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**TOWN OF APPLE VALLEY  
PLANNING COMMISSION AGENDA  
REGULAR MEETING**

**WEDNESDAY, September 16, 2015 – 6:00 P.M.**

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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](http://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**

1. Minutes for the Regular Meeting of August 19, 2015.

**PUBLIC HEARING ITEMS**

2. **Tentative Parcel Map No. 19576 and Variance No. 2014-002.**  
**Applicant:** Mr. Cy Zermeno representing Mr. Michael Dorriz  
**Location:** 21849 Waalew Road; APN 0437-302-01  
**Project Planner:** Pam Cupp, Associate 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**

Because there are no items scheduled for the meeting of October 7, 2015, the Planning Commission will adjourn to its next regularly scheduled Planning Commission meeting on October 21, 2015.

## MINUTES

### TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, August 19, 2015

#### CALL TO ORDER

At 6:04 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for August 19, 2015, 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; Douglas Fenn, Senior Planner; Pam Cupp, Associate Planner; Richard Pederson, Deputy Town Engineer; Haviva Shane, Town Attorney; and Yvonne Rivera, Planning Commission Secretary.

#### PLEDGE OF ALLEGIANCE

Commissioner Shoup led the Pledge of Allegiance.

#### **1. APPROVAL OF MINUTES**

Minutes for the Regular Meeting of July 15, 2015.

Motion by Vice-Chairman Qualls, and seconded by Commissioner Tinsley, to approve the Minutes for the Regular Meeting of July 15, 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. Conditional Use Permit 2015-006.** The Applicant is requesting a Conditional Use Permit to allow the construction of a single-story 11,715 square foot commercial automotive tire sales and service building.

**Applicant:** Evergreen Devco, Inc.

**Location:** The project site is adjacent to Highway 18 within the Apple Valley Commons shopping center.

Chairman Kallen opened the public hearing at 6:05 p.m.

Mr. Douglas Fenn, Senior Planner presented the staff report as filed by the Planning Division. He noted there are two (2) key Conditions added: 1) Condition No. 22 recommending replacement of the turf area with rockscape to match the existing landscaping and 2) Condition No. 23 recommending a change to the colors in order to be in conformance with the rest of the center.

Chairman Kallen asked the Applicant if he agreed to the Conditions of Approval.

Mr. Zack Lauterback stated "Yes".

### **PUBLIC COMMENT**

None.

Chairman Kallen closed the public hearing at 6:10 p.m.

### **MOTION**

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

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section No.15332, Class 32, the proposed request is Exempt from further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve Conditional Use Permit No. 2015-006, subject to the attached Conditions of Approval and the added Conditions as stated above.
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.

3. **Conditional Use Permit No. 2015-002 and Deviation No. 2015-002** (Continued from the July 15, 2015 meeting). A request to approve a Conditional Use Permit to allow the construction of a sixty-three (63)-foot high wireless telecommunication facility designed as a faux church tower. The Deviation is a request to encroach by 185 feet into the required separation distance from residential land uses.

**Applicant:** Reliant Land Services representing Verizon  
**Location:** The project site is located at the 21938 Thunderbird Road, APN 437-222-29.

Chairman Kallen opened the public hearing at 6:11 p.m.

Mr. Douglas Fenn, Senior Planner, presented the staff report as filed by the Planning Division. He commented on the Exhibits attached to the report, which represent cellular coverage based on the different height levels as requested by the Planning Commission at the last meeting.

Mr. Fenn read into the record the following new Condition of Approval (P-10):

“The approval is conditioned with the express findings of the Planning Commission that the height of the tower and the base station, as proposed, are designed to be proportionate in size and scale to the church, along with the design color features of the structure, and are an intricate part of the concealment elements of the tower base station.”

Discussion ensued regarding the signal frequencies, tower height, and the Deviation.

Commissioner Shoup asked a series of questions regarding the definition of substantial change.

Ms. Carol Miller, Principal Planner, noted the definition of substantial change can be found under Section 6409(a) and will be included as part of the Town’s Code.

Ms. Haviva Shane, Town Attorney, gave an example of how the Federal regulation defines substantial change. She noted that if the Federal regulation were to interpret it in a way that is inconsistent with the Town’s current argument, the Town would have to be consistent with the Federal regulations.

Staff and Applicant were asked questions regarding co-location, the propagation maps, extending the height of the tower, and strength of signals.

Ms. Marilyn Warren, Reliant Land Services representing Verizon, explained if a request is made for additional height, approval by the Landlord will be needed.

Chairman Kallen asked the Applicant if she agreed to the Conditions of Approval.

The Applicant responded “Yes”.

**PUBLIC COMMENT**

None.

Chairman Kallen closed the public at 6:38 p.m.

Commissioner Shoup thanked Staff for addressing the concerns expressed by the Planning Commission regarding the possibility of extending the height of the tower and additional twenty (20) feet.

Chairman Kallen would like to continue to receive propagation maps.

Commissioner Shoup would also like to see an overlay of the zoning districts with the propagation maps.

**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), Section 15303, Class 3, the proposed request is Exempt from further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings for Conditional Use Permit No. 2015-002 and Deviation Permit No. 2015-002.
3. Approve Conditional Use Permit No. 2015-002 and Deviation Permit No. 2015-002, subject to the attached Conditions of Approval.
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.

4. **Tentative Tract Map No. 16979, Extension No. 1.** The Applicant proposes a request of a three (3) year time extension for Tentative Tract Map No. 16979, No. 1 of a previously approved (156) single-family residential subdivision on 179.26 acres, within the Single-Family Residential (R-SF) Zoning District. The expiration date (after exhausting all of the State-mandated automatic extensions) of this Tentative Tract map is September 5, 2015.

**Applicant:** United Engineering, Beau Cooper

**Location:** The site is located on Apple Valley Road north of Ohna Road and at the terminus of Kasota Road; APN 0473-001-30.

Chairman Kallen opened the public hearing at 6:40 p.m.

Mr. Douglas Fenn, Senior Planner, presented the staff report as filed by the Planning Division. He commented on the numerous calls received from individuals who are concerned with the property values.

Mr. Fenn responded to questions by the Planning Commission regarding the changes to the map, which include a change to the setbacks as shown on page 47, Condition 3-13, as well as the Conditions included on page 4-8 and page 4-11 regarding the Environmental Regulatory Compliance Conditions. He noted all the other Conditions remain the same.

Discussion ensued regarding the maximum number of extensions that can be granted, in addition to the automatic extensions that are not inclusive per state law.

Applicant, Beau Cooper, responded to questions by the Planning Commission regarding the elevation of the water tank as shown on the map.

### **PUBLIC COMMENT**

John Hoag, Apple Valley, spoke in favor of this item and believed the project would be beneficial.

Reid Robsham, Apple Valley, spoke in opposition of the item. He expressed concern regarding the report provided by Staff and questioned why there was no mention of Ion. He also believed the notices mailed to the property owners were inadequate.

Mr. Beau Cooper, Applicant, responded to the concerns expressed by Mr. Robsham. He explained that Ion is not included on the map because it is part of extension. He also commented on the slopes and grading.

Discussion ensued regarding the slopes and grading, minimum size disturbance, and the analysis performed.

Mr. Fenn responded to the concerns expressed by Mr. Robsham regarding the noticing requirements. He stated that all property owners identified on the map were notified accordingly.

Ms. Carol Miller, Principal Planner, noted the noticing radius was 700 feet beyond the tract in question.

Chairman Kallen asked the Applicant if she agreed to the Conditions of Approval.

Mr. Cooper responded "Yes".

Chairman Kallen closed the public hearing at 7:17 p.m.

Commissioner Shoup recalled the significant amount of public interest in the project in 2005 when he was a Councilmember. He noted Mr. Robsham made an Appeal against the project with over 100 signatures in support of the Appeal.

**MOTION**

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

1. Determine that, pursuant to the California Environmental Quality Act (CEQA), Section 15162, the proposed Time Extension is exempt and does not require further environmental review (although the map is still required to fulfill all environmental requirements stipulated within the map's initial approval).
2. Find that the facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve a three (3)-year extension of time for Tentative Tract Map No.16797, 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.

5. **Development Code Amendment No. 2015-004** (Continued from the July 1, 2015 meeting). An amendment to the Development Code as it pertains to fencing of vacant parcels.  
**Applicant:** Town of Apple Valley  
**Location:** Town-wide

Chairman Kallen opened the public hearing at 7:22 p.m.

Ms. Lori Lamson, Assistant Town Manager, presented the staff report as filed by the Planning Division. Ms. Lamson explained, for the benefit of the Planning Commission, the rationale of the location of the proposed Amendment within the Development Code.

