



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JANUARY 21, 2015 – 6:00 P.M.**

PUBLIC PARTICIPATION IS INVITED. Planning Commission meetings are held in the Town Council Chambers located at 14955 Dale Evans Parkway, Apple Valley, California. If you wish to be heard on any item on the agenda during the Commission's consideration of that item, or earlier if determined by the Commission, please so indicate by filling out a "REQUEST TO SPEAK" form at the Commission meeting. Place the request in the Speaker Request Box on the table near the Secretary, or hand it to the Secretary at the Commission meeting. (G.C. 54954.3 {a}).

Materials related to an item on this agenda, submitted to the Commission after distribution of the agenda packet, are available for public inspection in the Town Clerk's Office at 14955 Dale Evans Parkway, Apple Valley, CA during normal business hours. Such documents are also available on the Town of Apple Valley website at www.applevalley.org subject to staff's ability to post the documents before the meeting.

The Town of Apple Valley recognizes its obligation to provide equal access to those individuals with disabilities. Please contact the Town Clerk's Office, at (760) 240-7000, two working days prior to the scheduled meeting for any requests for reasonable accommodations.

REGULAR MEETING

The Regular meeting is open to the public and will begin at 6:00 p.m.

CALL TO ORDER

ROLL CALL

Commissioners: Lamoreaux_____ ; Shoup_____ ; Tinsley_____
Vice-Chairman Qualls_____ ; and Chairman Kallen_____)

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

- 1A. Minutes for the Regular Meeting of November 5, 2014 (*Continued from December 3, and December 17, 2014*).
- 1B. Minutes for the Regular Meeting of December 17, 2014.

PUBLIC HEARING ITEMS

- 2. Development Permit No. 2014-005.** A request to review and approve a Development Permit that will allow for a multi-phased construction of a two-story dental/medical office building totaling 6,500 square feet and a second phase for a 12,715 square foot building.

Applicant: Mr. Michael Pontious

Location: The project located at northeast corner of Wika and Muni Roads; APN 0473-441-05.

Project Planner: Douglas Fenn, Senior Planner

Recommendation: Approval

PUBLIC COMMENTS

Anyone wishing to address an item not on the agenda, or an item that is not scheduled for a public hearing at this meeting, may do so at this time. California State Law does not allow the Commission to act on items not on the agenda, except in very limited circumstances. Your concerns may be referred to staff or placed on a future agenda.

PLANNING COMMISSION COMMENTS

STAFF COMMENTS

OTHER BUSINESS

ADJOURNMENT

The Planning Commission will adjourn to its next regularly scheduled meeting on February 4, 2015.

MINUTES

TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, November 5, 2014

CALL TO ORDER

At 6:00 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for November 5, 2014, was called to order by Chairman Kallen.

ROLL CALL

Planning Commission

Roll call was taken with the following members present: Commissioner Jason Lamoreaux, Commissioner, Mark Shoup, Commissioner B.R. "Bob" Tinsley, Vice-Chairman Doug Qualls and Chairman Bruce Kallen.

STAFF PRESENT

Carol Miller, Principal Planner, Haviva Shane, Town Attorney and Debra Thomas, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

Commissioner Tinsley led the Pledge of Allegiance.

1. APPROVAL OF MINUTES

- A. Minutes for the Regular Meeting of October 1, 2014.

Motion by Commissioner Lamoreaux, seconded by Commissioner Shoup, to approve the Minutes for the Regular Meeting of October 1, 2014.

Motion carried by the following vote: Ayes: Commissioner Lamoreaux, Commissioner Shoup, Commissioner Tinsley, Vice-Chairman Qualls and Chairman Kallen. Noes: None. Absent: None. Abstain: None.

PUBLIC HEARING ITEMS

2. **Conditional Use Permit No. 2014-002.** A request for approval of a Conditional Use Permit to allow adjustments to the off-street parking requirements within an existing commercial center to accommodate the expansion of an existing restaurant.

Applicant: Peter Ghim on behalf of Il Ryun Song

Location: The project site is located at 15850 Apple Valley Road; APN 0473-151-13

Ms. Carol Miller, Principal Planner, presented the staff report as filed by the Planning Division.

Lengthy discussion ensued regarding insufficient parking, parking space ratio per square foot and how many parking spaces the Applicant required to accommodate the expansion of the existing restaurant located at 15850 Apple Valley Rd.

Ms. Miller explained to the Planning Commission that back in 2006 staff believed the restaurant would skew the parking lot; however, the Ta Kwon Do facility, which should never have received a Certificate of Occupancy and the fitness center are causing the predicament that we are in today.

Chairman Kallen and Commissioner Shoup asked staff to explain the error.

Ms. Miller stated that a previous planner looked at the use table, not understanding the parking history within the center determined it was a permitted use and was incorrectly signed off. The Ta Kwon Do facility should not have been given a Certificate of Occupancy because of the different parking ratio. The fitness center did get a Special Use Permit as it was originally located where the Ta Kwon Do facility is now. The fitness center wanted to expand and filed an amendment to their Special Use Permit, under both instances a parking analysis was done, and it worked.

Chairman Kallen opened the public hearing at 6:32 p.m.

Peter Ghim on behalf of Il Ryun Song researched the parking situation at night between 6:30 p.m. to 8:30 p.m. He believed there was plenty of parking to accommodate the new space.

Il Ryun Song, Owner stated he was planning to put in six (6) to eight (8) tables in the new space. He believed occupancy would be between thirty-five (35) and forty (40). He stated the existing occupancy is forty-five (45). He also explained to the Planning Commission that the new location would house additional tables and a waiting area for his restaurant patrons.

Chairman Kallen closed the public hearing at 6:39 p.m.

Commissioner Tinsley did want to comment on the fact that he believed the ingress and egress for the center and intersection at the location is a nightmare. He believed the parking at the center is way out of proportion being fifteen (15) spaces short although he did believe it was manageable because of the times that all spaces are being utilized.

MOTION

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

1. Find that pursuant to the California Environmental Quality Act (CEQA), the proposed request is Exempt from further environmental review.
2. Find the Facts presented in the staff report do not support the required Findings for approval for Conditional Use Permit No. 2014-002.

ROLL CALL VOTE

Ayes: Commissioner Lamoreaux
Commissioner Shoup
Commissioner Tinsley
Vice-Chairman Qualls
Chairman Kallen

Noes: None

Abstain: None

Absent: None

The motion carried by a 5-0-0-0 vote.

3. **Special Use Permit 2014-007.** A request to approve a Special Use Permit to allow a BMX track, with start ramp, on a vacant parcel in conjunction with a BMX bike manufacturer for the purpose of utilizing the track for product testing.

Applicant: Bill Ryan, owner of Supercross BMX

Location: The project site is located north of 13570 Tonikan Road; APNs 3087-382-34, -35 and -36.

Ms. Carol Miller, Principal Planner, presented the staff report as filed by the Planning Division.

Ms. Miller informed the Planning Commission that Staff made one minor modification to Condition of Approval P10 to add the term "neat and orderly". Therefore, the condition shall read, "The track shall be maintained in a neat, orderly and weed free condition."

Commissioner Shoup would like a condition added to limit only non-motorized vehicles on the track.

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

William Ryan, Owner of Supercross BMX had agreed to the Conditions of Approval. He informed the Planning Commission that there is use of a quad to drag the track for maintenance purposes only.

Commissioner Shoup and Commissioner Lamoreaux would like Condition of Approval P10 revised to add, "Motorized vehicles would be limited for maintenance use only."

Chairman Kallen closed the public hearing at 7:10 p.m.

MOTION:

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

1. Find that pursuant to the California Environmental Quality Act (CEQA), the proposed request is Exempt from further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval for Special Use Permit No. 2014-007 as Amended.
3. Approve Special Use Permit No. 2014-007, subject to the attached Conditions of Approval as amended.
4. Direct Staff to file the Notice of Exemption.

ROLL CALL VOTE

Ayes: Commissioner Lamoreaux
Commissioner Shoup
Commissioner Tinsley
Vice-Chairman Qualls
Chairman Kallen
Noes: None
Abstain: None
Absent: None
The motion carried by a 5-0-0-0 vote.

PUBLIC COMMENTS

Craig Carl, Apple Valley is an owner/builder and described to the Planning Commission the financial hardship he is enduring building a home in the Town of Apple Valley. He wanted to see if there was any way that the Town of Apple Valley could waive some of the fees or limit some landscaping to make the build more cost effective.

STAFF COMMENTS

None.

OTHER BUSINESS

Commissioner Shoup suggested a future agenda item addressing an amendment to the Development Code regarding candidate signs.

