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**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, OCTOBER 1, 2014 – 6:00 P.M.**

PUBLIC PARTICIPATION IS INVITED. Planning Commission meetings are held in the Town Council Chambers located at 14955 Dale Evans Parkway, Apple Valley, California. If you wish to be heard on any item on the agenda during the Commission's consideration of that item, or earlier if determined by the Commission, please so indicate by filling out a "REQUEST TO SPEAK" form at the Commission meeting. Place the request in the Speaker Request Box on the table near the Secretary, or hand it to the Secretary at the Commission meeting. (G.C. 54954.3 {a}).

Materials related to an item on this agenda, submitted to the Commission after distribution of the agenda packet, are available for public inspection in the Town Clerk's Office at 14955 Dale Evans Parkway, Apple Valley, CA during normal business hours. Such documents are also available on the Town of Apple Valley website at www.applevalley.org subject to staff's ability to post the documents before the meeting.

The Town of Apple Valley recognizes its obligation to provide equal access to those individuals with disabilities. Please contact the Town Clerk's Office, at (760) 240-7000, two working days prior to the scheduled meeting for any requests for reasonable accommodations.

REGULAR MEETING

The Regular meeting, open to the public, will begin at 6:00 p.m.

CALL TO ORDER

ROLL CALL

Commissioners: Lamoreaux_____; Shoup_____; Tinsley_____
Vice-Chairman Qualls_____; and Chairman Kallen_____)

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. Minutes for the Regular Meeting of August 20, 2014.

PUBLIC HEARING ITEMS

2. **Conditional Use Permit No. 2013-010 and Deviation No. 2014-001.** A request to approve a Conditional Use Permit to allow the construction of a seventy-five (75)-foot high wireless telecommunication facility designed as a mono-pine within a 2,500 square foot leased area. The project includes a request for approval of a Deviation Permit to allow an encroachment of approximately 321 feet into the 1,000-foot separation/setback required between wireless facilities and residential uses and zones. The Deviation also includes a request to allow a seventy-five (75)-foot tower where the maximum height of fifty-five (55) feet is allowed and to delete any requirements for landscaping

Applicant: W. Bebb Francis, III on behalf of Capital Telecom Acquisition, LLC

Location: The project site is located at 13625 Manhasset Road; APN 3087-351-32.

Project Planner: Pam Cupp, Associate Planner

Recommendation: Denial

3. **Variance No. 2014-001.** A request to allow a ninety-seven (97)-foot lot width where a 100-foot lot width, as measured at the required front building setback line, is required for proposed Lot No. 129 within Tentative Tract Map No. 16979.

Applicant: United Engineering on behalf of RMG Apple Valley & Ohna 174, LP

Location: The project site is located approximately 130 feet north of the intersection of Muni and Kasota Roads (current terminus of Kasota).

Project Planner: Carol Miller, Principal Planner

Recommendation: Approval

PUBLIC COMMENTS

Anyone wishing to address an item not on the agenda, or an item that is not scheduled for a public hearing at this meeting, may do so at this time. California State Law does not allow the Commission to act on items not on the agenda, except in very limited circumstances. Your concerns may be referred to staff or placed on a future agenda.

PLANNING COMMISSION COMMENTS

STAFF COMMENTS

OTHER BUSINESS

ADJOURNMENT

The Planning Commission will adjourn to its next regularly scheduled meeting on October 15, 2014.

MINUTES

TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, August 20, 2014

CALL TO ORDER

At 6:00 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for August 20, 2014, was called to order by Vice-Chairman Qualls..

ROLL CALL

Planning Commission

Roll call was taken with the following members present: Commissioner Jason Lamoreaux, Commissioner, Mark Shoup, Commissioner B.R. "Bob" Tinsley and Vice-Chairman Doug Qualls. Absent: Chairman Bruce Kallen.

STAFF PRESENT

Lori Lamson, Assistant Town Manager; Carol Miller, Principal Planner; Pam Cupp, Associate Planner; Haviva Shane, Town Attorney and Debra Thomas, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

Commissioner Shoup led the Pledge of Allegiance.

1. APPROVAL OF MINUTES

- A. Minutes for the Regular Meeting of July 16, 2014

Motion by Commissioner Tinsley, seconded by Commissioner Lamoreaux, to approve the Minutes for the Regular Meeting of July 16, 2014.

Motion carried by the following vote: Ayes: Commissioner Lamoreaux, Commissioner Shoup, and Commissioner Tinsley. Noes: None. Absent: Chairman Kallen. Abstain: Vice-Chairman Qualls.

PUBLIC HEARING ITEMS

2. **Conditional Use Permit No. 2013-012 and Deviation No. 2013-004.** A request to approve a Conditional Use Permit to allow the construction of a sixty (60)-foot high wireless telecommunication facility enclosed within an adobe pueblo tower.
Applicant: Coastal Business Group on behalf of AT&T
Location: 19235 Yucca Loma Road; APN 3088-431-29

Vice-Chairman Qualls opened the public hearing at 6:02 p.m.

Ms. Pam Cupp, Associate Planner, presented the staff report as filed by the Planning Division.

Ms. Cupp informed the Planning Commission that the Applicant had requested the item be tabled.

Vice-Chairman Qualls closed the public hearing at 6:03 p.m.

MOTION:

Motion by Commissioner Shoup, seconded by Commissioner Lamoreaux, that the Planning Commission move to:

1. Table Conditional Use Permit No. 2013-012 and Deviation No. 2013-004 and, when ready, re-notice for a future meeting.

ROLL CALL VOTE

Ayes: Commissioner Lamoreaux
Commissioner Shoup
Commissioner Tinsley
Vice-Chairman Qualls

Noes: None

Abstain: None

Absent: Chairman Kallen

The motion carried by a 4-0-0-1 vote.

3. **Development Code Amendment No. 2014-002.** 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."

Applicant: Town of Apple Valley

Location: Town-wide

Vice-Chairman Qualls opened the public hearing at 6:03 p.m.

Ms. Pam Cupp, Associate Planner, presented the staff report as filed by the Planning Division.

Ms. Cupp informed the Planning Commission what changes were made to the Development Code Amendment per the Planning Commission's direction at the July 16, 2014 workshop. Items included within the amendment were:

- Consolidation of the general requirements amending the timeframes and triggers for removal and provisions that signs comply with the Uniform Building Code.
- Provisions and standards for sign riders.

- Prohibiting signs in the clear site triangle and adding explanations and definition of a clear site triangle.
- Separation of residential and non-residential standards.
- Allowing two (2) non-residential real estate signs per street frontage with a separation distance and two (2) additional flags for residential open houses.
- Any reference to vacant or unoccupied buildings for non-residential signs be eliminated and that non-residential lots, less than eight (8) acres, be allowed sign area of sixteen (16) square feet and six (6) feet in height.

The Planning Commission recommended two (2) signs be allowed for residential properties located on a golf course, public parks and lakes.

Discussion ensued regarding Section 9.74.160 “Temporary Real Estate Signs” with the consensus of the Planning Commission to modify additional sections as follows:

- B.(2) – “A maximum of one (1) temporary on-site free-standing sign per street frontage and one (1) temporary on-site free-standing sign per park and golf course frontage may be allowed for a parcel in any district”.
- B. (5) – Strike the item relating to riders as it is a duplication of regulations.
- C. (b) – Strike the item.
- C. (a) - Modify to read “On parcels less than fifteen (15) acres in size located in commercial and industrials zones, the maximum area of any sign shall be twenty-four (24) square feet and the maximum height shall be six (6) feet”.
- C. (c) – This section is now 9.74.160 C.(b) and modified to read “On parcels or contiguous parcels within the same center 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”.

Vice-Chairman Qualls closed the public hearing at 6:27 p.m.

MOTION:

Motion by Commissioner Shoup, seconded by Commissioner Tinsley, that the Planning Commission move to:

1. Adopt Planning Commission Resolution No. 2014-003, as amended, 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.

ROLL CALL VOTE

Ayes: Commissioner Lamoreaux
Commissioner Shoup
Commissioner Tinsley
Vice-Chairman Qualls

Noes: None

Abstain: None

Absent: Chairman Kallen

The motion carried by a 4-0-0-1 vote.

- 4. Development Code Amendment No. 2014-003.** Amend the Temporary Use Permit regulations to allow for light industrial uses to occupy vacant commercial buildings greater than 50,000 square feet located within the General Commercial (C-G) for a ten (10) year period.

Applicant: Town of Apple Valley

Location: Town-wide

Vice-Chairman Qualls opened the public hearing at 6:32 p.m.

Ms. Lori Lamson, Assistant Town Manager, presented the staff report as filed by the Planning Division.

Ms. Lamson recommended the resolution be modified from a minimum of 50,000 square feet to 40,000 square feet.

Vice-Chairman Qualls closed the public hearing at 6:42 p.m.

Ms. Lamson suggested general language be added to Section 9.23.030 "Permitted Temporary Uses (E)(2); after sentence "...Major or Secondary Road" to include an additional sentence that would require the Planning Commission to make a finding there would be no negative impacts to the surrounding area.

MOTION:

Motion by Commissioner Shoup, seconded by Commissioner Lamoreaux, that the Planning Commission move to:

1. Adopt Planning Commission Resolution No. 2014-004, as amended, 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.

ROLL CALL VOTE

Ayes: Commissioner Lamoreaux
Commissioner Shoup
Commissioner Tinsley
Vice-Chairman Qualls

Noes: None
Abstain: None
Absent: Chairman Kallen
The motion carried by a 4-0-0-1 vote.

OTHER BUSINESS

5. Ms. Carol Miller, Principal Planner presented an annual review of Development Permit projects that have been administratively approved. The report is available for public review at the Planning Division located at 14975 Dale Evans Parkway, Apple Valley, CA.

Ms. Miller stated the item was for review only and no action was required by the Planning Commission.

