



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA
REGULAR MEETING
Wednesday, April 18, 2018 – 6:00 P.M.**

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

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

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REGULAR MEETING

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

CALL TO ORDER

ROLL CALL

Commissioners: Shoup _____; Kallen _____; Qualls _____
Chairman Tinsley _____ and Vice-Chairman Lamoreaux _____

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

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

APPROVAL OF MINUTES

1. Minutes for the Regular Meeting of March 7, 2018

PUBLIC HEARING ITEMS

2. **Conditional Use Permit No. 2017-011 and Deviation Permit No. 2017-003** - A request for approval of a Conditional Use Permit to install a sixty (60)-foot tall wireless telecommunications tower designed as a pine tree. The tower will be situated within an existing tree line and will include a 195 square foot CMU block wall equipment enclosure. The Deviation is a request for a reduced separation distance from residential uses and from existing wireless telecommunication towers.

Applicant: Reliant Land Services for Verizon Wireless

Location: James Woody Park 13413 Navajo Road; APN 3087-351-02.

Environmental

Determination: The project is characterized as the new construction of a small structure with a minor alteration to the land. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303, the proposal is exempt from further environmental review.

Case Planner: Pam Cup, Associate Planner

Proposal: Approval

3. **Conditional Use Permit No. 2017-011**- A request for approval of a Conditional Use Permit to install a seventy-five (75)-foot tall wireless telecommunications tower designed as a pine tree. The tower will be located within a commercial retail center and will include a 400 square foot CMU block wall equipment enclosure.

Applicant: J5 Infrastructure for Verizon Wireless

Location: Apple Valley Towne Center 12279 Apple Valley Road; APN 3087-751-11.

Environmental

Determination: The project is characterized as the new construction of a small structure with a minor alteration to the land. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303, the proposal is exempt from further environmental review

Case Planner: Pam Cup, Associate Planner

Proposal: Approval

4. **Conditional Use Permit No. 2017-012 and Deviation Permit No. 2017-004** - A request for approval of a Conditional Use Permit to install a fifty-five (55)-foot tall wireless telecommunications tower designed as a pine tree. The tower and associated equipment will be located within a 264 square foot, block wall enclosure. The Deviation is a request for a reduction to the minimum setback from the property line and a reduced separation distance from residential uses and districts. The project site contains an existing gas station and convenience store.

Applicant: Jacobs Telecommunications, Inc. for Verizon Wireless

Location: 16801 Dale Evans Parkway; APN 0440-014-28

Environmental

Determination: The project is characterized as the new construction of a small structure with a minor alteration to the land. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303, the proposal is exempt from further environmental review.

Case Planner: Pam Cup, Associate Planner

Proposal: Approval

PLANNING COMMISSION COMMENTS

STAFF COMMENTS

OTHER BUSINESS

5. A request to consider a General Plan Conformity Finding for the Town's Capital Improvement Program (CIP) for fiscal year 2018-2019.

ADJOURNMENT

The Planning Commission will adjourn to its next regularly scheduled Planning Commission meeting on May 16, 2018.

MINUTES

**TOWN OF APPLE VALLEY
PLANNING COMMISSION
REGULAR MEETING**

March 7, 2018

CALL TO ORDER

Chairman Tinsley called to order the regular meeting of the Town of Apple Valley Planning Commission at 6:03 p.m.

Roll Call

Present: Commissioners Bruce Kallen; Doug Qualls; Mark Shoup; Chairman B.R. "Bob" Tinsley
Absent: Vice-Chairman Jason Lamoreaux

Staff Present

Lori Lamson, Assistant Town Manager; Carol Miller, Assistant Director of Community Development; Richard Pedersen, Deputy Town Engineer; Thomas Rice, Town Attorney; Yvonne Rivera, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairman Tinsley.

PUBLIC COMMENTS

None.

PUBLIC HEARINGS

- 1. Tentative Tract Map No. 20128.** A request to subdivide approximately 101 acres into 137 single-family lots and eleven (11) lettered lots. All lots are single-family residential and will range in size from 18,000 to 42,701 square feet. The average lot size for the project is 20,607 square-feet.

Applicant: Frontier Land Holdings Inc.

Chairman Tinsley opened the public hearing at 6:08 p.m.

Carol Miller, Assistant Director of Community Development, presented the staff report as filed with the Planning Division. She noted that the project includes a condition to add two (2) additional feet of easement along Deep Creek Road.

Lori Lamson, Assistant Town Manager, responded to questions by the Commission regarding whether or not the proposed park is sufficient in size for the new single-family development occurring within this subdivision.

Commissioner Qualls asked if there would be a pathway that connects to this subdivision. Ms. Miller responded by saying that essentially the flood channel provides that connection informally.

Commissioner Shoup noted that there is an inconsistency between the map and the report. He stated that the map indicates the current zoning as Single-Family Residential; however, adjacent to it is Office Professional. He also questioned if the build out of Deep Creek Road up to Sitting Bull Road is dependent upon the construction of the projects and whether or not it will alleviate traffic.

Richard Pedersen, Deputy Town Engineer, informed the Commission that this tract does not require connection to Deep Creek Road up to Sitting Bull Road because it will be able to connect to Geronimo Road to the east. He also commented on the requirement to have two points of paved access as part of the project.

Jim Baggarly, Applicant, introduced Chris Morgan and Beau Cooper of United Engineering Group. He indicated that they worked closely with staff to put together the plan that is before the Commission. He thanked staff for their effort and input, and looks forward to moving forward with the project.

Joe Sherman, Apple Valley, stated that he is a thirty-five (35)-year resident of Apple Valley. He believed that the proposed project takes away from the original plans for Apple Valley.

Theresa Mangerino, representing the Verandas Home Owners Association, informed the Commission that the Verandas is located adjacent to the proposed tract. She asked if there would be any impacts to the Verandas once the community is built, as well as when the ground breaking will begin.

Ms. Miller reminded the Commission and public, that this is just a map for tentative approval. She also stated that the map will be valid for three (3)-years from the initial approval date; after that, extensions will have to be requested.

Mr. Baggarly stated that he would be happy to meet with the Home Owners Association to share their vision for the project. He stated that if the project is approved, they would plan the grading phase before the end of year.

Chairman Tinsley asked the Applicant if he agreed with the conditions of approval.

Mr. Baggarly stated that he is in agreement with all the conditions of approval.

Each member of the Commission expressed their support for the proposed project. They believe that the project fits within the Town's planning for development and would be beneficial to the community.

There being no one else in the audience wishing to speak, Chairman Tinsley closed the public hearing at 6:29 p.m.

MOTION

Motion by Commissioner Kallen, and seconded by Commissioner Qualls that the Planning Commission move to:

1. Determine that the proposed Tentative Tract Map will not have a significant effect on the environment with adherence to the Mitigation Measures recommended in this report.
2. Adopt the Mitigated Negative Declaration finding for TTM No. 20128, finding that on the basis of the whole record before the Planning Commission, including the Initial Study and any comments received, there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Town's independent judgment and analysis.
3. Find that the fact presented in the staff report support the required Findings for approval and adopt those Findings.
4. Approve Tentative Tract Map No. 20128, subject to the attached Conditions of Approval.
5. Direct staff to file a Notice of Determination.

Vote: Motion carried 4-0-0-1

Yes: Commissioners Kallen; Qualls; Shoup; Chairman Tinsley.

Absent: Vice-Chairman Lamoreaux

2. **General Plan Amendment No. 2017-001 and Zone Change No. 2017-001.** General Plan Amendment No. 2017-001 is a request to consider a change to the General Plan land use designation from Specific Plan (Meadowbrook) to General Commercial (C-G), Medium Density Residential (R-M: 4 to 20 units per net acre) and Single-Family Residential (R-SF: 1 dwelling unit per 0.4 to 0.9 net acre).

Zone Change No. 2017-001: A request to consider a zone change from Specific Plan (Meadowbrook) to General Commercial (C-G), Multi-Family Residential (R-M) and Single-Family Residential (R-SF).

Applicant: Mark Maida representing all the property owners

Commissioner Kallen announced that he had a potential conflict of interest on this item. Therefore, he recused himself from voting on this item.

COMMISSIONER KALLEN EXCUSED HIMSELF FROM THE DAIS AT 6:31 P.M.

Thomas Rice, Town Attorney, suggested that the Commission take a brief recess in order to review the additional documents received after the start of the meeting.

Chairman Tinsley declared a recess of the Planning Commission at 6:32 p.m.

Chairman Tinsley reconvened the meeting of the Planning Commission at 6:37 P.M.

Chairman Tinsley opened the public hearing at 6:37 p.m.

Carol Miller, Assistant Director of Community Development, presented the staff report as filed with the Planning Division. She noted that the specific plan designation is the Meadow Brook specific plan; a plan approved by the Town in 1991 with amendments made in 1996 and in 2005. She informed the Commission that the Applicant is requesting to eliminate the specific plan, but desires to keep like or similar zoning under the General Plan and zoning classification.

Ms. Miller stated that due to concerns related to traffic, the Applicant was asked to provide a traffic analysis that would demonstrate that the proposal could generate like or less traffic previously identified in 1991. The results came back that this proposal would result in less traffic. Ms. Miller also noted that an initial study that was prepared did not find any significant impacts that needed to be mitigated.

Commissioner Shoup encouraged members of the audience to pick up a copy of the amended map that showed how the planned unit development is currently divided. He also explained how the traffic would be reduced by approval of this project.

Commissioner Shoup asked a series of questions regarding the Commission's ability to eliminate the specific plan and change the General Plan amendment in a way other than it being requested by the applicant

Ms. Miller noted for the record, that the Applicant's name is Mark Maida and he also represents the property owners within the specific plan.

Thomas Rice, Town Attorney, explained the re-noticing process should the Commission decide to change the zoning.

Commissioner Qualls asked questions regarding the existing subdivision that is undeveloped.

A lengthy discussion ensued regarding the specific plan, as well as the requirement to subdivide lots to include areas such as service residential.

Commission Shoup felt that the Commission did not have all the information needed to make a decision tonight.

Tom Steeno, representing the Applicant, stated that the specific plan is a dated document that includes houses that are predesigned for 1991 standards. He spoke of the opportunity to build homes according to today's style. He also reminded the public that the proposal before the Commission tonight is not to build. Mr. Steeno noted that the property lines that show the entries on the specific plan are not correct. He also answered questions by the Commission regarding whether or not this proposal would allow future development of Section 8 apartments.

The following individuals spoke in opposition of the zone change:

Debby Wyatt, Apple Valley
Michael Snow, Apple Valley
Domenic Mariani, Apple Valley
Norm Hilton, Apple Valley
Mrs. Churchill, Apple Valley
Mara Mc Carville, Apple Valley
Fran Hilton, Apple Valley
Kristine C. Alvarez, Apple Valley
Tim Reischl, Apple Valley
Rebecca Cortez, Apple Valley
Joe Sherman, Apple Valley

The following spoke in favor of the zone change:

Sophie Steeno, Hesperia
Tom Murphy, Oak Hills

There being no one else in the audience wishing to speak, Chairman Tinsley closed the public hearing at 7:37 p.m.

Commissioner Qualls commented on the concerns expressed by the public regarding a change in the quality of life for Apple Valley and its residents. However, he also commented on the difficulty to build on a property to achieve the maximum 20 units per acre. He reminded the public that they are welcome to come back to the Commission to publicly speak about the future development of this property.

Commissioner Shoup agreed with the comments by Commissioner Qualls. He stated that although he believes there is a need to change the specific plan, he would not like to see apartments. Commissioner Shoup suggested a modification be made to the specific plan to eliminate apartments.

Mr. Rice informed the Commission that they are not able to initiate a zone change at this time. However, he suggested that the public hearing be continued to a date certain, as long as the Applicant agrees with this decision.

A lengthy discussion ensued regarding the notification requirements under state law.

Chairman Tinsley ensured the public that the Commission will look at all projects and handle each on a case by case basis. He encouraged the public to come back to the Commission to share any concerns they may have on any matter including future development in Apple Valley.

Commissioner Shoup reiterated his desire to have staff work with the Developer to come up with a plan that eliminates the apartments.

MOTION

Motion by Commissioner Shoup to continue the item so that staff and the project owner can work together on a plan that eliminates the apartments.

Motion failed for lack of a second.

Discussion ensued regarding a potential project plans.

Commissioner Qualls responded to the concerns expressed by members of the audience regarding the proposed changes to the General Plan land use designation. He also commented on the reasons he believed the zone change would benefit the community. He spoke of a buffer zone that would allow the transition from single-family residential to commercial areas.

Commissioner Shoup concurred with the comments by Commissioner Qualls; however, he believed there may be other zoning options that would make the transition more seamless. He expressed concern regarding the current specific plan not meeting the Town's standards. He also commented on a land owner's ability to change their zoning to multi-family.

Mr. Rice explained, for the benefit of the Commission, that the Public Hearing for the General Plan Amendment and zone change would be re-noticed prior to going before the Town Council. In addition, there would be noticing at the site and a mailout that meets the noticing requirement of 700 feet.

Chairman Tinsley recommended that staff collect the addresses of the speakers who would like to be re-noticed. He reminded members of the audience that there is no proposal to build apartments in the plan area at this time.

Discussion ensued regarding the concerns expressed by members of the audience regarding the construction of apartment units within the plan area.

NEW MOTION:

Motion by Commissioner Qualls, and seconded by Chairman Tinsley, that the Commission move to:

1. Determine that the proposed General Plan Amendment and Zone Change will not have a significant effect on the environment.
2. Adopt the Negative Declaration finding for General Plan Amendment No. 2017-001 and Zone Change No. 2017-001 on the basis of the whole record before the Planning Commission, including the Initial Study and any comments received, and there is no substantial evidence that the project will have a significant effect on the environment and that the Negative Declaration reflects the Town's independent judgment and analysis.
3. Find that the facts presented in the staff report support the required Findings for approval and adopt those findings.
4. Adopt Planning Commission Resolution No. 2018-002 recommending the Town Council's approval of General Plan Amendment No. 2017-001 and Zone Change No. 2017-001 changing land use designations as identified in the attached exhibit.

