



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, April 15, 2015 – 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 is open to the public and will begin at 6:00 p.m.

CALL TO ORDER

ROLL CALL

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

PLANNING COMMISSION CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; (1 or more cases)

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. Minutes for the Regular Meeting of March 18, 2015.

PUBLIC HEARING ITEMS

- 2. Sign Program No. 2005-001 (Continued from March 18, 2015).** A request to approve a Sign Program for a multi-tenant, medical office building. The Sign Program also includes a request to approve a digital advertising display within the proposed monument sign.

Applicant: South West Sign Maintenance representing Magnus Windsor, LLC

Location: 16008 Kamana Road; APN 0473-412-18

Project Planner: Pam Cupp, Associate Planner

Recommendation: Approval

- 3. Development Code Amendment No. 2015-001.** An amendment to the Development Code, Chapter 9.77 “Wireless Telecommunications Towers and Antennas” as it relates to wireless telecommunication towers and antennas so that it is consistent with Federal Law.

Applicant: Town of Apple Valley

Location: Town-wide

Project Planner: Carol Miller, Principal Planner

Recommendation: Continue the public hearing to the meeting of May 6, 2015, to allow staff additional time to prepare the staff analysis and report.

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

- 4. Development Code Interpretation No. 2015-01.** A request to interpret the Chapter 9.74 “Signs and Advertising Displays” of the Development Code as it pertains to the use of vinyl lettering as a wall sign.

ADJOURNMENT

The Planning Commission will adjourn to its next regularly scheduled Planning Commission meeting on May 6, 2015.

MINUTES

TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, March 18, 2015

CALL TO ORDER

At 6:00 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for March 18, 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; Doug Fenn, Senior Planner; Pam Cupp, Associate Planner Haviva Shane, Town Attorney, and Debra Thomas, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

Vice-Chairman Qualls led the Pledge of Allegiance.

1. APPROVAL OF MINUTES

Minutes for the Regular Meeting of February 18, 2015.

Motion by Commissioner Tinsley, and seconded by Vice-Chairman Qualls, to approve the Minutes for the Regular Meeting of February 18, 2015.

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

PUBLIC HEARING ITEMS

2. Sign Program No. 2015-001. A request to approve a Sign Program for a multi-tenant, medical office building.

Applicant: South West Sign Maintenance representing Magnus Windsor, LLC

Location: 16008 Kamana Road; APN 0473-412-18

Chairman Kallen opened the public hearing at 6:04 p.m.

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

Discussion ensued regarding various concerns the Planning Commission had as it related to a proposed digital advertising display within the requested monument sign.

PUBLIC COMMENT

None.

Chairman Kallen closed the public hearing at 6:24 p.m.

Ms. Winnie Liu, Applicant, requested this item be continued to the next regularly scheduled Planning Commission meeting.

MOTION

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

1. Continue Sign Program 2015-001 to the next regularly scheduled Planning Commission meeting on April 15, 2015.

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.

3. **Conditional Use Permit No. 2014-004.** A request to approve a Conditional Use Permit to operate an automobile repair facility.

Applicant: Ms. Rosa Godinez

Location: The project site is located at 13625 Manhasset; APN 3087-351-33.

Chairman Kallen opened the public hearing at 6:55 p.m.

Mr. Douglas Fenn, Senior Planner, presented the staff report as filed by the Planning Division.

Chairman Kallen asked the Applicant if she agreed to the Conditions of Approval.

Ms. Rosa Godinez, Applicant, agreed to the Conditions of Approval.

PUBLIC COMMENT

None.

Chairman Kallen closed the public hearing at 7:03 p.m.

MOTION

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

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section No. 15301, Class 1, 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 Conditional Use Permit No. 2014-004, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

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.

4. **Specific Plan No. 2012-01, Amendment No. 1.** A request to consider an Amendment to the Jess Ranch PUD to allow the future development of Lot Numbers 69 thru 204 and Lots 210 thru 219 within recorded Tract Map No. 14484 to change from Recreation Vehicle (RV) lots to Single-Family Residential lots in accordance with the Medium Density Residential Development Standards of the Jess Ranch PUD.

Applicant: Paul Onufer

Location: The Jess Ranch Lakes RV Resort is located on the northeast corner of Jess Ranch Parkway and Apple Valley Road.

Chairman Kallen opened the public hearing at 7:04 p.m.

