



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA
REGULAR MEETING
Wednesday, May 16, 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.

The Town of Apple Valley recognizes its obligation to provide equal access to those individuals with disabilities. Please contact the Town Clerk's Office, at (760) 240-7000, two working days prior to the scheduled meeting for any requests for reasonable accommodations.

REGULAR MEETING

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

CALL TO ORDER

ROLL CALL

Commissioners: 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

- 1a. Minutes for the Regular Meeting of March 21, 2018
- 1b. Minutes for the Regular Meeting of April 4, 2018
- 1c. Minutes for the Regular Meeting of April 18, 2018

PUBLIC HEARING ITEMS

- 2. Conditional Use Permit No. 2017-006 and Deviation Permit No. 2018-003** - A request for approval of a Conditional Use Permit to install a sixty (60)-foot tall wireless telecommunications tower designed as a eucalyptus tree. The tower will be situated adjacent to the parks parking area and will include a 240 square foot CMU block wall equipment enclosure within a 440 square-foot lease area. The Deviation is a request for a reduced separation distance from residential uses, existing wireless telecommunication tower and landscape buffer.

Applicant: J5 Infrastructure Partners for Verizon Wireless

Location: 21860 Tussing Ranch Road; APN 3080-104-06.

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: Carol Miller, Assistant Director of Community Development

Proposal: Approval

PLANNING COMMISSION COMMENTS

STAFF COMMENTS

OTHER BUSINESS

ADJOURNMENT

The Planning Commission will adjourn to its next regularly scheduled Planning Commission meeting on June 20, 2018.

MINUTES

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

March 21, 2018

CALL TO ORDER

Chairman Tinsley called to order the regular meeting of the Town of Apple Valley Planning Commission at 6:00 p.m.

Roll Call

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

Staff Present

Carol Miller, Assistant Director of Community Development, Pam Cupp, Associate Planner, Thomas Rice, Town Attorney, Yvonne Rivera, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairman Tinsley.

APPROVAL OF MINUTES

1. **Approval of Minutes**
 - a. Regular Meeting of February 7, 2018.

Yvonne Rivera, Planning Commission Secretary, noted that a correction was made to the minutes for the regular Meeting of February 7, 2018. The correction reflects Commissioner Kallen voting "Yes" on the new election of Vice-Chairman Tinsley as Chairman and Commissioner Lamoreaux as Vice-Chairman of the Apple Valley Planning Commission.

MOTION

Motion by Vice-Chairman Lamoreaux, seconded by Chairman Tinsley to approve the minutes for the Regular Meeting of February 7, 2018, as amended.

Vote: Motion carried 3-0-1-1

Yes: Commissioners Kallen; Vice-Chairman Lamoreaux; Chairman Tinsley.

Absent: Commissioner Shoup

Abstain: Commissioner Qualls

b. Regular Meeting of February 21, 2018.

MOTION

Motion by Vice-Chairman Lamoreaux, seconded by Chairman Tinsley, to approve the minutes for the Regular Meeting of February 21, 2018.

Vote: Motion carried 4-0-1-0

Yes: Commissioners Kallen; Qualls; Vice-Chairman Lamoreaux; Chairman Tinsley.

Absent: Commissioner Shoup

PUBLIC COMMENTS

None.

PUBLIC HEARINGS

Chairman Tinsley recommended to rearrange the order of the Agenda Items, to discuss Agenda Item Number 3 first.

It was the consensus of the Planning Commission to discuss Agenda Item Number 3 at this time.

- 3. Tentative Parcel Map No. 19575, Extension 1.** A request for a three (3) year time extension of a previously approved subdivision of eight (8) acres into eight (8) parcels for a planned commercial development. The project is located within the Regional Commercial (C-R) zoning designation.

Applicant: Mr. Thomas Steeno, representing Mr. Steven Farmer.

Chairman Tinsley opened the public hearing at 6:05 p.m.

Pam Cupp, Associate Planner, presented the staff report as filed with the Planning Division. She noted, for the benefit of the Commission, that this will be the only extension for Tentative Parcel Map No. 19575.

