



# TOWN OF APPLE VALLEY

## TOWN COUNCIL STAFF REPORT

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To: Honorable Mayor and Town Council

Date: July 28, 2015

From: Lori Lamson, Assistant Town Manager

Item No: 5

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" OF CHAPTER 9.74 "SIGNS AND ADVERTISING DISPLAYS"

T.M. Approval: \_\_\_\_\_

Budgeted Item:  Yes  No  N/A

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### 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 April 14, 2015, the Town Council initiated a Development Code Amendment relating to Temporary Political Signs and Digital Advertising Displays. At issue are the number of signs that may be posted on a single lot and at what point should a temporary sign permit be required, since the Code does not specifically address the need for permits when installing temporary political signs.

The Town's regulations concerning Digital Advertising Displays require updating because, according to the Town Attorney, the existing regulations are in conflict with case law based upon the requirement for the discretionary review under the Development Permit process. It is recommended that the Code be modified to eliminate any discretionary review relative to Digital Advertising Displays. Additional development standards should be crafted to ensure sign compliance with the law and protect the Town from future litigation.

Staff evaluated the issues, and provided suggestions and alternatives to the Planning Commission for consideration at its May 6, 2015 Commission meeting. The Commission discussion relating to political signs focused upon the number of signs permitted and the locations where political signs should be permitted. Town Attorney recommendation was limiting signage to an aggregate total per parcel; however, enforcement would be difficult.

The Commission also discussed whether or not the rocky knoll area east of the Narrows is an appropriate location for temporary signage. The Commission feels that the "Narrows" should be evaluated for consideration as a scenic corridor and that temporary signs should not be permitted in this area. Staff is conducting a study on this possibility and identifying the pros and cons of this with the Town Attorney's office. Following the staff presentation and subsequent Commission discussion, it was the consensus of the Commission not to make any changes to Section 9.74.170 "Temporary Political Signs".

The staff report for the May 6, 2015 meeting, also offered suggestions relative to site development standards for digital signs. Included was a suggestion that digital signs be located along a Major Divided Arterial, Major Divided Parkway, or Major Road as identified within the Town's General Plan. Staff also suggested a minimum site frontage of 225 feet, which is three (3) times the minimum lot width for commercial zones. It was further suggested that digital signs have a minimum separation distance of 300 feet from any residential use or district.

Upon completion of staff's presentation regarding digital signs, Commission discussions focused upon the aesthetic degradation digital signs may have upon the Town's character. Citing the existing digital sign conditions within neighboring communities, the Commission does not feel that digital signs are appropriate along the Town's established commercial corridors. It is the consensus of the Commission that the use of digital signs be limited to properties with frontage along Interstate 15. The Commission does recommend digital signs be permitted for certain institutional uses including schools, hospitals and museums without location restrictions. 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.

### ***9.74.110.G Digital Advertising Displays***

- ~~1. Permitted in all commercial districts subject to Planning Commission review and approval of a Development Permit.~~
1. Permitted Locations
  - a. Digital Advertising Displays shall be permitted for all 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.
  - b. Non-institutional digital displays are only permitted within the Regional Commercial (C-R) zoning designation subject to the following:
    - 1) Property must have frontage along Interstate 15.
    - 2) Minimum lot size of twenty-five (25) acres.
    - 3) Signs may not be located within 1,000 feet of any other digital display, including Civic Gateway Signs and/or Billboards.
2. Digital advertising displays are accessory to, and must be architecturally integrated with non-digital, permanent free-standing or wall signs and may only occupy up to fifty (50) percent of the sign area, except that this provision does not apply to billboards adjacent to the freeway.
3. Signs visible from the public right-of-way shall not change at a frequency in excess of one alteration per five (5) seconds.
4. Transition between slides shall not exceed one (1) second.
5. Each slide shall contain one (1) complete message; messages shall not be truncated between slides.
6. Scrolling or animated characterization is not permitted, except as expressly set forth below.
7. All signs must comply with the illumination provisions of this Section.
8. Signs may not be located within the direct line-of-sight of any existing residential unit within 150 feet of said sign.
9. Signs located along pedestrian mall areas, not visible from a public right-of-way, may use scrolling and animated characterization.
  - a. The addition of any digital display to a non-conforming sign is prohibited.