Ms. Carol Miller, Principal Planner, presented the staff report as filed by the Planning Division. Staff indicated that a revised Planning Commission Resolution and Conditions of Approval for TM 14484 were provided to reflect that Lot Nos. 220 thru 227 were RV lots and that they were inadvertently omitted

Ms. Miller indicated that due to the Commercial Recreation overlay, the Amendment to the ~~recommended~~ PUD requires changes to Section 2.5 "Commercial Recreation" which is recommended to read as follows:

"Phase Y" (TM 14484, currently zoned Medium Density Residential, shall have placed upon it a Commercial Recreation overlay to allow for Lot Nos. 1 through 68 and Lot Nos. 220 through 227 to be developed and used as RV lots in accordance with Section 3.4 Subsection D (Jess Ranch Lakes Recreational Vehicle Resort – Tract Map No. 14484)."

It was also stated that the PUD would need to reflect a change to the heading of Subsection D so that the standards for the Jess Ranch Lakes RV resort are identified to be lot specific.

In addition, the Conditions of Approval were also modified to make certain they address any compatibility issues between the two (2) housing characteristics.

Mr. Paul Onufer, Applicant, agreed to the Conditions of Approval, with the exception of Condition of Approval Nos. 26 and 27 and requested that those be deleted. He also requested that Lots 104-120 and the side yards of 120, 185, 203 and 204 be added to Condition of Approval No. 34.

PUBLIC COMMENT

Mr. Peter Richards, Vice President of Jess Ranch Lakes RV Resort Homeowner's Association, was in favor of developing the area.

Mr. Carl Coleman, Project Engineer, was in favor of the project.

Mr. Larry Brennan, Property Owner, owns the part of the lots under consideration and offers his assistance if the Planning Commission has any questions.

Mr. Chuck Widley, Jess Ranch Lakes RV Resort Homeowner's Association, had some concern about the site separation not utilizing a solid continuous wall but; otherwise, he supported the project.

Mr. Jay Shipley, Jess Ranch Lakes RV Resort Homeowner's Association, had concerns regarding the foot traffic in the common area but was in favor of the project.

Mr. Onufer agreed to install a gate for the common area and to provide all residents with keys. When asked if he agreed to all Conditions of Approval, Mr. Onufer stated "Yes". Chairman Kallen closed the public hearing at 7:42 p.m.

Planning Commission discussion ensued regarding Lot "C" and concerns with landscaping, which will still need to be reviewed and approved.

Ms. Haviva Shane, Town Attorney, suggested that Condition of Approval No. 11 be amended and read as follows:

"A plan for development of all open space lots including site amenities, landscaping, gating and water quality shall be provided to the Town

Planning Department for approval and to the HOA for concurrence, and the approved improvements shall be installed prior to issuance of the Certificate of Occupancy. [The second sentence shall stay as it is]."

Mr. Onufer stated he agreed to the amended Condition of Approval No. 11, which needed to include water quality.

MOTION

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

1. Approve Resolution No. 2015-02, as amended, forwarding a recommendation that the Town Council amend the Jess Ranch Planned Unit Development Sections 2.5 and 3.4 and with the recommended changes as discussed.

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.

PUBLIC COMMENTS

None.

PLANNING COMMISSION COMMENTS

Commissioner Tinsley commented on the success of the recent Planners Academy and that he enjoyed it.

Vice-Chairman Qualls appreciated the opportunity to attend the Planners Academy.

Chairman Kallen stated the Planners Academy was great and appreciated the Town giving the Commissioners the opportunity to attend those types of events.

STAFF COMMENTS

Ms. Carol Miller, Principal Planner, stated that the Findings portion within the reports will include "because" to explain why the project meets the Finding.

OTHER BUSINESS

None.

ADJOURNMENT

Motion by Vice-Chairman Qualls, seconded by Commissioner Shoup, and unanimously carried to adjourn the meeting of the Planning Commission at 8:00 p.m. to the Regular Meeting on April 15, 2015.

