

TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council

Date: May 26, 2015

From: Lori Lamson, Assistant Town Manager

Item No: 14

Subject: APPEAL NO. 2015-001 OF THE PLANNING COMMISSION'S DENIAL OF SIGN PROGRAM NO. 2015-001

T.M. Approval: _____

Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

Move to open the public hearing and take testimony.

Close the public hearing. Then:

1. Find that pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA), the activity is covered by the general rule that CEQA applies only to projects which 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 may have a significant effect on the environment, the activity is not subject to CEQA.
2. Find the Facts presented within the staff report for the Council hearing of May 26th, including Commissioner discussion as reflected in the minutes from the March 18th and April 15th Planning Commission meetings, do not support approval of Sign Program No. 2015-001 .
3. Deny the appeal of Sign Program No. 2015-001, upholding the Planning's denial of the proposal.

SUMMARY:

The applicant is appealing the Planning Commission's denial of a sign program for a two (2)-story, multi-tenant, medical office building. The denial was based upon a proposed freestanding sign within the clear site triangle and proposed wall signage in excess of what the Development Code allows.

ANALYSIS:

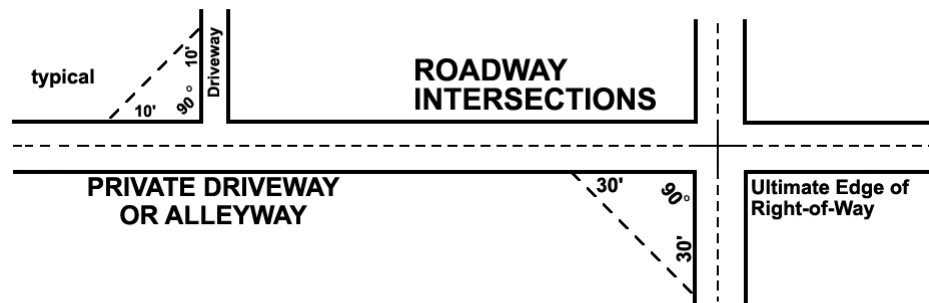
At its meeting on March 18, 2015, the Planning Commission conducted its first public hearing for Sign Program No. 2015-001. Following the staff report presentation, comments from the applicant, and subsequent Commission discussion, a majority of the Commission felt that the proposed location for the monument sign, with its digital display, was inappropriate, based upon the signs proximity to an established residential area. The applicant requested a continuance to the next available Planning Commission meeting to allow additional time with which to prepare an argument in support of the monument sign. The public hearing was continued to April 15, 2015.

During the April 15th continued public hearing, Commission discussion regarding the wall sign centered upon the permitted wall sign ratio of one (1) square foot of signage to each lineal foot of building frontage. The applicant's position is that each floor should be entitled to one (1) square foot of signage to each lineal foot of building frontage. Although similar requests have been granted in the past, the Commission felt that the amount of wall signage requested was excessive and did not meet the intent of the Development Code.

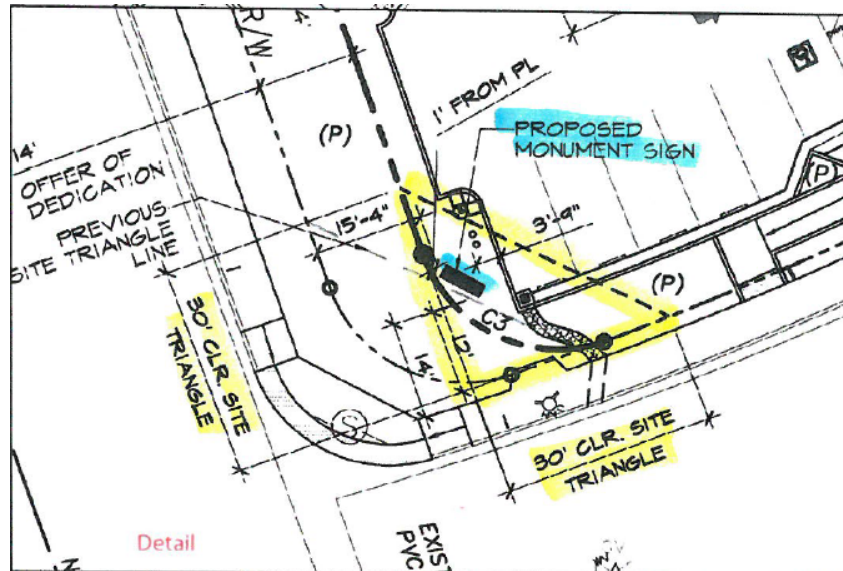
The sign program reviewed by the Commission also included a request for a monument sign that includes a digital advertising display. Although the Commission did not feel that a digital display was appropriate at this location, the reason for its denial was that the location proposed for the monument sign is within the clear site triangle. The representative for the applicant spoke in support of the intended location for the monument sign and disputed the Town's definition of a "clear site triangle". Commissioner discussions culminated with a 4-0 decision to deny the proposed sign program, with Commissioner Tinsley abstaining.

The Development Code provides the following definition:

" **Clear Sight Triangle** The area within the triangle formed by connecting the points thirty (30) feet (10 feet at driveways) from the inter-section of the two right-of-way lines. Trees within the Clear Sight Triangle shall be trimmed (to the trunk) to a line at least six (6) feet above the nearest street elevation (Figure 9.08-5)."



The sign program contains the following graphic depicting the proposed location for the monument sign:



The proposed monument sign is within the "clear site triangle", which is determined based upon the ultimate right-of-way. To move this sign further back would require the removal of a parking space; however, the site is already parked at the absolute minimum. The second option would be to relocate the sign closer to the entry drive. The Council recently initiated a Code Amendment relating to digital signs. Site development standards relating to digital advertising displays are currently under review by the Planning Commission. These standards are anticipated to be finalized at the Commission's June 3rd meeting and will then be forwarded for the Town Council's consideration.

