for all units, such as stone veneer, shutter treatments and/or wall treatments that will provide additional architectural variety and relief. The elevations illustrate wood appearance single and double front doors, which are recommended as a standard feature (Condition No. P8). Additionally, all street elevations shall be architecturally treated and shall have no more than twenty-five percent (25%) of the homes on any block.

For the Commission’s convenience, staff has included the original Conditions of Approval with recommended modifications in ~~strikeout~~ (deletions) and underline (additions).

F. Environmental Assessment:

This project is within the scope of the approved Mitigated Negative Declaration that was adopted by the Planning Commission for Tentative Tract Map No. 14514 on May 16, 2001. The proposed request is within the scope of the adopted Mitigated Negative Declaration and no additional evaluation is necessary in compliance with the California Environmental Quality Act (CEQA).

G. Noticing:

The project was legally noticed in the Apple Valley News newspaper on April 23, 2010.

H. Development Permit Findings:

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

1. That the location, size, design, density and intensity of the proposed development is consistent with the General Plan, the purpose of this Code, the purpose of the zoning district in which the site is located, and the development policies and standards of the Town;

Comment: The site is developed with thirty (30) single-family residential units. The remaining lots have been improved and graded in conformance with the Town of Apple Valley Development Code. The site is within a Residential Equestrian (R-EQ) zone and is in compliance with the General Plan Land Use and Zoning District that allows new construction of residential homes, subject to approval of a Development Permit.

2. That the location, size and design of the proposed structures and improvements are compatible with the site's natural landforms, surrounding sites, structures and streetscapes;

Comment: The site is developed with thirty (30) single-family residential units. The remaining lots have been improved and graded in conformance with the Town of Apple Valley Development Code. The single-family residential development is compatible with the surrounding area as the site and existing improvements can facilitate the proposed project and the structures (homes) are permitted subject to approval of a Development Permit.

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

Comment: The site is developed with thirty (30) single-family residential units. The remaining lots have been improved and graded in conformance with the Town of Apple Valley Development Code. The single-family residential development is compatible with the site and surrounding area and has been designed with adequate setbacks and access. The use is not anticipated to generate excessive noise, vibration, traffic or other disturbances.

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

Comment: The site is developed with thirty (30) single-family residential units. The remaining lots have been improved and graded in conformance with the Town of Apple Valley Development Code.

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

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

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

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

Comment: The site is developed with thirty (30) single-family residential units. The remaining lots have been improved and graded in conformance with the Town of Apple Valley Development Code. The single-family residential development is in conformance with Code requirements for appropriate setbacks. The proposed single-family residential development will not block public views and is in scale to other residential developments in the area.

7. That the amount, location, and design of open space and landscaping conforms to the requirements of this Code, enhances the visual appeal and is compatible with the design and function of the structure(s), site and surrounding area;

Comment: The site is developed with thirty (30) single-family residential units. The remaining lots have been improved and graded in conformance with the Town of Apple Valley Development Code. The single-family residential development is compatible with adjacent uses within the surrounding area. The location, size and design of the proposed landscaping will enhance the surrounding area. The project landscaping will incorporate a blend of plant material along the street frontages.

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

Comment: The site is developed with thirty (30) single-family residential units. The remaining lots have been improved and graded in

conformance with the Town of Apple Valley Development Code. The single-family residential development is designed to be compatible with the surrounding development and will be located within the Residential Equestrian (R-EQ) zoning district. Single-family residential development, with adherence to recommended Conditions of Approval, is permitted subject to approval of a Development Permit.

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

Comment: The site is developed with thirty (30) single-family residential units. The remaining lots have been improved and graded in conformance with the Town of Apple Valley Development Code. A Native Plant Survey was prepared that identified Joshua Trees and has been temporarily relocated with the approval of the Town and under the direct supervision of a Desert Native Plant Expert.