Commissioner Lamoreaux stated the Development Code needed to be cleaned up within federal and state guidelines.

Ms. Carol Miller, Principal Planner stated she would forward the Planning Commission request to the Assistant Town Manager, Lori Lamson.

Chairman Kallen would like permission from the Planning Commission to revise the Planning Commission's Motion Agenda.

It was the consensus of the Planning Commission to allow Chairman Kallen to revise the Planning Commission Motion Agenda.

Chairman Kallen stated, for the record, he would like Staff to define, in better detail, Public Transportation Findings as addressed in Item No. 2, Page 2-4 of the November 5, 2014 Agenda

PLANNING COMMISSION COMMENTS

None.

ADJOURNMENT

Motion by Commissioner Tinsley, seconded by Commissioner Lamoreaux, and unanimously carried to adjourn the meeting of the Planning Commission at 7:20 p.m. to the Regular Meeting on December 3, 2014.

Respectfully Submitted by:

Debra Thomas
Planning Commission Secretary

Approved by:

Chairman Bruce Kallen

MINUTES

TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, December 17, 2014

CALL TO ORDER

At 6:00 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for December 17, 2014, was called to order by Chairman Kallen.

ROLL CALL

Planning Commission

Roll call was taken with the following members present: Commissioner Jason Lamoreaux, Commissioner, Mark Shoup, Commissioner B.R. "Bob" Tinsley, Vice-Chairman Doug Qualls and Chairman Bruce Kallen.

STAFF PRESENT

Carol Miller, Principal Planner; Richard Pederson, Deputy Town Engineer; Haviva Shane, Town Attorney and Debra Thomas, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

Commissioner Shoup led the Pledge of Allegiance.

PUBLIC COMMENT

Mr. Al Rice, Apple Valley, commented on Item No. 2 of the November 5, 2014, Planning Commission meeting. He stated he visited the property to look at the parking and site layout and observed people standing out in front of the physical fitness center.

Mr. Rice also informed the Planning Commission that he reviewed the November 5, 2014 web stream meeting recording. He asked the Planning Commission to amend the Minutes to include Ms. Carol Miller's, Principal Planner, statement that the Ta Kwon Do facility's Certificate of Occupancy was issued in error. He also requested that Commissioner Tinsley's comments stating that he (Commissioner Tinsley) believed the center and intersection were a nightmare, when it comes to ingress and egress, be included in those minutes.

Motion by Commissioner Shoup, seconded by Commissioner Lamoreaux, to include the amended language, as suggested above by Mr. Al Rice, and to continue approval of the November 5, 2014 Minutes, to the next Planning Commission meeting scheduled for January 21, 2015.

Motion carried by the following vote: Ayes: Commissioner Lamoreaux, Commissioner Shoup, Commissioner Tinsley, Vice-Chairman Qualls and Chairman Kallen. Noes: None. Absent: None. Abstain: None.

PUBLIC HEARING ITEMS

2. **General Plan Amendment No. 2013-02 and Zone Change No. 2013-01.** A request to consider a change to the General Plan and the Zoning land use designations from Residential Estate (R-E) to Residential Single Family (R-SF).

Applicant: Bear Valley & Apple Valley 103, LLC, and Newton T. Bass Trust

Location: The project under consideration is 134-acres in size and is located within the southwest quarter of Section 31 which is generally located at the northeast corner of Apple Valley and Bear Valley Roads; APNs 3087-161-04 and 3087-171-07.

Ms. Carol Miller, Principal Planner, presented the staff report as filed by the Planning Division.

Chairman Kallen opened the public hearing at 6:06 p.m.

Commissioner Shoup questioned why this item was not forwarded to the Equestrian Advisory Committee ("EAC").

Chris Morgan, United Engineering Group, provided the Planning Commission with a history of the project beginning back in 2012. Mr. Morgan advised the Planning Commission that the original General Plan Amendment and Tract Map did go before the EAC for two (2) reasons: 1) relocating the Lifeline Trail and 2) the change in land use designation from Residential Estate ("R-E") to Residential Single Family ("R-SF"). The EAC had recommended that the Residential or Equestrian designation on the northeast portion be larger lots. Those larger lots would accommodate large animal keeping however; the Town Council, based on the surrounding zoning, did not feel that large animal keeping would be appropriate in the area. Based on Council's comments, the fact that there is no tract map proposed, and there is no proposed change to the Lifeline Trail along Deep Creek, staff did not forward this item to the EAC.

Questions were raised as to why the applicant had not brought forth a tract map.

Ms. Miller stated that this General Plan Amendment and Zone Change was just a continuation of the R-SF and that lot design and sizes were not expected at this time, therefore, a tract map was not necessary.

Lengthy discussion ensued regarding; the definition of buffer zones; the property owner's apprehension to bring a map forward at this time due to the uncertain housing market, and reinforcement of the fact that the project is compatible with the surrounding density. Mr. Morgan asked the Planning Commission to use its discretionary power when the map comes forward on lot sizes.

Mr. Morgan touched briefly on the fact that the Deep Creek area is now considered Phase One of the project.

Commissioner Qualls asked for clarification on the ingress and egress points.

Mr. Morgan indicated that the locations on the Land Use Plan were examples given for the benefit of the Planning Commission and that more than likely changes will occur to those locations.

Commissioner Tinsley stated the primary concern for this hearing is the General Plan Amendment and Zone Change and believed some of the questions posed tonight to the applicant were premature in order for applicant to proceed. He believed the Planning Commission would have a chance to look at the proposed layout at a later date.

Commissioner Shoup wanted to discuss traffic studies and volume that will affect the area and Mr. Morgan indicated that staff could answer his questions in more detail shortly.

PUBLIC COMMENT

Mr. John Laraway, Apple Valley, does not want any changes made to the R-E designation anywhere in Town of Apple Valley. He believed this decision would affect his property and that this is a "for-profit" situation only. He would like to see homes placed on one (1) acre lots or larger, nothing less.

Mr. Al Rice, Apple Valley, stated he received a telephone call from a woman about the sign posted on Sitting Bull Road and indicated there was no date displayed on the posted notice for the public hearing. He felt that there was a defect in the noticing requirements for the public hearing and had many problems with the staff report on this item in that he felt it made no sense.

At the direction of Chairman Kallen, Ms. Miller took this opportunity to explain the noticing requirements to the local residents. In addition, she stated that there were nine (9) or ten (10) returned notices that were undeliverable. Additionally, she did not receive any comments regarding this public hearing.

Mr. Scott Webb, Apple Valley, stated he grew up in Apple Valley and was raising his family here. He read a statement about the numerous general plan amendments that he believed have had a cumulative affect over the last few years. He also expressed his concern with the traffic impact this development would have on the area.

RECESS MEETING

Chairman Kallen declared a recess of the Town of Apple Valley Planning Commission meeting at 6:59 p.m.

RECONVENED MEETING

Chairman Kallen reconvened the Town of Apple Valley Planning Commission meeting at 7:05 p.m.

Mr. John Smith, Apple Valley, stated he moved to the Town of Apple Valley twelve (12) years ago. He thought he was moving into an area that had stability and a sense of reality. He asked what good it was having a zoning plan if every time you turn around, someone asks for a change. He also stated he believed that the elected Town officials were not being consulted on these types of projects.

Ms. Lovella Sullivan, Apple Valley and Vice-Chairman of the EAC, stated that the EAC had not had an opportunity to review the project. She requested the Planning Commission postpone any decision on the project to allow the EAC a chance to review and consult with her appointer.

Mr. Ray Simms, Apple Valley and Chairman of the EAC, stated development was wonderful and the Town of Apple Valley needed more parks. As far as zone change in the project area, he would like the EAC to have input.

Mr. Morgan took this opportunity to address the concerns of each member of the public who spoke on this project.

Chairman Kallen closed the public hearing at 7:30 p.m.

Mr. Richard Pedersen, Deputy Town Engineer, received the project's traffic study and reviewed it. Prior to the study, he had worked with LSA to identify the locations, choke points, intersections and intersections for major arterials. He was satisfied with the zone change. It doubles the lot size, doubles the traffic and doubles the impact fees to collect. The mitigation in place would ease the impacts. There would be an additional 251 p.m. trips as the worst-case scenario. Bear Valley and Apple Valley Roads are designed for 60,000 plus vehicles per day.

Vice-Chairman Qualls had no problem looking at the Tentative Tract Map later. He would like the EAC to comment on the map so it could bring any comments forward. He believed the Amendment is consistent with Town Council and the General Plan.

Commissioner Lamoreaux believed the project was consistent with what was approved two (2) years ago. He does have some problems with the buffering outlined on the Land Use Map and did not believe office professional was a good buffer. He stated the traffic would be addressed later, the zoning is consistent and the Planning Commission would have another chance to look at the map.