Sign Programs are required for multi-tenant commercial buildings and centers in order to predetermine sign placement and to ensure design consistency. Sign Programs are also intended to provide a means of flexible application of the sign regulations to encourage maximum creativity in the design and display of signs. Although staff's initial recommendation for Sign Program No. 2015-001 was for a conditional approval, it is standard practice on appeal applications that the staff report presented to the Council be consistent with the Planning Commission determination. In keeping with this practice, staff has provided a recommendation to uphold the Commission's decision and deny the appeal.

The appellant, Ms. Winnie Liu, is requesting that the Council overturn the Planning Commission's denial of a sign program that does not meet Development Code standards for wall sign area or permitted locations for a monument sign. The appeal is based upon the applicant's interpretation of a "clear site triangle", and that the placement of the monument sign should be based on current right-of-way improvements and not the ultimate right-of-way dedication. The appellant further believes that because two-story buildings have been approved in the past with a wall sign ration of one (1) square foot of

signage for each lineal foot of building frontage for each story, this project should be approved as well. The Commission's final interpretation is that multi-story buildings only be allowed wall signage at a 1:1 ratio for the actual building frontage, not for each floor individually.

FISCAL IMPACT:

Not Applicable

ATTACHMENTS:

1. Appeal application
2. Minute excerpts from the March 18th and April 15th Planning Commission meeting
3. March 18th Planning Commission staff report
4. April 15th Planning Commission staff report
5. Sign Program 2015-001



Town of Apple Valley Appeal Application



This request must be filed with the Planning Division within ten (10) calendar days following the date of action. An Appeal request received after this time *will not be accepted*. Appeals requiring Town Council consideration will be forwarded to the Town Clerk by the Director.

FOR TOWN USE ONLY

Date Submitted: 4-23-15 Case No.: Appl 2015-001 Received By: CM
Planning Fee: 240.³⁸ Other Fees: _____ Case Planner: _____

Type or print legibly in ink only

PROPERTY ADDRESS 16008 Kamana Rd. Apple Valley, CA 92307

FEE

	<u>Initial Deposit</u>	<u>Actual Cost not to exceed</u>
<input type="checkbox"/> Appeal Fee – To Planning Commission	\$240.38	\$240.38
<input checked="" type="checkbox"/> Appeal Fee – To Town Council	\$240.38	\$240.38

The Appeal Fee does not apply to permits the Planning Commission acted to revoke or amend.

APPELLANT INFORMATION

Name Winnie Liu Telephone (412) 519-7377
Fax _____ Email wliue_social_bone_and_joint.com
Address 12277 Apple Valley Rd, #258
City Apple Valley State CA Zip 92308

PROJECT INFORMATION

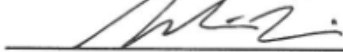
Project Number Being Appealed Sign Program 2015-001
Project Description Sign Criteria
Assessor's Parcel No. (s) 0473-412-18 Tract _____ Lot _____

APPEAL STATEMENT

1. I am/We do hereby appeal the findings/conditions/interpretations of the Town of Apple Valley:
(Check one)
- | | |
|---|-------------------------|
| <input checked="" type="checkbox"/> Planning Commission | _____ Planning Director |
| _____ Public Works Director | _____ Building Official |
| _____ Town Engineer | _____ Fire Chief |

2. I/We appeal to the Town of Apple Valley:
(check one)
 Planning Commission Town Council
3. I/We am/are appealing the project action taken to:
(Check those which apply)
 Deny the project Adopt a Negative Declaration
 Approve the project
 *Approve the project condition of (specify): *see attached paper*
- Other: _____
4. Detail what is being appealed and what action or change you seek. Specifically address the findings, mitigation measures and/or policies with which you disagree. Also state exactly what action/changes you would seek.
- see attached*

I/We understand that as appellant I/We have the burden of proof in this matter:



Signature

Signature

Date 4/20/15

16008 Kamana Rd, Apple Valley, CA 92307

Sign Criteria Appeal Attachment

Wall Sign

We are seeking approval for wall sign based on 1:1 sign area to linear footage of the frontage of the building per floor.

During Planning Commission's discussion on 4/15/16, there was a debate as to how to interpret the existing wall signage calculation, whether it should be per floor, or per building of the frontage. There was also a debate as to whether the linear footage of the 2 floors can be combined.

Planning commissioners were leaning towards the interpretation PER BUILDING FRONTAGE, not per floor. According to our understanding, it should be per floor, at least based on the historical approval of several buildings. Existing examples include Apple Bear Center, and 13092 Apple Valley Rd (building at Apple Valley Road and Yucca Loma Road intersection). Since Pam Cupp, my planner, could not provide further information at the Planning Commission, Planning Commissioners were uncertain of which interpretation they should follow, and therefore decided to deny our plan. From a small business owner's stand point, signage is critical for business. That's one of the reason why we moved away from our old location, since we could not have signage up on the building.

We believe our wall signage request is not excessive given the size of our building. Given the layout of the building, and with uncertainty of tenancy on 2/F, our sign company has designed 3 signs with an alternate 4 signs for tenants on 2/F. If 3 signs are installed for tenants, we are within 1:1 ratio per floor. Only if all 4 signs are used, then we exceed the area by 26 sq ft based on a 1:1 ratio per floor, which is not a big area given the size of the building, but that will allow symmetry of signage of the building. But if we are looking at the whole building frontage, we are under the limit if we can combine the linear footage of the 2 floors, as debated.

We need clearer guidance on interpretation of wall sign regulations in order to comply.