### **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 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 July 17, 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 Minutes for May 6, 2015
3. Planning Commission Staff Report and Minutes for June 3, 2015
4. 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 signs; and

**WHEREAS**, on June 3, 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 January 16, 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 July 17, 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***

- 1) Permitted Locations
  - a. 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.*
  - b. Non-institutional digital displays are only permitted within the Regional Commercial (C-R) zoning designation subject to the following:
    - 1) Property must have frontage along Interstate 15.
    - 2) Minimum lot size of twenty-five (25) acres.
    - 3) Signs may not be located within 1,000 feet of any other digital display, including Civic Gateway Signs and/or Billboards.
- 2) Digital advertising displays are accessory to, and must be architecturally integrated with non-digital, permanent free-standing or wall signs and may only occupy up to fifty (50) percent of the sign area, except that this provision does not apply to billboards adjacent to the freeway.
- 3) Signs visible from the public right-of-way shall not change at a frequency in excess of one alteration per five (5) seconds.
- 4) Transition between slides shall not exceed one (1) second.
- 5) Each slide shall contain one (1) complete message; messages shall not be truncated between slides.

- 6) Scrolling or animated characterization is not permitted, except as expressly set forth below.
- 7) All signs must comply with the illumination provisions of this Section.
- 8) Signs may not be located within the direct line-of-sight of any existing residential unit within 150 feet of said sign.
- 9) Signs located along pedestrian mall areas, not visible from a public right-of-way, may use scrolling and animated characterization.
- 10) The addition of any digital display to a non-conforming sign is prohibited."

**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.

**APPROVED** and **ADOPTED** by the Town Council and signed by the Mayor and attested to by the Town Clerk this 11<sup>th</sup> day of August, 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



Get a Slice of the Apple.

**Agenda Item No. 3**

## **TOWN OF APPLE VALLEY PLANNING COMMISSION**

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### **STAFF REPORT**

- AGENDA DATE:** May 6, 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" and Section 9.74.170 "Temporary Political Signs".
- 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 April 14, 2015, the Town Council initiated a Development Code Amendment regarding Temporary Political Signs and Digital Advertising Displays.

**DISCUSSION**

During last November's election, concerns were raised regarding the Town's existing temporary political sign regulations and that there are no provisions concerning the number of signs that may be posted on a single lot by an individual candidate or ballot measure. Consideration should also be given to when a temporary sign permit would be required, since the Code does not specifically address the need for permits when installing temporary political signs.

Modifications may be required to the Town's regulations concerning Digital Advertising Displays. Staff has been notified by the Town Attorney that our digital display regulations may conflict with case law because of the requirement for a discretionary review under the Development Permit process. It is recommended that our Code be modified to eliminate any discretionary review relative to Digital Advertising Displays. Additional development standards have been crafted to ensure sign compliance with the law and protect the Town from future litigation.

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

***9.74.110.G Digital Advertising Displays***

~~A. Permitted in all commercial districts subject to Planning Commission review and approval of a Development Permit.~~

The intent is to include all standards and requirements for digital advertising displays in the sign provisions.
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B. Digital Advertising Displays shall be permitted in all commercial districts subject to the following:

1. Project site must have a minimum frontage of 225 feet along a Major Divided Arterial, Major Divided Parkway, or Major Road as identified within the Town's General Plan.
2. Signs may not be located ~~within the direct line of sight of any existing residential unit within 150~~ 300 feet of any residential use or district said sign.

Staff's recommendation is provided as a starting point for discussion. By requiring 225 feet of frontage, which is three times the minimum lot width for commercial zones, only larger developments would qualify for a digital sign. Staff is further recommending a separation distance to residential use or district, instead of the existing line of site provision.