Vote: Motion carried 3-0-1-1

Yes: Commissioners Qualls; Shoup; Chairman Tinsley.

Abstain: Commissioner Kallen (Absent from dais)

Absent: Vice-Chair Lamoreaux

COMMISSIONER KALLEN RETURNED TO THE DAIS AT 8:06 P.M.

OTHER BUSINESS

None.

PLANNING COMMISSION COMMENTS

Commissioner Shoup informed the Commission that his appointing Council Member, Barb Stanton, expressed concern regarding the information received by the Town Council on the standards for multi-family housing.

STAFF COMMENTS

Ms. Miller informed the Commission that there will be a Joint Meeting held to discuss multi-family standards.

ADJOURNMENT

Motion by Commissioner Kallen, seconded by Commissioner Qualls, and unanimously carried, to adjourn the meeting of the Planning Commission at 8:07 p.m. to its next regularly scheduled meeting on March 21, 2018.

Respectfully Submitted by:

Yvonne Rivera
Planning Secretary

Approved by:

Chairman B.R. "Bob" Tinsley



Get a Slice of the Apple.

TOWN OF APPLE VALLEY PLANNING COMMISSION

Staff Report

AGENDA DATE:	April 18, 2018
CASE NUMBER:	Conditional Use Permit No. 2017-011 and Deviation Permit No. 2017-003
APPLICANT:	Reliant Land Services for Verizon Wireless
PROPOSAL:	A request for approval of a Conditional Use Permit to install a sixty (60)-foot tall wireless telecommunications tower designed as a pine tree. The tower will be situated within an existing tree line and will include a 195 square foot CMU block wall equipment enclosure. The Deviation is a request for a reduced separation distance from residential uses and from existing wireless telecommunication towers.
LOCATION:	James Woody Park 13413 Navajo Road; APN 3087-351-02.
ENVIRONMENTAL DETERMINATION:	The project is characterized as the new construction of a small structure with a minor alteration to the land. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303, the proposal is exempt from further environmental review.
CASE PLANNER:	Ms. Pam Cupp, Associate Planner
RECOMMENDATION:	Approval

PROJECT AND SITE DESCRIPTION:

- A. Project Size: The telecommunication facility will occupy 195 square feet of lease area within James Woody Park.

B. General Plan Designations:

- Project Site - Open Space (O-S)
- North - Open Space (O-S)
- South - Public Facilities (P-F) and Service Commercial (C-S)
- East - Open Space (O-S)
- West - Public Facilities (P-F) and Medium Density Residential (R-M)

C. Surrounding Zoning and Land Use:

- Project Site - Open Space Recreation (OS-R), Public Park
- North - Open Space Recreation (OS-R), Public Park
- South - Public Facilities (P-F), Water Purveyor Office and Service Commercial (C-S) Commercial Building and Storage Yard.
- East - Open Space Recreation (OS-R), Public Park
- West - Public Facilities (P-F) and Multi-Family Residential (R-M), Community Center and multi-family apartments.

D. Height:

Permitted Maximum:	75 ft. (Preferred Location)
Proposed Maximum:	60 ft.

E. Parking Analysis:

Total Parking Required:	1 Space
Parking Provided:	0 Spaces

F. Setback Analysis:

Antenna	Required	Proposed
Park Boundary:		
From West	22.5 ft.	330 ft.
From East	22.5 ft.	660 ft.
From South	22.5 ft.	130 ft.
From North	22.5 ft.	480 ft.

G. Separation Analysis:

Tower	Required	Proposed
To SFR		
From West	500 ft.	**360 ft.
From East	500 ft.	710 ft.
From South	500 ft.	835 ft.
From North	500 ft.	+2,000 ft.
To Existing Tower	750 ft.	**674 ft.

** highlights the deviations being requested

ANALYSIS:

A. General:

Pursuant to the Development Code, a Conditional Use Permit is required for all new telecommunication towers to afford the Commission the opportunity to review the architecture and aesthetics of any proposed structure. The Code allows

telecommunications facilities within public facilities, such as a public park, with the approval of a Conditional Use Permit. The ordinance encourages telecommunication facilities to be stealth in design, sited in the least visually obtrusive manner, either screened or disguised, mounted on a facade and located on the same property as, or adjacent to, structures with tall features or trees of similar in height.

B. Site Analysis:

The proposed wireless telecommunication facility will be located within James Woody Park. The monopine will be situated along a line of trees that range in height from twenty (20) to forty-five (45) feet. The proposed equipment shelter will be located within a grassy area, adjacent to the retention basin and flush to an existing equipment storage building. The applicant met with Town staff at the location to ensure that the function of the park is not impacted. As a public park, the subject site is a preferred location as described in Section 9.77.180 of the Development Code. As such, the Code does give allowances for up to a fifty (50%) reduction in separation and setback requirements.

The Code requires that the tower be setback a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line and as a preferred location, the required setbacks can be reduced by fifty (50) percent. This calculates to a twenty-two and one half (22.5)-foot (75% of 60 feet = 45 feet. 50% of 45 feet = 22.5 feet) from the adjoining property lines. As proposed, the project exceeds the minimum setback requirements.

The Code requires a minimum 1,000-foot separation to adjacent single-family residential, and as a preferred location, the required separation can be reduced by fifty (50) percent. This calculates to 500 feet. The nearest residence is located approximately 360 feet to the southwest. Since the antenna is closer than 500 feet, the applicant is requesting a Deviation Permit to allow a 140-foot encroachment into the separation requirement.

The Code requires a minimum 1,500-foot separation to an existing antenna exceeding fifty (50) feet in height, and as a preferred location, the required setback can be reduced by fifty (50) percent. This calculates to 750 feet. The nearest existing antenna is a monopole, field light standard located approximately 674 feet to the northeast. Since the antenna is closer than 750, the applicant is requesting a Deviation Permit to allow a seventy-six (76)-foot encroachment into the separation requirement.

The Code requires a four (4)-foot wide, landscape buffer to effectively screen the view of the tower compound. The equipment shelter will be adjacent to an existing storage building within a grassy area frequently used for seating and play. The applicant is requesting a Deviation for relief from the four (4)-foot wide landscape buffer. The tower will not be located within the equipment shelter, but instead in line with other pine trees.

C. Deviation Permit:

With the submittal of a Deviation Permit application, the Planning Commission may increase or modify standards relating to antenna height, setback, separation distance, security fencing or landscape screening if the goals of the Development Code would be better served by granting the requested deviation. Development Code Section 9.77.200 states that the applicant must provide supporting documentation of the identified need that cannot be met in any other manner. There must also be unique circumstances associated with the proposed location necessitating the requested deviation. The applicant should also demonstrate that there are no reasonable alternative sites available to provide the

services offered to grant the waiver. The applicant has provided written justification for the deviations to the setback and separation requirements, which is attached for Commission consideration.

D. Architecture Analysis:

The Development Code discourages the use of monopines, but that the Planning Commission in review of the CUP application may consider a monopine. The applicant has chosen a mono-pine design because of the existing treescape at the park. The applicant is requesting Planning Commission review and approval of a Conditional Use Permit to construct a sixty (60)-foot high monopine. The pole of the monopine will be fifty (50)-foot tall and two (2) feet in diameter. The antenna panels will be eight (8) feet long and will be installed at a maximum height of fifty (50) feet. The simulated foliage for the monopine extends ten (10) feet above the pole to assist in providing a tapered visual effect. The monopine drip line diameter is approximately twenty (20) feet at its widest point. The foliage begins twenty (20) feet above the base of the pole.

The applicant proposes to paint the pole brown with the panel antennas and microwave dish painted to match the foliage. The plans do not indicate the density of the branches per foot. Staff has included Condition of Approval No. P10 outlining specific architectural elements necessary to minimize the appearance of the antenna array including three (3) branches per foot or greater and pine needle socks to camouflage the antennas and any dishes. Also required will be the installation of simulated bark cladding from the base of the tower up to a minimum of twenty-five (25) feet. Further, staff has included a Condition of Approval that prohibits any antennas from extending beyond the limits of the foliage (Condition No. P11).

The monopine is proposed without any enclosure; however, the associated equipment will be located within a, eight (8)-foot tall, 195 square foot CMU block enclosure located adjacent to a park storage building. Staff is recommending Condition No. 12 requiring the enclosure to include decorative pilasters at each corner. Based upon the shelters proximity to a ball field, staff recommends Condition No. P13 requiring the applicant to provide a roof that would prevent balls and people from entering the equipment shelter.

E. Licensing & Future Reviews:

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

F. Environmental Assessment:

The project is characterized as the new construction of a small structure with a minor alteration to the land. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303, the proposal is exempt from further environmental review.

G. Noticing:

The project was legally noticed in the Apple Valley News on April 6, 2018. Staff notified all property owners within 1,500 feet of the site for this public hearing. At the time of the writing of the staff report, staff had not received any communications from neighbors regarding the proposed telecommunication facility.

H. Conditional Use Permit Findings:

As required under Section 9.16.090 of the Development Code, prior to approval of a Conditional Use Permit, the Planning Commission must make the following Findings:

1. That the proposed location, size, design and operating characteristics of the proposed use is consistent with the General Plan, the purpose of this Code, the purpose of the zoning district in which the site is located, and the development policies and standards of the Town;

Comment: The proposed construction of a sixty (60)-foot high telecommunication monopine tower complies with the Telecommunications Ordinance of the Development Code of the Town of Apple Valley, and the adopted General Plan, upon the review and approval of a Conditional Use Permit and Deviation Permit by the Planning Commission.

The Utilities Element of the General Plan Policy 1.H states "...cellular communication towers and other major utility facilities shall be designed and sited so that they result in minimal impacts to viewsheds and minimally pose environmental hazards." This project is compatible with the park landscape. By using a monopine design the visual impact will be minimized while expanding the telecommunication coverage within an area that is deficient in cellular coverage.

2. That the location, size, design and operating characteristics of the proposed use will be compatible with and will not adversely affect nor be materially detrimental to adjacent uses, residents, buildings, structures or natural resources;

Comment: The antenna will incorporate a pine tree design as camouflage for the tower and will be compatible with the site and adjacent uses, based on the existing mature trees. The proposed monopine, with adherence to the recommended Conditions of Approval, is permitted subject to approval of a Conditional Use Permit and Deviation Permit.

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

Comment: The monopine design compatible with the existing park landscaping and compatible in scale and bulk with the existing park and surrounding commercial structures. The monopine design will reduce the visual impact while expanding the telecommunication coverage within an area deficient in cellular coverage.

4. That there are public facilities, services and utilities available at the appropriate levels, or that these will be installed at the appropriate time, to serve the project as they are needed;

Comment: There are existing improvements to serve the proposed site.
5. That there will not be a harmful effect upon desirable neighborhood characteristics;

Comment: The location, size, design (with aesthetics approved by the Planning Commission) and operating characteristics of the proposed telecommunications facility, and the conditions under which it will be operated and maintained, will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity.
6. That the generation of traffic will not adversely impact the capacity and physical character of surrounding streets;

Comment: The proposed wireless telecommunication facility is unmanned and, therefore, not anticipated to generate additional traffic.
7. That traffic improvements and/or mitigation measures are provided in a manner adequate to maintain the existing service level or a Level of Service (LOS) C or better on arterial roads and are consistent with the Circulation Element of the General Plan;

Comment: The proposed wireless telecommunication facility is unmanned and will be located within a public park. Minimal traffic will be generated from the project to adversely affect the surrounding area.
8. That there will not be significant harmful effects upon environmental quality and natural resources;

Comment: The project is characterized as the new construction of a small structure with a minor alteration to the land. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303, the proposal is exempt from further environmental review.
9. That there are no other relevant negative impacts of the proposed use that cannot be reasonably mitigated;

Comment: The project is characterized as the new construction of a small structure with a minor alteration to the land. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303, the proposal is exempt from further environmental review.
10. That the impacts, as described in paragraphs 1 through 9 above, and the proposed location, size, design and operating characteristics of the proposed use and the

conditions under which it would be maintained will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity, nor be contrary to the adopted General Plan;

Comment: The project, if approved, would be required to provide FCC (Federal Communications Commission) licensing which regulates electromagnetic fields and radio frequencies.

11. That the proposed conditional use will comply with all of the applicable provisions of this title;

Comment: The proposed telecommunications facility can be built in conformance to the Development Code, subject to approval of a Conditional Use Permit, Deviation Permit and adherence to the recommended Conditions of Approval.

12. That the materials, textures and details of the proposed construction, to the extent feasible, are compatible with the adjacent and neighboring structures;

Comment: With compliance with the Conditions of Approval, the materials, textures and details of the proposed antenna and associated equipment compound will blend with the existing park landscape and adjacent structures.

13. That the development proposal does not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings with respect to mass and scale to an extent unnecessary and inappropriate to the use;

Comment: The location of the monopine is among existing pine trees that serve as a border separating a ball field from a storm water retention basin. The proposal will not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings.

14. That quality in architectural design is maintained in order to enhance the visual environment of the Town and to protect the economic value of existing structures.

Comment: The design of a pine tree adjacent to or within proximity of other trees will help minimize the appearance of the tower.

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

Comment: The wireless telecommunications facility will be unmanned. The proposed improvements will not alter the function of the public park.

I. Findings for Deviation:

As required under Section 9.77.200 of the Development Code, the Planning Commission may increase or modify any standard relating to setbacks and separation distance. Prior to approval of a Deviation Permit, the Planning Commission must make specific Findings. Below are the Findings with a comment to address each.