Monument Sign

We are seeking approval for monument sign to be located in the designed area, clear of the existing clear site triangle (30 ft from each side of the corner), but within the future clear site triangle should Apple Valley Road extend to include all the spaces within dedication (14 ft). We are willing to relocate the monument sign when the road widening takes place. Per our architect Robert Martinez's brief discussion with the town's engineer, they both believe the proposed resolution of us moving the sign as the road widens makes most sense. Meanwhile, we have confirmed with Planning Department that there is no near-term proposal of road widening. Our neighbor across the street, Alaska Bank, also has their digital sign located within the 14 ft dedication set back. So, should Apple Valley Road widen in the future, that the Alaska Bank's sign also needs to be relocated.

We have given up 14ft west of the lot as dedication to the road widening already. If the town insists for the sign to clear of the future clear site triangle based on the future property line should the road widens, the monument sign will have to be located inside the parking lot, which is not feasible. Given

the dedication on the Apple Valley Road sign, the sign cannot be located there either. We are very limited in the location of monument sign, and therefore urge the town to approve our proposal of location of the sign and allow us to move it should the road widens in the future.

Digital Sign:

A few of the planning commissioners were concerned about content of the board, citing they lack the authority to regulate content, and concerns of ads that promote sales only. As stated by the town attorney, the sign can only be used for tenants of the building, and therefore, limited in content in that sense. We are a medical office, with a physical therapy on 2nd floor. Messages display can also be used to promote public interests, such as our office offering free clinic for high school athletes and concussion talks for the schools. With us living in a digital age, we believe an electronic board can give us more flexibility tailoring to future needs. This is a new building to last for years to come. We believe we should incorporate newer technology, including the signage.

For monument sign, we are seeking approval for the proposed location and digital portion of the sign, with condition that we will move it should the road widens in the future.

**MINUTES
EXCERPT**

**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.

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.

**MINUTES
EXCERPT**

**TOWN OF APPLE VALLEY
PLANNING COMMISSION
Regular Meeting
Wednesday, April 15, 2015**

CALL TO ORDER

At 6:02 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for April 15, 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; Haviva Shane, Town Attorney; and Debra Thomas, Planning Commission Secretary.

PUBLIC HEARING ITEMS

2. **Sign Program 2015-001 (*Continued from March 18, 2015*)**. 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 6:21 p.m.

Commissioner Tinsley recused himself from this item and left the dias at 6:22 p.m.

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

Mr. Robert Martinez, Project Architect speaking on behalf of the Applicant, commented on the monument sign design presented to the Planning Commission and believes that the sign is not within the clear-site triangle. Mr. Martinez also urged the Commission to approved a 1:1 sign area ratio per floor for the building. .

PUBLIC COMMENT

None.

Chairman Kallen closed the public hearing at 6:51 p.m.

Discussion ensued by the Planning Commission relating to the coverage of wall sign area proposed and that the location of the monument sign, including its digital display, is within the clear-site triangle at Kamana and Apple Valley Roads.

MOTION

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

2. Deny Sign Program No. 2015-001 without prejudice.

ROLL CALL VOTE

Ayes: Commissioner Lamoreaux
Commissioner Shoup
Vice-Chairman Qualls
Chairman Kallen
Noes: None
Abstain: Commissioner Tinsley
Absent: None
The motion carried by a 4-0-1-0 vote.

Commissioner Tinsley returned to the Dias at 7:14 p.m.



TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

Staff Report

- AGENDA DATE:** 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:** Approval

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. Zoning Map
3. Sign Program
4. Photo Simulations

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. 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



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:

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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

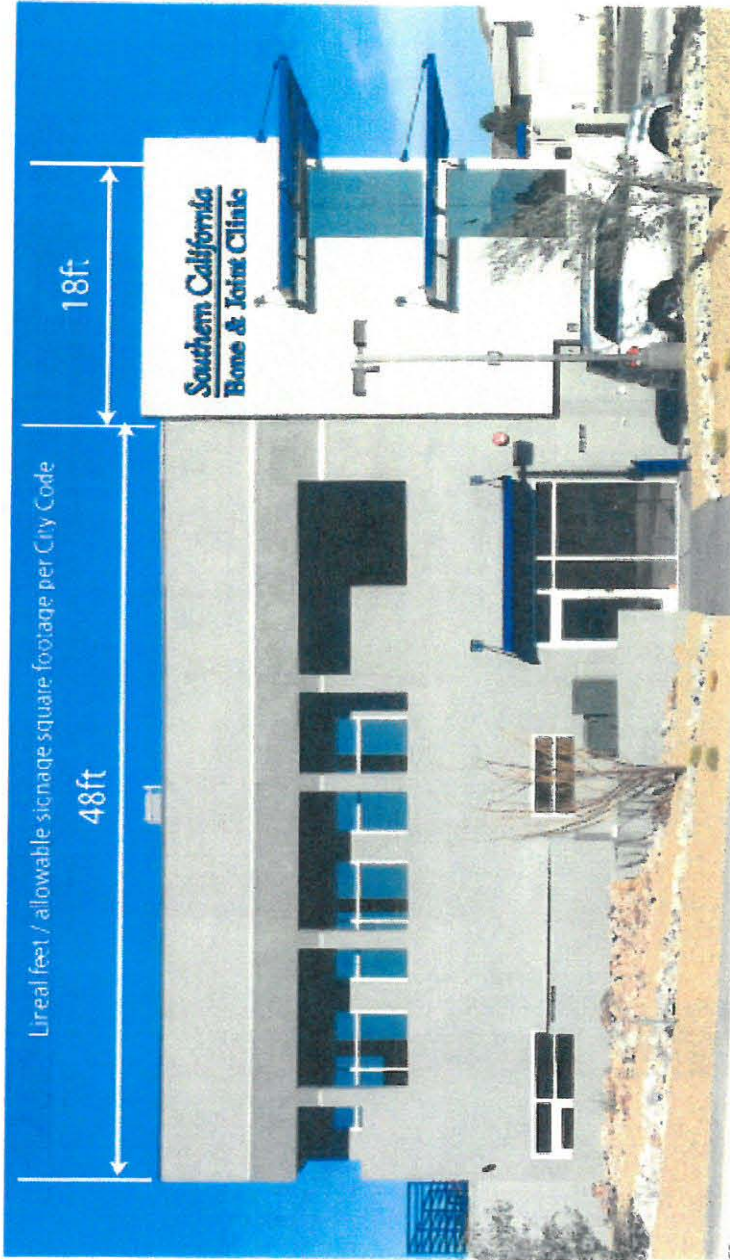
Please note: *Many of the suggested Conditions of Approval presented herewith are provided for informational purposes and are otherwise required by the Municipal Code. Failure to provide a Condition of Approval herein that reflects a requirement of the Municipal Code does not relieve or alleviate the 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