Thomas Steeno, Applicant, commented on the different phases of the project including water, sewer and road widening. He noted that the landscape plans will be submitted within two weeks and anticipates that all of the work will be completed within the three (3) year time extension that is being requested.

Chairman Tinsley asked the Applicant if he agreed to the Conditions of Approval.

Mr. Steeno stated that he agreed with the Conditions of Approval.

There being no requests to speak, Chairman Tinsley closed the public hearing at 6:10 p.m.

MOTION

Motion by Vice-Chairman Lamoreaux, and seconded by Commissioner Kallen that the Commission move to:

1. Find that there is no new substantial change in the project or new information that would result in new, significant environmental impacts beyond those identified within the Mitigated Negative Declaration that was prepared for this project and adopted by the Planning Commission on April 6, 2016. Therefore, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162, the proposed request is not subject to further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve a three (3)-year extension of time for Tentative Parcel Map No. 19575, subject to the attached Conditions of Approval.

Vote: Motion carried 4-0-1-0

Yes: Commissioners Kallen; Qualls; Vice-Chairman Lamoreaux; Chairman Tinsley.

Absent: Commissioner Shoup

2. **Development Code Amendment No. 2017-002.** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying provisions relating to second dwelling units and accessory dwelling units, as required by California Government Code Section 65852.2 and California Health & Safety Code Section 17958.1. This amendment will also provide standards related to guest quarters and residential accessory structures used for recreational purposes.

Applicant: Town of Apple Valley

Chairman Tinsley opened the public hearing at 6:11 p.m.

Pam Cupp, Associate Planner, presented the staff report as filed with the Planning Division. She noted that the amendment coincides with the recently approved state law, and further added that accessory dwelling units cannot be counted toward density.

Ms. Cupp informed the Commission that staff is recommending to add a provision for a covenant that only one unit on the property is rentable, and that one unit must be owner-occupied. She informed the Commission that the Town Attorney is recommending an amendment to the Resolution, to add standards related to interior accessory dwelling units, as well as setback requirements for a detached garage that is converted. She also noted that these projects will be reviewed through the Building Permit process.

Thomas Rice, Town Attorney, clarified that the changes made to the Resolution are standards that are required by state law.

Mr. Rice also made minor corrections to the list of conditions as follows:

1. Renumber Section G to read Section F as shown on Page 2-15.
2. Add an extra CEQA Exemption under Public Resource Code No. 21080.17, which applies to the adoption of Ordinances to implement the new ADU Laws.

Ms. Cupp responded to questions by the Commission as it relates to requirements for accessory dwelling units.

Commissioner Qualls commented on the need to make minor corrections to the following sections of the staff report:

C. General Standards

Line Item No. 7 should read as follows:

“The primary dwelling, accessory dwelling unit, or both must be occupied by the property owner.”

Addendum – Section F. Interior Accessory Dwelling Units Standards

Line Item No. 3 should read as follows:

“The accessory dwelling unit has side and rear setbacks that are sufficient for fire safety.”

There being no requests to speak, Chairman Tinsley closed the public hearing at 6:17 p.m.

MOTION

Motion by Commissioner Qualls, and seconded by Vice-Chairman Lamoreaux to approve Planning Commission Resolution No. 2018-003, as amended by staff and the Town Attorney, forwarding a recommendation that the Town Council amend Title 9 “Development Code” of the Town of Apple Valley Municipal Code as outlined within the staff report.

Vote: Motion carried 4-0-1-0

Yes: Commissioners Kallen; Qualls; Vice-Chairman Lamoreaux; Chairman Tinsley.

Absent: Commissioner Shoup

OTHER BUSINESS

None.

PLANNING COMMISSION COMMENTS

None.

STAFF COMMENTS

None.

ADJOURNMENT

Motion by Vice-Chairman Lamoreaux, seconded by Commissioner Kallen, and unanimously carried, to adjourn the meeting of the Planning Commission at 6:19 p.m. to its next regularly scheduled meeting on April 4, 2018.

