

**CONDITIONS OF APPROVAL Extension of Time No. 3 Development Permit No. 2021-004, and Tentative Parcel Map No. 20258**

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

**General Conditions of Approval**

- G1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code, North Apple Valley Industrial Specific Plan, and the General Plan. This conditional approval, if not exercised, shall expire two (2) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the expiration date. The Development Permit becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- G2. The applicant shall defend, at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- G3. It is the sole responsibility of the applicant on any Permit, or other appropriate discretionary review application for any structure, to submit plans, specifications and/or illustrations with the application that will fully and accurately represent and portray the structures, facilities and appurtenances thereto that are to be installed or erected if approved by the Director. Any such plans, specifications and/or illustrations that are reviewed and approved by the Director shall accurately reflect the structures, facilities and appurtenances expected and required to be installed at the approved location without substantive deviations, modifications, alterations, adjustments or revisions of any nature.
- G4. The filing of a CEQA Mitigated Negative Declaration (MND) requires the San Bernardino County Clerk to collect a fee of \$3,043.75. Once the fee is paid directly to the County Clerk and the NOE is filed, provide a copy to the Town of Apple

Valley Planning Department. The County Clerk is located at 385 N. Arrowhead Avenue, San Bernardino, CA 92415.

### **Planning Department Conditions of Approval**

If you have any questions related to the Planning Department conditions of approval, please contact Nicole Montano at (760) 240-7200 ext. 7201, Nicole Montano nmontano@applevalley.org.

- P1. All lighting shall be hooded and directed downward as to not shine towards adjacent properties and public streets. Maximum light standard height shall not exceed 20 feet.
- P2. Parking requirements shall be met and be in compliance with Town standards. Resulting modification to the floor plan or site plan to meet parking requirements shall be subject to the approval of the Planning Department.
- P3. All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines.
- P4. All required and installed landscaping shall incorporate and maintain a functioning automatic sprinkler system, and said landscaping shall be maintained in a neat, orderly, disease and weed free manner at all times.
- P5. Final landscape and irrigation plans shall be submitted prior to the issuance of Building permits and installed prior to issuance of occupancy permits subject to approval by the Planning Department.
- P6. All block walls and columns shall be decorative, including slump stone, split face, or stucco. The location and type of fencing shall be per the approved site plan.
- P7. 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 shall be constructed adjacent to Sandia Road on private property as an easement. A four-foot high open white vinyl rail fence shall abut the trail easement and sidewalk.
- P8. The fence along the frontage of Sandia Road shall be a six-foot-high wrought iron fence with block pilasters every 40 feet. The walls along Navajo Road and the perimeter shall be six-foot-high decorative block walls. The wall along Navajo Road shall be staggered every 40 feet, as required by code, to avoid having a long lineal wall. All fencing and screening material shall be in conformance with the Development Code subject to approval by the Planning Department.
- P9. The design of the entry statement is subject to approval by the Planning Department.
- P10. All outdoor mechanical and electrical equipment, whether rooftop, side of structure, or on the ground, shall be screen from view from the public street by architectural

elements designed to be an integral part of the building.