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

Comment: The site is developed with thirty (30) single-family residential units. The remaining lots have been improved and graded in conformance with the Town of Apple Valley Development Code. The project site is generally surrounded by existing single-family residential homes and vacant lots with no known historical structures on site or in the vicinity.

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

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

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

Comment: The site is developed with thirty (30) single-family residential units. The remaining lots have been improved and graded in conformance with the Town of Apple Valley Development Code. The single-family residential development will be located on a residential site which fronts the future extension of Choco Road, which is required to be improved to Town standards, including an equestrian/bike path. Additionally, the proposal must adhere to Conditions of Approval required in the Development Permit.

Therefore, the proposal will not adversely impact access, circulation and the physical character of surrounding streets.

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

Comment: The site is developed with thirty (30) single-family residential units. The remaining lots have been improved and graded in conformance with the Town of Apple Valley Development Code. The single-family residential development will be located on a residential site that fronts Choco Road, which is required to be improved to Town standards and designed to accommodate residential traffic. In addition, the proposed project must adhere to the Conditions of Approval required in the Development Permit. Therefore, the proposal will not adversely impact the capacity and physical character of surrounding streets.

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

Comment: Traffic generated from the project will not adversely impact the surrounding area as circulation issues were addressed by the Town when Tentative Tract Map No. 14514 was reviewed and approved by the Planning Commission. The proposed single-family residential development will be located along Choco Road, that can accommodate traffic generated from the project site.

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

Comment: The project is within a Residential Equestrian (R-EQ) zoning district, using a site that has been determined to be outside of any known environmentally unique or fragile areas. If any Joshua Trees are found, the Trees must be relocated with the approval of the Town and under the direct supervision of a Desert Native Plant Expert.

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

Comment: This project is within the scope of the approved Mitigated Negative Declaration that was adopted by the Planning Commission for Tentative Tract Map No. 14514 on May 16, 2001. The proposed request is within the scope of the adopted Mitigated Negative Declaration and no additional evaluation is necessary, in compliance with the California Environmental Quality Act (CEQA).

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

Comment: This project is within the scope of the approved Mitigated Negative Declaration that was adopted by the Planning Commission for Tentative Tract Map No. 14514 on May 16, 2001. The proposed request is within the scope of the adopted Mitigated Negative Declaration and no additional evaluation is necessary, in compliance with the California Environmental Quality Act (CEQA).

18. That the impacts which could result from the proposed development, and the proposed location, size, design and operating characteristics of the proposed development, and the conditions under which it would be operated or maintained, will not be detrimental to the public health, safety and welfare of the community or be materially injurious to properties or improvements in the vicinity, nor be contrary to the adopted General Plan; and

Comment: The site is developed with thirty (30) single-family residential units. The remaining lots have been improved and graded in conformance with the Town of Apple Valley Development Code. The single-family residential development, by its design and operating characteristics, and with adherence to the conditions under which it will be operated and maintained, will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity.

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

Comment: The site is developed with thirty (30) single-family residential units. The remaining lots have been improved and graded in conformance with the Town of Apple Valley Development Code. The single-family residential development will be built in conformance to the Development Code, subject to approval of a Development Permit and with adherence to the recommended Conditions of Approval.

RECOMMENDATION:

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

1. Determine that the project is within the scope of the approved Mitigated Negative Declaration that was adopted by the Planning Commission for Tentative Tract Map No. 14514 on May 16, 2001. Therefore, the proposed request requires no additional evaluation in compliance with the California Environmental Quality Act (CEQA).
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.

3. Approve Development Permit No. 2006-039; Amendment No. 1, subject to the attached Conditions of Approval.
4. Direct staff to file a Notice of Exemption.