Ms. Lamson read into record the following changes to Section 8 of the Development Code as provided by the Town Attorney:

Under "Exceptions" on Page 5-5, the language has been modified in the second sentence to begin as follows:

*"Organic types of barriers (i.e. boulders, logs placed horizontally, incremental placement of wood post vertically to block vehicular movement; and then insert "should be used when possible".*

In addition, Number 2 in the first sentence it should read as follows:

*“On vacant or developed property, it can be demonstrated for review and approval by the Community Development Director that the continued security problem exists, etc.”*

Modifications were also made to Number 3 to read as follows:

*“Vinyl or wood fencing as reviewed and approved by the Director.”*

Ms. Lamson answered questions by the Planning Commission regarding whether or not the Ordinance would prohibit an owner from putting a chained link fence around their lots.

Discussion ensued regarding chained link fences, security risks, maximum height requirements, and the possibility of fencing permits.

Chairman Kallen, with the consensus of the Commission, would like to see provisions throughout the Code that clarify the owner is responsible for maintaining their fence.

Chairman Lamoreaux thanked Staff for bringing this item forward.

Commissioner Tinsley expressed concern regarding the implementation of the Ordinance. He would like the Code to mention that the Planning Commission may adjust the Ordinance as needed.

Ms. Lori Lamson noted that the Ordinance would provide a tool that is defensible for Code Enforcement when issuing citations and would defend the Town against any legal challenges..

### **PUBLIC COMMENT**

John Laraway, Apple Valley, spoke in opposition of the project.

Chairman Kallen closed the public hearing at 7:57 p.m.

### **MOTION**

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

1. Approve Planning Commission Resolution No. 2015-007, as amended, forwarding a recommendation that the Town Council amend Title 9 “Development Code” of the Town of Apple Valley Municipal Code as it pertains to regulations for fencing vacant land and vacant developed parcels

### **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.

### **RECESS MEETING**

Chairman Kallen declared a recess of the Town of Apple Valley Planning Commission meeting at 8:07 p.m.

### **RECONVENED MEETING**

Chairman Kallen reconvened the Town of Apple Valley Planning Commission meeting at 8:16 p.m.

- 6. Development Code Amendment No. 2015-002** A request to consider an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code amending Section 9.74.110.G "Digital Advertising Displays".

**Applicant:** Town of Apple Valley

**Location:** Town-wide

Chairman Kallen opened the public hearing at 8:16 p.m.

Ms. Pam Cupp, Associate Planner, presented the staff report as filed by the Planning Division.

Ms. Cupp requested the following modifications to Staff's suggested language:

Item d. on Page 6-4, regarding scrolling and animated characterization, Ms. Cupp is requesting this item remain the same.

Item h. on Page 6-4 as it relates to operating standards, Ms. Cupp is requesting to amend the proposed language the following: "Except for billboards located along I-15, digital signs shall not advertise off-site businesses."

Discussion ensued regarding digital advertisement displays.

### **PUBLIC COMMENT**

None.

Chairman Kallen closed the public hearing at 8:45 p.m.

It was the consensus of the Planning Commission, that digital signs should not be allowed in residential areas, including institutional uses such as private schools, hospitals or museums.

It was the consensus of the Planning Commission to modify Planning Commission Resolution No. 2015-004 to include staff recommended changes and the following:

Section 1a - Strike Village Commercial

Section 1b – Strike completely

Section 1c – Modifying minimum lot frontage to 200 Feet

Section 1e – Strike completely

Section 2c add: “Nothing in this section can be construed to imply that any sign may exceed its permitted height based upon its digital component.”

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

1. Approve Planning Commission Resolution No. 2015-004, as amended by consensus, forwarding a recommendation that the Town Council amend Title 9 “Development Code” of the Town of Apple Valley Municipal Code as it relates to Digital Advertising Displays.

**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**

None.

**PLANNING COMMISSION COMMENTS**

None.

**STAFF COMMENTS**

None.

**OTHER BUSINESS**

Carol Miller, Principal Planner, noted that attached to the Planning Commission Agenda is the Development Permit Annual Review, which includes the Development Permits approved by Staff within the past year.

**ADJOURNMENT**

*Minutes of the August 19, 2015 Planning Commission Meeting*  
*September 16 2015 Planning Commission Meeting*

Motion by Vice-Chairman Qualls, seconded by Commissioner Lamoreaux, and unanimously carried to adjourn the meeting of the Planning Commission at 8:47 p.m. to the Regular Meeting on September 16, 2015.

Respectfully Submitted by:

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Yvonne Rivera  
Planning Commission Secretary

Approved by:

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Chairman Bruce Kallen



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## TOWN OF APPLE VALLEY PLANNING COMMISSION

# Staff Report

- AGENDA DATE:** September 16, 2015
- CASE NUMBER:** Tentative Parcel Map No. 19576 and Variance No. 2014-002
- APPLICANT:** Mr. Cy Zermeno representing Mr. Michael Dorriz
- PROPOSAL:** A request for approval of a Tentative Parcel Map to subdivide 2.5 acres into four (4) single-family residential lots for future residential development. The Variance is a request for a two (2)-foot reduction to the required lot depth for Parcel Nos. 2 and 3. The project is located within the Single Family Residential (R-SF) zoning designation.
- LOCATION:** 21849 Waalew Road; APN 0437-302-01.
- ENVIRONMENTAL DETERMINATION:** Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration has been prepared for this proposal.
- CASE PLANNER:** Ms. Pam Cupp, Associate Planner
- RECOMMENDATION:** Approval

### PROJECT SITE AND DESCRIPTION

- A. Project Size:  
The existing parcel is 2.5 net acres in size.
- B. General Plan Designations:  
Project Site - Single-Family Residential (R-SF)  
North - Specific Plan (SP)  
South - Single-Family Residential (R-SF)  
East - Single-Family Residential (R-SF)  
West - Single-Family Residential (R-SF)

C. Surrounding Zoning and Land Use:

- Project Site- Single Family Residential (R-SF), Three (3) dwelling units
- North - North Apple Valley Industrial Specific Plan, Single-family residence
- South - Equestrian Residential (R-EQ), Single-family residences
- East - Single Family Residential (R-SF), Vacant
- West - Equestrian Residential (R-EQ), Single-family residences

D. Site Characteristics:

The property is 2.5 acres in size and contains three (3) vacant residential units constructed more than 50 years ago, and is the location of the locally recognized "Railroad Tie House". Other buildings on the site include a modern steel storage shed, and a stable type outbuilding. The site is relatively flat and void of any significant slopes drainage courses or vegetation. There are existing single family residences located north, west and south of the subject site.

ANALYSIS

A. General:

The applicant is seeking approval Tentative Parcel Map No. 19576 that will subdivide 2.5 acres into four (4) Single Family Residential (R-SF) lots. The R-SF zoning designation sets minimum property size standards for land uses, subject to conformance with the provisions of the Development Code. The R-SF zoning designation requires a minimum lot size of 18,000 square feet (0.4 acre). This review includes a request for Planning Commission approval of a Variance to allow relief from the minimum lot depth requirement. A Variance provides a mechanism to waive or modify the application of specific zoning standards under special, unique circumstances applicable to the specific property in question, including size, shape, topography, location or surroundings. A Variance may be requested when, under certain circumstances, the strict or literal interpretation and enforcement of the provisions of the zoning regulations may deprive a property of development potential enjoyed by other properties in the vicinity under the identical zoning classification.

B. Lot Analysis:

The proposed subdivision will create four (4) lots ranging from 24,434 square feet (0.56 acre) to 24,756 square feet (0.57 acre) is size. The proposed lot sizes for Tentative Parcel Map No. 19576 are approximately 6,000 square feet larger in area than the adjacent properties to the west and south. However, the proposed subdivision and lot configurations are consistent with, and a logical extension of, the existing development to the west and south. As presented, the project meets the required lot area and is in compliance Measure "N".

This proposal includes a request for Planning Commission review and approval of Variance to allow a two (2)-foot reduction to the required lot depth for Parcel Nos. 2 and 3, both of which will front along Soboba Road. The Development Code requires interior parcels within the R-SF zone to have a minimum lot width of 100 feet and a minimum lot depth of 150 feet. The existing parcel to the west has a lot depth of 135 feet. Properties to the south, across Soboba Road, have lot depths of 140.70 feet and 146.41 feet. Allowing a two (2)-foot reduction would create two (2) lots with a lot depth of 148.05 feet, which is consistent with surrounding properties. As an alternative to the Variance, the applicant has the option of creating two (2) reverse frontage lots, thereby requiring a subdivision wall along the project frontage of Waalew Road. Based upon the project's consistency with existing development in the immediate area, staff is in support of, and recommends approval of the Variance as submitted.