Respectfully Submitted by:

Debra Thomas
Planning Commission Secretary

Approved by:

Chairman Bruce Kallen



TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

Staff Report

AGENDA DATE:	April 15, 2015 (Continued from March 18, 2015)
CASE NUMBER:	Sign Program No. 2015-001
APPLICANT:	South West Sign Maintenance representing Magnus Windsor, LLC
PROPOSAL:	A request to approve a Sign Program for a multi-tenant office building previously approved under Development Permit No. 2013-004. The Sign Program will determine the design guidelines and locations for all wall and freestanding signs located on the project site.
LOCATION:	Located at 16008 Kamana Road; APN 0473-412-18.
CASE PLANNER:	Ms. Pam Cupp, Associate Planner
RECOMMENDATION:	Approve

BACKGROUND

Sign Program No. 2015-001 was presented to the Planning Commission during its meeting of March 18, 2015. Following the staff report presentation, comments from the applicant, and subsequent Commission discussion, the applicant requested a continuance to the next available Planning Commission meeting. The request for continuance was based upon the Commissioner's reluctance to approve a monument sign that includes a digital advertising display.

The applicant has submitted a revision to the sign program. The applicant is proposing an increase to the sign height shown on Page 5. The increase in height is in conflict with page 9, which shows the proposed maximum sign area and placement for all wall signs. Staff has added a Condition of Approval that Page 5 be revised for consistency with page 9.

PROJECT AND SITE DESCRIPTION:

A. General Plan Designations

- Project Site - General Commercial (C-G)
- North - Medium Density Residential (R-M)
- East - General Commercial (C-G)
- South - General Commercial (C-G) Across Kamana Road
- West - General Commercial (C-G) Across Apple Valley Road

B. Surrounding Zoning and Land Use

- Site- General Commercial (C-G), Medical Office Building
- North - Residential Multi-Family (R-M), vacant and multi-family residential
- East - General Commercial (C-G), medical office building
- South - General Commercial (C-G), bank and professional office building
- West - General Commercial (C-G), commercial business complex (Spirit River Center)

C. Site Description:

The subject site is 1.05 acres in size and located at the northeast corner of Kamana and Apple Valley Roads. The site has been developed with a 14,800 square foot, two (2)-story, medical office building.

ANALYSIS

A. Background

On November 6, 2013, the Planning Commission reviewed and approved the subject medical building under Development Permit No. 2013-004.

B. General:

The Code requires the approval of a Sign Program for any business, shopping center or group of businesses with shared sign facilities. The purpose of a Sign Program is to integrate signs with building and landscape design to create a unified architectural statement. Sign Programs are also intended to provide a means of flexible application of sign regulations to encourage maximum creativity in the design and display of signs.

Sign programs that are in strict compliance with Development Code standards are typically reviewed at a staff level. As proposed, this Sign Program illustrates wall signage that exceeds the Development Code standard for sign area. Further, the applicant is requesting approval to incorporate a digital advertising display into the proposed monument sign. As a stand-alone application, a digital display would require the approval of a Development Permit; however, staff would recommend its review under this application.

C. Sign Program Analysis:

Wall Sign Location	Building Frontage	Permitted Sign Area	Requested Sign Area
Kamana Rd			
1st Story	148 Ft.	148 Sq. Ft. (100%)	135 Sq. Ft. (91%)
2nd Story	148 Ft.	148 Sq. Ft. (100%)	177 Sq. Ft. (120%)
Apple Valley Rd.			
1st Story	66 Ft.	66 Sq. Ft. (100%)	48 Sq. Ft. (73%)
2nd Story	66 Ft.	66 Sq. Ft. (100%)	56 Sq. Ft. (85%)

Freestanding Sign Location	Lot Frontage	Permitted Sign Area	Requested Sign Area	Permitted Sign Height	Requested Sign Height
Kamana Road	301 Ft.	60 sq. Ft.	36 Sq. Ft.	6 Ft.	6 Ft.
Apple Valley Road	170 Ft.	34 Sq. Ft.	0 Sq. Ft.	6 Ft.	0 Ft.

Wall Signs - The Development Code allows wall signage at a ratio of one (1) square foot of signage per lineal foot of building frontage. The Code does not provide provisions for signs located on multi-story structures. For two (2)-story structures, sign programs have been previously approved that permit each story to have one (1) square foot of signage to each lineal foot of building frontage. Structures without existing sign programs have been permitted one square foot of signage per lineal foot of suite frontage.

The medical office building has 148 feet of building frontage along Kamana Road. The applicant is requesting 135 square feet of signage for the ground floor fronting Kamana Road which computes to 0.9 square feet of signage to each lineal foot of building frontage. The applicant is proposing 177 square feet of signage for the second floor and which would have a ratio of 1.2 square feet of signage for each foot of building frontage. The building has large expanses of wall area; therefore, the additional signage on the second floor is in scale and proportional to the building elements and facades on which the signs will be located. Flexible application of sign regulations are permitted under Development Code Section 9.74.100 "Sign Programs".

