



Get a Slice of the Apple.

TOWN OF APPLE VALLEY PLANNING COMMISSION

Agenda Item No. 3

Staff Report

- AGENDA DATE:** November 20, 2013
- CASE NUMBER:** Conditional Use Permit No. 2012-02 Amendment No. 2
- APPLICANT:** The Palmerin Group, Inc
- PROPOSAL:** A request to review and amend a previously approved Conditional Use Permit to allow an increase in equipment shelter area from 900 square-feet to 1,678 square-feet to accommodate the equipment for the four potential wireless telecommunication carriers.
- 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 compound will occupy approximately 1,678 square feet 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. 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:

The Planning Commission approved Amendment No. 1 at its October 2, 2013 meeting that allowed an increase in tower height to accommodate up to four (4) carriers. The applicant is now requesting a second amendment to increase the equipment area from 900 square feet to 1,678 square feet to accommodate the equipment of the additional carriers.

ANALYSIS:

A. Site and Architectural Analysis:

The equipment compound is located in the previously approved location but occupying a greater area with the increase in square-footage. The location is adjacent to the existing well and the proposed percolation basin.

The original approval/design included landscaping around the compound to break-up its appearance and the planting of three (3) pine trees (Condition No. P9). As proposed, the site plan does not identify any landscaping around the perimeter of the compound. Therefore, Condition No. P7 will supersede original Condition of Approval No. P9, requiring shrubbery around the compound perimeter and increases the number of trees to five (5).

The compound enclosure consists of stucco finished block walls and a false tile roof to give the appearance of an enclosed structure. The overall height of the enclosure is thirteen (13) feet. Aside from the monopine tower, no equipment extends above the height of the compound. Due to the potential of stucco damage by golf balls hitting the structure, staff recommends Condition No. P11 to ensure the facility is maintained in good condition.

B. 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.

C. 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 equipment compound/shelter 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 compound will not interfere with golf course play or visually affect the golf course. The increase in the size of the equipment compound will

enable the applicant to fully utilize the tower by maximizing the number of carriers.

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 compound will not interfere with golf course play or visually affect the golf course. 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. The increase in the size of the equipment compound will enable the applicant to fully utilize the tower by maximizing the number of carriers.

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

Comment: The compound will not interfere with golf course play or visually affect 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 compound will not interfere with golf course play or visually affect the golf course. The location, size, and design of the compound will be compatible with and will not adversely affect nor be materially detrimental to adjacent uses, residents, buildings, structures or natural resources. The increase in the size of the equipment compound will enable the applicant to fully utilize the tower by maximizing the number of carriers

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 equipment compound will complement 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 compound is designed with a stucco exterior and a false tile roof to give the appearance of an enclosed structure. The overall height of the enclosure is thirteen (13) feet. Aside from the monopine tower, no equipment extends above the height of the compound. The project is located by fairways 13 and 14; therefore, the proposal will 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.

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 compound is designed with a stucco exterior and a false tile roof to give the appearance of an enclosed structure. This design effectively hides and secures all the equipment.

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. 2.
3. Approve Conditional Use Permit No. 2012-02 Amendment No. 2, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

Prepared By:

Reviewed By:

Carol Miller
Senior Planner

Lori Lamson
Community Development Director

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Overall Site Plan
3. Elevation
4. Zoning Map

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Case No. Conditional Use Permit No. 2012-02 Amendment No. 2

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 Amendment No. 2 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 color combinations, façade treatments, and architectural relief.
- P7. Final landscape and irrigation plans shall be submitted to the Planning Division and Municipal Operations for review and approval prior to the issuance of permits. Prior to final inspection, the

landscaping shall be installed. The landscaping plan shall identify shrubbery around the perimeter of the compound and the planting of five (5), minimum size, forty-six (46)-inch box trees within proximity of the compound. The actual placement and tree species shall be as agreed upon by Municipal Operations.