Commissioner Shoup was concerned about the loss of R-E property in the Town of Apple Valley. He believed that R-E zoning was part of the rural heritage and foundation of the community that was based on an equestrian lifestyle. Once the change is made, there would be no going back and a bit of history is lost with those changes. He believed it was premature to vote on the project at this time because there was no map and he would like more specifics. He requested that the Planning Commission delay a vote at this time, as he would move against the project.

Commissioner Tinsley agreed with what the General Plan Advisory Committee was looking for in this area. He did not want to second-guess the Town Council's decision prohibiting large animal keeping in the area and agreed considering the office professional and regional commercial properties at the location. The project followed the General Plan and he agreed the project would fit well in the location.

Chairman Kallen also stated the area was not suitable for large animal keeping. He was not comfortable with the zone change for the project. He did not like the fact that the park would be located in a drainage channel. He did believe that the property would be suitable for half (1/2)-acre lots. He would like the EAC to have an opportunity to provide input on the project and he took exception with the fact that the Planning Commission was not able to view a site plan.

Discussion ensued between the Planning Commission and members of the EAC seated in the audience that they would like to review the project, as well as a map.

Ms. Miller stated it was the responsibility of the Planning Commission to ensure that the proposed General Plan Amendment was consistent with the goals, policies and standards of all

elements of the General Plan and that it would further those goals, policies and standards and, if appropriate, change the land use designation. She also stated that projects that accompany these types of applications have a shelf life. The project could conceivably expire in five (5) years and the map would expire along with it.

Mr. Morgan stated his desire to present the project to the EAC for their input.

MOTION

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

1. Continue General Plan Amendment No. 2013-02 and Zone Change No. 2013-01 to the Planning Commission's February 18, 2014 meeting to allow the Applicant, pursuant to Applicant's request, to present the item to the Equestrian Advisory Committee.

ROLL CALL VOTE

Ayes: Commissioner Lamoreaux
Commissioner Shoup
Commissioner Tinsley
Vice-Chairman Qualls
Chairman Kallen

Noes: None

Abstain: None

Absent: None

The motion carried by a 5-0-0-0 vote.

PUBLIC COMMENTS

Mr. Al Rice, Apple Valley, again stated his criticism of the Planning Commission's deliberations and notification process for public hearings. He believed the Development Code and its process was weak. He suggested Town staff review the Government Code on noticing requirements.

Mr. John Smith, Apple Valley, stated he believed the Town Attorney was advising the Applicant on how he should proceed and he does not believe that is appropriate. Mr. Smith stated the Town Attorney should only be advising the Town of Apple Valley.

PLANNING COMMISSION COMMENTS

Chairman Kallen thanked the Planning Commission for all of its hard work.

Commissioner Tinsley extended an invitation to Mr. Al Rice to discuss any concerns he may have regarding conflict of interest. He described how much time and effort the members of the Planning Commission take going out into the field and researching all matters presented to them.

Commissioner Lamoreaux concurred with Commissioner Tinsley's statement. He stated that his concerns are that of our community and not financial aspects. He wished everyone Happy Holidays, Merry Christmas and a Happy New Year.

Vice-Chairman Qualls wished everyone a Happy Holiday.

Commissioner Shoup commented on a great year working with the Planning Commission and wished everyone a Happy Holiday.

STAFF COMMENTS

Ms. Carol Miller, Principal Planner, wished everyone a Happy Holiday. She informed everyone that Town Hall would be closed for approximately one and a half (1-1/2) weeks and that there will not be a meeting the first week in January 2015.

Ms. Debra Thomas, Planning Secretary, stated on the record that the Town of Apple Valley would be closed beginning December 24, 2014 and would resume regular business hours beginning January 5, 2015.

OTHER BUSINESS

- 3. Development Code Interpretation No. 2014-004** regarding the separation requirements between a convenience store and a school.

Staff asked the Planning Commission what its definition was of a "school".

Chairman Kallen asked if there was an existing definition of a "learning center".

Ms. Miller stated there was no such definition and explained it is a non-traditional school setting more like that of a tutoring center with only approximately 20-25 students at any one time.

Discussion ensued regarding the possible problems that might occur if all educational facilities were required to have a 1,000-foot separation requirement from convenience stores that sell alcoholic beverages, especially due to the amount of charter schools and learning centers that are popping up.

Ms. Leslie Burnside, San Diego, CA stated that the students involved at this school's location are mostly home school based students that do not thrive in a traditional school environment. There is a portability aspect of these types of facilities. The assistant principal shared with the applicant that the facility plans to expand. It is not a traditional brick and mortar school and is on a lease. They can decide when and where they want to move any time when the lease was up.

The consensus of the Planning Commission was that learning centers/tutoring centers do not function as traditional schools and, therefore, the Development Code's 1,000 foot separation requirement is not applicable.

Mr. Scott Webb, Apple Valley, did not agree with the Planning Commission's interpretation and asked when future learning centers come forward, to take into consideration that many of these establishments cater to at-risk youth.

ADJOURNMENT

Motion by Commissioner Lamoreaux, seconded by Commissioner Shoup, and unanimously carried to adjourn the meeting of the Planning Commission at 8:55 p.m. to the Regular Meeting on January 21, 2015.

Respectfully Submitted by:

Debra Thomas
Planning Commission Secretary

Approved by:

Chairman Bruce Kallen



Get a Slice of the Apple.

TOWN OF APPLE VALLEY PLANNING COMMISSION

Agenda Item No. 2

Staff Report

- AGENDA DATE:** January 21, 2015
- CASE NUMBER:** Development Permit No. 2014-005
- APPLICANT:** Michael Pontious
- PROPOSAL:** A request to review and approve a Development Permit that will allow for a multi-phased construction of a two-story dental/medical office building totaling 6,500 square feet and a second phase for a 12,715 square foot building. The project will include Code compliant paved parking, lighting and landscaping.
- LOCATION:** The project located at northeast corner of Wika and Muni Roads; APN 0473-441-05.
- 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. Douglas Fenn, Senior Planner
- RECOMMENDATION:** Approval

PROJECT AND SITE DESCRIPTION:

- A. Project Size/Characteristics:
The project is a 1.23-acre parcel located at the northeast corner of Wika and Muni Roads. The project site consists of a parcel with a slight slope from the northeast corner which falls to the southwest of the parcel. The site is vacant and vegetation includes seasonal grass and scattered brush. Outcroppings of crystalline rock are visible at the surface along the west side of the site.
- B. General Plan Designations:
Project Site - General Commercial (C-G)
North - General Commercial (C-G)
South - General Commercial (C-G)
East - General Commercial (C-G)
West - General Commercial (C-G)

C. Surrounding Zoning and Land Use:
 Project Site - General Commercial (C-G), Vacant
 North - General Commercial (C-G), Commercial Retail Center (Desert Mountain Plaza)
 South - General Commercial (C-G),
 East - General Commercial (C-G), Commercial Retail Center (Desert Mountain Plaza)
 West - General Commercial (C-S), Vacant

D. Building Height: Permitted Maximum: Thirty-five (35) ft.
 Proposed Maximum: Thirty-three (33) ft. for the building and thirty-nine (39) for the tower.

E. <u>Setback Analysis:</u>		<u>Required</u>	<u>Proposed</u>
Building	Front	35 ft.	35 and 65 ft.
	Side	0 ft.	103 ft.
	Rear	0 ft.	100 ft.
Parking		10 ft.	10 ft.
Landscape	Standard	10 ft.	10 ft.

F. Parking Analysis:

Total Parking Required:	63
Total Parking Provided:	62
Handicap Parking Required:	3
Handicap Parking Provided:	3

ANALYSIS

G. Site Analysis:
 The multi-phased two-story dental/medical office buildings totaling 6,500 square feet and a second phase for a 12,715 square foot building are proposed with sixty-two (62) parking spaces. All the parking spaces and associated improvements will be developed in the first phase of the project. The first phase is for the 6,500 dental/medical building, and the parking ratio for medical use is at 1:200 per square feet, which equate to 32.5 parking spaces. If the entire project were to be built out as a medical/office project the project would be short 1.5 parking spaces. This project shall provide adequate parking in accordance to the requirements of the Town of Apple Valley Development Code.

The building setbacks at build-out of the project vary from thirty-five (35) to 103 feet in conformance with the (C-G) site development standards specified within the adopted Development Code.

