



TOWN OF APPLE VALLEY TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council

Date: September 22, 2015

From: Pam Cupp
Associate Planner

Item No: 14

Subject: A REQUEST TO CONSIDER AN AMENDMENT TO TITLE 9
"DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY
MUNICIPAL CODE BY MODIFYING SECTION 9.74.110 (G) "DIGITAL
ADVERTISING DISPLAYS"

T.M. Approval: _____ Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

**Move to open the public hearing and take testimony.
Close the public hearing. Then:**

1. **Determine** that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is exempt from environmental review because 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.
2. **Find** the facts presented within the staff report support the required Findings for approval of an amendment to the Development Code, and adopt the Findings.
3. **Find** that the proposed Town Council Ordinance is consistent with the Goals and Objectives of the adopted Town of Apple Valley General Plan and that it is necessary to preserve the health, safety and general welfare of the citizens of Apple Valley.
4. **Move** to waive the reading of Ordinance No. 472 in its entirety and read by title only.
5. **Introduce** Ordinance No. 472, revising Title 9 "Development Code" of the Town of Apple Valley Municipal Code by amending Section 9.74.110(G) "Digital Advertising Displays" of Chapter 9.74 "Signs and Advertising Displays".
6. **Direct** staff to file a Notice of Exemption.

SUMMARY:

On July 28, 2015, the Town Council held a public hearing Development Code Amendment 2015-002 and considered Planning Commission Resolution No. 2015-004. The Town Council agreed with the Planning Commission recommendation not to make any changes to the Town's temporary political sign standards. The Council did not agree with the Commissioner's recommended modifications for digital advertising displays and remanded the item back to the Planning Commission for further consideration.

The Council cited the following criteria for the Commission to consider:

- Standards to allow digital advertising displays within the General Commercial or Regional Commercial zones;
- Locations should be limited to Major Roads within commercial corridors;
- Consider standards that make the overall digital sign area dependent upon lot area and/or lot frontage;
- Consider a minimum lot width (100 feet was considered reasonable by Council.);
- Consider digital lighting standards based upon time of day and/or business hours;
- Separation from residential uses and zones;
- Uniformity relating to permitted height of the digital display; and
- Consider a maximum size that would be allowed of any digital portion of a sign.

On August 19, 2015, the Planning Commission held an advertised public hearing to re-consider Development Code Amendment No. 2015-002. Staff provided suggested modifications to assist the Commission with its decision process. Commission discussions focused upon the separation between signs, height, permitted zoning districts and mechanisms that would allow deviation from Code requirements. Planning Commission Resolution No. 2015-004 was approved and includes recommended development standards for the Council's consideration. The Commission's recommended modifications to Section 9.74.170 "Digital Advertising Displays" are shown below. Underlined text indicates additions and ~~strikethrough~~ text are proposed deletions to the Code.

"G. Digital Advertising Displays

- 1. Permitted Locations in ~~all commercial districts subject to Planning Commission review and approval of a Development Permit.~~*
 - a. Digital advertising displays are only permitted within the Regional Commercial (C-R) and General Commercial (C-G) zoning designations.*
 - b. Project site must have a minimum lot frontage of 200 feet.*

- c. Digital advertising displays may only be installed on developed property with frontage along I-15; Major Divided Arterial, Major Divided Parkway or Major Road as identified within the Town's Circulation Element of the General Plan.
- d. Single tenant buildings and sites may be permitted one (1) digital sign.
- e. Digital advertising displays may not be located within 300 feet of any residential unit or district, as measured from the sign. Signs may not be located within the direct line-of-sight of any existing residential unit within 150 feet of said sign.

2. Design Standards

- a. Digital advertising displays are accessory to, and must be architecturally integrated with non-digital, permanent free-standing or wall signs.
- b. The digital portion of any sign may only occupy up to twenty-five (25) ~~fifty (50)~~ percent of the sign area, or thirty (30) square feet, whichever is less. This provision does not apply to billboards adjacent to the freeway.
- c. The digital portion of any freestanding sign shall not exceed eight (8) feet in height as measured from the top of the sign to the ground, except that this provision does not apply to signs fronting the I-15. Nothing in this section shall be construed to imply that any sign may exceed its permitted height based upon its digital component.
- d. Digital wall signs, visible from the public right-of-way, are limited to text only reader boards.
- e. Text only reader boards are limited to one (1) single color.
- f. Digital advertising displays may not be added to legal, nonconforming signs.