PUBLIC COMMENTS

None.

PLANNING COMMISSION COMMENTS

Commissioner Tinsley requested that staff provide the Planning Commission with all Development Permit projects that have been administratively approved at upcoming meetings so it would be informed and prepared for any questions that arise.

STAFF COMMENTS

None.

ADJOURNMENT

Motion by Commissioner Tinsley, seconded by Commissioner Lamoreaux, and unanimously carried to adjourn the meeting of the Planning Commission at 6:50 p.m. to the Regular Meeting on September 17, 2014.

Respectfully Submitted by:

Debra Thomas
Planning Commission Secretary

Approved by:

Vice-Chairman Doug Qualls



TOWN OF APPLE VALLEY PLANNING COMMISSION

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Staff Report

AGENDA DATE:	October 1, 2014
CASE NUMBER:	Conditional Use Permit No. 2013-010 Deviation Permit No. 2014-001
APPLICANT:	Mr. W. Bebb Francis, III on behalf of Capital Telecom Acquisition, LLC
PROPOSAL:	A request to approve a Conditional Use Permit to allow the construction of a seventy-five (75)-foot high wireless telecommunication facility designed as a pine tree within a 2,500 square foot leased area. The project includes a request for approval of a Deviation Permit to allow an encroachment of approximately 750 feet into the 1,000-foot separation/setback required between wireless facilities and residential uses and zones. The Deviation also includes a request to allow a seventy-five (75)-foot tower where the maximum height of fifty-five (55) feet is allowed and to remove any requirements for landscaping.
LOCATION:	The project site is located at 13625 Manhasset Road; APN 3087-351-32.
ENVIRONMENTAL DETERMINATION:	Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15270 (a), that a project which is denied is Exempt from CEQA.
CASE PLANNER:	Ms. Pam Cupp, Associate Planner
RECOMMENDATION:	Denial

PROJECT AND SITE DESCRIPTION:

A. **Project Size:** The telecommunication tower and equipment will occupy 2,500 square feet of lease area within the 0.69 acre site.

B. **General Plan Designations:**
 Project Site - Service Commercial (C-S)
 North - Service Commercial (C-S)
 South - Service Commercial (C-S)
 East - Service Commercial (C-S)
 West - Service Commercial (C-S)

C. **Surrounding Zoning and Land Use:**
 Project Site - Service Commercial (C-S), Unpermitted automotive storage yard
 North- Service Commercial (C-S), Commercial metal building
 South - Service Commercial (C-S), Commercial metal building
 East - Service Commercial (C-S), Vacant land
 West - Service Commercial (C-S), Vacant land

D. **Height:**

Permitted Maximum:	55 ft.
(Non-preferred location)	
Proposed Maximum: (Deviation Requested)	70 ft.

E. **Parking Analysis:**

Total Parking Required:	1 Space
Parking Provided:	0 Spaces
Handicap Provided:	0 Spaces
Total Parking Provided:	0 Spaces

F. **Setback Analysis:**

Antenna	Required	Proposed
Adjoining Property Line:		
From West	35 ft.	264.5 ft.
From East	0 ft.	35.5 ft.
From South	0 ft.	25.5ft.
From North	0 ft.	25.5 ft.

G. **Separation Analysis:**

Tower	Required	Proposed
To SFR (Deviation Requested)	1,000 ft.	250 ft.
To Existing Tower	1,500 ft.	Approx. 1,000 ft.

H. **Site Characteristics**
 The subject site is vacant and currently utilized as an unpermitted automotive storage yard. A chain link fence containing barbed wire surrounds the vehicle storage area. The site is void of any significant slopes or vegetation.

ANALYSIS:

A. General:

The applicant is requesting approval of a Conditional Use Permit to allow the construction of a seventy-five (75)-foot high wireless telecommunication facility camouflaged as a pine tree. The Code allows telecommunications facilities within commercial and industrial zoning districts, as an accessory use, with approval of a Conditional or Special Use Permit. The ordinance encourages telecommunication facilities to be stealth in design, sited in the least visually obtrusive manner, either screened or disguised, mounted on a facade and located on the same property as, or adjacent to, structures with tall features or trees similar in height. A Conditional Use Permit is required for any new telecommunication tower not completely concealed or when a request is made to deviate from established standards. The Conditional Use Permit process affords the Commission the opportunity to review the architecture and aesthetics of the proposed structure.

The applicant is requesting the Commission's approval to allow the proposed wireless facility to deviate from development standards related to height, separation distance from residential uses, and landscaping. With the submittal of a Deviation Permit application, the Planning Commission may increase or modify standards relating to antenna height, setback, separation distance, security fencing or landscape screening if the goals of the Development Code would be better served by granting the requested deviation.

B. Site Analysis:

The project site is 0.69 acres in size and located within the Service Commercial (C-S) zoning designation. The subject site contains a chain link with barbed wire fence and is currently used by adjacent tenants for unpermitted outdoor storage of automobiles. The properties to the north and south are developed with single-story, metal buildings. The properties to the east and west are vacant. The site is not a preferred location as described in Development Code Section 9.77.180, nor is the design consistent with the stealth/camouflaging requirements of Development Code section 977.130.D.9. Therefore, the Code does not allow any reduction in separation or any increase in tower height by right of location or design.

The applicant proposes to construct a seventy-five (75)-foot high, unmanned, mono-pine wireless antenna ("antenna") within a 2,500 square foot lease area enclosure. The project includes a seven (7)-foot-high, "board on board" fence around the project perimeter to serve as security fencing. The site is void of any pavement or landscape improvements. The applicant is requesting a deviation to eliminate the Town's landscaping requirements for wireless telecommunication facilities.

The antenna's proposed setbacks to property lines comply with Development Code requirements; however, the project does not comply with the Code requirement for a minimum 1,000-foot separation between the tower and residential uses or land use district. The location of the antenna is approximately 250 feet south of a legal, nonconforming residential structure and 680 feet east of a multi-family project; therefore, the applicant is requesting a Deviation Permit.

The nearest existing antennas are located approximately 1,000 feet to the west at James Woody Park and approximately 2,000 feet to the northeast at a commercial location on Hitt Road. The Code requires a minimum separation of 1,500 feet to an existing antenna. The Deviation request does not include relief from this separation requirement. The applicant does provide a statement that the tower and James Woody is not suitable for co-location; however, no substantiating documentation was provided.

The surrounding land uses consist of vacant properties and single story, commercial/industrial metal buildings. The site is void of any landscaping or other permanent improvements. The project site is used by adjacent businesses for the unpermitted outdoor storage of automobiles and other items. There are no structures or trees similar in height that would minimize the appearance of the antenna or the antenna's height, which is evident in the photo simulations provided by the applicant. Based upon the existing site characteristics, the proposed facility will be highly visible and emphasizes the appearance of the tower. This is contrary to the Wireless Communication Ordinance that establishes "Prohibited Locations" for the placement of telecommunications facilities.

The Code states "Proposed locations for telecommunications facilities, structures or devices, and all associated supporting equipment, structures and devices, which, by the nature of its design, size, configuration, appearance, color or character, would, by the visibility of the site, exaggerate or emphasize the appearance of the telecommunication facility, making it unique to the area, obviously noticeable, out of character with the surrounding setting (including buildings, landforms, landscaping or native vegetation) are expressly prohibited."

The site currently has no formal parking spaces. The facility is proposed within a dirt area with no paved service access or parking. Aside from the antenna, related equipment and wooden security fencing, no other improvements such as landscaping, paving etc, are proposed.

C. Deviation Permit:

With the submittal of a Deviation Permit application, the Planning Commission may increase or modify standards relating to antenna height, setback, separation distance, security fencing or landscape screening if the goals of the Development Code would be better served by granting the requested deviation. Development Code Section 9.77.200 states that the applicant must provide supporting documentation of the identified need that cannot be met in any other manner. There must also be unique circumstances associated with the proposed location necessitating the requested deviation. The applicant should also demonstrate that there are no reasonable alternative sites available to provide the services offered to grant the waiver. The applicant has provided a letter containing written justifications for granting the deviation, which is attached for Commission consideration (Attachment No. 3).

The applicant is requesting to deviate from the height requirements on a vacant, commercial site that is not considered a "preferred location". The maximum height for an antenna outside a "preferred location" is fifty-five (55) feet with an allowance for an additional ten (10) for architectural treatments. The applicant proposes a seventy (70)-foot high tower with an additional five (5) feet for additional pine branches. The applicant states the need for greater coverage as their justification. The applicant has provided

propagation maps to demonstrate the need for service and a letter from an AT&T Engineer. The letter from the Engineer is specific to mono-pole vs. the triangular array proposed for this site. Since there are sites within the area that are “preferred locations”, that do allow for the requested height, staff can find no justification for the increase in height. The applicant has indicated that co-location on this site would be available should another carrier choose to do so.

The applicant is requesting a Deviation Permit to allow the reduction in the required setback; however, based upon the zoning designation of Service Commercial (C-S), the project meets the required setbacks. The project does not meet the required 1,500-foot separation between wireless facilities. There is an existing, sixty-five (65)-foot tall, single use wireless facility located approximately 1,000 feet to the west at James Woody Park. James Woody Park is a preferred location; however, but was not considered a viable location by the applicant. Additionally, the applicant did not include this standard within the deviation request.

The applicant is requesting a deviation from separation distance between a non-preferred stealth design wireless telecommunication facilities and existing residential uses or zoning districts. A legal non-conforming single-family residence, within the C-S zone, is located 250 feet north and a multi-family development within the Multi-Family Residential (R-M) zone is located 680 feet west from the proposed wireless facility. Unless the wireless facility is completely concealed, the Code requires a minimum separation distance of 1,000 feet from any property zoned, or used, for residential purposes. The Code does not give any separation allowances for a non-preferred location or the non-preferred stealth designs. With a strict adherence to the 1,000-foot separation requirement, the installation of a wireless facility to serve the vicinity within this commercial area would not be allowed. Therefore, staff believes some deviation may be justified provided an acceptable design that minimizes the appearance of the antenna from the surrounding area can be achieved.