Respectfully Submitted by:

Yvonne Rivera
Planning Secretary

Approved by:

Chairman B.R. "Bob" Tinsley

MINUTES

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

April 4, 2018

CALL TO ORDER

Chairman Tinsley called to order the regular meeting of the Town of Apple Valley Planning Commission at 6:01 p.m.

Roll Call

Present: Commissioners Bruce Kallen; Doug Qualls; Mark Shoup; Vice-Chairman Jason Lamoreaux; Chairman B.R. "Bob" Tinsley
Absent: None.

Staff Present

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. Conditional Use Permit No. 2018-002.** A request to approve a Conditional Use Permit to allow an 18,800 square-foot Tractor Supply Store, including approximately 18,000 square-feet of outdoor display, 360 square-foot forage barn for hay storage and a 1,000-gallon propane tank.

Variance No. 2018-001. A request to allow an eight (8)-foot landscape setback where a minimum twenty-five (25)-foot landscape setback is required for parking adjacent to residential zone property.

Tentative Parcel Map No. 19937. A proposal to subdivide a seventeen (17) acre parcel into two (2) commercial parcels consisting of a three (3)-acre and a fourteen (14)-acre parcel. Parcel 1 located on the west side of Braeburn Road will accommodate the proposed retail store and Parcel 2 will be for future commercial development.

Applicant: Brad Sobel representing Apple Valley SC, LLC

Chairman Tinsley opened the public hearing at 6:03 p.m.

Carol Miller, Assistant Director of Community Development, presented the staff report as filed with the Planning Division. Ms. Miller provided the Commission with a revised set of the Conditions of Approval which included the following modifications:

1. Condition P-23 regarding lighting, has been deleted due to redundancy.
2. Engineering Conditions EC4, 5, 6 and 11 includes added language related to road improvements along the remainder parcel.

Ms. Miller also noted that the road improvements for the remaining parcel would be improved by the developer at the time that development occurs.

Commissioner Shoup asked a series of questions regarding the outdoor display that was proposed for the east side of the building. He commented on the need to craft a condition that specifically stated what would be displayed outside of the store.

Commissioner Shoup also noted that the variance for the project does not cover the area where Joshua trees are located. He requested to know whether or not there is a need to add a condition that would protect the Joshua trees with further development.

Ms. Miller informed the Commission that currently, there is no development on the east side of Braeburn Road. She also informed the Commission that the protection of Joshua trees is part of an ordinance; therefore, any issues surrounding Joshua Trees would be specifically addressed once development occurs.

Commissioner Shoup asked the Town Attorney to explain why the project required a variance.

Thomas Rice, Town Attorney, explained that due to the fact that the parcel is not strictly for residential use, and the unusual shape of the lot located on the northern end, the need for a variance is legally appropriate for this project. He also commented on similar variances that have been upheld and considered justifiable by the courts.

Ms. Miller responded to questions by the Commission as it relates to the location of the propane tank. She stated that the Development Code stipulates that if a propane tank is

over 200 gallons, it requires a Conditional Use Permit. She noted that the propane tank for the proposed retail store is 1000 gallons.

Commissioner Kallen asked if staff anticipated that the left-hand turn going east on Braeburn Road, would generate more traffic with the new commercial project.

Richard Pedersen, Deputy Town Engineer, explained that an increase in traffic is not anticipated with the new commercial project. He also commented on the reasons that would warrant the need for traffic signals in this area.

Discussion ensued regarding safety issues related to traffic, as well as the lighting requirements for the proposed project. The Commission questioned whether or not staff had received any calls from the public regarding the proposed development.

Ms. Miller responded that she received one call from a property owner who questioned the type of project that is being proposed. She also informed the Commission that although the code allows for a twenty (20)-foot high lighting standard for the parking lot, staff is recommending Condition P32, which limits the rear parking lot to a maximum of fifteen (15)-foot in height.