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

Comment: The applicant has submitted the required supporting documentation indicating that this need cannot be met in any other manner.

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

Comment: Given the site design of the existing facility, the location appears most logical despite the encroachments into the required setbacks. With adherence to the 500-foot and 750-foot separation requirements, it would preclude the use of this preferred location for telecommunication. Essentially, any viable on-site location would result in an encroachment. The location is within a public park with existing grass and trees to serve as a landscape buffer.

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

Comment: The applicant has submitted the required supporting documentation indicating that this need cannot be met in any other manner. Given the site design of the existing facility, the location appears most logical despite the encroachments into the required setbacks. With adherence to the 500-foot and 750-foot separation requirements, it would preclude the use of this preferred location for telecommunication. Essentially, any viable on-site location would result in an encroachment.

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

Comment: The applicant has submitted the required supporting documentation indicating that this need cannot be met in any other manner. Given the site design of the existing facility, the location appears most logical despite the encroachments into the required setbacks. With adherence to the 500-foot and 750-foot separation requirements, it would preclude the use of this preferred location for telecommunication. Essentially, any viable on-site location would result in an encroachment.

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

Comment: Given the site design of park, the location appears most logical despite the encroachments into the required setbacks. Allowing a Deviation from the 500-foot and 750-foot separation requirements,

will not interfere with the park functionality nor will it be materially detrimental to the public health, safety or general welfare. Additionally, given the existing landscaping in the park, allowing a Deviation for the four (4)-foot wide landscape buffer would not be detrimental because the location is within a public park with existing grass and trees to serve as a landscape buffer.

RECOMMENDATION:

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

1. Determine that pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303, Conditional Use Permit No. 2017-011 and Deviation Permit No. 2017-003 are exempt from further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings for Conditional Use Permit No. 2017-011 and Deviation Permit No. 2017-003.
3. Approve Conditional Use Permit No. 2017-011 and Deviation Permit No. 2017-003, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

Prepared By:

Reviewed By:

Pam Cupp
Associate Planner

Carol Miller
Assistant Director of Community Development

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Justification for Deviations
3. Site Plans
4. Elevation
5. Zoning Map
6. Photo-simulation and RF maps (see separate attachment)

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Conditional Use Permit No. 2017-011 & Deviation Permit No. 2017-003

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 the applicant and/or property owner from full conformance and adherence to all requirements of the Municipal Code.*

Planning Division Conditions of Approval

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval to approve a specific use of land, if not established in conformance to any conditions applied, shall become void three (3) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least 60 days prior to the void date. The Conditional Use Permit becomes effective 10 days from the date of the decision unless an appeal is filed as stated in the Town's Development Code, Section 9.03.0180.
- P2. The applicant shall 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.
- P3. The applicant recognizes the approval of Conditional Use Permit No. 2017-011 and Deviation Permit No. 2017-003 by the Planning Commission as acknowledgment of Conditions of Approval, unless an appeal is filed in accordance with Section 9.12.250, *Appeals*, of the Town of Apple Valley Development Code.
- P4. The rendering(s) presented to, and approved by, the Planning Commission at the public hearing shall be the anticipated and expected appearance of the structure upon completion.
- P5. 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.

- P6. The Community Development Director or his/her designee, shall have the authority for minor architectural changes focusing around items such as window treatments, color combinations, façade treatments, and architectural relief.
- P7. The applicant shall supply verification with the American National Standards Institute (ANSI) by providing a copy of its FCC license agreement prior to issuance of Certificate of Occupancy.
- P8. In the event the antenna(s) becomes obsolete and/or abandoned, the provider shall remove the antenna(s) and all related mechanical equipment and return the site to its original state, or an improved state, within 30 days of abandonment.
- P9. The filing of a Notice of Exemption requires the County Clerk to collect a \$50.00 documentary handling and filing fees. The fee must be paid in a timely manner in accordance with Town procedures. No permits may be issued until such fee is paid. The check shall be made payable to the Clerk of the Board of Supervisors.
- P10. Plans submitted for plan check shall reflect a tree branch of three (3) branches per foot or greater and pine needle socks to camouflage the antennas and any dishes. The submitted plans shall also include the installation of simulated bark cladding from the base of the tower up to a minimum of twenty-five (25) feet.
- P11. No antenna array shall extend beyond the foliage.
- P12. The equipment shelter shall have decorative pilasters at all corners. No barbed, razor or other wire material shall be used in or on the facility.
- P13. The equipment shelter shall include a roof to prevent items and people from entering the shelter, subject to the review and approval of the Planning Division.

Building and Safety Division Conditions of Approval

- BC1. Submit plans, engineering and obtain permits for all structures and retaining walls, signs.
- BC2. All utilities shall be placed underground in compliance with Town Ordinance No. 89.
- BC3. Comply with the State of California Disability Access requirements.
- BC4. A dust palliative or hydro seed will be required on those portions of the site graded but not constructed (phased construction)
- BC5. Page two (2) of the submitted building plans will be conditions of approval.
- BC6. Construction must comply with current California Building Codes and green Building Code.
- BC7. Best Management Practices (BMP's) are required for the site during construction.
- BC8. Provide Water Quality Management Plan (WQMP) or Alternative Compliance Plan

Apple Valley Fire Protection District

- FD1. The above referenced project is protected by the Apple Valley Fire Protection District. Prior to construction occurring on any parcel, the owner shall contact the Fire District for verification of current fire protection development requirements.
- FD2. All new construction shall comply with applicable sections of the California Fire Code, California Building Code, and other statutes, ordinances, rules, and regulations regarding fires and fire prevention adopted by the State, County, or Apple Valley Fire Protection District.
- FD3. All combustible vegetation, such as dead shrubbery and dry grasses, shall be removed from each building site a minimum distance of thirty (30) feet from any combustible building material, including the finished structure. This does not apply to single specimens of trees, ornamental shrubbery, or similar plants, which are used as ground cover if they do not form a means of transmitting fire.

Public Resources Code, Sec. 4291
- FD4. Provide a N.F.P.A. 704 Placard identifying the Hazardous Materials for the batteries.
- FD5. Provide (1) 2A10BC minimum rating fire extinguisher and serviced by a certified company.

End of Conditions

Findings to Grant a Deviation for a Wireless Telecommunications Facility

Findings/Burden of Proof

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

Chapter 9.77 Wireless Telecommunication Towers and Antennas Section 130.D6.3 -- 1500' separation distance between monopoles 50' in height or greater.

2. *Granting the deviation will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvement in the vicinity and land use district in which the property is located.*

Being an unmanned facility, the proposed use requires no parking, has no impact on traffic, circulation or density and will not utilize any leasable space. Care was taken in locating the antennas and integrating them into the core design of the immediate neighborhood to minimize potential visual impacts from surrounding public viewing areas.

Wireless telecommunications systems have proven to be invaluable tools in business communications and for personal use. 90% of US households use wireless services. With this increase in demand from users at home and those who work from home comes the need for more facilities to meet the customer needs. 76% of 911 calls originate from a cell phone (National Highway Traffic administration, February, 2016). The consumer demand is rapidly growing and data usage has more than doubled since the *iphone* and *ipad* were released. In the United States, mobile data traffic will grow 7-fold from 2014 to 2019, a compound annual growth rate of 47% (Cisco VNI Mobile Forecast Highlights, 2014-2019, October 2015). The usage of wireless devices (cell phones, PDA's, tablets, notebooks, smart TVs, digital voice assistants, appliances, wearables, entertainment systems, home monitoring and security equipment, and automobiles) increases exponentially, causing coverage and service areas to become smaller and smaller. The surrounding Verizon antennas, namely, Tonikan, Candlewood & Kiowa, are currently being overloaded and are over capacity, resulting in dropped calls and slower service. These new antennas will provide faster services and customers will receive better coverage.

The installation and operation of the proposed facility will offer improved:

- Communications for local, state, and federal emergency services providers such as police, fire, paramedics, and other first-responders.
- Personal safety and security for community members in an emergency, or when there is an urgent need to reach family members or friends. Safety is the primary reason parents provide cell phones to their children. Currently, 25% of all preteens (age 9-12) and 75% of all teens (age 13-19) have cell phones.
- Capability of local businesses to better serve their customers.
- Opportunities for a city or county to attract businesses to their community for greater economic development.

- Enhanced 911 Services (E911) – The FCC mandates that all cell sites have location capability. Effective site geometry within the overall network is needed to achieve accurate location information for mobile users through triangulation with active cell sites. Over half of all 911 calls are made using mobile phones.

3. *The applicant has provided supporting documentation of the identified need that cannot be met in any other manner.*

Verizon's radio-frequency engineers (RF) have identified a deficiency in its wireless service near Happy Trails Hwy, east of Kiowa Rd., North of Lone Eagle Ct., west of Quinnault Rd. as demonstrated on the enclosed radio-signal propagation maps. Existing neighboring Verizon sites do not provide adequate coverage. Verizon has reviewed several alternative properties in the area before determining that the proposed site is the optimal location. Please refer to Alternative Site Analysis for alternative locations. The public park is a preferred location among properties zoned for residential uses.

4. *There are unique circumstances associated with the proposed location necessitating the requested Deviations.*

The existing 70' tall stealthed light pole has two radomes with antennas inside. It is not suitable for co-location due the following reasons:

- Verizon RF engineer requires a full array of twelve antennas in order to fulfill his objectives. A twelve antennas installation can only be achieved with antenna arms and mounting pipes extended from the pole. This design would defeat the current concealing elements of the light pole.
- Verizon RF engineer requires the antennas, at minimum, to be located at a center of 46' above the ground in order to resolve coverage deficiencies and to improve network reliability. The existing pole, with two radomes and a light fixture approx. at 50', does not have the adequate spacing to accommodate the height requirement of the antennas center.
- Structurally, the existing pole was not designed to hold more than two radomes.

Because of the existing pole is not suitable candidate for colocation, the only viable option for Verizon is to construct a new antennas support structure.

5. *There are no reasonable alternative sites available to provide the services offered.*

Maintaining the 1500' separation distance would place any proposed tower outside the perimeter of the public park. Verizon has reviewed several alternative properties in the area before determining that the proposed site is the optimal location. Please refer to Alternative Site Analysis for alternative locations. The public park is a preferred location among properties zoned for residential uses.

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

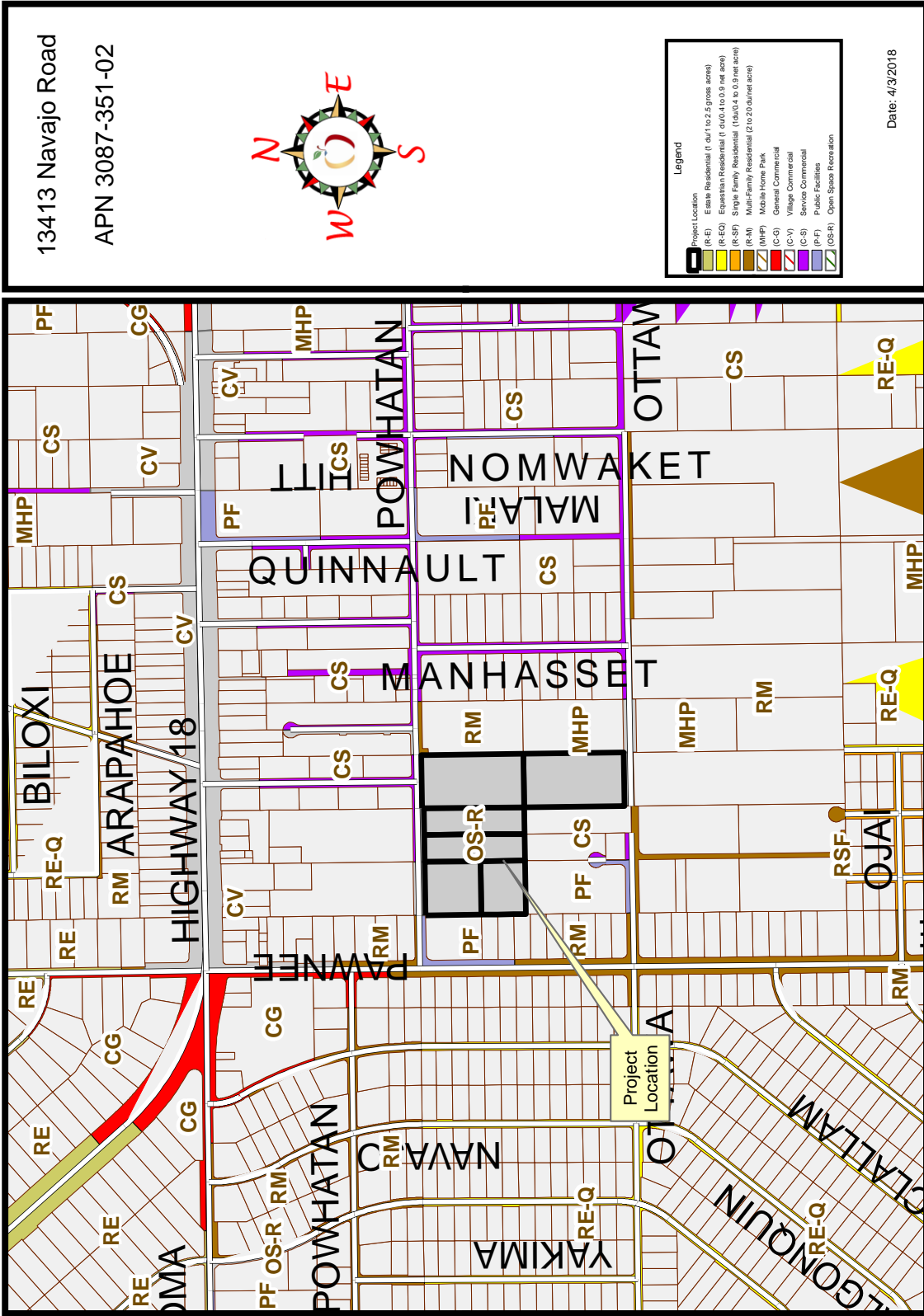
The proposed antennas project is on top of a new 60' tall support structure in this Public Facility / Open Space zone. The antennas will be utilized by customers and residents in the surrounding area. This wireless facility is designed to blend into the existing community. The antennas and mounting apparatuses will be painted to match the foliage of the faux pine tree. The faux pine will be aligned with a row of established mature trees which will further enhance the stealthing effect. Radio equipment will be installed inside an 8' tall CMU wall enclosure adjacent to an existing one-story storage building. Verizon is committed to provide a design that is the least obtrusive and integrate into the surrounding environment harmoniously.