- P11. Trash Enclosure shall be covered and constructed in accordance with Town Standards and is recommended to reflect the architectural design of approved project subject to the review and approval of the Planning Department.
- P12. The maximum height for any retaining wall, including safety rail or privacy fencing, shall be eight (8) feet as measured from the lowest point of grade.
- P13. The maximum slope within any retention area shall be twenty-five (25) percent (4:1).
- P14. Common open space and/or amenities shall not be within any area exceeding a slope of fifteen (15) percent. The channel shall include additional recreational amenities, a pedestrian trail connecting to the development, and landscaped to the satisfaction of the Director.
- P15. A phasing plan shall be submitted and approved by the Community Development Director and Town Engineer. Amenities for the number of units for a constructed phase shall be required to be constructed and operational, prior to occupancy of that phase. Each phase shall have the required emergency access points, two points of access, utilities, and walkways.
- P16. As a condition of recordation of the parcel map, a deed restriction shall be placed on all the parcels to require all parcels to remain under the same ownership. In addition, a reciprocal shared easement or agreement shall be recorded with the parcel map for all shared areas, including vehicular access, guest parking, recreational amenities, common open space areas, and pedestrian walkways. Should the parcels be sold off separately in violation of this CUP and the deed restrictions, 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.
- P17. As an operational condition of CUP No. 2020-001, the parcels shall be kept under the same ownership and a reciprocal shared easement or agreement shall be in place for all shared areas for the life of the project, including vehicular access, guest parking, recreational amenities, common open space areas, and pedestrian walkways. A single property manager shall supervise, maintain and operate the entire development covered under this CUP for the life of the project.
- P18. Prior to ground disturbance, the project applicant shall provide written notification that a Lake and Streambed Alternation Agreement is not required by California Department of Fish and Wildlife (CDFW). It is the applicant's responsibility to obtain all necessary approvals, clearances and permits (i.e. lake streambed alternation agreement) from CDFW and/or U.S. Army Corps of Engineers.
- P19. Pending a decision by CDFW, Joshua Trees shall be protected in place. Should the applicant obtain an incidental take permit to remove or relocate a Joshua Tee, or

should the protections be lifted, any disturbance of Joshua Trees is subject to the provisions of the Development Code which are all included herewith as mitigation measures. 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.

- P20. The grading plan shall be revised lowering the elevation pads on the northside and southeast corner of the development to minimize fencing to the height limitation allowed in the development code.
- P21. The following modifications shall be made to the building elevations: The iron scroll work used on Elevation A shall be added to Elevation B; stone veneer shall be added to Elevation C and additional stone veneer shall be added to Elevation B on the sides of the garage doors; a cap shall be provided on the stone veneer when it is provided at the base of Elevation A; and the main roof of Elevation C shall be converted into a hip roof.
- P22. In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.
- P23. If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.
- P24. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.
- P25. The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed in CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with SMBMI, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that

represents SMBMI for the remainder of the project, should SMBMI elect to place a monitor on-site.

- P26. Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to SMBMI. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI throughout the life of the project.

### **Engineering Conditions of Approval**

If you have any questions related to the Engineering conditions of approval, please contact Richard Pedersen, Town Engineer, (760) 240-700 Ext: 7352, [rpedersen@applevalley.org](mailto:rpedersen@applevalley.org)

- EC1. Prior to issuance of a grading permit, a final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider retaining onsite drainage flows from a 100-year design storm.
- EC2. Street improvement plans shall be submitted to the Town Engineer for review and approval.
- EC3. All streets abutting the development shall be improved to a minimum half-width of 28 feet with curb, gutter and sidewalk on the development side.
- EC4. All street names shall be approved by the Town and such approval shall be coordinated through the Town Engineer.
- EC5. Navajo Road adjacent to the property shall be improved to the Town's half-width Secondary Road standards.
- EC6. Sandia Road adjacent to the property shall be improved to the Town's half-width Collector Road standards.
- EC7. A 44-ft wide, half-width road dedication along Navajo Road, adjacent to the property shall be granted to the Town of Apple Valley prior to Final Map Approval.
- EC8. A 33-ft wide half-width road dedication along Sandia Road, adjacent to the property shall be granted to the Town of Apple Valley prior to Final Map Approval.
- EC9. During the grading of the streets, soils testing of the street subgrades by a qualified soils engineering firm shall be performed to determine appropriate structural street section. The minimum asphalt concrete thickness for all streets shall be 0.33 ft.