Commissioner Qualls asked questions regarding the sidewalk displays. He asked if the displays proposed for the front of the store would be similar to Home Depot and Lowes. He also asked questions regarding wheel barrel displays.

Ms. Miller informed the Commission that the outdoor display would be similar but that the type of merchandise would be different.

Brad Sobel, Applicant, provided the Commission with a brief history of Tractor Supply Stores. He also responded to questions by the Commission regarding the amount of outdoor displays that is being proposed, as well as the palletized material at the site and the forage barn that will be used to store hay. Mr. Sobel also addressed the concerns expressed by the Commission regarding traffic. He informed the Commission that a full traffic analysis was performed and included the view corridors at the intersection of Braeburn Road and Bear Valley Road.

Staff provided the Commission with an exhibit of the Tractor Supply Store located in Hesperia, California, for comparison.

A lengthy discussion ensued regarding the outdoor display proposed for the retail store.

Commissioner Shoup recommended staff come back to the Commission with specific content for outdoor displays, as well as additional information on the proposed wall located on the west side of the property.

Mr. Sobel reassured the Commission that the proposed development would be consistent with the store's national program. He also discussed the requirement for a block wall, which he believed is not necessary for this site. He respectfully requested that the Commission waive the requirement for the block wall.

Discussion ensued regarding the petroleum gas tank, block wall, and the eighty-one (81) parking spaces proposed for this project.

Mr. Sobel stated that the parking spaces must be a minimum of sixty (60) in order for the project to work. He stated that he does not believe they would be full at any given time.

Commissioner Shoup would like an amendment made to the variance that required more landscaping and less parking spaces.

Mr. Rice reminded the Commission that the Notice for tonight, was for a variance for a parking lot setback, not a parking variance. Therefore, any discussion regarding a parking variance would have to be re-noticed. He also noted that a parking variance could not be issued without first doing a parking study. He recommended that staff work with the applicant on organizing a parking study.

Mr. Sobel expressed concern regarding the Commission postponing their decision to a future meeting date. He respectfully asked that they move forward with a decision tonight.

Ms. Miller explained, for the benefit of the Commission what the Code says and its intent. Then explained how the intent to separate commercial activity from residential activity is being met when the roundabout is factored in for separation.

Vice-Chairman Lamoreaux questioned whether or not the Commission had the authority to grant the Applicant's request to remove the wall as a requirement, without being noticed.

Michael Castellano, Apple Valley, expressed concern regarding the traffic on Bear Valley Road. He also recommended that the Commission reconsider the variance because he believed it would create the need to park too close to the street. He also commented on the proposed location of the propane tank, which he felt would be too close to Braeburn Road.

Michael Arias, Apple Valley, recommended a decelerate lane on Bear Valley Road. He also expressed concern regarding the traffic going east on Braeburn Road. He recommended that a traffic signal be installed at the intersection of Braeburn Road and Bear Valley Road

Mr. Pedersen explained that the developer would have to submit street plans that included a full improvement on the frontage of Bear Valley Road. However, he did not believe it would be necessary for the amount of traffic that is anticipated at this location.

Ms. Miller answered questions by the Commissioner regarding the forage barn that is being proposed for this development. She clarified, for the benefit of the Commission and public, that the height of the forage barn would be twenty (20)-feet.

Dennis O'Brien, Apple Valley, expressed concern with the current traffic on Braeburn Road. He believed there would be an increase in traffic with the new development.

Dan Fowley, Apple Valley, expressed concern regarding receiving a late notice for tonight's meeting. He also commented on issues related to traffic, as well as the sound that will come from the PA system once the store is in full operation.

Peggy Moore, Apple Valley, stated that she is concerned about rodents that would come from the hay that is stored at the site. She is also concerned about traffic and believed there is a need for more traffic signals.

Mr. Pedersen responded to the concerns expressed by the Commission and public as it related to traffic. He stated that he takes a special interest in identifying issues related to traffic, especially those that result in fatalities. He commented on the danger of installing traffic signals that do not meet the warrants. He also explained why he believed there is more need for a traffic signal on Iroquois Road than there is on Braeburn Road.