3. Digital advertising displays are accessory to, and must be architecturally integrated with non-digital, permanent free-standing or wall signs and may only occupy up to fifty (50) percent of the sign area, except that this provision does not apply to billboards adjacent to the freeway.
4. Signs visible from the public right-of-way shall not change at a frequency in excess of one alteration per five (5) seconds.
5. Transition between slides shall not exceed one (1) second.
6. Each slide shall contain one (1) complete message; messages shall not be truncated between slides.
7. Scrolling or animated characterization is not permitted, except along pedestrian mall areas, not visible from a public right-of-way, may use scrolling and animated characterization. ~~as expressly set forth below.~~
8. All signs must comply with the illumination provisions of this Section.
9. ~~Signs located~~ Digital Signs shall not advertise off-site businesses.

#### **9.74.170 Temporary Political Signs**

- A. Temporary political signs encourage a particular vote in a scheduled election and are permitted on private property in all districts subject to the following:

The above modification is suggested because it specifically describes temporary political signs and it separates temporary political signs from other types of noncommercial signage.

1. Election signs shall not be displayed more than forty-five (45) days prior to an election, except for signs which are pertinent to a primary and run-off election, and shall be removed within seven (7) days after the election;
2. Signs may only be placed or erected upon property with the permission of the property owner or tenant.
3. ~~Other political signs shall not be displayed for more than fifty (50) days unless a permit is issued in accordance with other provisions of this Chapter;~~

Staff is recommending removal of this provision, as it refers to noncommercial signs, which are addressed elsewhere in the code.

4. In residential districts, signs shall have maximum area of six (6) square feet, with a maximum height of four (4) feet for free-standing signs with than aggregate area of all signs on a single parcel not to exceed eighty (80) square feet in order to reduce the accumulation of debris.

5. In nonresidential districts, and on vacant property in residential districts that is located on major divided, major or secondary roads, as indicated in the General Plan, each candidate or ballot measure may have up to thirty-two (32) square feet of sign area per parcel with a maximum height of six (6) feet for free-standing signs shall have a maximum area of eighteen (18) square feet with a maximum height of six (6) feet for free-standing signs;

The current Code identifies maximum sign area but does not speak to the number of signs permitted per parcel. Limiting the number of signs may be constitutionally impermissible; however, reasonable size regulations have been upheld. Staff is recommending that the Town regulate total sign area per candidate, per parcel. Allowing up to thirty-two (32) square feet of sign area would allow for one large sign or three to four smaller signs.

6. Signs shall not be located in the Clear Sight Triangle (see definition in Section 9.08 of this Chapter).
7. Signs must maintain a minimum setback of five (5) feet from property line.
8. Sign permits are not required for temporary political signs; however, a statement of responsibility must be filed with the Planning Division.
9. Signs may not be installed on public property or within the public right-of-way.

The Code does not specifically require sign permits for temporary political signs, nor does it require sign permits for temporary real estate or temporary civic event signs. Therefore, it would not be equitable to require permits for political signs. Instead of a permit, the Town should consider requiring the submittal of a "Statement of Responsibility" that would contain contact information in case of a problem with the sign or property owner complaints. Staff would further recommend that any such document also contain an acknowledgement statement that the candidate and/or ballot measure proponent agree with and understand the Town's rules regarding temporary political signs.

~~B. Temporary political signs which exceed the limitations in subsection A above may be permitted, subject to the following:~~

~~C.~~

~~1. Signs shall have a maximum area of thirty-two (32) square feet;~~

~~2.~~

~~3. Signs shall not exceed a maximum height of six (6) feet;~~

D. Signs may only be placed or erected on property with the written permission of the property owner or tenant.

E. **Abatement of Signs.** The Director shall order the abatement, abate, or cause to be abated any temporary political sign erected, placed, or displayed in violation, subject to the provisions within Section 9.74.230 "Enforcement".