3. Operating Standards

- a. Signs visible from the public right-of-way shall not change at a frequency in excess of one alteration per five (5) seconds.
- b. Transition between slides shall not exceed one (1) second.
- c. Each slide shall contain one (1) complete message; messages shall not be truncated between slides.
- d. Scrolling or animated characterization is not permitted. ~~except as expressly set forth below.~~
- e. All digital advertising displays shall be equipped with a light meter to automatically adjust the display brightness to ambient light conditions.
- f. All digital advertising displays must comply with the illumination provisions of this Section.

- g. Digital advertising displays located along pedestrian mall areas, not visible from a public right-of-way, may use scrolling and animated characterization.
- h. Except for billboards located along the I-15, digital advertising displays shall not advertise off-site businesses.

FINDINGS:

Prior to the approval of any Amendment to the Development Code, the Council, based upon the advice of the Planning Commission, must make specific "Findings" as listed within the Code. Code Section 9.06.060, "Required Findings", of Chapter 9.06, "Amendments to Zoning Provisions", specifies that two (2) Findings must be made in a positive manner to approve an Amendment. These Findings, along with a comment to address each, are presented below.

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. 2015-002 will modify the Town's Development Code by updating the Town's provisions relative to the development standards and permitting requirements for digital advertising displays. 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. 2015-002 was advertised as a public hearing in the Apple Valley News newspaper on September 11, 2015 as required under Development Code Section 9.13.030 "Notice of Public Hearings".

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.

FISCAL IMPACT:

Not Applicable

ATTACHMENTS:

1. Draft Ordinance No. 472
2. Planning Commission Staff Report and Draft Minutes for August 19, 2015
3. Planning Commission Resolution No. 2015-004

ORDINANCE NO. 472

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING SECTION 9.74.110(G) “DIGITAL ADVERTISING DISPLAYS” 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 Chapter 9.74 “Signs and Advertising Displays” of Title 9 “Development Code” of the Apple Valley Municipal Code as it relates to the regulations applicable to all digital advertising displays; and

WHEREAS, on August 19, 2015, the Planning Commission of the Town of Apple Valley conducted a duly noticed public hearing on Development Code Amendment No. 2014-002 receiving testimony from the public and adopting Planning Commission Resolution No. 2015-004 forwarding a recommendation to the Council; and

WHEREAS, Development Code Amendment No. 2015-002 is consistent with the Town’s General Plan and 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; and

WHEREAS, 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 September 11, 2015, 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, on September 22, 2015, the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearings on Development Code Amendment No. 2015-002, receiving testimony from the public.

NOW, THEREFORE, the Town Council of the Town of Apple Valley, State of California, does ordain as follows:

Section 1. Find that the changes proposed by Development Code Amendment No. 2015-002 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 2. Pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be determined that the Code amendment 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, as with the proposed Code Amendment, that there is no possibility that the proposal approved under Development Code Amendment No. 2014-002 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

Section 3. Amend Section 9.74.110(G) "Digital Advertising Displays" of the Development Code to read as follows:

"G. Digital Advertising Displays (Digital Signs)

4. Permitted Locations

- a. Digital advertising displays are only permitted within the Regional Commercial (C-R) and General Commercial (C-G) zoning designations.
- b. Project site must have a minimum lot frontage of 200 feet.
- c. Digital advertising displays may only be installed on developed property with frontage along I-15; Major Divided Arterial, Major Divided Parkway or Major Road as identified within the Town's Circulation Element of the General Plan.
- d. Single tenant buildings and sites may be permitted one (1) digital sign.
- e. Digital advertising displays may not be located within 300 feet of any residential unit or district, as measured from the sign.

5. Design Standards

- a. Digital advertising displays are accessory to, and must be architecturally integrated with non-digital, permanent free-standing or wall signs.
- b. The digital portion of any sign may only occupy up to twenty-five (25) percent of the sign area, or thirty (30) square feet, whichever is less. This provision does not apply to billboards adjacent to the freeway.