- P8. 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.
- P9. All previously approved Conditions of Approval shall remain in effect, except as modified or superseded by these conditions of approval.
- P10. Aside from the monopine tower, nothing shall extend above the height of the compound.
- P11. The stucco siding and tile roof shall be maintained in good condition.

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

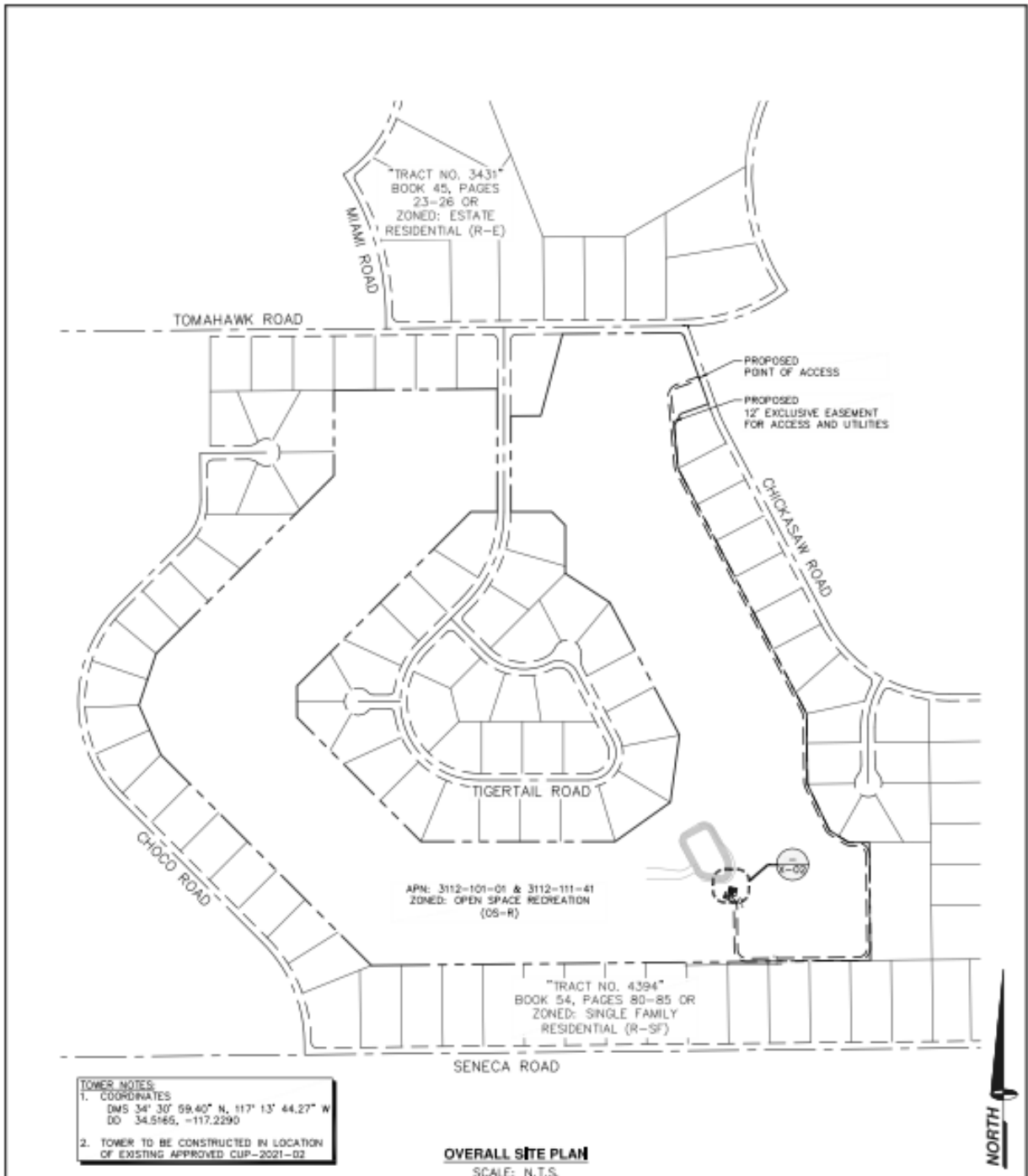
- FD1. The above referenced project is protected by the Apple Valley Fire Protection District. Prior to construction occurring on any parcel, the owner shall contact the Fire District for verification of current fire protection development requirements.
- FD2. All new construction shall comply with applicable 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