No adverse impact to the character of the existing neighborhood would occur due to the construction of this wireless facility. The use will not emit any fumes, smoke, or odor that could be considered objectionable. The proposed use is unmanned, only requiring periodic maintenance and will not generate additional traffic trips, increase noise levels in the vicinity, or generate waste.

All wireless telecommunication facilities must operate in full compliance with all State and Federal regulations including the Telecommunication Act of 1996. Verizon Wireless is federally mandated to comply with the FCC license requirements and will comply with the RF emissions. The equipment is proposed to operate within the standard established by federal regulation for safe continuous exposure to radio frequency emissions to the public and with low-power transmitters designed to minimize signal interference.

Conditional Use Permit No. 2017-011
 and Deviation Permit No. 2017-003

ZONING/LOCATION MAP





TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

Staff Report

- AGENDA DATE:** April 18, 2018
- CASE NUMBER:** Conditional Use Permit No. 2017-010
- APPLICANT:** J5 Infrastructure for Verizon Wireless
- PROPOSAL:** A request for approval of a Conditional Use Permit to install a seventy-five (75)-foot tall wireless telecommunications tower designed as a pine tree. The tower will be located within a commercial retail center and will include a 400 square foot CMU block wall equipment enclosure.
- LOCATION:** Apple Valley Towne Center 12279 Apple Valley Road; APN 3087-751-11.
- ENVIRONMENTAL DETERMINATION:** The project is characterized as the new construction of a small structure with a minor alteration to the land. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303, the proposal is exempt from further environmental review.
- CASE PLANNER:** Ms. Pam Cupp, Associate Planner
- RECOMMENDATION:** Approval

PROJECT AND SITE DESCRIPTION:

- A. Project Size: The telecommunication facility will occupy 400 square feet of lease area within a twenty-four (24)-acre commercial retail center.
- B. General Plan Designations:
- Project Site - Regional Commercial (C-R)
 - North - Regional Commercial (C-R)
 - South - Regional Commercial (C-R)
 - East - Regional Commercial (C-R)
 - West - Regional Commercial (C-R)

C. Surrounding Zoning and Land Use:

Project Site - Regional Commercial (C-R), Retail Center
 North - Regional Commercial (C-R), Well Site
 South - Regional Commercial (C-R), Retail Center
 East - Regional Commercial (C-R), Vacant
 West - Regional Commercial (C-R), Retail Center

D. Height:

Permitted Maximum: 75 ft. (Preferred Location)
 Proposed Maximum: 75 ft.

E. Parking Analysis:

Total Parking Required: 1 Space
 Parking Provided: 0 Spaces

F. Setback Analysis:

Antenna	Required	Proposed
Property Line		
From West	28.125 ft.	32 ft.
From East	28.125 ft.	32 ft.
From South	28.125 ft.	130 ft.
From North	28.125 ft.	37 ft.

G. Separation Analysis:

Tower	Required	Proposed
To Residential Use/Zone		
From West	500 ft.	900 ft.
From East	500 ft.	1,680 ft.
From South	500 ft.	3,300 ft.
From North	500 ft.	+4,000 ft.
To Existing Tower	750 ft.	2,080 ft.

ANALYSIS:

A. General:

Pursuant to the Development Code, a Conditional Use Permit is required for all new telecommunication towers to afford the Commission the opportunity to review the architecture and aesthetics of any proposed structure. The Code allows telecommunications facilities within commercial zones with the approval of a Conditional Use Permit. The ordinance encourages telecommunication facilities to be stealth in design, sited in the least visually obtrusive manner, either screened or disguised, mounted on a facade and located on the same property as, or adjacent to, structures with tall features or trees of similar in height.

B. Site Analysis:

The proposed wireless telecommunication facility will be located within the Apple Valley Towne Center. The monopine will be situated on a vacant parcel located at the eastern boundary of the commercial center. The project site is adjacent to an existing water well

site, and based upon the approved site plan for Apple Valley Towne Center, the anticipated use for this parcel also appears to be utility related. There are existing pine trees along the parcel's western boundary which appear to be approximately twenty (20) feet tall. The proposed equipment shelter will be located on the north side of the parcel. The project site is a portion of an existing commercial center with approximately 225,000 of developed structures. Therefore, the subject site is considered a preferred location as described in Section 9.77.180 of the Development Code. As a preferred location, the Code allows a for a maximum height of seventy-five (75) feet and allows for up to a fifty (50%) reduction in separation and setback requirements.

The Code requires that the tower be setback a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line and as a preferred location, the required setbacks can be reduced by fifty (50) percent. This calculates to a 28.125-foot (75% of 75 feet = 56.25 feet. 50% of 56.25 feet = 28.125 feet) from the adjoining property lines. As proposed, the project exceeds the minimum setback requirements.

The Code requires a minimum 1,000-foot separation to adjacent single-family residential, and as a preferred location, the required separation can be reduced by fifty (50) percent. This calculates to 500 feet. The nearest residence is located approximately 900 feet to the west; therefore, the project is in compliance with the minimum separation distance required between a wireless telecommunication tower within a preferred location and a residential use or district.

The Code requires a minimum 1,500-foot separation to an existing antenna exceeding fifty (50) feet in height, and as a preferred location, the required setback can be reduced by fifty (50) percent. This calculates to 750 feet. The nearest existing antenna is located at the Victor Valley Museum, which is approximately 2,000 feet south of the project site; therefore, the proposal is in compliance with the minimum separation distance required between wireless telecommunication towers.

The Code requires a four (4)-foot wide, landscape buffer to effectively screen the view of the tower compound. The applicant proposes climbing vines along the exterior of the equipment shelter. Although the vine will cover the block wall, staff is recommending Condition of Approval P13 requiring a four (4)-foot wide densely planted landscape buffer around the equipment shelter consisting of trees, shrubs and ground cover in accordance with the Development Code. The monopine will be located outside of the equipment shelter, east of an existing row of pine trees at heights of roughly twenty (20) feet tall.

C. Architecture Analysis:

The Development Code discourages the use of monopines, but the Planning Commission in review of the CUP application may consider a monopine. The applicant has chosen a mono-pine design because of the existing pine trees on the project site. The applicant is requesting Planning Commission review and approval of a Conditional Use Permit to construct a seventy-five (75)-foot high monopine. The pole of the monopine will be seventy (70) foot tall and two (2) feet in diameter. The Verizon antenna panels will be eight (8) feet long and will be installed at a maximum height of seventy (70) feet. There is also available space for a collocater to install its antennas at a maximum height of fifty-two (52) feet. The simulated foliage for the monopine extends five (5) feet above the pole to assist in providing a tapered visual effect. The monopine drip line diameter is approximately

twenty-four (24) feet at its widest point. The foliage begins twenty (20) feet above the base of the pole.

The applicant proposes to paint the pole brown with the panel antennas and microwave dish painted to match the foliage. The plans do not indicate the density of the branches per foot. Staff has included Condition of Approval No. P10 outlining specific architectural elements necessary to minimize the appearance of the antenna array including three (3) branches per foot or greater and pine needle socks to camouflage the antennas and any dishes. Also required will be the installation of simulated bark cladding from the base of the tower up to a minimum of twenty-five (25) feet. Further, staff has included a Condition of Approval that prohibits any antennas from extending beyond the limits of the foliage (Condition No. P11).

The monopine is proposed without any enclosure; however, the associated equipment will be located within a, eight (8)-foot tall, 400 square foot CMU block enclosure. Staff is recommending Condition No. 12 requiring the enclosure to include decorative pilasters at each corner.

E. Licensing & Future Reviews:

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

F. Environmental Assessment:

The project is characterized as the new construction of a small structure with a minor alteration to the land. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303, the proposal is exempt from further environmental review.

G. Noticing:

The project was legally noticed in the Apple Valley News on April 6, 2018. Staff notified all property owners within 1,500 feet of the site for this public hearing. At the time of the writing of the staff report, staff had not received any communications from neighbors regarding the proposed telecommunication facility.

H. Conditional Use Permit Findings:

As required under Section 9.16.090 of the Development Code, prior to approval of a Conditional Use Permit, the Planning Commission must make the following Findings:

1. That the proposed location, size, design and operating characteristics of the proposed use is consistent with the General Plan, the purpose of this Code, the purpose of the zoning district in which the site is located, and the development policies and standards of the Town;

Comment: The proposed construction of a seventy-five (75)-foot high telecommunication monopine tower complies with the Telecommunications Ordinance of the Development Code of the Town of Apple Valley, and the adopted General Plan, upon the review and approval of a Conditional Use Permit by the Planning Commission.

The Utilities Element of the General Plan Policy 1.H states "...cellular communication towers and other major utility facilities shall be designed and sited so that they result in minimal impacts to viewsheds and minimally pose environmental hazards." This project is compatible with existing landscape and contains buildings with heights that will help minimize the visual impact of the seventy-five (75)-foot tall monopine.

2. That the location, size, design and operating characteristics of the proposed use will be compatible with and will not adversely affect nor be materially detrimental to adjacent uses, residents, buildings, structures or natural resources;

Comment: The antenna will incorporate a pine tree design as camouflage for the tower and will be compatible with the site and adjacent uses, based on the existing mature trees. The proposed monopine, with adherence to the recommended Conditions of Approval, is permitted subject to approval of a Conditional Use Permit.

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

Comment: The proposed monopine is compatible in design with existing landscaping. The height and bulk of the existing commercial structures will minimize the visual impact while expanding wireless telecommunication coverage within an area is deficient in cellular coverage.

4. That there are public facilities, services and utilities available at the appropriate levels, or that these will be installed at the appropriate time, to serve the project as they are needed;

Comment: There are existing improvements to serve the proposed site.

5. That there will not be a harmful effect upon desirable neighborhood characteristics;

Comment: The location, size, design (with aesthetics approved by the Planning Commission) and operating characteristics of the proposed telecommunications facility, and the conditions under which it will be operated and maintained, will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity.

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

Comment: The proposed wireless telecommunication facility is unmanned and, therefore, not anticipated to generate additional traffic.

7. That traffic improvements and/or mitigation measures are provided in a manner adequate to maintain the existing service level or a Level of Service (LOS) C or better on arterial roads and are consistent with the Circulation Element of the General Plan;

Comment: The proposed wireless telecommunication facility is unmanned and will be located within an existing commercial retail center. Minimal traffic will be generated from the project to adversely affect the surrounding area.

8. That there will not be significant harmful effects upon environmental quality and natural resources;

Comment: The project is characterized as the new construction of a small structure with a minor alteration to the land. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303, the proposal is exempt from further environmental review.

9. That there are no other relevant negative impacts of the proposed use that cannot be reasonably mitigated;

Comment: The project is characterized as the new construction of a small structure with a minor alteration to the land. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303, the proposal is exempt from further environmental review.

10. That the impacts, as described in paragraphs 1 through 9 above, and the proposed location, size, design and operating characteristics of the proposed use and the conditions under which it would be maintained will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity, nor be contrary to the adopted General Plan;

Comment: The project, if approved, would be required to provide FCC (Federal Communications Commission) licensing which regulates electromagnetic fields and radio frequencies.

11. That the proposed conditional use will comply with all of the applicable provisions of this title;

Comment: The proposed telecommunications facility can be built in conformance to the Development Code, subject to approval of a Conditional Use Permit and adherence to the recommended Conditions of Approval.

12. That the materials, textures and details of the proposed construction, to the extent feasible, are compatible with the adjacent and neighboring structures;

Comment: With compliance with the Conditions of Approval, the materials, textures and details of the proposed antenna and associated equipment compound will blend with the existing landscape and adjacent structures.

13. That the development proposal does not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings with respect to mass and scale to an extent unnecessary and inappropriate to the use;

Comment: The proposed monopine will be located among existing pine trees and adjacent to building with height and bulk that will minimize the visual impact. The proposal will not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings.

14. That quality in architectural design is maintained in order to enhance the visual environment of the Town and to protect the economic value of existing structures.

Comment: The design of a pine tree adjacent to or within proximity of other trees and structures will help minimize the appearance of the tower.

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

Comment: The wireless telecommunications facility will be unmanned. Access will only be provided for service purpose only.

RECOMMENDATION:

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

1. Determine that pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303, Conditional Use Permit No. 2017-010 is exempt from further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings for Conditional Use Permit No. 2017-010.
3. Approve Conditional Use Permit No. 2017-010 subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

Prepared By:

Reviewed By:

Pam Cupp
Associate Planner

Carol Miller
Assistant Director of Community Development

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Site Plans
3. Elevation
4. Zoning Map
5. Photo-simulation and RF maps (see separate attachment)

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Conditional Use Permit No. 2017-010

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 the applicant and/or property owner from full conformance and adherence to all requirements of the Municipal Code.*

Planning Division Conditions of Approval

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval to approve a specific use of land, if not established in conformance to any conditions applied, shall become void three (3) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least 60 days prior to the void date. The Conditional Use Permit becomes effective 10 days from the date of the decision unless an appeal is filed as stated in the Town's Development Code, Section 9.03.0180.
- P2. The applicant shall 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.
- P3. The applicant recognizes the approval of Conditional Use Permit No. 2017-010 and by the Planning Commission as acknowledgment of Conditions of Approval, unless an appeal is filed in accordance with Section 9.12.250, *Appeals*, of the Town of Apple Valley Development Code.
- P4. The rendering(s) presented to, and approved by, the Planning Commission at the public hearing shall be the anticipated and expected appearance of the structure upon completion.
- P5. 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.

