



TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

Staff Report

AGENDA DATE:	August 20, 2014
CASE NUMBER:	Development Code Amendment No. 2014-002
APPLICANT:	Town of Apple Valley
PROPOSAL:	A request to consider an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code amending subsection 9.74.160 "Temporary Real Estate Signs" within Section 9.74 "Signs and Advertising Displays".
LOCATION:	Town-wide
EXISTING GENERAL PLAN DESIGNATIONS:	All Land Use Designations.
EXISTING ZONING:	All Zoning Designations.
ENVIRONMENTAL DETERMINATION:	Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.
PROJECT PLANNER:	Ms. Pam Cupp, Associate Planner
RECOMMENDATION:	Adopt Planning Commission Resolution No. 2014-003.

BACKGROUND

On July 16, 2014, the Planning Commission conducted a duly noticed, public workshop to solicit comments and suggestions from the public regarding the Town's policies that regulate temporary real estate signs. The workshop resulted in a constructive dialog between the Commission and members of the real estate community. The discussion concluded with the Commission directing staff to draft a Planning Commission Resolution for its consideration

DISCUSSION

Staff was directed to bring back suggested modifications relating to the following:

Consolidation of General Requirement

Standards applicable to both residential and non-residential uses are located under "General Requirement".

Sign removal time frames and triggers

The timeframe required for removal has been increased to ten (10) days. Language has been added for the removal of a sign once the property is no longer listed for lease or sale.

Compliance with Uniform Building Code

Staff removed any provisions for a sign permit based upon sign area and added a requirement that all signs be permitted and constructed in compliance with the Uniform Building Code.

Sign Riders

The workshop included much discussion about "sign riders". Staff recommends the Commission include a general requirement that permits one (1) such rider on any sign. The "rider" will not be counted towards maximum size area.

Sign placement within the clear site triangle

Language has been added to general requirements prohibiting sign installation within the clear site triangle in addition to a definition and visual graphic of a clear site triangle.

Residential real estate signs

Staff was asked to research other communities and provisions related to residential real estate signs placed for visibility along a golf course. No provisions were located and staff does not believe the golf course or other parks should become a targeted audience for temporary real estate sign. No change is recommended.

The Commission briefly discussed property management signage for multi-family projects without an on-site manager. These types of signs are more permanent in nature and should not be categorized as temporary real estate signs. Development Code Amendment 2014-002 has been advertised as an amendment to temporary real estate signs; therefore, staff would recommend any modifications relating to property management signage be accomplished through a separate Development Code Amendment.

Separate sections for residential and commercial standards

Sign standards applicable to residential and non-residential uses have been separated accordingly.

Suggested modifications for non-residential real estate signs

Staff recommends removal of the six (6) square foot size limitation for non-residential uses. Staff is further recommending that sign area correlate to lot size only. Any reference to vacant, occupied or unoccupied parcels has been removed.

The number of signs permitted per street frontage has been increased to two (2) signs with a minimum separation distance of 600 feet for signs located on a single parcel.

The Commission asked that Staff research the possibility of utilizing existing signage (marquis) for multi-tenant buildings and centers for temporary real estate signs. The Code has provisions that require empty commercial units and building blank out the signage after 90 days and removed such signage after 180 days. Staff does not wish to recommend the use of existing signage as temporary real estate signage and is recommending language be added to prohibit such use.

Open house signs

Staff has modified the language to allow for a maximum of four (4) flags for every open house. Any reference to number of flags per street frontage has been removed.

Sign size correlating to street type (local vs. secondary or major arterials)

Research did not reveal any jurisdictions that had provisions related to street type. However, the Town's Code does make the following provision:

Civic Event Signs located in nonresidential districts, and on vacant property in residential districts that are located on major divided, major or secondary roads, as indicated in the General Plan, signs may have a maximum area of twenty-four (24) square feet with a maximum height of eight (8) feet for free-standing signs.

Temporary Political signs in nonresidential districts, and on vacant property in residential districts that is located on major divided, major or secondary roads, as indicated in the General Plan, signs shall have a maximum area of eighteen (18) square feet with a maximum height of six (6) feet for free-standing signs.

Temporary subdivision and model home signs along a secondary, major or major divided road may be permitted on one (1) free-standing sign on such a road with a maximum area of thirty-two (32) square feet and a maximum height of six (6) feet.

Staff was unable to locate provisions within other communities correlating temporary real estate signage to road type or speed limits; therefore, no change is recommended.

Staff is offering for the Commission's consideration the following amended language as identified by strike through and underlined text. Any staff analysis will be within a comment box.