The sign program indicates that all wall signs must consist of internally illuminated channel letters with colors restricted to white or blue. Company logos are permitted within the confines of the designated sign area. The applicant has provided a sign location plan identifying predetermined sign types, positions and allowable sign area for the Commission's consideration. The design of the structure precludes the limitation of sign area to a tenant's specific suite frontage; therefore, sign location will be at the building owner's discretion as proposed within the sign program.

Freestanding Sign - The size and height of a freestanding sign is determined by lot area and street frontage. The Development Code allows two (2) square feet of signage per ten (10) lineal feet of lot frontage. Lots less than eight (8) acres in size may have freestanding signs up to six (6) feet in height. As proposed the sign meets the Code criteria for sign area and height.

The applicant is requesting review of a metal framed, monument sign that is complementary to the site by matching the colors and architectural angles of the medical office building. As proposed the freestanding sign incorporates a single sided, digital advertising display. Digital signs are permitted with the Planning Commission's review and approval of a Development Permit; however, due to the complexity of a Sign Program, a determination can be made by the Commission under this review instead of requiring the applicant to submit under a second entitlement process.

The Development Code requires digital displays to be accessory to a non-digital, permanent sign. Further, the digital portion of the sign may not occupy more than fifty (50%) percent of the permitted sign area. The digital display area is stated to have an approximate sign area of ten (10) square feet. The proposed sign includes approximately twelve (12) square feet of sign area dedicated to tenant and building identification. As proposed, the freestanding sign with the digital advertising display meets Development Code standards. At thirty-six (36) square feet in size and six (6) feet in height, the proposed freestanding sign is in compliance with the Development Code.

Summary

A typical sign program is reviewed at a staff level; however, the applicant is proposing to install a digital advertising display within the monument sign that requires Planning Commission approval. Additionally, the applicant is requesting signage on the second floor exceeding what the Code allows. Therefore, in keeping with staff's policy, the sign program is being forwarded to the Planning Commission for consideration. The size and height of the monument sign is consistent with the Development Code. The wall signs proposed along Apple Valley Road and on the along the first floor fronting Kamana Road are in compliance with the Development Code; however the signage proposed for the second floor, fronting Kaman Road, exceeds the permitted wall sign area by twenty (20%) percent.

Sign programs are intended to provide a means of flexible application of sign regulations so as to encourage maximum creativity in the design and display of signs. The Commission should review the plan and determine if the signage proposed, is appropriate in size and design to merit special considerations through the sign program.

D. Environmental Assessment:

Pursuant to the California Environmental Quality Act (CEQA), Section No. 15311, the proposed request is Exempt from further environmental review.

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. Find the Facts presented in the staff report supports the approval of Sign Program No. 2015-001.
2. Approve Sign Program No. 2015-001, subject to the Conditions of Approval.

Prepared By:

Reviewed By:

Pam Cupp
Associate Planner

Carol Miller
Principal Planner

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Sign Program
3. Photo Simulations
4. Zoning Map

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Case No. Sign Program No. 2015-001

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

Planning Division Conditions of Approval

- P1. The applicant shall agree to defend, at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P2. The approval of Sign Program No. 2015-001 by the Planning Commission is recognized as acknowledgment of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, *Appeals*, of the Town of Apple Valley Development Code.
- P3. The rendering(s) presented to and approved by the Planning Commission at the public hearing shall be the anticipated and expected appearance of the signage upon completion.
- P4. It is the sole responsibility of the applicant on any Permit, or other appropriate discretionary review application for any structure, to submit plans, specifications and/or illustrations with the application that will fully and accurately represent and portray the structures, facilities and appurtenances thereto that are to be installed or erected if approved by the Commission. Any such plans, specifications and/or illustrations that are reviewed and approved by the Planning Commission at an advertised public hearing shall accurately reflect the structures, facilities and appurtenances expected and required to be installed at the approved location without substantive deviations, modifications, alterations, adjustments or revisions of any nature.
- P5. No deviation, modification, alteration, adjustment or revision to or from the appearance, location, fixtures, features or appurtenances thereto of any type or extent shall be approved without said changes being first submitted to the Planning Commission for consideration and approval. Said review shall not rise to the level of a revision to the original Permit or other discretionary review, therefore necessitating a new public hearing, but shall, instead, constitute a clarification of the Planning Commission's original approval.
- P6. The digital advertising display shall not exceed ten (10) square feet in sign area and is subject to all governing provision of the Development Code, including the following:

- a) Sign copy may 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.
- P7. Monument sign may not be located within the clear site triangle.
- P8. Building permits shall be obtained prior to any sign installation.
- P9. Page 5 (letter style and height) shall be revised to be consistent with page 9, which illustrates permitted sign area and permitted sign locations.
- P10. Prior to issuance of a permit, the sign program shall be revised to include all Conditions of Approval and provided to the Planning Division for its administrative record.

END OF CONDITIONS





52.5 sq ft

45" *Southern California*
 Bone & Joint Clinic

168"

This is an original unapproved drawing created for your personal use. In connection with a project planned for you by Southern Sign Maintenance. It is not to be seen, reproduced, organized nor used, approved, copied or obtained in any fashion unless authorized in writing by Southern Sign Maintenance. Contractors are licensed by the COUNCIL

CUSTOMER APPROVAL:
 DATE: _____

LANDLORD APPROVAL:
 DATE: _____

REVISED: _____
 REVISED: _____
 REVISED: _____

REVISED: 3/3/15-proof

PROJECT:
 ADDRESS:
 DATE:
 DESIGNER:
 SCALE:



SHEET 1 OF 1

ZONING/LOCATION MAP

Sign Program 2015-001

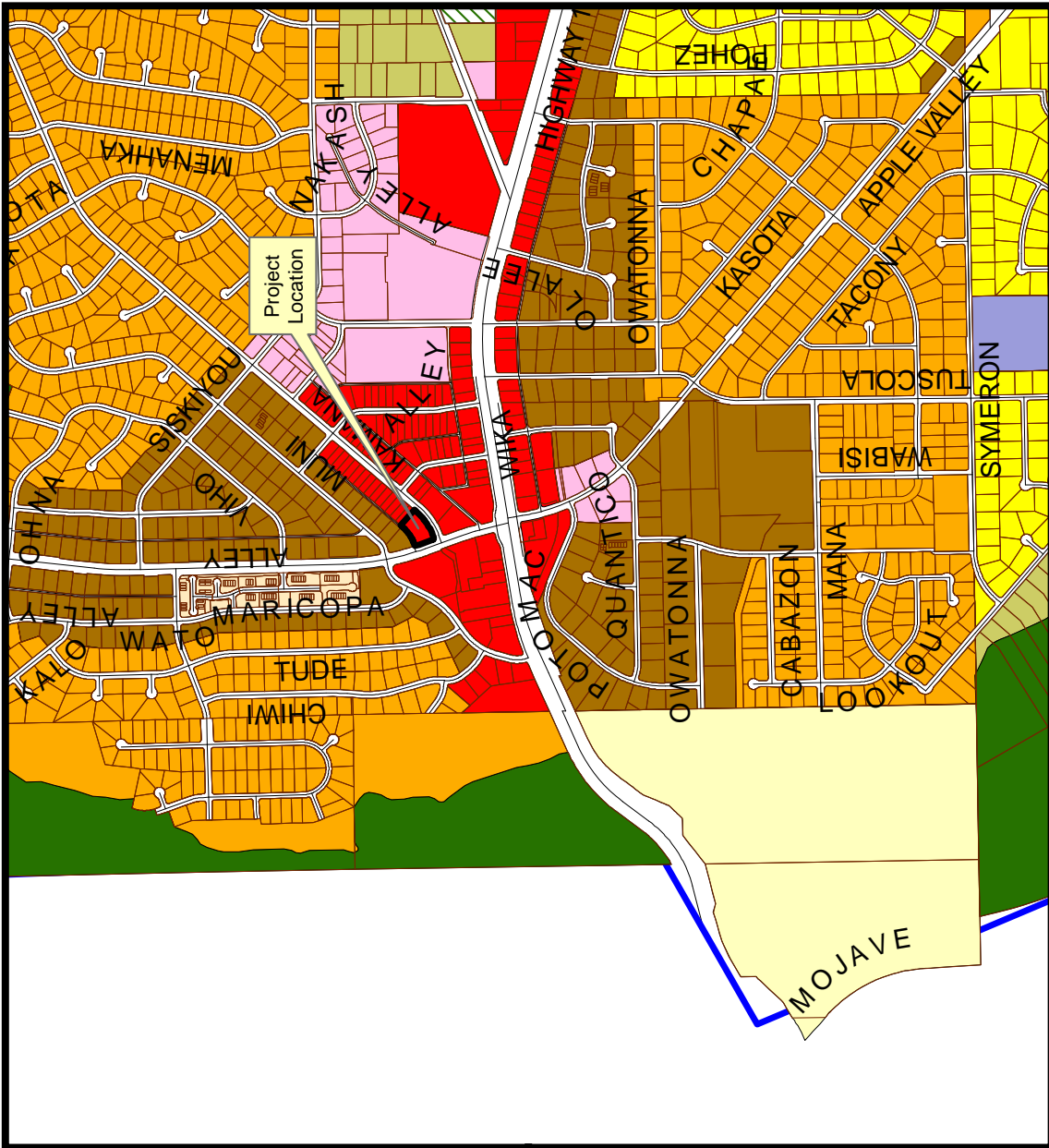
16008 Kamana Road
 APN 0473-412-18



Zoning Designations

(RE)	Estate Residential (1 unit to 2.5 gross acres)
(RE-ED)	Equestrian Residential (1 to 0.4 to 0.9 net acre)
(R-SF)	Single Family Residential (1 to 0.4 to 0.9 net acre)
(R-M)	Multi-Family Residential (2 to 20 unit/net acre)
(PRD)	Planned Residential Development
(C-C)	General Commercial
(C-F)	Other Professional
(P-F)	Public Facilities
(OS-C)	Open Space Conservation
(OS-R)	Open Space Recreation
(SP)	Specific Plan

Date: 3/9/2015





TOWN OF APPLE VALLEY PLANNING COMMISSION

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Staff Report

- AGENDA DATE:** April 15, 2015
- CASE NUMBER:** Development Code Amendment No. 2015-001
- 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 by amending Chapter 9.77 as it relates to wireless telecommunication towers and antennas and modifying the Development Code so that it is consistent with Federal Law.
- LOCATION:** Town-wide
- 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:** Carol Miller, Principal Planner
- RECOMMENDATION:** Staff recommends that the Planning Commission continue the public hearing for this item to the meeting of May 6, 2015, to allow staff additional time to prepare the staff analysis and report.

BACKGROUND

The Federal Telecommunications Act was amended and is now in effect. A key new provision within the amendment expressly limits local government authority to control the collocation of