The applicant is requesting a deviation from all landscaping requirements. The site contains no landscaping or other permanent improvements. The applicant did not provide any justification or substantiation of how the goals of the Development Code would be better served by eliminating the requirement for landscaping. The visual impact of a seventy-five (75)-foot tall mono-pine antenna, as seen on the photo-simulation, will be dramatic. The facility will be clearly distinguished from the general character of the area. The purpose of the landscaping is to create a buffer and effectively screen the view of the tower compound. Staff can find no justification for the elimination of landscaping requirement. Substantial landscaping, including, but not limited to, mature pine trees would be essential in terms of minimizing the proposed mono-pine’s negative visual impact upon the surrounding area.

D. Architecture Analysis:

The Development Code does discourage the use of mono-pine, but that a mono-pine may be considered by the Planning Commission in review of the Conditional Use Permit application when the applicant can demonstrate the lack of reasonable, available alternatives consistent with the stealth/camouflaging requirements of the Code within the physical environment where the facility is to be located. The applicant provided no alternative designs for consideration or provided justification to demonstrate a lack of any reasonable alternative.

The proposed seventy-five (75)-foot high, mono-pine 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 seventy-five (75) feet, and with the antenna array at a height of sixty-four (64) feet. The mono-pine tree will have three (3) sectors and four (4) antennas per sector within the foliage. The mono-pine would appear out of character for the area which primarily consists of single-story, metal buildings and vacant land. Therefore, the seventy-five (75)-foot high, mono-pine design, telecommunications antenna will impact the aesthetics in and around the project, as it is not consistent in design with surrounding architectural elements or physical features. Given the fact that there are no mature trees nearby, the design is contrary to the intent of the Development Code for preferred stealth/camouflage design elements.

E. Summary:

Based upon review of the information presented, the circumstances of the site and the operation of the facility, the project is considered inconsistent with the provisions of the Telecommunication Ordinance which states the facilities shall be sited in the least visually obtrusive manner, either screened or disguised, mounted on a facade and located on the same property as, or adjacent to, structures with tall features or trees similar in height. Therefore, the information provided does not appear to support the required Findings for granting the Conditional Use Permit and Deviation Permit. If the Commission can make the Findings in a positive manner, the Findings must be stated for the record and the Commission may then approve the Conditional Use Permit and Deviation Permit.

F. Licensing & Future Reviews:

Wireless telecommunication proposals are governed by regulations of the Federal Communications Commission (FCC) and are required to transmit signals on frequencies that will not interfere with other electronic equipment (e.g., fire, police, emergency radio frequencies, etc.). The Telecommunications Act of 1996 determined that electromagnetic fields associated with wireless telecommunication facilities do not pose a health risk and are required to conform with the standards established by the American National Standard Institute (ANSI) for safe human exposure to electromagnetic fields and radio frequencies. It is recommended that the applicant be conditioned, if approved, to submit verification from ANSI by providing a copy of its FCC license agreement.

G. Environmental Assessment:

Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15270 (a), a project which is denied is Exempt from CEQA.

H. Noticing:

The project was legally noticed in the Victor Valley Daily Press on September 5, 2014.

I. 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 the mono-pine designed telecommunication antenna is not consistent with the Telecommunications Ordinance of the Development Code. The proposed mono-pine design will be located on a site that lacks both on and off-site improvements within an area that lacks physical features for preferred stealth/camouflage design elements. The physical design and construction will result in a facility that can be clearly distinguished from the general character of the area.

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 telecommunication antenna designed as mono-pine, will result in aesthetic impacts in and around the project area, as it is not consistent in design with surrounding architectural or natural elements. The physical design and construction will result in a facility can be clearly distinguished from the general character of the area. The locating of a seventy-five (75)-foot tall telecommunication tower on property that is currently developed with a nonconforming use with no on-site infrastructure will be detrimental as a result of the appearance of the tower in this developing light industrial area.

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

Comment: The proposed mono-pine designed telecommunications facility and associated equipment cabinets are not consistent in design with surrounding architectural and natural elements. Further, it is not in conformance with the recommended separation distance between a non-preferred stealth design telecommunication facility and existing residential zones and uses or with the separation distance required between wireless telecommunication towers.

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 seventy-five (75)-foot high, mono-pine telecommunication antenna may result in aesthetic impacts in and around the project site, as it is not consistent in design with surrounding architectural

and natural elements. The physical design, by its size, shape and appearance of the facility, is in conflict with the character and aesthetics of the site upon which it is proposed and the surrounding property in the general vicinity.

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

Comment: The proposed unmanned wireless telecommunication facility is 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: Traffic generated from the project will not adversely impact the surrounding area. The proposed unmanned wireless telecommunication facility will be located on a vacant parcel containing an unpermitted use; however there is adequate internal circulation and parking which can accommodate minimal traffic generated from the use proposed at this project site.

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.

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.

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 is not in conformance with the Telecommunications Ordinance of the Development Code, as the mono-pine is not a preferred stealth/camouflage design. The nature of the design and construction will draw undue attention to the structure.

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 seventy-five (75)-foot-high, mono-pine design, telecommunication antenna will impact the aesthetics in and around the project, as it is not consistent in design with surrounding architectural elements or physical features. Given the fact that there are no mature trees nearby, the design is contrary to the intent of the Development Code for preferred stealth/camouflage design elements.

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 proposed mono-pine design will be located on a site that lacks on-site improvements within an area that lacks physical features for preferred stealth/camouflage design elements. The physical design and construction will result in a facility that can be clearly distinguished from the general character of the area.

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 seventy-five (75)-foot-high, mono-pine design, telecommunication antenna will impact the aesthetics in and around the project, as it is not consistent in design with surrounding architectural elements or physical features.

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

Comment: The proposal is an unmanned wireless telecommunication facility and, therefore, will have no impact on pedestrian, bicycle, equestrian or motorist access.

J. Findings for Deviation:

As required under Section 9.77.200 of the Development Code, the Planning Commission may increase or modify any standard relating to antenna height, setback, separation distance, security fencing or landscape screening established within Section 9.77, "Wireless Telecommunications Towers and Antennas". Prior to approval of a Deviation Permit the Planning Commission must make specific Findings. Below are the Findings with a comment to address each.

1. That the applicant has provided supporting documentation of the identified need that cannot be met in any other manner.

Comment: Documentation has been provided indicating the necessity for wireless coverage in the proposed vicinity; however, the documents do not demonstrate that this need can only be met by placing a mono-pine at this location. Additionally, the need for a seventy-five (75)-foot height has not been substantiated.

2. That there are unique circumstances associated with the proposed location necessitating the requested Deviations.

Comment: The general vicinity is zoned C-S, Service Commercial; however, there is a legal non-conforming single-family residence within 250 feet and nearby residential zoning districts. There are some available locations that would make it possible for a mono-pine to conform to the required 1,000-foot separation distance as required by the Code. By utilizing a preferred stealth design, the applicant would eliminate the need for a Deviation Permit.

3. That there are no reasonable alternative sites available to provide the services offered.

Comment: There are co-locatable sites in the vicinity and "preferred locations". However, there are very few available locations within the immediate vicinity that would make it possible for a mono-pine to conform to the required 1,000-foot separation distance from residential uses or zones. By utilizing a preferred concealed design, the applicant would eliminate the need for a Deviation Permit.

4. That the submitted information and testimony from the applicant, staff and public illustrates a reasonable probability that allowance of the Deviation will have minimal or no adverse impacts to the site, surrounding area or the community in general.

Comment: The seventy-five (75)-foot-high, mono-pine telecommunication antenna will result in impacts to aesthetics in and around the project, as it is not consistent in design with surrounding architectural elements. The proposed mono-pine design will be located within an area that lacks physical features for preferred stealth/camouflage design elements. The physical design and

construction will result in a facility that is clearly distinguished from the general character of the area.

5. That the Commission finds that the proposed deviation will not be materially detrimental to the public health, safety or general welfare, or injurious to the property or improvements in the vicinity and land use district in which the property is located.

Comment: The location, size, design and operating characteristics of the proposed facility, and the recommended conditions under which it will be operated and maintained, will not be detrimental to the public health, safety or welfare, nor will it be materially injurious to properties or improvements in the vicinity. The project is required to provide Federal Communications Commission (FCC) licensing which regulates electromagnetic fields and radio frequencies.

RECOMMENDATION:

If the Commission can make the Findings in a positive manner, the Findings must be stated for the record and the Planning Commission may approve the Conditional Use Permit and Deviation. However, based upon the information contained within this report, and any input received from the public at the hearing, it is recommended that the Planning Commission move to:

1. Find the facts presented in the staff report do not support the required Findings for approval and deny Conditional Use Permit No. 2013-010 and Deviation No. 2014-001.
2. Adopt the negative comments as provided in the staff report for the findings to deny Conditional Use Permit No. 2013-010 and Deviation No. 2014-001.