9.74.160 TEMPORARY REAL ESTATE SIGNS

Standards applicable to residential and non-residential uses are located under "General Requirement".

- A. **General Requirements.** All temporary sale, lease or rent signs shall be subject to the following requirements: ~~except temporary signs for residential subdivisions for which regulations are contained in Section 9.74.150 above.~~

The timeframe required for removal has been increased to ten (10) days. Language has been added for the removal of a sign once the property is no longer listed for lease or sale.

1. Signs shall be removed within ~~three (3)~~ ten (10) days following the close of escrow, ~~or~~ completion of the rental or lease agreement, or once the property is no longer listed for sale or lease. ~~has been accomplished.~~
2. Signs shall only be placed on the parcel of land to which the sign pertains, except as provided for temporary off-site signs as provided elsewhere in this Chapter.
3. ~~Any free standing sign in excess of eighteen (18) square feet shall require both a sign permit and building permit. Signs shall not exceed a maximum height of six (6) feet, except for vacant commercial and industrial parcels as described in paragraphs b, c, and d below.~~

Staff removed any provisions for a sign permit based upon sign area and added a requirement that all signs be permitted and constructed in compliance with the Uniform Building Code.

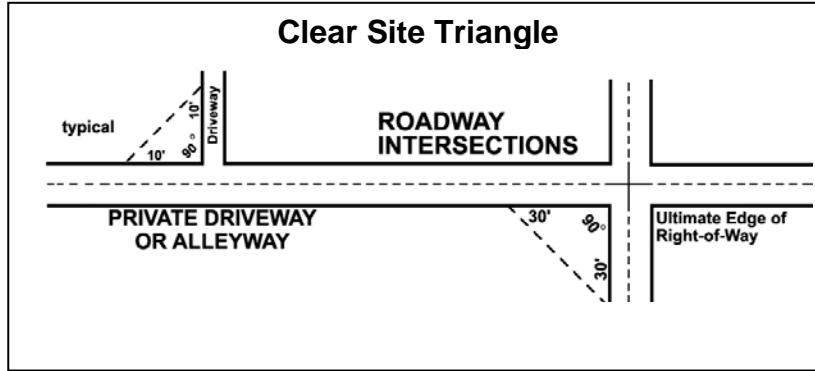
4. ~~Except as specified herein, Sign permits are not required for these temporary real estate signs described within this section; however, all signs must be constructed, installed and permitted in accordance with the Uniform Building Code.~~
5. ~~These~~ Signs applicable to this section may be utilized to identify future tenants.

The workshop included much discussion about "sign riders". Staff recommends the Commission include a general requirement that permits one (1) such rider on any sign. The "rider" will not be counted towards maximum size area.

6. One (1) added sign, commonly referred to as a "rider" not to exceed six (6) inches times the width of primary sign, may be attached and will not be counted towards maximum sign area.
7. All parts, portions, and materials shall be maintained and kept in good repair. Signs found to be in disrepair shall be subject to abatement in accordance with the provisions of Section 9.74.230 *Enforcement* of this Chapter.
8. Sign illumination is prohibited.

Language has been added to general requirements prohibiting sign installation within the clear site triangle in addition to a definition and visual graphic of a clear site triangle.

9. Signs must not be installed within the clear site triangle, which is the area within the triangle formed by connecting the points thirty (30) feet (10 feet at driveways) from the intersection of the two right-of-way lines.



Sign standards applicable to residential and non-residential uses have been separated accordingly.

B. Signs for Residential Property and Uses Onsite Free-Standing Signs

1. Temporary signs advertising residential subdivisions shall comply with those regulations contained within Section 9.74.150, Temporary Subdivision and Model Home Signs.
2. A maximum of one (1) temporary, on-site free-standing sign per street frontage may be allowed for a parcel in any district.
3. Wall signs are prohibited.
4. The maximum area of any sign shall be six (6) square feet and the maximum height shall be six (6) feet.
5. One (1) added sign, commonly referred to as a "rider" not to exceed six (6) inches times the width of primary sign, may be attached.

C. Signs for Non-Residential Property or Uses

1. The maximum area and height of any freestanding sign shall be as follows:

Staff recommends removal of the six (6) square foot size limitation for non-residential uses. Staff is further recommending that sign area correlate to lot size only. Any reference to vacant, occupied or unoccupied parcels has been removed.