Prepared By:

Reviewed By:

Douglas Fenn
Senior Planner

Lori Lamson
Assistant Community Development Director

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Final Tract Map 14514-1
3. Elevations and Binder from K Hovanian Homes (separate attachment)
4. Zoning Map

RECOMMENDED CONDITIONS OF APPROVAL

Case No. Development Permit No. 2006-039; Amendment No. 1

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

Planning Division Conditions of Approval

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This development permit, if not exercised in conformance to any conditions, shall become void two (2) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the void date. The Development Permit becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code, Section 9.03.0180.
- P2. The applicant shall agree to defend, at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P3. Unless an appeal is filed in accordance with Section 9.12.250, *Appeals*, of the Town of Apple Valley Development Code, approval of Development Permit No. 2006-039 Amendment No. 1, the applicant acknowledges agreement to all Conditions of Approval by the Planning Commission.
- P4. Prior to issuance of any Building Permits for the lots addressed under Amendment No. 1 by the Planning Commission (except as otherwise permitted by the Development Code of model homes), the applicant shall provide proof of recordation of Tentative Tract Map No. 14514-1 to the Planning and Engineering Divisions.
- P5. Parking requirements shall be met and be in compliance with Town standards. Two (2) parking spaces per dwelling unit shall be within an enclosed garage and shall have a minimum clear gross floor area of twenty (20) feet by twenty (20) feet free of any obstructions, including mechanical equipment. Driveways for single family residences shall be at least eighteen (18) feet wide and shall be maintained clear of all obstructions.

- P6. The project shall conform to the R-EQ, Residential Equestrian, development standards for front yard-building setbacks of ~~forty (40)~~ thirty (30) feet minimum, ~~forty-five (45)~~ thirty-five (35) feet average with a minimum offset of five (5) feet from adjacent properties.
- P7. All street elevations shall be architecturally treated and shall have no more than twenty-five (25) percent of the homes on any block, including both sides of the street, with the same elevation. Color scheme variations sensitive to the natural colors of the landscape shall be utilized.
- P8. All units shall incorporate design elements to the side and rear elevations, similar to the front elevation, such as contrasting window trim or shutter treatments and/or wall treatments, subject to review and approval of the Planning Division.
- P9. Each model shall offer wood appearance doors as a standard feature.
- P10. Any equipment, whether on the roof, side of the structure or ground, shall be screened from public view from adjacent property or from a public right-of-way. The method of screening shall be integrated into the architectural design of the building and/or landscaping.
- P11. Property line walls and fences adjacent to streets shall be constructed of decorative materials such as rail fencing, split face block or slumpstone. Such fencing shall incorporate appropriate decorative enhancements such as caps or pilasters. Subject to the review and approval of the Planning Division.
- P12. If the tract/parcel map is adjacent to existing development, a fence/wall plan shall be submitted with the grading and landscape/irrigation plans to identify how new fencing or walls will relate to any existing fences or walls located around the perimeter of the tract/parcel map. The developer shall be required to connect to the existing fencing/walls or collaborate with the adjacent property owners to provide new fencing/walls and remove the existing fence/wall, both options at the developer's expense. Double fencing shall be avoided and review and approval of the fencing/wall plan is required prior to issuance of grading permits.
- P13. Landscaping shall be installed in accordance with Section 9.75 of the Development Code at the time permits are issued. Xeriscape landscaping techniques are encouraged for use in parkway areas which typically consists of drought tolerant, native type plants, trees and groundcover. Tract areas which back onto rights-of-way shall be landscaped as required by subsection 9.75.040.E, *Landscape Improvement Requirements*. Final landscape and irrigation plans shall be submitted and installed for each individual unit, prior to issuance of occupancy permits.
- P14. All identification signs shall have a separate permit and are subject to final approval by the Town Planning Division.
- P15. The rendering(s) presented to and approved by the Planning Commission at the public hearing shall be the anticipated and expected appearance of the structure upon completion.

