

CONDITIONS OF APPROVAL - SPR 2024-004, SUP 2024-010-draft

Note: Many of the 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

General

- P1. Approval of Site Plan Review No. SPR 2024-004 and SUP 2024-010 by the acting Economic and Community Development Director is understood as acknowledgement by the applicant of the Conditions of Approval unless an appeal is filed pursuant to Development Code Section 9.12.250, Appeals.
- P2. These permit approvals shall become effective ten (10) calendar days after the date of the decision unless an appeal is filed pursuant to the provisions of the Town Development Code.
- P3. The project shall comply with all provisions of State law, the Town of Apple Valley Development Code, the North Apple Valley Industrial Specific Plan and the Town's General Plan. If not exercised, these approvals shall expire three years from the date of action by the acting Director, unless otherwise extended pursuant to the provisions of the Town Development Code.
- P4. An extension application must be filed, and associated fees paid, at least sixty (60) days prior to the permit expiration date, should the project proponent wish to seek extension.
- P5. The project proponent shall agree to defend at their sole expense (with attorneys approved by the Town) and indemnify the Town against any action brought against the Town, its agents, officers or employees resulting from, or relating to, this Site Plan Review and Special Use Permit approval. The applicant shall reimburse the Town, its agents, officers or employees for any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of the obligations under this condition.
- P6. Building renderings as approved by the Acting Director shall be the anticipated and expected appearance of the structure upon its completion.

P7. The Community Development Director or their designee shall have the authority to approve minor architectural changes on items such as window treatments, color combinations, facade treatments and architectural relief. Questions on the interpretation of this provision, or changes not clearly within the scope of this provision, shall be submitted to the Director for consideration under a Site Plan Review Permit Revision application.

Landscaping/Irrigation

P8. Final landscape and irrigation plans shall be submitted prior to issuance of a building permit in accordance with Chapter 9.75, "Water Conservation/Landscape Regulations" of the Development Code, with particular attention paid to Section 9.75.060, "Landscape Area and Material Requirements".

P9. Landscaping and irrigation shall be installed prior to issuance of a Certificate of Occupancy, subject to approval by the Planning Division.

P10. Xeriscape landscaping techniques shall be used and all landscaping shall consist of plant materials selected from the approved plant lists found in the North Apple Valley Industrial Specific Plan.

P11. All required and installed landscaping shall incorporate and maintain a functioning automatic irrigation system.

P12. All landscaping shall be maintained in a neat, orderly, disease and weed-free manner at all times.

P13. All front building setbacks and street right-of-way areas located between on-site improvements and back of public sidewalks or street curbs, except access driveways and walkways, shall be fully landscaped and maintained in a disease and weed-free manner at all times, pursuant to Development Code Section 9.75.060.

P14. The project's retention basin shall be landscaped with native, drought-resistant vegetation, in accordance with the plant lists found in the NAVISP, subject to review and approval by the Planning Division.

P15. The landscaping plan shall provide a minimum of one 24-inch box tree per each (7) parking spaces and may be clustered as necessary.

Fences and walls

- P16. The project's fence and wall plan shall be submitted as part of the building permit application construction plan set, for review and approval by Planning prior to issuance of a building permit.
- P17. Double fencing shall not be permitted along property lines and therefore, the project proponent shall collaborate with adjacent property owners to provide new fencing and/or walls and to facilitate the removal of existing fences or walls, at the project proponent's expense, should they exist.
- P18. All proposed fencing abutting public rights-of-way shall include decorative materials such as wrought iron. Such fencing shall incorporate appropriate decorative enhancements for review and approval by the Planning Division.
- P19. Walls proposed to be located along the street-side frontages of the property shall be constructed of decorative slump stone, split face, or other decorative material that is compatible with the architecture of the primary building and shall incorporate appropriate decorative enhancements such as caps or pilasters for review and approval by the Planning Division.
- P20. Long expanses of wall or fence shall be offset and architecturally designed to avoid monotony. Pilasters shall be provided at regular intervals consistent with the length and scale of the wall but at a minimum of every fifty (50) feet and landscape pockets shall be provided for review and approval by the Planning Division.

