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## TOWN OF APPLE VALLEY PLANNING COMMISSION

Agenda Item No. 5

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# Staff Report

- AGENDA DATE:** October 2, 2013
- CASE NUMBER:** Conditional Use Permit No. 2012-02 Amendment No. 1
- APPLICANT:** The Palmerin Group, Inc
- PROPOSAL:** A request to review and amend a previously approved Conditional Use Permit No. 2012-02 to allow an increase in height from seventy (70) feet to eighty (80)-feet in height for a wireless telecommunication monopole designed as a pine tree.
- LOCATION:** The project site is located on the Apple Valley Municipal Golf Course on Fairways #13 and #14, APN: 3112-111-41.
- ENVIRONMENTAL DETERMINATION:** Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed request is Exempt from further environmental review. The proposal involves a minor increase beyond that was considered under Negative Declaration approved with the lead agency's approval of Conditional Use Permit No. 2012-02 and Deviation 2012-02.
- CASE PLANNER:** Ms. Carol Miller, Senior Planner
- RECOMMENDATION:** Approval

### PROJECT AND SITE DESCRIPTION:

- A. Project Size: The telecommunication facility will occupy 900 square feet of lease area within the Apple Valley Golf Course.
- B. General Plan Designations:  
Project Site - Open Space Recreation (OS-R)  
North - Single-Family Residential (R-SF)  
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 - Open Space Recreation (OS-R), Golf Course  
North - Single-Family Residential (R-SF), Single-family residence  
South - Single-Family Residential (R-SF), Single-family residence  
East - Single-Family Residential (R-SF), Single-family residence

West - Single-Family Residential (R-SF), Single-family residence

D. Height:

Permitted Maximum: 88 ft. (Preferred Location)  
 Proposed Maximum: 80 ft.

E. Parking Analysis:

Total Parking Required: 1 Space  
 Parking Provided: 0 Spaces

F. Setback Analysis:

Antenna	Required	Proposed
Adjoining Property Line:		
From West	30 ft.	745 ft.
From East	30 ft.	399 ft.
From South	30 ft.	254 ft.
From North	30 ft.	408 ft.

G. Separation Analysis:

Tower	Required	Proposed
To SFR		
From West	500 ft.	520 ft.
From East	500 ft.	500 ft.
From South	500 ft.	**355 ft.
From North	500 ft.	520 ft.
To Existing Tower	750 ft.	**715 ft.

\*\* highlights the deviations already approved (DVN No. 2012-02)

H. Site Characteristics

The subject site is developed as a public golf course. The proposed facility would be located in an unimproved area adjacent to fairway nos. 13 and 14 near an existing well. Single-family residences line the sides of the fairways.

BACKGROUND:

In 2012, Verizon requested Apple Valley Planning Commission review and approval of a Conditional Use Permit to install a seventy (70)-foot high telecommunication antenna system designed as a pine tree. Verizon has relinquished the CUP entitlement approval to The Palmerin Group, Inc to construct the tower. The applicant is now requesting an amendment to increase the tower's height by ten (10) feet to accommodate additional carriers. The proposed tower height is eighty (80) feet with an overall height of eighty-five (85) feet when the tree branches are taken into account.

ANALYSIS:

A. Site Analysis:

The site design and equipment shelter are proposed to remain as originally approved. Area necessary for future equipment shelters/cabinets beyond the capacity of the shelter and approved lease area will require an amendment to the CUP and the lease agreement with the Town.

The setback requirement is based on tower height. Therefore, the additional of ten (10) feet in height increases the setback requirement from twenty-six and one half (26.5) feet to a thirty (30)-

feet. Despite the modest increase in the setback requirements, the approved location continues to comply with the Code requirements.

B. Architecture Analysis:

The Development Code does discourage the use of a monopine, but that the Planning Commission in review of the CUP application may consider a monopine. The original applicant had chosen a monopine design because of the existing treescape on the golf course. The amendment proposes the same tree design for the same reason but with the addition of ten (10) feet in height.

As originally approved, the monopine is designed with full cladding that appears bark-like as the trunk of the tree, with foliage beginning at twenty (20) feet and extending to the top at eighty-five (85) feet.

