



Planning Commission Agenda Report

- DATE:** April 15, 2026
- TO:** Planning Commission
- CASE NUMBER:** TypeHere Extension of Time No. 3 for Development Permit (DP) 2021-004 and Tentative Parcel Map (TPM) 20258
- APPLICANT:** BMI Investments, LLC
- PROPOSAL:** A request for approval of a Final Extension of Time for Development Permit (DP) 2021-004 and Tentative Parcel Map (TPM) 20258 - A final extension of time for Development Permit and Tentative Parcel Map to create four parcels and a remainder parcel to construct a 210-unit multi-family development located on 32 acres within the Multifamily Residential (R-M) zoning district.
- LOCATION:** Located on the northwest corner of Navajo Road and Sandia Road; APN: 0434-063-02
- ENVIRONMENTAL DETERMINATION:** There is no new substantial change in the project or new information that would result in new, significant environmental impacts beyond those identified within the Mitigated Negative Declaration (SCH # 2021010197) that was prepared for Development Permit (DP) 2021-004 and Tentative Parcel Map (TPM) 20258, and adopted on February 17, 2021, by the Planning Commission. Therefore, pursuant to the California Environmental Quality Act (CEQA) Guidelines section 15162, the proposed request is not subject to further environmental review.
- CASE PLANNER:** Nicole Montano, Associate Planner
- RECOMMENDATION:** Based upon the information contained in this staff report, and any input received from the public at the hearing, it is recommended that the Planning Commission move to
1. Determine that, there is no new substantial change in the project or new information that would result in new, significant environmental impacts beyond those identified within the Mitigated Negative Declaration that was prepared for this project and adopted by the Planning Commission on February 17, 2021. Therefore, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162(a), the proposed request is not subject to further environmental review.
 2. Find that the facts presented in the staff report support the required Findings for approval and adopt the Findings.

3. Approve one (1) Final year extension of time for Development Permit (DP) 2021-004 and Tentative Parcel Map (TPM) 20258, subject to the attached, Conditions of Approval.
4. Direct Staff to file the Notice of Exemption pursuant to CEQA Guidelines §15061(b)(3).

PROJECT SITE AND DESCRIPTION

A. Project Size:

The subject parcel is 32 acres in size and includes a 210-unit multi-family units.

B. General Plan Designations:

Project Site - Medium Density Residential (R-M)
 North - Single-Family Residential (R-SF)
 South - Mobile Home Park (MHP)
 East - Public-Facilities (P-F)
 West - Single-Family Residential (R-SF)

C. Surrounding Zoning and Land Use:

Project Site- Multi-family Residential (R-M), Vacant
 North - Single-Family Residential (R-SF), single-family residences
 South - Mobile Home Park (MHP), mobile home park
 East - Public Facilities, Apple Valley High School
 West - Single-Family Residential (R-SF), single-family residences

D. Site Characteristics:

The subject site approximately 32 acres in size and contains desert vegetation including four Joshua trees. There are signs of historical drainage flows through the middle of the property and the land slopes downwards towards the drainage course.

E. Density Analysis:

Maximum Units Permitted	643 Units (20 units per acre)
Units Proposed	210 Units (6.5 units per acre)

F. Unit Analysis:

<u>Plan</u>	<u>Bedrooms</u>	<u>Bathrooms</u>	<u>Required Sq Ft</u>	<u>Proposed Sq Ft</u>
A	2	2	1,000	1,140
B	3	2	1,200	1,239
C	2	2	1,000	1,069

G. Building Height:

Maximum Permitted	35 Feet
Proposed Maximum	24 Feet (Recreation Building)

H. Building Setback Analysis:

	<u>Required</u>	<u>Proposed</u>
Front (Sandia Rd)	40 ft.	40 ft.

Street Side Yard (Navajo Rd)	25 ft.	25 ft.
North Side	15 ft.	15 ft.
South Side	15 ft.	15 ft.
Rear	25 ft.	37'11" ft

I. Landscaping and Common Open Space:

Required Minimum	15% (210,329 sq ft)
Proposed	24% (336,230 sq ft)

J. Parking Analysis:

Total Parking Required: 611, including 420 enclosed spaces and 191 unenclosed spaces.