Prepared By:

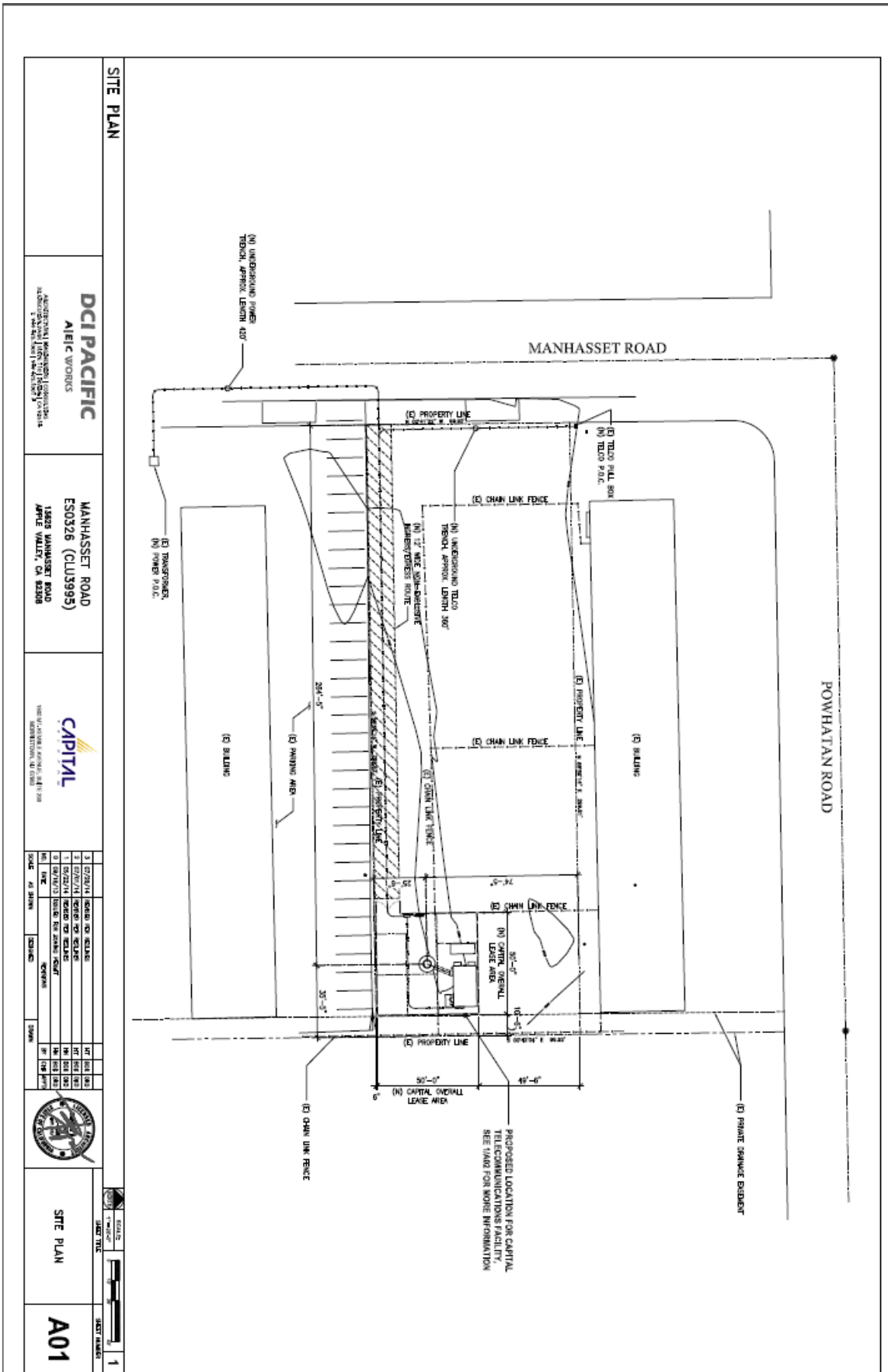
Reviewed By:

Pam Cupp
Associate Planner

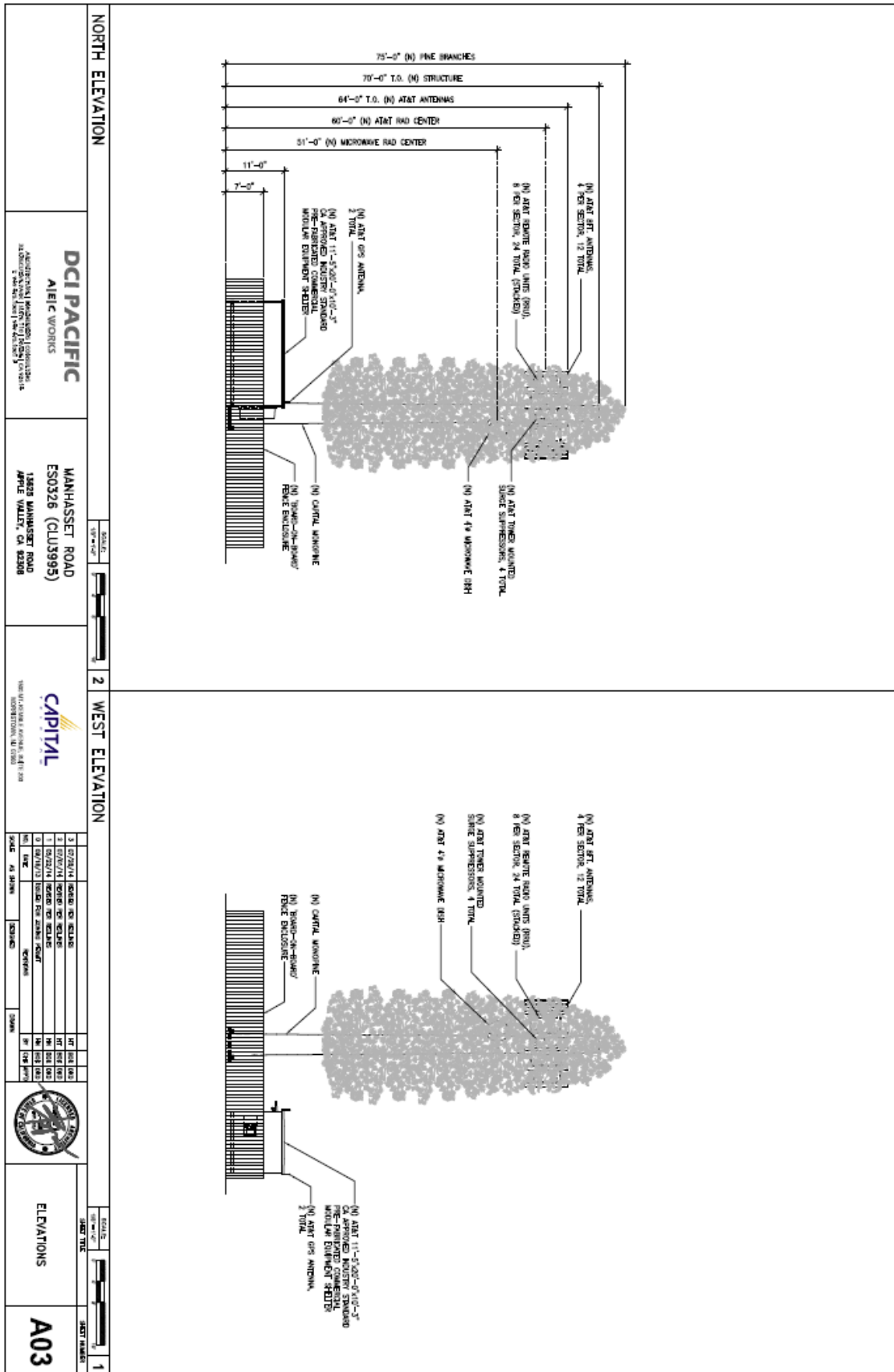
Carol Miller
Principal Planner

ATTACHMENTS:

1. Site Plan
2. Elevations
3. Justification for Deviations
4. AT&T Engineer Letter
5. Photo-simulations
6. Zoning Map



SITE PLAN		DCI PACIFIC AIEIC WORKS MANHASSSET ROAD ES0326 (CU3995) 13828 MANHASSSET ROAD APPLE VALLEY, CA 92309	CAPITAL CAPITAL TELECOMMUNICATIONS 13828 MANHASSSET ROAD APPLE VALLEY, CA 92309	<table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> <th>CHKD.</th> </tr> <tr> <td>1</td> <td>02/26/14</td> <td>SCHEMATIC DEVELOPMENT</td> <td>MM</td> <td>MM</td> </tr> <tr> <td>2</td> <td>02/27/14</td> <td>SCHEMATIC DEVELOPMENT</td> <td>MM</td> <td>MM</td> </tr> <tr> <td>3</td> <td>02/28/14</td> <td>SCHEMATIC DEVELOPMENT</td> <td>MM</td> <td>MM</td> </tr> <tr> <td>4</td> <td>02/28/14</td> <td>SCHEMATIC DEVELOPMENT</td> <td>MM</td> <td>MM</td> </tr> <tr> <td>5</td> <td>02/28/14</td> <td>SCHEMATIC DEVELOPMENT</td> <td>MM</td> <td>MM</td> </tr> <tr> <td>6</td> <td>02/28/14</td> <td>SCHEMATIC DEVELOPMENT</td> <td>MM</td> <td>MM</td> </tr> <tr> <td>7</td> <td>02/28/14</td> <td>SCHEMATIC DEVELOPMENT</td> <td>MM</td> <td>MM</td> </tr> <tr> <td>8</td> <td>02/28/14</td> <td>SCHEMATIC DEVELOPMENT</td> <td>MM</td> <td>MM</td> </tr> <tr> <td>9</td> <td>02/28/14</td> <td>SCHEMATIC DEVELOPMENT</td> <td>MM</td> <td>MM</td> </tr> <tr> <td>10</td> <td>02/28/14</td> <td>SCHEMATIC DEVELOPMENT</td> <td>MM</td> <td>MM</td> </tr> <tr> <td>11</td> <td>02/28/14</td> <td>SCHEMATIC DEVELOPMENT</td> <td>MM</td> <td>MM</td> </tr> <tr> <td>12</td> <td>02/28/14</td> <td>SCHEMATIC DEVELOPMENT</td> <td>MM</td> <td>MM</td> </tr> <tr> <td>13</td> <td>02/28/14</td> <td>SCHEMATIC DEVELOPMENT</td> <td>MM</td> <td>MM</td> </tr> <tr> <td>14</td> <td>02/28/14</td> <td>SCHEMATIC DEVELOPMENT</td> <td>MM</td> <td>MM</td> </tr> <tr> <td>15</td> <td>02/28/14</td> <td>SCHEMATIC DEVELOPMENT</td> <td>MM</td> <td>MM</td> </tr> <tr> <td>16</td> <td>02/28/14</td> <td>SCHEMATIC DEVELOPMENT</td> <td>MM</td> <td>MM</td> </tr> <tr> <td>17</td> <td>02/28/14</td> <td>SCHEMATIC DEVELOPMENT</td> <td>MM</td> <td>MM</td> </tr> <tr> <td>18</td> <td>02/28/14</td> <td>SCHEMATIC DEVELOPMENT</td> <td>MM</td> <td>MM</td> </tr> <tr> <td>19</td> <td>02/28/14</td> <td>SCHEMATIC DEVELOPMENT</td> <td>MM</td> <td>MM</td> </tr> <tr> <td>20</td> <td>02/28/14</td> <td>SCHEMATIC DEVELOPMENT</td> <td>MM</td> <td>MM</td> </tr> <tr> <td>21</td> <td>02/28/14</td> <td>SCHEMATIC DEVELOPMENT</td> <td>MM</td> <td>MM</td> </tr> <tr> <td>22</td> <td>02/28/14</td> <td>SCHEMATIC DEVELOPMENT</td> <td>MM</td> <td>MM</td> </tr> <tr> <td>23</td> <td>02/28/14</td> <td>SCHEMATIC DEVELOPMENT</td> <td>MM</td> <td>MM</td> </tr> <tr> <td>24</td> <td>02/28/14</td> <td>SCHEMATIC DEVELOPMENT</td> <td>MM</td> <td>MM</td> </tr> <tr> <td>25</td> <td>02/28/14</td> <td>SCHEMATIC DEVELOPMENT</td> <td>MM</td> <td>MM</td> </tr> <tr> <td>26</td> <td>02/28/14</td> <td>SCHEMATIC DEVELOPMENT</td> <td>MM</td> <td>MM</td> </tr> <tr> <td>27</td> <td>02/28/14</td> <td>SCHEMATIC DEVELOPMENT</td> <td>MM</td> <td>MM</td> </tr> <tr> <td>28</td> <td>02/28/14</td> <td>SCHEMATIC DEVELOPMENT</td> <td>MM</td> <td>MM</td> </tr> <tr> <td>29</td> <td>02/28/14</td> <td>SCHEMATIC DEVELOPMENT</td> <td>MM</td> <td>MM</td> </tr> <tr> <td>30</td> <td>02/28/14</td> <td>SCHEMATIC DEVELOPMENT</td> <td>MM</td> <td>MM</td> </tr> </table>	NO.	DATE	DESCRIPTION	BY	CHKD.	1	02/26/14	SCHEMATIC DEVELOPMENT	MM	MM	2	02/27/14	SCHEMATIC DEVELOPMENT	MM	MM	3	02/28/14	SCHEMATIC DEVELOPMENT	MM	MM	4	02/28/14	SCHEMATIC DEVELOPMENT	MM	MM	5	02/28/14	SCHEMATIC DEVELOPMENT	MM	MM	6	02/28/14	SCHEMATIC DEVELOPMENT	MM	MM	7	02/28/14	SCHEMATIC DEVELOPMENT	MM	MM	8	02/28/14	SCHEMATIC DEVELOPMENT	MM	MM	9	02/28/14	SCHEMATIC DEVELOPMENT	MM	MM	10	02/28/14	SCHEMATIC DEVELOPMENT	MM	MM	11	02/28/14	SCHEMATIC DEVELOPMENT	MM	MM	12	02/28/14	SCHEMATIC DEVELOPMENT	MM	MM	13	02/28/14	SCHEMATIC DEVELOPMENT	MM	MM	14	02/28/14	SCHEMATIC DEVELOPMENT	MM	MM	15	02/28/14	SCHEMATIC DEVELOPMENT	MM	MM	16	02/28/14	SCHEMATIC DEVELOPMENT	MM	MM	17	02/28/14	SCHEMATIC DEVELOPMENT	MM	MM	18	02/28/14	SCHEMATIC DEVELOPMENT	MM	MM	19	02/28/14	SCHEMATIC DEVELOPMENT	MM	MM	20	02/28/14	SCHEMATIC DEVELOPMENT	MM	MM	21	02/28/14	SCHEMATIC DEVELOPMENT	MM	MM	22	02/28/14	SCHEMATIC DEVELOPMENT	MM	MM	23	02/28/14	SCHEMATIC DEVELOPMENT	MM	MM	24	02/28/14	SCHEMATIC DEVELOPMENT	MM	MM	25	02/28/14	SCHEMATIC DEVELOPMENT	MM	MM	26	02/28/14	SCHEMATIC DEVELOPMENT	MM	MM	27	02/28/14	SCHEMATIC DEVELOPMENT	MM	MM	28	02/28/14	SCHEMATIC DEVELOPMENT	MM	MM	29	02/28/14	SCHEMATIC DEVELOPMENT	MM	MM	30	02/28/14	SCHEMATIC DEVELOPMENT	MM	MM
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THE FRANCIS LAW FIRM

August 21, 2014

Ms. Pam Cupp
Associate Planner
Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, California 92307

Re: Request for Deviation Permits
CUP Application 2013-010
13625 Manhasset Road

Dear Ms. Cupp:

Our firm represents Capital Telecom Acquisition, LLC ("Applicant") in its request for Deviation Permits from the requirements of Development Code Sections 9.77.130 (D)(4),(5),(6) and (8) and Section 9.77.150(C).

Applicant has applied for a Conditional Use Permit to construct a 75 foot stealth monopine "telecommunications facility" (the "Tower") at 13625 Manhasset Road. Applicant's Application was assigned "CUP Application 2013-010".

Applicant requests the Town of Apple Valley Planning Commission grant Deviation Permits in accordance with Development Code Section 9.77.200 as follows:

1. Height - Development Code Section 9.77.130 (D)(4);
2. Setback - Development Code Section 9.77.130 (D)(5);
3. Separation - Development Code Section 9.77.130 (D)(6);
4. The landscaping and equipment shelter height requirements - Development Code Section 9.77.130 (D)(8) and 9.77.150 (C).

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August 21, 2014
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SUBMITTALS

Applicant submits to the Planning Commission the following in support of its request for the Deviation Permits:

1. The Site Plan and elevations for the stealth Tower and equipment compound (the "Site Plan").
2. Propagation Maps establishing that the 75 foot height of the Tower is required in order to improve coverage as well as adding greater indoor coverage and provide additional capacity in the surrounding area preventing dropped calls.
3. Photo simulations depicting the proposed Tower.
4. Letter from Mr. Adil Qazi, RF Engineer, AT&T.
5. Sealed letter from Vector Structural Engineers (the "Engineer's Letter").

COVERAGE AND CAPACITY

At the hearing, Applicant will present to and discuss with the Planning Commission (i) the Propagation Maps which depict the current inadequate and insufficient data, mobile service and 911 emergency calls in the area surrounding the Tower and (ii) how data, mobile service and 911 emergency calls in the area surrounding the Tower will be enhanced by the Tower.

RATIONALE FOR THE HEIGHT OF THE TOWER AND THE REQUESTS FOR DEVIATION PERMITS

1. That the applicant has provided supporting documentation of the identified need that cannot be met in any other manner.

As shown on the Propagation Maps and the letter from Mr. Adil Qazi, RF Engineer, AT&T - the 75 foot height of the Tower is required in order to allow AT&T to place its antenna at a height which is sufficient to improve coverage as well as adding greater indoor coverage and provide additional capacity in the surrounding area preventing dropped calls and the designated location for the Tower is required in order to provide sufficient uninterrupted

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Ms. Pam Cupp
August 21, 2014
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“coverage and capacity” for data, mobile service and 911 emergency calls in the area surrounding the Tower.

The inadequate and insufficient data, mobile service and 911 emergency call capacity and coverage in the area surrounding the Tower is unique to this specific area due to the fact that existing telecommunications towers do not provide sufficient uninterrupted telecommunications “coverage and capacity” for data, mobile service and 911 emergency calls for the area surrounding the Tower.

2. That there are unique circumstances associated with the proposed location necessitating the requested Deviations.

The insufficient “coverage and capacity” for data, mobile service and 911 emergency calls described above is not “self-imposed” by either the property owner, or by the Applicant, and is the result of the locations of the existing telecommunications towers and the demand upon AT&T’s wireless system by the citizens and emergency personnel.

The denial of the Conditional Use Permit and the Deviation Permits will result in an unnecessary hardship to, and create a practical difficulty for, the citizens and law enforcement officials who require data, mobile service and 911 emergency coverage and capacity in the area surrounding the Tower.

Therefore, (i) the required seventy-five (75) foot height of proposed Tower (in order to place the AT&T antenna at the required height), (ii) the required placement of the Tower within the setback from “adjoining lot lines,” and (iii) the 679 foot separation of the Tower from the multi-family residential units to the west of the site are unique circumstances associated with the proposed location necessitating the requested Deviations.

3. That there are no reasonable alternative sites available to provide the services offered.

There are no reasonable alternative sites to provide the wireless and data services. Applicant has reviewed alternative sites within the AT&T “search ring” and the proposed site is the least intrusive site. The proposed site is located in a Service Commercial District “C-S” which the Development Code defines as follows:

“The C-S District is intended to provide an area in which light industrial uses may be combined with those commercial activities which are frequently not compatible with the conventional retail service and office uses.”

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August 21, 2014
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- 4. That the submitted information and testimony from the applicant, staff and public illustrates a reasonable probability that allowance of the Deviation will have minimal or no adverse impacts to the site, surrounding area or the community in general.**

As shown in the Applicants' submittals and as will be presented to the Planning Commission, the proposed location will have "minimal or no adverse impacts to the site, surrounding area in general." As noted above, the site is in a C-S District and the tract is comprised of metal buildings which are currently being used for multiple tenant office warehouses.