Commissioner Kallen stated that he was in support of the proposal; however, he was concerned about increased traffic and drivers that may use Braeburn Road to gain access to the site.

Commissioner Qualls asked staff to reiterate what would warrant the need for traffic signals.

Mr. Pedersen provided a brief history of fatal traffic collisions that occurred where traffic signals are located. He explained how the Town would be held liable by installing a traffic signal when it is not warranted. He also commented on the mechanism used in determining collision rates.

Mr. Pedersen recommended that the developer consider extending the paving across the stretch of asphalt that runs along the west bound of Bear Valley Road, in order to use it as a deceleration lane

Vice-Chairman Lamoreaux explained why he believed traffic signals would not guarantee more safety. He thanked staff for providing more information about traffic signals.

Commissioner Shoup commented on the issues surrounding traffic signals. He spoke in support of roundabouts within Town limits. He also asked if there was a need to condition the storage for the proposed site.

Vice-Chairman Lamoreaux spoke in support of the project. He commented on the history of Tractor Supply Stores and its success as a retailer. He also commented on the concerns he has with reducing the parking, as well as waiving the requirement for the wall. He would like the wall to remain because it would help shield the parking. He also felt the hay barn was positioned well for the proposed development.

Chairman Tinsley also spoke in support of the project. He commented on the concerns shared tonight, regarding landscape versus parking. He stated that he approved the parking design of the project because he felt there was always a shortage of parking spaces. He asked that staff ensure that there would be sufficient handicap parking.

Mr. Rice noted for the record, that the Motion is to include the condition recommended by staff, to limit the lighting standard for the rear parking area to a maximum of fifteen (15)-feet in height.

Chairman Tinsley asked the Applicant if he agreed to the Conditions of Approval.

Mr. Sobel stated that he agreed with the Conditions of Approval, as amended by staff.

There being no one else in the audience wishing to speak, Chairman Tinsley closed the public hearing at 7:17 p.m.

MOTION

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

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section 15315, Class 15, the proposed Parcel Map is Exempt from further environmental review. Also, pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Sections 15332 and 15305, the proposed retail store development with setback variance is Exempt from further environmental review.
2. Find the facts presented in the staff report do support the required Findings for Approval for Conditional Use Permit No. 2018-002, Variance No. 2018-001 and Tentative Parcel Map No. 19937.
3. Adopt the Findings as provided in the staff report and approve Conditional Use Permit No. 2018-002, Variance No. 2018-001 and Tentative Parcel Map No. 19937 subject to the Conditions of Approval, as amended.
4. Direct staff to file the Notice of Exemption.

Vote: Motion carried 5-0-0-0

Yes: Commissioners Kallen; Qualls; Shoup; Vice-Chairman Lamoreaux; Chairman Tinsley.

Absent: None

OTHER BUSINESS

None.

PLANNING COMMISSION COMMENTS

Commissioner Shoup read into the record, a section of Measure N listed under Policy No. LU-10.3, regarding the Planning Commission's inability to amend the land use element. He believed mixed use zoning violates that section of Measure N. He would like staff to come back to the Commission with information for discussion at a future meeting.

Chairman Tinsley asked the minimum square footage for commercial development that requires approval by the Planning Commission.

STAFF COMMENTS

None.

ADJOURNMENT

Motion by Chairman Tinsley, seconded by Vice-Chairman Lamoreaux, and unanimously carried, to adjourn the meeting of the Planning Commission at 7:46 p.m. to its next regularly scheduled meeting on April 18, 2018.

Respectfully Submitted by:

Yvonne Rivera
Planning Secretary

Approved by:

Chairman B.R. "Bob" Tinsley

MINUTES

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

April 18, 2018

CALL TO ORDER

Commissioner Shoup announced that there is a need to nominate a member of the Planning Commission to serve as acting Chairman for the Regular Meeting of April 18, 2018, in the absence of Chairman Tinsley.