The trees within a 200-foot radius of the monopine range in height from twenty-seven (27) feet to sixty-three (63) feet in height will help minimize the appearance of the tower. Despite the tall trees, the trees will not achieve a height greater than sixty (60%) percent of the overall height of the tower, and when combined with the single story structures surrounding the park, the tower will still be visible. While not ideal, the eighty (80)-foot high, monopine design, the recommended condition of approval for greater tree branch density will provide the least amount of impact to the aesthetics in and around the project.

E. Summary:

As previously indicated, the applicant has acquired a previously approved CUP to allow the construction of a wireless telecommunication facility with the golf course. Aside from the increase in tower height, no other modifications are proposed to the project design. The increase of ten (10) feet between the approved height and the proposed will appear negligible. The attached recommended conditions of approval are as originally approved with no changes proposed.

F. Environmental Assessment:

Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed request is Exempt from further environmental review. The proposal involves a minor increase beyond that was considered under Negative Declaration approved with the lead agency's approval of Conditional Use Permit No. 2012-02 and Deviation 2012-02.

G. Noticing:

The project was legally noticed in the Apple Valley News on September 20, 2013. Staff notified all property owners within 1,500 feet of the site for this public hearing. At the time of the writing of the staff report, staff had not received any communications from neighbors regarding the proposed telecommunication facility.

H. Conditional Use Permit Findings:

As required under Section 9.16.090 of the Development Code, prior to approval of a Conditional Use Permit, the Planning Commission must make the following Findings:

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

Comment: The proposed construction of a eighty (80)-foot high telecommunication mono-pine tower complies with the Telecommunications Ordinance of the

Development Code of the Town of Apple Valley, and the adopted General Plan, upon the review and approval of a Conditional Use Permit.

The Utilities Element of the General Plan Policy 1.H states "...cellular communication towers and other major utility facilities shall be designed and sited so that they result in minimal impacts to viewsheds and minimally pose environmental hazards." This project is compatible with the golf course. By using the monopine design as originally approved, the visual impact of the increase in height will be minimized and expanding the telecommunication coverage within an area that is deficient in cellular coverage is compatible with the surrounding residential uses surrounding the golf course.

2. That the location, size, design and operating characteristics of the proposed use will be compatible with and will not adversely affect nor be materially detrimental to adjacent uses, residents, buildings, structures or natural resources;

Comment: The antenna will incorporate a pine tree design as camouflage for the tower and will be compatible with the site and adjacent uses, based on the existing mature trees. The proposed installation of the monopole, with adherence to the recommended Conditions of Approval, is permitted subject to approval of a Conditional Use Permit and Deviation Permit.

3. That the proposed use is compatible in scale, bulk, lot coverage, and density with adjacent uses;

Comment: By using a monopine design the visual impact will be minimized and expanding the telecommunication coverage within an area is deficient in cellular coverage is compatible with the surrounding residential uses surrounding the golf course.

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

Comment: There are existing improvements to serve the proposed site.

5. That there will not be a harmful effect upon desirable neighborhood characteristics;

Comment: The location, size, design (with aesthetics approved by the Planning Commission) and operating characteristics of the proposed telecommunications facility, and the conditions under which it will be operated and maintained, will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity.

6. That the generation of traffic will not adversely impact the capacity and physical character of surrounding streets;

Comment: The proposed wireless telecommunication facility is unmanned and, therefore, not anticipated to generate additional traffic.

7. That traffic improvements and/or mitigation measures are provided in a manner adequate to maintain the existing service level or a Level of Service (LOS) C or better on arterial roads and are consistent with the Circulation Element of the General Plan;

Comment: The proposed wireless telecommunication facility is unmanned and will be located within a developed golf course. Minimal traffic will be generated from the project to adversely affect the surrounding area.

8. That there will not be significant harmful effects upon environmental quality and natural resources;

Comment: Under the State guidelines to implement the California Environmental Quality Act (CEQA), the project is not anticipated to have any direct or indirect impact upon the environment since the proposed wireless telecommunication facility is unmanned and will be located within a developed park site.