## **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 April 24, 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:**

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Pam Cupp  
Associate Planner

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Carol Miller  
Principal Planner

Attachment:  
Draft Planning Commission Resolution No. 2015-004

**PLANNING COMMISSION RESOLUTION NO. 2014-004**

**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" AND SECTION 9.74.170 "TEMPORARY POLITICAL SIGNS".**

**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 April 24, 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 May 6, 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***

1. Permitted in all commercial districts subject to the following site standards:
  - a. Project site must have a minimum frontage of 225 feet along a Major Divided Arterial, Major Divided Parkway, or Major Road as identified within the General Plan Circulation Element.
  - b. Signs may not be located within 300 feet of any residential use or district.
2. Digital advertising displays are accessory to, and must be architecturally integrated with non-digital, permanent free-standing or wall signs and may only occupy up to fifty (50) percent of the sign area, except that this provision does not apply to billboards adjacent to the freeway.
3. Signs visible from the public right-of-way shall not change at a frequency in excess of one alteration per five (5) seconds.
4. Transition between slides shall not exceed one (1) second.
5. Each slide shall contain one (1) complete message; messages shall not be truncated between slides.
6. Scrolling or animated characterization is not permitted unless located along pedestrian mall areas, not visible from a public right-of-way.
7. All signs must comply with the illumination provisions of this Section.
8. Digital Signs shall not advertise off-site businesses."

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

***"9.74.170 Temporary Political Signs***

- A. Temporary political signs encourage a particular vote in a scheduled election and are permitted on private property in all districts subject to the following:
  1. Election signs shall not be displayed more than forty-five (45) days prior to an election, except for signs which are pertinent to a primary and run-off election, and shall be removed within seven (7) days after the election;

2. Signs may only be placed or erected on property with the written permission of the property owner or tenant.
  3. In residential districts, In residential districts, signs shall have maximum area of six (6) square feet, with a maximum height of four (4) feet for free-standing signs with than aggregate area of all signs on a single parcel not to exceed eighty (80) square feet in order to reduce the accumulation of debris.
  4. In nonresidential districts, and on vacant property in residential districts that is located on major divided, major or secondary roads, as indicated in the General Plan, each candidate or ballot measure may have up to thirty-two (32) square feet of sign area per parcel with a maximum height of six (6) feet for free-standing signs.
  5. Signs shall not be located in the Clear Sight Triangle (see definition in Section 9.08 of this Chapter)."
  6. Signs must maintain a minimum setback of five (5) feet from property line.
  7. Sign permits are not required for temporary political signs; however, a statement of responsibility must be files with the Planning Division.
  8. Sign may not be installed on public property or within the public right-of-way.
- B.** Sign may only be placed or erected on property with the permission of the property owner or tenant.
- C. *Abatement of Signs.*** The Director shall order the abatement, abate, or cause to be abated any temporary political erected, placed, or displayed in violation, subject to the provisions within Section 9.74.230 "Enforcement" of this Chapter."

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 6<sup>th</sup> day of May, 2015.

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Chairman Bruce Kallen

ATTEST:

I, Debra Thomas, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 6th day of May, 2015 by the following vote, to-wit:



AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Ms. Debra Thomas, Planning Commission Secretary

**MINUTES  
EXCERPT**

**TOWN OF APPLE VALLEY  
PLANNING COMMISSION  
Regular Meeting  
Wednesday, May 6, 2015**

**CALL TO ORDER**

At 6:03 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for May 6, 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; Pam Cupp, Associate Planner; Jonathan Wood, Senior Code Enforcement Officer; Thomas Rice, Town Attorney, and Debra Thomas, Planning Commission Secretary.

**PUBLIC HEARING ITEMS**

- 3. Development Code Amendment No. 2015-002.** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by amending Chapter 9.74 "Signs and Advertising Displays" as it relates to temporary political signs and digital advertising displays.  
**Applicant:** Town of Apple Valley  
**Location:** Town-wide

Chairman Kallen opened the public hearing at 6:10 p.m.