The project exceeds the minimum amount of landscaping. The applicant has designed the project to preserve the most prominent section of the outcropping along Muni Road and to relocate the remaining portion of the outcropping in the landscape planter along Muni and Wika Roads. The planter areas will range between thirty-five (32) to fifty-two (52) feet and is in concert of the depth of the area of the portion of the out cropping that will not be disturbed. This entire area will be landscape with drought-tolerant plants. Larger landscape planters are designed at the ingress and egress at Muni, and Wika to accommodate the relocated outcroppings and to create enhanced entry points to the project site.

The development site is in conformance with the Development Code in that all building setbacks, landscaping and parking, as explained earlier in the report, is designed to exceed the minimum Code development criteria.

H. Architecture Analysis:

The development is for a multi-phased construction of a two-story dental/medical office building totaling 6,500 square feet and a second phase for a 12,715 square foot building. The architecture reflects a creative modernistic design with a linear symmetry, and has deep recessed windows, variation in the building plane and a tower feature.

The building is designed with a thirty-three (33) ft. and with thirty-nine (39) for the tower featured entry-way into the building. The Development Code per Section (9.35.060 B) allows architectural features such as cupolas, bell towers, and steeples may exceed the height limits by a maximum of fifteen (15) feet subject to approval by the Planning Commission. The Commission must find that any such projection which exceeds the height limits is an integral part of the building.

The thirty-nine (39) foot high tower is four (4) feet higher than the Code criteria of thirty-five (35) and accents the entry to the building which discreetly accentuates the main entrance. This tower element houses the elevator for pedestrian access to the office units on the second floor of the building. The additional height limit is very minimal and will not be obtrusive to the surrounding community. The applicant is required by Condition of Approval No. P22 that the tower element will not exceed a height of thirty-nine (39) feet as depicted on the current elevation plans.

The submitted building elevations illustrate four (4) earth toned desert smooth stucco material finish. The darker color (Black Tie - a brownish color) is on the flashing and metal accent trellis canopies of windows features. The remaining colors are on the building facade and used as accents.

I. 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.

J. Noticing:

Development Permit No. 2014-005 was advertised as a public hearing in the Apple Valley News newspaper on December 26, 2014 as required under Development Code Section 9.13.030 *Notice of Public Hearings*.

Development Permit Findings:

As required under Section 9.17.080 of the Development Code, prior to approval of a Development Permit, the Planning Division, Director, Commission or Council when appropriate, shall find that the circumstances prescribed below apply:

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

Comment: The proposed medical/professional office project is in compliance with the General Plan Land Use and Zoning District in that the subject property is designated General Commercial (C-G), which allows new construction of commercial structures, subject to approval of a Development Permit.

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

Comment: The property is located within the General Commercial (C-G), zoning district and is compatible with the surrounding area. The site and existing improvements can facilitate the proposed project and the structure is permitted subject to approval of a Development Permit.

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

Comment: The proposed project is compatible with the site and surrounding area and has been designed with adequate setbacks, building height and building coverage. The use is not anticipated to generate excessive noise, vibration, traffic or other disturbances.

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

Comment: The proposed project will be constructed in accordance with the Uniform Building Code and will be oriented in a manner that will optimize efficient energy resources. The project must comply with Building and Safety Division and UBC Title 24 requirements.

The project will not conflict with the provisions of any adopted, applicable plan, policy or regulation and will comply with the Town's Climate Action Plan (CAP), addressing the reduction of greenhouse-gas emissions adopted to comply with the California Global Warming Solutions Act. In order to reduce the Greenhouse-gas emissions for this project, the design will incorporate the criteria measures to ensure that the energy levels will be reduced to be in compliance with Title 24 requirements.

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

Comment: The design, materials and details of the proposed medical professional office building are compatible with properties or improvements in the vicinity.

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

Comment: The proposed project has appropriate setbacks, will not block public views and is a compatible use that is consistent in scale to other commercial and professional structures in the area.

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

Comment: The proposed building is compatible with adjacent uses within the surrounding area. The site is developed with existing landscaping and will enhance the surrounding area. The project landscaping incorporates a blend of drought tolerant plant material along the site frontages and within the property boundaries.

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

Comment: The proposed project is designed to be compatible with an existing professional office building generally northwest of the subject site. The building will reflect the Town's policy criteria of earth tone colors and material.

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

Comment: The project is proposed on a relatively flat with a slight fall from the northeast corner of the parcel to the southwest area of the parcel. The site is an undeveloped site, void of significant vegetation and will not affect any natural landforms.

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

Comment: The site is vacant.

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

Comment: There are existing utilities to serve the site. The proposal, with adherence to the recommended Conditions of Approval, will be compatible with the surrounding neighborhood.

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

Comment: The proposed project has been designed with the appropriate setbacks and drive aisles to provide safe and convenient access for all forms of transportation.

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

Comment: The proposed project will be along Muni and Wika Roads which have been designed to accommodate commercial traffic. In addition, the proposed project must adhere to the Conditions of Approval required in the Development Permit. Therefore, the proposal will not adversely impact the capacity and physical character of surrounding streets.

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

Comment: Traffic generated from the project will not adversely impact the surrounding area. The proposal fronts Muni and Wika Roads Apple Valley Roads, and with adherence to the Conditions of Approval, both Road will be improved to accommodate traffic generated from the project site.

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

Comment: The project site is void of any significant vegetation and is outside of any environmentally unique or fragile areas. The Initial Study identified that a mitigation measure is required to preserve and/or relocate the existing rock outcropping.

16. 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), an Initial Study has been prepared and, based upon the information provided, 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 environmental quality and on natural resources.

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

Comment: Under the State guidelines to implement the California Environmental Quality Act (CEQA), an Initial Study has been prepared and, based upon the information provided, 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.

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

Comment: The proposed project by its design and operating characteristics, and with adherence to the conditions under which it will be operated and maintained, will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity.

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

Comment The proposed project can be built in conformance to the Development Code, subject to approval of a Development Permit and to the recommended Conditions of Approval.

RECOMMENDATION:

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

1. Adopt the Mitigated Negative Declaration and mitigation monitoring program for Development Permit No. 2014-005 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.

2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve Development Permit No. 2014-05; subject to the attached Conditions of Approval.
4. Direct staff to file a notice of Notice of Determination.

Prepared By:

Reviewed By:

Douglas Fenn
Senior Planner

Carol Miller
Principal Planner

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Zoning Map
3. Initial Study
4. Elevations – separate attachment
5. Site Plan – separate attachment

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Case No. Development Permit No. 2014-05;

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

Planning Division Conditions of Approval

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This development permit, if not exercised in conformance to any conditions, shall become void two (2) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the void date. The Development Permit becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code, Section 9.03.0180.
- P2. The applicant shall agree to defend, at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P3. The filing of a Notice of Determination and mitigated Negative Declaration requires the County Clerk to collect a documentary handling fee of \$2,260.00 (including State Fish and Wildlife). 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.
- P4. Development Permit No. 2014-005 shall adhere to all requirements of the Development Code.
- P5. The approval of Development Permit No. 2014-005 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.
- P6. 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.

- P7. 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
- P8. 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.
- P10. Light standards 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. All front building setbacks and street right-of-way areas located between on-site improvements and the back of existing or future public sidewalks or street curbs, except needed access driveways, shall be fully landscaped.
- 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. All identification signs shall have a separate permit and are subject to final approval by the Town Planning Division.
- P17. All on-site, circulation aisle ways, landscaping and amenities improvements shall be constructed as part of the first phase and the undeveloped pad areas of the remaining phases shall be hydro seeded, or another form of permanent dust control treatment applied to pad areas.

- P18. Each building shall incorporate an identifying feature that may include but not limited to: different trim color on the building or on doors/windows; distinctive entries, variations in building embellishments or architectural details, subject to review and approval by the Planning Division.
- P19. The height of the building along with and including the steeple shall “not” exceed a height of thirty-nine (39) feet. All building, elevation and other corresponding and related plans shall reflect this condition at plan check and confirmed by staff on final field inspection.
- P20. Walls and fences shall comply with the height and setback requirements of the Development Code.
- P21. The project will not conflict with the provisions of any adopted, applicable plan, policy or regulation and will comply with the Town’s Climate Action Plan (CAP), addressing the reduction of greenhouse-gas emissions adopted to comply with the California Global Warming Solutions Act. In order to reduce the Greenhouse-gas emissions for this project, the design will incorporate the criteria measures to ensure that the energy levels will be reduced to be in compliance with Title 24 requirements.
- P22. Any equipment, whether on the roof, side of the structure or ground, shall be screened from public view from adjacent property or from a public right-of-way. The method of screening shall be integrated into the architectural design of the building and/or landscaping.
- P23. The Assistant Town Manager their designee, shall have the authority for minor architectural changes focusing around items such as window treatments, color combinations, façade treatments, and architectural relief. Questions on the interpretation of this provision or changes not clearly within the scope of this provision shall be submitted to the Planning Commission for consideration under a Revision to the Development Permit.
- P24. **AESTHETICS-1** The construction contractor shall ensure that construction grading plans be designed as proposed on the preliminary grading, site and landscaping plans are depicted. All prominent existing visible rock cropping on the site shall be preserved or relocated on the subject site.
- P25. **AIR-1** Prior to the issuance of a building permit, the applicant shall demonstrate compliance with MDAQMD regulations for the control of fugitive dust emissions by preparing and submitting a Dust Control Plan for review and approval by MDAQMD. The Dust Control Plan shall describe all fugitive dust control measures to be implemented before, during, and after any dust generating activity. The measures described in the plan shall be made condition of approval of the ground disturbing permits.
- P26. **AIR-2** The construction contractor shall select the construction equipment used on site based on low emission factors and high energy efficiency. The construction contractor shall ensure that construction grading plans include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturer’s specifications.