The property immediately adjacent to the east of proposed site is vacant and will not be negatively impacted by the placement within the setback requirements of Development Code Section 977.130(D)(5). Additionally, property immediately adjacent to the south of proposed site is owned by the "Property Owner" and will not be negatively impacted by the placement within the setback requirements of Development Code Section 977.130(D)(5). As noted in the Engineer's Letter, the proposed Tower is designed so that in the unlikely event of a failure, the fall zone radius will be 25 ft – which is within the Applicant's lease tract for the Tower as shown on the Site Plan.

- 5. That the Commission finds that the proposed deviation will not be materially detrimental to the public health, safety or general welfare, or injurious to the property or improvements in the vicinity and land use districts in which the property is located.**

The proposed site "will not be materially detrimental to the public health, safety or general welfare, or injurious to the property or improvements in the vicinity and land uses district in which the property is located." C-S Districts are appropriate for telecommunications towers. Further, as noted in the submitted Engineer's Letter, the proposed Tower is designed so that in the unlikely event of a failure, the fall zone radius will be 25 ft – which is within the Applicant's lease tract for the Tower as shown on the Site Plan submitted to the Planning Commission.

The Tower will be constructed approximately 679 feet east of multifamily units and the location of the Tower between two (2) existing metal buildings within a "C-S" District will not be "materially detrimental" to the multifamily units.

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Ms. Pam Cupp
August 21, 2014
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**RATIONALE FOR DEVIATION PERMIT
LANDSCAPING**

At the hearing, Applicant will present facts Applicant believes will substantiate that (i) the requirement for landscaping will create an unnecessary hardship due to the location of the Lease Tract and the difficulty of providing irrigation to any such landscaping; and (ii) the structures surrounding the Lease Tract will shield the fencing (as depicted on the Site Plan and photo simulations) from distant viewing.

**RATIONALE FOR DEVIATION PERMIT
UNMANNED EQUIPMENT STRUCTURE HEIGHT**

Page A03 of the Site Plan described the equipment as a "CA approved industry standard pre-fabricated commercial modular equipment shelter" that will be 10 ft. 3 inches in height. Applicant requests a Deviation Permit from the 10 foot height limitation for the equipment shelter under Development Code Section 9.77.150(C).

REQUEST FOR APPROVAL OF THE DEVELOPMENT PERMITS

Applicant respectfully requests approval of its request for Deviation Permits from the requirements of Development Code Sections 9.77.130 (D)(4),(5),(6) and (8) and Section 9.77.150.

Yours very truly,

The Francis Law Firm, P.C.

By: 

W. Bebb Francis, III
Counsel to Capital Telecom Acquisition, LLC

cc: Mr. Vincent Casiero
Mr. Christopher J. Schroeder

THE FRANCIS LAW FIRM



New AT&T
12900 Park Plaza Drive
Cerritos, CA 90703

T: 714-676-0100
F: 714-676-0104
www.att.com

May 15, 2014

Capital Telecom
1500 Mt. Kemble Rd., Suite 203
Morristown, NJ 07960

RE: **Proposed Wireless Communications Facility**
Center Line / RAD Center: 60 Feet, Top of Antenna: 64 Feet
Site Address: 13625 Manhasset Rd. Apple Valley, 92308
AT&T Site ID: ES0326

To Whom It May Concern:

Compared to a Slimline pole with a Radom cover, the Monopine installation can incorporate a full array of antennas, a standard design and configuration to achieve optimal radio frequency coverage and capacity. Of subject are the attached Propagation Maps and why a Slimline pole is substantially limited in design and scope relative to a Monopine. A Monopine can hold three sectors of antennas facing three different directions with each sector having four antennas for a total of 12. Each antenna is approx. 8' in height. Higher capacity antennas are required for different technologies, both existing and emerging as well as for multiple transmit and receive applications such as UMTS (3G- Voice/Data), LTE (4G – high speed data), Voice over LTE (VoLTE).

Compared to a Monopine, the Slimline pole is severely impacted and can house two antennas per sector, vertically stacked, for a total of 6. Each antenna is only 4' in compared to an 8' on a Monopine.

For reasons here below stated, the slimline installation is not only limiting in more ways than one but also has several operational disadvantages:

- A) In a Slimline design, the antennas cannot be placed in the same horizontal plane. Accordingly, the Engineers will have a hard time to optimize the continual functioning of antennas because stacked antennas (on Slimline design) pose an inherent problem while operating at two different vertical levels. In a Monopine, antennas are installed at the same vertical level and are only horizontally separated by 2 feet. On the Slimline pole, there is NO horizontal separation. Compared to Vertical separation of antennas, Horizontal separation is considered the best and most optimal in the wireless industry and is used by all wireless carriers. The center line of all antennas, also known as the RAD Center can easily be achieved by installing all



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antennas at the same horizontal level as would be on a Monopine. In contrast to this, antennas on a Slimline pole can only be mounted on top of each other, essentially vertically separating the top and the bottom of antennas by 3 feet. By so doing, we now have two separate RAD centers for antennas mounted at two different heights. The difference between the RAD Centers of two antennas mounted at two different heights is now Eleven (11) feet.

Installed at different heights, engineering operation and maintenance of the antennas becomes an ongoing problem. This is also called "splitting" of the RAD center or the Center Point of antennas.

- B) In a Slimline design, the size of the antennas will be reduced from 8' in height to 4' in height which in turn reduces the ability of the antennas to perform both for coverage and capacity (the number of subscribers that can effectively be serviced without losing the quality of both voice and data transmission). Capacity and signal augmentation is a critical component for future growth. It has essentially to do with faster speeds of voice and data connectivity along with being able to service more numbers of subscribers concurrently.
- C) In a Slimline pole design, the RRUs (Remote Radio Units) cannot be installed in proximity to antennas, instead they would have to be located either at the base of the pole or in the equipment area. The RRUs are a critical component of antennas which helps antennas to maintain their signal strength (both transmit and receive). By placing the RRUs away from antennas, there occurs a loss in signal strength due to a longer coaxial run to connect the two. As is widely known, Coaxial cable is not of the same quality as fiber because they "bleed" (loss of signal and power). Increasing the length of Coaxial cable by placing RRUs afar, will reduce the amount of coverage and capacity. As with the GPS equipment, the RRUs can only be connected to antennas with Coaxial cable.

The TMAs (**Tower Mounted Amplifiers**), one TMA per sector, are additionally installed to enhance the quality of the call as well as data transmission speeds. The TMAs control the power distribution in the antennas. By placing the TMAs away from antennas, the input power of the antennas is reduced, leading to the loss of signal strength. When installed close to the antenna, this **Tower Mounted Amplifier** improves uplink sensitivity, which in turn enhances the 800 MHz and 1900 MHz network coverage and performance. In a Slimline pole, TMAs cannot be installed next to antennas because of the slim design of the pole and hence would have to be installed a good distance away. The TMAs appear like a rectangular box approximately 12" W, 17" H, 5.7" D. Years of experience from commercial networks have concluded significant improvements when deploying TMA.



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- D) In broader perspective, an installation of ONE Monopine design is better than antennas mounted on TWO Slimline poles. To reiterate, Monopine can have four antennas on the same plane while Slimline pole design can house two antennas per sector - 4' each mounted on top of each other. Additionally, they have to be separated vertically by at least 3-4 feet because antennas radiates not only from front but top and bottom as well. Mounting them close to each other leads to frequency and signal interference.
- E) As is widely understood, the wireless spectrum is extremely costly and rare. Hence, the use and reuse of these radio frequencies is absolutely necessary yet complex. The design for the use and reuse of radio frequencies for wireless mobile phones can be better addressed and better results accomplished with the full array of smart antennas rather than "mitigated" design, i.e. lesser and smaller antennas.
- F) As the two propagation maps reveal in color Green, not only is the coverage reduced with the use of Slimline pole design but also the capacity of the cell site to handle calls is severely limited. Of great importance is the fact that the future design, planning and Long Term Evolution (LTE) of cell site comes into jeopardy.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Adil Qazi".

Adil Qazi
RF Design Engineer
12900 Park Plaza Dr., 3rd Floor
Cerritos, CA 90703
714-624-8957

AERIAL MAP

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EXISTING

PROPOSED

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DCI PACIFIC
AI&C WORKS
 ARCHITECTURAL & ENGINEERING CONSULTANTS
 15000 W. HUNTERS BLVD., SUITE 100
 HUNTERS BLVD. & HUNTERS BLVD. INTERSECTION
 HUNTERS BLVD. & HUNTERS BLVD. INTERSECTION
 HUNTERS BLVD. & HUNTERS BLVD. INTERSECTION