- c. The digital portion of any freestanding sign shall not exceed eight (8) feet in height as measured from the top of the sign to the ground, except that this provision does not apply to signs fronting the I-15. Nothing in this section shall be construed to imply that any sign may exceed its permitted height based upon its digital component.
- d. Digital wall signs, visible from the public right-of-way, are limited to text only reader boards.
- e. Text only reader boards are limited to one (1) single color.
- f. Digital advertising displays may not be added to legal, nonconforming signs.

6. Operating Standards

- a. Signs visible from the public right-of-way shall not change at a frequency in excess of one alteration per five (5) seconds.
- b. Transition between slides shall not exceed one (1) second.
- c. Each slide shall contain one (1) complete message; messages shall not be truncated between slides.
- d. Scrolling or animated characterization is not permitted.
- e. All digital advertising displays shall be equipped with a light meter to automatically adjust the display brightness to ambient light conditions.
- f. All digital advertising displays must comply with the illumination provisions of this Section.
- g. Digital advertising displays located along pedestrian mall areas, not visible from a public right-of-way, may use scrolling and animated characterization.
- h. Except for billboards located along the I-15, digital advertising displays shall not advertise off-site businesses.”

Section 4. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code of the State of California.

Section 5. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 6. Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Ordinance are declared to be severable.

ADOPTED by the Town Council and signed by the Mayor and attested to by the Town Clerk this _____ day of _____, 2015.

Larry Cusack, Mayor

ATTEST:

La Vonda M. Pearson, Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

John Brown, Town Attorney

Frank Robinson, Town Manager



Agenda Item No. 6

**TOWN OF APPLE VALLEY
PLANNING COMMISSION**

Get a Slice of the Apple.

STAFF REPORT

AGENDA DATE: August 19, 2015

CASE NUMBER: Development Code Amendment No. 2015-002

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 Section 9.74.110.G "Digital 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. 2015-004.

BACKGROUND

On July 28, 2015, the Town Council held a public hearing for Development Code Amendment 2015-002 and considered Planning Commission Resolution No. 2015-004. The Town Council agreed with the Planning Commission recommendation not to make any changes to the Town's temporary political sign standards. However, the Council did not agree with the Commission's recommended modifications for digital advertising displays. The Council has remanded the item back to the Planning Commission for further consideration.

DISCUSSION

The Town Council agrees with the Commission in its support of digital signs along the I-15 corridor and has directed the Planning Commission to craft and recommended digital sign development standards applicable to the Town's commercial corridors as well. The Council stated that it appreciates the discussions and effort of the Commission. Mayor Cusack commented, and the Council concurred, that cutting off a business's right to digital sign technology is not acceptable.

Digital signs are considered an emerging technology. The Town Council believes that development standards should be adopted that will afford Apple Valley's business community the opportunity to utilize digital advertising displays in areas of major commercial corridors as well as along the frontage of the I-15 freeway.

The Town Council has directed the Planning Commission to incorporate the following criteria into an amended Planning Commission Resolution for the Council's consideration:

1. Standards to allow digital signs within the General Commercial or Regional Commercial zones;
2. Locations should be limited to Major Roads within commercial corridors;
3. Consider standards that make the overall digital sign area dependent upon lot area and/or lot frontage;
4. Consider a minimum lot width (100 feet was considered reasonable by Council.);
5. Consider digital lighting standards based upon time of day and/or business hours;
6. Separation from residential uses and zones;
7. Uniformity relating to permitted height of the digital display; and
8. Consider a maximum size that would be allowed for the digital portion of a sign with the understanding that the digital sign is counted towards the total sign area permitted for the site.

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

G. Digital Advertising Displays

The Council's direction is that digital signs should be permitted along the Town's commercial corridors. Councilman Nassif suggested a minimum frontage of 100 feet. The Council agrees with the idea of increasing the separation between digital signs and residential uses and districts. As previously discussed, staff has included the Commission's recommendation for institutional uses.