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

**Temporary Political Signs**

Ms. Cupp stated that the Town's attorney suggested modifications be made to political signs. The Town can only limit aggregate total signage on any particular parcel. Item 5,

page 3-3 needed to be modified in a manner reflective of an aggregate total rather than thirty-two (32) square feet of signage for each candidate.

Staff would also suggest that the provision for a sign permit be eliminated and instead require a statement of responsibility listing who to contact in case there is an issue with the political signs.

Mr. Thomas Rice, Town Attorney, clarified the changes to the Development Code, which now would be maximum signage per parcel versus per candidate, as it related to political signs.. The Commission deferred review of political signs until after discussions relating to digital signs.

### **Digital Advertising Display**

Discussion ensued regarding the areas that are ideal for digital advertising displays, possible restrictions to these digital displays to a larger development and where digital signs would be more appropriate.

Staff advised the Planning Commission that the Town could not regulate anything that is content based.

Mr. Rice explained how the Town needed to provide very clear standards as to where and when the Town would allow or prohibit digital advertising displays.

Discussion ensued by the Planning Commission relating to digital sign size, how many signs per lot, separation and lot size. The Planning Commission would like an applicant to have clear direction when presenting a project to the Planning Commission for approval.

The minimum standards where digital advertising displays would be allowed were discussed and are as follows:

Institutional Use displays are permitted;  
Regulate non-institutional uses as follows;  
One (1) digital sign per property;  
Separation of 1,000 feet;  
Must have frontage along I-15 freeway corridor; and  
Minimum lot size of twenty-five (25) acres.

It was the consensus of the Planning Commission to bring the digital display portion of the Development Code Amendment back at the next regularly scheduled meeting with the above stated changes.

## **Temporary Political Signs.**

Staff presented its recommendations for temporary political signs size, placement and the aggregate maximum.

Mr. Jonathan Wood, Senior Code Enforcement Officer, stated vacant lots were a problem area for temporary political signs. He commented on the difficulties Code Enforcement had when trying to contact a property owner and described the abatement warrant process to remove signs. His recommendation would be to limit the amount of signs per candidate and to measure those signs.

Mr. Rice advised that the Town cannot limit the number of signs, that a candidate or measure can have on any given parcel. Courts have upheld regulations addressing aggregate total of all signs on any particular property when the purpose of said regulations is to reduce the accumulation of debris.

Discussion ensued regarding the legalities of limiting and regulating political signs.

## **PUBLIC COMMENT**

Mr. John Laraway, Apple Valley, CA. asked what the Planning Commission considered “multiple” versus “singular” signs, as well as, how many signs can be vertical and horizontal. He also asked what content could be placed on a political sign.

Chairman Kallen closed the public hearing at 7:44 p.m. It was the consensus of the Commission that Planning Commission Resolution No. 2014-004 be modified to include its recommendation for no change to temporary political signs.

## **MOTION**

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

1. Continue Development Code Amendment 2015-002, to the next regularly scheduled meeting of June 3, 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.



## TOWN OF APPLE VALLEY PLANNING COMMISSION

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### STAFF REPORT

<b>AGENDA DATE:</b>	June 3, 2015 ( <i>Continued from May 6, 2015</i> )
<b>CASE NUMBER:</b>	Development Code Amendment No. 2015-002
<b>APPLICANT:</b>	Town of Apple Valley
<b>PROPOSAL:</b>	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" and Section 9.74.170 "Temporary Political Signs".
<b>LOCATION:</b>	Town-wide
<b>EXISTING GENERAL PLAN DESIGNATIONS:</b>	All Land Use Designations.
<b>EXISTING ZONING:</b>	All Zoning Designations.
<b>ENVIRONMENTAL DETERMINATION:</b>	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.
<b>PROJECT PLANNER:</b>	Ms. Pam Cupp, Associate Planner
<b>RECOMMENDATION:</b>	Adopt Planning Commission Resolution No. 2015-004.