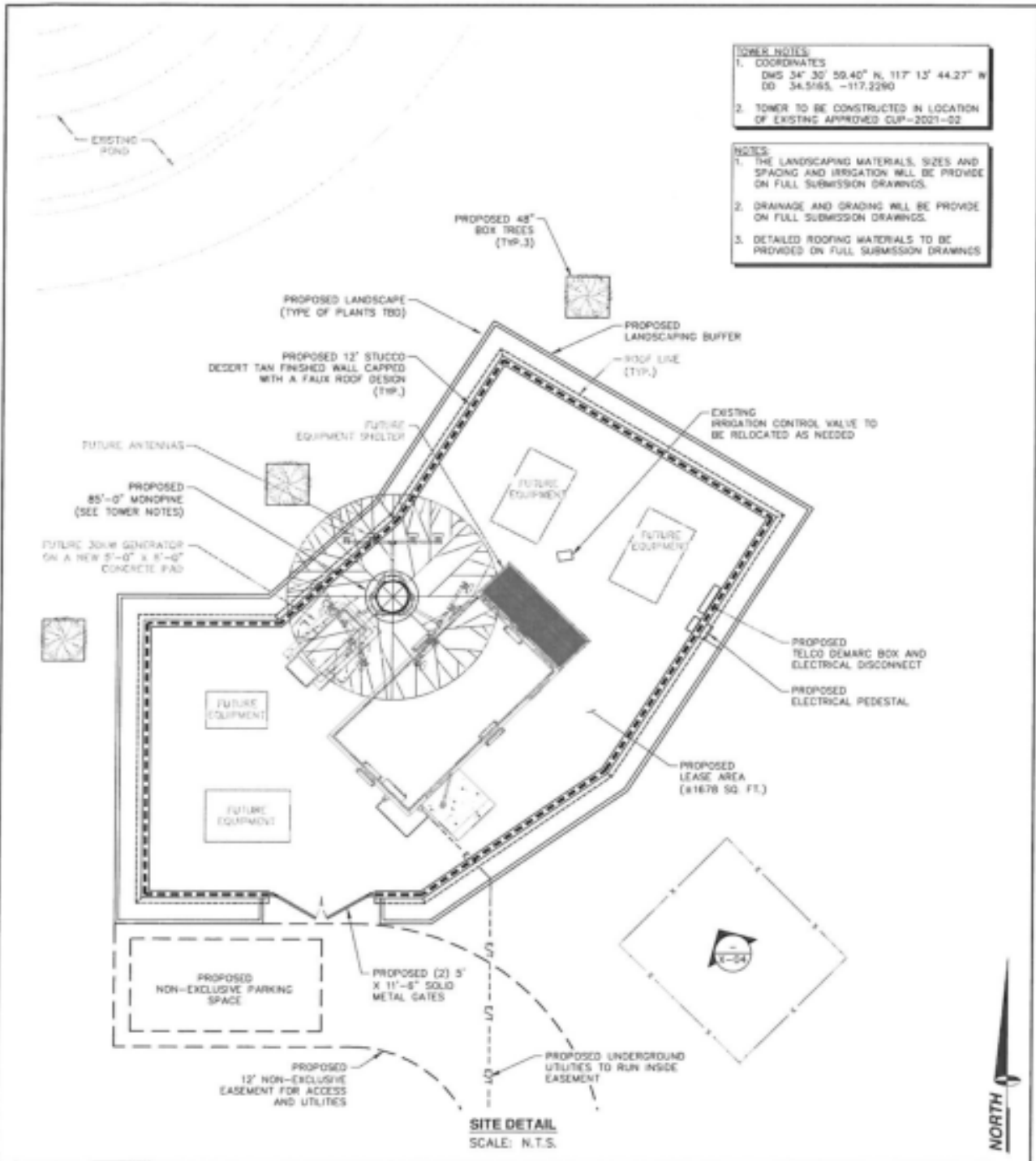


SPECTRUM
 SERVICES, INC.
 8905 W POST RD., SUITE 100
 LAS VEGAS, NEVADA 89148
 PH. (702) 367-7705
 FAX (702) 367-8733

PLN TELECOM INC.
 9155 JUDICIAL DRIVE UNIT 5418
 SAN DIEGO, CALIFORNIA 92122

DRAWING TITLE:
 EXHIBIT
 PROJECT INFORMATION:
 APPLE VALLEY G.C.
 UNADDRESSED
 APN: 3112-111-41
 PROPERTY OWNER:
 TOWN OF APPLE VALLEY
 14955 DALE EVANS PARKWAY
 APPLE VALLEY, CALIFORNIA 92307

DRAWING NO. X-01	
REVISION NO. 3	DRAWN BY: J.CAPULE
DATE ISSUED: 09/16/13	CHECKED BY: M. DEFAU
SCALE: AS NOTED	APPROVED BY: C. WENER
SHEET NO. 1 OF 4	
SITE NO.: PD- 01	




TOWER NOTES:
 1. COORDINATES
 DMS 34° 30' 59.40" N, 117° 13' 44.27" W
 DD 34.5165, -117.2280
 2. TOWER TO BE CONSTRUCTED IN LOCATION
 OF EXISTING APPROVED CUP-2007-02

NOTES:
 1. THE LANDSCAPING MATERIALS, SIZES AND
 SPACING AND IRRIGATION WILL BE PROVIDED
 ON FULL SUBMISSION DRAWINGS.
 2. DRAINAGE AND GRADING WILL BE PROVIDED
 ON FULL SUBMISSION DRAWINGS.
 3. DETAILED ROOFING MATERIALS TO BE
 PROVIDED ON FULL SUBMISSION DRAWINGS

SITE DETAIL
 SCALE: N.T.S.



 SERVICES, INC. 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: X-02
		PROJECT INFORMATION: APPLE VALLEY G.C. UNADDRESSED APN: 3112-111-41	
PROPERTY OWNER: TOWN OF APPLE VALLEY 14955 DALE EVANS PARKWAY APPLE VALLEY, CALIFORNIA 92307		REVISION NO. 5 DATE ISSUED: 10/24/13 SCALE: AS NOTED SHEET NO. 2 OF 4	DRAWN BY: J.CAPALE CHECKED BY: M. DEKLUJ APPROVED BY: C. WENGER
		SITE NO.: PB-01	