C. Historical/Cultural Analysis:

The project site contains several structures dated over fifty years old. Therefore, in compliance with CEQA, the applicant submitted a Cultural Resource Assessment evaluating the historical structures on the site. The study revealed that the site has a high probability of containing prehistoric cultural remains and should be monitored during grading activities. The subject property contains "The Railroad Tie House", which has been designated a Historical Point of Interest by the Town of Apple Valley. The study determined that, although "The Railroad Tie House" may be of local significance, none of the building are considered historically significant based upon the following criteria for significance:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
2. Is associated with the lives of persons important in our past;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
4. Has yielded, or may be likely to yield, information important in prehistory or history.

Because the Railroad Tie House carries local significance, it is recommended that, prior to demolition, the applicant contact interested historical groups offer the structure as a donation to be moved at the receiving group's expense. It should be noted that, the Railroad Tie House is located within the future right-of-way on Waalew Road.

There are three (3) existing dwelling units on the site that are vacant and boarded up at this time. The submitted map identifies an existing 759 square foot home that is to remain in place and the remaining two dwellings will be removed in favor of this subdivision. Based upon the condition of the structures, staff is recommended Condition P14 requiring that, prior to map recordation, a field investigation shall be performed by Building and Safety to determine the condition of the remaining dwelling unit. The dwelling unit shall be deemed habitable by Building and Safety, or removed prior to map recordation.

D. Architectural Analysis:

A Development Permit is required for homes built within a subdivision of five (5) or more lots. The Code, however, allows the Planning Commission, on a case-by-case basis, to establish this as a requirement for tentative parcel maps where warranted. The Commission may wish to consider whether or not to require a Development Permit for this four (4)-lot subdivision. Staff has included recommended Condition P16 requiring that all residential structures within this subdivision have distinctly different elevations, subject to the review and approval of the Planning Division.

It is anticipated that at least one (1) new home will be constructed along Waalew Road. Waalew Road is a Major Road and is anticipated to be a source of noise that may exceed the acceptable limit for a single family, residential use. An acoustical study will be required for any homes constructed along Waalew Road to determine the appropriate sound attenuating measures necessary to ensure interior and backyard noise levels remain at an acceptable level.

Based upon the information provided, implementation of development standards and Conditions of Approval, the proposed subdivision of 2.5 acres into four (4) single-family lots for future residential land use within the Single Family Residential (R-SF) zoning designation will not produce adverse impacts upon the site nor surrounding properties. The project site is designated for single-family development and is adjacent to Single-Family Residential (R-SF) land use designations which will allow the property owner to develop the property in a manner that is consistent with the Town's goals and objectives to promote single-family residential development.

1. Traffic and Circulation

Project site will create two (2) lots with frontage along Waalew Road and two (2) lots with frontage along Soboba Road. The Engineering Division is recommending half-width major road improvements along the development side of Waalew Road and half-width local road improvements along the development side of Soboba Road. The project will also include the dedication of an easement for, and construction of, a Class 1 Bike Path along Waalew Road.

2. Drainage

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

3. Sewer Connection

The Public Works Division is recommending that this development install a dry sewer system and utilize septic tank systems for the interim sewage disposal until such time that a trunk sewer system becomes available.

E. Development Review Committee:

This proposal was distributed for review November 5, 2014. Recommended Conditions of Approval are attached the Commissions consideration.

F. Environmental Assessment:

Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration has been prepared for this proposal.

G. Noticing:

The public hearing for proposed Tentative Parcel Map 19756 was legally noticed on August 21, 2015.

H. Variance Findings:

As required under Section 9.24.070 of the Development Code, prior to approval/denial of a Variance, the Planning Commission must make the following Findings:

1. That because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Code deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification;

Comment: The property consists of a 2.5-acre parcel measuring 198 feet by 330 feet after required road dedication. The tentative map can be designed in conformance with the Development Code's residential site development standards; however, the resulting lots will be inconsistent with those within the surrounding vicinity. The surrounding properties are relatively square in shape and range and are roughly 0.4 acre in size. Approval of a Variance will allow the applicant to subdivide in a manner generally consistent with surrounding properties.

- 2. That granting the Variance will be consistent with the general intent and purpose of the Development Code provisions for the district in which the property is located;

Comment: The proposed Variance will permit lot depths less than those required by the Development Code; however, the general intent is that lots within the R-SF zone have minimum lot area of 0.4 net acre. Further, it is the intent of the Code that land subdivisions are a logical extension of, and consistent with, existing subdivided property in the general vicinity. With adherence to the Conditions of Approval, Variance No. 2014-002 shall be consistent with the general intent of the Development Code.

- 3 That granting the Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zoning district and denied to the property for which the Variance is sought;

Comment: Other properties within the vicinity are of size and shape to permit a potential subdivision with 0.4 acre minimum lot sizes while meeting all of the other site development standards within the R-SF zoning designation. Allowing a two (2)-foot reduction would create two (2) lots with a lot depth of 148.05 feet, which is consistent with surrounding properties.

- 4. That granting the Variance will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located;

Comment: Granting of the Variance will create lots consistent with existing lots located to the south and west. The granting of the Variance will not be materially detrimental to the public health, safety or welfare. Nor will granting of the Variance cause injury to other properties or improvements in the area.

- 5. That granting the Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the zoning district and General Plan land use designation such property is located; and

Comment: Other properties within the vicinity are of size and shape to permit a potential subdivision with 0.4 acre minimum lot sizes while meeting all of the other site development standards within the R-SF zoning designation. The property for which the Variance is sought, by its shape and dimension, precludes any subdivision that would typically be permitted for other properties within the same vicinity and zoning district.

- 6. That granting the Variance does allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.

Comment: This Variance is a request for a two (2)-foot reduction to the required lot depths of two (2) parcels of Tentative Parcel Map No. 19576. The property, for which the Variance is sought, by its shape and dimension, precludes any subdivision that would typically be permitted for other properties within the same vicinity and zoning district. Except for the subdivision, the Variance request is not for any specific uses or activities not currently permitted within the R-SF zone.

I. Tentative Parcel Map Findings

As required under Section 9.71.040 (A.5) of the Development Code, prior to approval of a Tentative Parcel Map, the Planning Commission must make four (4) Findings. The Findings, as well as a comment to address each, are presented below.

- 1. The proposed Subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and any applicable Specific Plan. The proposed subdivision or land use is compatible with the objectives, policies, general land uses and programs specified in the General Plan and any applicable Specific Plan (Subdivision Map Act 66473.5).

Comment: The subject property has a General Plan land use designation and a Zoning Designation of Single Family Residential (R-SF) and by size, shape and configuration has the ability to be used in a manner consistent with the General Plan Land Use Element and zoning designations. The project is a proposal to divide 2.5 acres into four (4) lots. With approval of a Variance, and with adherence to the recommended conditions, will meet the minimum requirements for lot size and width as prescribed by the Code.

- 2. The Planning Commission has considered the effects of its action upon the housing needs of the region and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources (Subdivision Map Act Section 66412.3).

Comment: The proposal consists of a land subdivision located on residentially designated land for the purpose of future residential development at the density allowed by the underlying zoning. The proposed subdivision will allow the property owner to develop the property in a manner that is consistent with the Town’s General Plan Goals and Objectives to promote single-family residential development.

- 3. The design of the subdivision provides, to the extent feasible, for the future passive or natural heating or cooling opportunities in the subdivision.

Comment: The lots created under this subdivision are appropriate in size to provide natural heating and cooling opportunities for development of the site. However, as development occurs, the individual lots are subject to the implementation of natural heating and cooling requirements pursuant to

the Town's adopted Climate Action Plan and Title 24 energy requirements.

4. The Planning Commission shall determine whether the discharge of waste from the proposed subdivision into the existing sewer system would result in a violation of the requirements as set forth in Section 13000 et seq., of the California Water Code. If the Planning Commission finds that the proposed waste discharge would result in or add to a violation of said requirements; the Planning Commission may disapprove the subdivision (Subdivision Map Act Section 66474.6).

Comment: The project is a residential land subdivision and will be permitted to utilize subsurface disposal systems; however, the project is required to install a dry sewer system for future connection to the public sewer system.

### RECOMMENDATION

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

1. Determine that proposed Tentative Parcel Map No. 19576 will not have a significant effect on the environment with adherence to the Mitigation Measures recommended in this report.
2. Adopt the Mitigated Negative Declaration finding for Tentative Parcel Map No. 19576, 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.
3. Find that the facts presented in the staff report support the required Findings for approval and adopt those findings.
4. Approve Tentative Parcel Map No. 19576, subject to the attached Conditions of Approval.
5. Direct staff to file a Notice of Determination.

**Prepared By:**

**Reviewed By:**

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Pam Cupp  
Associate Planner

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Carol Miller  
Principal Planner

### ATTACHMENTS:

1. Supplemental Variance Statement (Applicant)
2. Recommended Conditions of Approval
3. Tentative Parcel Map
3. Zoning Map

4. Initial Study

**SUPPLEMENTAL VARIANCE STATEMENT**

The applicant must provide detailed answers to the questions listed below. You should include specific evidence, details and/or qualities of the proposed structure or other project. Additional pages or supporting documentation such as photographs, previous variance approval, etc., may be attached.