- P27. **AIR-3** The construction contractor shall utilize electric- or diesel-powered equipment in lieu of gasoline-powered engines where feasible.
- P28. **AIR-4** The construction contractor shall ensure that construction grading plans include a statement that work crews will shut off equipment when not in use.

Engineering Division Conditions of Approval

- 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 reducing the post-development site-developed flow to 90 percent of the pre-development flow for a 100 year design storm.
- EC2. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC3. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC4. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC5. Sidewalk shall be constructed to Town standards on Wika Road adjacent to the property.

Building and Safety Division Conditions of Approval

- 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, and 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 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.
- BC6. All utilities shall be placed underground in compliance with Town Ordinance No. 89.
- BC7. All cross lot drainage requires easements and may require improvements at the time of development.

- BC8. Comply with State of California Disability Access requirements
- BC9. 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.
- BC10. A dust palliative or hydro seed will be required on those portions of the site graded but not constructed (phased construction)
- BC11. Page two (2) of the submitted building plans will be the conditions of approval
- BC12. Construction must comply with 2013 California Building Codes
- BC13. Best Managements Practices (BMP's) are required for the site during construction

Environmental & Transit Services Conditions of Approval

- ET1. The project must provide adequate areas for collecting and loading recyclable materials in compliance with AB 341. The trash enclosure must comply with the newly adopted recycling standards.
Public Resource Code Section 42910-42912
- ET2. The developer shall complete and submit a Waste Management Plan ("WMP"), on a WMP form approved by the Town for this purpose as part of the application packet for the building or demolition permit. The completed WMP shall indicate all of the following:
 - (1) The estimated volume or weight of project C&D debris to be generated;
 - (2) The estimated volume or weight of such materials that can feasibly be diverted via reuse or recycling;
 - (3) The vendor or facility that the Developer proposes to use to collect or receive that material; and
 - (4) The estimated volume or weight of C&D materials that will be landfill.Town of Apple Valley Municipal Code Section 8.19.020(a)
- ET3. Compliance with Condition of Approval No. ER2 shall be met by any of the following:
 - (1) Contract for hauling services with Town's franchise hauler, with all Project debris delivered to San Bernardino County self-haul landfill diversion program, provided the diversion program is currently operating; and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP
 - (2) Self-haul all Project debris to San Bernardino County self-haul landfill diversion program, provided the diversion program is currently operating; and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP
 - (3) Self-haul all Project debris to a construction materials recycling facility, and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP

- (4) Contract with a construction site cleanup company to recycle at least 50% of the Project construction debris, and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP.

Town of Apple Valley Municipal Code Section 8.19.030

ET4. Prior to issuance of Certificate of Occupancy, the developer shall submit to the WMP Compliance Official documentation proving that it has met the Diversion Requirement for the Project. The Diversion Requirement shall be that the developer has diverted at least fifty (50) percent of the total C&D debris generated by the Project via reuse or recycling. This documentation shall include all of the following:

- (1) Receipts from the vendor or facility that collected or received each material showing the actual weight or volume of that material;
- (2) A copy of the previously submitted WMP for the Project adding the actual volume or weight of each material diverted and landfill;
- (3) Any additional information the Developer believes is relevant to determining its efforts to comply in good faith with this Chapter 8.19.

Town of Apple Valley Municipal Code Section 8.19.050

The developer shall make reasonable efforts to ensure that all C&D debris diverted or landfilled are measured and recorded using the most accurate method of measurement available. To the extent practical, all C&D debris shall be weighed by measurement on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For C&D debris for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the developer shall use the Standardized Conversion Rates approved by the Town for this purpose.

Public Work Division Condition of Approval

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

PW2. Sewer connection fees required.

Apple Valley Fire Protection District Conditions of Approval

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

FD2. All new construction shall comply with applicable sections of the 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.

FD3. 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.

- FD4. 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.
- FD5. Fire lanes shall be provided with a minimum width of twenty six (26) feet, maintained, and identified. Twenty six (26) feet access will start at both points of ingress and continue through the site.
- FD6. A turnaround shall be required at the end of each roadway 150 feet or more in length and shall be approved by the Fire District. Cul-de-sac length shall not exceed 1,000 feet.

Turning radius on all roads within the facility shall not be less than twenty-two (22) feet inside and minimum of forty (40) feet outside turning radius with no parking on street, or forty-seven (47) feet with parking. Road grades shall not exceed twelve percent (12) unless approved by the Chief.

Apple Valley Fire Protection District
Ordinance 52

- FD7. 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 eighteen (18) 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 six (6) inches and shall contrast with their background.

Apple Valley Fire Protection District,
Ordinance 52

- FD8. 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.

- 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

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

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

- FD9. An approved fire sprinkler system shall be installed throughout any building:
- 5,000 square feet or greater, including garage and enclosed areas under roof.
 - Two stories or greater.
 - Existing building(s) with intensification of use, or
 - Other per California Building Code requirements.

The system shall be supervised and connected to an approved alarm monitoring station and provide local alarm which will give an audible signal at a protected location. Supervision to be both water flow and tamper. Sprinkler work may not commence until approved plans and permits have been issued by the Fire District.

Apple Valley Fire Protection District,
Ordinance 52

- FD10. 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.

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

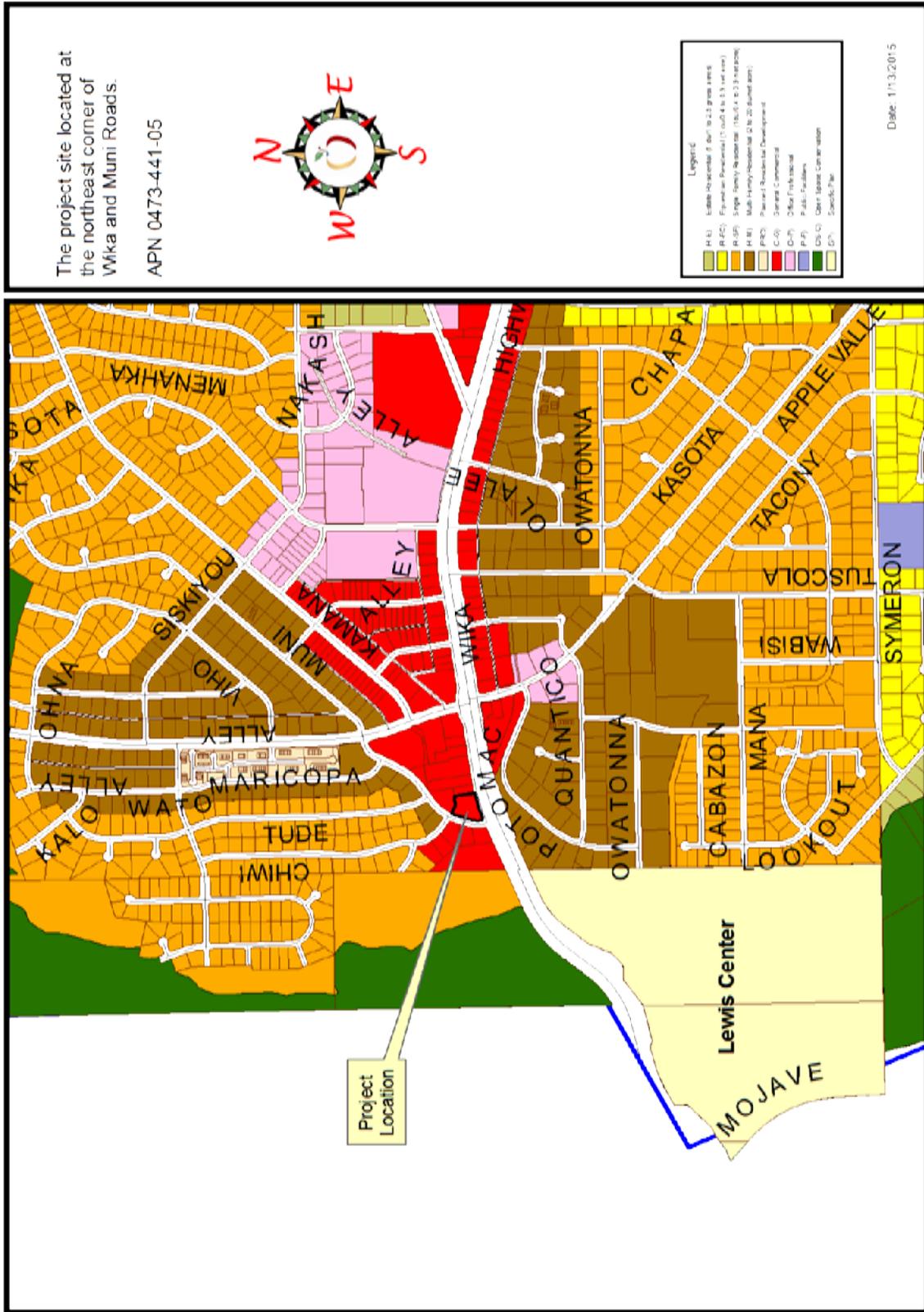
- FD12. A Knox Box Rapid Entry System shall be required for this project.