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

Comment: Under the State guidelines to implement the California Environmental Quality Act (CEQA), the project is not anticipated to have any direct or indirect impact upon the environment since the proposed wireless telecommunication facility is unmanned and will be located within a developed golf course.

10. That the impacts, as described in paragraphs 1 through 9 above, and the proposed location, size, design and operating characteristics of the proposed use and the conditions under which it would be maintained will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity, nor be contrary to the adopted General Plan;

Comment: The project, if approved, would be required to provide FCC (Federal Communications Commission) licensing which regulates electromagnetic fields and radio frequencies.

11. That the proposed conditional use will comply with all of the applicable provisions of this title;

Comment: The proposed telecommunications facility can be built in conformance to the Development Code, subject to approval of a Conditional Use Permit and adherence to the recommended Conditions of Approval.

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

Comment: The materials, textures and details of the proposed antenna and associated equipment compound will compliment the existing improvements.

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

Comment: The design of a pine tree adjacent to or within proximity of other trees that are approximately twenty-seven (27) to sixty (60) feet tall will help minimize the appearance of the tower. Based on the need for antenna height, due to the low profile buildings and lack of tall trees of comparable height within the area, anything will be visible. Nevertheless, the proposal does not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings.

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

Comment: The design of a pine tree adjacent to or within proximity of other trees will help minimize the appearance of the tower.

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

Comment: The wireless telecommunications facility will be unmanned. The proposed improvements will not alter the function of the golf course.

**RECOMMENDATION:**

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

1. Find that, pursuant to the California Environmental Quality Act (CEQA), the proposed amendment 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. 2012-02 Amendment No. 1.
3. Approve Conditional Use Permit No. 2012-02 Amendment No. 1, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

**Prepared By:**

**Reviewed By:**

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Carol Miller  
Senior Planner

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Lori Lamson  
Community Development Director

**ATTACHMENTS:**

1. Recommended Conditions of Approval

2. Overall Site Plan
3. Elevation
4. Setback Exhibit
5. Zoning Map
6. Photo-simulation (see separate attachment)

TOWN OF APPLE VALLEY

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**RECOMMENDED CONDITIONS OF APPROVAL**

Case No. Conditional Use Permit No. 2012-02 Amendment No. 1

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

**Planning Division Conditions of Approval**

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval to approve a specific use of land, if not established in conformance to any conditions applied, shall become void three (3) 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 60 days prior to the void date. The Conditional Use Permit becomes effective 10 days from the date of the decision unless an appeal is filed as stated in the Town's Development Code, Section 9.03.0180.
- P2. The applicant shall agree to defend at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P3. The applicant recognizes the approval of Conditional Use Permit No. 2012-02 and Deviation Permit No. 2012-02 by the Planning Commission as acknowledgment of Conditions of Approval, unless an appeal is filed in accordance with Section 9.12.250, *Appeals*, of the Town of Apple Valley Development Code.
- P4. The rendering(s) presented to, and approved by, the Planning Commission at the public hearing shall be the anticipated and expected appearance of the structure upon completion.
- P5. It is the sole responsibility of the applicant on any Permit, or other appropriate discretionary review application for any structure, to submit plans, specifications and/or illustrations with the application that will fully and accurately represent and portray the structures, facilities and appurtenances thereto that are to be installed or erected if approved by the Commission. Any such plans, specifications and/or illustrations that are reviewed and approved by the Planning Commission at an advertised public hearing shall accurately reflect the structures, facilities and appurtenances expected and required to be installed at the approved location without substantive deviations, modifications, alterations, adjustments or revisions of any nature.
- P6. The Community Development Director or his/her designee, shall have the authority for minor architectural changes focusing around items such as window treatments, color combinations, façade treatments, and architectural relief.
- P7. The applicant shall supply verification with the American National Standards Institute (ANSI) by providing a copy of its FCC license agreement prior to issuance of Certificate of Occupancy.