- P6. The Community Development Director or his/her designee, shall have the authority for minor architectural changes focusing around items such as window treatments, color combinations, façade treatments, and architectural relief.
- P7. The applicant shall supply verification with the American National Standards Institute (ANSI) by providing a copy of its FCC license agreement prior to issuance of Certificate of Occupancy.
- P8. In the event the antenna(s) becomes obsolete and/or abandoned, the provider shall remove the antenna(s) and all related mechanical equipment and return the site to its original state, or an improved state, within 30 days of abandonment.
- P9. The filing of a Notice of Exemption requires the County Clerk to collect a \$50.00 documentary handling and filing fees. The fee must be paid in a timely manner in accordance with Town procedures. No permits may be issued until such fee is paid. The check shall be made payable to the Clerk of the Board of Supervisors.
- P10. Plans submitted for plan check shall reflect a tree branch of three (3) branches per foot or greater and pine needle socks to camouflage the antennas and any dishes. The submitted plans shall also include the installation of simulated bark cladding from the base of the tower up to a minimum of twenty-five (25) feet.
- P11. No antenna array shall extend beyond the foliage.
- P12. The equipment shelter shall have decorative pilasters at all corners. No barbed, razor or other wire material shall be used in or on the facility.
- P13. The equipment shelter shall include a four (4)-foot wide, densely planted landscape buffer. Landscaping shall be installed with appropriate combinations of drought tolerant trees, shrubs, and ground cover, consistent with Chapter 9.75, Water Conservation Landscape Regulations, of this Code.
- P14. Final landscape and irrigation plans shall be submitted prior to the issuance of Building permits and installed prior to issuance of occupancy permits subject to approval by the Planning Division.
- P15. All required and installed landscaping shall incorporate and maintain a functioning automatic sprinkler system, and said landscaping shall be maintained in a neat, orderly, disease and weed free manner at all times.

Building and Safety Division Conditions of Approval

- BC1. Submit plans, engineering and obtain permits for all structures and retaining walls, signs.
- BC2. All utilities shall be placed underground in compliance with Town Ordinance No. 89.
- BC3. Comply with the State of California Disability Access requirements.
- BC4. A dust palliative or hydro seed will be required on those portions of the site graded but not constructed (phased construction)

- BC5. Page two (2) of the submitted building plans will be conditions of approval.
- BC6. Construction must comply with current California Building Codes and green Building Code.
- BC7. Best Management Practices (BMP's) are required for the site during construction.
- BC8. Provide Water Quality Management Plan (WQMP) or Alternative Compliance Plan

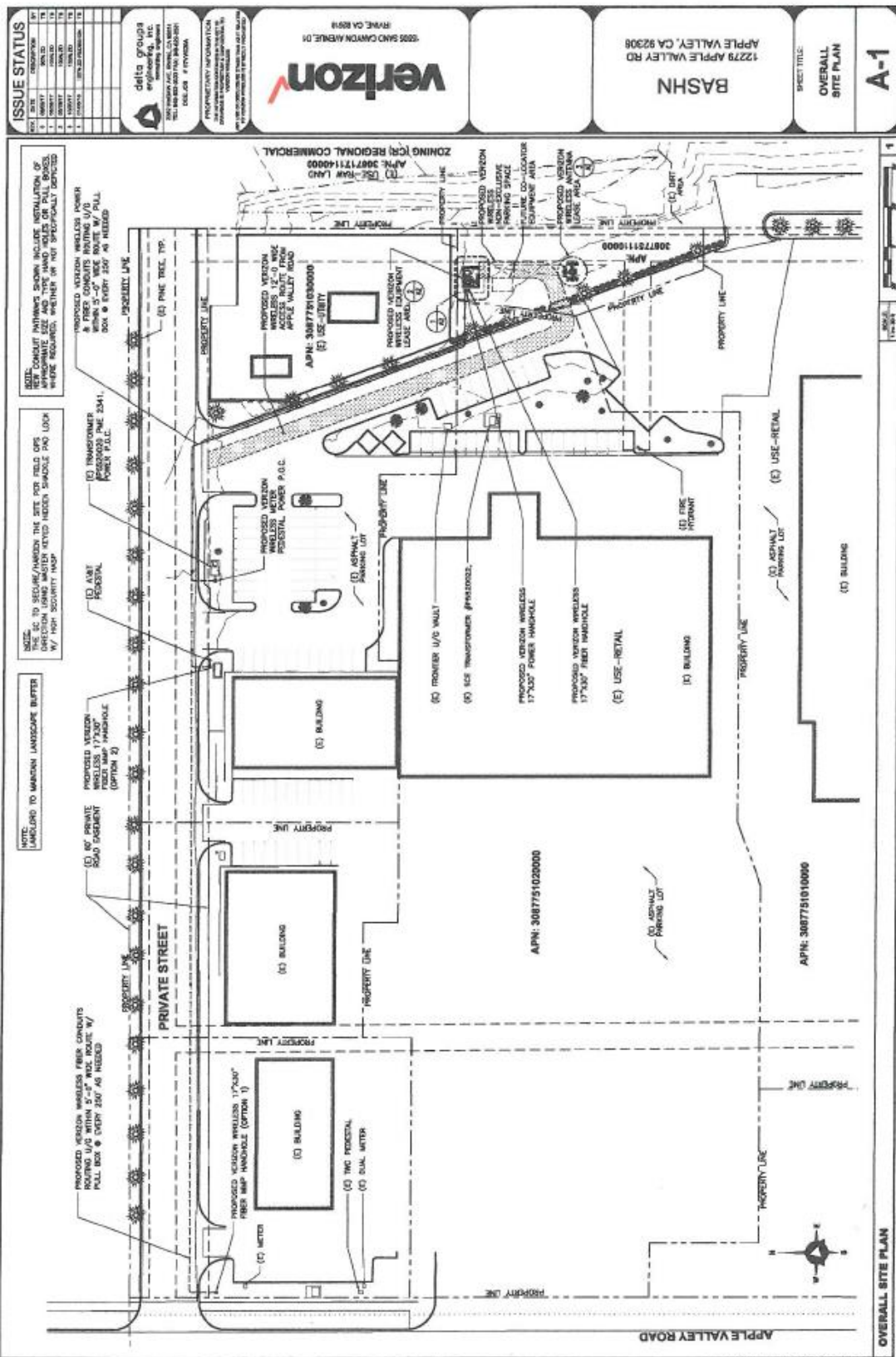
Apple Valley Fire Protection District

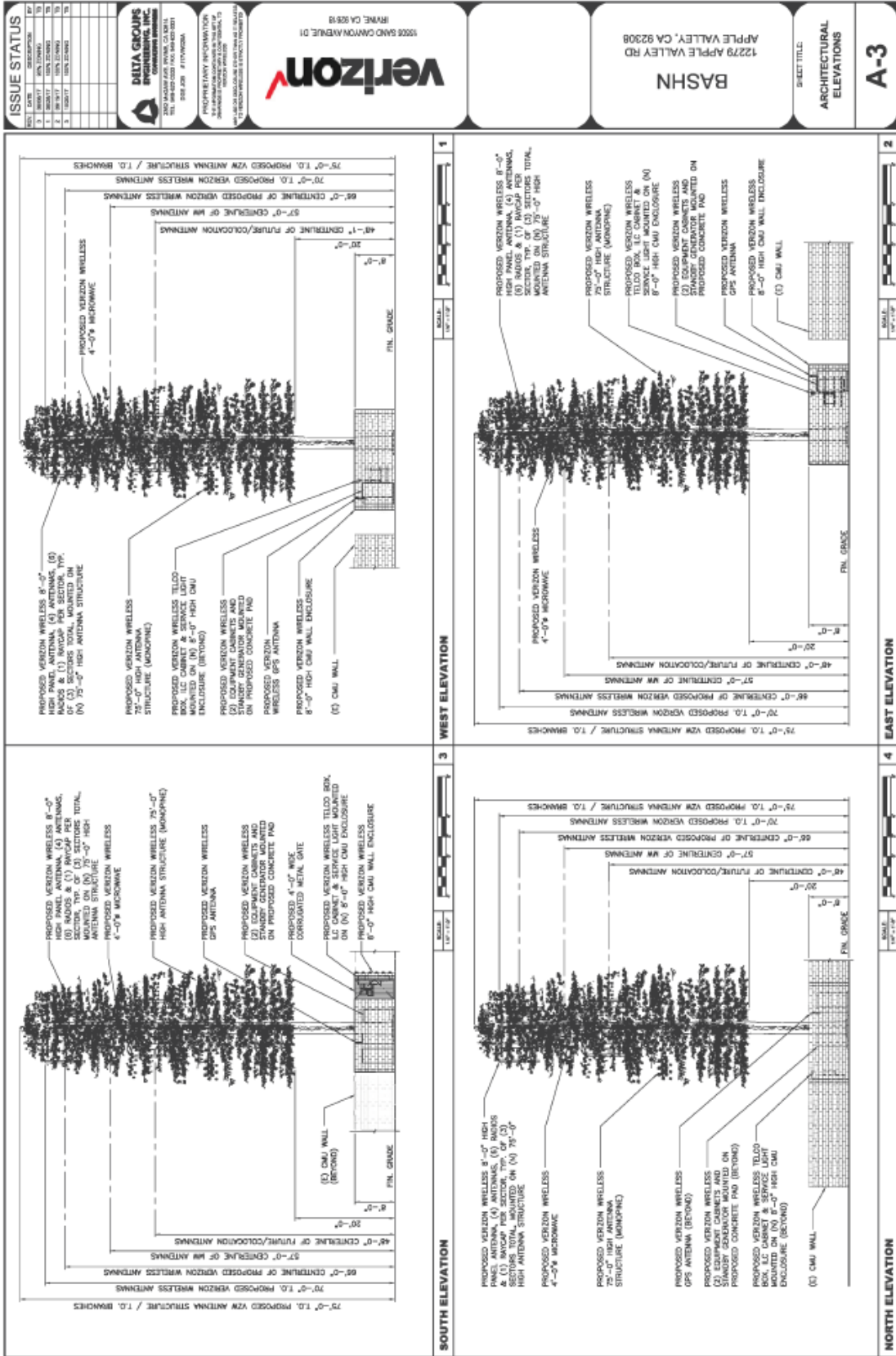
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- FD2. All new construction shall comply with applicable sections of the California Fire Code, California Building Code, and other statutes, ordinances, rules, and regulations regarding fires and fire prevention adopted by the State, County, or Apple Valley Fire Protection District.
- FD3. All combustible vegetation, such as dead shrubbery and dry grasses, shall be removed from each building site a minimum distance of thirty (30) feet from any combustible building material, including the finished structure. This does not apply to single specimens of trees, ornamental shrubbery, or similar plants, which are used as ground cover if they do not form a means of transmitting fire.

Public Resources Code, Sec. 4291

- FD4. Provide a N.F.P.A. 704 Placard identifying the Hazardous Materials for the batteries.
- FD5. Provide (1) 2A10BC minimum rating fire extinguisher and serviced by a certified company.