1. Specific Development Code Section for which relief is being sought:

Chapter 9.28 Residential District, Table 9.28.040-A, 5. Min. Lot Depth

2. Explain the hardship or practical difficulty that would result from the strict interpretation and enforcement of this Code.

The strict interpretation would eliminate two parcels.

3. What is the alternative means of compliance being proposed?

Allow the two lots fronting on Soboba Road to be 148 feet in depth.

4. What are the special circumstances that apply only to the property to which the application pertains, and do not apply generally to the other properties in the vicinity?

The site fronts on Waalew Road and an additional dedication of 12 feet is being required to equal 52 feet total half-width, while the adjacent right of way of Tract No. 5205 is only 40 feet half-width.

5. Explain how, if the Variance is approved, it will not constitute a granting of special privilege which will not be available to other properties in the vicinity?

Tract No. 5205 which is to the west and south of this project has many lots which are not 150 feet in depth, especially if these lots were to comply with 52 feet dedication requirement.

Signed Silvestre Zermeno Date 10/20/2014

Print Name Silvestre Zermeno

**FINDINGS REQUIRED TO GRANT A VARIANCE**

The applicant must provide specific justification for each of the findings listed below. You should include specific evidence, details and/or qualities of the proposed structure or other project. Additional pages or supporting documentation such as photographs, previous variance approval, etc., may be attached.

1. Special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Town Development Code deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

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The additional dedication on Waalew Road being required of this parcel, deprives this property owner of enjoying the same privileges as the properties to the West.

---

2. Granting the variance will be consistent with the general intent and purpose of the Development Code provisions for the district in which the property is located.

---

The propose of the Development Code provisions pertaining to greater lot depth on R-EQ Zones will still be maintained with a two foot variance which will be adequte depth for Equestrain use if desire.

---

3. Granting of the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zoning district and denied to the property for which the Variance is sought.

---

The approval of the variance would allow the owner to have two lots on Waalew Road and two lot facing Soboba Road. The owner would enjoy the same privilege as the west property owner of lot 55, Tract 5205, which is only 135 feet in depth.

---

4. Granting of the variance will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located.

---

Granting of the variance will not be materially detrimental since there is only two foot difference being requested or 2% deviation.

---

5. Granting of the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the zoning district and General Plan land use designation such property is located.

---

Granting the variance does not constitute a special privilege inconsistent with the limitations upon other properties since the lot depth of 148 feet is greater than some of the surrounding lots, especially the lots south of Soboba Road.

---

6. Granting of the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.

\_\_\_\_\_

The approval of the two foot variance does not allow a use or activity which  
\_\_\_\_\_ is not otherwise expressly authorized by the regulations governing the subject  
\_\_\_\_\_ parcel.  
\_\_\_\_\_

Please read and initial the following statement:

I understand that in lieu of a Variance I have the option of altering my plan and requesting a Deviation Permit in conformance with Section 9.03.0500 of the Town of Apple Valley Development Code. \_\_\_\_\_

**FINDING REQUIRED TO GRANT A DEVIATION**

1. Granting the deviation will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in the vicinity and land use district in which the property is located.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Signed \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_

**DEVIATION PERMIT FINDINGS FOR A WIRELESS TELECOMMUNICATION FACILITY**

1. That the applicant has provided supporting documentation of the identified need that cannot be met in any other manner;

- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
2. That there are unique circumstances associated with the proposed location necessitating the requested Deviations;

TOWN OF APPLE VALLEY

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**RECOMMENDED CONDITIONS OF APPROVAL**  
**Tentative Parcel Map No. 19576**

*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 tentative subdivision shall comply with the provisions of the State Subdivision Map Act and the Town Development Code. This tentative approval shall expire three (3) years from the date of approval by the Planning Commission/Town Council. A time extension may be approved in accordance with the State Map Act and Town Ordinance, if an extension application is filed and the appropriate fees are paid thirty (30) days prior to the expiration date. The Tentative Parcel Map becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town’s Development Code.
  
- P2. Prior to approval of the Final Map, the following agencies shall provide written verification to the Planning Division that all pertinent conditions of approval and applicable regulations have been met:
  - a. Apple Valley Fire Protection District
  - b. Apple Valley Ranchos Water Company
  - c. Apple Valley Public Services Division
  - d. Apple Valley Engineering Division
  - e. Apple Valley Planning Division
  
- P3. The filing fee for a Notice of Determination (NOD) requires the County Clerk to collect a handling fee of fifty dollars (\$50.00). Additionally, as of January 1, 2015, a fee of \$2,260.00 is required to be collected by the County for the processing of a NOD for the State Fish & Game fees. The fees must be paid within five (5) days of the approval of this application in order to reduce the Statute of Limitations to thirty (30) days. All fees must be submitted prior to the issuance of any permits. All checks shall be made payable to the Clerk of the Board of Supervisors.
  
- P4. Tentative Parcel Map No. 19576 shall adhere to all requirements of the Development Code.
  
- P5. The applicant shall agree to defend at his sole expense (with attorneys approved by the Town), and indemnify the Town against any action brought against the Town, its agents, officers or employees resulting from or relating to this approval. The applicant shall reimburse the Town, its agents, officers or employees for any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of these obligations under this condition.

- P6. Approval of the Tentative Parcel Map No. 19576 by the Planning Commission is understood as acknowledgement of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, Appeals, of the Town of Apple Valley Development Code.
- P7. Prior to recordation the applicant shall provide the Planning Division with a copy of the subdivision in an electronic format compatible with the Town's current technology.
- P8. Any protected desert plants or Joshua trees impacted by development are subject to the regulations specified in Section 9.76.020 (Plant Protection and Management) of the Development Code. Prior to the issuance of a Grading Permit, a study by a qualified Native Plant Expert shall be prepared to determine if the identified trees will be saved, located or removed, in compliance with the Town's Native Plant Protection Ordinance.
- P9. All lots shall meet or exceed the site development standards for the Single Family Residential (R-SF) zoning designation, except that lots fronting Soboba Road that may have a minimum lot depth of 148 feet.
- P10. If the tract/parcel map is adjacent to existing development, a fence/wall plan shall be submitted with the grading and landscape/irrigation plans to identify how new fencing or walls will relate to any existing fences or walls located around the perimeter of the tract/parcel map. The developer shall be required to connect to the existing fencing/walls or collaborate with the adjacent property owners to provide new fencing/walls and remove the existing fence/wall, both options at the developer's expense. Double fencing shall be avoided and review and approval of the fencing/wall plan is required prior to issuance of grading permits.
- P11. A qualified archaeologist shall be present for any ground disturbing activities.
- P12. If human remains are encountered during grading and other construction excavation, work in the immediate vicinity shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5.
- P13. Prior to recordation, or demolition of the "Railroad Tie House", the applicant shall contact interested historical groups and offer the structure as a donation to be moved at the receiving group's expense. List of notified groups shall be provided to the Planning Division.
- P14. Prior to map recordation, the dwelling unit located on Parcel 4 shall be inspected and deemed habitable by the Building Official, or removed. All other structures shall be demolished and the site cleared of all debris, subject to the issuance of a demolition permit.
- P15. An acoustical study shall be required prior to any single family development along Waalew Road to determine the appropriate sound attenuating measures necessary to ensure interior and backyard noise levels remain at levels consistent with Development Code Standards.
- P16. Residential structures developed on the four (4) parcels shall have distinctly different building elevations subject to the review and approval of the Planning Division.

**Park District Conditions of Approval**

PR1. This project is subject to applicable Quimby Fees as determined by the Town. Quimby Fees shall be collected at time of issuance of building permit and shall be the fee adopted by the Town Council at the time of permit issuance.

**Engineering Division Conditions of Approval**

- EC1. 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. (Town Resolution 2000-50; Development Code 9.28.050.C, 9.28.100)
- EC2. Street improvement plans shall be submitted to the Town Engineer for review and approval.
- EC3. All streets abutting the development shall be improved a minimum half-width of 28 feet with curb, gutter and sidewalk on the development side. Additionally, A Class 1 Bike Path shall be constructed along the south side of Waalew Road.
- EC4. Soboba Road adjacent to the property shall be improved to the Town's half-width Local Street standards.
- EC5. Waalew Road adjacent to the property shall be improved to the Town's half-width Major Street standards.
- EC6. A 52-ft wide half-width road dedication along Waalew Road shall be granted to the Town of Apple Valley prior to Final Map Approval. An Additional 12-ft wide easement for the Class 1 Bike path shall also be dedicated along Waalew Road
- EC7. During the grading of the streets, soils testing of the street subgrades by a qualified soils engineering firm shall be performed to determine appropriate structural street section. Minimum asphalt concrete thickness for all streets shall be 0.33 ft.
- EC8. All required improvements shall be constructed and approved or bonded in accordance with Town Development Code.
- EC9. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC10. Final improvement plans and profiles shall indicate the location of any existing utility which would affect construction and shall provide for its relocation at no cost to the Town.
- EC11. The developer shall present evidence to the Town Engineer that he has made a reasonable effort to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.