## **BACKGROUND**

On April 14, 2015, the Town Council initiated a Development Code Amendment regarding Temporary Political Signs and Digital Advertising Displays. Staff presented proposed modifications for the Commission's consideration at the May 6th Commission meeting. Following the staff presentation and subsequent Commission discussion, it was the consensus of the Commission not to make any changes to Section 9.74.170 "Temporary Political Signs". However, the Commission did request specific modifications to Section 9.74.170 "Digital Advertising Displays" and directed staff to bring the item back for review and further discussion.

## **DISCUSSION**

Staff is offering for the Commission's consideration the following amended language as identified by strike through and underlined text.

### ***9.74.110.G Digital Advertising Displays***

- ~~1. Permitted in all commercial districts subject to Planning Commission review and approval of a Development Permit.~~
1. Permitted Locations
  - a. Digital Advertising Displays shall be permitted for all institutional uses as defined in Section 9.08 "Definitions."
  - b. Non-institutional digital displays are only permitted within the Regional Commercial (C-R) zoning designation subject to the following:
    - 1) Property must have frontage along Interstate 15.
    - 2) Minimum lot size of twenty-five (25) acres.
    - 3) Signs may not be located within 1,000 feet of any other digital display, including Civic Gateway Signs and/or Billboards.
2. Digital advertising displays are accessory to, and must be architecturally integrated with non-digital, permanent free-standing or wall signs and may only occupy up to fifty (50) percent of the sign area, except that this provision does not apply to billboards adjacent to the freeway.
3. Signs visible from the public right-of-way shall not change at a frequency in excess of one alteration per five (5) seconds.
4. Transition between slides shall not exceed one (1) second.
5. Each slide shall contain one (1) complete message; messages shall not be truncated between slides.
6. Scrolling or animated characterization is not permitted, except as expressly set forth below.
7. All signs must comply with the illumination provisions of this Section.
8. Signs may not be located within the direct line-of-sight of any existing residential unit within 150 feet of said sign.
9. Signs located along pedestrian mall areas, not visible from a public right-of-way, may use scrolling and animated characterization.
10. The addition of any digital display to a non-conforming sign is prohibited.

## **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 April 24, 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

Attachment:  
Draft Planning Commission Resolution No. 2015-004



**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" AND SECTION 9.74.170 "TEMPORARY POLITICAL SIGNS".**

**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 April 24, 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 May 6, 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***

***1. Permitted Locations***

***a.*** Digital Advertising Displays shall be permitted for all institutional uses as defined in Section 9.08 "Definitions".

***b.*** Non-institutional digital displays are only permitted within the Regional Commercial (C-R) zoning designation subject to the following:

***1)*** Property must have frontage along Interstate 15.

***2)*** Minimum lot size of twenty-five (25) acres.

***3)*** Signs may not be located within 1,000 feet of any other digital display, including Civic Gateway Signs and/or Billboards.

***2.*** Digital advertising displays are accessory to, and must be architecturally integrated with non-digital, permanent free-standing or wall signs and may only occupy up to fifty (50) percent of the sign area, except that this provision does not apply to billboards adjacent to the freeway.

***4.*** Signs visible from the public right-of-way shall not change at a frequency in excess of one alteration per five (5) seconds.

***5.*** Transition between slides shall not exceed one (1) second.

***6.*** Each slide shall contain one (1) complete message; messages shall not be truncated between slides.

7. Scrolling or animated characterization is not permitted, except as expressly set forth below.
8. All signs must comply with the illumination provisions of this Section.
9. Signs may not be located within the direct line-of-sight of any existing residential unit within 150 feet of said sign.
10. Signs located along pedestrian mall areas, not visible from a public right-of-way, may use scrolling and animated characterization.
11. The addition of any digital display to a non-conforming sign is prohibited."

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 3rd day of June, 2015.

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Chairman Bruce Kallen

ATTEST:

I, Debra Thomas, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 3rd day of June, 2015 by the following vote, to-wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Ms. Debra Thomas, Planning Commission Secretary

**MINUTES  
EXCERPT**

**TOWN OF APPLE VALLEY  
PLANNING COMMISSION  
Regular Meeting  
Wednesday, June 3, 2015**

**CALL TO ORDER**

At 6:00 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for June 3, 2015, was called to order by Chairman Kallen.