- EC10. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC11. All required improvements shall be bonded in accordance with Town Development Code unless constructed and approved prior to approval of the Final Map.
- EC12. 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.
- EC13. A final grading plan shall be approved by the Town Engineer prior to issuance of a grading permit. A grading permit shall not be issued until street improvement plans have been submitted to the Town Engineer for review and substantial completion of the street plans has been attained as determined by the Town Engineer.
- EC14. Prior to Town acceptance of the Final Map, Subdivider 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.
- EC15. Utility lines shall be placed underground in accordance with the requirements of the Town.
- EC16. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC17. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC18. Any required street striping shall be thermoplastic as approved by the Town Engineer.
- EC19. Developer shall provide landscaping of the basin/channel and the landscaping along Navajo Road subject to the approval of the Town and shall form an assessment district to provide for the on-going maintenance of the basin/drainage easement and parkway along Navajo Road. The developer shall pay for all costs relating to establishment of the district.
- EC20. Un-improved cross lot drainage shall not be allowed. Drainage shall be designed in a manner such that the subdivision retains its own storm water runoff, with any possible overflow directed to the street as approved by the Town Engineer.
- EC21. Retention/detention basins greater than 1 acre in size shall not be greater than 8 feet in depth (unless otherwise approved by the Planning Commission). The sides of any retention/detention basins shall be 4:1 or flatter slopes.

- EC22. A Storm Water Pollution Prevention Plan (SWPPP) in accordance with the National Pollutant Discharge Elimination System (NPDES) shall be required.
- EC23. The developer shall make a good faith effort to acquire the required off-site property interests, and if he or she should fail to do so, 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.
- EC24. 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.
- EC25. A new fully actuated 3-way traffic signal shall be constructed on Navajo Road at the entrance of the project. The location of the signal shall be coordinated with the school district to align with their driveway as approved by the Town Engineer.
- EC26. The developer shall be required to obtain and submit to the Planning Department prior to occupancy, the following signed statement by the purchasers of the homes located within the Landscape and Lighting Assessment district (subject to final approval by the Town Attorney): "In purchasing the home, I am aware that the home is located in the boundaries of a Landscape and Lighting Assessment District for the maintenance of drainage, landscaping, fencing and other similar improvements and that an annual landscaping maintenance charge will be levied.
- EC27. A Storm Water Pollution Prevention Plan (SWPPP) in accordance with the National Pollutant Discharge Elimination System (NPDES) shall be required.
- EC28. The retention basin/drainage channel shall also include Town Standard two-stage dry wells to help facilitate the rapid removal of storm water.

EC29. All mitigations measure recommended in the approved Traffic Study including the construction of a raised median on Navajo Road shall be constructed as approved by the Town Engineer.

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

If you have any questions related to the Building and Safety conditions of approval, please contact Paul Osterman, Building Official, (760) 240-700 Ext: 7121, [posterman@applevalley.org](mailto:posterman@applevalley.org)

- BC1. An engineered grading report and soils report shall be submitted to and approved by the Building Official prior to the issuance of grading permits in excess of 1000 cubic yards.
- BC2. Grading and drainage plans must be submitted to and approved by the Building Official, Planning Department and Town Engineer prior to grading permit issuance.
- BC3. Submit plans, engineering and obtain permits for all structures and retaining walls, signs.
- BC4. A pre-construction permit and inspection are required prior to any land disturbing activity.
- BC5. A NOI and SWPP must be submitted to and approved by the Building and Engineering Departments prior to the issuance of a grading permit or any land disturbance.
- BC6. All utilities shall be placed underground in compliance with Town Ordinance No. 89.
- BC7. Comply with the State of California Disability Access requirements.
- BC8. A pre-grading meeting is required prior to beginning any land disturbance. This meeting will include the Building Inspector, General Contractor, Grading Contractor, soils Technician and any other parties required to be present during the grading process such as a Biologist and/or Paleontologist.
- BC9. Dust palliative or hydro seed will be required on those portions of the site graded but not constructed (phased construction).
- BC10. Page two (2) of the submitted building plans will be conditions of approval.
- BC11. Construction must comply with 2025 Building Codes in effect at the time of permit issuance.
- BC12. Best Management Practices (BMP's) are required for the site during construction.

BC13. Provide Water Quality Management Plan (WQMP) or Alternative Compliance Plan.

BC14. Apply for and provide evidence of MDAQMD dust control permit.

