

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

**Subject Item:**

**A REQUEST TO REVIEW AND APPROVE A GENERAL PLAN AMENDMENT TO CHANGE THE CURRENT LAND USE DESIGNATION FROM MEDIUM-DENSITY RESIDENTIAL (R-M; 4 TO 20 DU/NET ACRES) TO MOBILE HOME PARK (MHP; 5 TO 15 DU/ACRES); AND A CORRESPONDING REZONING CLASSIFICATION FROM MULTI-FAMILY RESIDENTIAL (R-M; 4 TO 20 DU/NET ACRES) TO MOBILE HOME PARK (MHP; 5 TO 15 DU/ACRES); AND A REQUEST TO APPROVE A CONDITIONAL USE PERMIT (CUP) FOR A FORTY-FIVE (45)-MOBILE HOME UNIT EXPANSION OF AN EXISTING SEVENTY-FIVE (75)-UNIT MOBILE HOME PARK. THE VACANT 4.69-ACRE PROJECT SITE IS LOCATED ON THE NORTHERLY ADJACENT PROPERTY OF AN EXISTING MOBILE HOME PARK, APPROXIMATELY 1,000 FEET NORTHWEST FROM THE INTERSECTION OF NISQUALLY AND QUINNAULT ROADS; APN 3087-372-06.**

**Recommended Action:**

**Move to open public hearing and take testimony.**

**Close the public hearing, then:**

1. **Determine**, in conformance with the requirements of the State Guidelines to Implement the California Environmental Quality Act (CEQA), that the proposed General Plan Amendment No. 2010-001, Zone Change No. 2010-00 and Conditional Use Permit No. 2009-002 will not have a significant effect on the environment with adherence to the Mitigation Measures recommended by the Planning Commission.
2. **Adopt** the Mitigated Negative Declaration and Mitigation Monitoring program prepared for General Plan Amendment No. 2010-001, Zone Change No. 2010-001 and Conditional Use Permit No. 2009-002, finding that on the basis of the whole record before the Town Council there is no substantial evidence that the project will have a significant effect on the environment and that a Mitigated Negative Declaration reflects the Town's independent judgement and analysis.
3. **Find** the facts presented within the staff report, including the attached Planning Commission staff report for June 2, 2010, support the required Findings for approval of the proposed General Plan Amendment No. 2010-001, Zone Change No. 2010-001 and Conditional Use Permit No. 2009-002 amendment of the Development Code and adopt the Findings.
4. **Adopt** Town Council Resolution No.2010-43, approving General Plan Amendment 2010-001, changing the land use designation from R-M (Medium-Density Residential) to MHP (Mobile Home Park);

(Recommendations Continued on next page)

**Proposed by:**           Planning Division          

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

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

**Budget Item**  Yes  No  N/A

5. **Find** that Ordinance No.414 is consistent with the Goals and Objectives of the adopted Town of Apple Valley General Plan and, as such, shall promote the health, safety and general welfare of the citizens of Apple Valley, and that Ordinance No. 414 is consistent with the General Plan.
6. **Move** to waive the reading of Ordinance No. 414 in its entirety and read by title only.
7. **Introduce** Ordinance No. 414, amending that portion of Title 9 (Development Code) of the Town of Apple Valley Municipal Code, Section 9.05.040 "Adoption of the Official Zoning Map" subsection "B" by approving the conforming rezoning from Multi-Family Residential (R-M, 4 to 20 du/net acres) to Mobile Home Park (MHP, 5 to 15 du/net acres); APN 3087-372-06.
8. **Direct** staff to file a Notice of Determination with the San Bernardino County Clerk of the Board.

**Summary Statement:**

At its meeting of June 2, 2010, the Planning Commission adopted Planning Commission Resolution No. 2010-005, forwarding a recommendation that the Town Council find that the General Plan, Zone Change and Conditional Use Permit will not have a significant impact upon the environment with adherence to mitigation measures, and adopt a Mitigated Negative Declaration. The Resolution also recommends that the Council adopt findings of approval, find that the proposed General Plan Amendment, Zone Change and Conditional Use Permit are consistent with the Goals and Policies of the adopted General Plan and adopt a Council Resolution adopting General Plan Amendment 2010-001 for the subject site. Further, the Resolution recommends that the Council adopt an Ordinance amending the boundaries identified on the official Zoning Map of the Town of Apple Valley by changing the zoning classification on Assessor Parcel Number 3087-372-06 from Multi-Family Residential (R-M, 4 to 20 du/net acres) to Mobile Home Park (MHP, 5 to 15 du/net acres) Zoning Classification as shown on the attached "Exhibit B" and incorporated herein with by reference.

As part of this application, the Planning Commission also reviewed Conditional Use Permit No. 2009-002 for a forty-five (45)-unit mobile home expansion to an existing seventy-five (75)-unit mobile home park. The proposed mobile home park will include a retention basin serving as a recreational area, guest parking spaces and public right-of-way improvements to Quinnault Road, north of Nisqually Road. In order to address concerns of stagnant storm water and nuisance water in the retention basin, the Planning Commission added Condition No. E18, requiring that the retention basin be no deeper than four (4) feet, with a slope of 4:1 or flatter, and incorporate a drainage system as approved by the Town Engineer. This project was submitted to the Planning Division during the 2009 General Plan update process. During this time, staff made the following recommendation to the General Plan Advisory Committee, the Planning Commission, and the Town Council, which was accepted, to process the application after the newly adopted Development Code came into effect:

*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.*

The June 2, 2010 Planning Commission staff report is included as attachment No. 4 to this report to provide the Council with the necessary background and analysis of this project.

**Attachments:**

1. Draft Town Council Resolution No. \_\_\_\_ adopting General Plan Amendment No. 2010-001
2. Draft Town Council Ordinance No. \_\_\_\_ implementing Zone Change No. 2010-001
3. Planning Commission Resolution No. 2010-005
4. Planning Commission staff report for June 2, 2010
5. Initial Study and Mitigated Negative Declaration

**RESOLUTION NO. 2010-43**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND ADOPTING GENERAL PLAN AMENDMENT NO. 2010-001, AMENDING THE GENERAL PLAN LAND USE DESIGNATION FROM MEDIUM-DENSITY RESIDENTIAL (R-M; 4 TO 20 DU/NET ACRES) TO MOBILE HOME PARK (MHP; 5 TO 15 DU/ACRES); ADOPTING ZONE CHANGE NO. 2010-001 REZONING FROM MULTI-FAMILY RESIDENTIAL (R-M; 4 TO 20 DU/NET ACRES) TO MOBILE HOME PARK (MHP; 5 TO 15 DU/ACRES); AND A REQUEST TO APPROVE CONDITIONAL USE PERMIT NO. 2009-02 FOR A FORTY-FIVE (45)-MOBILE HOME UNIT EXPANSION OF AN EXISTING SEVENTY-FIVE (75)-UNIT MOBILE HOME PARK. THE VACANT 4.69-ACRE PROJECT SITE IS LOCATED ON THE NORTHERLY ADJACENT PROPERTY OF AN EXISTING MOBILE HOME PARK APPROXIMATELY 1,000 FEET NORTHWEST FROM THE INTERSECTION OF NISQUALLY AND QUINNAULT ROADS; APN 3087-372-06.**

**WHEREAS**, the Town of Apple Valley General Plan was adopted by the Town Council on August 11, 2009; and

**WHEREAS**, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; and

**WHEREAS**, Title 9 (Development Code), including Chapter 9.02 General Plan Administration, has been utilized to adopt one or more General Plan Amendments by the Town Council on the recommendation of the Planning Commission; and

**WHEREAS**, a General Plan Amendment has been proposed for one (1) parcel located at the north adjacent property of an existing mobile home park approximately 1,000 feet northwest from the intersection of Nisqually and Quinnault Roads; APN 3087-372-06; and

**WHEREAS**, on June 2, 2010, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on General Plan Amendment No. 2010-001, Zone Change No. 2010-001 and Conditional Use Permit No. 2009-002 receiving testimony from the public and adopting Planning Commission Resolution No. 2010-005 forwarding a recommendation to the Council; and

**WHEREAS**, on August 13, 2010, proposed General Plan Amendment No. 2010-001 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

**WHEREAS**, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed General Plan Amendment, Zone Change and Conditional Use Permit will not have a significant effect on the environment; therefore, a Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act (CEQA) and State Guidelines for the Implementation of CEQA; and

**WHEREAS**, the Town Council finds on the basis of the whole record before it (including the initial study and any comments received) that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Town Council's independent judgment and analysis, and

**WHEREAS**, the Town Council hereby finds that the Mitigated Negative Declaration reflects its independent judgment. A copy of the Initial Study and Mitigated Negative Declaration may be obtained at: Town of Apple Valley, Planning Division, 14955 Dale Evans Pkwy., Apple Valley, CA 92307, and

**WHEREAS**, on September 14, 2010, the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearing on General Plan Amendment No. 2010-001, Zone Change No. 2010-001 and Conditional Use Permit No. 2009-002 receiving testimony from the public and adopting Findings and Town Council Resolution No. \_\_\_\_\_, and

**WHEREAS**, proposed General Plan Amendment No. 2010-001, Zone Change No. 2010-001 and Conditional Use Permit No. 2009-002 is consistent with Town of Apple Valley General Plan and Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley; and

**WHEREAS**, at said public hearing, the Town Council heard all testimony of any person wishing to speak on the issue and considered the written recommendation of the Planning Commission on the matter.

**NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1.** Based upon the information contained within the Initial Study prepared in conformance with the State Guidelines to Implement the California Environmental Quality Act (CEQA), General Plan Amendment No. 2010-001, will not have an impact upon the environment and, therefore, the Town of Apple Valley Town Council adopts a Mitigated Negative Declaration for General Plan Amendment No. 2010-001, and the Mitigation Monitoring Program.

**Section 2.** The Town Council finds that the changes proposed under General Plan Amendment No. 2010-001 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

**Section 3.** The Town Council hereby approves and adopts the Findings required for approval for the General Plan Amendment No. 2010-001 as set forth in the staff report, including Findings and comments in the June 2, 2010 Planning Commission staff report and adopts General Plan Amendment No. 2010-001 as shown on the attached Exhibit "A" and incorporated herewith by reference.

**Section 4.** Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this resolution.

**Section 5.** Effective Date. This Resolution shall become effective upon its adoption.

**Section 6.** Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Resolution are declared to be severable.

Adopted by the Town Council and signed by the Mayor and attested to by the Town Clerk this \_\_\_\_ day of \_\_\_\_\_.

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Honorable Peter Allan, Mayor

ATTEST:

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Ms. La Vonda M. Pearson, Town Clerk



**ORDINANCE NO. 414**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING DESIGNATION FROM MULTI-FAMILY RESIDENTIAL (R-M; 4 TO 20 DU/NET ACRES) TO MOBILE HOME PARK (MHP; 5 TO 15 DU/ACRES) FOR THE VACANT 4.69 ACRE PROJECT SITE LOCATED ON THE NORTHERLY ADJACENT PROPERTY OF AN EXISTING MOBILE HOME PARK APPROXIMATELY 1,000 FEET NORTHWEST FROM THE INTERSECTION OF NISQUALLY AND QUINNAULT ROADS; APN 3087-372-06.**

**WHEREAS**, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; and

**WHEREAS**, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

**WHEREAS**, specific changes are proposed to Chapter 9.05, Section 9.05.040 "Adoption of the Official Zoning Districts Map" of Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley by amending the zoning designation of a property Multi-Family Residential (R-M, 4 to 20 du/net acres) to Mobile Home Park (MHP, 5 to 15 du/net acres); Assessor Parcel Number 3087-372-06.; and

**WHEREAS**, on August 13, 2010 Zone Change No. 2010-001 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

**WHEREAS**, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act (CEQA) and State Guidelines for the Implementation of CEQA; and

**WHEREAS**, the Town Council finds on the basis of the whole record before it (including the Initial Study, Mitigation Monitoring Program on file with the Economic and Community Development Department and any comments received) that there is not substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Town Council's independent judgment and analysis, and

**WHEREAS**, the Town Council hereby finds that the Mitigated Negative Declaration includes a mitigation monitoring program, and

**WHEREAS**, the Town Council hereby finds that the Mitigated Negative Declaration reflects its independent judgment. A copy of the Initial Study and Mitigated Negative Declaration, including the Mitigation Monitoring Program may be obtained at: Town of Apple Valley, Planning Division, 14955 Dale Evans Pkwy., Apple Valley, CA 92307, and

**WHEREAS**, proposed Zone Change 2010-001 (Exhibit A) is consistent with General Plan Amendment No. 2010-001 and is consistent with Town of Apple Valley General Plan and Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.



**WHEREAS**, the Town Council conducted a duly noticed public hearing on September 14, 2010, and heard all testimony of any person wishing to speak on the issue and considered the written recommendation of the planning Commission on the matter.

**NOW, THEREFORE**, the Town Council of the Town of Apple Valley, State of California, does ordain as follows:

**Section 1.** Based upon the information contained within the Initial Study prepared in conformance with the State Guidelines to Implement the California Environmental Quality Act (CEQA), Zone Change No. 2010-001 is not anticipated to have a significant impact upon the environment with the mitigation measures and, therefore, the Town Council of the Town of Apple Valley adopts a Mitigated Negative Declaration for Zone Change No. 2010-001, and the Mitigation Monitoring Program.

**Section 2.** Zone Change No. 2010-001 is consistent with Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

**Section 3.** In consideration of the evidence received at the public hearing, and for the reasons discussed by the Council at said hearing, the Town Council of the Town of Apple Valley, California, finds that the change proposed by Zone Change No. 2010-001 is consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

**Section 4.** The Town Council does hereby amend that certain portion of Title 9 (Development Code) of the Town of Apple Valley Municipal Code, Section 9.05.040 "Adoption of the Official Zoning Map" subsection "B" by amending the boundaries identified on the Official Zoning Map of the Town of Apple Valley by changing the zoning designation on, APN 3087-372-06 from Multi-Family Residential (R-M, 4 to 20 du/net acres) to Mobile Home Park (MHP, 5 to 15 du/net acres), as shown on the attached Exhibit "A" and incorporated herewith by reference.

**Section 5.** Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code of the State of California.

**Section 6.** Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

**Section 7.** Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Ordinance are declared to be severable.

Adopted by the Town Council and signed by the Mayor and attested to by the Town Clerk this \_\_\_\_ day of \_\_\_\_, 2010.

\_\_\_\_\_  
Honorable Peter Allan, Mayor

ATTEST:

\_\_\_\_\_  
Ms. La Vonda M. Pearson, Town Clerk

Approved as to form:

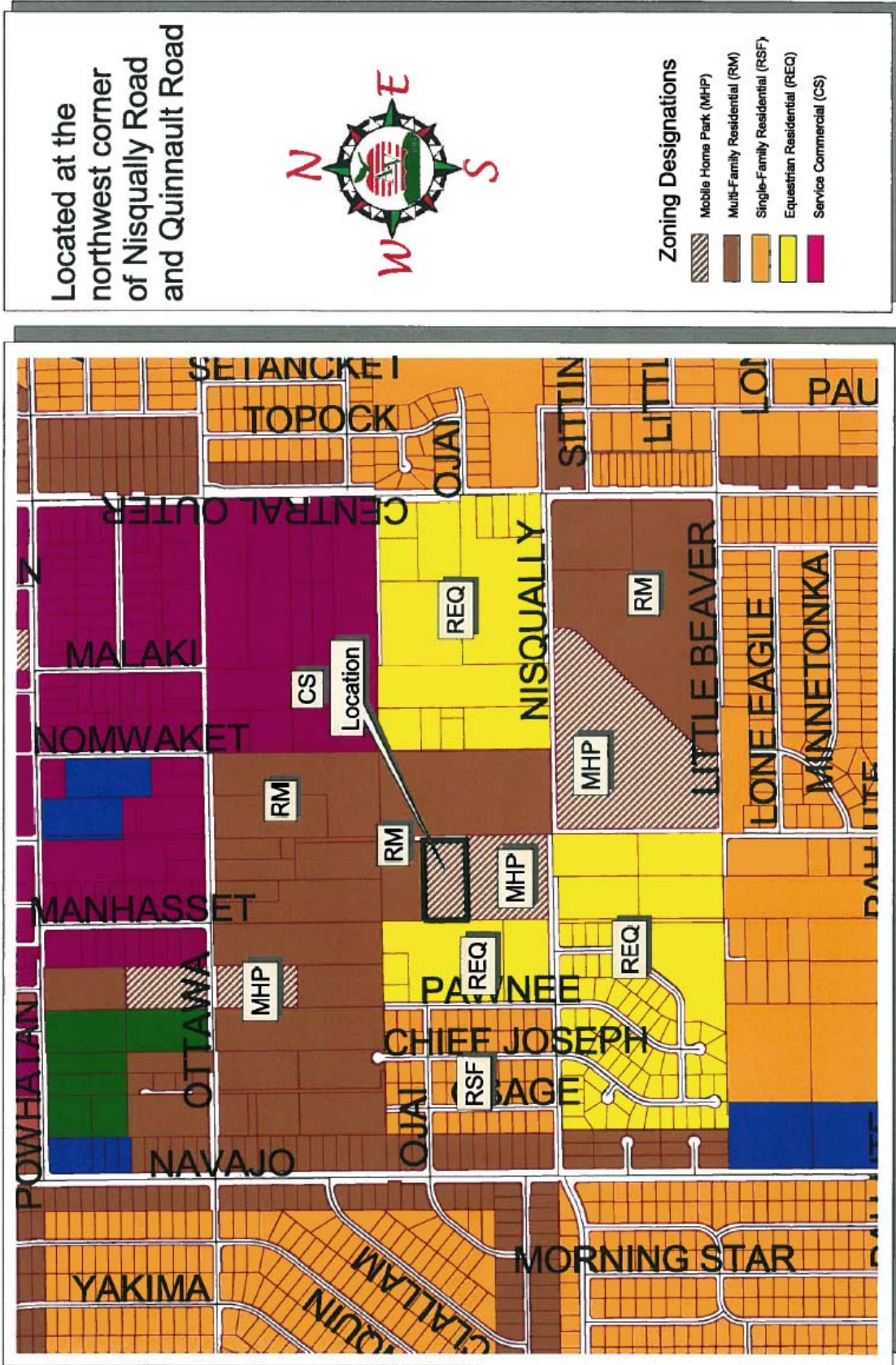
Approved as to content:

\_\_\_\_\_  
Mr. John Brown, Town Attorney

\_\_\_\_\_  
Mr. Frank Robinson, Town Manager

General Plan Amendment No. 2010-001  
 Zone Change No. 2010-001  
 Conditional Use Permit No. 2009-002

# Proposed Zoning Designations



**PLANNING COMMISSION RESOLUTION NO. 2010-005**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL APPROVE A GENERAL PLAN AMENDMENT TO CHANGE THE CURRENT LAND USE DESIGNATION FROM MEDIUM-DENSITY RESIDENTIAL (R-M; 4 TO 20 DU/NET ACRES) TO MOBILE HOME PARK (MHP; 5 TO 15 DU/ACRES); AND A CORRESPONDING REZONING CLASSIFICATION FROM MULTI-FAMILY RESIDENTIAL (R-M; 4 TO 20 DU/NET ACRES) TO MOBILE HOME PARK (MHP; 5 TO 15 DU/ACRES); AND A REQUEST TO APPROVE A CONDITIONAL USE PERMIT (CUP) FOR A FORTY-FIVE (45)-MOBILE HOME UNIT EXPANSION OF AN EXISTING SEVENTY-FIVE (75)-UNIT MOBILE HOME PARK. THE VACANT PROJECT SITE IS LOCATED ON THE NORTHERLY ADJACENT PROPERTY OF AN EXISTING MOBILE HOME PARK APPROXIMATELY 1,000 FEET NORTHWEST FROM THE INTERSECTION OF NISQUALLY AND QUINNAULT ROADS; APN 3087-372-06.**

**WHEREAS**, the Town of Apple Valley General Plan was adopted by the Town Council on August 11, 2009; and

**WHEREAS**, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; and

**WHEREAS**, The General Plan and Title 9 (Development Code), including the Official Zoning Districts Map of the Municipal Code of the Town of Apple Valley have been previously amended by the Town Council on the recommendation of the Planning Commission; and

**WHEREAS**, specific changes are proposed to Chapter 9.05, Section 9.05.040 "Adoption of the Official Zoning Districts Map" of Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley by amending the zoning designation of one (1) parcel, located on the northerly adjacent property of an existing mobile home park approximately 1,000 feet northwest from the intersection of Nisqually and Quinnault Roads; APN 3087-372-06 as identified in Figure 1; and

**WHEREAS**, on, May 7, 2010, General Plan Amendment No. 2010-001, Zone Change No. 2010-001, and Conditional Use Permit No. 2009-002 were duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

**WHEREAS**, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed General Plan Amendment No. 2010-001, Zone Change No. 2010-001, and Conditional Use Permit No. 2009-002, could have a significant effect on the environment; however, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent; therefore, a Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act (CEQA) and State Guidelines for the Implementation of CEQA; and

**WHEREAS**, the Planning Commission finds on the basis of the whole record before it (including the initial study, mitigation monitoring program and any comments received) that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Planning Commission's independent judgment and analysis, and

**WHEREAS**, the Planning Commission hereby finds that the Mitigated Negative Declaration includes a mitigation monitoring program, and

**WHEREAS**, the Planning Commission hereby finds that the Mitigated Negative Declaration reflects its independent judgment. A copy of the Initial Study and Mitigated Negative Declaration, including the Mitigation Monitoring Program may be obtained at: Town of Apple Valley, Planning Division, 14955 Dale Evans Pkwy., Apple Valley, CA 92307, and

**WHEREAS**, on May 7, 2010, the Planning Commission of the Town of Apple Valley opened a duly noticed and advertised public hearing on General Plan Amendment No. 2010-001, Zone Change No. 2010-001, and Conditional Use Permit No. 2009-002, and

**WHEREAS**, the proposed General Plan Amendment No. 2010-001, Zone Change No. 2010-001, and Conditional Use Permit No. 2009-002, are consistent with Town of Apple Valley General Plan and Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED THE PLANNING COMMISSION RECOMMENDS THAT THE TOWN COUNCIL FIND AND ACT AS FOLLOWS:**

**Section 1.** In consideration of the evidence received at the public hearing, and for the reasons discussed by the Commissioners at said hearings, the Town Council of the Town of Apple Valley, California, adopts the findings and recommendations in the staff report and finds that the changes proposed under General Plan Amendment No. 2010-001, Zone Change No. 2010-001, and Conditional Use Permit No. 2009-002, are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

**Section 2.** Based upon the information contained within the Initial Study and Mitigated Negative Declaration prepared in conformance with the State Guidelines to Implement the California Environmental Quality Act (CEQA), that General Plan Amendment No. 2010-001, Zone Change No. 2010-001, and Conditional Use Permit No. 2009-002, may have an impact upon the environment if not mitigated and, that based on the whole record, therefore, the Town Council of the Town of Apple Valley should adopt the Mitigated Negative Declaration and the Mitigation Monitoring Plan for General Plan Amendment No. 2010-001 and Zone Change No. 2010-001.

**Section 3.** Adopt a Town Council Resolution approving a General Plan Amendment as requested, and

**Section 4.** Adopt an ordinance amending that certain portion of Title 9 (Development Code) of the Town of Apple Valley Municipal Code, Section 9.05.040 "Adoption of the Official Zoning Map" Exhibit "A" by approving the requested Zone Change.

**Section 5.** Direct staff to file a Notice of Determination.

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 2<sup>nd</sup> day of June, 2010.

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Bruce Kallen, Chairman

ATTEST:

I, Patty Hevle, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 2<sup>nd</sup> day of June, 2010, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Patty Hevle, Planning Commission Secretary



# SUBJECT SITE

General Plan Amendment No. 2010-001  
Zoning Change No. 2010-001  
Conditional Use Permit No. 2009-002

APN 3087-372-06

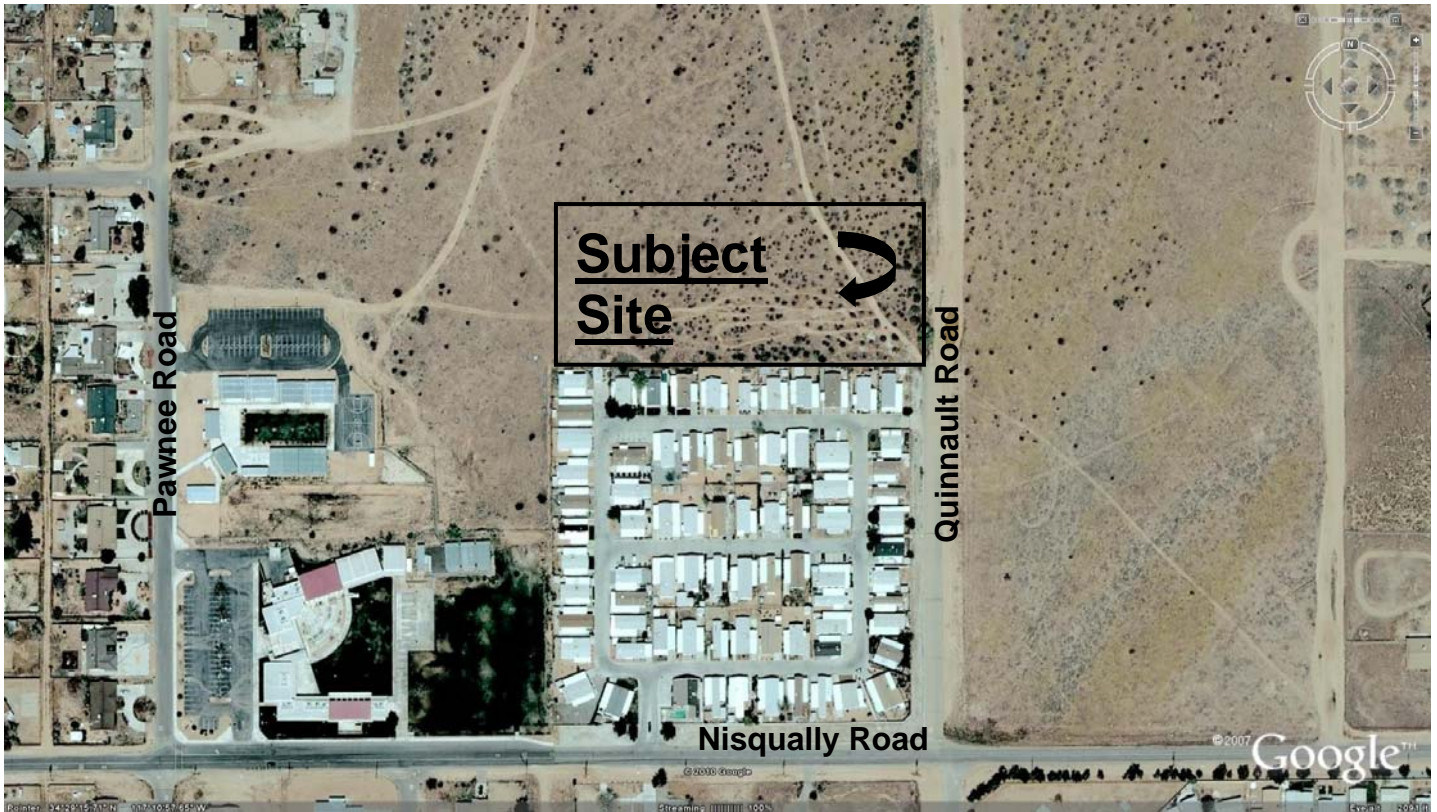


Figure 1



## TOWN OF APPLE VALLEY PLANNING COMMISSION

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# Staff Report

- AGENDA DATE:** June 2, 2010
- CASE NUMBER(s):** General Plan Amendment No. 2010-001, Zone Change No. 2010-001, and Conditional Use Permit No. 2009-002
- APPLICANT:** Santiago Mobile Home Communities
- PROPOSAL:** The applicant is proposing a total of three (3) legislative entitlements:
- 1) General Plan Amendment – changing the current General Plan land use designation from Medium Density Residential (R-M; 4 to 20 DU/Net Acres) to Mobile Home Park (MHP; 5 to 15 DU/Acres)
  - 2) Zone Change – changing the current zoning designation from Multi-Family Residential (R-M; 4 to 20 DU/Net Acres) to Mobile Home Park (MHP; 5 to 15 DU/Net Acres).
  - 3) Conditional Use Permit – adding forty-five (45) mobile home spaces to an existing seventy-five (75)-unit mobile home park.
- LOCATION:** The project site is located on the northerly adjacent property of an existing mobile home park approximately 1,000 feet northwest from the intersection of Nisqually and Quinnault Roads; APN: 3087-372-06
- ENVIRONMENTAL DETERMINATION:** Based upon an Initial Study, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration has been prepared for this project.
- CASE PLANNER:** Mr. Conrad Olmedo, Assistant Planner
- RECOMMENDATION:** Approval



## **PROJECT AND SITE DESCRIPTION**

### **A. Project Size**

The property is 4.69 acres in size.

### **B. Surrounding General Plan Designations**

North - Medium Density Residential (R-M; 4 to 20 DU/Net Acres)

South - Mobile Home Park (MHP; 5 to 15 DU/Acres)

East - Medium Density Residential (R-M; 4 to 20 DU/Net Acres)

West - Single Family Residential (R-SF; 1 dwelling unit per 0.75 to 1.0 net acre)

### **C. Surrounding Zoning and Land Use:**

North - Multi Family Residential (R-M; 4 to 20 DU/Net Acres), vacant

South - Mobile Home Park (MHP; 5 to 15 DU/Acres), mobile home community

East - Multi Family Residential (R-M; 4 to 20 DU/Net Acres), vacant

West - Equestrian Residential (R-EQ; 1 dwelling unit per 0.75 to 1.0 net acre), public school

### **E. Site Characteristics**

The project site is vacant with scattered native vegetation, no Joshua Trees or existing structures, and has evidence of past and on-going human activities such as off-highway vehicles activities. To the west there is an existing high school, Willow Park High School (Apple Valley Unified School District). To the south is an existing seventy-five (75) unit mobile home park, Santiago Apple Valley Estates. Both the adjacent surrounding east and north properties are vacant with native vegetation.

## **GENERAL PLAN AMENDMENT AND ZONE CHANGE ANALYSIS**

### **A. Background**

This project was submitted to the Planning Division prior to the adoption of the 2009 General Plan. At the time, the property was designated Medium Density Residential (R-M) and zoned Multi-Family Residential (R-M). In the R-M zoning designation, a Conditional Use Permit (CUP) is required in order to allow the development of a mobile home park. Since the new General Plan would include a new Mobile Home Park (MHP) land use designation, there was consideration that the applicant for this project request a land use change through the General Plan Advisory Committee (GPAC). However, since the project includes a CUP entitlement, which would require Planning Commission review, Planning Staff recommended to the GPAC, Planning Commission, and Town Council that the existing R-M zoning designation remain in tact as R-M and that when the CUP be reviewed by the Planning Commission, a General Plan Amendment and Zone Change be considered simultaneously. The following is staff's recommendation on this issue, to Town Council for the 2009 General Plan Update:

*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.*

### **B. General**

Changes to the 2009 General Plan include that in order for a piece of property to be developed into mobile home units, a General Plan Amendment and Zone Change with concurrent project application need be submitted. As such, the applicant is requesting approval of a General Plan

Amendment to change the existing designation of Medium Density Residential (R-M; 4 to 20 DU/Net Acres) to Mobile Home Park (MHP; 5 to 15 DU/Acres) and approval of a Zone Change from Multi Family Residential (R-M; 4 to 20 DU/Net Acres) to Mobile Home Park (MHP; 5 to 15 DU/Acres).

The following table shows the proposed changes to the General Plan and Zoning. Following the table are the definitions for the proposed land use reclassifications. Lastly, elements of the General Plan and their respective goals, policies, and programs which are directly impacted by this project are provided.

<b>APN</b>	<b>Lot Area (ac)</b>	<b>Existing General Plan Designation</b>	<b>Proposed General Plan Designation</b>	<b>Existing Zoning Designation</b>	<b>Proposed Zoning Designation</b>
3087-372-06	4.69	Medium Density Residential (R-M; 4 to 20 DU/Net Acres)	Mobile Home Park (MHP; 5 to 15 DU/Acres)	Multi Family Residential (R-M; 4 to 20 DU/Net Acres)	Mobile Home Park (MHP; 5 to 15 DU/Acres)

The 2009 General Plan defines:

Medium Density Residential (R-M; 4 to 20 dwelling units per net acre): This designation is intended to promote a wide range of higher density residential units, including: single family attached; and multi-family units, including condominiums, townhomes and apartments. Projects restricted to senior citizens (age 55 and older) and providing various levels of care are also appropriate in this designation. Single family detached units are only permitted on lots of 18,000 square feet or greater in the Mountain Vista Estates area, as defined in Program 2.G.1. On all other lands designated Medium Density Residential within Town limits, single family detached units are prohibited. This land use designation should be a buffer between less intense residential designations and commercial or industrial designations, or major roadways. Future projects should be located in close proximity to commercial services, public transit and schools.

The 2009 General Plan defines:

Mobile Home Park (MHP; 5-15 units per acre): This designation is applied to mobile home parks that existed upon adoption of this General Plan. New mobile home parks would be required to file a General Plan Amendment and Change of Zone to assign this designation to the project. This designation applies to mobile home parks and mobile home subdivisions. Home occupations and recreational facilities and amenities associated with the mobile home use are also appropriate in this designation.

The April 27, 2010 adopted Development Code defines:

**Multi-Family Residential (R-M).** This district is intended to provide an area for higher density housing types, including single family attached and multi-family homes such as duplexes, condominiums, townhouses, apartments and senior housing developments. Single family detached units are allowed on existing lots of 0.2 net acres (10,000 square feet) in the Mountain Vista neighborhood only<sup>1</sup>. Up to twenty (20) units per acre may be allowed. The minimum lot size shall be 0.4 net acres (18,000 square feet), except for existing lots of no less than 0.2 net acres in the Mountain Vista neighborhood. The maximum number of units allowed on a parcel located in the R-M district shall be calculated by multiplying the total net area of the lot in acres by twenty (20) units per acre.

The April 27, 2010 adopted Development Code defines:

**Mobile Home Park (MHP).** *This district applies to mobile home parks that existed upon completion of the General Plan. New mobile home parks will require a change of zone to assign this designation to a project. This designation allows for a density range of five (5) to fifteen (15) dwelling units per net acre (Section 9.28.020 I).*

Elements of the 2009 General Plan:

**Housing Element**

*Goal 1: Housing of all types to meet the needs of current and future residents in all income levels.*

Comment: The addition of forty-five (45) mobile home spaces provides a variety of housing choice for current and future residents of the Town.

*Policy 1.D: Continue to encourage mobile homes as an affordable housing option for all segments of the community.*

Comment: The proposed project adds forty-five (45) mobile home spaces to an existing seventy-five (75)-unit mobile home park.

*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.*

Comment: The proposed mobile home expansion conforms to the Town of Apple Valley Development Code standards.

**Land Use Development Element**

*Goal 2: A well planned, orderly development pattern that enhances community values, and assures development of adequate infrastructure.*

Comment: The proposed project enhances the existing community by providing additional living spaces for future residents. The proposed project is a logical extension existing seventy-five (75)-unit mobile home park to the immediate south.

*Policy 2.A: The Town shall maintain a land use map that assures a balance of residential, commercial, industrial, open space and public lands.*

Comment: The Town's zoning and General Plan land use maps will be changed to reflect the General Plan amendment and zone change by the Town of Apple Valley Planning Division.

*Program 2.A.1: The Town shall maintain an inventory of remaining capacity of all General Plan land use categories and recommend to the Town Council, as needed, changes in land use designations to maintain a balance of available land uses within the planning area.*

Comment: Changes to the General Plan land use designation and map shall be maintained by the Town of Apple Valley Planning Division.

**Circulation Element**

*Goal: The Town shall continue to maintain and expand a safe and efficient circulation and transportation system.*

Comment: The project shall have circulation connecting to the existing interior road network as well as having ingress/egress to Quinnault Road. The public right of way running adjacent to the project's eastern property line will be improved to the Town's development standards.