Southern California
Bone & Joint Clinic

45"

158"

This is an official, approved drawing created by your professional sign contractor with a permit (required) for signs by SouthWest Sign Maintenance, or it may be the owner's or their sign contractor's work. It is not intended to be used for construction or other purposes without the written consent of SouthWest Sign Maintenance. Construction is not allowed by the SUBJECT.

CUSTOMER APPROVAL:

DATE:

LANDLORD APPROVAL:

DATE:

REVISED: 3/23/15-PROOF

REVISED:

REVISED:

PROJECT:

ADDRESS:

DATE:

DESIGNER:

SCALE:



SHEET 1 OF 1

The Landmark Building

SIGN PROGRAM

Sign Criteria

16008 Kamana Road
Apple Valley, CA

The Landmark Sign Program

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The Landmark Sign Program

B. INTRODUCTION

These criteria have been established for the purpose of assuring an outstanding business center and for the mutual benefit of all Tenants. Conformance will be strictly enforced. Any installed non-conforming or unapproved signs must be brought into conformance at the expense of Tenant. In the event Lessor is required by the governing authority to conform to stricter requirements with regard to the size of signs and architectural design, Tenant will conform respectively with such requirements.

Exceptions to these standards shall not be permitted without approval from the Landlord and will require approval of a modification to the sign program application by the city.

Accordingly, the Landlord will retain full rights of approval for any sign used in the center.

No sign shall be installed without the written Landlord approval and the required City permits.

A. GENERAL LANDLORD/TENANT REQUIREMENTS

1. Tenant shall submit, within forty-five (45) days after mutual Lease execution and before fabrication, three (3) copies of the proposed sign to the Landlord or Agent for approval indicating conformance with the sign criteria herein outlined. These drawings must include location, size and style of lettering, material, type of illumination (if any), installations details and design.
2. The Tenant shall pay for all signs, related materials and installation fees (including all inspection costs). Tenant is also responsible for costs of applicable permits.
3. The Tenant shall be responsible for fulfillment of all requirements of this sign criteria.
4. Tenant is required to use Lessor designated sign company. It is the responsibility of the contracted sign company to verify all conduit and transformer locations and service access prior to fabrication.
5. Should a sign be removed, it is the Tenant's responsibility to patch and paint all holes to match finish and color of adjacent surface.
6. The Landlord may, at his/her sole discretion, and at the Tenant's expense, correct, replace, or remove any sign that is installed without written approval and/or that is deemed unacceptable pertaining to this sign program.
7. If the Tenant chooses to change his/her exterior sign at any time during the term of his/her lease, then the Tenant must comply with the requirements set forth herein and any future modifications, revisions or changes which have been made to this sign program for this center after the execution of his/her lease agreement.

The Landmark Sign Program

C. GENERAL SIGN CONSTRUCTION REQUIREMENTS

1. All signs and their installation shall comply with all local building and electrical codes.
2. Sign company to be fully licensed with the City and State and shall provide proof of full Workman's Compensation and general liability insurance.
3. All penetrations of building exterior surfaces are to be sealed, waterproof, and in color & finish to match existing exterior.
4. Painted surfaces to have a semi-gloss finish. Only paint containing acrylic polyurethane products can be used.
5. Logo and letter heights shall be as specified and shall be determined by measuring the normal capital letter of a type font.
6. All sign fabrication work shall be of excellent quality. All logo images and type-styles shall be accurately reproduced. Lettering that approximates type-styles shall not be acceptable. The Owner reserves the right to reject any fabrication work determined to be below standard.
7. Color coatings shall exactly match the color specified on the approved plans.
8. Joining of materials shall be finished in such a way as to be unnoticeable. Rivets, screws and other fasteners that extend to visible surfaces shall be flush, filled and finished so as to be unnoticeable.
9. All sign finishes shall be free from dust, orange peel, drips and runs and shall have a uniform surface conforming to the highest standards of the industry.
10. In no case shall any manufacturer's label be visible from the street from normal viewing angles.
11. All materials used in signage construction and installation must be new. No used materials will be allowed.
12. Signs shall be maintained at Tenant's expense in order to keep them in a clean and rust/corrosion free condition.

The Landmark Sign Program

D. ADDITIONAL SIGN CONSTRUCTION DETAIL

Signs may incorporate internally illuminated channel letters up to 60" (for stacked letters) in height.

In addition to the overall sign height limits, a 3" gap between the two lines of copy is required to ensure adequate readability. Stacked copy or lettering shall not exceed the width allowed for a single line of copy.

Letter faces are restricted to WHITE or BLUE as approved colors.