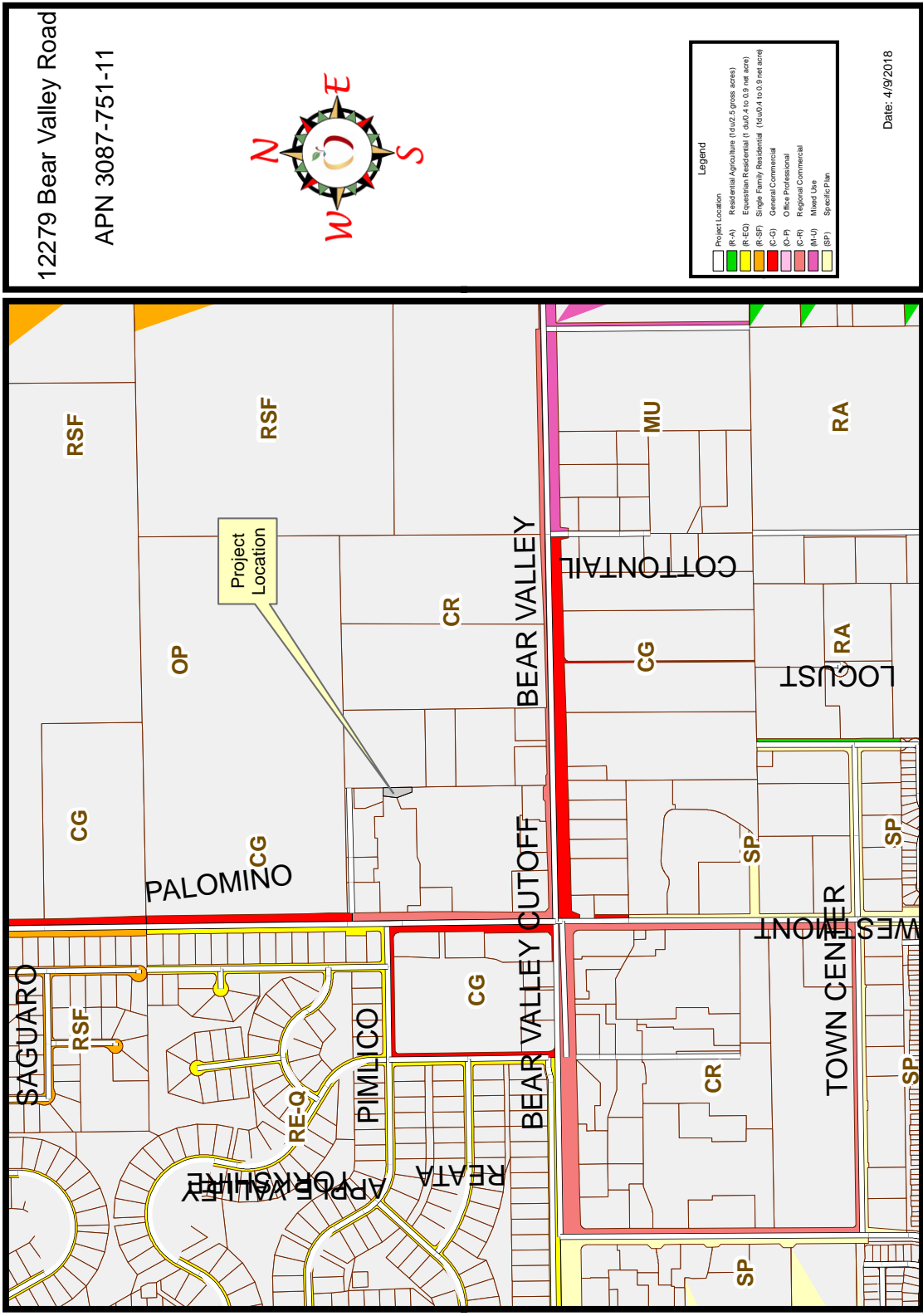
End of Conditions





ZONING/LOCATION MAP

Conditional Use Permit No. 2017-010



12279 Bear Valley Road
 APN 3087-751-11



Legend

Project Location	Residential Agriculture (1 du/2.5 gross acres)
(R-A)	Residential Agriculture (1 du/2.5 gross acres)
(R-EQ)	Residential Medium Density (1 du/0.4 to 0.9 net acre)
(R-SF)	Residential Single-Family (1 du/0.4 to 0.9 net acre)
(C-G)	Community General
(C-P)	Community Professional
(C-R)	Community Residential
(M-U)	Medium Density Residential
(SP)	Specific Plan

Date: 4/9/2018



Get a Slice of the Apple.

TOWN OF APPLE VALLEY PLANNING COMMISSION

Staff Report

- AGENDA DATE:** April 18, 2018
- CASE NUMBER:** Conditional Use Permit No. 2017-012 and Deviation Permit No. 2017-004
- APPLICANT:** Jacobs Telecommunications, Inc. for Verizon Wireless
- PROPOSAL:** A request for approval of a Conditional Use Permit to install a fifty-five (55)-foot tall wireless telecommunications tower designed as a pine tree. The tower and associated equipment will be located within a 264 square foot, block wall enclosure. The Deviation is a request for a reduction to the minimum setback from the property line and a reduced separation distance from residential uses and districts. The project site contains an existing gas station and convenience store.
- LOCATION:** 16801 Dale Evans Parkway; APN 0440-014-28
- ENVIRONMENTAL DETERMINATION:** The project is characterized as the new construction of a small structure with a minor alteration to the land. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303, the proposal is exempt from further environmental review.
- CASE PLANNER:** Ms. Pam Cupp, Associate Planner
- RECOMMENDATION:** Approval

PROJECT AND SITE DESCRIPTION:

- A. Project Size: The telecommunication facility will occupy 264 square feet of lease area within an 81,590 square foot (1.9-acre), partially developed commercial property.

B. General Plan Designations:

Project Site - General Commercial (C-G)
 North - General Commercial (C-G) and Specific Plan (S-P)
 South - General Commercial (C-G)
 East - Single Family Residential (R-SF)
 West - General Commercial (C-G) and Mobile Home Park (MHP)

C. Surrounding Zoning and Land Use:

Project Site - General Commercial (C-G), Gas Station and Convenience Store
 North - General Commercial (C-G) and Specific Plan (S-P), Vacant
 South - General Commercial (C-G), Vacant
 East - Equestrian Residential (R-EQ), Vacant
 West - General Commercial (C-G), Vacant, Mobile Home Park (MHP) Mobile Home Park

D. Height:

Permitted Maximum: 50 ft. plus ten (10) feet for architectural features.
 Proposed Maximum: 50 ft. plus five (5) feet for added foliage

E. Parking Analysis:

Total Parking Required: 1 Space
 Parking Provided: 0 Spaces

F. Setback Analysis:

	Required	Proposed
Antenna		
Property Line		
From North	41.25 ft.	191 ft.
From South	41.25 ft.	**25 ft.
From East	41.25 ft.	**25 ft.
From West	41.25 ft.	354 ft.
Equipment		
From East	25 ft.	25 ft.
From West	25 ft.	354 ft.

G. Separation Analysis:

	Required	Proposed
Tower		
To Residential Use/Zone		
From North	1,000 ft.	**725 ft.
From South	1,000 ft.	**500 ft.
From East	1,000 ft.	**25 ft.
From West	1,000 ft.	**420 ft.
To Existing Tower	1,500 ft.	+9,000 ft.

**Indicates Deviation requested.

ANALYSIS:

A. General:

Pursuant to the Development Code, a Conditional Use Permit is required for all new telecommunication towers to afford the Commission the opportunity to review the architecture and aesthetics of any proposed structure. The Code allows telecommunication facilities within commercial zones with the approval of a Conditional Use Permit. The ordinance encourages telecommunication facilities to be stealth in design, sited in the least visually obtrusive manner, either screened or disguised, mounted on a facade and located on the same property as, or adjacent to, structures with tall features or trees of similar in height.

B. Site Analysis:

The subject site is 1.9 acres in size and developed with a 3,080 square foot convenience store and gas station. The fuel island contains twelve (12) fuel pumps with a 3,250 square foot canopy. The eastern one third (1/3) of the site remains undeveloped at this time. The proposed wireless telecommunication facility will be located within the undeveloped portion of the lot.

The monopine and equipment enclosure will be setback twenty-five (25) feet from the east property line, adjacent to a vacant parcel within the Equestrian Residential (R-EQ) zoning designation. The project will have a twenty-five (25)-foot setback from the south property line, which is vacant General Commercial (C-G) land. The wireless facility will be approximately 120 feet from any developed portion of the property. The project is not within a preferred location; therefore, there are no automatic reductions to the required setbacks to the property line. Further, there are no automatic reductions to the required separation distance between the wireless facility and any residential zone or district.

The Code requires all antennas to be set back seventy-five (75) percent of the height of the antenna from any adjacent property line. This calculates to a forty-one (41) feet, three (3) inches (75% of 55 feet = 41.25 feet) setback from the adjoining property line. The applicant is requesting a Deviation to allow a twenty-five (25)-foot setback, which is an encroachment of sixteen (16) feet, three (3) inches.

The Code requires a minimum separation distance between a wireless facility and any residential use or district of 1,000 feet. The applicant is requesting a Deviation to allow a 700-foot separation to the north, a 500-foot separation to the south, a twenty-five (25)-foot separation to the east and a 465-foot separation to the west. The Code also requires a 1,500-foot minimum separation distance to an existing wireless antenna exceeding fifty (50) feet in height. The nearest existing antenna is 9,000 feet southeast of the project site; therefore, the proposal is in compliance with the minimum separation distance required between wireless telecommunication towers.

The Code requires a four (4)-foot wide, landscape buffer to effectively screen the view of the tower compound. The applicant has included the landscape buffer; however, did not present any preliminary landscape plan. Therefore, staff is recommending Condition of Approval P13 requiring a four (4)-foot wide densely planted landscape buffer around the equipment shelter consisting of trees, shrubs and ground cover.

C. Deviation Permit:

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

The subject site is located within a C-G land use district as is the property to the south and north with all other properties and beyond all residentially zoned. With a strict adherence to the 1,000-foot separation requirement to residential uses or districts, the installation of a wireless facility to serve the vicinity would not be allowed. It should further be noted that there are no preferred locations or existing wireless facilities within the vicinity. Therefore, staff believes some deviation is justified provided an acceptable design that minimizes the appearance of the tower from the surrounding area can be achieved.

D. Architecture Analysis:

The Development Code discourages the use of monopines, but the Planning Commission in review of the CUP application may consider a monopine. The applicant has chosen a mono-pine design because of the existing pine trees within the vicinity. The applicant is requesting Planning Commission review and approval of a Conditional Use Permit to construct a fifty-five (55)-foot high monopine. The pole of the monopine will be fifty (50) feet tall and two (2) feet in diameter. The Verizon antenna panels will be eight (8) feet long and will be installed at a maximum height of fifty (50) feet. The simulated foliage for the monopine extends five (5) feet above the pole to assist in providing a tapered visual effect. The monopine drip line diameter is approximately twenty-four (24) feet at its widest point. The foliage begins twenty (20) feet above the base of the pole.

The applicant proposes a simulated tree bark on the pole with heavy density faux pine needles. The plans do not indicate the density of the branches per foot or identify any proposed coverings for the antenna or for any dishes. Staff has included Condition of Approval No. P10 outlining specific architectural elements necessary to minimize the appearance of the antenna array including three (3) branches per foot or greater and pine needle socks to camouflage the antennas and any dishes. Also required will be the installation of simulated bark cladding from the base of the tower up to a minimum of twenty-five (25) feet. Further, staff has included a Condition of Approval that prohibits any antennas from extending beyond the limits of the foliage (Condition No. P11).

The nearest pine trees are approximately 500 feet from the project site. Without other pine trees within close proximity, the monopine would appear out of character for the area. In order to minimize the visual impact of the monopine, staff is recommending Condition of Approval No. P14 which will require a minimum of three (3) pine trees, with a tree height not less than fifteen (15) feet at the time of planting, be planted within a twenty (20)-foot radius of the monopine.

The project will include a 264 square foot, eight (8)-foot, six (6)-inch tall, block wall equipment enclosure. The monopine and associated equipment will be held within the enclosure. The enclosure will also include a chain link security lid with interwoven shade slats. Staff is recommending Condition No. 12 requiring the enclosure to include decorative pilasters at each corner.

E. Licensing & Future Reviews:

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

F. Environmental Assessment:

The project is characterized as the new construction of a small structure with a minor alteration to the land. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303, the proposal is exempt from further environmental review.

G. Noticing:

The project was legally noticed in the Apple Valley News on April 6, 2018. Staff notified all property owners within 1,500 feet of the site for this public hearing. At the time of the writing of the staff report, staff had not received any communications from neighbors regarding the proposed telecommunication facility.

H. Conditional Use Permit Findings:

As required under Section 9.16.090 of the Development Code, prior to approval of a Conditional Use Permit, the Planning Commission must make the following Findings:

1. That the proposed location, size, design and operating characteristics of the proposed use is consistent with the General Plan, the purpose of this Code, the purpose of the zoning district in which the site is located, and the development policies and standards of the Town;

Comment: The proposed construction of a fifty (55)-foot high telecommunication monopine tower complies with the Telecommunications Ordinance of the Development Code of the Town of Apple Valley, and the adopted General Plan, upon the review and approval of a Conditional Use Permit and Deviation Permit by the Planning Commission.

The Utilities Element of the General Plan Policy 1.H states "...cellular communication towers and other major utility facilities shall be designed and sited so that they result in minimal impacts to viewsheds and minimally pose environmental hazards." The monopine as conditioned, will blend with its surroundings.

2. That the location, size, design and operating characteristics of the proposed use will be compatible with and will not adversely affect nor be materially detrimental to adjacent uses, residents, buildings, structures or natural resources;

Comment: The antenna will incorporate a pine tree design as camouflage for the tower, and as conditioned, will be compatible with the site and adjacent uses. The proposed monopine, with adherence to the recommended Conditions of Approval, is permitted subject to approval of a Conditional Use Permit and Deviation Permit.

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

Comment: As conditioned, the proposed monopine will be compatible in design with existing landscaping. Planting specimen size trees within the landscape buffer will minimize the visual impact while expanding wireless telecommunication coverage within an area is deficient in cellular coverage.

4. That there are public facilities, services and utilities available at the appropriate levels, or that these will be installed at the appropriate time, to serve the project as they are needed;

Comment: There are existing improvements to serve the proposed site.

5. That there will not be a harmful effect upon desirable neighborhood characteristics;

Comment: The location, size, design (with aesthetics approved by the Planning Commission) and operating characteristics of the proposed telecommunications facility, and the conditions under which it will be operated and maintained, will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity.

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

Comment: The proposed wireless telecommunication facility is unmanned and, therefore, not anticipated to generate additional traffic.

7. That traffic improvements and/or mitigation measures are provided in a manner adequate to maintain the existing service level or a Level of Service (LOS) C or better on arterial roads and are consistent with the Circulation Element of the General Plan;

Comment: The proposed wireless telecommunication facility is unmanned and will be located on a developed, commercial site. Minimal traffic will be generated from the project to adversely affect the surrounding area.