*Policy 1.A: The street system recommended in the Town's Circulation Map shall be strictly implemented.*

Comment: The project will be conditioned to provide adequate interior circulation as well as provide improvements to the adjacent street right of ways.

*Program 1.A.4: The Town shall require that all intersections maintain a Level of Service D during both the morning and evening peak hour.*

Comment: The Level of Service (LoS) will not be reduced to a LoS D by the addition of forty-five (45) mobile home units.

## **CONDITIONAL USE PERMIT ANALYSIS**

### **A. General**

The applicant is requesting approval to expand an existing seventy-five (75)-unit mobile home park with an additional forty-five (45) spaces. In accordance with the newly adopted Development Code, this requires a Conditional Use Permit. The requirement of a Conditional Use Permit allows the Planning Commission the opportunity to review and consider the proposed expansion and the possible impacts it may have on the surrounding area.

### **B. Site Analysis:**

The site has native desert habitat with no endangered species detected and has evidence of human Off-Highway Vehicle use. The adjacent site has an existing mobile home park with seventy-five (75) mobile home spaces.

### **C. Parking Analysis:**

The project will have a total of fourteen (14) on-site guest parking spaces with each mobile home unit having a two (2)-car in tandem covered parking space. In tandem parking spaces have a minimum dimension of nine (9) feet by twenty-two (22) feet per space, therefore, the required minimum size carport for each mobile home space shall be nine (9) feet by forty-four (44) feet (Condition No. P33).

### **D. Setback Analysis:**

The applicant is proposing typical setbacks, as indicated in California State Law, Title 25 Housing and Community Development Articles 7 and 9, for the proposed mobile home units, which is three (3) feet in the front, three (3) to four (4) feet on the sides, and five (5) feet from the rear. Accessory structures will be required to have a five (5)-foot setback from the edge of the mobile home space. Per Development Code Section Table 9.28.040-A 8a and b, the minimum front setback for mobile homes is fifteen (15) feet. As noted in Condition No. P26, minimum setback requirements are superseded by California State Law as follows:

*"However, a unit may be installed up to a park roadway or common area provided there is no combustible building or structure in the common area within six (6) feet, and no building or structure of any kind within three (3) feet, of any portion of the unit." Title 25 Housing and Community Development, Article 7. MH-unit and Commercial Modular Installations and Facilities §1330. Unit Separation and Setback Requirements Within Parks.*

E. Lot Coverage:

Based on the typical setbacks of a mobile home space, there will be approximately fifty-five percent (55%) lot coverage. State law allows a maximum lot coverage of seventy-five percent (75%).

F. Height Analysis:

Development Code Table 9.28.040-A 12 states that the maximum height for a mobile home is eighteen (18) feet, up to fifty (50) feet with Planning Commission approval.

G. Landscape Analysis:

The Quinnault Road public right-of-way will be landscaped with a fifteen (15)-foot vegetative buffer from the mobile home park edge wall to the street. Landscaping in the retention basin and recreation area will be installed as well.

H. Amenity Analysis:

The proposed mobile home park expansion includes a 2,729 square-foot common recreational vehicle storage area and a 7,580 square-foot a retention basin also serving as a playground area. The Development Code requires that two (2) amenities to be installed (Section 9.30.030 A10). Staff is recommending the installation of at least one (1) barbecue area and one (1) set of playground equipment (Condition No. P28). The total amount of recreational area required is 100 square feet per mobile home unit (Section 9.30.030 9a). To satisfy this requirement, the applicant is proposing to use the retention basin, currently 7,580 square feet, as a recreation area. When accounting for the total number of proposed mobile home spaces with the Development Code requirement for recreational area, a total of 4,500 square feet will be required. The flat area of the retention basin is approximately twenty (20) feet wide and ninety (90) feet wide, a total of 1,800 square feet. The remaining area of the retention basin is at an approximate 2:1 slope, meaning that this area will be sloping downwards to the leveled portion of the retention basin. As such, staff believes that the sloping portion of the retention basin should not be counted towards the total amount of required recreational area (Condition No. P29). Additionally, the playground equipment to be installed will be reviewed by the Planning Division prior to Planning final (Condition No. P31). The Development Code prohibits the storing of recreational vehicles on a mobile home space (Section 9.30.030 A15) (Condition No. P36). Therefore, the applicant is proposing a recreational vehicle storage area to be located at the southwest corner of the property (Condition No. P30).

I. Architecture Analysis:

Mobile homes are permitted by the State of California and as such, no Development Permit is required to review the architectural style, features, nor enhancements of the mobile homes. However, the applicant has submitted building elevation samples for mobile home units that would be placed in the park. A condition has been added encouraging the property manager to place mobile home units that are consistent with the architectural enhancements with the building elevations submitted (Condition No. P32). Mobile home units may range in size from single, double, or triple wide.

#### J. Infrastructure Analysis:

Based upon the information provided, and implementation of development standards, the proposed subdivision will not produce adverse impacts upon the site nor surrounding properties. The proposed subdivision will allow the property owner to develop the property in a manner that is consistent with the Town's goals and objectives to promote mobile home residential development.

##### 1. Traffic and Circulation

The proposed site location abuts the Quinnault Road public right-of-way. Quinnault Road will be required to be brought up to Town Standard (Condition No. E4). Circulation within the complex will be connected to the existing interior street network of the existing mobile home park to the south. Roads within the proposed mobile home park will be twenty-six (26) feet in width.

##### 2. Drainage

Prior to issuance of a grading permit, a final drainage plan shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting off-site and on-site tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. The proposal is required to retain onsite drainage flows from a 100-year design storm.

##### 3. Sewer Connection

The Public Works Division is recommending that this development connect to the public sewer system. Plans for such connection shall be reviewed and approved by the Town's Public Works Division.

#### K. Summary

The proposed project before the Planning Commission is a logical extension of the existing seventy-five (75)-unit mobile home park to the south. The surrounding properties will be minimally impacted by the proposal. The vacant properties to the north and east are zoned for multi-family residences and therefore, will be a compatible use of land as the proposed use. Additionally, the existing high school to east will be relatively un-impacted by the proposed use. More so, the existing mobile home park to the south will be interconnected with the proposed use, creating more supply of a housing product supported by the Town's 2009 General Plan.

#### L. Environmental Assessment

Pursuant to the California Environmental Quality Act (CEQA), an Initial Study was prepared. Based on the findings of the Initial Study, the proposed project will not have a significant environmental impact and, therefore, a Mitigated Negative Declaration has been prepared. The applicant shall be responsible for the payment of all CEQA-mandated environmental review and filing fees to the Department of Fish and Game and/or the San Bernardino County.

#### M. Noticing:

General Plan Amendment No. 2010-001, Zone Change No. 2010-001, and Conditional Use Permit No. 2009-002 were advertised as a public hearing in the Apple Valley News newspaper on May 7, 2010, as required under Development Code Section 9.13.030 *Notice of Public Hearings*.

### **GENERAL PLAN AMENDMENT FINDINGS**

As required under Section 9.02.050.H.3 of the Development Code, prior to approval of a General Plan Amendment, the Planning Commission must make the following findings:

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

Comment: This proposal is consistent with the goals, policies and standards of all General Plan Elements and will further their implementation. The subject property is suitable for development and will be a logical extension of the existing mobile home park to the south. Water and sewer lines, as well as streets, can be readily extended to the site. Development will occur in ways which allow for clear linkages to circulation and vehicular access via Nisqually and Quinnault Roads. Any future development will be complementary to the surrounding residential neighborhoods.

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

Comment: The request is consistent with, and complementary to, an integrated, internally consistent and compatible statement of policies for the Town's General Plan. The General Plan encourages a range of housing by location, type and price to meet the growth needs of the Town. The construction of additional mobile home units complies with this policy.

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 subject property is suitable for the forty-five (45) mobile home unit expansion since it is a logical northerly extension of the seventy-five (75) unit mobile home park community to the south.

### **ZONE CHANGE FINDINGS**

As required under Section 9.06.060 of the Development Code, prior to approval of a Zone Change, the Planning Commission must make the following findings:

1. The proposed amendment is consistent with the General Plan.

Comment: The request is consistent with the goals, policies and standards of all General Plan Elements and will further their implementation. The subject property is suitable for development and will be a logical extension of the Mobile Home Park (MHP) designation to the south. Water and sewer lines, as well as streets, can be readily extended to the site.

2. The proposed amendment will not be detrimental to the public health, safety or welfare of the Town or its residents.

Comment: The request will not adversely affect those residing in the area and will not be detrimental to the surrounding uses or enjoyment of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to public health, safety or welfare. Adequate sewer and water capacity exists to serve the project. The project has adequate street access via Nisqually and Quinnault Roads. The recommended Conditions of Approval will allow the project to stay within the Town's adopted Level of Service (LOS) D for impacted intersections.

### **CONDITIONAL USE PERMIT FINDINGS**

As required under Section 9.16.090 of the Development Code, prior to approval of a Conditional Use Permit, the Planning Commission must make the following findings:

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

Comment: The proposed forty-five (45) mobile home unit development is proposed to be located within a concurrent change of land use designation from Multi-Family Residential (R-M) to Mobile Home Park (MHP) and therefore will be in compliance with the General Plan Land Use and Zoning District that allows for the construction of mobile home units.

2. That the location, size, design and operating characteristics of the proposed use will be compatible with, and will not adversely affect nor be materially detrimental to, adjacent uses, residents, buildings, structures or natural resources;

Comment: The proposed forty-five (45) mobile home unit development is compatible with the existing seventy-five (75)-unit mobile home park to the south, will not adversely effect the existing high school to the west, and would be consistent with future residential developments to the north and east.

3. That the proposed use is compatible in scale, bulk, lot coverage, and density with adjacent uses;

Comment: The proposed forty-five (45) mobile home unit development is compatible with the existing seventy-five (75)-unit mobile home park to the south and will not adversely effect the existing high school to the west. The adjacent north and east properties are zoned for multi-family residential development which currently allows structures to have heights of up to thirty-five (35) feet. Mobile homes have a maximum height of eighteen (18) feet; therefore, as the surrounding area develops, the mobile home units will appear to be less out of scale.

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



Comment: The proposed mobile home park will require the extension of water and sewer facilities to the site. The project is conditioned to provide street improvements and is also conditioned to provide sewage disposal by connecting to the Town of Apple Valley sewer system. The proposal, with adherence to the recommended Conditions of Approval, will be compatible with the existing mobile home park to the south.

5. That there will not be a harmful effect upon desirable neighborhood characteristics;

Comment: The location, size, design and operating characteristics of the proposed mobile home park, and the conditions under which it will be operated and maintained, will not be a harmful upon the neighborhood characteristics of the existing mobile home park to the south.

6. That the generation of traffic will not adversely impact the capacity and physical character of surrounding streets;

Comment: The proposed mobile home park will be integrated with the interior street network of the existing mobile home park, will contain paved on-site parking that meets the requirements as specified in the Development Code, and have ingress and egress from Quinnault Road.

7. That traffic improvements and/or mitigation measures are provided in a manner adequate to maintain the existing service level or a Level of Service (LOS) D or better on arterial roads and are consistent with the Circulation Element of the General Plan;

Comment: The proposed mobile home park will be integrated into the existing street network of the existing mobile home park which currently has access to Nisqually Road. The proposed mobile home park will have additional access to Quinnault Road.

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

Comment: Under the State guidelines to implement the California Environmental Quality Act (CEQA), based on the findings of the Initial Study, the proposed project will not have a significant environmental impact and, therefore, a Mitigated Negative Declaration has been prepared. With implementation of proper mitigation measures as defined and required in the various Codes and standards applicable to all development within the community, the proposed project will not produce adverse impacts upon the sites nor the surrounding properties.

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

Comment: Under the State guidelines to implement the California Environmental Quality Act (CEQA), based on the findings of the Initial Study, the proposed project will not have a significant environmental impact and, therefore, a Mitigated Negative Declaration has been prepared. With implementation of proper mitigation measures as defined and required in the various Codes and standards applicable to all development within the community, the proposed project will not produce adverse impacts upon the sites nor the surrounding properties.

10. That the impacts, as described in paragraphs 1 through 9 above, and the proposed location, size, design and operating characteristics of the proposed use and the conditions under which it would be maintained will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity, nor be contrary to the adopted General Plan;

Comment: The location, size, design and operating characteristics of the proposed mobile home park, and the recommended conditions under which it will be operated and maintained, will not be detrimental to the public health, safety or welfare, nor will it be materially injurious to properties or improvements in the vicinity.

11. That the proposed conditional use will comply with all of the applicable provisions of this title.

Comment: The proposed forty-five (45) mobile home park is in conformance with the Development Code, subject to approval of a Conditional Use Permit and adherence to the recommended Conditions of Approval.

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

Comment: The surrounding area has an existing mobile home park to the south and a high school to the west. The proposed mobile home units will complement the structures in the surrounding area. The proposal is in conformance with the Development Code, subject to approval of a Conditional Use Permit and adherence to the recommended Conditions of Approval.

13. 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 mobile homes in the new addition will be in scale with the existing mobile homes to the south. As the area develops with other projects, the proposed mobile home park will be in scale to other residential developments in the area.

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

Comment: The proposed mobile home park complements the existing mobile home park to the south. The mobile home park is in conformance with the Development Code, subject to approval of a Conditional Use Permit and adherence to the recommended Conditions of Approval.

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

Comment: The proposed mobile home park will include one (1) point of ingress/egress from Quinnault Road and be connected internally to the existing mobile home park's street network. In addition, the project will be required to provide improvements along all adjacent roads and along the corresponding property frontages, to include curb, gutter and sidewalks that will enhance overall circulation on and around the project site.

### **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 adopt Planning Commission Resolution No. 2010-005 to recommend to the Town Council:

1. Determine that the proposed General Plan Amendment, Zone Change and Conditional Use Permit will not have a significant effect on the environment.
2. Adopt the Mitigated Negative Declaration and mitigation monitoring program for Conditional Use Permit No. 2009-002 finding that, on the basis of the whole record before the Planning Commission, including the Initial Study and any comments received, there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Town's independent judgment and analysis. The Initial Study and Mitigated Negative Declaration are available at the Town's Planning Division which constitutes the record of proceedings upon which its decision is based.
3. Find that the facts presented in the staff report support the required Findings for approval and adopt those findings.
4. Approve Planning Commission Resolution No. 2010-005, forwarding to the Town Council a recommendation for approval for General Plan Amendment No. 2010-001 and Zone Change No. 2010-001.
5. Find the facts presented in the staff report support the required findings for approval of the Conditional Use Permit and adopt those findings.
6. Approve Conditional Use Permit No. 2009-002 subject to the attached Conditions of Approval.
7. Direct staff to file a Notice of Determination.

**Prepared By:**

**Reviewed By:**

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Conrad Olmedo  
Assistant Planner

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Lori Lamson  
Assistant Director of Community Development

**ATTACHMENTS:**

1. Recommended Conditions of Approval
2. Site Plan
3. Building Elevations and Floor Plans
4. Landscape Plan
5. Playground Equipment
6. Aerial Photo of Subject Location
7. Planning Commission Resolution No. 2010-005
8. Zoning Map
9. Initial Study

## TOWN OF APPLE VALLEY

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### RECOMMENDED CONDITIONS OF APPROVAL

General Plan Amendment No. 2010-001, Zone Change No. 2010-001, and Conditional Use Permit No. 2009-002

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

### Planning Division Conditions of Approval

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval, if not exercised, shall expire three (3) 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 expiration date. The Conditional Use 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.
- P2. Prior to approval of the Final Map, the following agencies shall provide written verification to the Planning Division that all pertinent conditions of approval and applicable regulations have been met:
- Apple Valley Fire Protection District  
Apple Valley Ranchos Water Company  
Apple Valley Public Works Division  
Apple Valley Engineering Division  
Apple Valley Planning Division
- P3. Conditional Use Permit No. 2009-002 shall adhere to all requirements of the Development Code.
- P4. 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.
- P5. The filing of a Notice of Determination requires the County Clerk to collect a documentary handling fee of fifty dollars (\$50.00). Additionally, as of April 12, 2010, a fee of \$1,876.75 is required to be collected by the County for the processing of a Notice of Determination (NOD) for the State Fish & Game fees. The fees must be paid within five (5) days of the approval of this application in order to reduce the Statute of Limitations to thirty (30) days.

All fees must be submitted prior to the issuance of any permits. The fee must be paid in a timely manner in accordance with Town procedures. No permits may be issued until such fee is paid.

- P6. The approval of Conditional Use Permit No. 2009-002 by the Planning Commission is recognized as acknowledgment of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, Appeals, of the Town of Apple Valley Development Code.
- P7. Any protected desert plants or discovered Joshua Tree pups impacted by development are subject to the regulations specified in Section 9.76.020 (Plant Protection and Management) of the Development Code.
- P8. Required parking spaces shall be provided for the handicapped in accordance with Town standards and in accordance with Title 24 of the California Administrative Code. The handicapped spaces shall be located as close as practical to the entrance of the center. Each space must be provided with access ramps and clearly marked in accordance with Title 24 of the California Administrative Code.
- P9. Lighting fixtures throughout the site shall be of a type and be located in such a manner that no light or reflected glare is directed off-site and shall provide that no light is directed above a horizontal plane passing through the bottom of the fixture. All glare shall be directed onto the site and away from adjacent properties. All lighting used in parking lots for security purposes or safety-related uses shall be scheduled so light rays emitted by the fixture are projected below the imaginary horizontal plane passing through the lowest point of the fixture and in such a manner that the light is directed away from streets and adjoining properties.
- P10. Light posts shall blend architecturally with buildings, pedestrian areas and other hardscape elements.
- P11. 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 structures, facilities and appurtenances expected and required to be installed at the approved location without substantive deviations, modifications, alterations, adjustments or revisions of any nature.
- P12. Final landscape and irrigation plans shall be submitted prior to building permit issuance and installed prior to issuance of occupancy permits, subject to approval by the Planning Division. A report from a licensed landscape architect shall be provided describing the types of trees proposed and their ability to sustain and grow within the high desert climate.
- P13. Landscaping shall be installed with appropriate combinations of drought tolerant trees, shrubs, and ground cover, consistent with Chapter 9.75, Water Conservation Landscape Regulations, of this Code.