### **Environmental & Regulatory Compliance Conditions of Approval**

If you have any questions related to the Environmental & Regulatory Compliance conditions of approval, please contact Pamela Quick, Special Projects Manager, (760) 240-700 Ext: 7561, [pquick@applevalley.org](mailto:pquick@applevalley.org)

- ER1. Pursuant to AVMC § 8.19.020(a) et seq., the construction contractor shall complete and submit a Waste Management Plan (“WMP”), on a WMP form approved by the Town for this purpose as part of the application packet for the building or tenant improvement permit.
- ER2. Pursuant to AVMC § 8.19.050 and The California Green Code the contractor shall submit documentation proving that the project has met the diversion requirement prior to the issuance of a Certificate of Occupancy. The diversion requirement shall be at least sixty-five percent (65%) of the total C&D debris generated by the project via reuse or recycling.
- ER3. Pursuant to the provisions as set forth in AB341 businesses that generate 2 cubic yards or more of commercial solid waste per week shall have a recycling program in place, including but not limited to collection of recyclable paper and plastic waste by the Town’s franchise solid waste hauler.
- ER4. As of September 2020, and pursuant to the provisions as set forth in AB1826 and AVMC § 6.20.023(et seq), businesses inclusive of multi-family housing with 5 or more units that generate 2 cubic yards or more of commercial solid waste per week shall arrange for organic waste recycling services with limited exceptions and/or contract with an edible food recovery organization. Contact Burrtec Waste Industries at (760)245-8607 for further information.
- ER5. To accomplish the requirements of ER3 and ER4, listed above, the trash and recycling enclosure(s) shall be constructed to accommodate the source separated trash, recyclable material, and organic waste containers that are appropriately sized to handle the estimated waste generated on-site, coupled with an appropriate service frequency; recyclables and organic waste containers are currently minimum 35 gallon barrels. Contact Burrtec Waste Industries at (760)245-8607 for further information.

### **Public Works Conditions of Approval**

If you have any questions related to the Public Works conditions of approval, please contact Sarah Hauser, Administrative Analyst II, (760) 240-700 Ext: 7522, [shauser@applevalley.org](mailto:shauser@applevalley.org)

1. Sewage disposal shall be by connection to the Town of Apple Valley sewer system. Plans must be approved by the Town of Apple Valley Public Works Department.
2. An engineering evaluation may be required to determine sewer capacity requirements and specific improvements necessary to serve the project. This evaluation shall be reviewed and approved by Apple Valley Public Works.
3. Six (6) inch sewer lateral required.
4. Sewer connection fees required.

### **Apple Valley Fire Protection District Conditions of Approval**

If you have any questions related to the Apple Valley Fire Protection District conditions of approval, please contact Brian Pachman, Fire Marshal, Battalion Chief, (760) 247-7618 Ext: 104, [bpachman@avfpd.org](mailto:bpachman@avfpd.org)

- FD1. The above referenced project is protected by the Apple Valley Fire Protection District. Prior to construction occurring on any parcel, the owner shall contact the Fire District for verification of current fire protection development requirements.
- FD2. All new construction shall comply with applicable sections of the California Fire Code, California Building Code, and other statutes, ordinances, rules, and regulations regarding fires and fire prevention adopted by the State, County, or Apple Valley Fire Protection District.
- FD3. 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. This shall be completed prior to any combustible construction.
- FD5. Fire lanes shall be provided with a minimum width of twenty-six (26) feet, maintained, and identified. Twenty-six (26) feet access will start at both points of ingress and continue through the site.  
Apple Valley Fire Protection District Ordinance 67
- FD6. A turnaround shall be required at the end of each roadway, one hundred fifty (150) feet or more in length and shall be approved by the Fire District. Cul-de-sac length shall not exceed one thousand (1,000) feet.