- P16. It is the sole responsibility of the applicant on any Permit, or other appropriate discretionary review application, for any structure to submit plans, specifications and/or illustrations with the application that will fully and accurately represent and portray the structures, facilities and appurtenances thereto that are to be installed or erected if approved by the Commission. Any such plans, specifications and/or illustrations that are reviewed and approved by the Planning Commission at an advertised public hearing shall accurately reflect the structure, facilities and appurtenances expected and required to be installed at the approved location without deviations, modifications, alterations, adjustments or revisions of any nature.
- P17. The Assistant Town Manager of Economic and Community Development Director or his/her designee, shall have the authority for minor architectural changes focusing around items such as window treatments, color combinations, façade treatments, and architectural relief. Questions on the interpretation of this provision or changes not clearly within the scope of this provision shall be submitted to the Planning Commission for consideration under a Revision to the Development Permit.
- P18. All required and installed landscaping shall incorporate and maintain a functioning automatic sprinkler system, and said landscaping shall be maintained in a neat, orderly, disease and weed free manner at all times.
- P19. A minimum of three (3) styles of garage doors and a minimum of three (3) different styles of glass/lexan panel inserts shall be provided for each model, subject to review and approval by the Planning Division.

Engineering Division Conditions of Approval

- EC1. ~~In the event that an applicant/developer chooses to seek Council approval of the Final Map prior to completion of the required improvements, an "Agreement for Construction of Improvements" shall be required prior to that approval. In accordance with the California Labor Code, any such Agreement will contain a statement advising the developer that certain types of improvements will constitute a public project as defined in California Labor Code, Sections 1720, and following, and shall be performed as a public work, including, without limitation, compliance with all prevailing wage requirements.~~

Building and Safety Division Conditions of Approval

- B1. Submit plans to Building and Safety Division for review and approval.
- B2. All work shall conform to the 2001 California Building Code.

Public Work Division Condition of Approval

- PW1. Sewage disposal shall be by connection to the Town of Apple Valley sewer system. Financial arrangements, plans and improvement agreements must be approved by the Town of Apple Valley Public Works Department.

Parks and Recreation Division Condition of Approval

PR1. Prior to issuance of building permits for new construction, the developer, or assignee, is subject to fees in compliance to the Park and Recreation Department Quimby Ordinance, subject to review by the Planning Division.

Apple Valley Fire Protection District Conditions of Approval

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

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

FD3. The development and each phase thereof, shall have two points of paved access for fire and other emergency equipment, and for routes of escape which will safely handle evacuations. Each of these points of access shall provide an independent route into the area in which the development is located. This shall be completed prior to any combustible construction. Apple Valley Fire Protection District. Ordinance ~~22~~ 44, Section (I) Install per A.V.F.P.D. Standard ARI #8

FD4. Fire lanes shall be provided with a minimum width of ~~twenty-four (24)~~ thirty (30) feet, maintained, and identified. Apple Valley Fire Protection District Ordinance 41. Install per A.V.F.P.D. Standard Series #202.

FD5. A turnaround shall be required at the end of each roadway 150 feet or more in length and shall be approved by the Fire District. Cul-de-sac length shall not exceed 600 feet. Turning radius on all roads within the facility shall not be less than twenty-two (22) feet inside and minimum of ~~forty (40)~~ forty-seven (47) feet outside turning radius. Uniform Fire Code, Section 902.2.2.3. Apple Valley Fire Protection District. Ordinance 22, Section 1 (e). Install per A.V.F.P.D. Standard Series #202

FD6. Plans for fire protection systems designed to meet the fire flow requirements specified in the Conditions of Approval for this project shall be submitted to and approved by the Apple Valley Fire Protection District and water purveyor prior to the installation of said systems. Apple Valley Fire Protection District, Ordinance 42.

