



A Better Way of Life

Town of Apple Valley

14955 Dale Evans Parkway • Apple Valley, California 92307

April 30, 2015

Paul Onufer
5565 Fair Oaks Ave #337
Pasadena, Ca 91786

Re: Specific Plan Amendment No. 2012-001 Amendment No.1

Dear: Mr. Onufer:

At its meeting of April 14, 2015, the Town Council considered SP No. 2012-001 Amendment No. 1. Following public comment and Council discussion, the Town Council approved the amendment requests subject to revised Conditions of Approval for TM 14484 (DP 209). Second reading of Ordinance No. 468 on May 26, 2015 will finalize the application.

Enclosed you will find the conditions as approved by the Town Council as accepted by the applicant at the public hearing. If you have any questions on this matter, please contact me at (760) 240-7000 Ext. 7222. Town offices are open Monday through Thursday between 7:30 a.m. and 5:30 p.m., and alternating Fridays between 7:30 a.m. and 4:30 p.m. (**closed the subsequent Fridays**).

Sincerely,

Carol Miller
Principal Planner

c: file

REVISED CONDITIONS OF APPROVAL

Case No. Tract Map No. 14484

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.*

Development Permit No. 209 (TM 14484)

Planning Department

1. This tentative subdivision shall comply with the provisions of the State Subdivision Map Act and the Town Development Code and the requirements of the Jess Ranch PUD. This tentative approval shall expire three (3) years from the date of approval by the Planning Commission/Town Council and/or Planning Department. 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 at least 30 days prior to the expiration date.
2. Subdivision phasing, including proposed common open space phasing, shall be as shown on the approved Tentative Tract map.
3. Prior to the recordation of the Final Map/issuance of a building permit, the following agencies shall provide written verification to the Engineering Department/Building and Safety Department that all pertinent Conditions of Approval and applicable regulations have been met:
 - Planning Department
 - Apple Valley Unified School District
 - Fire District
 - Engineering Department
 - Apple Valley Water District
 - Park and Recreation District
4. A Homeowners Association shall be established for maintenance of Lots A-G, I, K-M and Q, Open space. The developer/applicant shall pay for all costs relating to establishment of the district. A maintenance district may be formed for publicly owned lots subject to the approval of the Town Engineer.
5. Sidewalks shall be provided along all secondary and major streets per Town standards or as necessary for safe and adequate pedestrian circulation.
6. A Homeowners Association shall be establish for maintenance of Lots A-Q, Open Space/Common Area and all sidewalks and the developer/applicant shall pay for all costs relating to establishment of the Homeowners Association.

7. All slopes over three (3)-feet in height shall be landscaped and irrigated according to Town Interim Development Guidelines.
8. In compliance with Town Ordinance #2684, the applicant shall agree to defend at its 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 its obligations under this Condition.
9. Prior to recordation of the Final Map, the developer or his assignee must conform to the park district Quimby Ordinance unless waived to time of issuance of a building permit. This Condition does not apply if the Covenants, Conditions and Restrictions (CC&Rs) limit this project to seniors, age 55 and over.
10. Three (3) sets of detailed landscaping and irrigation plans, prepared by a qualified professional, shall be submitted to the Town Planner for review and approval prior to the issuance of building permits.
11. ~~All site amenities, including landscaping and irrigation, as shown on plans approved by the Town Planning Department, shall be installed prior to issuance of the Certificate of Occupancy. Landscaping shall utilize drought tolerant/desert-appropriate landscaping wherever feasible.~~
A plan for development of all open space lots, including site amenities, landscaping, irrigation, gating and water quality, shall be provided to the Town Planning Department for approval, and to the HOA for concurrence, and the improvements shall be installed, in accordance with the approved plan, prior to issuance of the Certificate of Occupancy. Landscaping shall utilize drought tolerant/desert-appropriate landscaping wherever feasible.
12. Applicant shall submit the site plan, as approved by the Planning Department, to the Department of Building and Safety concurrent with application for building permits.
13. In accordance with County Ordinance No. 1963, the applicant/developer shall submit a tree relocation plan to the Chief Building Official for review and approval.
14. Signs shall be approved by separate permit.
15. Reverse frontage wall and landscaping plans must be approved prior to issuance of building permits.
16. All utility service boxes and connections shall be painted to match the building exterior on which they are located.
17. All existing overhead utility services and wiring shall be relocated underground.