- EC12. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)
- EC13. The developer shall make a good faith effort to acquire the required off-site property interests. If the developer fails to acquire those interests the developer shall, at least 120 days prior to submittal of the final map for approval, enter into an agreement to complete the improvements pursuant to Government Code Section 66462 at such time as the Town acquires the property interests required for the improvements. Such agreement shall provide for payment by the developer of all costs incurred by Town to acquire the off-site property interests required in connection with the subdivision. Security for a portion of these costs shall be in the form of a cash deposit in the amount given in an appraisal report obtained by the developer, at the developer's cost. The appraiser shall have been approved by the Town prior to commencement of the appraisal. Additional security may be required as recommended by the Town Engineer and Town Attorney.
- EC14. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC15. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC16. Any required street striping shall be thermoplastic as approved by the Town Engineer.
- EC17. In the event that an applicant/developer chooses to seek Council approval of the Final Map prior to completion of the required improvements, an "Agreement for Construction of Improvements" shall be required. In accordance with the California Labor Code, any such Agreement will contain a statement advising the developer that certain types of improvements will constitute a public project as defined in California Labor Code, Sections 1720, and following, and shall be performed as a public work, including, without limitation, compliance with all prevailing wage requirements.

**Public Works Division Conditions of Approval**

**Prior to Map Recordation:**

- PW1. A sewer feasibility study is required to determine how public sewer collection can be provided by the Town of Apple Valley. Contact the Apple Valley Public Works Department (760-240-7000 ext. 7500) to determine procedure and costs associated with completing said study.
- PW2. Required to install dry sewer until completion of a trunk sewer system becomes available.
- PW3. Upon completion of the trunk sewer system, those lots utilizing septic tank systems for the interim sewage disposal shall disconnect and abandon the septic systems and connect to the trunk sewer system upon first failure of the septic system.

**Apple Valley Ranchos Water Company Conditions of Approval**

- AVR1. Water mains must be extended to provide fire protection to this subdivision in accordance with Apple Valley Fire Protection District's conditions.
- AVR2. A water main extension contract with the developer will be required in compliance with Rule #15 of the California Public Utilities Commission.
- AVR3. Water mains and appurtenances are required to be installed in accordance with Apple Valley Ranchos Water Company's (AVRWC) standards and specifications. This proposed main is to join the existing water main in Quinnault Road and extend to the easterly end of Soboba Road.
- AVR4. A fire hydrant is required and located in accordance with Apple Valley Fire Protection District's requirements and installed per AVRWC standard drawings.
- AVR5. Water facilities need to be installed in dedicated public right-of-ways and/or easements and need to be identified and shown on the recorded parcel map. These dedication and easements are needed to install, maintain, connect and operate (unobstructed vehicular access) the proposed water facilities.
- AVR6. Domestic service lines will need to be installed from the proposed water main to the street right-of-way for each residential lot.
- AVR7. A Supply Facility Fee is required for water supply and will be collected per meter at a rate of \$900 per 5/8-inch equivalent meter.
- AVR8. A Supplemental Water Acquisition Fee is required in order for AVRWC to have the rights to provide water to this project. This is a one-time charge that is subject to change and is determined at the time of construction. Presently, an acre-foot of water is \$5,000 per residential lot.
- AVR9. The applicant shall meet with AVRWC Engineering Department to review all water line improvement plans.

**Fire Protection District Conditions of Approval**

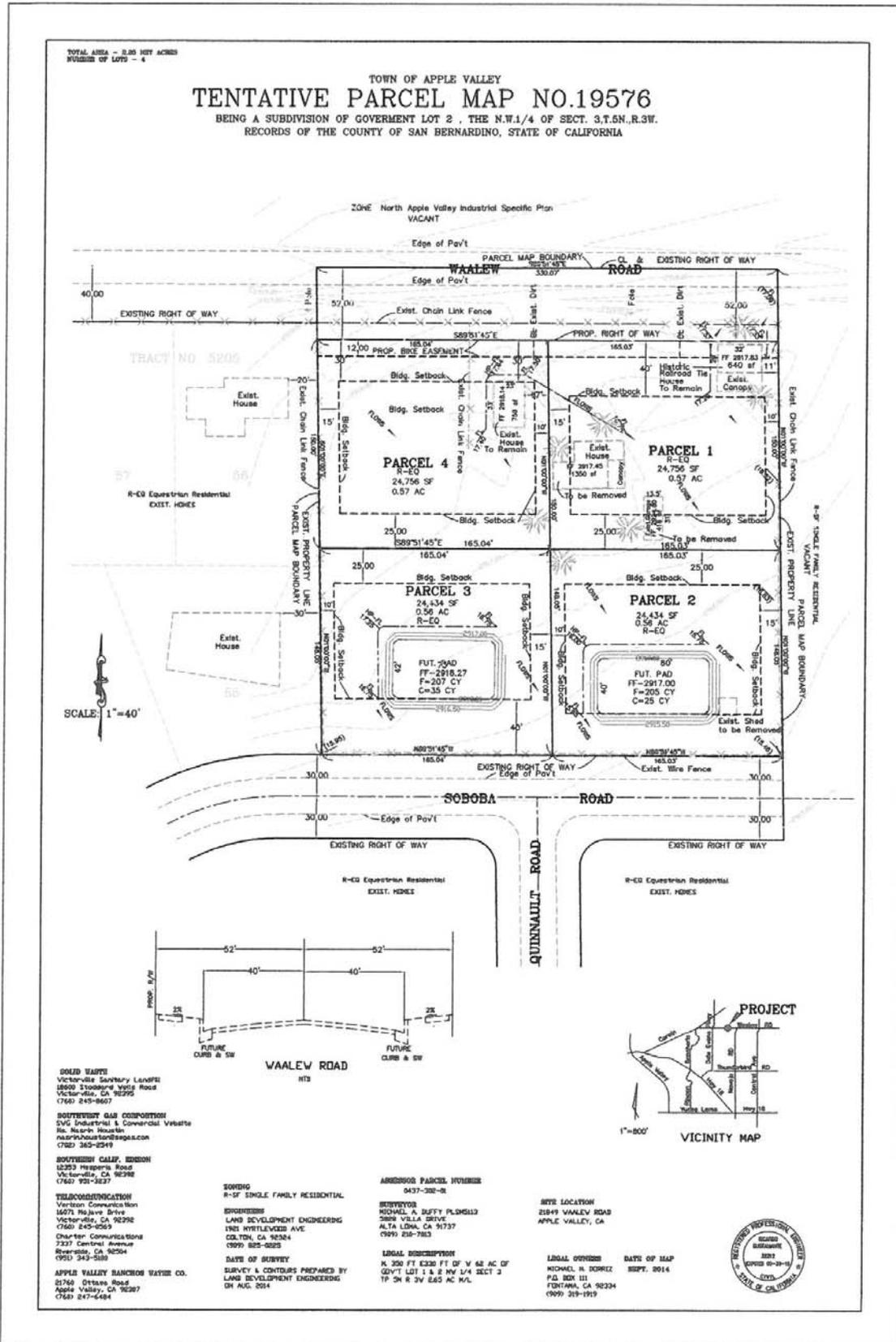
- FD1. The above referenced project is protected by the Apple Valley Fire Protection District. Prior to construction occurring on any parcel, the owner shall contact the Fire District for verification of current fire protection development requirements.
- FD2. Prior to combustible construction, the development and each phase thereof, shall have two points of paved access for fire and other emergency equipment, and for routes of escape which will safely handle evacuations. Each of these points of access shall provide an independent route into the area in which the development is located. Apple Valley Fire Protection District Ordinance 22, Section (I)  
Install per A.V.F.P.D. Standard ARI #8
- FD3. Fire lanes shall be provided with a minimum width of twenty-six (26) feet, maintained, and identified.

Apple Valley Fire Protection District Ordinance 52

- FD4. A turnaround shall be required at the end of each roadway one hundred fifty (150) feet or more in length and shall be approved by the Fire District. Turning radius on all roads within the facility shall not be less than 22 feet inside and minimum of 40 feet outside turning radius with no parking on street, or 47 feet with parking. Road grades shall not exceed twelve percent (12%) unless approved by the Chief.
  
- FD5. An approved fire sprinkler system shall be installed throughout any new construction for a single family residence.  

Apple Valley Fire Protection District, Ordinance 52
  
- FD6. The developer shall submit a map showing complete street names within the development, to be approved by the Fire District prior to final map.
  