- P8. In the event the antenna(s) becomes obsolete and/or abandoned, the provider shall remove the antenna(s) and all related mechanical equipment and return the site to its original state, or an improved state, within 30 days of abandonment.
- P9. 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 Division and Municipal Operations. The actual placement of the three (3) pines trees shall be agreed upon by Municipal Operations. The Yellow Trumpet Vine shall be replaced with a combination drought tolerant shrubs conducive to cold winters and summer heat.
- P10. 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.
- P11. The filing of a Notice of Determination and Negative Declaration requires the County Clerk to collect a documentary handling and filing fees. The fee must be paid in a timely manner in accordance with Town procedures. No permits may be issued until such fee is paid. The check shall be made payable to the Clerk of the Board of Supervisors.
- P12. Plans submitted for plancheck shall reflect a tree branch of three (3) branches per foot or greater.
- P13. The antennas shall be covered with a pine needle sock to camouflage the antenna.
- P14. The emergency back-up generator may not exceed 60 dBA's. An acoustical analysis shall be provided at the time of plancheck submittal.
- P15. The wall enclosure shall have decorative pilasters at all corners. No barbed, razor or other wire material shall be used in or on the facility.
- P16. No antenna array shall extend beyond the foliage.

**Building and Safety Division Conditions of Approval**

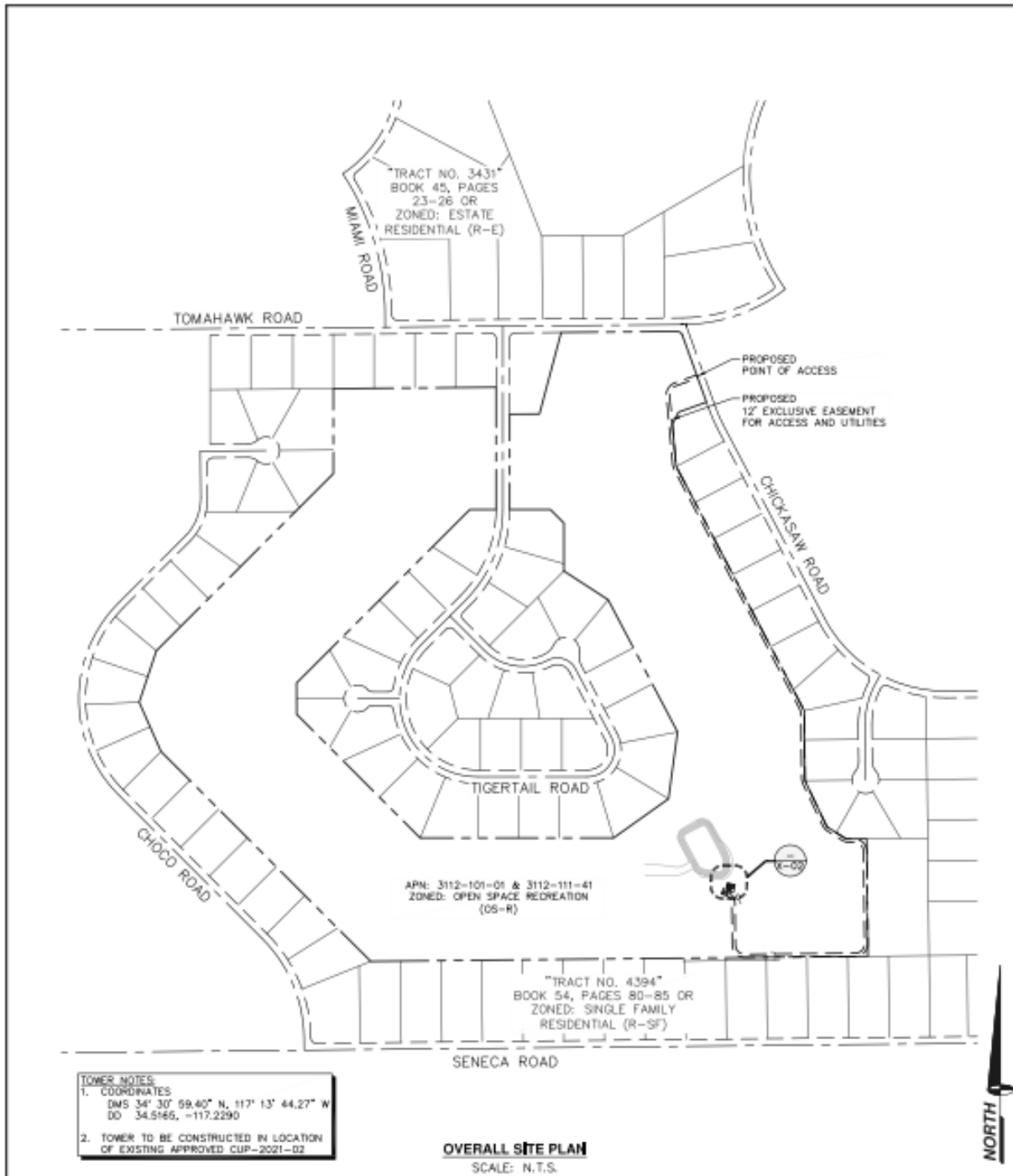
- B1. Prior to issuance of Building Permit, the applicant shall submit plans and engineering calculations for review and approval.
- B2. A pre-construction permit and inspection are required prior to any land disturbing activity to verify requirements for erosion control, flood hazards, and native plant protection.
- B3. All utilities are required to be placed underground in compliance with Town Ordinance No. 89.
- B4. Page two (2) of the submitted building plans will be conditions of approval.
- B5. Construction must comply with California Building Codes and California Green Building Code.
- B6. Best Management Practices (BMPs) are required for the site during construction.