18. No roof-mounted equipment shall be placed on any building unless screened as specifically approved by the Planning Department (except for solar collection panels).
19. All utility systems including gas, electric, telephone, water, sewer and cable TV shall be provided for underground, with easements provided as required, and designed and constructed in accordance with Town Codes and the utility provided. Telephone, cable TV, shall be pre-wired in the residence.
20. The CC&Rs shall be reviewed and approved by the Planning Department prior to final approval of the tract maps. The CC&Rs shall include liability insurance and methods of maintaining the open space, recreation areas, parking areas, private roads, and exterior of all buildings. Revised or new CC&R's shall be submitted for review and approval by the Planning Department specific to the single-family residential development.
21. No lot or dwelling unit in the development shall be sold unless a corporation, association, property owner's group, or similar entity has been formed with the right to assess all properties individually owned or jointly owned which have any rights or interest in the use of the common areas and common facilities in the development, such assessment power to be sufficient to meet the expenses of such entity, and with authority to control, and the duty to maintain, all of said mutually available features of the development. Such entity shall operate under recorded CC&Rs which shall include compulsory membership of all owners of lots and/or dwelling units and flexibility of assessments to meet hanging cost of maintenance, repairs and services. Recorded CC&Rs shall permit enforcement by the Town of provisions required by the Town as Conditions of Approval. The developer shall submit evidence of compliance with this requirement to, and receive approval of, the Town prior to making any such sale. This Condition shall not apply to land dedicated to the Town for public purposes.
22. Every owner of a dwelling unit or lot shall own as an appurtenance to such dwelling unit or lot, either (1 an undivided interest in the common areas and facilities, or (2 as share in the corporation, or voting membership in an association, owning the common areas and facilities.
23. Maintenance for all landscaped and open areas, including parkways, shall be provided in the CC&Rs.
24. Prior to issuance of any grading or building permit, the applicant(s) shall sign and complete an "Acknowledgement of Conditions", and shall return the executed original to the Planning Department for inclusion in the case records.
25. Each phase with a single access greater than 600-feet in length shall have a fully improved secondary access acceptable to the Town and the Fire District.
26. ~~A minimum ten (10)-foot greenbelt shall be provided with this tract along the north boundary (Section C of the Landscape plan shows a greenbelt by others).~~

- ~~27. Provide a minimum twenty (20)-foot greenbelt along the southern boundary with this project (Section O of the Landscape Plan shows a sixteen (16)-foot parkway by others).~~
26. Provide garage door openers on all units.
27. Provide an accurate count of the number of residential units.
28. The typical lot layout shall show a minimum front setback of ten (10) feet with a minimum difference in staggered setbacks of three (3) feet.
- ~~31. Front setbacks shall be staggered; no more than two (2) adjacent houses with the same setback and with a minimum difference in setbacks of three (3) feet.~~
29. Lot Nos. 69 thru 204 and Lots 210 thru 219 within recorded Tract Map No. 14484 to change from recreation vehicle (RV) lots to single-family residential in accordance with the medium density residential development standards of the Jess Ranch PUD. Lot Nos. 1 thru 68 and Lot Nos. 220 thru 227 will remain as RV lots within the Jess Ranch Lakes RV Resort in accordance with the RV lot standards for development.
30. Prior to the issuance of a building permit an enhanced gated entryway shall be provided at the northeasterly access point (Westmond Drive). A plan shall be submitted to the Planning Division for review and approval.
31. Prior to the issuance of a building permit, a six (6)-foot high tract boundary wall shall be constructed.
32. Prior to a certificate of occupancy all single-family lots that back-up to Lot "C", which include Lot Nos. 104 thru 120 and Lot Nos. 203 and 204 shall be improved with a six (6)-foot high combination block wall and wrought iron fencing. Except within the front setback, a six (6)-foot high wall shall be installed along the westerly property lines of Lot Nos. 69, 195, 196, 204, 219, and the southerly property line of Lot No. 104.

Apple Valley Water District

- ~~29. Sewage disposal shall be by connection to the Apple Valley Water District. Financial arrangements, plans and improvements agreements must be approved by the Apple Valley Water District.~~
- ~~30. Water purveyor shall be Jess Ranch.~~
- ~~31. Finalize maintenance and operation agreement between Jess Ranch and Apple Valley Water District.~~
- ~~32. All sewer improvement plans shall be reviewed and approved by Apple Valley Water District prior to construction.~~

Apple Valley Ranchos Water Company Conditions of Approval

33. Water mains must be extended to provide fire protection to this tract in accordance with Apple Valley Fire Protection District's conditions.
34. A water main extension contract will be required in compliance with Rule #15 of the California Public Utilities Commission.