8. That there will not be significant harmful effects upon environmental quality and natural resources;

Comment: The project is characterized as the new construction of a small structure with a minor alteration to the land. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303, the proposal is exempt from further environmental review.
9. That there are no other relevant negative impacts of the proposed use that cannot be reasonably mitigated;

Comment: The project is characterized as the new construction of a small structure with a minor alteration to the land. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303, the proposal is exempt from further environmental review.
10. That the impacts, as described in paragraphs 1 through 9 above, and the proposed location, size, design and operating characteristics of the proposed use and the conditions under which it would be maintained will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity, nor be contrary to the adopted General Plan;

Comment: The project, if approved, would be required to provide FCC (Federal Communications Commission) licensing which regulates electromagnetic fields and radio frequencies.
11. That the proposed conditional use will comply with all of the applicable provisions of this title;

Comment: The proposed telecommunications facility can be built in conformance to the Development Code, subject to approval of a Conditional Use Permit, Deviation Permit and adherence to the recommended Conditions of Approval.
12. That the materials, textures and details of the proposed construction, to the extent feasible, are compatible with the adjacent and neighboring structures;

Comment: With compliance with the Conditions of Approval, the materials, textures and details of the proposed antenna and associated equipment compound will blend with the existing landscape and adjacent structures.
13. That the development proposal does not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings with respect to mass and scale to an extent unnecessary and inappropriate to the use;

Comment: The proposed monopine will be located among newly planted, specimen sized pine trees that will minimize the visual impact. The

proposal will not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings.

14. That quality in architectural design is maintained in order to enhance the visual environment of the Town and to protect the economic value of existing structures.

Comment: The design of a pine tree adjacent to or within proximity of other trees and structures will help minimize the appearance of the tower.

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

Comment: The wireless telecommunications facility will be unmanned. Access will be provided for service purposes only.

I. Findings for Deviation:

As required under Section 9.77.200 of the Development Code, the Planning Commission may increase or modify any standard relating to setbacks and separation distance. Prior to approval of a Deviation Permit, the Planning Commission must make specific Findings. Below are the Findings with a comment to address each.

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

Comment: The applicant has submitted the required supporting documentation indicating that this need cannot be met in any other manner.

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

Comment: Given the site design of the existing facility, the location appears most logical despite the encroachments into the required setbacks and separation distances. With adherence to the forty-one (41) feet, three (3)-inch setback and 1,000-foot and 750-foot separation requirement, it would preclude the use of this site for telecommunication. Essentially, any viable on-site location would result in an encroachment. There are no other viable locations within the distance necessary to meet the demand.

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

Comment: The applicant has submitted the required supporting documentation indicating that this need cannot be met in any other manner. The Code prohibits towers within residential zones. The proposed location is the only developed, commercial property within the vicinity. The nearest tower that may be eligible for collocation is 9,000 feet away.

4. That the submitted information and testimony from the applicant, staff and public illustrates a reasonable probability that allowance of the Deviation will have

minimal or no adverse impacts to the site, surrounding area or the community in general.

Comment: Given the site design of the existing facility, the location appears most logical despite the encroachments into the required setbacks and separation distances. With adherence to the forty-one (41) feet, three (3)-inch setback and 1,000-foot and 750-foot separation requirement, it would preclude the use of this site for telecommunication. Essentially, any viable on-site location would result in an encroachment. There are no other viable locations within the distance necessary to meet the demand. Essentially, any viable on-site location would result in an encroachment.

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

Comment: Given the site design of the existing facility, the location appears most logical despite the encroachments into the required setbacks and separation distances. With adherence to the forty-one (41) feet, three (3)-inch setback and 1,000-foot and 750-foot separation requirement, it would preclude the use of this site for telecommunication. Essentially, any viable on-site location would result in an encroachment. There are no other viable locations within the distance necessary to meet the demand. Allowing a Deviation will not be materially detrimental to the public health, safety or general welfare.

RECOMMENDATION:

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

1. Determine that pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303, Conditional Use Permit No. 2017-012 and Deviation No. 2017-004 is exempt from further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings for Conditional Use Permit No. 2017-012 and Deviation No. 2017-004.
3. Approve Conditional Use Permit No. 2017-012 and Deviation No. 2017-004 subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

Prepared By:

Reviewed By:

Pam Cupp
Associate Planner

Carol Miller
Assistant Director of Community Development

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Site Plans
3. Elevation
4. Zoning Map
5. Photo-simulation and RF maps (see separate attachment)

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Conditional Use Permit No. 2017-012 and Deviation No. 2017-004

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 the applicant and/or property owner from full conformance and adherence to all requirements of the Municipal Code.*

Planning Division Conditions of Approval

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval to approve a specific use of land, if not established in conformance to any conditions applied, shall become void three (3) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least 60 days prior to the void date. The Conditional Use Permit becomes effective 10 days from the date of the decision unless an appeal is filed as stated in the Town's Development Code, Section 9.03.0180.
- P2. The applicant shall 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.
- P3. The applicant recognizes the approval of Conditional Use Permit No. 2017-012 and Deviation 2017-004 and by the Planning Commission as acknowledgment of Conditions of Approval, unless an appeal is filed in accordance with Section 9.12.250, *Appeals*, of the Town of Apple Valley Development Code.
- P4. The rendering(s) presented to, and approved by, the Planning Commission at the public hearing shall be the anticipated and expected appearance of the structure upon completion.
- P5. 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.

- P6. The Community Development Director or his/her designee, shall have the authority for minor architectural changes focusing around items such as window treatments, color combinations, façade treatments, and architectural relief.
- P7. The applicant shall supply verification with the American National Standards Institute (ANSI) by providing a copy of its FCC license agreement prior to issuance of Certificate of Occupancy.
- P8. In the event the antenna(s) becomes obsolete and/or abandoned, the provider shall remove the antenna(s) and all related mechanical equipment and return the site to its original state, or an improved state, within 30 days of abandonment.
- P9. The filing of a Notice of Exemption requires the County Clerk to collect a \$50.00 documentary handling and filing fees. The fee must be paid in a timely manner in accordance with Town procedures. No permits may be issued until such fee is paid. The check shall be made payable to the Clerk of the Board of Supervisors.
- P10. Plans submitted for plan check shall reflect a tree branch of three (3) branches per foot or greater and pine needle socks to camouflage the antennas and any dishes. The submitted plans shall also include the installation of simulated bark cladding from the base of the tower up to a minimum of twenty-five (25) feet.
- P11. No antenna array shall extend beyond the foliage.
- P12. The equipment shelter shall have decorative pilasters at all corners. No barbed, razor or other wire material shall be used in or on the facility.
- P13. The equipment shelter shall include a four (4)-foot wide, densely planted landscape buffer. Landscaping shall be installed with appropriate combinations of drought tolerant trees, shrubs, and ground cover, consistent with Chapter 9.75, Water Conservation Landscape Regulations, of this Code.
- P14. A minimum of three (3) pine trees shall be planted within a twenty (20)-foot radius of the monopine. The trees must have a minimum height of not less than fifteen (15) feet when planted.
- P15. Final landscape and irrigation plans shall be submitted prior to the issuance of Building permits and installed prior to issuance of occupancy permits subject to approval by the Planning Division.
- P16. All required and installed landscaping shall incorporate and maintain a functioning automatic sprinkler system, and said landscaping shall be maintained in a neat, orderly, disease and weed free manner at all times.

Building and Safety Division Conditions of Approval

- BC1. Submit plans, engineering and obtain permits for all structures and retaining walls, signs.
- BC2. All utilities shall be placed underground in compliance with Town Ordinance No. 89.
- BC3. Comply with the State of California Disability Access requirements.

- BC4. A dust palliative or hydro seed will be required on those portions of the site graded but not constructed (phased construction)
- BC5. Page two (2) of the submitted building plans will be conditions of approval.
- BC6. Construction must comply with current California Building Codes and green Building Code.
- BC7. Best Management Practices (BMP's) are required for the site during construction.
- BC8. Provide Water Quality Management Plan (WQMP) or Alternative Compliance Plan

Apple Valley Fire Protection District

- FD1. The above referenced project is protected by the Apple Valley Fire Protection District. Prior to construction occurring on any parcel, the owner shall contact the Fire District for verification of current fire protection development requirements.
- FD2. All new construction shall comply with applicable sections of the California Fire Code, California Building Code, and other statutes, ordinances, rules, and regulations regarding fires and fire prevention adopted by the State, County, or Apple Valley Fire Protection District.
- FD3. All combustible vegetation, such as dead shrubbery and dry grasses, shall be removed from each building site a minimum distance of thirty (30) feet from any combustible building material, including the finished structure. This does not apply to single specimens of trees, ornamental shrubbery, or similar plants, which are used as ground cover if they do not form a means of transmitting fire.

Public Resources Code, Sec. 4291
- FD4. Provide a N.F.P.A. 704 Placard identifying the Hazardous Materials for the batteries.
- FD5. Provide (1) 2A10BC minimum rating fire extinguisher and serviced by a certified company.

End of Conditions

DEVIATION PERMIT FINDINGS FOR A WIRELESS TELECOMMUNICATION FACILITY

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

Please see attached zoning map

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

Version is 10' from property line + code requires 75% of tower height which is 41'. The H will not allow this as he wants to develop the other parts of the parcel

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

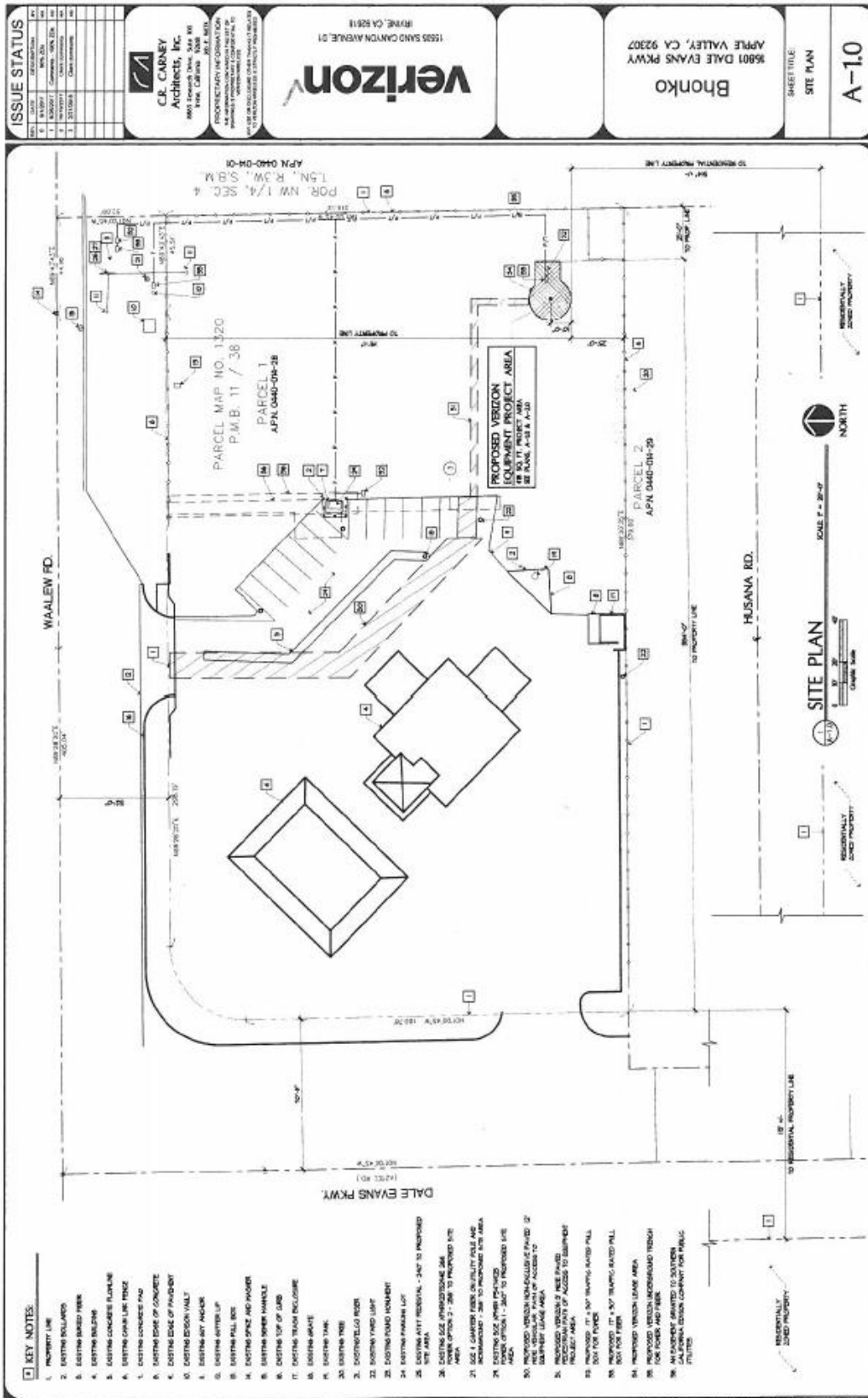
Although there are several carriers in the area, they are too far out from where Verizon requires a facility