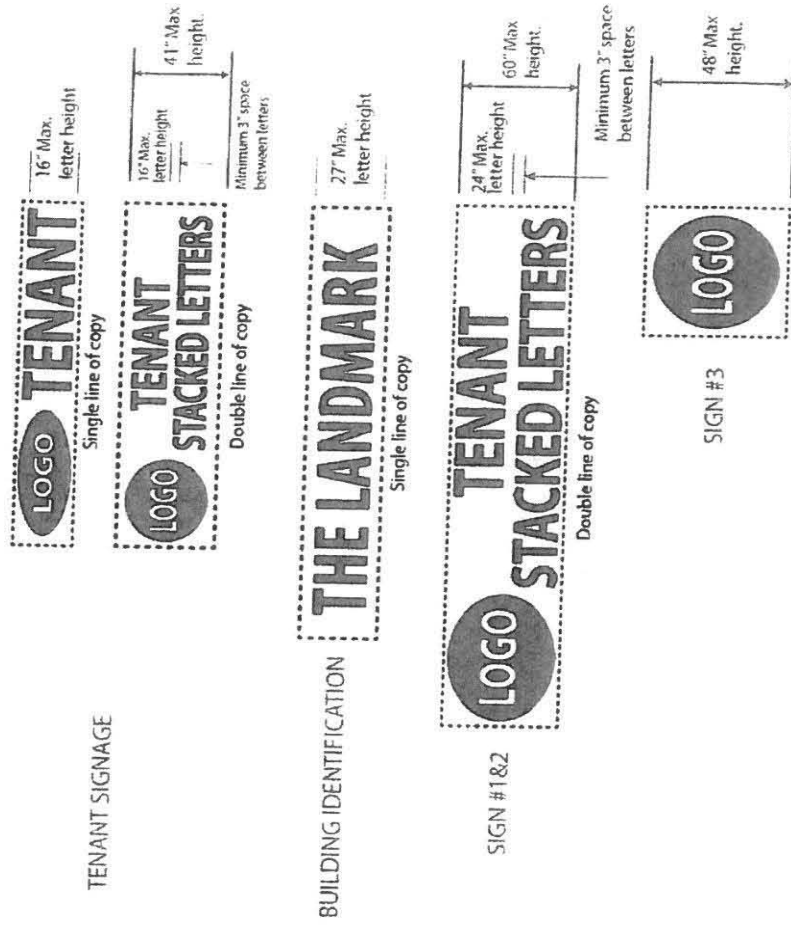
Tenants who do not have a Regionally or Nationally established or registered letter font for their business are required to select from the following list.

Allowable Letterstyles

Vijaya
Aparajita

Myriad Pro Bold
Myriad Pro Bold Condensed

Company Logos are permitted within the limits of the Sign Criteria: Single Face Can construction.