Total Parking Provided: 611, including 420 enclosed spaces and 191 guest parking spaces, including spaces in front of garages

K. Lot Coverage:

Required Maximum	60% (841,318 sq ft)
Proposed	17% (237,286 sq ft)

ANALYSIS

A. General:

A request for approval of a Development Permit to allow the construction of a 210-unit multi-family development and a Tentative Parcel Map to create four parcels and a remainder for financing purposes. The initial and two subsequent approvals included Conditional Use Permit (CUP) 2020-001, which allowed for a fifteen (15) foot reduction in setbacks between buildings. Since the initial entitlement approval, the Code no longer requires a Conditional Use Permit due to an amendment to Development Code Section 9.29 - Multi-Family Housing Standards, which occurred March 9, 2021.

B. Site Analysis:

The proposal includes a Development Permit to construct a 210-unit multi-family development and a Tentative Parcel Map to create four parcels and a remainder for financial purposes. Each building is designed in a duplex fashion with each unit having a two-car garage. There are three floor plans ranging in size from 1,069 square feet to 1,239 square feet. Each unit within the multi-family development is required to provide 150 square feet of private open space (patios). Each unit contains a rear patio varying in size, all enclosed by a six-foot high vinyl fence.

The minimum setback on Sandia Road is 40 feet (front yard setback) and the minimum setback on Navajo Road is 25 feet (street side yard setback). The development provides a 15-foot buffer along the west boundary as required when a multi-family development abuts single-family developments. A 15-foot rear setback is provided on the north side of the development.

A total of 611 parking spaces are required, 420 of which are required to be covered parking spaces. The remaining 191 parking spaces can be uncovered. The proposal provides 420 enclosed parking spaces in the form of garages; 56 guest parking spaces and remaining parking spaces are proposed to be in front of the garages. One accessible parking space will need to be provided on the north side of the development. The driveway width is a minimum of 28 feet.

Table 1 - Required Parking Spaces

Floor Plan	Bedroom Nos.	No. of Floor Plans	Parking required	Total Parking Required	Required Enclosed	Required Unenclosed	Code Compliant?
A	2	70	2.5	175	140	35	YES
B	3	86	3.5	301	172	129	YES
C	2	54	2.5	135	108	27	YES
Totals:				611	420	191	YES

The project's parking requirements were previously approved in compliance with Development Code Section 9.29. On March 9, 2021, the Town Council approved a Development Code Amendment, which increased the parking requirements. Because approval was granted prior to the Amendment, the project and time extension may proceed under the previously approved parking requirements.

The project is required to have 200 square feet of common open space per unit devoted to recreational amenities, and based on the size of the project, to include a total of four (4) amenities. Proposed recreational amenities exceed this requirement by providing a large common open space area, which also serves as a community focal point, with a pool and spa, a recreation building with a fitness room, a tot-lot, and multiple gazebos and barbeques. In addition, a 1,466-foot-long drainage channel, located from the center of the east boundary of the property diagonally down (southwest) to the west corner of the southern property line, will include additional recreation amenities and trails connecting to the development and the street. As required by Development Code Section 9.29.070(E)(1), the project also provides 15% of common useable open spaces area. The channel will count towards meeting the common usable open space area and open space devoted to recreational amenities.

Per the Multi-Use and Equestrian Trails Standard, Sandia Road is identified as having a Lifeline Trail on the north side of the street. A 12-foot trail will be constructed adjacent to Sandia Road on private property as an easement. A four-foot-high open white vinyl rail fence will abut the trail easement and sidewalk. The fence along the frontage of Sandia Road will be a six-foot-high wrought iron fence with block pilasters every 40 feet. The walls along Navajo Road and the perimeter will be six-foot-high decorative block walls. The wall along Navajo Road will be staggered every 40 feet, as required by code, to avoid having a long lineal wall. An entry statement is provided at the main entrance of Navajo Road, as well as colored texture paving at all entrances and exits. There is an internal pedestrian path of travel along all drive aisles connecting every unit to the street and recreational amenities. An accessible path of travel is provided from the street to the recreation building, and a condition of approval will require the trail within the channel to be accessible.

Per the protected plant plan report, there are two Joshua trees that have poor health and two that have good health. The California Department of Fish and Wildlife has temporary protection on Joshua trees. The protection became effective mid-September 2020. The Joshua trees that are in good health cannot be relocated and must remain in place. The conditions of approval are written in a way that will allow flexibility should the State requirements change in the future. Prior

to ground disturbance a Joshua tree protection plan, prepared by a certified arborist, shall be provided with the grading plan to identify how the Joshua trees will be protected (See Condition No. P21).