- P14. The landscape plan submitted for plan check shall be revised to include the following:
- a. The quantity of street trees and shrubs shall be provided along all streets in accordance with Chapter 9.75, Water Conservation Landscape Regulations, of this Code.
  - b. The fifteen (15)-foot wide landscape buffer along Quinnault Road shall include trees and shrubs to achieve a proper buffering. This area shall also be improved with ground cover in accordance with the Development Code.
  - c. The landscaping in those locations where recreational areas are located within the street side landscape setback shall be densely planted and enhanced to provide buffering and screening from the adjacent streets.
- P15. 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.
- P16. The rendering(s) and color/material boards presented to and approved by the Planning Commission at the public hearing shall be the anticipated and expected appearance of the structure upon completion.
- P17. All identification signs shall have a separate permit and are subject to final approval by the Town Planning Division.
- P18. No major deviation, modification, alteration, adjustment or revision to or from the appearance, location, fixtures, features or appurtenances thereto of any type or extent shall be approved without said changes being first submitted to the Planning Commission for consideration and approval. Said review shall not rise to the level of a revision to the original Permit or other discretionary review, therefore necessitating a new public hearing, but shall, instead, constitute a clarification of the Planning Commission's original approval.
- P19. Solid decorative perimeter walls shall buffer the site from any existing residential district and uses. The wall must reflect the approved architecture style and materials of the project.
- P20. Perimeter walls and fences shall comply with the height and setback requirements of the Development Code.
- P21. If the project 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.

- P22. Prior to the issuance of a grading permit a biological survey shall be conducted. In the event evidence of Burrowing Owls is found, a mitigation plan shall be prepared at the applicant's expense and approved by California Department of Fish & Game. The project site is located within the known range of the Mohave Ground Squirrel, therefore, if the survey determines that the site contains suitable habitat for the Mohave Ground Squirrel, a California Department of Fish and Game 2081 Incidental Take Permit or a Focused Trapping Survey is required. Prior to issuance of grading permits, written clearance from the California Department of Fish and Game is required. A pre-construction survey shall be conducted prior to land clearing to ensure the special status species (Desert Tortoise, burrowing owl, sharp-shinned hawk and loggerhead shrike) have not moved on to the site.
- P23. This project is subject to applicable Quimby Fees. The Quimby Fees shall be collected at time of issuance of building permit and shall be the fee adopted by the Town Council.
- P24. If the entrances on Quinnault Road are proposed to be gated, adequate vehicle stacking space shall be in accordance with the Development Code.
- P25. As required by State Law, an on-site property manager shall reside within the development.
- P26. In accordance with State Law, there shall be a minimum setback of five (5) feet from any accessory structures to the boundary of the mobile home space.
- P27. No existing or proposed parcel, phase or other like segmentation shall be modified, or be portioned off for sale or lease without compliance to "all" related Development Code criteria (such as on-site amenities) and conditioned herewith. A copy of the Covenants, Conditions, and Restrictions (CC&Rs) or property management agreements between the developer and the Town of Apple Valley, reflecting the above referenced conditions, shall be subject to review and approval of the Planning Division and Town Attorney, and be recorded by the County Recorders Office, prior to the issuance of any building permit. A recorded copy shall be provided to the Planning Division.
- P28. There shall be two (2) recreational amenities which are ADA accessible, including at least one (1) barbecue area, subject to review of the Town Planning Division.
- P29. Total flat leveled area of recreational area/basin shall be no less than 4,500 square feet and be ADA accessible.
- P30. Recreational Vehicle storage area shall be no closer than ten (10) feet from a property line, forty (40) feet from a street or adjacent residential district.
- P31. Playground equipment shall be installed in the recreation area, subject to review of the Town Planning Division.
- P32. The property manager shall encourage the placement of mobile home units that are consistent with the architectural enhancements of the submitted building elevations.
- P33. Each mobile home unit shall have an in tandem two (2) car carport, minimum nine (9) feet by forty-four (44) feet, installed prior to occupancy.
- P34. There shall be a total of fourteen (14) guest parking spaces, one (1) per four (4) mobile home unit/spaces.



- P35. All applicable construction related permits and approvals including grading, sewage disposal, erosion control and encroachment permits shall be obtained.
- P36. CC&Rs shall be required prohibiting the storage of recreational vehicles on the mobile home unit space.

### **Engineering Conditions of Approval**

- E1. A final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider reducing the post-development site-developed flow to ninety (90) percent of the pre-development flow for a 100 year design storm.
- E2. Street improvement plans shall be submitted to the Town Engineer for review and approval.
- E3. All streets abutting the development shall be improved a minimum half-width of twenty-eight (28) feet with curb, gutter and sidewalk on the development side.
- E4. Quinault Road adjacent to the property shall be improved to the Town's half-width Local Road standards.
- E5. A forty (40)-foot wide half-width road dedication along Quinault Road shall be granted to the Town of Apple Valley prior to Issuance of Grading Permit.
- E6. During the grading of the streets, soils testing of the street subgrades by a qualified soils engineering firm shall be performed to determine appropriate structural street section. Minimum asphalt concrete thickness for all streets shall be 0.33 ft.
- E7. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- E8. Final improvement plans and profiles shall indicate the location of any existing utility which would affect construction and shall provide for its relocation at no cost to the Town.
- E9. The developer shall form or annex into an assessment district to provide for the ongoing maintenance of the retention basin.
- E10. A final grading plan shall be approved by the Town Engineer prior to issuance of a grading permit. A grading permit shall not be issued until street improvement plans have been submitted to the Town Engineer for review and substantial completion of the street plans has been attained as determined by the Town Engineer.
- E11. All street names shall be approved by the Town and such approval shall be coordinated through the Town Engineer.
- E12. The developer shall present evidence to the Town Engineer that he has made a reasonable effort to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.

- E13. Utility lines shall be placed underground in accordance with the requirements of the Town.
- E14. Traffic impact fees adopted by the Town shall be paid by the developer.
- E15. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- E16. Any required street striping shall be thermoplastic as approved by the Town Engineer.
- E17. The developer shall provide at least two (2) different standard routes of ingress and egress. A standard route is a road dedicated to the Town and paved to Town standards. Minimum pavement width shall be twenty-six (26) feet, minimum asphalt thickness shall be .33 feet.
- E18. Retention/detention basins less than one (1) acre in size shall not be greater than four (4) feet in depth (unless otherwise approved by the Planning Commission). The sides of any retention/detention basins shall be 4:1 or flatter slopes. The retention basin shall include two stage-interceptor type dry wells or other Town approved system to help facilitate the rapid removal of storm water and nuisance water (*added by Planning Commission June 2, 2010*).

#### **Building and Safety Division Conditions of Approval**

- BS1. An engineered grading report including soils report shall be submitted to and approved by the Building Official prior to recordation of the Final Map or issuance of permits for grading in excess of 1,000 cubic yards.
- BS2. Grading and drainage plans including a soils report must be submitted to and approved by the Building and Engineering Departments prior to grading permit issuance.
- BS3. Submit plans, engineering and end obtain permits for all structures, retaining walls, and signs.
- BS4. A pre-construction permit and inspection are required prior to any land disturbing activity to verify requirements for erosion control, flood hazard native plant protection and Desert Tortoise habitat.
- BS5. A Notice of Intent (NOI) and a Storm Water Prevention Plan (SWPP) must be submitted to and approved by the Engineering and Building Departments prior to issuance of a grading permit and or any land disturbance.
- BS6. All utilities shall be placed underground in compliance with Town ordinance No. 89.
- BS7. A pre-grading meeting is required prior to beginning of any land disturbance. This meeting will include the Building Inspector, General Contractor, Grading Contractor, soils technician and any other parties required to be present during the grading process such as a Biologist and/or paleontologist.
- BS8. A dust palliative or hydro seed will be required on those portions of the site graded but not constructed (phased construction)

- BS9. Page two (2) of the submitted building plans will be the conditions of approval.
- BS10. Construction must comply with 2007 California Building Codes.
- BS11. Best Management practices (BPM's) are required for the site during construction.

**Public Works Division Conditions of Approval**

- PW1. An engineering evaluation is required to determine sewer capacity requirements and specific improvements necessary to serve the project. This evaluation shall be reviewed and approved by Apple Valley Public Works.
- PW2. 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.
- PW3. All existing manholes within project boundaries shall be brought to current Town of Apple Valley Standards. Frame and cover shall be Long Beach Iron Works Inc. X-106E, Alhambra Foundry Inc. LTD. A-1254 or approved equal.

**Apple Valley Fire Protection District**

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

Apple Valley Fire Protection District  
 Ordinance 22, Section (I)  
 Install per A.V.F.P.D. Standard ARI #8
- FD3. Fire lanes shall be provided with a minimum width of thirty (30) feet, maintained, and identified.  

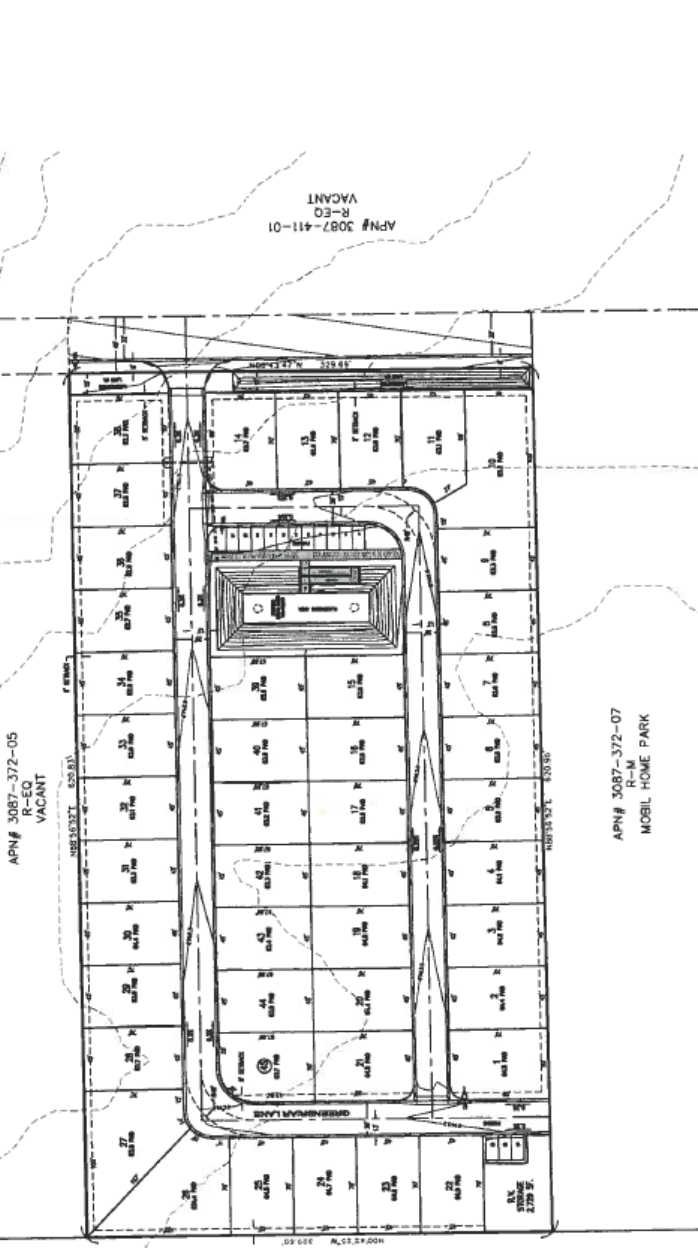
Apple Valley Fire Protection District Ordinance 45  
 Install per A.V.F.P.D. Standard Series #202
- FD4. A turnaround shall be required at the end of each roadway one hundred fifty (150) feet or more in length and shall be approved by the Fire District. Turning radius on all roads within the facility shall not be less than twenty-two (22) feet inside and minimum of forty (40) feet outside turning radius with no parking on street, or forty-seven (47) feet with parking.  

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

- FD5. 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      | 750 | GPM @ 20 psi Residual Pressure |
| Duration        | 2   | 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. A total of 2-3 fire hydrant(s) will be required at time of building permit issuance. It is the responsibility of the owner/developer to provide all new fire hydrants with reflective pavement markers set into pavement and curb identification per A.V.F.D. Standard.  
 Install per A.V.F.P.D. Standard Series #101
- FD6. 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.
- FD7. 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.
- FD8. 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**

# CONDITIONAL USE PERMIT APPLE VALLEY ESTATES MOBILE HOME PARK EXPANSION APPLE VALLEY, CALIFORNIA



**PROJECT DATA:**

- 1. PROJECT NAME: APPLE VALLEY ESTATES MOBILE HOME PARK EXPANSION
- 2. PROJECT LOCATION: 44 SPACE MOBILE HOME PARK EXPANSION, APPLE VALLEY, CALIFORNIA
- 3. PROJECT OWNER: JOSEPH E. SONDHAMMER & ASSOCIATES
- 4. PROJECT ARCHITECT: JOSEPH E. SONDHAMMER & ASSOCIATES
- 5. PROJECT ENGINEER: JOSEPH E. SONDHAMMER & ASSOCIATES
- 6. PROJECT SURVEYOR: JOSEPH E. SONDHAMMER & ASSOCIATES
- 7. PROJECT GEOLOGIST: JOSEPH E. SONDHAMMER & ASSOCIATES
- 8. PROJECT HISTORIC ARCHITECTURE CONSULTANT: JOSEPH E. SONDHAMMER & ASSOCIATES
- 9. PROJECT ENVIRONMENTAL CONSULTANT: JOSEPH E. SONDHAMMER & ASSOCIATES
- 10. PROJECT TRAFFIC ENGINEER: JOSEPH E. SONDHAMMER & ASSOCIATES
- 11. PROJECT LANDSCAPE ARCHITECT: JOSEPH E. SONDHAMMER & ASSOCIATES
- 12. PROJECT CIVIL ENGINEER: JOSEPH E. SONDHAMMER & ASSOCIATES
- 13. PROJECT ELECTRICAL ENGINEER: JOSEPH E. SONDHAMMER & ASSOCIATES
- 14. PROJECT MECHANICAL ENGINEER: JOSEPH E. SONDHAMMER & ASSOCIATES
- 15. PROJECT PLUMBING ENGINEER: JOSEPH E. SONDHAMMER & ASSOCIATES
- 16. PROJECT FIRE ENGINEER: JOSEPH E. SONDHAMMER & ASSOCIATES
- 17. PROJECT SPECIALTY CONSULTANTS: JOSEPH E. SONDHAMMER & ASSOCIATES

**ASSASSOR PARCEL NO.**  
200-000

**LEGAL DESCRIPTION:**  
44 SPACE MOBILE HOME PARK EXPANSION

**OWNER/DEVELOPER:**  
SONDHAMMER COMMERCIAL, INC.  
10000 APPLE VALLEY BLVD., SUITE 100  
APPLE VALLEY, CA 91752  
TEL: 909-791-1234  
FAX: 909-791-1235

**UTILITIES:**

WATER: CALIFORNIA WATER CO. (909) 791-1234  
SEWER: SAN JOAQUIN VALLEY SEWER DIST. (909) 791-1234  
GAS: SOUTHERN CALIFORNIA GAS CO. (909) 791-1234  
ELECTRICITY: CALIFORNIA ELECTRIC CO. (909) 791-1234  
TELEPHONE: SBC COMMUNICATIONS (909) 791-1234  
CABLE: COMCAST (909) 791-1234  
SATELLITE: DISH NETWORK (909) 791-1234



**VERTICAL DATUM:**  
BENCH MARK: 100.00 FT  
VERTICAL DATUM: 100.00 FT  
ELEVATION: 100.00 FT  
HORIZONTAL DATUM: 100.00 FT  
UNIT OF MEASUREMENT: FEET

**CONDITIONAL USE PERMIT**  
APPROVED FOR THE CITY OF APPLE VALLEY  
MOBILE HOME PARK

NO.	DESCRIPTION	BY	APPROVED DATE
1	ISSUED	J. SONDHAMMER	01/15/2024
2	REVISED	J. SONDHAMMER	02/01/2024
3	REVISED	J. SONDHAMMER	02/15/2024
4	REVISED	J. SONDHAMMER	03/01/2024
5	REVISED	J. SONDHAMMER	03/15/2024
6	REVISED	J. SONDHAMMER	04/01/2024
7	REVISED	J. SONDHAMMER	04/15/2024
8	REVISED	J. SONDHAMMER	05/01/2024
9	REVISED	J. SONDHAMMER	05/15/2024
10	REVISED	J. SONDHAMMER	06/01/2024
11	REVISED	J. SONDHAMMER	06/15/2024
12	REVISED	J. SONDHAMMER	07/01/2024
13	REVISED	J. SONDHAMMER	07/15/2024
14	REVISED	J. SONDHAMMER	08/01/2024
15	REVISED	J. SONDHAMMER	08/15/2024
16	REVISED	J. SONDHAMMER	09/01/2024
17	REVISED	J. SONDHAMMER	09/15/2024
18	REVISED	J. SONDHAMMER	10/01/2024
19	REVISED	J. SONDHAMMER	10/15/2024
20	REVISED	J. SONDHAMMER	11/01/2024
21	REVISED	J. SONDHAMMER	11/15/2024
22	REVISED	J. SONDHAMMER	12/01/2024
23	REVISED	J. SONDHAMMER	12/15/2024
24	REVISED	J. SONDHAMMER	01/01/2025
25	REVISED	J. SONDHAMMER	01/15/2025
26	REVISED	J. SONDHAMMER	02/01/2025
27	REVISED	J. SONDHAMMER	02/15/2025
28	REVISED	J. SONDHAMMER	03/01/2025
29	REVISED	J. SONDHAMMER	03/15/2025
30	REVISED	J. SONDHAMMER	04/01/2025
31	REVISED	J. SONDHAMMER	04/15/2025
32	REVISED	J. SONDHAMMER	05/01/2025
33	REVISED	J. SONDHAMMER	05/15/2025
34	REVISED	J. SONDHAMMER	06/01/2025
35	REVISED	J. SONDHAMMER	06/15/2025
36	REVISED	J. SONDHAMMER	07/01/2025
37	REVISED	J. SONDHAMMER	07/15/2025
38	REVISED	J. SONDHAMMER	08/01/2025
39	REVISED	J. SONDHAMMER	08/15/2025
40	REVISED	J. SONDHAMMER	09/01/2025
41	REVISED	J. SONDHAMMER	09/15/2025
42	REVISED	J. SONDHAMMER	10/01/2025
43	REVISED	J. SONDHAMMER	10/15/2025
44	REVISED	J. SONDHAMMER	11/01/2025
45	REVISED	J. SONDHAMMER	11/15/2025
46	REVISED	J. SONDHAMMER	12/01/2025
47	REVISED	J. SONDHAMMER	12/15/2025
48	REVISED	J. SONDHAMMER	01/01/2026

**PARKING SCHEDULE:**

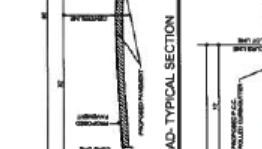
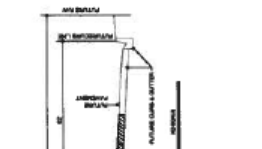
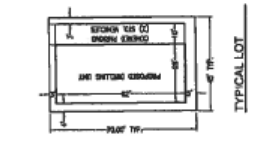
ACTIVITY	VEHICLES	TRUCKS	TRAILERS
RESIDENTS	100	0	0
VISITORS	50	0	0
DELIVERIES	0	10	0
MAINTENANCE	0	5	0
EMERGENCY	0	0	1
TOTAL	150	15	1

**REduced**

**SITE SCHEDULE:**

ACTIVITY	VEHICLES	TRUCKS	TRAILERS
RESIDENTS	100	0	0
VISITORS	50	0	0
DELIVERIES	0	10	0
MAINTENANCE	0	5	0
EMERGENCY	0	0	1
TOTAL	150	15	1

**PROJECT SCOPE OF WORK:**  
THE PROJECT IS LOCATED IN THE CITY OF APPLE VALLEY, CALIFORNIA. THE PROJECT IS A MOBILE HOME PARK EXPANSION. THE PROJECT WILL INVOLVE THE CONSTRUCTION OF 44 MOBILE HOMES, 100 TRAILERS, AND 100 PARKING SPACES. THE PROJECT WILL ALSO INVOLVE THE CONSTRUCTION OF A NEW ENTRANCE AND A NEW OFFICE BUILDING. THE PROJECT WILL BE COMPLETED BY 12/31/2025.