The Landmark Sign Program

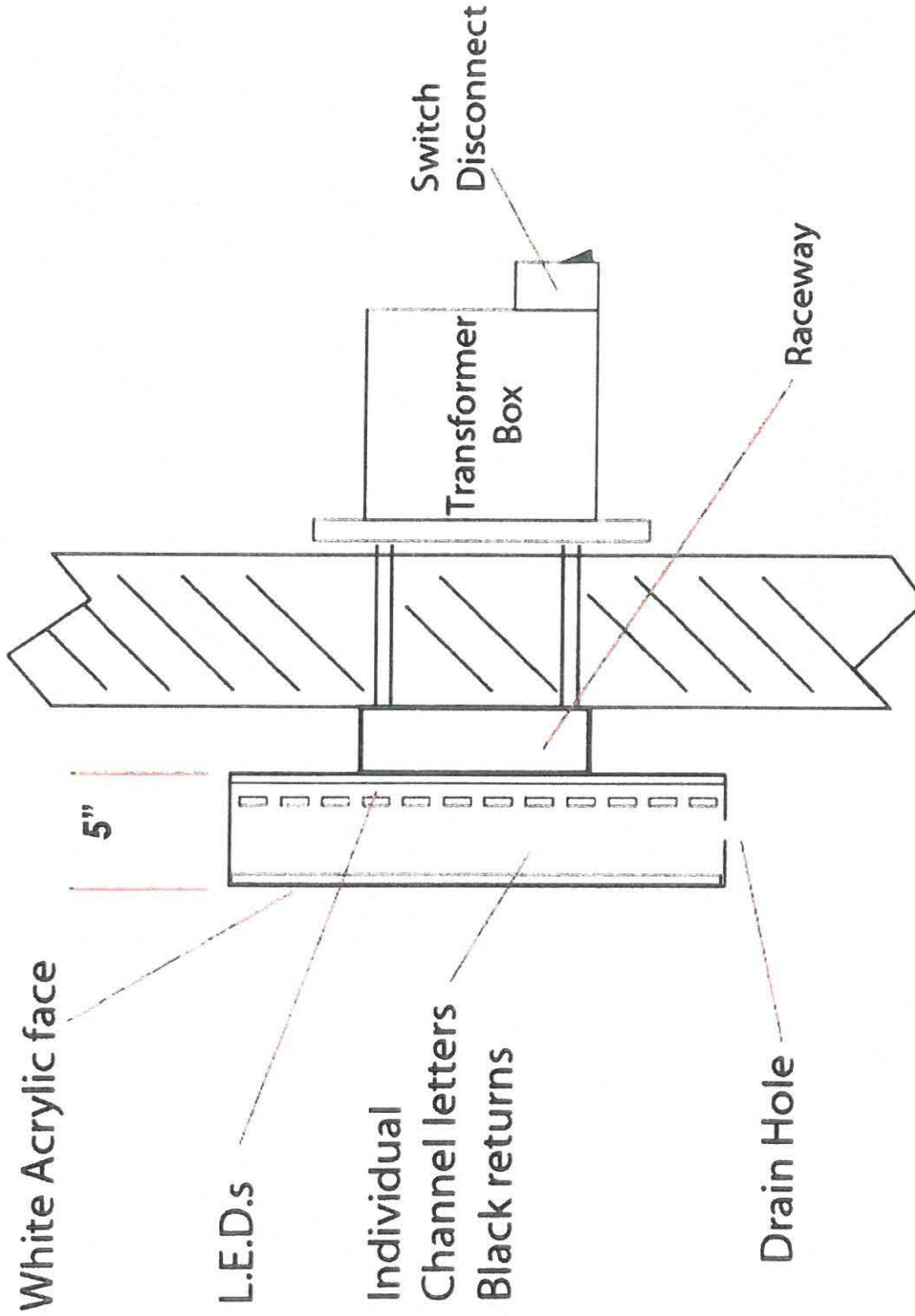
E. ABANDONMENT OF SIGNS

Any Tenant sign left after thirty (30) days from vacating premises shall become the property of the Landlord and removal expense will be billed back to the Tenant.

F. PROHIBITED SIGNS

1. Painted letters directly on wall will not be permitted.
2. There shall be no signs that are flashing, moving or audible.
3. No sign shall project above or below the signable area. No sign shall project above the top of a parapet, the roof line at the wall, or roof line.
4. **Vehicle Signs**
Signs on or affixed to trucks, automobiles, trailers or other vehicles which advertise, identify or provide direction to a use or activity not related to its lawful activity are prohibited.
5. **Unshielded Light Sources**
External displays which consist of unshielded light sources are prohibited.
6. **Billboard Signs** are not permitted.

CHANNEL LETTERS



New Single Faced Internally-Illuminated Channel Letter Display

White or Blue Plexiglass, black trim-cap and returns.

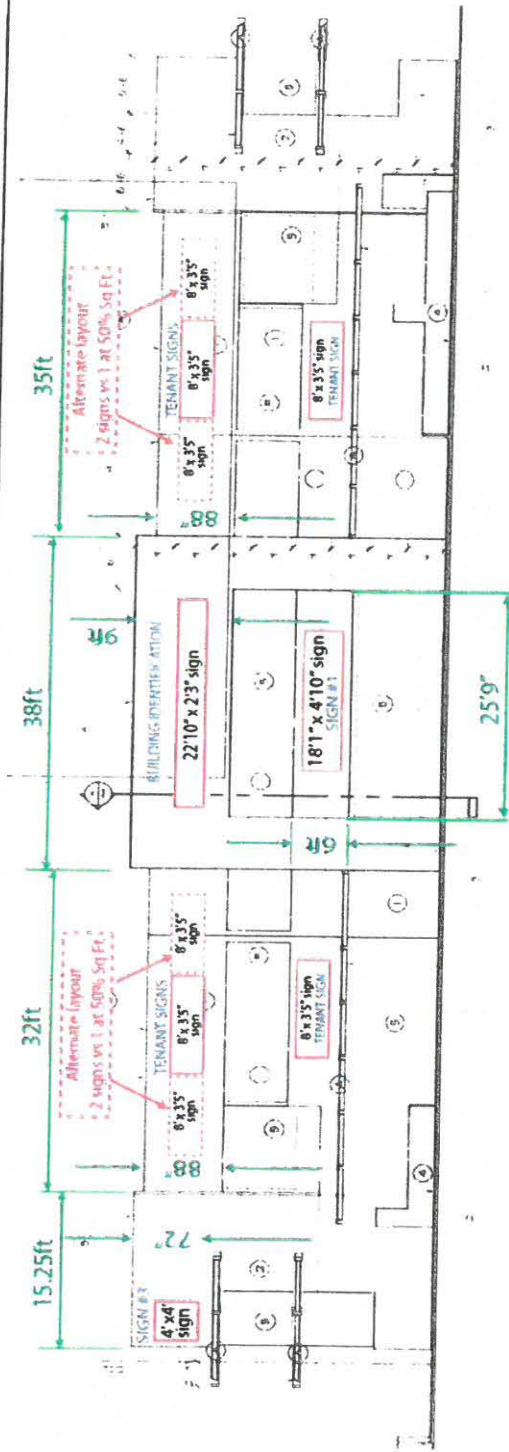
All construction materials to be of Non-Ferrous metals.

Illuminate with White LEDs.

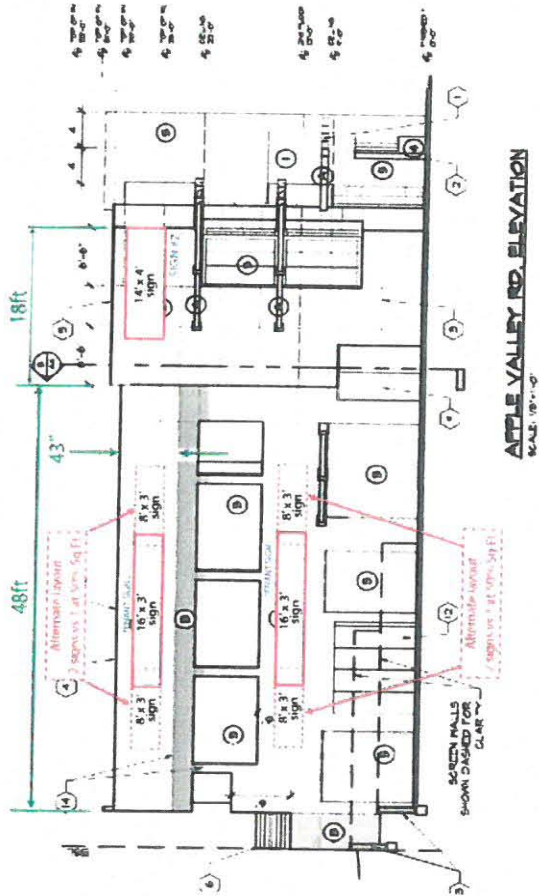
NOTE: The following ratings must be met for LEDs:
25 minimum – 28 maximum lumens per 3-chip module.