CAPITAL
 ENGINEERS
 13625 MANHASSET ROAD
 APPLE VALLEY, CA 92308

VIEW	SHEET
A	1 / 3

AERIAL MAP

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EXISTING

PROPOSED

DCI PACIFIC
 A/E/C WORKS
 13625 MANHASSET ROAD
 APPLE VALLEY, CA 92308
 TEL: 951.360.1100 FAX: 951.360.1101

CAPITAL
 MANHASSET ROAD
 13625 MANHASSET ROAD
 APPLE VALLEY, CA 92308

	VIEW	SHEET
	B	2 / 3

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AERIAL MAP

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EXISTING

PROPOSED

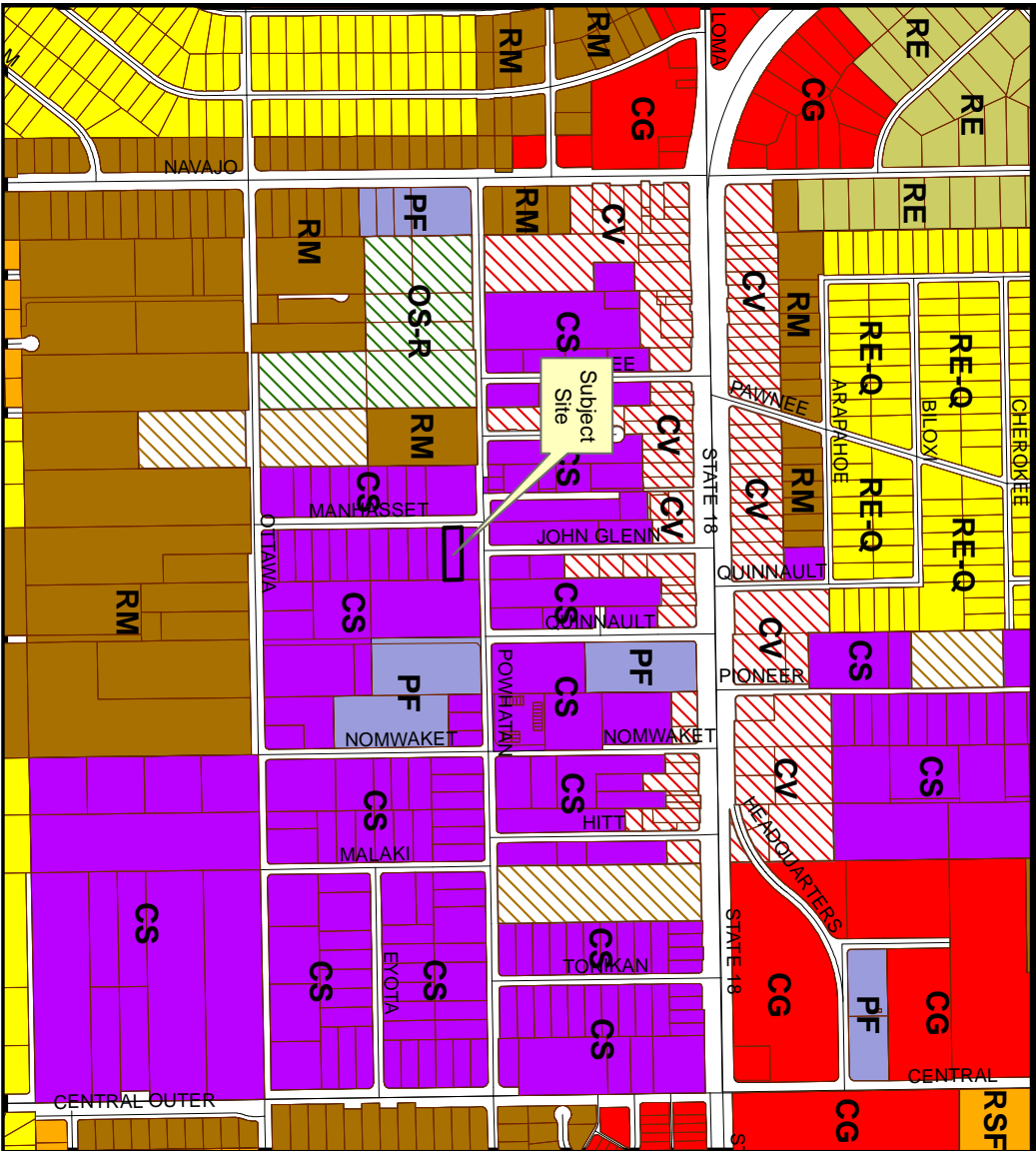
PHOTOS PROVIDED BY DCI PACIFIC

 <small>2000 WILSON AVENUE SUITE 100 MANHASSET VALLEY, CA 92308 TEL: 951.300.8873 FAX: 951.301.7</small>	 <small>THE GROUP</small>	MANHASSET ROAD 13625 MANHASSET ROAD APPLE VALLEY, CA 92308	VIEW C	SHEET 3 / 3
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Zoning Location Map

Conditional Use Permit No. 2013-010 and
 Deviation Permit No. 2014-001

13625 Manhasset Road
 APN 3087-351-32



Zoning Designations	
(R-E)	Estate Residential (1 du/1 to 2.5 gross acres)
(R-EO)	Equestrian Residential (1 du/0.4 to 0.9 net acre)
(R-SF)	Single Family Residential (1 du/0.4 to 0.9 net acre)
(R-M)	Multi-Family Residential (2 to 20 du/res acre)
(MHP)	Mobile Home Park
(C-G)	General Commercial
(C-V)	Village Commercial
(C-S)	Service Commercial
(P-F)	Public Facilities
(OS-R)	Open Space Recreation



A Better Way of Life

Agenda Item No. 3

TOWN OF APPLE VALLEY PLANNING DIVISION

Staff Report

AGENDA DATE: October 1, 2014

CASE NUMBER: Variance No. 2014-001

APPLICANT: United Engineering on behalf of RMG Apple Valley & Ohna 174, LP

PROPOSAL: A request to allow a ninety-seven (97)-foot lot width where a 100-foot lot width, as measured at the required front building setback line, is required for proposed Lot No. 129 within Tentative Tract Map No. 16979.

LOCATION: The project site is located approximately 130 feet north of the intersection of Muni and Kasota Roads (current terminus of Kasota Road); APN 0473-011-30.

ENVIRONMENTAL DETERMINATION: Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), the variance for lot width is exempt from further environmental review per Section 15305, Minor Alteration in Land Use Limitations.

CASE PLANNER: Ms. Carol Miller, Principal Planner

RECOMMENDATION: Approval

PROJECT AND SITE DESCRIPTION

- A. Project Size Tentative Tract Map No. 16979 encompasses approximately 179 acres while Lot No. 129 is proposed at 19,701 square feet.
- B. General Plan Designations:
- | | |
|---------------|---|
| Project Site- | Residential Single Family (R-SF) & Open Space Conservation (OS-C) |
| North - | Residential Single Family (R-SF) & Open Space Conservation (OS-C) |
| East - | Residential Single Family (R-SF) |
| South - | Residential Single Family (R-SF) |
| West - | Residential Single Family (R-SF) |

C. Surrounding Zoning and Land Use:

Project Site - Residential Single Family (R-SF) & Open Space Conservation (OS-C); vacant
North - Residential Single Family (R-SF) & Open Space Conservation (OS-C); vacant
South - Residential Single Family (R-SF); existing single family residence
East - Residential Single Family (R-SF), existing single family residence
West - Residential Single Family (R-SF), vacant

D. Lot Width:

Lot Width Required: 100 feet
Proposed Lot Width: 97 feet

Analysis:

A. General:

The subject lot is proposed Lot No. 129 within approved Tentative Tract Map No. 16979. The map was tentatively approved in March of 2005. Upon civil engineering work, it was determined that the improvements on the adjacent lot (Lot 590) to the south were installed across the northerly property line and the dwelling is within a few feet of the property line. The applicant is seeking a Variance prior to the submittal of a Lot Line Adjustment to correct the current situation.

The Variance process allows an applicant the means by which they can request a deviation from a development standard provided the necessary findings can be made. In this instance, the applicant is requesting a Variance to Lot 129 within Tentative Tract Map No. 16979 to allow a ninety-seven (97)-foot lot width as measured at the building setback line where a 100-foot lot width is required.

B. Site Characteristics

The subject site is vacant. Overall, the area encompassing the tentative tract has a combination of generally flat terrain with large areas of hillsides greater than fifteen percent (15%) slope. The properties to the south, east and west are zoned Single-Family Residential (R-SF) and are currently developed with single-family homes.

C. Analysis:

At the time Lot 590 (16698 Muni Road) was developed in 2005, it appears an assumption was made that the property line aligned with the terminus of Kasota Road and the lot across Kasota Road. Unfortunately, this was incorrect and resulted in property improvements crossing the property line and the dwelling encroaching into the required side yard setback (See attached aerial exhibit).

The purpose of the Variance, if granted, would enable the property owners to submit a Lot Line Adjustment application to shift the property line as shown on the attached exhibit. This shift would eliminate existing improvements from straddling the property line without removing them, allow the existing dwelling to meet the side yard setback, and eliminate the redesign of a portion of Tentative Tract Map No. 16979. A redesign would entail the map and improvement plans be revised to adjust lot lines to compensate for the reduction.

The Development Code requires a 100-foot lot width as measured at the required front building setback line. The three (3)-foot reduction in width is minimal and unnoticeable that warrants the redesign of a tentative tract map by an applicant that was not party to the

development of the adjacent lot. Although the lot size for proposed Lot No. 129 will be reduced, the lot area will not contain less than 18,000 square feet and still enables development that can meet all required building setbacks.

E. Noticing:

This item was advertised as a public hearing in the Apple Valley News newspaper on September 19, 2014.

F. Variance Findings:

As required under Section 9.24.070 *Required Findings* of the Development Code, prior to approval of a Variance, the Planning Commission must make the following Findings:

1. That because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Code deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Comment: The Development Code requires a 100-foot lot width as measured at the required front building setback line. The three (3)-foot reduction in width is minimal and unnoticeable that warranted the redesign of a tentative tract map by an applicant that was not party to the development of the adjacent lot. Although the lot size for proposed Lot No. 129 will be reduced, the lot area will not contain less than 18,000 square feet and still enable development that meets all required building setbacks.

2. That granting the Variance will be consistent with the general intent and purpose of the Development Code provisions for the district in which the property is located.

Comment: The three (3)-foot reduction in lot width will enable the adjacent development to comply with Development Code requirements, while still allowing proposed Lot No. 129 to meet minimum lot size and accommodate future development.

3. That granting the Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zoning district and denied to the property for which the Variance is sought.

Comment: The reduction in lot width is minimal and does not prevent the applicant from meeting all other Development Code requirements of the zoning district. Further, it is the simplest solution for the property owners to eliminate the existing improvements from straddling the property line without removing them and allows the existing dwelling to meet the side yard setback consistent with properties within the vicinity and zoning district.