- ~~a. The maximum area of any sign shall be six (6) square feet and the maximum height shall be six (6) feet, except for vacant commercial and industrial parcels, then as described in paragraphs b, c, and d, which follow:~~
- ~~b. On parcels greater than two (2) acres but less than eight (8) acres in size located in commercial and industrial zones, which are vacant or have no buildings which are occupied, the maximum area of any sign shall be sixteen (16) square feet and the maximum height shall be six (6) feet.~~
- ~~c. On parcels, eight (8) acres or larger, but less than fifteen (15) acres in size, located in commercial and industrial zones, which are vacant or have no buildings which are occupied, the maximum area of any sign shall be thirty-two (32) square feet and the maximum height shall be six (6) feet;~~
- ~~d. On parcels fifteen (15) acres or larger, located in commercial and industrial zones, which are vacant or have no buildings which are occupied, the maximum area of any sign shall be sixty-four (64) square feet and the maximum height shall be twelve (12) feet.~~

The number of signs permitted per street frontage has been increased to two (2) signs with a minimum separation distance of 600 feet for signs located on a single parcel.

2. A maximum of ~~one (1)~~ two (2) temporary, on-site free-standing signs per street frontage may be allowed for a parcel in any district.
3. Signs located on a single property must maintain a minimum separation distance of 600 feet.
4. All free-standing signs in commercial and industrial zones shall have a minimum setback of five (5) feet from any property line or from the edge of the planned or ultimate right-of-way of any street, if this is greater.
5. **Window Signs.** ~~In commercial and industrial zones, temporary window signs advertising the sale, lease or rental of units may be allowed.~~ The maximum size of any window sign shall be six (6) square feet, or fifteen (15) percent of the window area per frontage of the unit in which it is displayed, whichever is greater.
6. **Wall Signs.** ~~In commercial and industrial zones a temporary wall sign may be displayed, advertising the building or unit for sale, rent, or lease subject to the following:~~
 - a. Sign area shall not exceed one-half ($1/2$) square foot per linear foot of building frontage, with a maximum size of twenty-four (24) square feet;
 - b. Signs shall be constructed of ~~wood or similar,~~ a durable material and shall be maintained in good condition;
 - c. One (1) wall sign shall be permitted per building facade which fronts on any street, freeway, parking lot, or pedestrian mall, not including loading or service areas.
 - d. ~~Signs shall be removed within three (3) days of close of escrow or following the completion of the lease or rental.~~

The Commission asked that Staff research the possibility of utilizing existing signage (marquis) for multi-tenant buildings and centers for temporary real estate signs. The Code has provisions that require empty commercial units and building blank out the signage after 90 days and removed such signage after 180 days. Staff does not wish to recommend the use of existing signage as temporary real estate signage and is recommending language be added to prohibit such use.

7. Existing, permanent signage may not be utilized for the display of temporary real estate advertising.

D. Open House Directional Signs

1. Temporary off-site, open house directional signs may be allowed for single residences subject to the following:
 - a. Maximum area of directional signs shall not exceed six (6) square feet, nor shall any sign exceed four (4) feet in height. Signs shall be mounted on their own stakes and shall not be placed on street or traffic signs, utility poles or trees. Signs shall be constructed of wood or similar rigid material;
 - b. There shall be no more than one (1) sign per direction of traffic at any intersection and signs shall not be posted within twenty-five (25) feet of the corner;
 - c. Signs may not be posted more than four (4) days per week for any one residence;
 - d. Signs shall not be placed within the public right-of-way;
 - e. Signs may be placed on private property with the permission of the property owner;
 - f. Such signs shall be used only when a sales person is on duty or scheduled to be on duty for an open house. Signs shall be permitted overnight if a sales person is scheduled to be on duty the following day. Under no circumstances shall signs be left up when no one is on duty or scheduled to be on duty during the following twenty-four (24) hours;
 - g. Signs in violation of this Section may be subject to removal and disposition without notice or

warning.

2. Temporary On-site Open House Signs

- a. ~~Two~~ Four (4) flags, ~~per street frontage~~ with a maximum area of three (3) square feet each and a maximum height of six (6) feet, may be allowed on the lot where the open house is conducted.
- b. One (1) "Open House" sign per street frontage may also be allowed on the lot where the open house is conducted with a maximum area of six (6) square feet and a maximum height of six (6) feet.

FINDINGS

An amendment to the Development Code requires that the Planning Commission address two (2) required "Findings", as listed within Development Code Section 9.06.060. For Commission consideration, the required Findings are listed below, along with a comment addressing each. If the Commission concurs with these comments, they may be adopted and forwarded to the Council for its consideration of the Development Code Amendment. If the Commission wishes modifications to the offered comments, after considering input and public testimony at the public hearing, modifications to the Findings and Code Amendment recommendations can be included into the information forwarded to the Council for consideration.