The Landmark Sign Program

Architectural Plans – Sign Location

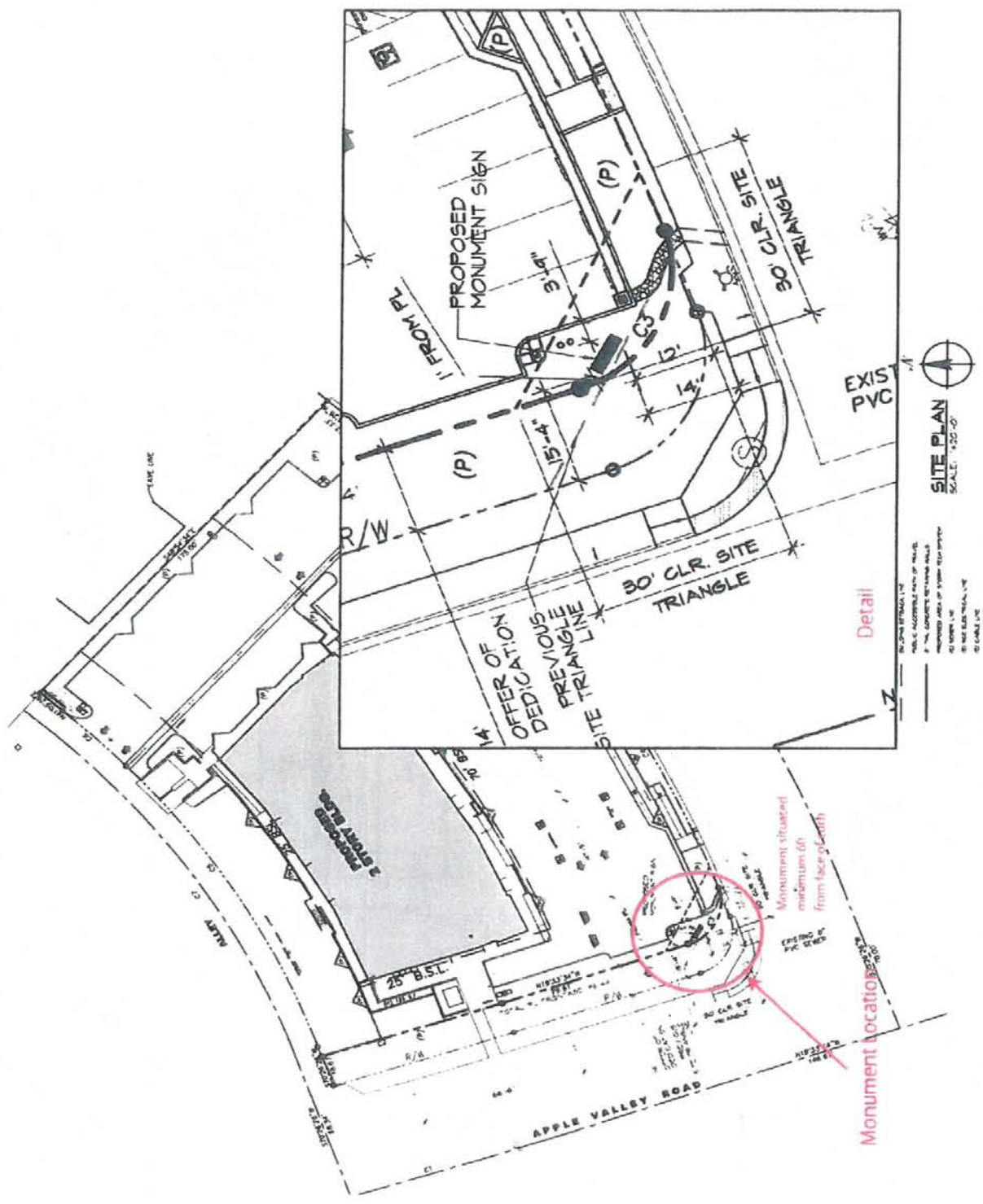


KANAWA RD. ELEVATION
SCALE: 1/8"=1'-0"