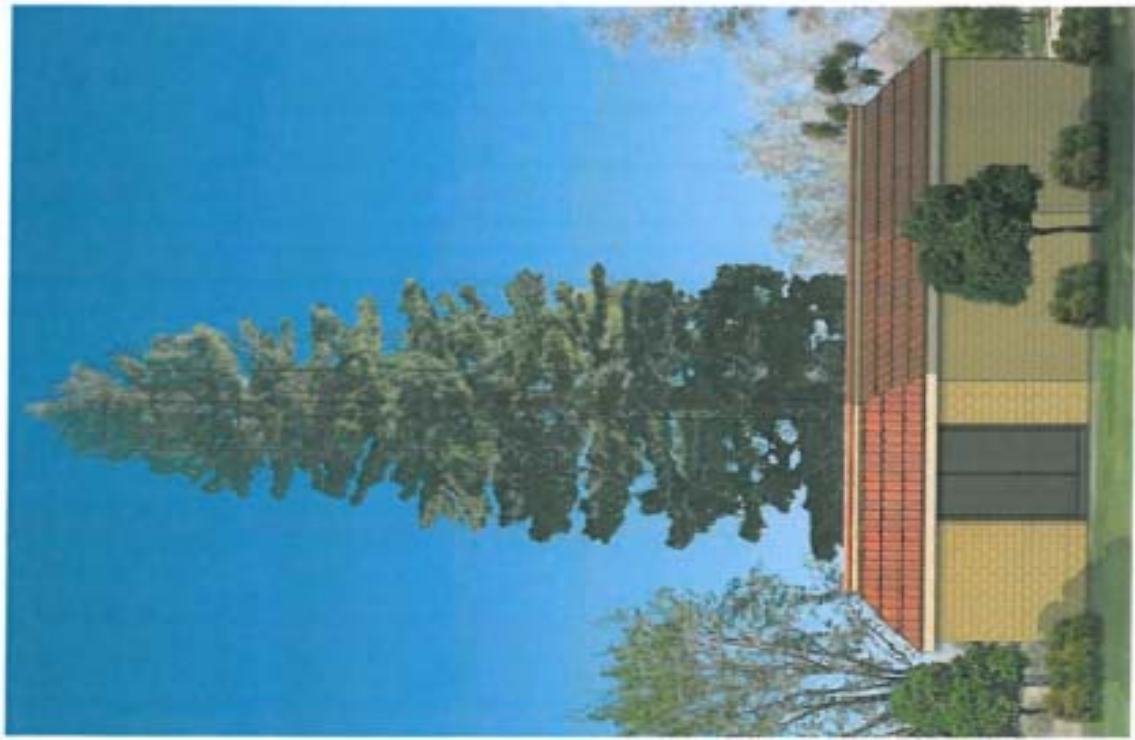
LOCATION



EXISTING



Apple Valley G.C.
Un-Addressed Parcel
Apple Valley, CA 92307
VIEW 1



APPLICANT

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San Diego, CA 92122

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Temecula, CA 92590
Phone: (951)297-2177

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Photo simulation accuracy is based on information provided to National Engineering & Consulting, Inc. by the applicant.

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LOCATION



EXISTING



Apple Valley G.C.