1. **Permitted Locations** ~~Permitted in all commercial districts subject to Planning Commission review and approval of a Development Permit.~~
 1. Digital signs are only permitted within the Regional Commercial (C-R), General Commercial (C-G) or Village Commercial (C-V) zoning designation.
 2. Digital Advertising Displays shall be permitted for institutional uses as defined in Section 9.08 "Definitions" Institutional Use subsection (a) Publicly or privately owned and operated activities that are institutional in nature, such as hospitals, museums and schools.
 3. Project site must have a minimum lot frontage of 100 feet.
 4. Digital signs may only be installed on developed property with frontage along I-15; Major Divided Arterial, Major Divided Parkway or Major Road as identified within the Town's Circulation Element of the General Plan.
 5. Multi-tenant centers may have one (1) digital sign along each street frontage.
 6. Single tenant buildings and sites may be permitted one (1) digital sign.
 7. Signs may not be located within 300 feet of any residential unit or district, as measured from the sign. ~~the direct line-of-sight of any existing residential unit within 150 feet of said sign.~~

2. **Sign Design**

Mayor ProTem Stanton requested the provisions be conservative relative to size. Councilman Emick expressed a desire for uniformity regarding the height of digital signs. Councilman Nassif requested standards that would allow digital sign area based upon lot size or width. Staff is recommending a reduction from 50% of the sign area to 25% with a maximum size of 30 square feet. This would allow digital signs between 5 and 30 square feet, dependent upon permitted freestanding sign area. Staff is also recommending that the highest portion of any digital sign be limited to eight (8) feet.

1. Digital advertising displays are accessory to, and must be architecturally integrated with non-digital, permanent free-standing or wall signs.
2. The digital portion of any sign may only occupy up to ~~fifty (50)~~ twenty-five (25) percent of the sign area, or thirty (30) square feet, whichever is less. ~~except that~~ This provision does not apply to billboards adjacent to the freeway.
3. The digital portion of any freestanding sign shall not exceed eight (8) feet in height as measured from the top of the sign to the ground, except that this provision does not apply to signs fronting the I-15.
4. Digital wall signs, visible from the public right-of-way, are limited to text only reader boards.
5. Text only reader boards are limited to one (1) single color.
6. Digital advertising displays may not be added to legal, nonconforming signs.

Mayor Pro Tem Stanton would like the Commission to consider hours of operation for digital sign. Staff is recommending light sensors that would automatically dim the sign in hours of darkness. The Commission should consider the appropriateness of reducing the digital light intensity versus the sign going dark while other elements of the freestanding sign may still be illuminated.

3. Operating Standards

1. Signs visible from the public right-of-way shall not change at a frequency in excess of one alteration per five (5) seconds.
2. Transition between slides shall not exceed one (1) second.
3. Each slide shall contain one (1) complete message; messages shall not be truncated between slides.
4. Except for video representation of the waving American flag, scrolling or animated characterization is not permitted. ~~except as expressly set forth below.~~
5. All digital signs shall be equipped with a light meter to automatically adjust the display brightness to ambient light conditions.
6. All signs must comply with the illumination provisions of this Section.
7. Signs located along pedestrian mall areas, not visible from a public right-of-way, may use scrolling and animated characterization.
8. Digital signs shall not advertise off-site businesses.

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. 2015-002 will modify the Town's Development Code by updating the Town's provisions relative to the display of temporary political signs and the discretionary review requirement of certain signs within the Town to be compliant with Case Law.

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. 2015-002 was advertised as a public hearing in the Apple Valley News newspaper on August 7, 2015.

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. 2015-004, 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

**MINUTES
DRAFT EXCERPT**

**TOWN OF APPLE VALLEY
PLANNING COMMISSION
Regular Meeting**

Wednesday, August 19, 2015

CALL TO ORDER

At 6:04 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for August 19, 2015, was called to order by Chairman Kallen.

ROLL CALL

Planning Commission

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

STAFF PRESENT

Carol Miller, Principal Planner; Douglas Fenn, Senior Planner; Pam Cupp, Associate Planner; Richard Pederson, Deputy Town Engineer; Haviva Shane, Town Attorney, Lori Lamson, Assistant Town Manager; and Yvonne Rivera, Planning Commission Secretary.

PUBLIC HEARING ITEMS

- 6. Development Code Amendment No. 2015-002** A request to consider an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code amending Section 9.74.110.G "Digital Advertising Displays".
Applicant: Town of Apple Valley
Location: Town-wide

Chairman Kallen opened the public hearing at 8:16 p.m.