Architectural Plans - Site Plan & Monument Location

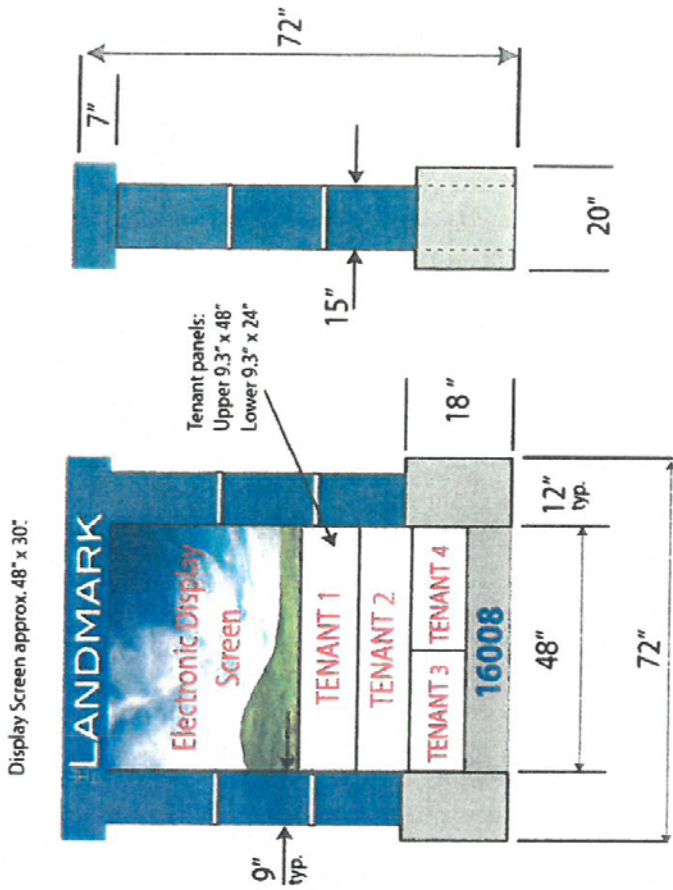
The Landmark Sign Program

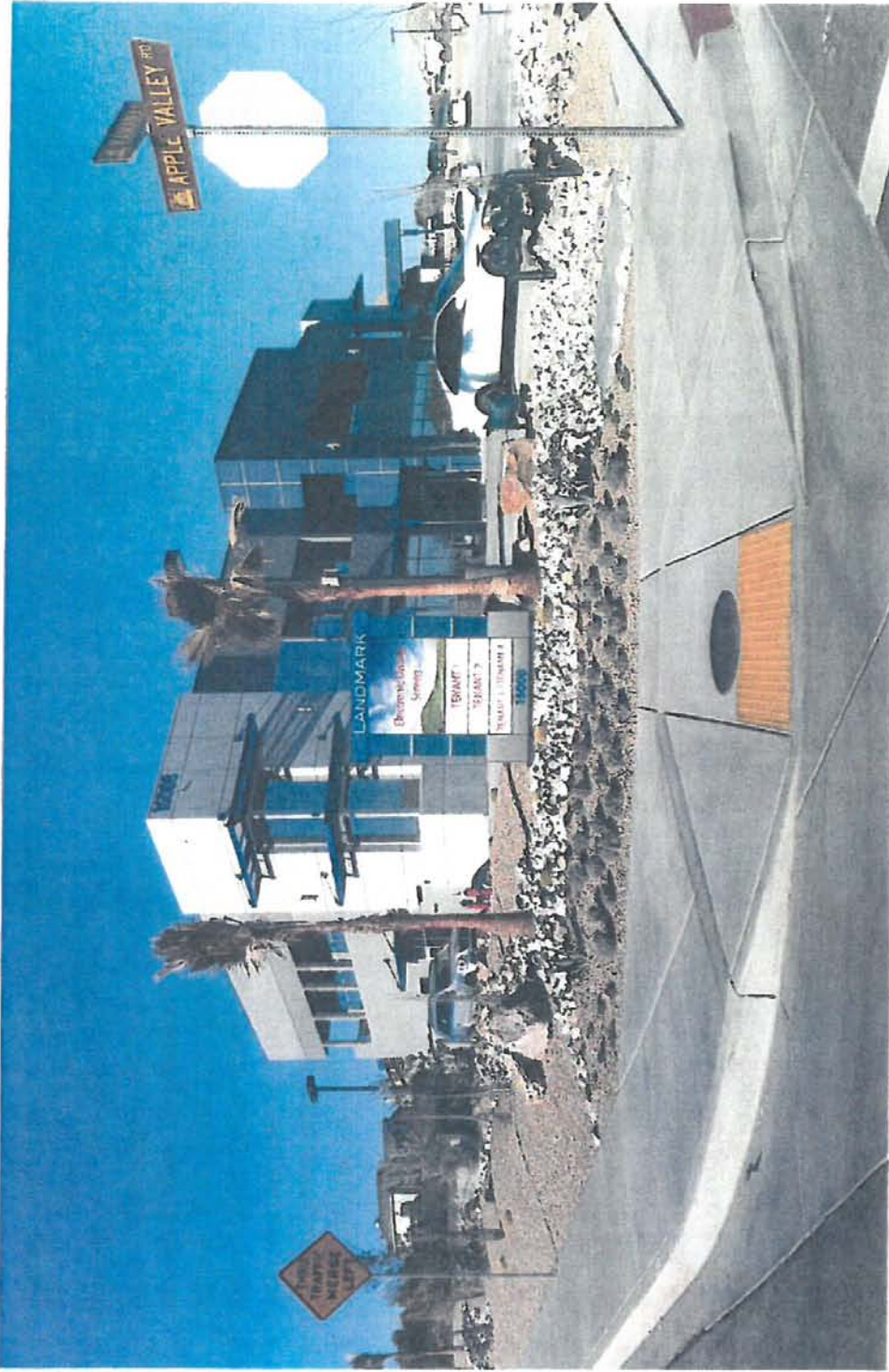


The Landmark Sign Program

- PHYSICAL SIZE**
 Height 6ft (72")
 Width 6ft (72")
 Thickness 1ft 8in (20")
- LOCATION & ORIENTATION**
 Monument to be situated at the intersection of Apple Valley Road and Kamana Road, in the South-West corner of Landmark Site Plan (see page 9). Monument will be oriented for best visibility of display to road traffic (see page 12) and at least 6 feet from property lines or inner perimeter of sidewalk. Actual location may depend on existing underground electrical or other network.
- DESIGN**
 Sign will be one-sided and contain one digital screen plus LED illuminated panels for tenant name/logo display.
- CONSTRUCTION**
 Monument body fabricated in Aluminum and painted to match building colors. Digital display will occupy no more than 50% of the monument sign area. Remaining tenant panels will be white acrylic with vinyl lettering.

Site Monument Criteria





The Landmark Monument will be located at a 45 degree angle relative to the intersection of Kamana Road and Apple Valley Road, at least 6 feet from property-side sidewalk perimeter.