**ROLL CALL**

**Planning Commission**

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

**STAFF PRESENT**

Carol Miller, Principal Planner; Doug Fenn, Senior Planner; Haviva Shane, Town Attorney; and Debra Thomas, Planning Commission Secretary.

- 3. Development Code Amendment No. 2015-002.** *(Continued from May 6, 2015 meeting).* An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by amending Chapter 9.74 "Signs and Advertising Displays" as it relates to temporary political signs and digital advertising displays.  
**Applicant:** Town of Apple Valley  
**Location:** Town-wide

Chairman Kallen opened the public hearing at 6:09 p.m.

Ms. Carol Miller, Principal Planner, presented the staff report as filed by the Planning Division.

Ms. Miller commented on the fact that the Town Council overturned the Planning Commission's decision to deny Sign Program No. 2015-001 and the Planning Commission's recommendations were contrary to the comments that the Town Council made at its May 26, 2015 meeting.

Commissioner Shoup stated that the Planning Commission held a long discussion on the sign program and still believed that digital advertising should be limited and guidelines put in place.

Chairman Kallen agreed.

Commissioner Shoup did not want to give up on prohibiting political signs in the narrows. He would like to keep the area in a pristine state by designating it into a type of historical or scenic natural corridor.

Discussion ensued regarding the definition of “institutional uses” and any exclusions the Planning Commission wishes to add to “Definitions” of Section 9.08 “Digital Advertising Displays”.

Ms. Haviva Shane, Town Attorney, stated she would look into what could be done to designate the Narrows as an historical or scenic area.

**PUBLIC COMMENT**

None.

Chairman Kallen closed the public hearing at 6:40 p.m.

**MOTION**

Motion by Vice-Chairman Qualls, seconded by Commissioner Shoup, that the Planning Commission move to:

1. 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 and as amended.

**ROLL CALL VOTE**

Ayes: Commissioner Shoup  
Commissioner Tinsley  
Vice-Chairman Qualls  
Chairman Kallen  
Noes: None  
Abstain: None  
Absent: Commissioner Lamoreaux  
The motion carried by a 4-0-0-1 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" AND SECTION 9.74.170 "TEMPORARY POLITICAL SIGNS"**

**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 April 24, 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 May 6, 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***

**1) Permitted Locations**

- a.** 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.*
- b.** Non-institutional digital displays are only permitted within the Regional Commercial (C-R) zoning designation subject to the following:
  - 1)** Property must have frontage along Interstate 15.
  - 2)** Minimum lot size of twenty-five (25) acres.
  - 3)** Signs may not be located within 1,000 feet of any other digital display, including Civic Gateway Signs and/or Billboards.
- 2)** Digital advertising displays are accessory to, and must be architecturally integrated with non-digital, permanent free-standing or wall signs and may only occupy up to fifty (50) percent of the sign area, except that this provision does not apply to billboards adjacent to the freeway.
- 3)** Signs visible from the public right-of-way shall not change at a frequency in excess of one alteration per five (5) seconds.
- 4)** Transition between slides shall not exceed one (1) second.
- 5)** Each slide shall contain one (1) complete message; messages shall not be truncated between slides.
- 6)** Scrolling or animated characterization is not permitted, except as expressly set forth below.
- 7)** All signs must comply with the illumination provisions of this Section.
- 8)** Signs may not be located within the direct line-of-sight of any existing residential unit within 150 feet of said sign.
- 9)** Signs located along pedestrian mall areas, not visible from a public right-of-way, may use scrolling and animated characterization.
- 10)** The addition of any digital display to a non-conforming sign is prohibited."

Approved and Adopted by the Planning Commission of the Town of Apple Valley  
this 3rd day of June, 2015.

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Chairman Bruce Kallen

ATTEST:

I, Debra Thomas, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 3rd day of June, 2015 by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Ms. Debra Thomas, Planning Commission Secretary