Screening

- P21. Any equipment to be placed on the building roof shall be screened by a parapet that is an integral part of the architecture, and as specifically approved by the Planning Division. Placement of solar panels is exempt from this condition.
- P22. All ground-mounted equipment shall be screened by a combination of walls matching the design and color palette of the main building, shrubs and hedges of a height at maturity sufficient to screen the equipment.
- P23. Access to the main building roof shall be provided from the interior of the building or screened from view from any public street or public parking area. If roof access is on the exterior of the building, security shall be provided to prevent unauthorized access.
- P24. Should they be needed, retaining walls consisting of more than 120 square feet shall be constructed of finished decorative material, compatible with primary materials used for the main building.

- P25. Within required front or street side setbacks, solid walls or fences are limited to forty-two (42) inches in height; open fences constructed of wrought iron incorporating decorative features, such as pilasters and spires or other embellishments, may be six (6) feet in height.

Signage

- P26. All proposed signage shall be subject to review and approval by the Planning Division under a separate sign permit application.

Parking

- P27. All parking requirements shall be met and be in compliance with Town standards.
- P28. All parking stalls shall be clearly striped and permanently maintained.
- P29. Required parking spaces shall be provided for handicapped persons in accordance with the Americans with Disabilities Act and Title 24 of the California Administrative Code and all applicable Town Development Code standards.
- P30. ADA-compliant parking spaces shall be located as close as practical to the facility entrance. Each space must be provided with access ramps and clearly marked in accordance with Title 24.

Trash enclosure

- P31. The trash enclosure shall be designed and installed consistent with Chapter 9.46.080 of the Development Code and all other applicable Town Standards, and shall reflect the architectural design of the building, including a trellis canopy or other similar feature, subject to review and approval by the Planning Division.

Construction activity

- P32. Construction activities shall not impede traffic flow or required accessible paths of travel.
- P33. The site shall be maintained clean, sanitary, and free of litter and any other undesirable debris or materials and shall be cleaned of loose debris on a daily basis.

Lighting

- P34. Light standard models shall complement and be painted to blend architecturally with the primary building.
- P35. Lighting fixtures shall be located and shielded in such a manner that all light and glare shall be directed onto the project site and away from adjacent properties with no light or reflected glare spilling off-site or directed off-site.
- P36. Parking lot lighting shall conform to all requirements of the Town Development Code and Uniform Building Code.

Grading

- P37. A copy of the final civil plans shall be submitted to the Planning Division for review and approval.
- P38. Cut and fill slopes, should they be required, shall be contour-graded to blend with existing natural contours.

Operations

- P39. Operations shall not include automotive sound or alarm repair or installation unless such operations are conducted solely within the enclosed building.
- P40. Operations shall not include any spray painting of vehicles unless such operations are conducted solely within the enclosed building.
- P41. All automotive vehicle repair and servicing shall be conducted solely within the enclosed building, including any electrical diagnostics, battery charging or changing, and tire removal and replacement.
- P42. Any automotive hoists, of any type or size, shall be solely located within the enclosed building.

Building Permit

- P43. Other than as noted in Condition of Approval No. P19 above, no 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 Division for consideration and approval.
- P44. Prior to approval of a building permit, the following agencies shall provide written verification to the Planning Division that all conditions of approval and applicable

regulations have been met:

- Apple Valley Fire Protection District
- Apple Valley Building & Safety Division
- Apple Valley Public Works Division
- Apple Valley Engineering Division
- Apple Valley Planning Division
- Liberty Utilities
- Mojave Desert Air Quality Management District
- Lahontan Regional Water Quality Control Board

ENVIRONMENTAL AND REGULATORY

- ER1. The project shall comply fully with all requirements of the Central Valley Regional Water Quality Control Board, including those requirements found here related to waste discharge to surface waters/NPDES Program compliance: [https://www.waterboards.ca.gov/centralvalley/water_issues/waste to surface water/](https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/).
- ER2. Pursuant to Municipal Code Section 8.19.020(a), the construction contractor shall complete and submit a Waste Management Plan on a form approved by the Town for this purpose as part of the building permit application package.
- ER3. Pursuant to Municipal Code Section 8.19.050 and the California Green Code, the construction contractor shall submit documentation verifying that the project has met the diversion requirement prior to issuance of a Certificate of Occupancy. The diversion requirement shall be at least 65% of the total construction debris generated by the project via reuse or recycling methods.
- ER4. The trash and recycling enclosure shall be designed to accommodate separate trash, recyclable material, and organic waste containers, appropriately sized to handle the estimated waste to be generated on-site, coupled with appropriate service frequency. Recyclable and organic waste containers are currently minimum 60-gallon barrels. Contact Burrtec Waste Industries at (760) 245-8607 for further information.
- ER5. Development of the site is subject to the Town's Interim Local Policy and Procedures on the Western Joshua Tree published July 21, 2021, or amendment thereof.
- ER6. Pursuant to the National Pollutant Discharge Elimination System (NPDES), the applicant is encouraged to incorporate appropriate source control measures to limit

pollution in stormwater runoff. These measures may include, but are not limited to, the following:

- Stencil storm drain inlets: “No Dumping – Drains to River;”
- Minimize use of pesticides and fertilizers;
- Cover outdoor material storage areas, loading docks, repair/maintenance bays and fueling areas;
- Cover trash, food waste, and compactor enclosures;
- Plumbing of discharges to the sanitary sewer system as follows:
 - Discharges from indoor floor mats, equipment, hood filter, wash racks, and, covered outdoor wash racks for restaurants;
 - Dumpster drips from covered trash, food waste, and compactor enclosures;
 - Discharges from outdoor covered wash areas for vehicles, equipment, and accessories;
 - Fire sprinkler water, if discharge to on-site vegetated areas is not feasible.

ER7. Small Projects creating a minimum of 2,500 square feet and up to 10,000 square feet of impervious surface shall install one or more of the following site design measures:

- Direct roof runoff into cisterns or rain barrels for reuse.
- Direct roof runoff onto vegetated areas.
- Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
- Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.
- Construct sidewalks, walkways, and/or patios with permeable surfaces.
- Construct driveways and/or uncovered parking lots with permeable surfaces.

ER8. Facility operations shall comply with the California Department of Toxic Substances Control “Small Automotive Repair Facility Requirements”, attached these COAs.

ENGINEERING DIVISION

EC1. Prior to issuance of a grading permit, 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 retaining onsite drainage flows from a 100-year design storm.

EC2. Street improvement plans shall be submitted to the Town Engineer for review and approval.

- EC3. All streets abutting the development shall be improved to a minimum half-width of 28 feet with curb, gutter and sidewalk on the development side.
- EC4. Waalew Road adjacent to the property shall be improved to the Town's half-width Major Road standards.
- EC5. Comanche Road adjacent to the property shall be improved to the Town's half-width Commercial - Industrial Road standards.
- EC6. A 52-foot wide half-width road dedication along Waalew Road shall be granted to the Town of Apple Valley prior to issuance of Grading Permit.
- EC7. A 33-foot wide half-width road dedication along Comanche Road shall be granted to the Town of Apple Valley prior to Final Map Approval.
- EC8. 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. The minimum asphalt concrete thickness for all streets shall be 0.33 feet.
- EC9. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC10. 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.
- EC11. 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.
- EC12. Utility lines shall be placed underground in accordance with the requirements of the Town.
- EC13. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC14. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC15. Commercial driveway approaches shall be constructed to Town standards.
- EC16. Curb, gutter and sidewalk shall be constructed to Town standards.

EC17. Any required street striping shall be thermoplastic as approved by the Town Engineer.

EC18. A Storm Water Pollution Prevention Plan (SWPPP) in accordance with the National Pollutant Discharge Elimination System (NPDES) shall be required.

PUBLIC WORKS

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

PW2. A six (6) inch sewer lateral is required for this project.

PW3. Sewer connection fees required.

BUILDING AND SAFETY DIVISION

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

BC2. Grading and drainage plans including a soils report must be submitted to and approved by the Building Department and Engineering Department prior to grading permit issuance.

BC3. Submit plans, engineering and obtain permits for all structures, retaining walls, signs

BC4. 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.

BC5. A Notice of Intent (NOI) and a Storm Water Pollution Prevention Plan (SWPPP) must be submitted to, and approved by, the Engineering and Building Departments prior to issuance of a grading permit and or any land disturbance.

BC6. All utilities shall be placed underground in compliance with Town Ordinance No. 89.

BC7. Comply with State of California Disability Access requirements.

- BC8. A pre-grading meeting is required prior to beginning 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 Biologist, Paleontologist.
- BC9. Dust palliative or hydro seed will be required on those portions of the site graded but not constructed (phased construction).
- BC10. Page two of the submitted building plans will be the conditions of approval.
- BC11. Construction must comply with 2022 California Building Codes.
- BC12. Best Managements Practices (BMP's) are required for the site during construction.
- BC13. Provide a Water Quality Management Plan (WQMP) or Alternative Compliance Plan.