Un-Addressed Parcel
Apple Valley, CA 92307

VIEW 2

LOCATION



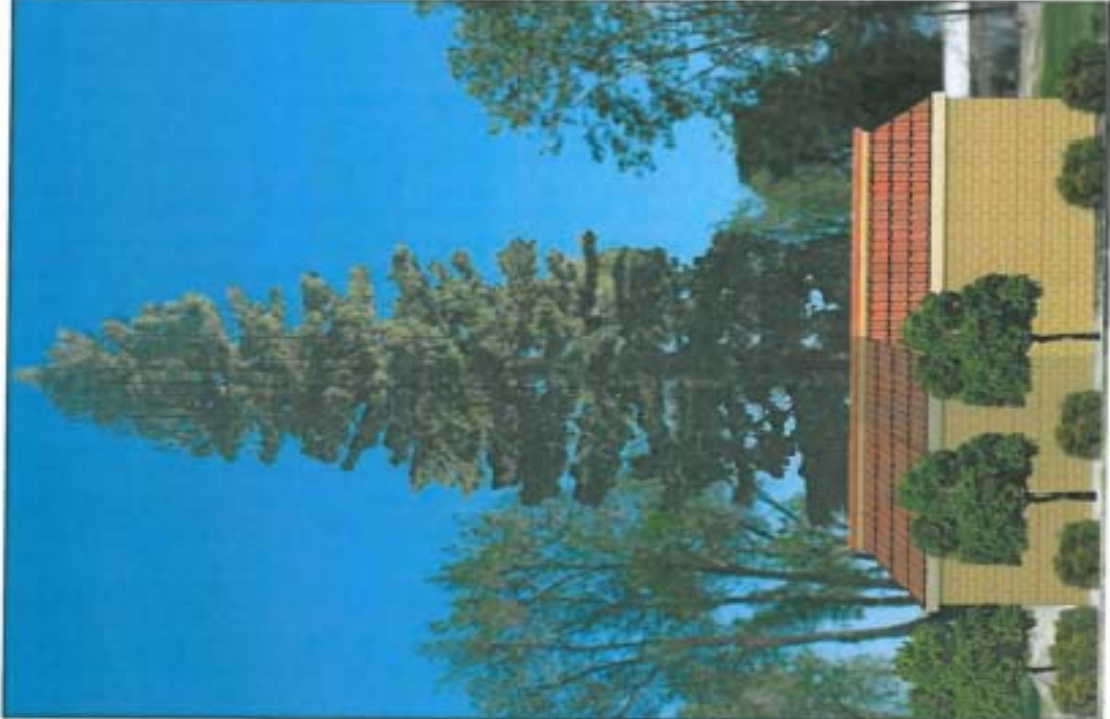
EXISTING



Apple Valley G.C.

Un-Addressed Parcel
Apple Valley, CA 92307

VIEW 3



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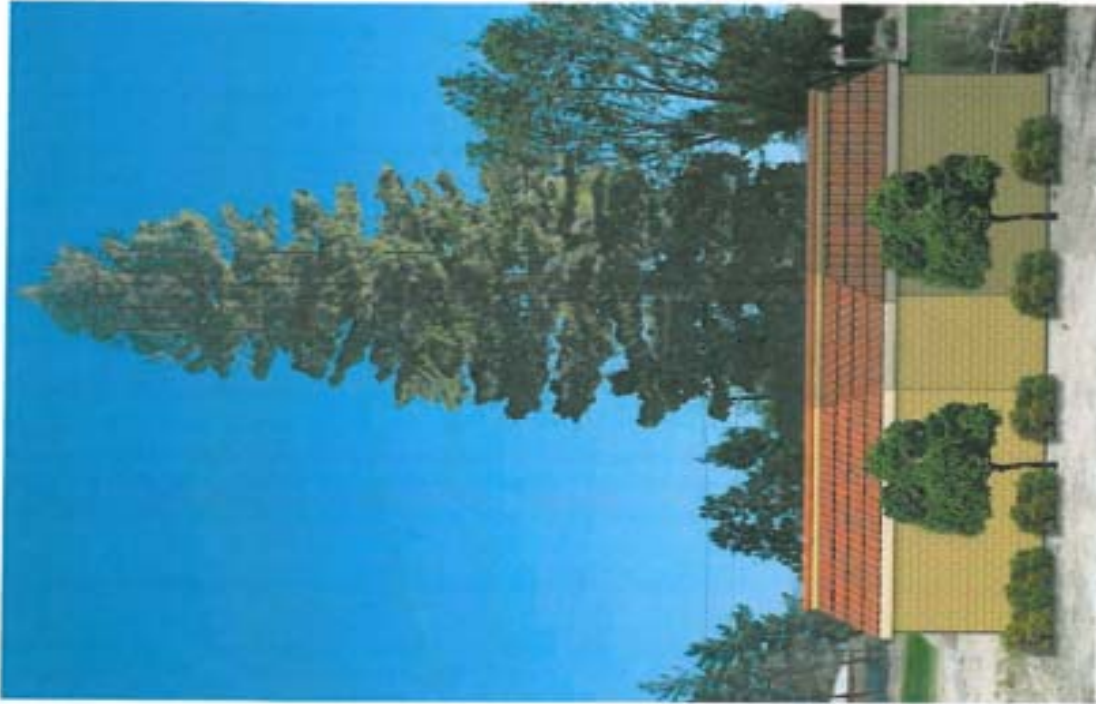
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by the applicant.



LOCATION



EXISTING



Apple Valley G.C.

Un-Addressed Parcel
Apple Valley, CA 92307

VIEW 4

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

Zoning/Location Map