CARRIAGE MANOR 3482L



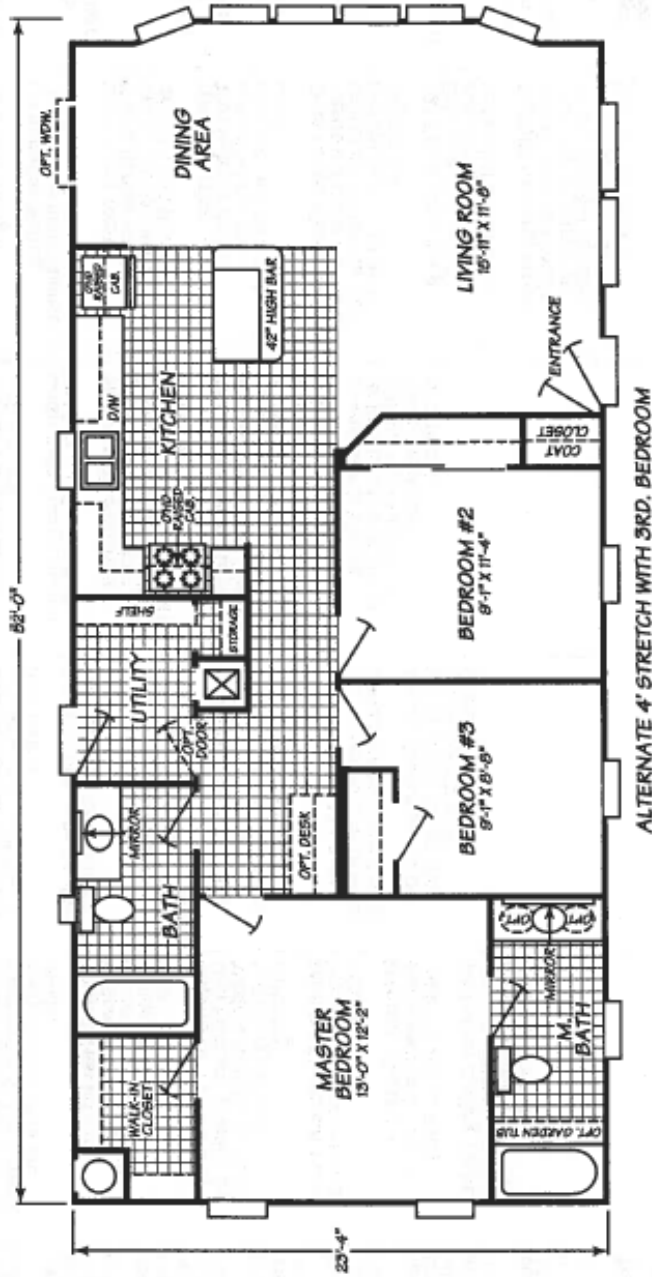






# Carriage Manor Series Model 3482L Alt. #1

3 Bedrooms • 2 Baths • 1,207 Square Feet



Fleetwood Homes reserves the right to change colors, prices, specifications, models, dimensions and materials without notice. Rendering and diagrams are meant to be representative and, in keeping with Fleetwood's policy of constant updating and improvement, may vary from the actual home. All dimensions are nominal and approximated. Square footage is measured from exterior wall to exterior wall, and is an approximate figure. Length indicated in floorplans is floor length only. The length of the hitch is not included. (Add four feet to arrive at transportable length.) Ask your retailer for specifics. PRICES AND SPECIFICATIONS SUBJECT TO CHANGE WITHOUT NOTICE OR OBLIGATION.

PFSAPPROVAL\_11/13/07

CD/08/NOV/07



FESTIVAL II 3563P





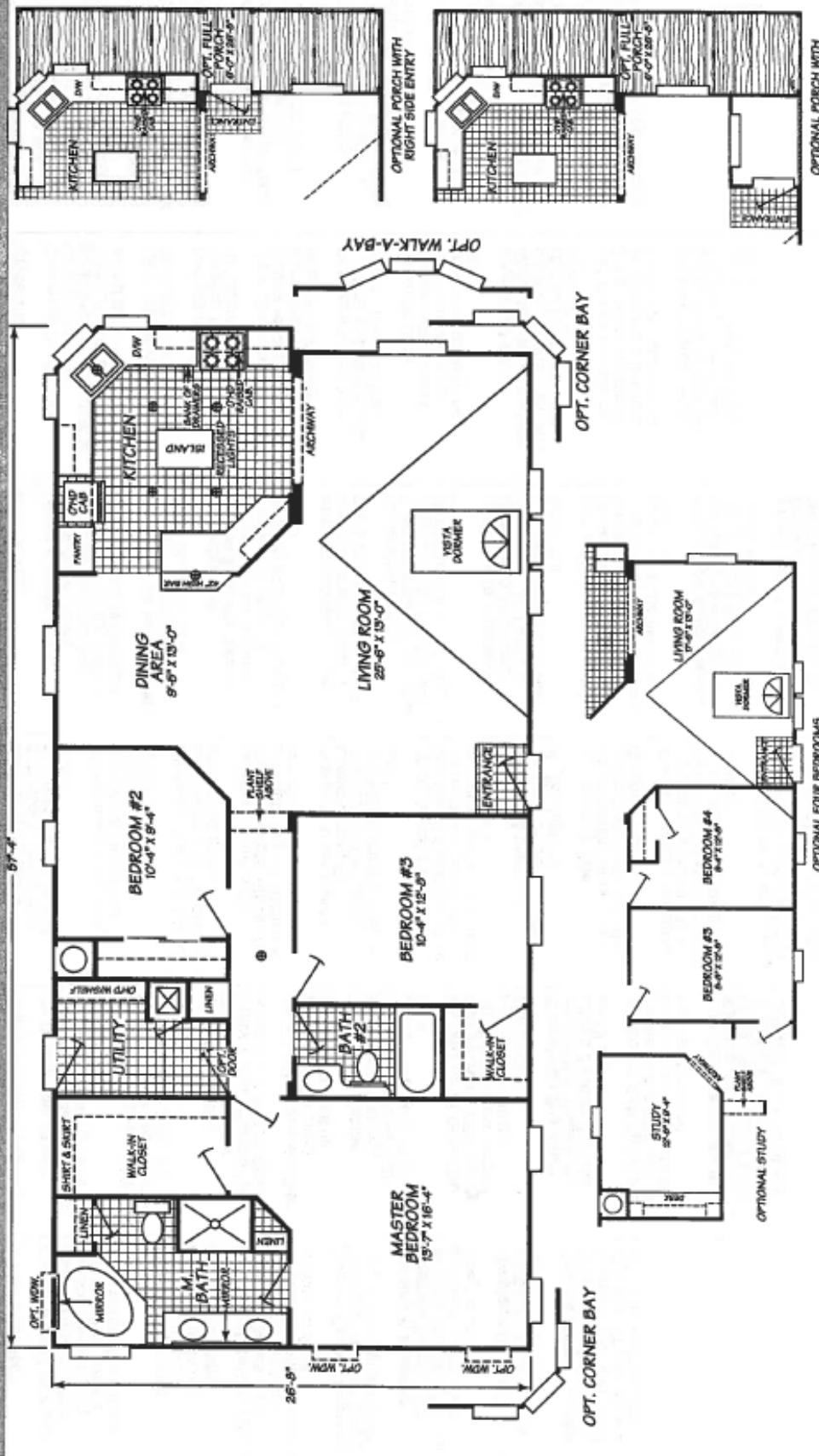
VOGUE II 4573L





**Vogue II Series Model 4573L**

3 Bedrooms • 2 Baths • 1,508 Square Feet

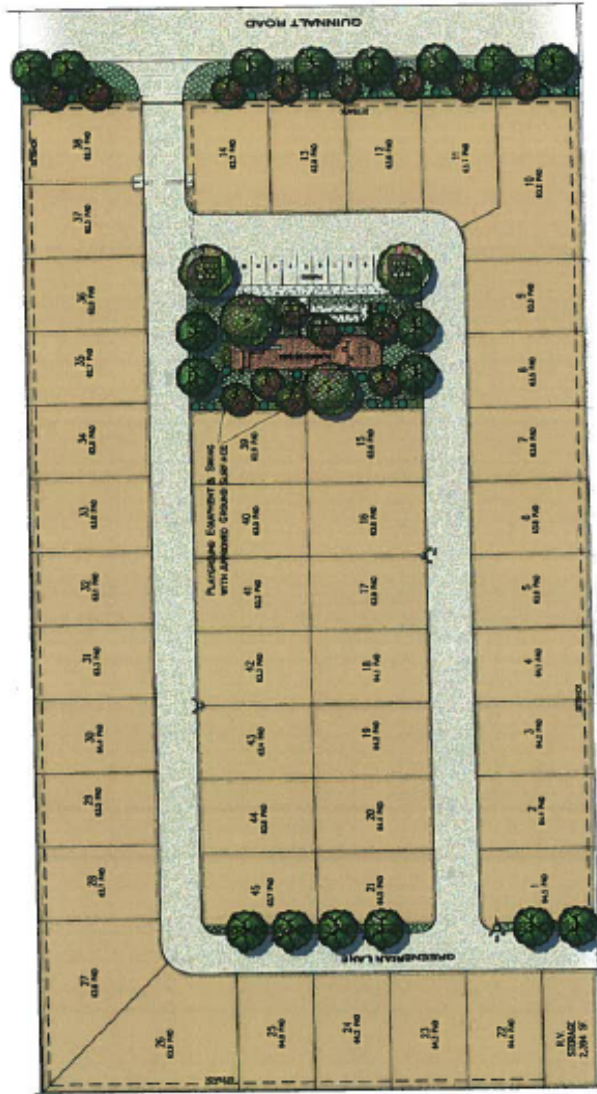


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# Apple Valley Estates Mobile Home Park

## LANDSCAPE CONCEPTUAL PLAN

APPLE VALLEY, CALIFORNIA



**Planting Legend**

Symbol	Qty	Size	RECOMMENDATION	COMMON NAME
	15	15' dia.	Chaparral Shrubs	Desert Willow
	18	15' dia.	Prostrate Olive	Argemone Mesquite
	4	24' dia.	Mobile Jalisco Oak	Manzanita
	22	15' dia.	Jardines de los Reyes	Redwood Juniper
	229	5' dia.	Neonberry plants	Cypress Bush
	18	5' dia.	Prostrate Argemone	Red Yucca
	6	5' dia.	Daylily plants	Desert Sparrow
	40	5' dia.	Calliandra plants	Flame Mesquite
	12	12' dia.	Prostrate Argemone	Neonberry
	2	4' dia.	Flame Mesquite	Flame Mesquite



Landscape Plan  
Scale: 1"=20'

**REDUCED**

Contractor:  
Landscape Plan  
887 La Granda St. W  
Brentwood, CA 92011

**DOPE**  
LANDSCAPE ARCHITECTURE  
181 N. El Street, Suite 200, Brentwood, CA 92011  
Phone: (909) 888-5544  
Fax: (909) 394-8554  
e-mail: rpoppe@peizer.com  
Richard Poppe, Landscape Architect CAP 2844

Open Space (Playground) Amenities/Equipment Examples







# SUBJECT SITE

General Plan Amendment No. 2010-001  
Zoning Change No. 2010-001  
Conditional Use Permit No. 2009-002

APN 3087-372-06

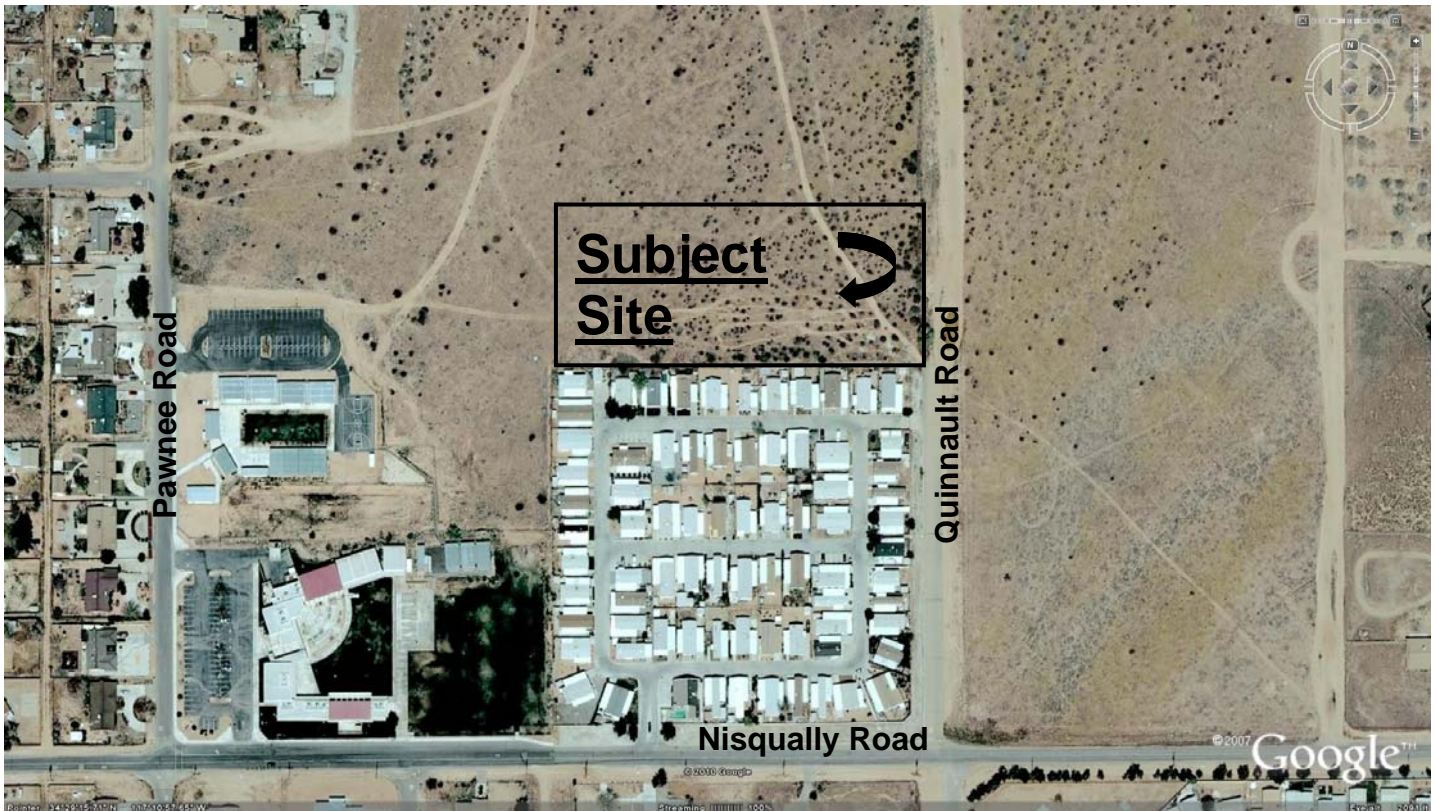
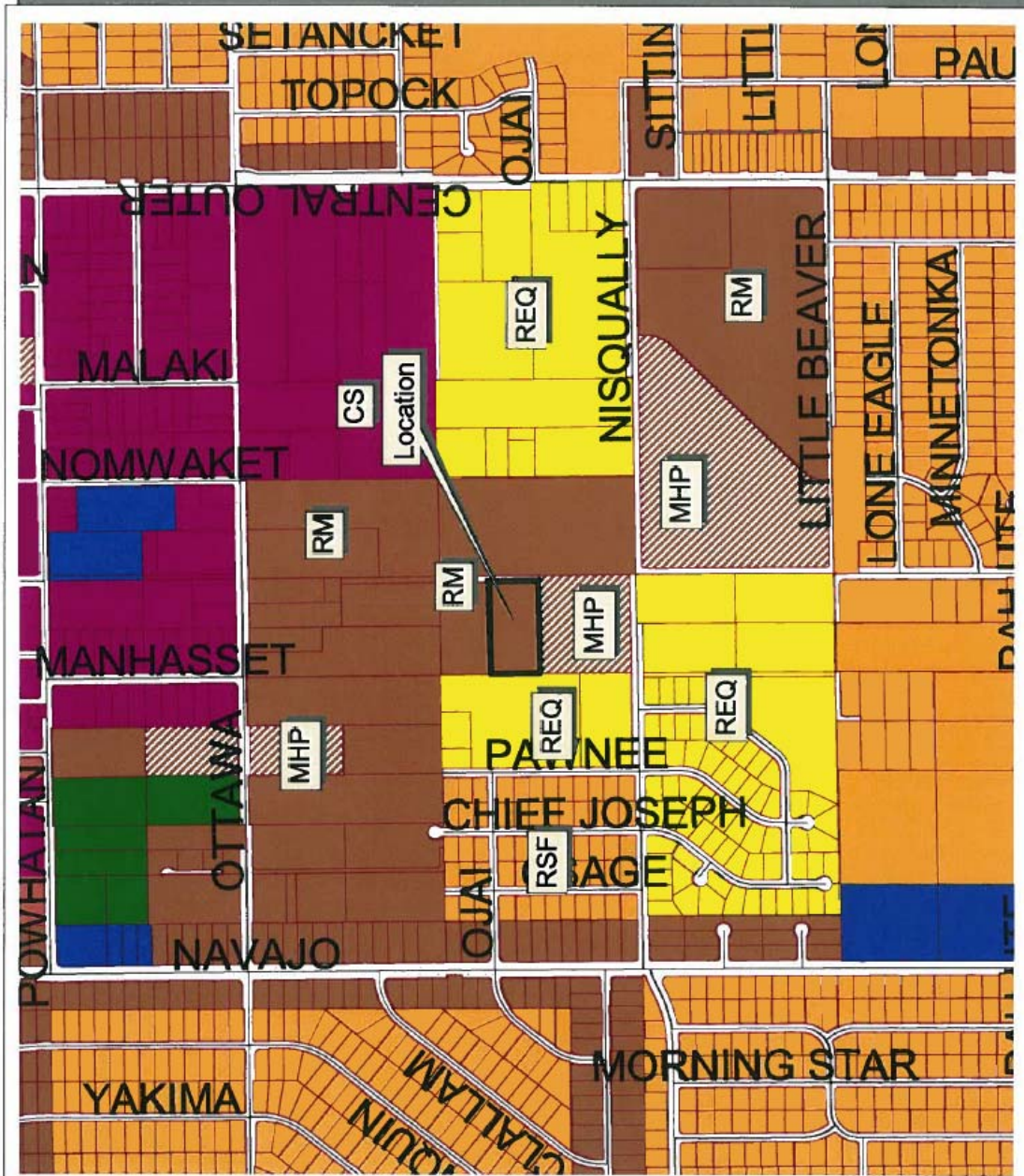