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

B. System Standards:

*Fire Flow 500 GPM @ 20 psi Residual Pressure

Duration 1 Hour(s)

Hydrant Spacing 660 Feet

*If blank, flow to be determined by calculation when additional construction information is received. Install per A.V.F.P.D. Standard Series #101

C. The total number of fire hydrants required shall be determined at a later date. It is the responsibility of the owner/developer to provide all new fire hydrants with reflective

pavement markers set into pavement and curb identification per A.V.F.P.D. Standard.
Install per A.V.F.P.D. Standard Series #101

FD7. An approved fire sprinkler system shall be installed throughout any building:

- 5,000 square feet or greater, including garage and enclosed areas under roof.
- Existing building(s) with intensification of use, or
- Other per California Building Code requirements.

Apple Valley Fire Protection District, Ordinance 44 4

FD8. A letter shall be furnished to the Fire District from the water purveyor stating that the required fire flow for the project can be met prior to the Formal Development Review Committee meeting.

FD9. Apple Valley Fire Protection District Final Subdivision/Tract/Development fees shall be paid to the Fire District prior to final map acceptance according to the current Apple Valley Fire Protection District Fee Ordinance.

FD10. The developer shall submit a map showing complete street names within the development, to be approved by the Fire District prior to final map.

FD11. Prior to issuance of building permit, the developer shall pay all applicable fees as identified in the Apple Valley Fire Protection District Ordinance.