FIRE PROTECTION DISTRICT

- F1. 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.
- F2. All new construction shall comply with applicable sections of the California Fire Code, California Building Code, and other statutes, ordinances, rules, and regulations regarding fires and fire prevention adopted by the State, County, or Apple Valley Fire Protection District.
- F3. All combustible vegetation, such as dead shrubbery and dry grasses, shall be removed from each building site a minimum distance of thirty (30) feet from any combustible building material, including the finished structure. This does not apply to single specimens of trees, ornamental shrubbery, or similar plants, which are used as ground cover if they do not form a means of transmitting fire.
- F4. 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.
- F5. Fire lanes shall be provided with a minimum width of twenty-six (26) feet, maintained, and identified in the parking areas. (Apple Valley Fire Protection District Ordinance 59)
- F6. 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. Cul-de-sac length shall not exceed one thousand (1,000) feet. Turning radius on all roads within the facility shall not be less than 21 feet inside and minimum of 41 feet outside turning radius with no parking on street, or 47 feet with parking. Road grades shall not exceed twelve percent (12%) unless approved by the Chief. (Apple Valley Fire Protection District Ordinance 59)

F7. 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 59)

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	1,500	GPM @ 20 psi Residual Pressure
Duration	2	Hour(s)
Hydrant Spacing	330	Feet

*Fire Flow is determined by the type of construction

F8. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background. Commercial and industrial developments shall have street addresses and location approved by the Fire District. Where the building setback exceeds 200 feet from the roadway, additional non-illuminated contrasting (14) inch numbers shall be displayed at the property entrance. When these developments have rear doors of each unit, the unit number shall be a minimum of 6 inches and shall contrast with their background. (Apple Valley Fire Protection District, Ordinance 59)

F9. 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.

F10. Prior to issuance of building permit, the developer shall pay all applicable fees as identified in the Apple Valley Fire Protection District Ordinance.

F11. A Knox Box Rapid Entry System shall be required for this project. (Apple Valley Fire Protection District Ordinance 59)

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

- MD1. The District requires that fugitive dust best management practices (including but not limited to applicable provisions of District Rule 403) are implemented on all non-paved transport roads, access points and parking areas during construction and operation.
- MD2. The applicant shall obtain District permits for any miscellaneous process equipment that may not be exempt under District Rule 219 including, but not limited to internal combustion engines with a manufacturer's maximum continuous rating greater than 50 brake horsepower, fuel storage and dispensing equipment.

SOUTHWEST GAS

- SW1. There is an existing gas main distribution line along the property on Waalew Rd. Once a request for gas is made by the customer, a review will be completed to determine best installation approach.
- SW2. Application for gas line installation can be obtained by emailing request to scaes@swgas.com.
- SW3. Should there be any questions regarding installing new gas lines, please email questions/requests to the Southwest Gas Energy Solutions department at scaes@swgas.com. For other questions related to existing gas service, please reach out to our Contact Center at 877-860-6020.

LIBERTY UTILITIES

- L1. Water System Connection and Looping. An 8-inch PVC water main line exists along Waalew Road, with an additional 14-inch AC main on the northern property line along Taos Road. It is recommended that these two main lines be connected to establish a looped system, enhancing reliability, redundancy, and water quality for the development and surrounding areas.
- L2. Fire Protection Requirements. Fire hydrants must be located in compliance with the Apple Valley Fire Protection District (AVFD) standards. The project site should ensure fire access routes via either Comanche Road or Dakota Road as per AVFD requirements. Hydrant installation must follow Liberty Apple Valley standard drawings, and any required fire service line must comply with AVFD's conditions and Rule 16 of the California Public Utilities Commission (CPUC). If a fire service line is installed, it must include an approved and tested backflow prevention device, owned and maintained by the customer, as per Liberty Apple Valley and AVFD standards.

- L3. Domestic Service Requirements. Liberty Apple Valley will install domestic water service lines, including water meters, from the existing main to the right-of-way line of the project. Each service line must include a tested backflow prevention device, installed per Liberty Apple Valley specifications.
- L4. Compliance with Standards and Specifications. All required water lines and associated appurtenances must be installed according to Liberty Apple Valley standards. This COA applies to the provision of domestic water and offsite fire flow requirements but excludes any private onsite water lines or hydrants
- L5. To proceed with the project, it is recommended that the owner or developer arrange a consultation with Liberty's Engineering Department to review any additional design parameters. Please contact Rafael Perez at Rafael.Perez@libertyutilities.com for further assistance.

END OF CONDITIONS