**Apple Valley Fire Protection District**

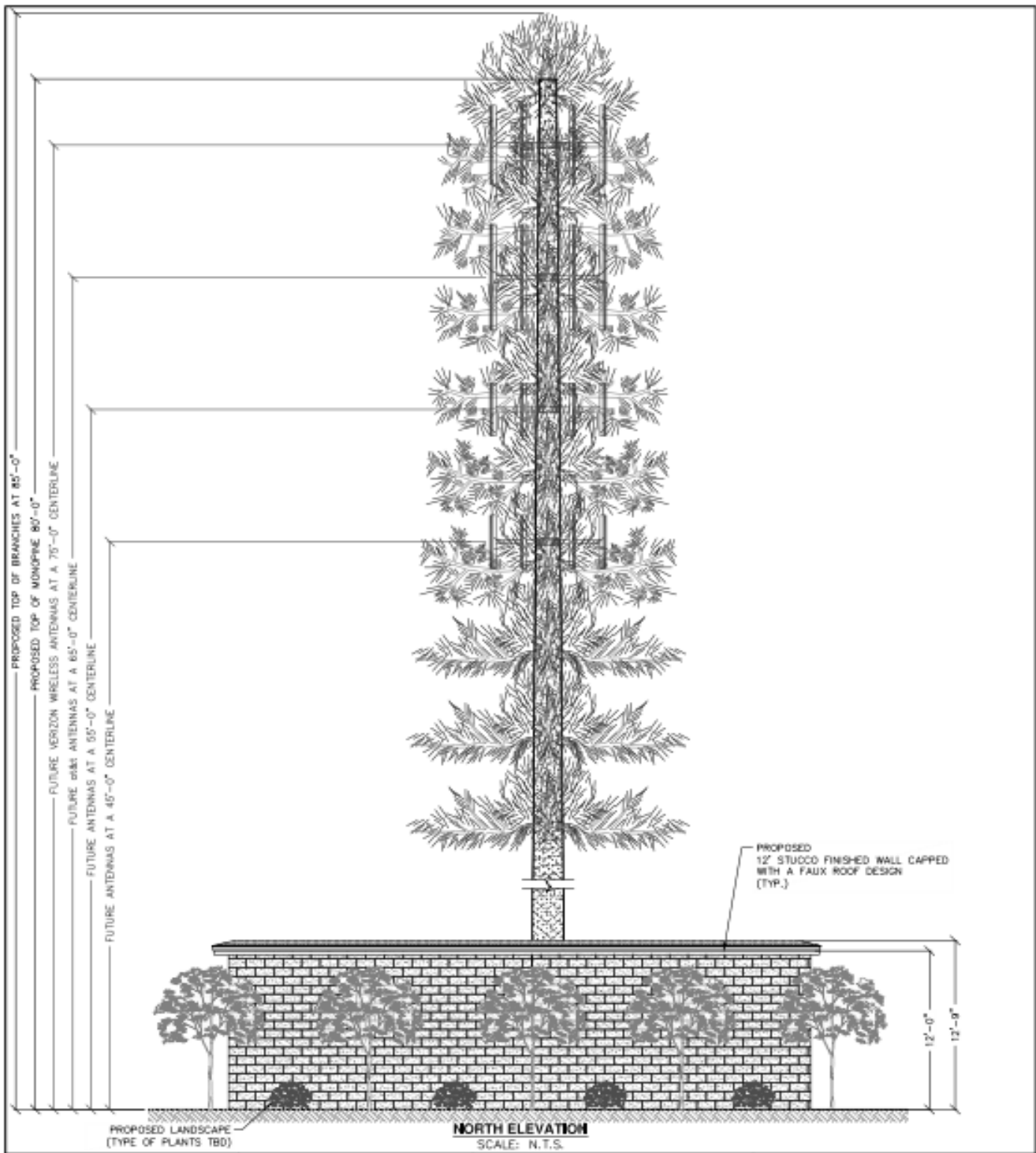
- FD1. The above referenced project is protected by the Apple Valley Fire Protection District. Prior to construction occurring on any parcel, the owner shall contact the Fire District for verification of current fire protection development requirements.
- FD2. All new construction shall comply with applicable sections of the California Fire Code, California Building Code, and other statutes, ordinances, rules, and regulations regarding fires and fire prevention adopted by the State, County, or Apple Valley Fire Protection District.
- FD3. All combustible vegetation, such as dead shrubbery and dry grasses, shall be removed from each building site a minimum distance of thirty (30) feet from any combustible building material, including the finished structure. This does not apply to single specimens of trees, ornamental shrubbery, or similar plants, which are used as ground cover if they do not form a means of transmitting fire.