End of Conditions






TRACT MAP NO. 14514-1

IN THE TOWN OF APPLE VALLEY

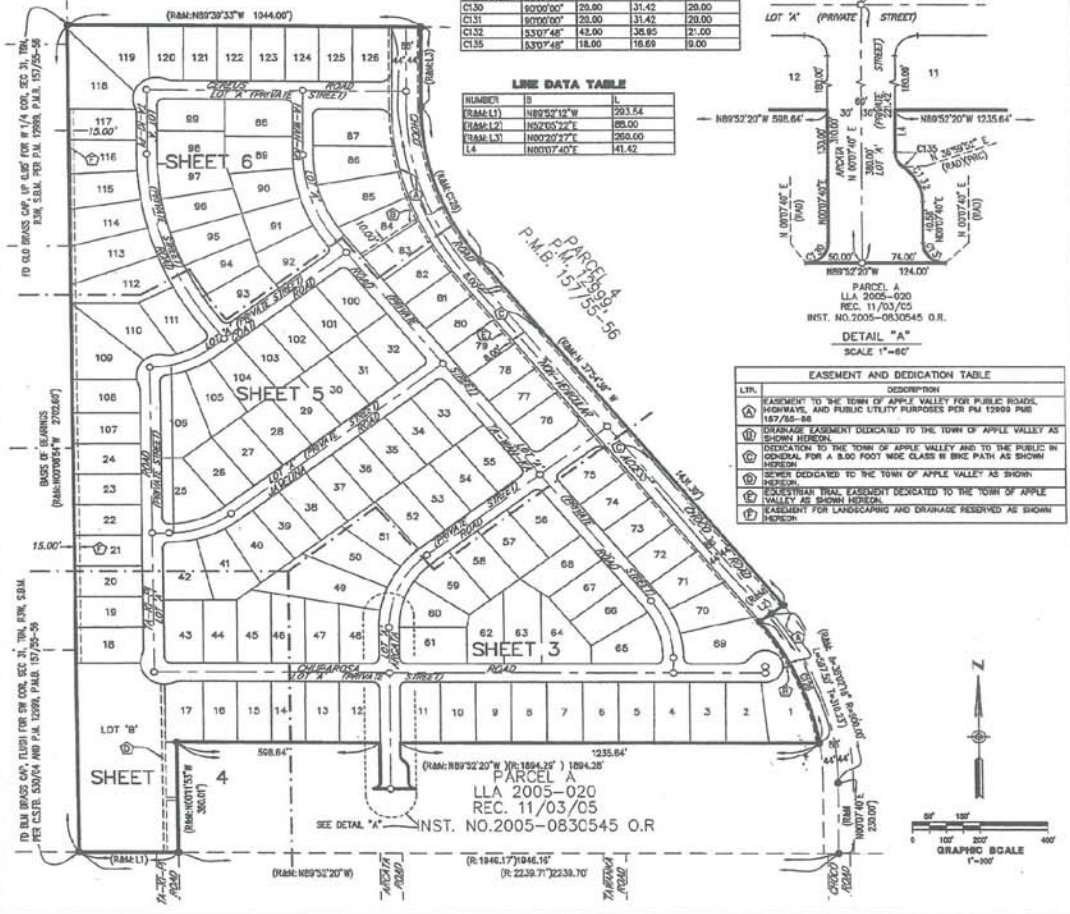
SHEET 2 OF 6 SHEETS

BEING A SUBDIVISION OF PARCELS 3 OF PARCEL MAP 12999, AS PER PLAT FILED IN BOOK 157 OF PARCEL MAPS, PAGES 55 THROUGH 56, INCLUSIVE, IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA AND PARCEL B OF LOT LINE ADJUSTMENT NUMBER 2005-020 RECORDED NOVEMBER 03, 2005 AS DOCUMENT NUMBER 2005-0830545, OFFICIAL RECORDS OF SAID COUNTY.
MADDOLE & ASSOCIATES, INC., AUGUST 2004

SURVEYOR'S NOTES

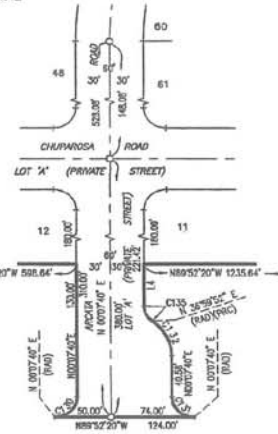
1. THE BASIS OF BEARINGS TAKEN FROM THE WEST LINE OF PARCEL 2 OF PARCEL MAP 12999, P.M.B. 157/55-56, BEING NORTH 00°08'24" WEST.
2.  DENOTES 1" IRON PIPE 18" LONG TO BE SET FLUSH AND TAGGED "P.L.S. 7635". ALL CENTER LINE MONUMENTS TO BE SET FLUSH AT FINISHED SURFACE.
3.  DENOTES FOUND MONUMENTS TAGGED "LS 2013" PER P.M. 12999, P.M.B. 157/55-56, UNLESS OTHERWISE NOTED.
4. 1" I.P. TAGGED "LS 7635" TO BE SET AT ALL REAR LOT CORNERS, UNLESS OTHERWISE NOTED.
5. SET LEAD AND TACK WITH BRASS TAG "P.L.S. 7635" FLUSH, IN TOP OF CURB ON THE PROLONGATION OF SIDE LOT LINE, 11.75 FEET FROM THE TRUE POSITION OF THE FRONT LOT CORNER, WHERE SIDE LOT LINE ARE PERPENDICULAR OR RADIAL TO THE STREET CENTERLINE OR ON THE PROLONGATION OF SIDE LOT LINE A DISTANCE FROM THE TRUE POSITION OF THE FRONT LOT CORNER AS NOTED WHERE SIDE LINES ARE NOT PERPENDICULAR TO THE STREET CENTERLINE IN LIEU OF FRONT LOT CORNERS.