Apple Valley Fire Protection District
Ordinance 52

End of Conditions

Development Permit No. 2014-005

ZONING/LOCATION MAP



**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:** Development Permit No. 2014-005
2. **Lead agency name and address:** Town of Apple Valley
 Planning Division
 14955 Dale Evans Parkway
 Apple Valley, CA 92307
3. **Contact person and phone number:** Douglas Fenn, 760-240-7000 Ext 7207
4. **Applicant's name and address:** Mr. Michael Pontious, 18343 #5, Highway, 18, Apple Valley, Ca.
5. **Project location and Assessor's Parcel Number:** The project is located at northeast corner of Wika and Muni Roads (APN 0473-441-05).
6. **Description of project:** A request to review and approve a Development Permit that will allow for a multi-phased construction of a two-story dental/medical office building totaling 6,500 square feet and a second phase for a 12,715 square foot building. The project will include Code compliant paved parking, lighting and landscaping. The subject site a 1.23 acre parcel in the General Commercial (C-G) Zoning District.

ENVIRONMENTAL/EXISTING SITE CONDITIONS

Project Setting

The project is a 1.23 acre parcel located at the northeast corner of Wika and Muni Roads. The project site consists of parcel with a slight slope from the northeast corner which falls to the southwest of parcel. The property is zoned General Commercial (C-G). The primary access point to the site is from Wika and Muni Roads. The site is vacant and vegetation includes seasonal grass and scattered brush. Outcroppings of crystalline rock are visible at the surface along the west side of the site.

	TOWN OF APPLE VALLEY GENERAL PLAN DESIGNATION	TOWN OF APPLE VALLEY ZONING DISTRICT	EXISTING LAND USE
Site	(C-G)	(C-G)	Vacant
North	(C-G)	(C-G)	Commercial Retail Center (Desert Mountain Plaza)
South	Wika Road and Highway 18	Wika Road and Highway 18	Wika Road and Highway 18
East	(C-G)	(C-G)	Commercial Retail Center (Desert Mountain Plaza)
West	(C-G)	(C-G)	Vacant

Project Characteristics

The development is for a multi-phased construction of a two-story dental/medical office building totaling 6,500 square feet and a second phase for a 12,715 square foot building. The project will include Code compliant paved parking, lighting and landscaping.

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 checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input 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 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 **ENVIRONMENTAL IMPACT REPORT** is required.
- The proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Douglas Fenn
Senior Planner

Date

Carol Miller
Principal Planner

Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

- a) Earlier Analyses Used. Identify and state where they are available for review.
- b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
- c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources. A source list should be attached and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

- a) The significance criteria or threshold, if any, used to evaluate each question; and
- b) The mitigation measure identified, if any, to reduce the impact to less than significance.

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

SUBSTANTIATION

- a. **Less Than Significant Impact.** The Town of Apple Valley’s General Plan recognizes the protection of local scenic resources as necessary for maintaining the overall livability and aesthetic qualities of the Town, and identifies the surrounding knolls, hills, and natural desert environment as important natural resources that should be preserved as open space. The 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 affected by development of the site.
- b. **Less Than Significant Impact with Mitigation.** The proposed project will not substantially damage scenic resources, including, but not limited, trees, and historic buildings within a state scenic highway, because the site is not adjacent to a state scenic highway or historic buildings on the site. However, there are rock outcroppings on the site. The applicant has designed the project to preserve the most prominent section of the outcropping and to relocate the remaining portion of the outcropping in the landscape planter along Muni Road. Most of the depth of the planter will be between thirty-five (32) to fifty-two (52) feet and is in concert of the depth of the area of the portion of the out cropping that will not be disturbed.

Implementation of the following mitigation measures will reduce potential impacts to air quality are reduced to a level below significant:

AESTHETICS-1 The construction contractor shall ensure that construction grading plans be designed as proposed on the preliminary grading, site and landscaping plans are depicted. All prominent existing visible rock cropping on the site shall be preserved or relocated on the subject site.

- c. **Less Than Significant Impact.** The nearest residence is located to the northwest approximately 100 feet. All other adjacent parcels are vacant with scattered residential beyond. The proposed project would change the existing visual character of the site from that of vacant desert land to a medical office center. Based on Development Code setbacks, limited height of approximately thirty-five (35) feet, the projects impacts to the visual character to the surrounding area is considered less than significant.
- d. **No impact.** All new development must meet or exceed the Standard Uniform Building Code requirements for construction of lighting facilities requiring that they be located at specific intersections within the boundaries of the site. The resultant incremental increase in new light or glare, which may occur from streetlights or minimal parking lot lighting, does not constitute a significant impact, because it would be consistent with other light/glare produced by adjacent, similar.

II. AGRICULTURE AND FORESTRY RESOURCES

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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-c. **No Impact.** 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.
- 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. **No Impact.** 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.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

a-c **Less Than Significant Impact with Mitigation.** The project area is located within the Mojave Desert Air Quality Management District (MDAQMD) which lies in the San Bernardino County portion of the Mojave Desert Air Basin (MDAB). This portion of the basin has been designated as a ‘non-attainment’ area with respect to violating National Air Quality Standards for particulate matter classified as equal to, or smaller than, 10 microns in diameter (PM₁₀). Because the proposed site disturbance will be greater than ½ acre, the 1.23 acres 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.

Air quality impacts would include construction exhaust emissions generated from construction equipment, vegetation clearing and earth movement activities, construction workers’ commute, and construction material hauling for the entire construction period. These activities would involve the use of diesel- and gasoline-powered equipment that would generate emissions of criteria pollutants such as Carbon Monoxide (CO), Nitrogen Oxides (NOX), Reactive Organic Gases (ROG) or Volatile Organic Compounds (VOC), Sulfur Oxides (SOX), Particulate Matter less than 10 microns (PM₁₀), and Particulate Matter less than 2.5 microns (PM_{2.5}). The project construction activities also represent sources of fugitive dust (which includes PM₁₀), a potential concern because the proposed project is in a non-attainment area for ozone and PM-10. However, construction-related increases in emissions of fugitive dust and exhaust from construction equipment would be temporary and localized during the construction time. To mitigate impacts to air quality, the proposed project shall include dust abatement measures

that would limit the generation of pollutants, including particulate matter 10 microns or less in diameter (PM10), consistent with Rule 403.2 *Fugitive Dust Control for the MDPA*. This includes using water trucks to minimize the production of visible dust where grading or vegetation removal occurs during project construction.

Implementation of the following mitigation measures will reduce potential impacts to air quality are reduced to a level below significant:

- AIR-1** Prior to the issuance of a building permit, the applicant shall demonstrate compliance with MDAQMD regulations for the control of fugitive dust emissions by preparing and submitting a Dust Control Plan for review and approval by MDAQMD. The Dust Control Plan shall describe all fugitive dust control measures to be implemented before, during, and after any dust generating activity. The measures described in the plan shall be made condition of approval of the ground disturbing permits.
- AIR-2** The construction contractor shall select the construction equipment used on site based on low emission factors and high energy efficiency. The construction contractor shall ensure that construction grading plans include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturer’s specifications.
- AIR-3** The construction contractor shall utilize electric- or diesel-powered equipment in lieu of gasoline-powered engines where feasible.
- AIR-4** The construction contractor shall ensure that construction grading plans include a statement that work crews will shut off equipment when not in use.