new facilities or the removal or replacement of existing facilities on existing towers. The modification adds a provision that “a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station”. Under the amendment, an “eligible facilities request” is defined to mean any request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment, removal of transmission equipment, or replacement of transmission equipment. Substantially changes has largely been defined as an increase in area not to exceed 10' x 6'.

Before staff can provide recommended changes to the Wireless Telecommunication Ordinance, the limits to which we can regulate and reduce the impacts of this law must be better understood; therefore, staff is requesting a continuance to the May 6, 2015 meeting.



TOWN OF APPLE VALLEY MEMORANDUM

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TO: Planning Commission

FROM: Carol Miller, Principal Planner

SUBJECT: Development Code Interpretation No. 2015-01 regarding the use of vinyl lettering as a wall sign.

DATE: April 15, 2015

An applicant has requested to use vinyl lettering as a wall sign. The lettering would be applied directly to the building wall. The Development Code specifically prohibits sign painted directly on a building wall; however, vinyl lettering on a wall is not addressed. The Development Code Section 9.74.110.D states the following:

“Materials

1. All signs, except those otherwise permitted as temporary signs shall be permanent in nature and shall reflect the architectural design of structures and natural features of the site with which they are associated by containing unifying features and materials.
2. High quality and natural materials, such as exterior grade building materials are encouraged.
3. Materials shall be selected to contribute to legibility and design integrity.
4. Individual channel letters, including reverse channel letters and sculptured cabinet signs are permitted for all commercial and industrial zones.
5. Can signs constructed of sheet metal, cabinets with an interchangeable sign face shall not be permitted on any exterior wall surface.”

Staff does not agree that vinyl lettering is permanent in nature. Further, vinyl lettering is like and similar to painted on lettering, because the sign is completely flat with no architectural relief. It is unlikely that vinyl lettering would maintain its integrity for any substantial length of time based upon our desert climate.

Staff would request the Commission’s concurrence that vinyl lettering is not considered permanent signage.