6. (RAM): DENOTES RECORD AND MEASURED DATA PER P.M. 12999, P.M.B. 157/55-56.
7. (RAD) DENOTES RADIAL BEARING.
8. (POC) DENOTES POINT OF COMPOUND CURVE.
9. (PRC) DENOTES POINT OF REVERSE CURVE.
 10.  DENOTES TRACT MAP BOUNDARY LINE.
11. C.S.F.B. DENOTES COUNTY SURVEYOR'S FIELD BOOK.
12. G.L.O. DENOTES GOVERNMENT LAND OFFICE.
13. B.L.M. DENOTES BUREAU OF LAND MANAGEMENT.
14. THIS TRACT MAP CONSISTS OF ONE-HUNDRED-TWENTY-SIX (126) NUMBERED LOTS AND 2 (TWO) LETTERED LOT.
15. ALL FOUND MONUMENTS DISTURBED AND/OR DESTROYED AS A RESULT OF CONSTRUCTION WILL BE RESET WITH LIKE KIND TAGGED LS 7635 UNLESS OTHERWISE NOTED.
16. C/F DENOTES CURVE DATA AS REFERENCED IN THE CURVE DATA TABLE.
17. A SOILS REPORT WAS PREPARED FOR THIS TRACT BY CONVERSE CONSULTANTS 10391 CORPORATE DRIVE, REDLANDS, CA 92374, PROJ #03-01-325-02, DATED: 14 OCTOBER 2004, AND IS ON FILE WITH THE OFFICE OF BUILDING AND SAFETY AT THE TOWN OF APPLE VALLEY.
18. ALL DISTANCES AND/OR STREET WIDTHS SHOWN WITHOUT DECIMALS REPRESENT THAT DISTANCE TO ZERO HUNDRETHS OF A FOOT.
19. L# DENOTES LINE DATA A REFERENCED IN THE LINE DATA TABLE.
20. (R:) DENOTES RECORD DATA PER P.M. 12999, P.M.B. 157/55-56.
21.  DENOTES EASEMENT OR DEDICATION AS REFERENCED IN THE EASEMENT AND DEDICATION TABLE
22.  DENOTES NOTE FOR BEARING AND DISTANCE TO SET LEAD AND TAG AS NOTED IN NOTE 5 OF SURVEYOR'S NOTE.