35. Water mains and appurtenances are required to be looped and installed throughout the tract in accordance with AVRWC standards and specifications. The proposed water mains in Augusta Circle and Chlory Way need to be eight (8) inch in diameter. They are to join the existing twelve (12) inch water main in Wedgewood Drive and the existing six (6) inch main in Tournament Lane. In addition to the closing water main loop in Augusta Circle, an eight (8) inch water line needs to be extended in Chlory Way to Westmont Drive and then north on Westmont Drive to the edge of the tract boundary.
36. Fire hydrants are required per AVRWC standards drawings and located in accordance with Apple Valley Fire Protection District's requirements.
37. Water facilities need to be installed in dedicated public Rights-of-Ways or easements. These dedications and easements are needed to install, maintain, connect and operate (unobstructed vehicular access) the proposed water facilities.
38. Domestic service lines will need to be installed from the proposed water main to the street right-of-way for each residential lot.
39. A supply facility fee for water supply will not be collected because this area of Jess Ranch is exempt from the fee.
40. The project is exempt from the water acquisition fee since there is an agreement in place with Jess Ranch for water rights.

Engineering Department

41. 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 provision 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. This plan shall consider retaining on-site drainage flows from a 100-year design storm.
42. Street improvement plans shall be submitted to the Town Engineer for review and approval.
43. All interior streets shall be improved to Town P.U.D. standards with curb, gutter and street pavement. Minimum residential width of streets shall be thirty-six (36) feet curb to curb.
44. All streets abutting the development shall be improved a minimum half-width of twenty-eight (28) feet with curb and gutter on the development side.
45. Apple Valley Road shall be improved to the Town's Full-Width Modified Major Divided Road standards, as approved by the Town Engineer.
46. An eighty-six (86) full-width road dedication along Apple Valley Road shall be granted to the Town of Apple Valley prior to Final Map Approval.

47. During the grading of the roads, soils testing of the road subgrades by a qualified soils engineering firm shall be performed to determine appropriate structural road section. Minimum asphalt concrete thickness for all streets shall be 0.25 feet.
48. All required improvements shall be bonded, in accordance with Town Development Code, unless constructed and approved prior to approval and recordation on the Final Map.
49. An encroachment permit shall be obtained from the Town prior to performing any work in a public rights-of-way.
50. 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.
51. A final grading plan shall be submitted to the Town Engineer prior to issuance of a grading permit for review and approval. 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.
52. Street lights shall be required and shall conform to the Town's standards for such. The developer shall form or annex into an assessment district to provide for the ongoing maintenance of the street lights.
53. All road names shall be approved by the Town and such approval shall be coordinated through the Town Engineer.
54. Prior to Town acceptance of the Final Map, subdivider shall present evidence to the Town Engineer that it 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.
55. Utility lines shall be placed underground in accordance with the requirements of the Town.
56. The developer shall make a good faith effort to acquire any required off-site property interests, and if failing 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 Town prior to commencement of the appraisal, together with such additional security as may be required by the Town Engineer or Town Attorney.
57. Traffic impact fees, pursuant to Town Ordinance No. 42, shall be paid by the developer.

59. Any developer fees, such as drainage fees, shall be paid by the developer.
60. Any required street striping shall be thermoplastic as approved by the Town Engineer.
61. All interior streets shall remain private and shall not be entered into the Town's Maintained Street List.
62. A full width, approximately 120-feet wide, irrevocable offer of dedication along Apple Valley Road shall be granted to the Town of Apple Valley prior to final map approval as shown on the Apple Valley Road plans on file with the Town Engineer.
63. Replacement bonds based on an engineers estimate for the incomplete improvements and streets shall be provided prior to the issuance of a building permit.
64. Paved access shall be provided in accordance with Town standards to the nearest Town maintained road (Town Center Drive) from the northeasterly access point of the tract.

Building and Safety Department

65. A preliminary soils report shall be filed, with and approved by the Building Official, prior to recordation of the final map.
66. Grading plans are to be submitted to, and approved by, the Department of Building and Safety.
67. Obtain a demolition permit for building(s) to be demolished. Underground structures must be broken in, back-filled and inspected before covering.
68. Submit plans and obtain building permits for required walls.
69. A pre-construction inspection and permit is required prior to any land disturbance activity to verify requirements for erosion and sediment control, flood hazard and native plant protection and management.
70. Define and delineate the setback boundary from the Mojave Flood Plain on the Final Development Plan as necessary.

End of Conditions