1. Tentative Parcel Map

The tentative parcel map is for “financial purposes only”. This map provides the developer with the ability to use equity from one parcel and use that equity to finance development of another parcel under the same subdivision. As a condition of approval, a deed restriction will be placed on all the parcels to require the parcels to remain under the same ownership. The condition will require that all share areas, including vehicular access, guest parking, recreational amenities, common open space areas, and pedestrian walkways to be under a reciprocal shared easement or agreement. Should the parcels be sold off separately, a mechanism shall be in place including a homeowner’s association (HOA) and conditions, covenants, and restrictions (CCRs) to maintain shared areas and require a single property manager to oversee the maintenance and operation of the entire development.

2. Traffic and Circulation

Access to the site is from Navajo and Sandia Roads. Street improvements will be constructed including curb, gutter, and sidewalk along the project frontages of Navajo and Sandia Roads. Sandia Road is a collector road and has a half width of 33 feet with the curb at 22 feet from centerline, and Navajo Road is a secondary road and has a half-width of 44 feet with the curb at 32 feet from centerline. The project has two driveway approaches on Navajo Road. The development’s southern drive approach was aligned with one of the drive approaches for the Apple Valley High School. The development’s as well as the high school’s driveway approaches will have a traffic signal, a crosswalk and a median along Navajo Road allowing for turning movements to both the high school and the development.

3. Drainage

A drainage channel will be constructed through the middle of the development to allow historical drainage to flow through the property. The United States Geological Services (USGS) maps show a blue line stream crossing through the property. The applicant has stated that they intend to mass grade the property and construct a channel through the property. The drainage channel runs from the center of the east boundary of the property diagonally down (southwest) to the west corner of the southern property line. The drainage channel is roughly 1,466 feet long and 150 to 155 feet wide. The channel will be constructed along the historical paths of the blue line stream. An Aquatic Resources Delineation Survey Report was prepared by ECORP Consulting, Inc. dated February 2019. It appears that the feature that was formerly present on site has been dewatered by intervening developments. Prior to ground disturbance, a lake streambed alternation agreement will be required to be obtained from the California Department of Fish and Wildlife.

4. Sewer Connection

Connection to the Town’s sewer system will is required.

5. Phasing/Mass Grading:

A condition of approval requires a phasing plan to be submitted and approved by the Community Development Director and Town Engineer. The developer may have the option of 1) grading the entire property upfront or 2) grading by phase. The applicant has expressed the desire to mass grade the entire property. Some concerns expressed

previously by the community is allowing the land to sit vacant and disturbed for many years once the land is mass graded. Mass grading is subject to further review.

An alternative to mass grading would be to grade the land by phases and allow undeveloped parts of the property to remain undisturbed/natural. In either case, certain improvements will be required, including street improvements, perimeter fencing, internal walkways, and drive aisles. Two points of access and/or emergency access will be required for each phase. All the proposed amenities for this development are within Phase 1. All amenities will be expected to be included within Phase 1 subject to change once a final phasing plan is submitted.

As far as the amount of ground disturbance is concerned, substantial grading is necessary to channelize the drainage flows. In addition, there is a substantial grade elevation difference (3-5 feet) on the north side of the property and the southeast corner of the property. This means the finish pads will be three to five feet above the adjacent roads and properties. Once the required privacy fencing is added, the elevation difference will result in fencing above the height allowed by the Development Code. As a condition of approval, the pads in those areas shall be reduced to avoid excessive height of fencing.

C. Floor Plan Analysis:

Two of the floor plans are two-bedroom units, and one floor plan is a three-bedroom unit. Unit A is a 2-bedroom unit, 1,140 square feet in size; Unit B is a 3-bedroom unit, 1,239 square feet in size; and Unit C is 2-bedroom unit, 1,069 square feet in size. There will be a different building elevation to accompany each floor plan.

D. Architecture Analysis:

The application provides three different architectural elevations each with different colors and materials. All elevations use different style concrete roof tiles and have varied roof features at entrances. All the garage doors are recessed. Two of the elevations (Elevations A, B, and Rec Building) provide stone veneer. All elevations provide roof line variation, as well as horizontal and vertical projections. Elevation A includes good use of stone veneer, decorative garage doors, and iron scroll work as an embellishment. Building B provides stone veneer, uses flares on the sides of the garages, and vent insets above the garage doors. Building C provides color variation, corbels below the roof eave and square insets over the entrances. The recreational building provides a good amount of stone veneer, iron scroll work, and a prominent main entrance accented with glass and stone veneer. A condition of approval recommends that the iron scroll work used on Elevation A be added to Elevation B; stone veneer be added to Elevation C and additional stone veneer be added to Elevation B; a cap be provided on the stone veneer provided on the base of Elevation A; and the main roof of Elevation C, which is a gable roof, be converted into a hip roof.