- FD7. The developer/builder shall install street markers at intersections, where applicable, within the newly developed project prior to any construction on site. The marker placement and assembly shall comply with the San Bernardino County Road Department current standards.

**END OF CONDITIONS**





**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 Sate CEQA Guidelines.

**PROJECT INFORMATION**

1. **Project title:** Tentative Parcel Map No. 19576 and Variance No. 2014-002
  
2. **Lead agency name and address:** Town of Apple Valley  
Planning Division  
14955 Dale Evans Parkway  
Apple Valley, CA 92307
  
3. **Contact person and phone number:** Pam Cupp, Associate Planner  
(760) 240-7000 Ext 7203
  
4. **Applicant's name and address:** Mr. Michael Dorriz  
PO Box 1111  
Fontana, CA 92334
  
5. **Project location and Assessor's Parcel Number:** 21849 Waalew Road, Apple Valley, County of San Bernardino;  
APN 0437-302-01
  
6. **Description of project** (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation):

This is a request to subdivide 2.5 acres into four (4) single-family residential lots in the Single Family Residential (R-SF) zoning designation. The Variance is a request for a two (2)-foot reduction to the required lot depth for Parcel Nos. 2 and 3. The project site contains several historic structures requiring cultural analysis. The proposal will include the future development of up to four (4) single family homes and the appropriate half-width road improvements along Waalew and Soboba Roads.



**ENVIRONMENTAL/EXISTING SITE CONDITIONS**

The property is 2.5 acres in size and contains three (3) vacant residential units that may be considered historic structures. Other buildings on the site include a modern steel storage shed, and a stable type outbuilding. The site is relatively flat and void of any significant slopes drainage courses or vegetation. There are existing single family residences located north, west and south of the subject site.

	<b>TOWN OF APPLE VALLEY GENERAL PLAN DESIGNATION</b>	<b>TOWN OF APPLE VALLEY ZONING DISTRICT</b>	<b>EXISTING LAND USE</b>
Site	Single Family Residential (R-SF)	Single Family Residential (R-SF)	Developed with 3 dwelling units
North	Specific Plan (North Apple Valley Industrial Specific Plan)	Specific Plan (North Apple Valley Industrial Specific Plan)	Single Family Residences
South	Single Family Residential (R-SF)	Equestrian Residential (R-EQ)	Single Family Residences
East	Single Family Residential (R-SF)	Single Family Residential (R-SF)	Vacant
West	Single Family Residential (R-SF)	Equestrian Residential (R-EQ)	Single Family Residences

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

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

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input 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.

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

SUBSTANTIATION (check if project is located within the view shed of any Scenic Route listed in the General Plan):

- a. **No 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 proposed project is not located within a Scenic Corridor and will not have a substantial adverse effect on a scenic vista as there are none identified within the vicinity of the project site that would be affected by development of the site.
- b. **No Impact.** The proposed project will not substantially damage scenic resources, including, but not limited, trees, rock outcroppings, and historic buildings within a state scenic highway, because the site is not adjacent to a state scenic highway, and there are no rock outcroppings or historic buildings on the site.
- c. **No Impact.** The surrounding area consists of residential development similar to what is proposed, therefore, the project will not substantially degrade the existing visual character.
- d. **Less Than Significant Impact.** While implementation of the proposed project is expected to result in increased light and glare in comparison with the existing undeveloped nature of the project site, the introduction of light and glare associated with residential uses would be similar to that already occurring in the area. Additionally, the proposed project would be required to adhere to Town standards related to development, including lighting standards contained in the Town’s Development Code, Chapter 9.70 Performance Standards, Section H, Light and Glare and Town of Apple Valley Dark Sky Policy. Compliance with Town requirements including the Development Code and the Town’s design review would reduce the impact of the light sources to off-site locations to a less than significant level.

**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:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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 conservation 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 (check if project is located in the Important Farmlands Overlay):

- 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 type="checkbox"/>                      | <input checked="" 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 type="checkbox"/> | <input checked="" 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 type="checkbox"/> | <input checked="" 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. **Less Than Significant Impact.** Basin-wide air pollution levels are administered by the Mojave Desert Air Quality Management District (MDAQMD). The 2004 Ozone Attainment Plan provides a program for obtaining attainment status for ozone based on existing and future air pollution emissions resulting from employment and residential growth projections. The project site has been planned for residential use with a density of two (2) units per acre as indicated in the Town's General Plan. The proposed on-site uses have been included in growth projections for the Town of Apple Valley, which were subsequently used as input in the formulation of the approved Ozone Attainment Plan. Therefore, the proposed project is consistent with the MDAQMP and would not hinder implementation of its programs.
- b-c. **Less Than Significant Impact.** The project will not violate any air quality standards or contribute substantially to existing or projected air quality violation imposed by the MDAQMD, which lies in the San Bernardino County portion of the MDAB. This portion of the basin has been designated as a 'non-attainment' area with respect to violating National Air Quality Standards for particulate matter classified as equal to, or smaller than, 10 microns in diameter (PM<sub>10</sub>). Because the proposed site disturbance will be greater than ½ acre, the 2.5-acre subdivision is subject to the regulatory provisions of Rule 403.2, which requires a number of operating conditions to reduce fugitive dust generation to the lowest extent possible. Development shall be required to comply with the Town's adopted development standards to minimize any potential impacts.
- d. **Less Than Significant Impact.** Sensitive receptors located within the vicinity of the proposed project include single-family residences to the north, south and west. On-site grading and construction activities would likely generate temporarily increased levels of particulates and emissions from construction equipment. However, because those emissions created by the proposed project would not exceed State thresholds, the identified sensitive receptors would not be exposed to substantial pollutant concentrations.
- e. **Less Than Significant Impact.** During construction, the various diesel-powered vehicles and equipment in use on the site would create odors. Additionally, the application of architectural coatings and installation of asphalt may generate odors. These odors are temporary and not likely to be noticeable beyond the project boundaries. MDAQMD standards regarding the application of architectural coatings (Rule 1113) and the installation of asphalt surfaces are sufficient to reduce temporary odor impacts to a less than significant level.

Long-term objectionable odors are not expected to occur at the proposed project site. Activities conducted at the proposed project will include typical residential activities and will not generate substantial objectionable odors. Therefore, impacts related to creation of objectionable odors affecting substantial numbers of people are expected to be less than significant.

**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 checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 (check if project is located in the Biological Resources Overlay or contains habitat for any species listed in the California Natural Diversity Database):

- a. **Less than Significant Impact.** The property consists of a mix of non native grasses with sparse or no vegetation. The site has been highly impacted by residential use and activities over the past seventy (70) years. The site is not considered suitable habitat for any sensitive species or is the site identified within the General Plan EIR as an area requiring additional biological study.
- b-c. **No Impact.** The project will not have a substantial adverse effect on any riparian habitat or federally protected wetland. The site is located in the Mojave Desert and no wetlands are identified on-site. No perennial or ephemeral stream courses exist on site. Any future development shall meet and/or exceed all of the Town’s adopted development standards to minimize any potential impacts.
- d. **Less than Significant 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.
- e. **Less than Significant 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, the impacts are less than significant.
- f. **Less than Significant Impact.** The site has been highly impacted by residential use and activities over the past seventy (70) years. The site is not considered suitable habitat for any sensitive species or is the site identified within the

General Plan EIR as an area requiring additional biological study. The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional or state habitat conservation plan because no such plan has been adopted in the area of the project site.

**V. CULTURAL RESOURCES**

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 (check if the project is located in the Cultural \_\_\_ or Paleontological \_\_\_ Resources overlays or cite results of cultural resource review):

a. **Less than Significant with Mitigation Incorporated.** The project site contains structures built over fifty (50) years ago. One of which is identified by the Town of Apple Valley as a "Historical Point of Interest" known as the Railroad Tie House. A Cultural Resource Assessment was completed in July 2015. The results determined that although the structure is considered locally interesting, it does not meet the criteria for recognition as a historical resource. It is not constructed of unique or exotic materials, just the interesting use of the railroad ties. The other two (2) dwellings are in a significant state of disrepair.

**CR-1 Prior to any demolition activity, local historical societies, clubs or other interested community leaders shall be notified and offered the opportunity to relocate the "Railroad Tie House". The interested group shall contact an architectural historian to determine the details involved in the move, subject to review and approval of the Town of Apple Valley.**

b-c. **Less than Significant Impact with Mitigation.** The General Plan FEIR indicates that based on the findings of the Cultural Resources Survey, the area has a high to moderate sensitivity for the presence of paleo resources, but not identified as a location probable to contain cultural resources. The Cultural Resource assessment identified twelve (12) possible prehistoric remains; however, based upon the location of the find, the study was inconclusive as to whether the objects originated from the site or from a distant locale.