- d. **Less Than Significant Impact.** The MDAQMD defines sensitive receptors as residences, schools, daycare centers, playgrounds and medical facilities (MDAQMD 2007). The closest sensitive receptor are multi-family residences located approximately 100 feet to the north west. The project will not expose sensitive receptors to substantial pollutant concentrations because there are no identified concentrations of substantial pollutants associated with this proposal. No significant adverse impacts are identified or anticipated and no additional mitigation measures are required.
- e. **Less Than Significant Impact.** 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.

IV. BIOLOGICAL RESOURCES

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but				

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| 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. **Less than Significant.** The proposed project would have less than a significant impact with the provisions of an adopted 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 or other approved local, regional or state habitat conservation plans because no such plans have been adopted in the area of the project site.
- b. **No Impact.** The project site is devoid of native riparian vegetation (SWCA 2009b) or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife (CDFW) California Department of Fish and Wildlife or United States Fish and Wildlife Services (USFWS). Accordingly, no impacts to sensitive or regulated habitat shall result from implementation of the proposed project.
- c. **No Impact.** No waters or wetlands that fall under the jurisdiction of the U.S. Army Corps of Engineers, California Regional Water Quality Control Board (RWQCB), and/or CDFW are found on the proposed project area. No indicators of hydrologic activity (topographical or geological), hydric soils, or hydrophytic vegetation were observed onsite.
- d. **No Impact.** 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. **No Impact.** 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 are no impacts.
- f. **Less than Significant Impact.** 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 plans have been adopted in the area of the project site.

V. CULTURAL RESOURCES

Would the project:

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

SUBSTANTIATION

a-c. **No Impact.** Based on the location of the project site from the Mojave River (1.5 miles), there is a low potential for yielding any historic or archaeological resources because the site is within a moderate to low sensitivity for paleontological resources as shown in Exhibit III-7 of the General Plan FEIR. The proposed project would not cause a substantial adverse change to an archaeological resource, because there are no such resources presently identified on the site. Therefore, no impacts to a historical resource would occur as a result of the project as defined in § 15064.5. The project site is located in an area identified as moderate to low sensitivity for paleontological resources as shown in Exhibit III-7 of the General Plan FEIR. The proposed project would not cause a substantial adverse change to an archaeological resource, because there are no such resources presently identified on the site. Therefore, no impacts to a historical resource would occur as a result of the project as defined in § 15064.5.

d. **No Impact.** The project site vacant and is not located a known cemetery, and no human remains are anticipated to be disturbed during the construction phase. However, in accordance with applicable regulations, construction activities would halt in the event of discovery of human remains, and consultation and treatment would occur as prescribed by law.

VI. GEOLOGY AND SOILS

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 18 1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION

a-d. **Less than Significant Impact.** The General Plan indicates that the project site is not located within a State of California Earthquake Fault Zone and, therefore, does not require a geologic study. The closest mapped fault is the Helendale Fault. 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.

The project site is relatively flat with a slight fall from the northeast of the property to the southwest. 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. **No Impact.** Currently there is sewer service available to the site from the Town of Apple Valley. A 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

Would the project:

- | | Potentially Significant Impact | Less than Significant with Mitigation Incorp. | Less than Significant Impact | No Impact |
|---|--------------------------------|---|-------------------------------------|--------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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?

SUBSTANTIATION:

a-b. **Less than Significant Impact.** 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. On September 23, 2014, the Town adopted a revised Climate Action Plan (“CAP”) that 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. The Plan includes reduction strategies to achieve 1990 levels by including an emissions inventory. The Plan achieves emission targets that apply at reasonable intervals throughout the life of the plan, enforceable GHG control measures, monitoring and reporting, and mechanisms to allow for the revision of the plan, if necessary.

The project will not conflict with the provisions of any adopted, applicable plan, policy or regulation and will comply with the Town’s Climate Action Plan (CAP), addressing the reduction of greenhouse-gas emissions adopted to comply with the California Global Warming Solutions Act. In order to reduce the Greenhouse gas emissions for this project, the design will incorporate the following measures to ensure that the energy levels will be reduced to be in compliance with Title 24 requirements. Some of the proposed Climate Action Plan's reduction measures are as follows:

- a. Occupancy Sensors for lights.
- b. Energy saving lamps and electronic ballasts
- c. Daylight switching.
- d. Inspect all ductwork for leaks.

With the applicant, complying with the above referenced CAP mitigations and criteria in the CAP is an example of a policy or regulation of an agency adopted for reducing the emissions of greenhouse gases.

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 checked="" type="checkbox"/>	<input 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?
- 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?
- 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?
- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
- 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. **Less than Significant Impact** 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. Operation of the proposed project would not require the use or storage of significant quantities of hazardous substances; therefore, no substantial potential for accidental explosion or major releases of hazardous substances is expected.
- d. **No Impact.** 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. **No Impact.** The proposed project is not located within the land use plan of Apple Valley Airport, which is approximately five (5) miles to the northeast. Therefore, development of the proposed project will not result in an airport safety hazards.
- f. **No Impact.** The Osborne Airstrip is the nearest private airstrip and is located approximately nine (9) miles northwest of the project site. No impacts are anticipated to occur.
- g. **No Impact.** The proposed development of a multi-phased medical office project would not impair or interfere with the Town’s adopted emergency evacuation plan. No impact is anticipated.
- h. **No Impact** The Apple Valley Fire District reviews development projects to ensure applicable development requirements are met. The Fire District reviewed the project for compliance with current fire protection

requirements. The District issued fire protection requirements to become Conditions of Approval. Prior to construction, the owner is required to contact the Fire District for verification of current fire protection development requirements. Upon implementation of conditions of approval, impacts from fire hazards would be reduced to a less than significant level.

IX. HYDROLOGY AND WATER QUALITY

Would the project:

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

SUBSTANTIATION:

- a. **Less than Significant Impact.** Future development at the project site would disturb approximately 1.23 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).

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. **Less than Significant Impact.** 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 that has indicated that there is currently sufficient capacity in the existing water system to serve the anticipated needs of the project.

- c-e. **Less than Significant Impact.** 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; however, the project will not alter the course of any stream or river. 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

- f. **Less than Significant Impact.** 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 with the 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).

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. **No Impact.** Although the site is not located within a flood zone, the proposal does not involve housing.
- h. **No Impact.** 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 Impact.** No levees, dams or large bodies of water are located near the development site which would subject people to flooding. The site is also not located in a coastal area and, therefore, would not be subject to seiche, tsunami or mudflow.

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. **No Impact.** The project shall not physically divide an established community, because there are no established residential communities present in the project area.
- b. **No Impact.** The current General Plan land use designation for the proposed project area is General Commercial (C-G), which allows development of medical professional office project with a Development Permit (DP).
- c. **No Impact.** Since the proposed project is not located within a habitat conservation plan or natural community conservation plan, therefore, no land use conflict would occur.

XI. MINERAL RESOURCES

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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"/>
a. No Impact. The site is not designated as a State Aggregate Resource Area according to the General Plan FEIR; therefore, there is no impact.				
b. No Impact. The site is not designated by the General Plan as a Mineral Resource Zone; therefore, there is no impact.				

XII. NOISE

Would the project result in:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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 ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

a-d. **Less than Significant Impact.** The proposed project is adjacent to undeveloped vacant land and a commercial shopping center; therefore, noise generated from the proposed medical/office project could potentially exceed ambient noise standards. Specifically, construction of the proposed project may potentially create some higher short-term construction noise impacts from construction equipment; however, these activities shall be limited to daytime hours and shall comply with Town standards. Noise generation from construction equipment/vehicle operation would be localized, temporary, and transitory in nature; therefore, no significant impacts would be anticipated. Operation of the proposed project would not generate audible levels of noise or levels of vibration in the surrounding area. Standard noise insulation features (i.e., dual pane windows, R13 insulation), are included in the project design to ensure that exterior to interior noise levels are appropriately reduced. With these design features, the project will not expose persons to, or generate noise levels in excess of standards established in the local General Plan, the Noise Ordinance, or applicable standards of other agencies. Therefore, impacts are anticipated to be less than significant.

e-f. **No Impact.** The project site is located approximately five (5) miles from a public use airport which is the Apple Valley Airport from the project site. The Osborne Airstrip is the nearest private airstrip and is located approximately nine (9) miles northwest of the project site. No impacts related to air traffic are anticipated to occur.