Figure 1



General Plan Amendment No. 2010-001  
 Zone Change No. 2010-001  
 Conditional Use Permit No. 2009-002

# Existing Zoning Designations



Located at the northwest corner of Nisqually Road and Quinnault Road



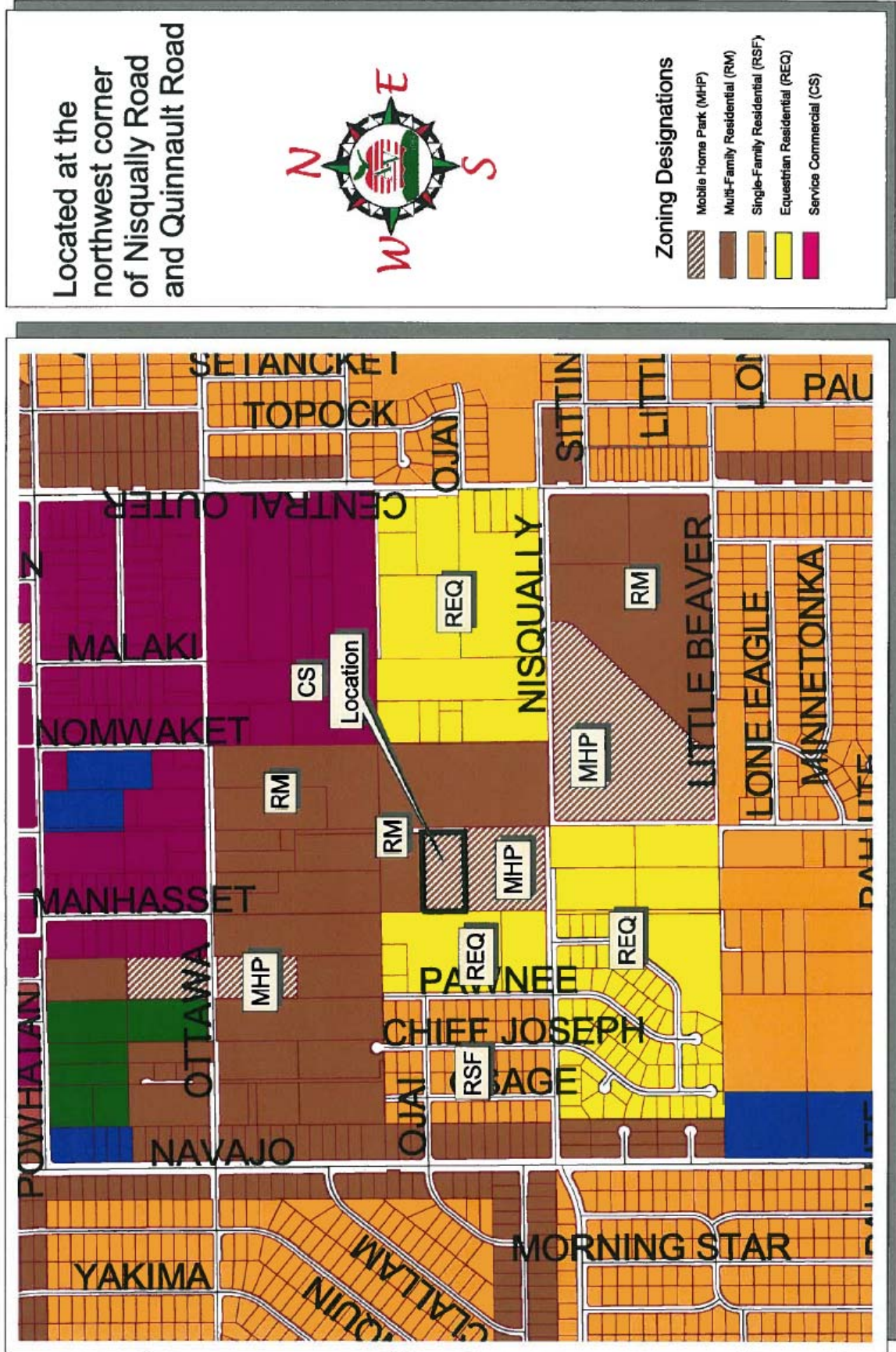
## Zoning Designations

- Mobile Home Park (MHP)
- Multi-Family Residential (RM)
- Single-Family Residential (RSF)
- Equestrian Residential (REQ)
- Service Commercial (CS)



General Plan Amendment No. 2010-001  
 Zone Change No. 2010-001  
 Conditional Use Permit No. 2009-002

# Proposed Zoning Designations



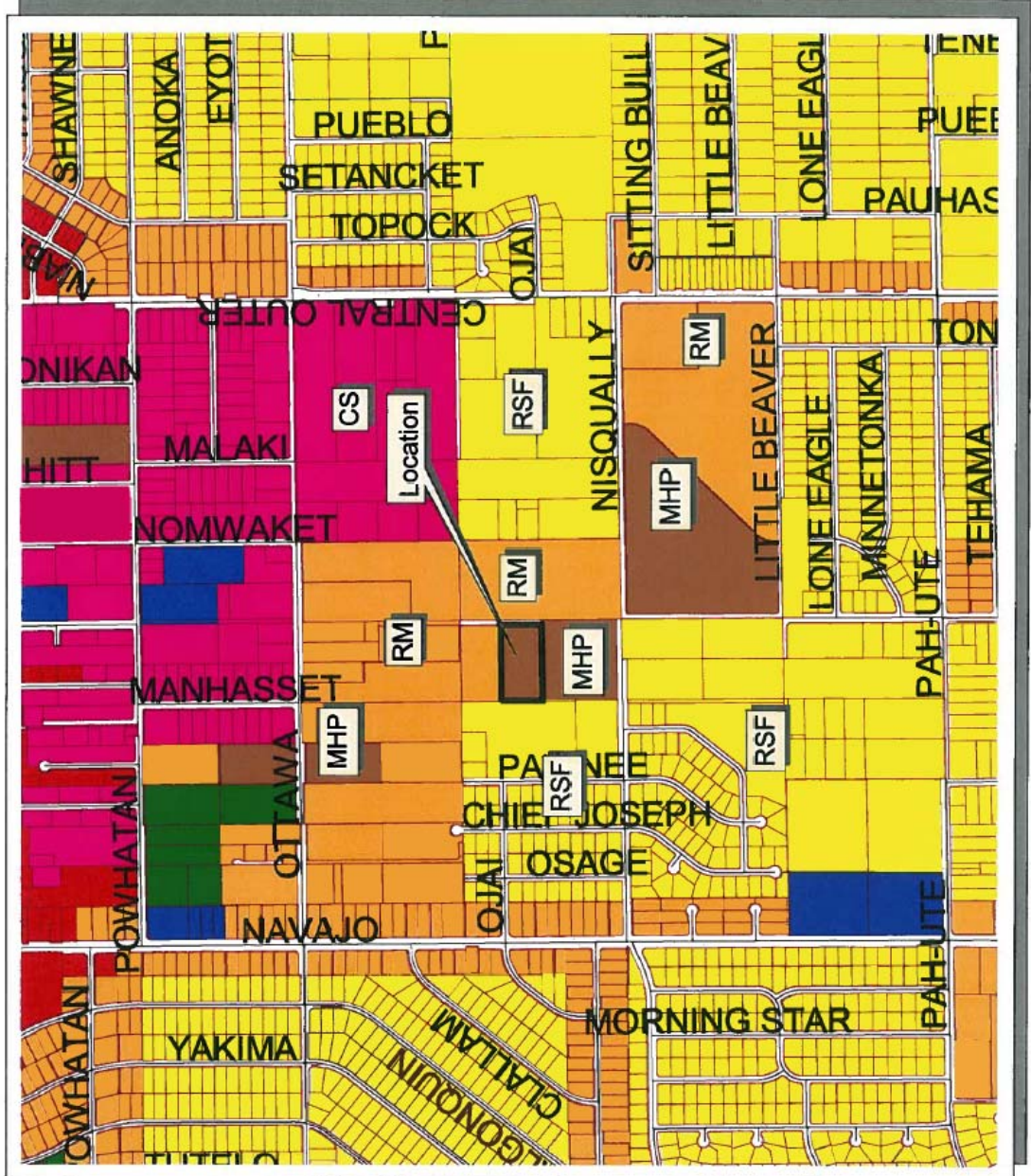






General Plan Amendment No. 2010-001  
 Zone Change No. 2010-001  
 Conditional Use Permit No. 2009-002

# Proposed General Plan Land Use



Located at the northwest corner of Nisqually Road and Quinnault Road



## Land Use Designations

- Mobile Home Park (MHP)
- Medium Density Residential (RM)
- Single Family Residential (RSF)
- Service Commercial (CS)

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

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

**PROJECT INFORMATION**

1. Project title:  
**General Plan Amendment No. 2010-001  
Zone Change No. 2010-001  
Conditional Use Permit No. 2009-002**
  
2. Lead agency name and address:  
**Town of Apple Valley  
Planning Division  
14955 Dale Evans Parkway  
Apple Valley, CA 92307**
  
3. Contact person and phone number:  
**Conrad Olmedo, Assistant Planner  
(760)240-7000 Ext. 7206**
  
4. Applicant's name and address:  

<b>Mr. Richard Simonian (Applicant) Santiago Communities, Inc. P.O. Box 11927 Santa Ana, CA 92711</b>	<b>Mr. Jesse Nash (Representative) Joseph E. Bonadiman &amp; Associates, Inc. 234 North Arrowhead Avenue San Bernardino, CA 92408</b>
---	---
  
5. Project location and APN:  
**The project site is north of and adjacent to an existing mobile home park located at the northwest corner of the Nisqually Road and Quinnault Road. APN: 3087-372-06**
  
6. Description of project:  
**The applicant is proposing an expansion of an existing mobile home park which requires two (2) legislative entitlements: a General Plan Amendment to change the current land use designation from Medium Density Residential (R-M, 4 to 20 DU/Net Acres) to Mobile Home Park (MHP 5 to 15 DU/Acres); and a corresponding rezoning classification from Multi-Family Residential (R-M, 4 to 20 DU/Net Acres) to Mobile Home Park (MHP 5 to 15 DU/Net Acres) zoning classification. The applicant also proposes a Conditional Use Permit (CUP) for the proposed expansion. The proposed expansion of the seventy-five (75) unit mobile home park consists of an additional forty-five (45)-units located north of the existing mobile home park. The expansion includes a 2,729 square-foot common recreational vehicle storage area and a 7,580 square-foot a retention basin also serving as a playground area.**

**ENVIRONMENTAL/EXISTING SITE CONDITIONS**

The project site is vacant with scattered native vegetation, no Joshua Trees or existing structures, and has evidence of past and on-going human activities (e.g., Off Highway Vehicles activities, etc.). The project has a subtle drainage from the southeast to the north east corner of the site. The project area is surrounded by vacant land to the east and north. To the west is Willow Park High School (Continuation School), and to the south is the existing Santiago Apple Valley Estates mobile-home park. The expansion portion of the project has approximately 330 +/- feet of unpaved frontage along Quinnault Road.

**Current Land Use Designations and Development/Use**

	EXISTING LAND USE	TOWN OF APPLE VALLEY ZONING AND GENERAL PLAN DESIGNATION
North	Vacant	Medium Density Residential (R-M, 4 to 20 du/net acre); Multi-Family Residential (R-M, 4 to 20 du per acre)
South	Mobile Home Park	Mobile Home Park (MHP, 5 to 15 units per acre); Multi-Family Residential (R-M, 4 to 20 du/net acre)
East	Vacant	Medium Density Residential (R-M, 4 to 20 du/net acre); Multi-Family Residential (R-M, 4 to 20 du per acre)
West	Public School	Residential Single Family (R-SF, 1 du per 0.4 to 0.9 net acres); Equestrian Residential (R-EQ, 1 du/0.4 to 0.9 net acres)

**Proposed Changes to General Plan Land Use Designation and Zoning Change**

	EXISTING LAND USE	PROPOSED ZONING AND GENERAL PLAN DESIGNATION
Project Site	Vacant	Mobile Home Park (MHP, 5 to 15 units per acre); Mobile Home Park (MHP, 5 to 15 units per acre)

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

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

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

**DETERMINATION:** (To be completed by the Lead Agency)

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

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

Prepared by:

\_\_\_\_\_  
Conrad Olmedo  
Assistant Planner

\_\_\_\_\_  
Date

Reviewed by:

\_\_\_\_\_  
Lori Lamson  
Assistant Director of Community Development

\_\_\_\_\_  
Date

**I. AESTHETICS**

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:**

- a. The proposed project is not located within a Scenic Corridor and will not have a substantial adverse effect on a scenic vista as there are none identified within the vicinity of the project site that would be effected by development of the site.
- b. The proposed project will not substantially damage scenic resources, including, but not limited, trees, rock outcroppings, and historic buildings within a state scenic highway, because the site is not adjacent to a state scenic highway and there are no rock outcroppings or historic buildings on the site.
- c. The proposed project will not substantially degrade the existing visual character or quality of the site. Any development would consist of residential units in an area already developed with a mobile home park to the south and public high school to the west.
- d. All new development must meet or exceed the standard Uniform Building Code (UBC) requirements for construction of lighting facilities requiring that they be located at specific intersections within the boundaries of the site. The resultant incremental increase in new light or glare, which may occur from streetlights or minimal parking lot lighting, does not constitute a significant impact, because it would be consistent with other light/glare produced by adjacent, similar development.

**Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.**



**II. AGRICULTURE AND FORESTRY RESOURCES**

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
<p>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</p>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland as defined in Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Gov't Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:**

- a. No impact is anticipated. The subject property is not identified or designated as Prime Farmland, Unique Farmland, or Farmland of Statewide importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. There are no agricultural uses on the site.
- b. The proposed expansion consists of forty-five (45)-units located north of the existing Santiago Apple Valley Estates Mobile Home Park and does not conflict with any agricultural land use or Williams Act land conservation contract.
- c. The proposed expansion consists of forty-five (45)-units located north of the existing Santiago Apple Valley Estates Mobile Home Park and does not involve other changes in the existing environment that, due to their location or nature, could result in conversion of Prime Farmland, to a non-agricultural use.
- d. No impact. The site does not contain forest land as defined in Public Resources Code section 12220(g) or timberland as defined in Gov't Code section 51104(g).
- e. The subject property is not identified or designated as Prime Farmland, Unique Farmland, or Farmland of Statewide importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. There are no agricultural uses on the site.

**Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.**

**III. AIR QUALITY**

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

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

- d) Expose sensitive receptors to substantial pollutant concentrations?
- e) Create objectionable odors affecting a substantial number of people?

**SUBSTANTIATION:**

a-c: The project area is located within the Mojave Desert Air Quality Management District (MDAQMD) which lies in the San Bernardino County portion of the Mojave Desert Air Basin (MDAB). This portion of the basin has been designated as a 'non-attainment' area with respect to violating National Air Quality Standards for particulate matter classified as equal to, or smaller than, 10 microns in diameter (PM<sub>10</sub>). Because the proposed site disturbance will be greater than ½ acre, the four and one-half (4.5)-acre proposed mobile home park is subject to the regulatory provisions of Rule 403.2 (Fugitive Dust Control for the Mojave Desert Planning Area) which requires a number of operating conditions to reduce fugitive dust generation to the lowest extent possible. Less than significant impact with mitigation is anticipated (**Mitigation #1**).