- A. The proposed amendment is consistent with the General Plan; and

Comment: The General Plan is the blueprint for the community's future growth. Specific Goals and Objectives are provided within each of the adopted General Plan's State-mandated Elements. Many of these stated Goals and Objectives address the community's desire to establish and maintain high standards for the quality, aesthetic appearance and safety for all new and existing development. The proposed Amendment regulating signage within the Town of Apple Valley will help maintain a quality street scene.

- B. The proposed amendment will not be detrimental to the public health, safety or welfare of the Town or its residents.

Comment: Amending the Code as proposed under Amendment No. 2014-002 will modify the Town's Development Code by revising updating temporary real estate sign regulations. The proposed revisions shall not be detrimental to the health, safety or general welfare of the citizens or visitors of the Town of Apple Valley.

NOTICING

Development Code Amendment No. 2014-002 was advertised as a public hearing in the Apple Valley News newspaper on August 8, 2014. Additionally, staff mailed notices to a list a local real estate professionals and emailed notices for mass distribution to the members of the Victor Valley Association of Realtors.

ENVIRONMENTAL REVIEW

Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code

Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

RECOMMENDATION

Following receipt of public input and discussion by the Commission, it is recommended that the Commission move to approve Planning Commission Resolution No. 2014-003, forwarding a recommendation that the Town Council amend Title 9 "Development Code" of the Town of Apple Valley Municipal Code as outlined within the staff report.

Prepared By:

Reviewed By:

Pam Cupp
Associate Planner

Carol Miller
Principal Planner

Attachment:
Draft Planning Commission Resolution No. 2014-003

PLANNING COMMISSION RESOLUTION NO. 2014-003

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2014-002 AMENDING TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING SECTION 9.74.160 "TEMPORARY REAL ESTATE SIGNS" OF CHAPTER 9.74, "SIGNS AND ADVERTISING DISPLAYS".

WHEREAS, Title 9 "Development Code" of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; and

WHEREAS, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

WHEREAS, specific changes are proposed to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by comprehensively amending Chapter 9.74; and,

WHEREAS, on August 8, 2014, Development Code Amendment No. 2014-002 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, on August 20, 2014 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2014-002, receiving testimony from the public; and

WHEREAS, Development Code Amendment No. 2014-002 is consistent with Title 9 "Development Code" of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

NOW, THEREFORE, BE IT RESOLVED that in consideration of the evidence presented at the public hearing, and for the reasons discussed by the Commissioners at said hearing, the Planning Commission of the Town of Apple Valley, California, does hereby resolve, order and determine as follows and recommends that the Town Council make the following findings and take the following actions:

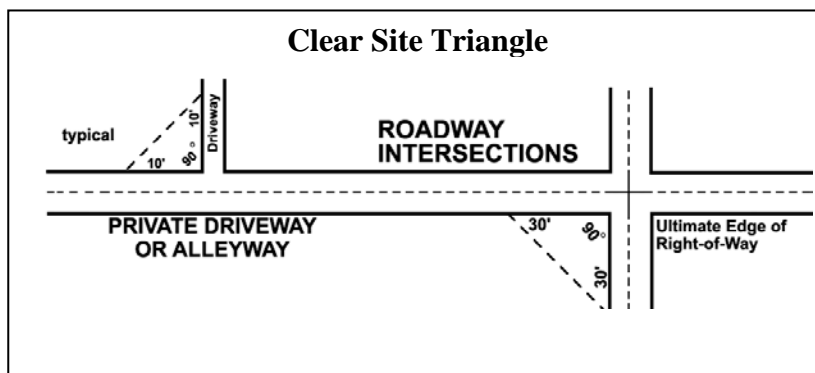
Section 1. Find that the changes proposed by Development Code Amendment No. 2014-002 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 2. The project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

Section 3. Amend the Development Code Section 9.74.160 "Temporary Real Estate Signs" as follows:

"9.74.160 TEMPORARY REAL ESTATE SIGNS

- A. **General Requirements.** All temporary sale, lease or rent signs shall be subject to the following requirements:
1. Signs shall be removed within ten (10) days following the close of escrow, or completion of the rental or lease agreement, or once the property is no longer listed for sale or lease.
 2. Signs shall only be placed on the parcel of land to which the sign pertains, except as provided for temporary off-site signs as provided elsewhere in this Chapter.
 3. Sign permits are not required for temporary real estate signs described within this section; however, all signs must be constructed, installed and permitted in accordance with the Uniform Building Code.
 4. Signs applicable to this section may be utilized to identify future tenants.
 5. One (1) added sign, commonly referred to as a "rider" not to exceed six (6) inches times the width of primary sign, may be attached and will not be counted towards maximum sign area.
 6. All parts, portions, and materials shall be maintained and kept in good repair. Signs found to be in disrepair shall be subject to abatement in accordance with the provisions of Section 9.74.230 *Enforcement* of this Chapter.
 7. Sign illumination is prohibited.
 8. Signs must not be installed within the clear site triangle, which is the area within the triangle formed by connecting the points thirty (30) feet (10 feet at driveways) from the intersection of the two right-of-way lines.