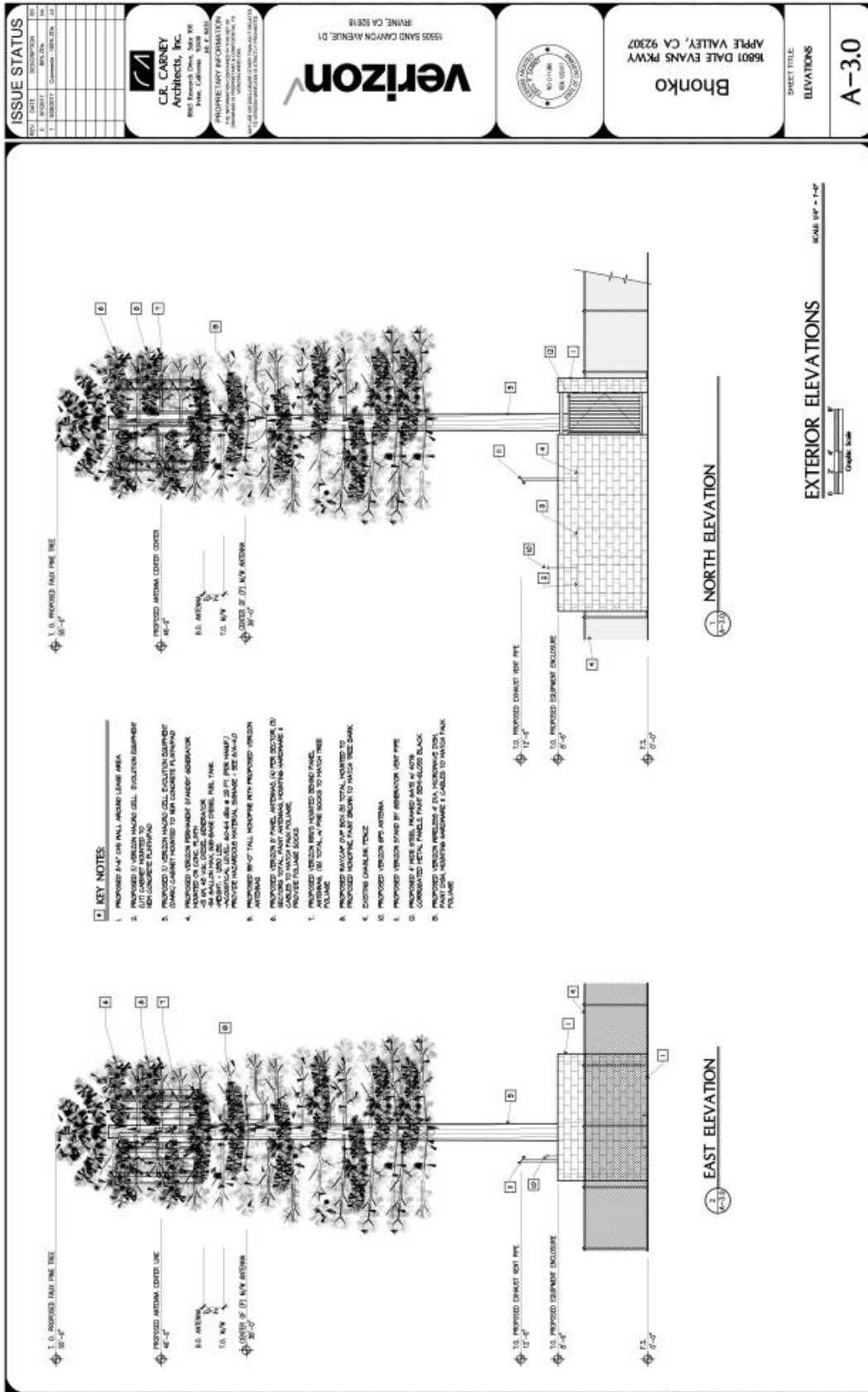
4. That the submitted information and testimony from the applicant, staff and public illustrates a reasonable probability that allowance of the Deviation will have minimal or no adverse impacts to the site, surrounding area or the community in general; and

The facility will benefit the community and 911 services will provide additional protection

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

It is not detrimental as 911 service is being provided





Conditional Use Permit No. 2017-012 and
 Deviation No. 2017-004

16801 Dale Evans Parkway
 APN 0440-014-28

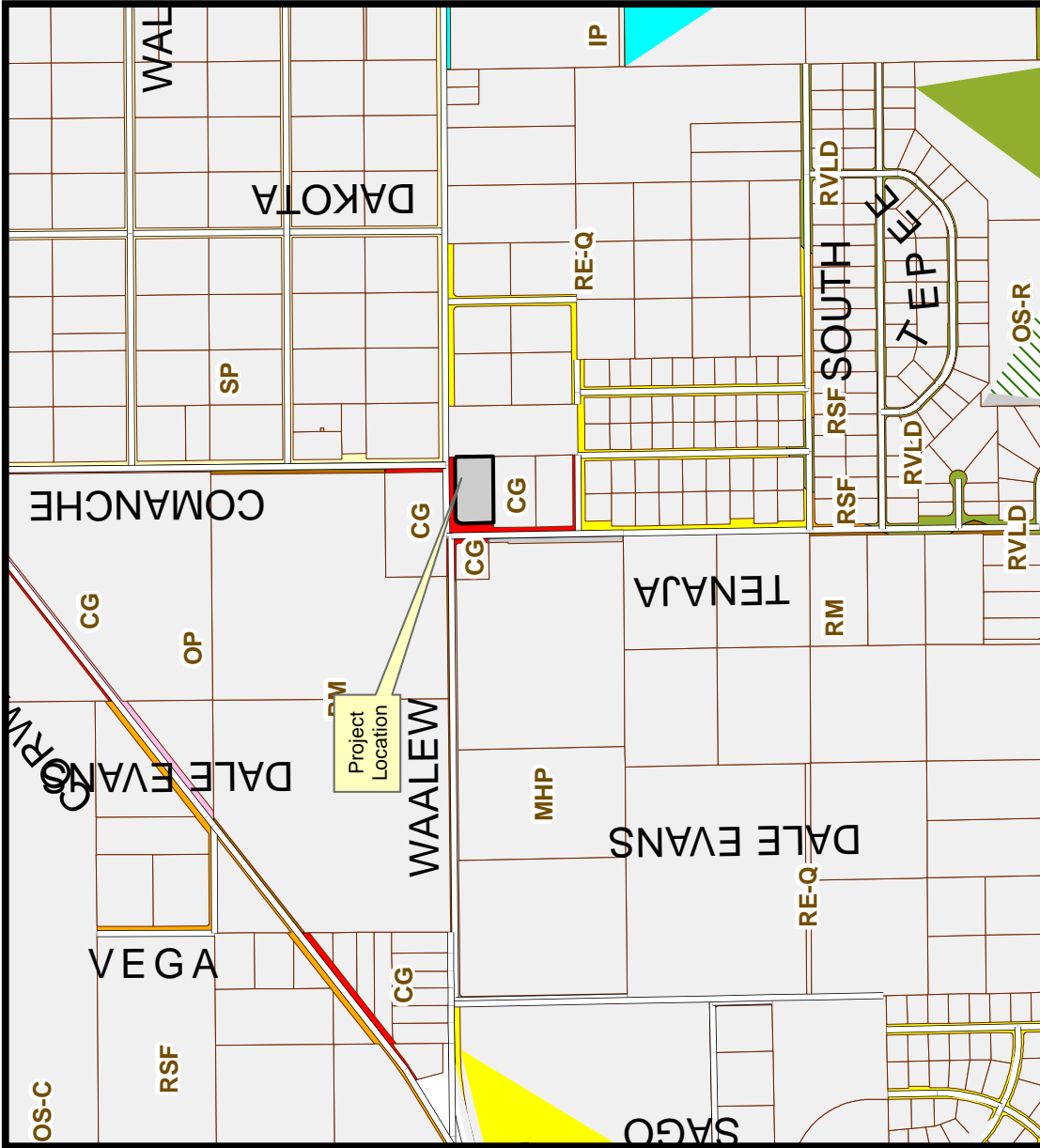


Legend

	Project Location
	(R-4LD) Very Low Density Residential (1 to 5 or more gross acres)
	(R-4D) Medium Density Residential (1 to 5 or more gross acres)
	(R-3F) Single Family Residential (1 to 0.4 to 0.9 net acre)
	(R-3M) Multi-Family Residential (1 to 0.4 to 0.9 net acre)
	(MHP) Mobile Home Park
	(C-G) General Commercial
	(C-P) Office Professional
	(I-P) Planned Industrial
	(OSC) Open Space Conservation
	(OSR) Open Space Reservation
	(SP) Special Plan

Date: 4/11/2018

ZONING/LOCATION MAP





TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

Staff Report

- AGENDA DATE:** April 18, 2018
- APPLICANT:** Town of Apple Valley
- PROPOSAL:** To consider a General Plan Conformity Finding for the Town's Capital Improvement Program (CIP) for fiscal year 2018 - 2019.
- ENVIRONMENTAL DETERMINATION:** The General Plan Conformity Finding is not a project as defined by CEQA. Also, since this is a General Plan Consistency Finding, the adopted General Plan EIR would be considered adequate CEQA documentation.
- LOCATION:** Town wide
- STAFF PERSON:** Carol Miller, Assistant Director of Community Development
- RECOMMENDATION:** Adopt Planning Commission Resolution No. 2018-004 which finds the proposed Capital Improvement Program (CIP) for Fiscal Year 2018-2019 consistent with the goals and policies of the Town's General Plan.

PROJECT SUMMARY:

The Planning Commission is being requested to review the attached Capital Improvement Program (CIP) for FY 2018-2019 to determine consistency with the General Plan. Ultimately, the Town Council is responsible for selection of the Capital Improvement Program projects and their prioritization. The Planning Commission's role is to determine whether the projects are consistent with the General Plan text, maps, and policies. The Commission is not asked to prioritize the projects.

ANALYSIS

The CIP is a document addressing the long-term capital improvement needs of the Town. The CIP also provides a relatively long-term (7-year) strategy that will be approved annually, in concept, by the Council. Section 65401 of the California Government Code requires the Planning Commission to annually review the CIP of the Town for consistency with the General Plan.

The attached CIP for FY 2018-2019 has been included for the Commission's reference. Staff has reviewed these projects and recommends adoption of the attached Resolution No. 2018-004 finding the CIP for FY 2018-2019 is consistent with the General Plan.

The General Plan is a document that looks ahead 20 years or more and establishes broad policies relating to growth. Although the General Plan identifies major infrastructure needs, such as major roadways, sewer trunk lines, and other public facilities, the General Plan does NOT contain a comprehensive detailed list of projects that the Town will build over the life of the plan. Therefore, one would not find most of the projects listed in the Capital Improvement Plan (CIP) specifically mentioned in the General Plan. Road improvement projects are an example of a typical CIP project. These projects are consistent with the General Plan Circulation Element or are depicted on the Circulation Map. Other examples are project design or maintenance projects are not included in the General Plan, but does NOT conflict with any adopted policies, text, or maps in the General Plan. Improvements or upgrades to existing facilities, would be viewed in the same manner. Staff has reviewed the list of CIP projects against the policies, text, and maps in the Town's adopted General Plan. It has been determined that the projects are consistent and do not conflict with any parts of the General Plan. Based upon these findings, the staff recommends that the Planning Commission adopt Planning Commission Resolution No. 2018-004, making a finding of General Plan consistency for the Capital Improvement Plan 2018-2019 (attached).

Environmental Assessment: The General Plan Conformity Finding is not a project as defined by CEQA. Also, since this is a General Plan Consistency Finding, the adopted General Plan EIR would be considered adequate CEQA documentation.

RECOMMENDATION

Adopt Planning Commission Resolution No. 2018-004 which finds the proposed CIP for fiscal year 2018-2019 consistent with the goals and policies of the Town's General Plan.

ATTACHMENTS:

1. Planning Commission Resolution No. 2018-004
2. CIP FY 2018-2019 Project List

PLANNING COMMISSION RESOLUTION NO. 2018-004

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, FINDING THE PROPOSED CAPITAL IMPROVEMENT PROGRAM (CIP) FY 2018-2019 TO BE IN CONFORMANCE WITH THE GENERAL PLAN.

WHEREAS, on August 11, 2009 the Town Council adopted a Comprehensive General Plan Update for the Town of Apple Valley; and

WHEREAS, the Planning Commission is required by State law to review and find that all proposed projects included in the CIP, are consistent with the adopted General Plan; and

WHEREAS, in accordance with the California Environmental Quality Act, the General Plan Conformity Finding is not a project as defined by CEQA. Also, since this is a General Plan Consistency Finding, the adopted General Plan EIR would be considered adequate CEQA documentation.

WHEREAS, on April 18, 2018, the Planning Commission reviewed CIP for fiscal year 2018-2019, and hereby found to be in conformance with the Town of Apple Valley General Plan.

Section 1. Approved and Adopted by the Planning Commission of the Town of Apple Valley this 18th day of April, 2018.

Bob Tinsley, Chairman

ATTEST:

I, Yvonne Rivera, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 18th day of April, 2018 by the following vote, to-wit:

Ms. Yvonne Rivera, Planning Commission Secretary

AYES:
NOES:
ABSENT:
ABSTAIN

Town of Apple Valley
Capital Improvement Plan
FY 2018-2019 Draft Proposed Budget

Preliminary Design

AV Village SR18 Corridor Enhancement Plan
High Desert Corridor

Full Design

Apple Valley South Safe Routes to School
Apple Valley Village Accessibility Phase 1
Bear Valley Bridge (Mojave River Bridge)
Bear Valley Intersection Improvements @ Navajo Rd and Kiowa Rd
Bear Valley Road Bus Stop Improvements
Dale Evans Parkway @ Waalew Road Realignment
Hwy 18 West End Widening (Phase 1, AVR Realignment)
Rio Vista Academy Sidewalk Improvements
Wika Road West End @ SR18 Access Improvements

Construction

Apple Valley South Safe Routes to School
Bear Valley Road Commercial Corridor Signal Improvements
Drywell Installation Program
Hitt Road Drainage Improvements
Lafayette @ Dale Evans Parkway
Navajo Road Drainage
Paving Priorities (50% Categorical/50% Non-Categorical)
SBCTA Congestion Management Plan
Yucca Loma Bridge

Grounds Maintenance (Horsemen's Center)

Horsemen's Center Well Electrical Meter Control Panel
Horsemen's Center Well SCADA and Tank level Controls

Wastewater

Apple Valley Desert Water Reuse
Sewer Manhole Rehabilitation, Various Locations (Year 6 of 7)
Sewer Manhole Cover Replacement, Assess. Dist. 2A (Year 1 of 7)
Sewer Main Replacement, Various Locations
Metering Station, North End of 3A Assessment District
Transfer Switch, Assessment Dist. 3A#1 Lift Station
Ultrasonic Level Control, Four Lift Stations

Golf Course

AVGC MCC Control Panel for Both Wells
Recycled Water Retrofit