***Mitigation Measure:***

- 1. All grading permit requests shall include a soil erosion prevention plan. Blowing dust and sand during grading operation shall be mitigated by maintaining moist surface soils, limiting the area of dry exposed soils, planting stabilizing vegetation, establishing windbreaks with non-invasive vegetation or perimeter block walls, applying chemical soil stabilizers, and adequately watering construction sites prior to and during grading and site disturbance. (Also see General Plan Air Quality in Section III-C).***

d: The applicant proposed two (2) legislative entitlements: a General Plan Amendment to change the current land use designation from Medium Density Residential (R-M, 4 to 20 DU/Net Acres) to Mobile Home Park (MHP 5 to 15 DU/Acres); and a corresponding rezoning classification from Multi-Family Residential (R-M, 4 to 20 DU/Net Acres) to Mobile Home Park (MHP 5 to 15 DU/Net Acres) zoning classification. The applicant also proposes a Conditional Use Permit (CUP) for the expansion of an existing seventy-five (75)-unit mobile home park. The proposed expansion consists of forty-five (45)-units located north of the existing mobile home park. Willow Park High School is the nearest school, located on the western adjacent parcel, with no other sensitive receptors in the area. The project will not expose sensitive receptors to substantial pollutant concentrations because there are no identified concentrations of substantial pollutants associated with this proposal.

e. The project does not include any sources of odor producers, which would cause impacts to the surrounding area. Any future development shall meet and/or exceed all of the Town's adopted development standards to minimize any potential impacts. Less than significant impact is anticipated.

**IV. BIOLOGICAL RESOURCES**

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

**SUBSTANTIATION:**

- a. RCA Associates LLC, on October 19, 2009, prepared a biological study where no evidence of five (5) rare, endangered, or sensitive wildlife species were present on the site: Desert tortoise (*Gopherus agassizii*), Mohave ground squirrel (*Spermophilus mohavensis*), burrowing owl (*Athene cunicularia*), sharp-shinned hawk (*Accipiter striatus*), and loggerhead shrike (*Lanius ludovicianus*). However, there could be two (2) special-status species which have the potential to occur on the project site: Mohave

Ground Squirrel and Burrowing Owl. Therefore, a 2081 incidental take permit with the California Department of Fish and Game (CDFG) will be completed in addition to mitigation (1:1) that will offset impacts to the species. Prior to any grading of the site, clearance must be obtained from the Department of Fish and Game and during all phases of the project, the site shall be monitored to ensure that the presence of any sensitive or special status animal species is not evident. A pre-construction survey shall be conducted prior to land clearing to ensure the special status species. Any development shall meet and/or exceed all of the Town's adopted development standards to minimize any potential impacts. Less than significant impact with mitigation is anticipated (**Mitigation Nos. #2 and #3**).

**Mitigation Measure:**

- 2. Prior to any grading of the site, clearance must be obtained from the California Department of Fish and Game (CDFG) and during all phases of the project, the site shall be monitored to ensure that the presence of any sensitive or special status animal species is not evident. A**

**pre-construction survey shall be conducted prior to land clearing to ensure the special status species (Desert Tortoise, Mohave ground squirrel, Burrowing Owl, sharp-shinned hawk and loggerhead shrike) have not moved on to the site since clearance was obtained by the CDFG.**

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

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

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

- Occupied burrows should not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the Planning Division verifies through non-invasive methods either: 1) the birds have not begun egg-laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.**
- Owls must be relocated by a qualified biologist from any occupied burrows that will be impacted by project activities. Suitable habitat must be available adjacent to or near the disturbance site or artificial burrows will need to be provided nearby. Once the biologist has**

**confirmed that the owls have left the burrow, burrows should be excavated using hand tools and refilled to prevent reoccupation.**

- **All relocation shall be approved by the CDFG. The permitted biologist shall monitor the relocated owls a minimum of three days per week for a minimum of three weeks. A report summarizing the results of the relocation and monitoring shall be submitted to the CDFG within thirty (30) days following completion of the relocation and monitoring of the owls.**

b-c. The project will not have a substantial adverse effect on any riparian habitat or federally protected wetland. The site is located in the Mojave Desert and is not within any waterway according to a survey of the site conducted as part of the Biological Assessment Report, no wetlands were identified on-site. According to the USGS map, one blue line stream traverses through the northeast corner of site. Based on the submitted Hydrology & Hydraulics Study, this blue line stream contains typical desert plant habitat similar to the surrounding site and did not reveal any indicators of above ground hydrological activity typical of an ephemeral stream.

d. The proposed project will not have any adverse effect on the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors as the area is not identified as a protected path for the native residents or migratory fish or wildlife species. Any future development shall meet and/or exceed all of the Town's adopted development standards to minimize any potential impacts to biological resources. No impact is anticipated.

e. According to the biological study prepared by RCA Associates LLC, this project will not conflict with any local policies or ordinances protecting biological resources, because there are no identified biological resources on site that are subject to such regulation. Therefore, there is no impact.

f. Areas of valuable habitat that support special status species are illustrated in the Biological Resources Study in Appendix B of the General Plan EIR. The General Plan includes policies and programs intended to ensure that habitat connectivity is preserved in the Town. In addition, a number of special survey areas in the Town's planning area are identified in the General Plan. Species for which surveys are required as part of development applications include Desert Tortoise, Mojave Ground Squirrel, Burrowing Owls, Joshua Trees, and/or Migratory/Nesting/Other Protected Birds. The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional or state habitat conservation plan because no such plan has been adopted in the area of the project site.

**V. CULTURAL RESOURCES**

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

d) Disturb any human remains, including those interred outside of formal cemeteries?

**SUBSTANTIATION:**

- a-b. Based on the location of the project site from the Mojave River (four and one-half (4.5) miles), there is low potential for yielding any historic or archaeological resources. The proposed project would not cause a substantial adverse change to an archaeological resource, because there are no such resources presently identified on the site. The project site is not located in an area identified as sensitive for cultural resources as shown in Exhibit III-4 of the General Plan FEIR. Therefore, no impacts to a historical resource would occur as a result of the project as defined in § 15064.5.
- c. The project site is not located in an area identified as sensitive for paleontological resources as shown in Exhibit III-5 of the General Plan FEIR. Therefore, no impacts to a historical resource would occur as a result of the project as defined in § 15064.5.
- d. The project site is vacant and is not known to contain human remains. Should remains be uncovered during future grading of the site, appropriate authorities would be contacted as required by State law. Therefore, there will not be any impact.

**VI. GEOLOGY AND SOILS**

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



1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

**SUBSTANTIATION:**

a (i-iv). The General Plan FEIR Exhibit III-10 indicates that the project site is not located within a special studies (Alquist-Priolo) zone and, therefore, does not require a geologic study. Future development would subject residents to geologic hazards such as earthquakes that occur from time to time in the Southern California area. The closest mapped fault is the Helendale Fault, which lies approximately six and one-half (6.5) miles northeast of the project site. The Mojave Desert is a seismically active region; however, safety provisions identified in the Uniform Building Code shall be required when development occurs which would reduce potential ground shaking hazards to a less than significant level. The project site is not within a known area which may be susceptible to the effects of liquefaction, and no hills or mountains surround the site that would subject future development to landslides or rock falls.

b. The project site is relatively flat with drainage flowing from the southwest corner of the property to the north east. According to the Soil Survey of San Bernardino County (Mojave River Area, Sheet No. 32 – Apple Valley Quadrangle), on-site soils occur within the Bryman series, specifically the 106 Bryman loamy fine sand, and can generally be classified as very deep, well drained soils located on terraces. These soils formed in alluvium derived from granitic material. Permeability of this Bryman soil is moderately slow. Runoff is slow, and the hazard of water erosion is slight. The hazard of soil blowing is high. Less than significant impact with mitigation is anticipated (**Mitigation No. 4**).

**Mitigation Measure:**

**4. A Notice of Intent (NOI) and a Storm Water Prevention Plan (SWPP) must be submitted to and approved by the Engineering and Building Departments prior to issuance of a grading permit and or any land disturbance.**

c-d: The project site is relatively flat. The potential of unstable soil condition, landslide, lateral spreading, subsidence, liquefaction or collapse is present because of the geographical make up of the area and the frequency of earthquake occurrences in Southern California. The General Plan indicates that the project

site is not located within a special studies zone or an earthquake fault zone. Any project within the area of Southern California shall meet the latest UBC standards to minimize the potential impact caused by an earthquake. However, any future project will meet and/or exceed the development standards set by the Town of Apple Valley. Therefore, there is a less than significant impact of soil erosion or instability occurring at this project site with proper construction methods and development standards as defined in the Town of Apple Valley Development Code and the latest UBC regulations. No impact is anticipated.

e. Sewage disposal shall be by connection to the Town of Apple Valley sewer system. The sewer system shall be installed with all mainlines, manholes and laterals built to Town of Apple Valley Standards and

Specifications. The project is conditioned in conformance with the Town's adopted sewer use ordinance and sewer connection policies.

**VII. GREENHOUSE GAS EMISSIONS**

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a: The applicant proposed two (2) legislative entitlements: a General Plan Amendment to change the current land use designation from Medium Density Residential (R-M, 4 to 20 DU/Net Acres) to Mobile Home Park (MHP 5 to 15 DU/Net Acres); and a corresponding rezoning classification from Multi-Family Residential (R-M, 4 to 20 DU/Net Acres) to Mobile Home Park (MHP 5 to 15 DU/Net Acres) zoning classification. The applicant also proposes a Conditional Use Permit (CUP) for the expansion of an existing seventy-five (75)-unit mobile home park. The proposed expansion consists of forty-five (45)-units located north of the existing mobile home park. According to the Town's General Plan, air quality is a concern due to human health issues, and because air pollutants are thought to be contributing to global warming and climate change. Air pollution is defined as a chemical, physical or biological process that modifies the characteristics of the atmosphere. Implementation of mitigation measures, including but not limited to those set forth for this project, can be effective in reducing air quality impacts by providing alternative transportation options, increasing the use of green building design and technologies into planned future and remodeled facilities, and incorporating the use of alternative energy sources both locally and regionally through solar roof installation projects, and wind generation systems, among other possible programs. These measures will not only reduce emissions of criteria pollutants, but will also reduce emissions associated with the formation of greenhouse gases. The project applicant shall follow applicable greenhouse gas regulations and quantification protocols. A detailed description of each of the greenhouse gases and their global warming potential are provided in *Air Quality* of the General Plan EIR. Less than significant impact with mitigation is anticipated (**Mitigation Nos. 5 to 7**).

***Mitigation Measure:***

5. ***Landscaping design for the project shall consider the use of trees and other vegetation to maximize the shading of buildings in order to reduce energy requirements for heating and cooling.***
6. ***The project shall provide bicycle lanes and walking paths directed to the location of schools, parks, and other destination points.***
7. ***Grading and development permits, as well as required dust control plans, shall be reviewed and conditioned to require the provision of all appropriate methods and technologies to assure the minimal emissions of pollutants from the development, in accordance with existing standards established by the Town of Apple Valley.***

b) The proposed project would not conflict with the provisions of any adopted, applicable plan, policy or regulation. The project is consistent with the draft Climate Action Plan (CAP) being developed by the Town of Apple Valley for adoption prior to July 15, 2010. The CAP enhances the General Plan's goals, policies and programs relating to meeting the greenhouse gas emission targets established in the California Global Warming Solutions Act, including reducing emissions to 1990 levels by including an emissions inventory; emission targets that apply at reasonable intervals through the life of the plan; enforceable GHG control measures; monitoring and reporting; and mechanisms to allow for the revision of the plan, if necessary, to stay on target. The goal of the CAP shall be to reduce greenhouse gas emissions within the Town's control the achieve the emission reduction goals required by AB 32, as further developed and quantified by the California Air Resources Board. The CAP shall quantify the approximate greenhouse gas emissions reductions of each measure developed with the CAP, and shall consider the mechanisms, strategies and techniques included above.

**VIII. HAZARDS AND HAZARDOUS MATERIALS**

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

residing or working in the project area?

- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

**SUBSTANTIATION:**

- a-c: The project will not create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials because no use approved on the site is anticipated to be involved in such activities. If such uses are proposed on-site in the future, they will be subject to land use approval, permit and inspection.
- d: This project is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, this project would not create a significant hazard to the public or the environment. No impact is anticipated.
- e-f: The project site is not located within two miles of a public airport or public use airport. The nearest airport is the Apple Valley Airport located approximately seven (7) miles north of the project site. The Osborne Airstrip is the nearest private airstrip and is located approximately seven (7) miles northwest of the project site. No impacts related to air traffic are anticipated to occur.
- g: The proposed development portion of the project is an expansion of forty-five (45) mobile home units which would not impair or interfere with the Town's adopted emergency evacuation plan. No impact is anticipated.
- h: The Apple Valley Fire District reviews development projects to ensure applicable development requirements are met. The Fire District reviewed CUP 2009-002 for compliance with current fire protection requirements. The District issued fire protection requirements to become Conditions of Approval. Prior to construction, the owner is required to contact the Fire District for verification of current fire protection development requirements. The site is not located in nor adjacent to wildland areas, therefore there is no anticipated impact.

**IX. HYDROLOGY AND WATER QUALITY**

- |   | Potentially Significant Impact | Less than Significant with Mitigation Incorp. | Less than Significant Impact | No Impact                |
|---|--------------------------------|---|------------------------------|--------------------------|
| Would the project:  |                                |   |                              |                          |
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/>       | <input checked="" type="checkbox"/>           | <input type="checkbox"/>     | <input type="checkbox"/> |

- |   |                          |                                     |                                     |                                     |
|---|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) Otherwise substantially degrade water quality?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

SUBSTANTIATION:

- a: Future development at the project site would disturb approximately four and one-half (4.5) acres and is, therefore subject to the National Pollution Discharge Elimination System (NPDES) permit requirements. The State of California is authorized to administer various aspects of the NPDES. Construction activities covered under the State's General Construction permit include removal of vegetation, grading, excavating, or any other activity that causes the disturbance of one acre or more. The General Construction permit requires recipients to reduce or eliminate non-storm water discharges into stormwater systems, and to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). Less than significant impact with mitigation is anticipated (**Mitigation No. 8**).

***Mitigation Measure:***

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

- b: The project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level because the project is served by an existing water purveyor, Apple Valley Ranchos Water Company, that has indicated that there is currently sufficient capacity in the existing water system to serve the anticipated needs of the project.

- c-e: The project will cause changes in absorption rates, drainage patterns, and the rate and amount of surface water runoff because the amount of new building and hardscape proposed on the site. All runoff generated from the project would be retained on the project site. The project design includes landscaping of all non-hardscape areas to prevent erosion. A grading and drainage plan must be approved by the Town Engineer prior to the issuance of a grading permit. The Mariana Wash, identified as a Non Jurisdictional Water in Exhibit III-3 of the Town of Apple Valley General Plan FEIR, runs approximate to the proposed development. However, according to the Town of Apple Valley General Plan FEIR *Hydrology p. V-35*, much of existing natural drainages have already been traversed by development. Less than significant impact is anticipated. Less than significant impact with mitigation is anticipated (**Mitigation No. 9**).

***Mitigation Measure:***

- 9. Major drainage facilities, including debris basins and flood control channels, shall be designed to maximize their use as multi-purpose recreational or open space sites, consistent with the functional requirements of these facilities.***



f: Grading activities associated with the construction could result in temporary increase in the amount of suspended solids in surface flows during a concurrent storm event, thus resulting in surface water quality impacts. The site is more than one (1) acre; therefore, is required to comply National Pollution Discharge Elimination System (NPDES) to minimize water pollution. The General Construction permit requires recipients to reduce or eliminate non-storm water discharges into stormwater systems, and to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). Less than significant impact with mitigation is anticipated (**Mitigation No. 10**).

**Mitigation Measure:**

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

- g: The project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan because the project has adequate access from two or more points of access.
- h: The project site is not located within the 100-year Flood Zone as indicated in the Town of Apple Valley General Plan. At the time of development, the applicant must conform to FEMA requirements and the Town's regulations to mitigate any potential flood hazards.
- i-j: No levees, dams or large bodies of water are located near the development site which would subject people to flooding, seiche, tsunami or mudflow. The nearest area prone to seiche and tsunami is approximately 100 miles west from the project site.

**X. LAND USE AND PLANNING**

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

**SUBSTANTIATION:**

a-c: The applicant proposed two (2) legislative entitlements: a General Plan Amendment to change the current land use designation from Medium Density Residential (R-M, 4 to 20 DU/Net Acres) to Mobile Home Park (MHP 5 to 15 DU/Net Acres); and a corresponding rezoning classification from Multi-Family Residential (R-M, 4 to 20 DU/Net Acres) to Mobile Home Park (MHP 5 to 15 DU/Net Acres) zoning classification. The applicant also proposes a Conditional Use Permit (CUP) for the expansion of an existing seventy-five (75)-unit mobile home park. The proposed expansion consists of forty-five (45)-units located north of the existing mobile home park and will not create any physical obstruction which would divide the community. The project includes uses that are not in conflict with existing uses, is compatible with the existing mobile home park to the south, and is consistent with the proposed General Plan designation and zoning classification change. The project is consistent with the General Plan Mobile Home Park (MHP) land use designation and the Town Development Code regarding Mobile Home Parks (Section 9.30). No habitat conservation plan or natural community conservation plan exists over this site at this time. The proposed

use is consistent with other uses in the vicinity and no land use conflicts are anticipated. Therefore, no impact is anticipated.

**XI. MINERAL RESOURCES**

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

**SUBSTANTIATION:**

a: The site is not designated as a State Aggregate Resource Area according to the General Plan FEIR; therefore, there is no impact.

b: The site is not designated by the General Plan as a Mineral Resource Zone; therefore, there is no impact.

**XII. NOISE**

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

**SUBSTANTIATION:**

a-d: According to the Acoustical Analysis prepared by Gordon Bricken & Associates, dated October 1, 2009, the estimated level accounting for existing mobile home park at the project site is 39 dBA CNEL which is below the allowed level of 65 dBA. According to the report, a mobile home has an exterior-to-interior noise level of 10 dBA with the windows open. The interior levels from exposure to the noise from Nisqualli Road will be 29 dBA CNEL (39-10). The interior level from the noise from Quinnault Road will not exceed 33 dBA CNEL (43-10). Both conditions are less than the 45 dBA CNEL. Noise levels do not exceed the Community Noise Equivalent Level (CNEL) of 65 dBA and ambient noise level of 60 dBA. Impacts are less than significant with no mitigations recommended.