**CR-2 Ground disturbing activities shall require monitoring by a qualified archaeologist, subject to the approval of the Town of Apple Valley Planning Division.**

d. **No Impact.** The project site vacant and is not 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. The project site has been previously developed and is not known to contain human remains.

Source: Town of Apple Valley General Plan and EIR, certified August 11, 2009.  
 Cultural Resources Assessment for Tentative Parcel Map No. 19576, prepared July 2015.

**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"/>
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 type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 (check  if project is located in the Geologic Hazards Overlay District):

a (i-iv). The General Plan indicates that the project site is not located within a special studies (Alquist-Priolo) zone and, therefore, does not require a geologic study. Future residential development would subject residents to geologic hazards such as earthquakes that occur from time to time in the Southern California area. The closest mapped fault is the Helendale Fault, which lies approximately seven (7) miles northeast of the project site. The Mojave Desert is a seismically active region; however, safety provisions identified in the Uniform Building Code shall be required when development occurs which would reduce potential ground shaking hazards to a less than significant level. The project site is not within a known area which may be susceptible to the effects of liquefaction, and no hills or mountains surround the site that would subject future development to landslides or rock falls. Safety provisions identified in the Uniform Building Code shall be required when development occurs which will reduce potential ground shaking hazards to a level below significance. Apple Valley, like most cities in California, is located in a seismically active region. It can be expected, therefore, that the project site could experience strong seismic ground shaking at some point in time. Any future construction on-site shall be seismically designed to mitigate anticipated ground shaking. Elevations on-site are approximately 2,917 feet above mean sea level. Topographically, the site consists of generally flat terrain. Landslides are not expected to impact areas of this type.

- b. According to the Soil Survey of San Bernardino County (Mojave River Area, Sheet No. 32 – Apple Valley Quadrangle), on-site soils occur within the Bryman series, specifically the 106 Bryman loamy fine sand, and can generally be classified as very deep, well drained soils located on terraces. These soils formed in alluvium derived from granitic material. Permeability of this Bryman soil is moderately slow. Runoff is slow, and the hazard of water erosion is slight. The hazard of soil blowing is high.

The State of California is authorized to administer various aspects of the National Pollution Discharge Elimination System (NPDES). Construction activities covered under the State's General Construction permit include removal of vegetation, grading, excavation, or any other activity that causes the disturbance of one acre or more. The General Construction permit requires developments of one acre or more to reduce or eliminate non-storm water discharges into storm water systems, and to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). These permits are administered by the SWRCB through the Regional Water Quality Control Board (RWQCB) Lahontan Region. Currently, no requirements have been adopted by the RWQCB, Lahontan Region. However the Town of Apple Valley was encourage to require a SWPPP for all development disturbing one acre of more. Submittal of a SWPPP is a standard condition of approval applicable to future development of this project site. According to the Town's Public Works Department, the SWPPP must include Best Management Practices (BMP's) to prevent construction of the project to pollute surface waters. BMP's would include, but would not be limited to street sweeping of adjacent roads during construction, and the use of hay bales or sand bags to control erosion during the rainy season. These are discussed in greater detail in Section 8, Hydrology and Water Quality, within this Initial Study. Therefore, there is a less than significant impact of soil erosion occurring at this project site with proper construction methods, conformance to MDAQMD standards and development standards as defined in the Town of Apple Valley Development Code and the latest UBC regulations. Less than significant impact is anticipated.

- c-d: The project site is relatively flat. The potential of unstable soil condition, landslide, lateral spreading, subsidence, liquefaction or collapse is present because of the geographical make up of the area and the frequency of earthquake occurrences in Southern California. The General Plan indicates that the project site is not located within a special studies zone or an earthquake fault zone. Any project within the area of Southern California shall meet the latest UBC standards to minimize the potential impact caused by an earthquake. However, any future project will meet and/or exceed the development standards set by the Town of Apple Valley. Therefore, there is a less than significant impact of soil erosion or instability occurring at this project site with proper construction methods and development standards as defined in the Town of Apple Valley Development Code and the latest UBC regulations. No impact is anticipated.

- e. Currently there is no sewer service available to the site from the Town of Apple Valley. However, the proposed residential subdivision will be required to prepare a sewer feasibility study to determine how public sewer collection can be provided by the Town of Apple Valley. Future development will require the installation of a dry sewer and may use septic tanks until sewer is available to the site. The existing residence currently use septic tanks.

**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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**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.

*Source:* Town of Apple Valley, Climate Action Plan

**VIII. HAZARDS AND HAZARDOUS MATERIALS**

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- 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-b. **No Impact.** The proposed project consists of the creation of residential parcels. This land use will not involve the production, storage, or distribution of hazardous substances except normally occurring household hazardous wastes (such as cleaning products and paints). The range of land use activities proposed on the project site would not allow for the use, storage, disposal, or transport of large volumes of toxic, flammable, explosive, or otherwise hazardous materials that could cause serious environmental damage in the event of an accident. The potential impact associated with the routine transport, use, or disposal of hazardous materials in a residential setting is a less than significant impact.
- c. **No Impact.** There are no existing or proposed schools within one-quarter mile of the proposed project site. The proposed development includes only residential dwelling units and open space, which do not emit hazardous emissions or handle hazardous materials, the impacts associated with this issue are considered to be less than significant.
- 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. Therefore, development of the proposed project will not result in an airport safety hazard to persons residing in the project area.
- f. **No Impact.** The project is not located within the vicinity of a private airstrip or heliport. There are no impacts associated with this issue.
- g. **No Impact.** Implementation of the proposed project will increase the number of residential dwelling units within the Town. Development of the proposed project will generate an increase in the amount and volume of traffic on local and regional networks. The developers of the proposed project will be required to design and construct applicable roadways to comply with applicable local, regional, State and/or Federal requirements related to

emergency access and evacuation plans. Construction activities, which may temporarily restrict vehicular traffic, will be required to implement measures to facilitate the passage of persons and vehicles through/around any required road closures.

- h. **No Impact.** According to the Town’s General Plan, the project site is not located within a Fire Hazard Area or within an area susceptible to wildfires. The vacant land adjacent to the project site has minimal vegetation. Development of the proposed residential project will not expose persons or property to increased wildland fire risks. As such, there will be no impacts associated with this issue.

**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?
- j) Inundation by seiche, tsunami, or mudflow?

**SUBSTANTIATION:**

a. **Less than Significant Impact.** The proposed project will not violate any water quality standards or waste discharge requirements because the Regional Water Quality Control Board (RWQCB), responsible for administering the Federal Clean Water Act on a regional level, has standards and waste discharge requirements for water quality that must be met during both construction of a project and ongoing during the life of a project.

On-site grading activities associated with the construction period will require the movement of on-site soils, which may result in a temporary increase in the amount of suspended solids in surface flows during a concurrent storm event and could increase the potential for erosion and off-site sedimentation. The proposed residential uses may incrementally increase the potential for storm runoff. In addition, the proposed project will modify the quality, quantity, and absorption rate of the project site’s runoff due to the development of buildings, parking lots, and driveways. These new impervious surfaces may contribute to the degradation of water quality in storm flows through carrying runoff from areas tainted by sediment, petroleum products, and/or other contaminants.

The project site is larger than one acre and, therefore, is required to comply with the National Pollutant Discharge Elimination System (NPDES) to minimize water pollution. The Town’s NPDES permit establishes measures that sufficiently mitigate potential impacts associated with construction-related discharge. Development in the Town of Apple Valley is subject to the State of California’s General Construction Permit under the NPDES. The Permit requires that any development proposal that would disturb more than one acre is required to file a Notice of Intent (NOI) and prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) prior to implementation of grading or other soil-disturbing activities. In addition to the preparation of an SWPPP, the developer will be required to submit a project specific

Water Quality Management Plan (WQMP). The WQMP will identify measures to treat and/or limit the post-construction entry of contaminants into storm flows. The WQMP is required to be incorporated by reference or attached to the project’s SWPPP as the Post-Construction Management Plan. Adherence to standard requirements, including obtaining an NPDES permit and the preparation of the SWPPP and WQMP, and Town runoff conveyance standards, will reduce potential water quality impacts to a less than significant level. Permits are administered by the State Water Resources Contract Board (SWRCB) through the required Lahontan RWQCB.

b. **Less than Significant Impact.** The proposed project would not entail the use of groundwater and, thereby would not deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a deficit in aquifer volume or a lowering of the local groundwater table level.

c-e. **Less than Significant Impact.** The existing surface drainage on the site follows the surface contours that drain to the southwest via sheet flow. Future development of the site will require on-site water retention for each individual parcel; therefore, the potential for impact based upon storm water runoff is less than significant.

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 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.** The project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan because the project has adequate access from two or more points of access.

h-i. **Less than Significant Impact.** The project site is not located within a designated area as having flooding potential per the Flood Insurance Rate Maps (FIRM). The map indicates the site is located within “Zone X”. All storm water shall be retained on site.