California Public Resources Code, Sec. 4291
- FD4. Provide a N.F.P.A. 704 Placard indentifying the Hazardous Materials for the batteries.
- FD5. Provide (1) 2A10BC minimum rating fire extinguisher and serviced by a certified company.

**End of Conditions**



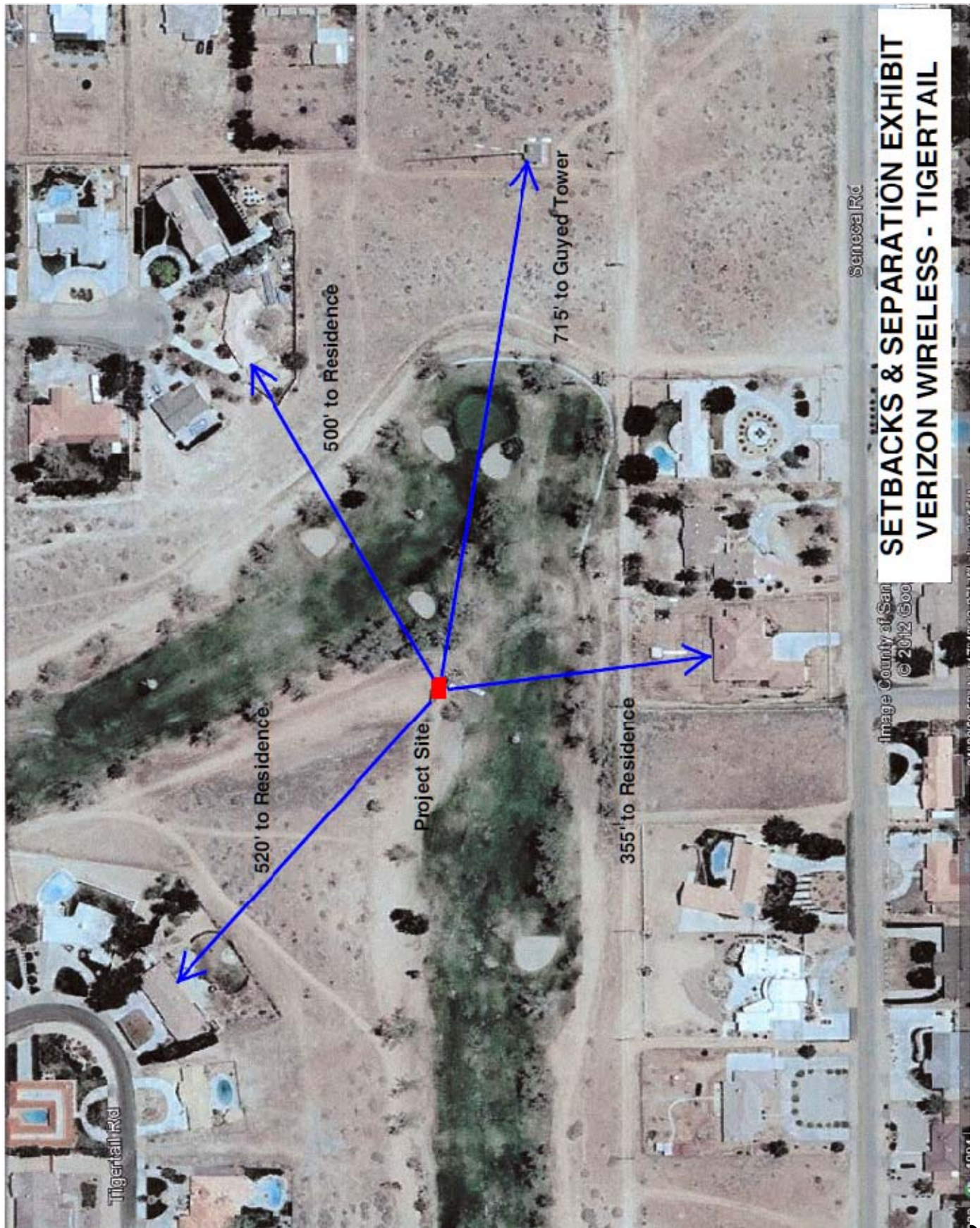
 8905 W POST RD., SUITE 100 LAS VEGAS, NEVADA 89148 PH. (702) 367-7705 FAX (702) 367-8733	PLN TELECOM INC. 9155 JUDICIAL DRIVE UNIT 5418 SAN DIEGO, CALIFORNIA 92122	DRAWING TITLE: EXHIBIT	DRAWING NO. <b>X-01</b>
		PROJECT INFORMATION: APPLE VALLEY G.C. UNADDRESSED APN: 3112-111-41	REVISION NO. 3 DATE ISSUED: 09/16/13
PROPERTY OWNER: TOWN OF APPLE VALLEY 14955 DALE EVANS PARKWAY APPLE VALLEY, CALIFORNIA 92307		DRAWN BY: J. CRIPPLE CHECKED BY: M. DEFAU	APPROVED BY: C. WENER
		SCALE: AS NOTED	SHEET NO. 1 OF 4