Turning radius on all roads within the facility shall not be less than 21 feet inside and minimum of 41 feet outside turning radius with no parking on street. Road

grades shall not exceed twelve percent (12%) unless approved by the Fire Chief.  
Apple Valley Fire Protection District Ordinance 59

- FD8. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

New dwelling addresses shall be posted with a minimum of 4-inch numbers visible from the street, and during the hours of darkness the numbers shall be internally illuminated. Where building setbacks exceed 75 feet from the roadway, additional contrasting 4-inch numbers shall be displayed at the property entrance.

- FD9. Plans for fire protection systems designed to meet the fire flow requirements specified in the Conditions of Approval for this project shall be submitted to and approved by the Apple Valley Fire Protection District and water purveyor prior to the installation of said systems.

Apple Valley Fire Protection District, Ordinance 59

A. Unless otherwise approved by the Fire Chief, on-site fire protection water systems shall be designed to be looped and fed from two (2) remote points.

B. System Standards:

\*Fire Flow 1,500-3,200 GPM @ 20 psi Residual Pressure  
Duration 2 Hour(s)  
Hydrant Spacing 600 Feet

C. A total of TBD fire hydrant(s) will be required at time of building permit issuance. It is the responsibility of the owner/developer to provide all new fire hydrants with reflective pavement markers set into pavement and curb identification per A.V.F.P.D. Standard.

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

**NFPA 13 (RESIDENTIAL AUTOMATIC FIRE SPRINKLER SYSTEM): REQUIRED**

This residence shall be constructed with an automatic fire sprinkler system (NFPA 13) throughout the structure, including garage. Plans shall be submitted by a licensed C-16 contractor to the Fire District for review and approval along with plan review fees. Fire Sprinkler work shall not commence until plan approval and a job card have been issued. An approved fire alarm system shall be installed that will provide a local alarm for water flow to be audible throughout the premises. **NOTE: The Fire District shall be notified a minimum of 24 hours prior to the desired final inspection date.**

- FD10. A letter shall be furnished to the Fire District from the water purveyor stating that the required fire flow for the project can be met prior to the Formal Development Review Committee meeting.
- FD12. Apple Valley Fire Protection District Final Subdivision/Tract/Development fees shall be paid to the Fire District prior to final map acceptance according to the current Apple Valley Fire Protection District Fee Ordinance.
- FD13. A Knox Box Rapid Entry System shall be required for this project.  
Apple Valley Fire Protection District Ordinance 57
- FD14. The developer shall submit a map showing complete street names within the development, to be approved by the Fire District prior to final map.

### **Liberty Utility Conditions of Approval**

If you have any questions related to the Liberty Utility conditions of approval, please contact Rafael Perez, Engineer, (760) 373-0755, [Rafael.Perez@libertyutilities.com](mailto:Rafael.Perez@libertyutilities.com)

- LU1. Water Supply: A 12-inch asbestos cement main line is available south of the property line, which is sufficient to provide fire service, irrigation, and domestic water.
- LU2. Fire hydrants must be located in accordance with Apple Valley Fire Protection District's requirements and installed per Liberty Apple Valley standard drawings.
- LU3. If a fire service line is required for this development, it must be installed in accordance with Apple Valley Fire Protection District's conditions and must comply with Rule 16 of the California Public Utilities Commission. An approved and tested customer owned backflow protection device is required.
- LU4. Domestic service lines with water meters will be installed from the existing water main to the street right-of-way line for this development. Approved and tested customer owned backflow protection devices are required.
- LU5. All water lines and appurtenances required are to be installed in accordance with Liberty Apple Valley standards and specifications.
- LU6. Backflow Requirements: All lines will require approved backflow protection devices. However, the domestic water line may not need a backflow device depending on the specific use and requirements of the business.

### **Southwest Gas Conditions of Approval**

If you have any questions related to the Southwest Gas conditions of approval, please contact David Mailloux, [scaes@swgas.com](mailto:scaes@swgas.com)

SWG1. Gas main distribution lines are a distance away. Review needs to take place to determine approach/time/feasibility/cost. Time required varies by project and can be estimated once the request is made by the customer and review is completed. For projects that require system improvement it can be a year or longer.

**-End of Conditions-**