INDEX MAP



NUMBER	D	R	L	T
C126	221°10'	856.00	437.79	233.79
(RAM C126)	281°06'	506.00	535.10	279.51
C130	60°00'00"	29.00	31.42	20.00
C131	107°00'00"	29.00	31.42	20.00
C132	53°07'48"	42.00	36.95	21.00
C135	53°07'48"	18.00	16.66	10.00

NUMBER	B	L
(RAM L1)	N89°52'20" W	293.54
(RAM L2)	S52°05'22" E	89.00
(RAM L3)	N00°20'27" E	269.00
L4	N00°07'40" E	41.42



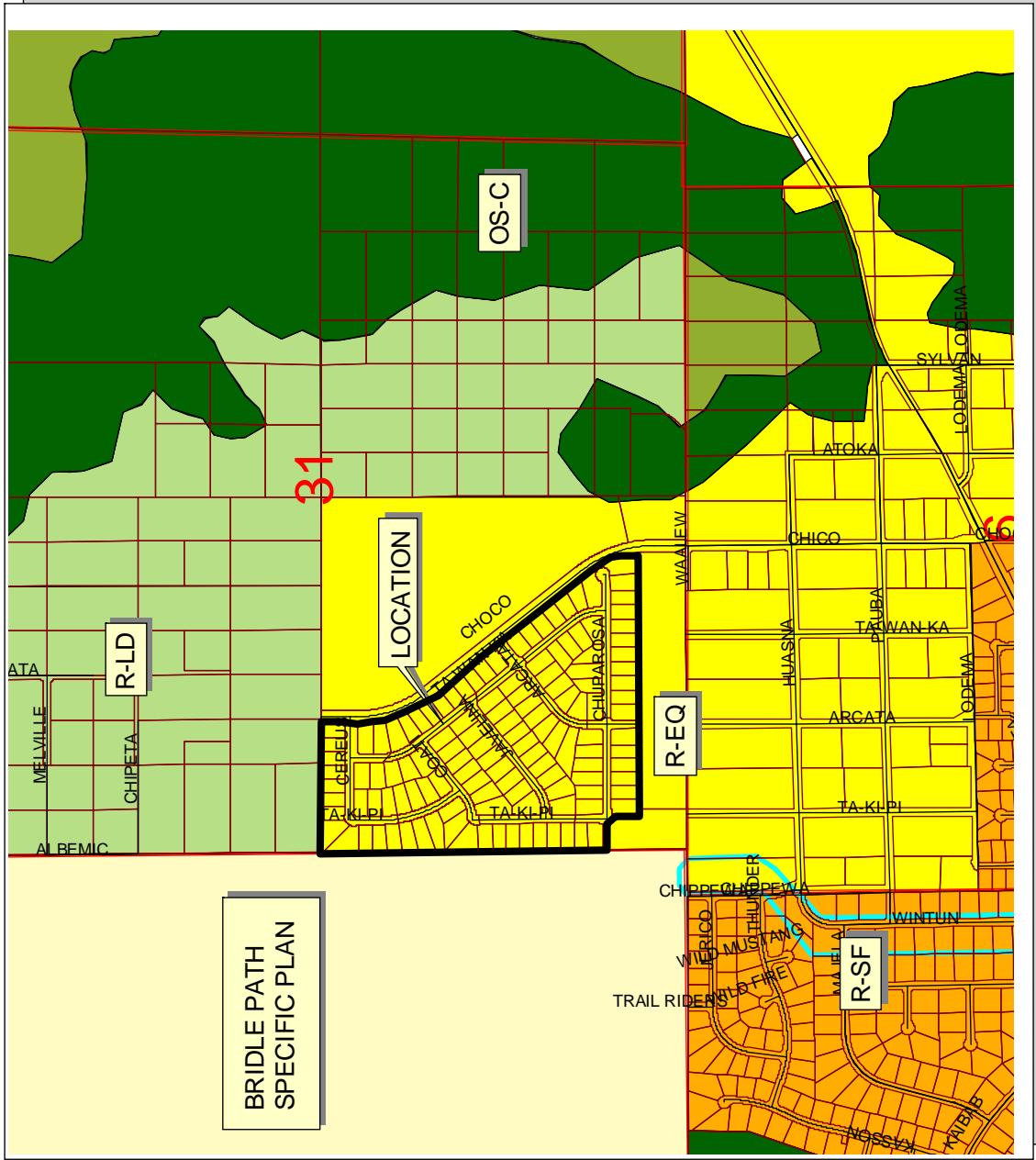
LETTER	DESCRIPTION
(A)	EASEMENT TO THE TOWN OF APPLE VALLEY FOR PUBLIC ROADS, HIGHWAYS, AND PUBLIC UTILITY PURPOSES PER PM 12999 P.M.B. 157/55-56
(B)	DRAINAGE EASEMENT DEDICATED TO THE TOWN OF APPLE VALLEY AS SHOWN HEREON
(C)	DEDICATION TO THE TOWN OF APPLE VALLEY AND TO THE PUBLIC IN GENERAL FOR A 3.00 FOOT WIDE CLASS II BIKE PATH AS SHOWN HEREON
(D)	SEWER DEDICATED TO THE TOWN OF APPLE VALLEY AS SHOWN HEREON
(E)	EXISTING REAL EASEMENT DEDICATED TO THE TOWN OF APPLE VALLEY AS SHOWN HEREON
(F)	EASEMENT FOR LANDSCAPING AND DRAINAGE RESERVE AS SHOWN HEREON

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317/8

ZONING MAP

Development Permit No. 2006-009
Amendment No. 1



Located along
Choco Road at
the terminus of
Ta-Ki-Pi, Arcata,
and Ta-Wan-Ka
Roads.

APNs 472-351-41, -42
-43, and -44



Zoning Designations

- (R-EO) Equestrian Residential (1 DU per 0.4 Net Acres)
- (R-SF) Single-Family Residential (1 DU per 0.4 Net Acres)
- (R-LD) Low Density Residential (1 DU per 2.5 to 5 Gross Acres)
- (SP) Specific Plan - Bridle Path Estates
- (OS-C) Open Space Conservation