4. That granting the Variance will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located.

Comment: The proposed three (3)-foot reduction in lot width is minimal and unnoticeable that it would appear consistent with the adjacent parcels

and proposed parcel, and therefore, will not negatively impact the surrounding neighborhood.

5. That granting the Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the zoning district and General Plan land use designation such property is located.

Comment: The three (3)-foot reduction in width is minimal and unnoticeable to warrant the redesign of a tentative tract map by an applicant that was not party to the development of the adjacent lot. By approving the reduction in lot width, it will facilitate a logical solution to correcting the encroachments on the adjacent lot.

6. That granting the Variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.

Comment: The proposed Variance will not alter the allowable uses or permitted activity of the property.

RECOMMENDATION

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

1. Determine that the project is not anticipated to have any direct or indirect impact upon the environment, as it has been determined that the proposed request 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.
3. Approve Variance No. 2014-001 and direct staff to file a Notice of Exemption.

Prepared By:

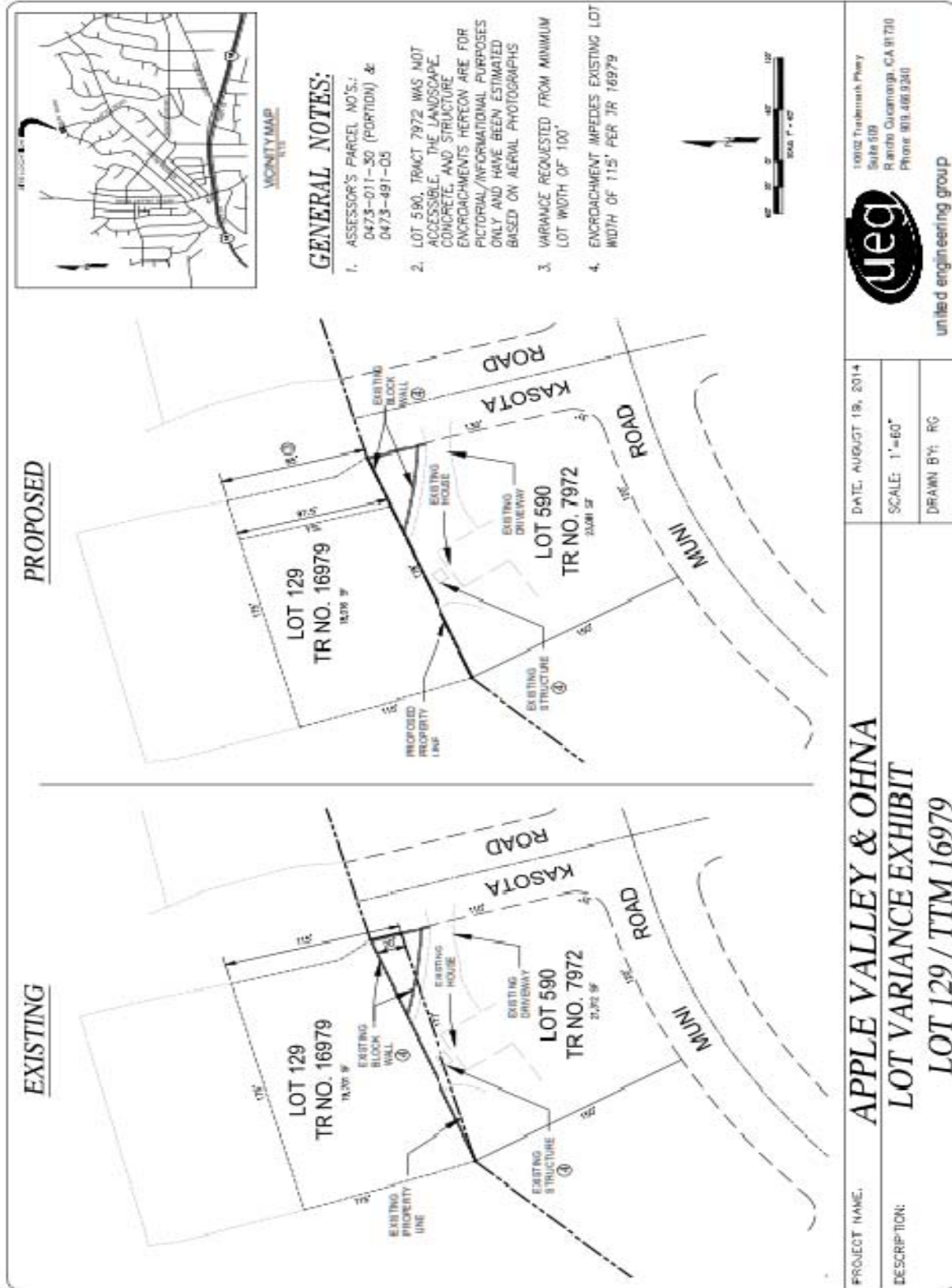
Reviewed By:

Carol Miller
Principal Planner

Lori Lamson
Assistant Town Manager

ATTACHMENTS:

1. Lot Exhibit
2. Aerial Exhibit
3. Applicant's Variance Findings
4. Zoning Map



PROJECT NAME: **APPLE VALLEY & OHNA**
 LOT VARIANCE EXHIBIT
 LOT 129 / TTM 16979





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FINDINGS REQUIRED TO GRANT A VARIANCE

1. *Special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Town Development Code deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.*

The existing block wall which encroaches onto the subject property (Lot 129/TR 16979) creates a circumstance in which strict application of the Development Code would deprive Lot 129 from ever being built, without creating legal action between the property owners of Lot 129/TR 16979 and the residents of Lot 590/TR 7972. This variance would allow the two property owners to rectify this encroachment harmoniously, and without the need for expensive relocation of existing structures and landscaping.

2. *Granting the variance will be consistent with the general intent and purpose of the Development Code provisions for the district in which the property is located.*

This variance will only reduce the front lot width of Lot 129/TR 16979 by 3'. All other provisions of the Development Code, including setbacks and minimum lot size will still apply.

3. *Granting of variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zoning district and denied to the property with which the Variance is sought.*

This variance is necessary to preserve the existence of the subject property (Lot 129/TR 16979). Without the variance, Lot 129 and potentially other lots within TR 16979 would need to be revised or redesigned. Furthermore, the encroachment issues between Lot 129/TR 16979 and Lot 590/TR 7972 would need to be resolved through legal methods which could result in additional setback violations on Lot 590/TR 7972 involving existing structures. By granting this variance for a 3' reduction in lot frontage, both Lot 590/TR 7972 and Lot 129/TR 16979 could preserve and enjoy the rights possessed by other properties in this zoning district without expensive changes to engineering plans or structures.



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4. *Granting of the variance will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located.*

This variance request is seeking a reduction to the front lot width of ~~3~~ 3. The combined distance of Lot 590/TR 7972 and Lot 129/TR 16979 to the intersection of Muni Road and Kasota Road remains the same. Tract 16979 actually increases the right of way width of Kasota Road going north, allowing for more pedestrian and equestrian access. In turn improving the public health, safety and welfare in the immediate area.

5. *Granting of the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the zoning district and General Plan land use designation such property is located.*

Granting of this variance would reduce the front lot width of Lot 129/TR 16979 by ~~3~~ 3 from those lots surrounding it. The setbacks, minimum lot size and all other development standards set forth by the Town would still apply.

6. *Granting of the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.*

Same as above. This variance is not requesting any changes to the allowed land uses or activities permitted by the Town's Municipal Code. Only the minimum front lot width would be changed.



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SUPPLEMENTAL VARIANCE STATEMENT

1. *Specific Development Code Section for which relief is being sought:*

Section 9.28.040 – Site Development Standards

2. *Explain the hardship or practical difficulty that would result from the strict interpretation and enforcement of this Code.*

The property line for Lot 590 of TR 7972 was seemingly staked in error, prior to the construction of the home. Currently, the block wall, air conditioning unit and a large section of landscaping are located within the property boundaries of TTM 16979. Strict enforcement of this code in this instance would likely result in legal claims as well as setback violations on Lot 590 which would include the existing home.

3. *What is the alternative means of compliance being proposed?*

To resolve this issue, the current owner of Tract 16979 has agreed to process a lot line adjustment and giving the extra 20' to Lot 590, however this variance is required so as not to impact the eventual development plans on Tract 16979.

4. *What are the special circumstances that apply only to the property to which the application pertains, and do not apply generally to the other properties in the vicinity?*

The existing block wall for Lot 590 of TR 7972 was constructed in error and encroaches 20' into the neighboring property (TTM 16979). This error was carried all the way through to the building of the house. Luckily, the adjacent property is still vacant, but does contain an approved TTM (TTM 16979). This TTM was designed using the correct property lines, which show Lot 129 as being 115' wide and 19,700SF. With the 20' encroachment Lot 129 will still be able to maintain a minimum lot size of 18,000SF, but the front width of the lot would be reduced to roughly ~~94'~~
97'.

5. *Explain how, if the Variance is approved, it will constitute a granting of the special privilege which will not be available to other properties in the vicinity?*

The variance requested would only apply to Lot 129 of TTM 16979.

Zoning Location Map

Variance No. 2014-001

The northern terminus of
 Kasota Road, 130 feet
 north of Muni Road.

APN 0473-011-30



Zoning Designations

- (R-LD) Low Density Residential (1 du/2.5 to 5 gross acres)
- (R-E) Estate Residential (1 du/1 to 2.5 gross acres)
- (R-SF) Single Family Residential (1du/0.4 to 0.9 net acre)
- (R-M) Multi-Family Residential (2 to 20 du/net acre)
- (PRD) Planned Residential Development
- (C-G) General Commercial
- (O-P) Office Professional
- (I-RE) Resource Extraction
- (OS-C) Open Space Conservation
- (SP) Specific Plan