E. Noticing:

The public hearing for proposed Extension of Tentative Parcel Map No. 20294 was legally noticed in Valleywide Newspaper on April 3, 2026, and mailed to all property owners within a 700-foot radius of the project site on Friday, April 3rd.

F. Development Permit Findings:

As required under Section 9.17.080 of the Development Code, prior to approval of a Development Permit, the review authority must make the following Findings:

1. That the location, size, design, density and intensity of the proposed development

is consistent with the General Plan, the purpose of this Code, the purpose of the zoning district in which the site is located, and the development policies and standards of the Town;

Comment: The location, size, design, density and intensity of the proposed development is consistent with the General Plan, the purpose of this Code, the purpose of the zoning district in which the site is located, and the development policies and standards of the Town because the proposed 210-unit multi-family residential development is located within the Residential Multi-family (R-M) zoning designation and in compliance with the General Plan Land Use and Zoning District that allows new construction of multi-family subject with the approval of a Development Permit. The proposal meets the required density, setbacks, buffers, parking spaces, minimum dwelling unit size, minimum private and common open space areas, landscaping, minimum driveway dimensions, and circulations requirements;

2. That the location, size and design of the proposed structures and improvements are compatible with the site's natural landforms, surrounding sites, structures and streetscapes and does not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings;

Comment: The location, size and design of the proposed structures and improvements are compatible with the site's natural landforms, surrounding sites, structures and streetscapes and does not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings because all buildings on the property are one-story in height. The overall building height of any building is 24-feet, which is measured from finish grade to the tallest point of the tower located on recreation building, and will not create an imposing appearance. Many of the existing residential multi-family developments in the area are of similar height and therefore will appear in scale to other residential developments in the area. The development meets all the required setbacks, buffers, building separation requirements, lot coverage and density as prescribed by the Development Code and General Plan.

3. That the materials, textures and details of the proposed construction, to the extent feasible, are compatible with the adjacent and neighboring structures and that quality in architectural design is maintained in order to enhance the visual environment of the Town;

Comment: The materials, textures and details of the proposed construction, to the extent feasible, are compatible with the adjacent and neighboring structures and that quality in architectural design is maintained in order to enhance the visual environment of the Town because the design, materials and details of the proposed multi-family residential development will complement the structures within the immediate area and any future development.

4. That the amount, location, and design of open space and landscaping conforms to

the requirements of this Code, enhances the visual appeal and is compatible with the design and function of the structure(s), site and surrounding area;

Comment: The amount, location, and design of open space and landscaping conforms to the requirements of this Code, enhances the visual appeal and is compatible with the design and function of the structure(s), site and surrounding area because the amount, location, and enhanced design of private and common open space and landscaping proposed conforms to the requirements of the development Code.

5. That excessive and unsightly grading of hillsides does not occur, and the character of natural landforms such as knolls and the Mojave River and that existing vegetation and Joshua Trees are adequately protected and preserved where feasible as required by this Code;

Comment: The excessive and unsightly grading of hillsides does not occur, and the character of natural landforms such as knolls and the Mojave River and that existing vegetation and Joshua Trees are adequately protected and preserved where feasible as required by this Code because the site is not located on a hillside, is void of knolls and not located within the vicinity of the Mojave River. There are four Joshua trees on the site, which are required to be protected in place, and if approved to be relocated, will be located within a permanent landscaped area.

6. That the proposed development's generation of traffic will not adversely impact the capacity and physical character of surrounding streets and that traffic improvements and or mitigation measures are provided in a manner consistent with the Circulation Element of the Town General Plan;

Comment: The proposed development's generation of traffic will not adversely impact the capacity and physical character of surrounding streets and that traffic improvements and or mitigation measures are provided in a manner consistent with the Circulation Element of the Town General Plan because the building fronts on Navajo Road and Sandia Road, which is a public street designed to accommodate all traffic generated by the project. The project will include half-width street improvements including curb, gutter and sidewalk. The development is required to install a traffic signal, crosswalk, and medians along Navajo Road to allow vehicle and pedestrian traffic to flow safely in and out of the proposed development and to the high school across the street. With traffic improvements as prescribed in the conditions of approval and mitigation measures, the project will not adversely impact the surrounding area.