XIII. POPULATION AND HOUSING - Would the project:

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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 type="checkbox"/>	<input checked="" 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-c. **No Impact.** No houses or other residences would be removed or otherwise directly affected by the proposed project. Accordingly, the proposed project would not result in any impacts to housing or related infrastructure, nor require construction of additional housing. No significant impacts are anticipated.

XIV. PUBLIC SERVICES

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:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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:

Fire - Less than Significant Impact. The Apple Valley Fire Protection District provides fire protection and paramedic services to the Town. There are six fire stations that service the Town. The proposed project would not impact service ratios, response times, or other performance objectives related to fire protection. However, during construction, some public services may be required, such as fire protection, but these would be short-term requirements and would not require increases in the level of public service offered. Development in previously undeveloped areas increases the

potential of the occurrence of wildfires. The District reviewed DP No. 2014-005 for compliance with current fire protection requirements. The District issued fire protection requirements to become conditions of approval. Upon implementation of conditions of approval, impacts from fire hazards would be reduced to a less than significant level.

Police Protection – Less than Significant Impact. The proposed project would not impact service ratios, response times, or other performance objectives related to police protection. However, during construction, some public services may be required, such as police protection, but these would be short-term requirements and would not require increases in the level of public service offered or affect these agencies’ response times.

Schools – No Impact. Long-term operation of the proposed facilities would place no demand on school services because it would not involve the construction of facilities that require such services (e.g., residences) and would not involve the introduction of a temporary or permanent human population into this area.

Parks – No Impact. Long-term operation of the proposed facilities would place no demand on parks because it would not involve the construction of facilities that require such services (e.g., residences) and would not involve the introduction of a temporary or permanent human population into this area.

Other Public Facilities – No Impact. The proposed project would not result in the introduction and/or an increase in new residential homes and the proposed project would not involve the introduction of a temporary or permanent human population into this area. Based on these factors, the proposed project would not result in any long-term impacts to other public facilities.

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 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. **No Impact.** No new residences or recreational facilities would be constructed as part of the proposed project. The proposed project would not induce population growth in adjacent areas and would not increase the use of recreational facilities in surrounding neighborhoods. No significant adverse impacts are anticipated.

XVI. TRANSPORTATION/TRAFFIC

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Result in inadequate parking capacity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION:

- a. **Less than Significant Impact.** The proposed project would generate short-term construction traffic and intermittent truck traffic delivering machinery and parts to be used during the lifetime of the project. Access to the project site would be Muni and Wika Roads. The proposed facility will not exceed, either individually or cumulatively the Town’s level of service (LOS) standard or change existing traffic patterns.
- b. **Less than Significant Impact.** The proposed project is not expected to exceed any applicable level of service either individually or cumulatively, based on the incremental level and short-term duration of project-related traffic, as discussed in item XV.a.
- c. **Less than Significant Impact.** The proposed project would not affect air traffic patterns. The project site is located approximately five (5) miles of Apple Valley Airport, a public airport located to the north of the project site. The Osborne Airstrip is the nearest private airstrip and is located approximately nine (9) miles northwest of the project site. The height is in conformance with the Town's Development Code height requirement is not sufficient to impact air traffic, and as a result, there would be less than significant impact on air traffic patterns.
- d. **No Impact.** The proposed project would not include design features that would affect traffic safety, nor would it cause incompatible uses (such as farm equipment) on local roads. In addition, no new roads are being proposed as part of this project and, therefore, there will be no impacts.
- e. **No Impact.** During construction, all vehicles would be parked off public roads and would not block emergency access routes. The proposed project should not result in any closures of Muni and Wika Roads that might have an effect on emergency access in the vicinity of the project site. Further, these roads typically experience minimal use since there are no homes or businesses in the immediate area.
- f. **Less than Significant Impact.** This project shall provide adequate parking in accordance to the requirements of the Town of Apple Valley Development Code. The multi-phased two-story dental/medical office buildings totaling 6,500 square feet and a second phase for a 12,715 square foot building are proposed with sixty-two (62) parking spaces. All the parking spaces and associated improvements will be developed in the first phase of the project. The

first phase is for the 6,500 dental/medical building, and the parking ratio for medical use is at 1:200 per square feet, which equate to 32.5 parking spaces. If the entire project were to be built out as a medical/office project the project would be short 1.5 parking spaces. However, this is a minor issue, because the applicant could slightly reduce the square footage or lease out the remaining building as a professional office building. Professional office is parked at a ratio of 1:300 square feet, and would only require twenty-one (21) required parking spaces. With either of these options, the project will be developed with adequate parking in accordance to the requirements of the Town of Valley Development Code.

- g. **No Impact.** 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

Would the project:

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

SUBSTANTIATION:

- a. **Less Than Significant Impact.** 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.

- b. **Less Than Significant Impact.** 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 a significant impact to storm drainage facilities
- c. **Less Than Significant Impact.** The site is currently outside of a local purveyor’s service area but can be serviced by Golden State Water Company. The project applicant is required to make an application to obtain approval of California Public Utilities Commission to adjust boundaries to include DP 2014-005. A letter from the water agency indicating their ability to supply water to the development was received.
- d. **Less Than Significant Impact.** 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.
- e. **Less Than Significant Impact.** The proposed project would not require or result in the construction of new wastewater treatment facilities or the expansion of existing wastewater treatment facilities. Accordingly, no impacts are anticipated from implementation of the proposed project.
- f-g. **Less than Significant Impact.** 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. This project will comply with federal, State, and local statues 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

SUBSTANTIATION:

- a. **Less than Significant Impact with Mitigation.** Mitigation Measures have been included for aesthetics and air quality. With mitigation, implementation of the proposed project would not degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife populations to drop below self sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important cultural examples of the major periods of California history or prehistory.
- b. **Less than Significant Impact.** The project shall be required to meet and/or exceed the Town’s adopted development standards and CAP reduction criteria. Therefore, the project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- c. **Less than Significant Impact.** The project would not have impacts that are individually limited but cumulatively considerable. There are no projects within the area, that when combined with the proposed project that would result in cumulatively considerable impacts.
- d. **Less than Significant Impact.** The incorporation of design measures, Town of Apple Valley policies, standards, and guidelines would ensure that there would be no substantial adverse effects on human beings, either directly or indirectly. Impacts of the proposed project would be less than significant.

XIX. MITIGATION MEASURES

Aesthetics

AES-1 The construction contractor shall ensure that construction grading plans shall be designed as proposed on the preliminary grading, site and landscaping plans are depicted. All prominent existing visible rock cropping on the site shall be preserved or relocated on the subject site.

Air Quality

AIR-1 Prior to the issuance of a building permit, the applicant shall demonstrate compliance with MDAQMD regulations for the control of fugitive dust emissions by preparing and submitting a Dust Control Plan for review and approval by MDAQMD. The Dust Control Plan shall describe all fugitive dust control measures to be implemented before, during, and after any dust generating activity. The measures described in the plan shall be made condition of approval of the ground disturbing permits.

AIR-2 The construction contractor shall select the construction equipment used on site based on low emission factors and high energy efficiency. The construction contractor shall ensure that construction grading plans include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturer’s specifications.

AIR-3 The construction contractor shall utilize electric- or diesel-powered equipment in lieu of gasoline-powered engines where feasible.

AIR-4 The construction contractor shall ensure that construction grading plans include a statement that work crews will shut off equipment when not in use.

REFERENCES

John R. Byerly, Geotechnical Engineerings Testing and Inspection, Seismic Refraction Survey, June 24, 2014
California Department of Water Resources, Bulletin #118 (Critical Regional Aquifers), 1975
County of San Bernardino, Countywide Integrated Waste Management Plan, March 1995
Town of Apple Valley General Plan, adopted 2009
Environmental Impact Report, Town of Apple Valley General Plan, 2009
County of San Bernardino Identified Hazardous Materials Waste Sites List, April 1998
FEMA Flood Insurance Rate Map and Flood Boundary Map (Zone A Panel #5840). 2008
Mojave Desert Air Quality Management District, Mojave Desert Planning Area – Federal Particulate Matter (PM10) Attainment Plan, 1995
Mojave Desert Air Quality Management District, Rule 403.2: Fugitive Dust Control Planning Area, 1996
Mojave Desert Air Quality Management District, Ozone Attainment Plan. 2004

Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4 Gov Code; Sections 21080 (c), 21080.1, 21080.3, 21082.1, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; *Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d 296; *Leonoff v. Monterey Board of Supervisors* (1990) 222 Cal. App. 3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal App. 4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4th at 1109; *San Franciscans Upholding the Downtown Plan v. County of San Francisco* (2002) 102 Cal. App. 4th 656.