		SITE NO.: PD- 01	



**NORTH ELEVATION**

SCALE: N.T.S.

 8905 W POST RD., SUITE 100 LAS VEGAS, NEVADA 89148 PH. (702) 367-7705 FAX (702) 367-8733	PLN TELECOM INC. 9155 JUDICIAL DRIVE UNIT 5418 SAN DIEGO, CALIFORNIA 92122	DRAWING TITLE: EXHIBIT	DRAWING NO. <b>X-04</b>	
		PROJECT INFORMATION: APPLE VALLEY G.C. UNADRESSED APN: 3112-111-41	REVISION NO. 3	DRAWN BY: J.CAPULE
		PROPERTY OWNER: TOWN OF APPLE VALLEY 14955 DALE EVANS PARKWAY APPLE VALLEY, CALIFORNIA 92307	DATE ISSUED: 09/16/13	CHECKED BY: M. CEFAU
		SCALE: AS NOTED	APPROVED BY: C. WEBER	SHEET NO. 4 OF 4
		SITE NO.: PB- 01		



SETBACKS & SEPARATION EXHIBIT  
VERIZON WIRELESS - TIGERTAIL

Image County of San  
© 2012 Google



Conditional Use Permit No. 2012-02  
 Deviation Permit No. 2012-02

Zoning/Location Map