7. That there will be no negative impacts upon the environment from the proposed structure(s) that cannot be mitigated; and

Comment: There will be no negative impacts upon the environment from the proposed structure(s) that cannot be mitigated because the Planning Commission adopted Mitigated Negative Declaration and mitigation measures results in less than significant impacts and furthermore, there is no substantial evidence that the proposed Development Permit and Tentative Parcel Map will have a significant effect on the environment.

- 8 That the proposed development, and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety and welfare of the community or be materially injurious to properties or improvements in the vicinity nor be contrary to the adopted General Plan.

Comments: The proposed development, and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety and welfare of the community or be materially injurious to properties or improvements in the vicinity nor be contrary to the adopted General Plan because the proposal is for a 210-unit multi-family development within an area zoned for this specific use. The location and scale of the proposal will compliment with other similar projects and structures within the vicinity. The development meets all the required setbacks, buffers, building separation requirements, lot coverage and density as prescribed by the Development Code and General Plan. The development will be constructed pursuant to the California Building and Fire Codes and adopted amendments. The proposed development will comply with the American with Disabilities Act (ADA) by providing a path of travel to the street, parking spaces, and recreational amenities. The development will construct all street improvements, including a traffic signal, crosswalk, and median consistent with recommendations of the Traffic Impact Analysis (TIA). Furthermore, the development is consistent with the goals and policies of the Land Use Element of the General Plan, specifically with the following Goal:

Goal 2

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

Program 2.A.2 The Zoning Map shall directly correspond to General Plan land use designations, and shall be kept consistent with the General Plan.

G. Tentative Parcel Map Findings:

In considering any Tentative Parcel Map, the Planning Commission is required by the Development Code to make specific Findings. The following are the Findings for a Tentative Parcel Map required under Section 9.71.040 (A)(5) of the Development Code and a comment to address each:

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 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 because the subject property has a General Plan land use designation of Medium Density Residential (R-M) and zoning designation of Multi-family Residential (R-M) and, by its size, shape and configuration, the property 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 32 acres into five parcels and, with adherence to the recommended conditions, will meet the minimum requirements for lot size, width and depth as prescribed by the Code. The parcels are not intended to be sold individually, but to provide a financing mechanism to develop the project.

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 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 because the proposed project consists of a subdivision of land located on land that is zoned and General Plan designated for residential development at the density allowed by the underlying zoning designation. 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 multi-family residential development, specifically with the following Goal and Policy:

Goal 5

Policy 5.G Multi-family rental projects shall meet the following criteria:

- *Projects that would require on-site management according to State law are encouraged.*
- *Projects shall incorporate design principles for crime free multi-family housing.*
- *Projects shall be sited within one mile of public transit facilities.*
- *Project amenities shall be focused on recreational opportunities.*

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 design of the subdivision provides, to the extent feasible, for the future passive or natural heating or cooling opportunities in the subdivision because the subdivision is intended for financial purposes and phasing for a multi-family development. Each parcel created under this subdivision are appropriate in size to provide natural heating and cooling opportunities for development of the site. As development occurs, the dwelling units within each phase are subject to the implementation of natural heating and cooling requirements pursuant to 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 proposed project's discharge of waste will not result in a violation of the requirements set forth in Section 13000 et seq., of the California Water Code because the project will connect to the Town's sewer system.

5. In order to avoid the creation of undevelopable parcels of land, any subdivision falling wholly or partially in areas of fifteen (15) percent or steeper slopes shall be subject to the findings contained in Section 9.71.060.D of this Chapter.

Comment: The proposed project does not contain areas of fifteen (15) percent or steeper slopes and is thereby in compliance with this finding.

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, there is no new substantial change in the project or new information that would result in new, significant environmental impacts beyond those identified within the Mitigated Negative Declaration that was prepared for this project and adopted by the Planning Commission on February 17, 2021. Therefore, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162(a), the proposed request is not subject to further environmental review.
2. Find that the facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve one (1) Final year extension of time for Development Permit (DP) 2021-004 and Tentative Parcel Map (TPM) 20258, subject to the attached, Conditions of Approval.

4. Direct Staff to file the Notice of Exemption pursuant to CEQA Guidelines §15061(b)(3).

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Site Plan, Tentative Parcel Map 20258, Elevations, Floor Plans
3. Vicinity Map
4. Initial Study and Mitigated Negative Declaration