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

Ms. Cupp requested the following modifications to Staff's suggested language:

Item d. on Page 6-4, regarding scrolling and animated characterization, Ms. Cupp is requesting this item remain the same.

Item h. on Page 6-4 as it relates to operating standards, Ms. Cupp is requesting to amend the proposed language the following: "Except for billboards located along I-15, digital signs shall not advertise off-site businesses."

Discussion ensued regarding digital advertisement displays.

PUBLIC COMMENT

None.

Chairman Kallen closed the public hearing at 8:45 p.m.

It was the consensus of the Planning Commission, that digital signs should not be allowed in residential areas, including institutional uses such as private schools, hospitals or museums.

It was the consensus of the Planning Commission to modify Planning Commission Resolution No. 2015-004 to include staff recommended changes and the following:

Section 1a - Strike Village Commercial

Section 1b – Strike completely

Section 1c – Modifying minimum lot frontage to 200 Feet

Section 1e – Strike completely

Section 2c add: “Nothing in this section can be construed to imply that any sign may exceed its permitted height based upon its digital component.”

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

1. Approve Planning Commission Resolution No. 2015-004, as amended by consensus, forwarding a recommendation that the Town Council amend Title 9 “Development Code” of the Town of Apple Valley Municipal Code as it relates to Digital Advertising Displays.

ROLL CALL VOTE

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

Noes: None

Abstain: None

Absent: None

The motion carried by a 5-0-0-0 vote.

PLANNING COMMISSION RESOLUTION NO. 2015-004

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2015-002 AMENDING TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING SECTION 9.74.110.G "DIGITAL 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 7, 2015, Development Code Amendment No. 2015-002 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 19, 2015 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2015-002, receiving testimony from the public; and

WHEREAS, Development Code Amendment No. 2015-002 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. 2015-002 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 9.74.110.G "Digital Advertising Displays" as follows:

"G. Digital Advertising Displays

7. Permitted Locations

- a.* Digital advertising displays are only permitted within the Regional Commercial (C-R) and General Commercial (C-G) zoning designations.
- b.* Project site must have a minimum lot frontage of 200 feet.
- c.* Digital advertising displays may only be installed on developed property with frontage along I-15; Major Divided Arterial, Major Divided Parkway or Major Road as identified within the Town's Circulation Element of the General Plan.
- d.* Single tenant buildings and sites may be permitted one (1) digital sign.
- e.* Digital advertising displays may not be located within 300 feet of any residential unit or district, as measured from the sign.

8. Design Standards

- a.* Digital advertising displays are accessory to, and must be architecturally integrated with non-digital, permanent free-standing or wall signs.
- b.* The digital portion of any sign may only occupy up to twenty-five (25) percent of the sign area, or thirty (30) square feet, whichever is less. This provision does not apply to billboards adjacent to the freeway.
- c.* The digital portion of any freestanding sign shall not exceed eight (8) feet in height as measured from the top of the sign to the ground, except that this provision does not apply to signs fronting the I-15. Nothing in this section shall be construed to imply that any sign may exceed its permitted height based upon its digital component.
- d.* Digital wall signs, visible from the public right-of-way, are limited to text only reader boards.
- e.* Text only reader boards are limited to one (1) single color.
- f.* Digital advertising displays may not be added to legal, nonconforming signs.

9. Operating Standards

- a.* Signs visible from the public right-of-way shall not change at a frequency in excess of one alteration per five (5) seconds.
- b.* Transition between slides shall not exceed one (1) second.
- c.* Each slide shall contain one (1) complete message; messages shall not be truncated between slides.
- d.* Scrolling or animated characterization is not permitted.

- e.* All digital advertising displays shall be equipped with a light meter to automatically adjust the display brightness to ambient light conditions.
- f.* All digital advertising displays must comply with the illumination provisions of this Section.
- g.* Digital advertising displays located along pedestrian mall areas, not visible from a public right-of-way, may use scrolling and animated characterization.
- h.* Except for billboards located along the I-15, digital advertising displays shall not advertise off-site businesses.”

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 19th day of August, 2015.

Chairman Bruce Kallen

ATTEST:

I, Yvonne Rivera, 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 19th day of August, 2015 by the following vote, to-wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ms. Yvonne Rivera, Planning Commission Secretary