The expansion of the existing seventy-seven (77) units with the development of forty-five (45) mobile home units will increase noise levels in the area, but these increases are not expected to exceed Town standards for sensitive receptors. Although some incremental increase in ambient noise levels would occur during future construction of the mobile home units, construction activities would be short-term and would be required to comply with the Town's adopted Noise Ordinance compliance with the Town's construction hours of 7:00 a.m. to 7:00 p.m. which will mitigate temporary noise impacts during night time hours. Noise levels generated by the development would be consistent with levels anticipated for the site.

e-f: The project site is not located within two miles of a public airport or public use airport. Therefore, no impact is anticipated. The nearest airport is the Apple Valley Airport located approximately seven (7) miles north of the project site. No impact is anticipated.

**XIII. POPULATION AND HOUSING**

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

**SUBSTANTIATION:**

a. The applicant proposed two (2) legislative entitlements: a General Plan Amendment to change the current land use designation from Medium Density Residential (R-M, 4 to 20 DU/Net Acres) to Mobile Home Park (MHP 5 to 15 DU/Acres); and a corresponding rezoning classification from Multi-Family Residential (R-M, 4 to 20 DU/Net Acres) to Mobile Home Park (MHP 5 to 15 DU/Net Acres) zoning classification. The applicant also proposes a Conditional Use Permit (CUP) for the expansion of an existing seventy-five (75)-unit mobile home park. The proposed expansion consists of forty-five (45)-units located north of the existing mobile home park. The current general plan land use designation of Medium Density Residential (R-M) allows for a higher density, twenty (20) units per acre, than the proposed general plan land use designation of Mobile Home Park (MHP), fifteen (15) units per acre. Therefore, the amount of population anticipated from this project meets the intent of the proposed General Plan and zone changes. Less than significant impact is anticipated.

b-c. The site is currently vacant, and will not dispace any people or housing units. No impact is anticipated.

**XIV. PUBLIC SERVICES**

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:**

- a. The Apple Valley Fire Protection District provides fire protection for the Town. Currently the nearest fire station is located two and one-half (2.5) miles. The Town maintains a joint response/automatic aid agreement with the fire departments in neighboring cities including Victorville, and Hesperia. The District also participates in the California Master Mutual Aid Agreement. Implementation of Conditions of Approval set forth by the Fire District would ensure that future development would not create a fire hazard or endanger the surrounding area. Any subsequent development will be required to pay any applicable fire impact fees.

The Fire Protection District reviews development projects to ensure applicable development requirements are met. The District reviewed Conditional Use Permit No. 2009-002 for compliance with current fire protection requirements. The District issued fire protection requirements to become conditions of approval. Prior to construction, the owner is required to contact the Fire District for verification of current fire protection development requirements. Upon implementation of conditions of approval, impacts from fire hazards would be reduced to a less than a significant level.

Schools services within the Town of Apple Valley are provided by the Apple Valley Unified School District. The Town mitigates impacts on school services through the collection of development fees. Under Section 65995 of the California Government Code, school districts may charge development fees to help finance local school services. The applicant would be required to pay appropriate school fees associated with new residential development to off-set mpacts to schools. No impact is anticipated.

Initial review of the project by the Town of Apple Valley Park and Recreation Department indicated that future residential development would be subject to applicable Quimby fees. The residential structures themselves, resulting from the approval of the Conditional Use Permit, would be required to pay any and all applicable fees to provide the project's fair share of any identified public facilities needed. Prior to issuance of building permit, the developer would be required to pay park fees as a Condition of Approval. No impact is anticipated.

**XV. RECREATION**

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

**SUBSTANTIATION:**

a-b: The applicant proposed two (2) legislative entitlements: a General Plan Amendment to change the current land use designation from Medium Density Residential (R-M, 4 to 20 DU/Net Acres) to Mobile Home Park (MHP 5 to 15 DU/Acres); and a corresponding rezoning classification from Multi-Family Residential (R-M, 4 to 20 DU/Net Acres) to Mobile Home Park (MHP 5 to 15 DU/Net Acres) zoning classification. The applicant also proposes a Conditional Use Permit (CUP) for the expansion of an existing seventy-five (75)-unit mobile home park. The proposed expansion consists of forty-five (45)-units located north of the existing mobile home park. This will increase the use of existing neighborhood and regional parks or other recreational facilities. Per the Town Code, the Park Development fee will be assessed per dwelling unit. The proposed project does not include recreational facilities and would not induce the need for any construction or expansion of recreational facilities. No impact is anticipated.

**XVI. TRANSPORTATION/TRAFFIC**

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measure of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system including but not limited to intersection, streets, highways and freeways, pedestrian and bicycle paths and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- |   |                          |                          |                                     |                                     |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?                                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

**SUBSTANTIATION:**

- a-b: The applicant proposed two (2) legislative entitlements: a General Plan Amendment to change the current land use designation from Medium Density Residential (R-M, 4 to 20 DU/Net Acres) to Mobile Home Park (MHP 5 to 15 DU/Acres); and a corresponding rezoning classification from Multi-Family Residential (R-M, 4 to 20 DU/Net Acres) to Mobile Home Park (MHP 5 to 15 DU/Net Acres) zoning classification. The applicant also proposes a Conditional Use Permit (CUP) for the expansion of an existing seventy-five (75)-unit mobile home park. The proposed expansion consists of forty-five (45)-units located north of the existing mobile home park. According to the prepared traffic study by Justice & Associates on October 5, 2009, the project would generate 220 new daily trips which would not result in local roads to reach an unacceptable Level of Service of "F". The project would add less than two (2) percent of the capacity to Nisqualli Road/Sitting Bull Road and Quinnault Road. The roadways adjacent to the development will be required to be improved to the Town's major and local road standards and is consistent with the Circulation Map. The project requires payment of traffic impact fees to reduce regional traffic impacts. Therefore, there will be a less than significant impact.
- c: The project site is not located within two (2) miles of a public airport or public use airport. The nearest airport is the Apple Valley Airport located approximately seven (7) miles of the project site. No impact is anticipated.
- d-e. The project will not include the development of any potentially dangerous intersections or road curvatures. Standard conditions of approval would ensure traffic safety hazards are minimized. The project will not include the development of any potentially dangerous intersections or road curvatures. The Apple Valley Fire Protection District reviewed the proposed residential development for adequate emergency access, and developed requirements to be adopted as Conditions of Approval. No impact is anticipated.
- f. The applicant proposed two (2) legislative entitlements: a General Plan Amendment to change the current land use designation from Medium Density Residential (R-M, 4 to 20 DU/Net Acres) to Mobile Home Park (MHP 5 to 15 DU/Acres); and a corresponding rezoning classification from Multi-Family Residential (R-M, 4 to 20 DU/Net Acres) to Mobile Home Park (MHP 5 to 15 DU/Net Acres) zoning classification. The applicant also proposes a Conditional Use Permit (CUP) for the expansion of an existing seventy-five (75)-unit mobile home park. The proposed expansion consists of forty-five (45)-units located north of the existing mobile home park. Future mobile home units are required to have a minimum of a two (2) covered off-street parking spaces and one (1) guest parking space per each four

(4) units. This project shall provide parking in accordance to the requirements of the Town of Apple Valley Development Code.

**Required and Provided Parking Spaces**

	Parking Spaces Required	Parking Spaces Provided
<b>On-Site Guest Parking</b> One (1) stall per four (4) mobile homes	12	14
<b>Mobile Home Lot Parking</b> Two (2) parking spaces on each lot	94	94
<b>Parking Total</b>	106	108

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

**XVII. UTILITIES AND SERVICE SYSTEMS**

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



- f) Be served by a landfill(s) with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- g) Comply with federal, state, and local statutes and regulations related to solid waste?

**SUBSTANTIATION:**

- a-b & e: Sewage disposal shall be by connection to the Town of Apple Valley sewer system installed with all mainlines, manholes and laterals built to Town of Apple Valley Standards and Specifications. This project will meet the adopted wastewater discharge criteria and will not exceed wastewater treatment requirements of the Regional Water Quality Control Board. The project shall implement all Town adopted requirements for the wastewater discharge through the Public Services Department. With the Town requirements in place, this project will not have a significant impact to the wastewater discharge. There will be a less than significant impact related to wastewater treatment anticipated with the development of this project.
- c: A final drainage plan is required for review and approval by the Town Engineer. Potential impacts will be mitigated through proper site grading. There will be a less than significant impact to storm drainage facilities.
- d: The site is serviced by the Apple Valley Ranchos Water Company and a Will-Serve letter was received indicating their ability to supply water to the development.
- f: Future solid waste generated by the project would be ultimately transported to the Victorville Regional Sanitary Landfill. Based on approval of the expansion at the Victorville Regional Landfill, solid waste generated by future development at the project site would have a less than significant impact on the permitted capacity.
- g: This project will comply with federal, State, and local statutes and regulations regarding solid waste. The Town of Apple Valley continues to implement waste reduction procedures consistent with AB 939.

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE**

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

means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

d) Does the project have environmental effects which will cause Substantial adverse effects on human beings, either directly Or indirectly?

**SUBSTANTIATION:**

a-d: The site is surrounded by vacant property, a partially developed lot with a public school and an existing mobile home park. The site contains no Joshua Trees or evidence of smaller pups, on the property. There are some medium stands of Creosote bushes, and desert grasses. If there are prior to construction, any discovery of Joshua Tree pups, they will be transplanted in accordance with provisions of the Town of Apple Valley Municipal Code and under the supervision of a qualified desert native plant botanist/ biologist approved by the Town of Apple Valley manager or designee. Prior to any grading of the site, clearance must be obtained from the California Department of Fish and Game and during all phases of the project, the site shall be monitored to ensure that the presence of any sensitive or special status animal species is not evident. The site is located in the Mojave Desert and is not within any waterway. The project shall be required to meet and/or exceed the Town’s adopted development standards to minimize any potential impacts to biological resources. The project is not anticipated to have the potential to degrade the quality of the environment, substantially reduce the habitat or a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. While future increases in population and housing will occur within the Town, the rate of growth would be consistent with SCAG rates. Since population growth is anticipated by SCAG, the proposed project would not cumulatively result in substantial unanticipated population growth. Although not significant on its own, the project would contribute to cumulative air emissions in the region, as would all future development in the region. Less than significant impact with mitigation is anticipated (**Mitigation Nos. 1 to 10**).

**XIX. MITIGATION MEASURES**

**III. AIR QUALITY**

***Mitigation Measure:***

- 1. All grading permit requests shall include a soil erosion prevention plan. Blowing dust and sand during grading operation shall be mitigated by maintaining moist surface soils, limiting the area of dry exposed soils, planting stabilizing vegetation, establishing windbreaks with non-invasive vegetation or perimeter block walls, applying chemical soil stabilizers, and adequately watering construction sites prior to and during grading and site disturbance. (Also see General Plan Air Quality in Section III-C).***

**IMPLEMENTATION AND VERIFICATION**

- A. The plans for the Building Permits shall indicate compliance with the above mitigation and that the above measures are complied with.

**COMPLIANCE RECORD:**

WHEN REQUIRED:

- A. Prior to issuance of Building Permits.

<b>Implementation compliance</b>	<b>Date</b>	<b>Signature of Town Official</b>

**VI. GEOLOGY AND SOILS**

***Mitigation Measure:***

- 2. ***A Notice of Intent (NOI) and a Storm Water Prevention Plan (SWPP) must be submitted to and approved by the Engineering and Building Departments prior to issuance of a grading permit and or any land disturbance.***

**IMPLEMENTATION AND VERIFICATION**

- A. The plans for the Building Permits shall indicate compliance with the above mitigation and that the above measures are complied with.

**COMPLIANCE RECORD:**

WHEN REQUIRED:

- A. Prior to issuance of Building Permits.

<b>Implementation compliance</b>	<b>Date</b>	<b>Signature of Town Official</b>

**IV. BIOLOGICAL RESOURCES**

***Mitigation Measure:***

- 3. ***Prior to any grading of the site, clearance must be obtained from the California Department of Fish and Game (CDFG) and during all phases of the project, the site shall be monitored to ensure that the presence of any sensitive or special status animal species is not evident. A pre-construction survey shall be conducted prior to land clearing to ensure the special status***

*species (Desert Tortoise, Mohave ground squirrel, Burrowing Owl, sharp-shinned hawk and loggerhead shrike) have not moved on to the site since clearance was obtained by the CDFG.*

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

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

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

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

#### IMPLEMENTATION AND VERIFICATION:

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

#### COMPLIANCE RECORD:

#### WHEN REQUIRED:

- A. Prior to land disturbance

B. On-going throughout construction

Check items which apply:

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

**VII. GREENHOUSE GAS EMISSIONS**

***Mitigation Measure***

5. ***Landscaping design for the project shall consider the use of trees and other vegetation to maximize the shading of buildings in order to reduce energy requirements for heating and cooling.***
6. ***The project shall provide bicycle lanes and walking paths directed to the location of schools, parks, and other destination points.***
7. ***Grading and development permits, as well as required dust control plans, shall be reviewed and conditioned to require the provision of all appropriate methods and technologies to assure the minimal emissions of pollutants from the development, in accordance with existing standards established by the Town of Apple Valley.***

**IMPLEMENTATION AND VERIFICATION**

- A. The plans for the Building Permits shall indicate compliance with the above mitigations and that the above measures are complied with.



COMPLIANCE RECORD:

WHEN REQUIRED:

- A. Prior to issuance of Building Permits.

Implementation compliance	Date	Signature of Town Official

IX. HYDROLOGY AND WATER QUALITY

Mitigation Measure

8. *Prior to issuance of grading permits, the applicant is required to submit a Notice of Intent (NOI) to the Town Engineer to comply with obtaining coverage under the NPDES General Construction Storm Water Permit from the SWRCB. Evidence that this has been obtained (i.e., a copy of the Waste Dischargers Identification Number) must be submitted to the Town Engineer for coverage under the NPDES General Construction Permit. Implementation of requirements set forth by the Town of Apple Valley would ensure impacts to water quality are reduced to a less than significant level.*
9. *Major drainage facilities, including debris basins and flood control channels, shall be designed to maximize their use as multi-purpose recreational or open space sites, consistent with the functional requirements of these facilities.*
10. *Prior to issuance of grading permits, the applicant is required to submit a Notice of Intent (NOI) to the Town Engineer to comply with obtaining coverage under the NPDES General Construction Storm Water Permit from the SWRCB. Evidence that this has been obtained (i.e., a copy of the Waste Dischargers Identification Number) must be submitted to the Town Engineer for coverage under the NPDES General Construction Permit. Implementation of requirements set forth by the Town of Apple Valley would ensure impacts to water quality are reduced to a less than significant level.*

IMPLEMENTATION AND VERIFICATION

- A. The plans for the Building Permits shall indicate compliance with the above mitigation and that the above measures are complied with.

COMPLIANCE RECORD:

WHEN REQUIRED:

- A. Prior to issuance of Building Permits.

<b>Implementation compliance</b>	<b>Date</b>	<b>Signature of Town Official</b>

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## **MITIGATION MONITORING AND REPORTING PROGRAM**

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

### **TOWN OF APPLE VALLEY PROPOSED**

#### **General Plan Amendment No. 2010-001**

#### **Zone Change No. 2010-001**

#### **Conditional Use Permit No. 2009-002**

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

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

The monitoring program contains the following elements:

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

# Mitigation Measures

## III. AIR QUALITY

### **Mitigation Measure:**

- 1. All grading permit requests shall include a soil erosion prevention plan. Blowing dust and sand during grading operation shall be mitigated by maintaining moist surface soils, limiting the area of dry exposed soils, planting stabilizing vegetation, establishing windbreaks with non-invasive vegetation or perimeter block walls, applying chemical soil stabilizers, and adequately watering construction sites prior to and during grading and site disturbance. (Also see General Plan Air Quality in Section III-C).**

### IMPLEMENTATION AND VERIFICATION

- A. The plans for the Building Permits shall indicate compliance with the above mitigation and that the above measures are complied with.

### COMPLIANCE RECORD:

#### WHEN REQUIRED:

- A. Prior to issuance of Building Permits.

Implementation compliance	Date	Signature of Town Official

## VI. GEOLOGY AND SOILS

### **Mitigation Measure:**

- 2. A Notice of Intent (NOI) and a Storm Water Prevention Plan (SWPP) must be submitted to and approved by the Engineering and Building Departments prior to issuance of a grading permit and or any land disturbance.**

### IMPLEMENTATION AND VERIFICATION

- A. The plans for the Building Permits shall indicate compliance with the above mitigation and that the above measures are complied with.

### COMPLIANCE RECORD:

#### WHEN REQUIRED:

- A. Prior to issuance of Building Permits.

Implementation compliance	Date	Signature of Town Official

#### **IV. BIOLOGICAL RESOURCES**

##### ***Mitigation Measure:***

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

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

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

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

**shall be submitted to the CDFG within thirty (30) days following completion of the relocation and monitoring of the owls.**

**IMPLEMENTATION AND VERIFICATION:**

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

**COMPLIANCE RECORD:**

**WHEN REQUIRED:**

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

Check items which apply:

<b>Implementation compliance</b>	<b>Signature of Town Official/ Date Verified</b>
<input type="checkbox"/> Special Status plants found on-site	
<i>Date found:</i>	
<i>Date of meeting with CDFG:</i>	
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**VII. GREENHOUSE GAS EMISSIONS**

***Mitigation Measure:***

- 5. ***Landscaping design for the project shall consider the use of trees and other vegetation to maximize the shading of buildings in order to reduce energy requirements for heating and cooling.***



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**IMPLEMENTATION AND VERIFICATION**

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**COMPLIANCE RECORD:**

**WHEN REQUIRED:**

- A. Prior to issuance of Building Permit issuance.

<b>Implementation compliance</b>	<b>Date</b>	<b>Signature of Town Official</b>

**IX. HYDROLOGY AND WATER QUALITY**

**Mitigation Measure**

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

WHEN REQUIRED:

A. Prior to issuance of Building Permits.

Implementation compliance	Date	Signature of Town Official