B. **Signs for Residential Property and Uses**

1. Temporary signs advertising residential subdivisions shall comply with those regulations contained within Section 9.74.150, *Temporary Subdivision and Model Home Signs*.
2. A maximum of one (1) temporary, on-site free-standing sign per street frontage may be allowed for a

parcel in any district.

3. Wall signs are prohibited.
4. The maximum area of any sign shall be six (6) square feet and the maximum height shall be six (6) feet.
5. One (1) added sign, commonly referred to as a “rider” not to exceed six (6) inches times the width of primary sign, may be attached.

C. Signs for Non-Residential Property or Uses

1. The maximum area and height of any free standing sign shall be as follows:
 - a. On parcels less than eight (8) acres in size located in commercial and industrial zones, the maximum area of any sign shall be sixteen (16) square feet and the maximum height shall be six (6) feet.
 - b. On parcels, eight (8) acres or larger, but less than fifteen (15) acres in size, located in commercial and industrial zones, the maximum area of any sign shall be thirty-two (32) square feet and the maximum height shall be six (6) feet.
 - c. On parcels fifteen (15) acres or larger, located in commercial and industrial zones, the maximum area of any sign shall be sixty-four (64) square feet and the maximum height shall be twelve (12) feet.
2. A maximum of two (2) temporary, on-site free-standing signs per street frontage may be allowed.
3. Signs located on a single property must maintain a minimum separation distance of 600 feet.
4. All free-standing signs in commercial and industrial zones shall have a minimum setback of five (5) feet from any property line or from the edge of the planned or ultimate right-of-way of any street, if this is greater.
5. **Window Signs.** The maximum size of any window sign shall be six (6) square feet, or fifteen (15) percent of the window area per frontage of the unit in which it is displayed, whichever is greater.
6. **Wall Signs.**
 - a. Sign area shall not exceed one-half ($1/2$) square foot per linear foot of building frontage, with a maximum size of twenty-four (24) square feet;
 - b. Signs shall be constructed of a durable material and shall be maintained in good condition;
 - c. One (1) wall sign shall be permitted per building facade which fronts on any street, freeway, parking lot, or pedestrian mall, not including loading or service areas.
7. Existing, permanent signage may not be utilized for the display of temporary real estate advertising.

D. Open House Directional Signs

1. Temporary off-site, open house directional signs may be allowed for single residences subject to the following:
 - a. Maximum area of directional signs shall not exceed six (6) square feet, nor shall any sign exceed four (4) feet in height. Signs shall be mounted on their own stakes and shall not be placed on street or traffic signs, utility poles or trees. Signs shall be constructed of wood or similar rigid material;
 - b. There shall be no more than one (1) sign per direction of traffic at any intersection and signs shall not be posted within twenty-five (25) feet of the corner;
 - c. Signs may not be posted more than four (4) days per week for any one residence;
 - d. Signs shall not be placed within the public right-of-way;
 - e. Signs may be placed on private property with the permission of the property owner;
 - f. Such signs shall be used only when a sales person is on duty or scheduled to be on duty for an open house. Signs shall be permitted overnight if a sales person is scheduled to be on duty the following day. Under no circumstances shall signs be left up when no one is on duty or scheduled to be on duty during the following twenty-four (24) hours;

- g.* Signs in violation of this Section may be subject to removal and disposition without notice or warning.
- 2. *Temporary On-site Open House Signs***

 - a.* Four (4) flags, with a maximum area of three (3) square feet each and a maximum height of six (6) feet, may be allowed on the lot where the open house is conducted.
 - b.* One (1) "Open House" sign per street frontage may also be allowed on the lot where the open house is conducted with a maximum area of six (6) square feet and a maximum height of six (6) feet."

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 20th day of August, 2014.

Chairman Bruce Kallen

ATTEST:

I, Debra Thomas, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 20th day of August, 2014 by the following vote, to-wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ms. Debra Thomas, Planning Commission Secretary