*Source:* FEMA Flood Insurance Rate Map and Flood Boundary Map (Zone X Panel #06071C 5845H). 2008

j. **No Impact.** The site is 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-b. **No Impact.** The project is located within the Single Family Residential (R-SF) Land Use and Zoning designation. Therefore, single-family residential development was anticipated for the area. As designed, the project does not create any physical divide an established community and the project is consistent with the General Plan and Site Development Standards within the Development Code.

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"/>

SUBSTANTIATION (check \_\_\_ if project is located within the Mineral Resource Zone Overlay):

- 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 (check if the project is located in the Noise Hazard Overlay District \_\_\_ or is subject to severe noise levels according to the General Plan Noise Element \_\_\_):

- a-b: **Less than Significant with Mitigation Incorporated.** The project will be exposed to noise from Waalew Road, which is identified as a Major Arterial. The Town’s General Plan specifies an exterior noise standard of 65 CNEL and an interior noise standard of 45 dB CNEL for new development. Ministerial projects are required to submit an acoustical study prior to issuance of any single family home along any Major Road.
- N-1.** Prior to any development along Waalew Road, an acoustical study shall be performed and identify sound attenuation methods to ensure that exterior noise levels in back yards and/or useable open space does not exceed 65 dBA CNEL, and that interior noise levels will not exceed 45 dBA.
- c-d: **Less than Significant Impact.** The project will not expose persons to or generate noise levels in excess of standards established in the General Plan. However, compliance with the Town’s construction hours of 7:00 a.m. to 7:00 p.m. which will mitigate temporary noise impacts during night time hours. After the construction, there will not be a substantial amount of additional ambient noise produced by the project. Therefore, a less than significant impact is anticipated.
- e: **No Impact.** The proposed project is not located within an airport land use plan and, therefore, does not have the potential to expose people to excessive noise levels from airport operations.
- f: **No impact.** The proposed project site is not located within the vicinity of a private airstrip; therefore, no impact associated with this issue will occur.

**XIII. POPULATION AND HOUSING**

Would the project result in:

	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: **Less than Significant Impact.** The proposal for a four (4) lot subdivision will not induce substantial growth. This proposal will allow a maximum of four (4) dwelling units. The project contains three (3) vacated, single family dwellings that will be replaced on site.

**XIV. PUBLIC SERVICES**

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:**

a. **Less than Significant Impact.** The project site contains three (3), vacant dwelling units. The proposal will replace three (3) units with new construction and include the development of one (1) additional unit. The one (1) additional dwelling will be required to pay all applicable impact fees upon construction creating a less than significant impact.

**XV. RECREATION**

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

**SUBSTANTIATION:**

a-b: **No Impact.** The project site contains three (3), vacant dwelling units. The proposal will replace three (3) units with new construction and include the development of one (1) additional unit. The one (1) additional dwelling will be required to pay all applicable impact fees upon construction.

**XVI. TRANSPORTATION/TRAFFIC**

Would the project result in:

	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 result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:**

- a. **Less than Significant Impact.** Access to the site will be provided via Waalew Road or Soboba Road. The additional two (2) units will be required to pay traffic impact fees to reduce regional traffic impacts. Therefore, there will be a less than significant impact.
- b. **Less than Significant Impact.** The roadways adjacent to the development will be required to be improved to the Town's road standards. The project requires payment of traffic impact fees to reduce regional traffic impacts. Therefore, there will be a less than significant impact.
- c. **No Impact.** The proposed project located less than a mile from the Apple Valley Airport; however this project will not increase the traffic levels near an airport. Therefore, it will not cause any changes to air traffic patterns. No impacts are anticipated.
- d. **No Impact.** The proposed project is located in an area that contains existing development. The project does not include the construction of any sharp curves. The new intersections to be created as part of the project align with existing roadways. As the project does not include the construction of any structure or feature that will create a substantial increase in hazards due to a design feature, no impacts are anticipated.

- e. **No Impact.** The project will provide two (2) points of access for every lot. The Apple Valley Fire Protection District has reviewed the project for adequate emergency access and development requirements as conditions of approval. No impacts are anticipated.
- f. **No Impact.** At the time of development of the lots, the project is required to comply with the Development Code standards to meet parking capacity that includes a minimum two (2)-car enclosed garage for each residential dwelling unit with driveway access. Therefore, the project will not result in inadequate parking capacity and no impact will occur.  
**Source:** Town of Apple Valley Development Code, Off-Street Parking and Loading Regulations
- g. **No Impact.** The project design includes have width street improvement, including sidewalks providing ample area for pedestrian access.

**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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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.** Sewage disposal shall be by private septic system with the construction of a dry sewer system that will be connected when public sewer becomes available to the site.

- b-c: **No Impact.** The addition of one (1) residential units will not require any expansion to existing services.
- c: **No Impact.** This is a request to subdivide 2.5 acres into four (4) single-family residential lots in Single Family Residential (R-SF) zoning designation for future residential development. A final drainage plan is required for review and approval by the Town Engineer. Potential impacts will be mitigated through proper site grading. There will be a less than significant impact to storm drainage facilities.
- d: **Less than Significant Impact.** The site is currently within a local purveyor’s service area. This project is within the service area and would require water supply from the Apple Valley Ranchos Water Company. A letter from the agency indicating their ability to supply water to the development was received.
- f-g: **Less than Significant Impact.** This is a request to subdivide 2.5 acres into four (4) single-family residential lots in Single Family Residential (R-SF) zoning designation for future residential development. Future solid waste generated by the residential development would be ultimately transported to the Victorville Regional Sanitary Landfill. Recently, the County of San Bernardino Solid Waste Management Division requested an approval of the expansion of the landfill. Based on San Bernardino Associated Governments (SCAG) San Bernardino High Desert population projections to 2025, the landfill site life was calculated using a 2.7 percent growth rate per year. The County of San Bernardino Solid Waste Management Division prepared an Environmental Impact Report to review the environmental effects of expanding the landfill to accommodate future grow. The expansion project was approved, and extended the landfill projected closure date from 2005 to 2081, a period of 76 years. 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.

As required by Assembly Bill 939 (AB939) of the California Integrated Waste Management Act, all cities and counties within the state must divert 50 percent of their wastes from landfills by the year 2000. According to tonnage reports, the Town has met the 50 percent diversion mandate. To achieve the State-mandated diversion goal, the Town has implemented a variety of programs that seek to reduce the volume of solid waste generated, encourage reuse, and support recycling efforts. This development shall be required to comply with Construction and Demolition (C&D) waste standards.

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE**

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.	<input type="checkbox"/>	<input type="checkbox"/>	<input 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. **No Impact.** Based on the information contained in this initial study, the proposal will not 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.
- b. **Less than Significant Impact.** Based on the information contained in this initial study, the proposal does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- c. **Less than Significant Impact.** Based on the information contained in this initial study, the proposal will not have impacts that are individually limited, but cumulatively considerable.
- d. **No Impact.** Based on the information contained in this initial study, the proposal will not have substantial adverse effects on human beings, either directly or indirectly.

**XIX. MITIGATION MEASURES**

**Cultural Resources**

- CR-1** Prior to any demolition activity, local historical societies, clubs or other interested community leaders shall be notified and offered the opportunity to relocate the "Railroad Tie House". The interested group shall contact an architectural historian to determine the details involved in the move, subject to review and approval of the Town of Apple Valley.
- CR-2** Ground disturbing activities shall require monitoring by a qualified archaeologist, subject to the approval of the Town of Apple Valley Planning Division.

**Noise**

- N-1.** Prior to any development along Waalew Road, an acoustical study shall be performed and identify sound attenuation methods to ensure that exterior noise levels in back yards and/or useable open space does not exceed 65 dBA CNEL, and that interior noise levels will not exceed 45 dBA.

**REFERENCES**

Cultural Resource Assessment for Tentative Parcel Map No. 19576, Analytic Archaeology, July 2015  
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, 2009  
Town of Apple Valley Climate Action Plan (CAP), 2010  
Environmental Impact Report (EIR), Town of Apple Valley General Plan, 2009  
County of San Bernardino Identified Hazardous Materials Waste Sites List, April 1998  
Federal Emergency Management Agency Flood Insurance Rate Map and Flood Boundary Map  
Mojave Desert Air Quality Management District, Mojave Desert Planning Area – Federal Particulate Matter (PM10) Attainment Plan, July 1995  
Mojave Desert Air Quality Management District, Rule 403.2: Fugitive Dust Control Planning Area, July 1996  
South Coast Air Quality Management District, CEQA Air Quality Handbook, 1993

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. 4<sup>th</sup> 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4<sup>th</sup> at 1109; *San Franciscans Upholding the Downtown Plan v. County of San Francisco* (2002) 102 Cal. App. 4<sup>th</sup> 656.