ROLL CALL

Motion by Commissioner Shoup, seconded by Commissioner Qualls, to nominate Commissioner Kallen to serve as acting Chairman for the Regular Meeting of April 18, 2018.

Vote: Motion carried 3-0-2-0

Yes: Commissioners Kallen; Qualls; Shoup.

Absent: Vice-Chairman Lamoreaux; Chairman Tinsley.

Acting Chairman Kallen called to order the regular meeting of the Town of Apple Valley Planning Commission at 6:00 p.m.

Roll Call

Present: Commissioners Bruce Kallen; Doug Qualls; Mark Shoup

Absent: Vice-Chairman Lamoreaux; Chairman Tinsley

Staff Present

Carol Miller, Assistant Director of Community Development, Pam Cupp, Associate Planner, Thomas Rice, Town Attorney, Yvonne Rivera, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Shoup.

APPROVAL OF MINUTES

1. **Approval of Minutes**
 - a. Regular Meeting of March 7, 2018.

MOTION

Motion by Commissioner Shoup, seconded by Commissioner Qualls, to approve the minutes for the Regular Meeting of March 7, 2018.

Vote: Motion carried 3-0-2-0

Yes: Commissioners Kallen; Qualls; Shoup.

Absent: Vice-Chairman Lamoreaux; Chairman Tinsley.

PUBLIC COMMENTS

None.

PUBLIC HEARINGS

2. **Conditional Use Permit No. 2017-011 and Deviation Permit No. 2017-003.** A request for 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.

Acting Chairman Kallen opened the public hearing at 6:03 p.m.

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

Commissioner Shoup requested to know why a Deviation Permit was required for the landscaping.

Pam Cupp, Associate Planner, explained that the site location was in a landscaped area near a line of trees. She stated that the additional four (4)-feet around the trees and the enclosure had the potential of impacting park activities.

Commissioner Qualls asked how preferred locations are selected. He also asked questions regarding the setback requirements for residential properties according to industry standards.

Ms. Cupp explained that the code included a list of sites that have previously been determined as preferred locations. She stated that the sites included public parks, golf courses, churches over three (3)-acres, and commercial properties over five

(5)-acres. She also explained that the standards related to the setback requirements for residential, were developed by the Planning Commission at the time it developed the ordinance.

Commissioner Qualls commented on his understanding of a Deviation. He noted that according to the staff report, there did not appear to be another area within the parameters of the project location, where the project would work without the Deviation.

Commissioner Kallen asked a series of questions regarding the existing seventy (70)-foot stealth pole as shown on Page 2-14. He also wanted to know if the old antenna could be replaced, rather than installing a new pole.

Ms. Cupp informed the Commission that the Planning Department was contacted by the applicant about putting the antenna array on top of the existing light pole. Based upon the proposed design, the Planning Department discouraged the applicant from moving forward at that location. .

Stella Shih, Applicant, provided the Commission with further details relating to the antenna expansion upon the existing light pole.

Ms. Shih also responded to the concerns expressed by the Commission regarding the base of the pole. She recommended placing light colored boulders around the pole to serve as a warning to children that play in that area. She also asked questions of staff regarding the security lid for the enclosure.

Discussion ensued regarding possibly amending the conditions to include an alternative design for the base of the pole, including a decorative bench. It was the consensus of the Commission to add a Condition of Approval requiring the applicant to include install a park bench around the base of the mono-pole.

Acting Chairman Kallen asked the Applicant if she agreed with all Conditions of Approval.

Ms. Shih stated that she was in agreement with all Conditions of Approval, as amended.

There being no one in the audience wishing to speak, Acting Chairman Kallen closed the public hearing at 6:25 p.m.

Thomas Rice, Town Attorney, clarified that the amendment is to add Condition P14 requiring the placement of a surrounding bench at the base of the tower.

MOTION

Motion by Commissioner Kallen, and seconded by Commissioner Qualls 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, as amended.
- 4 Direct Staff to file the Notice of Exemption.

Vote: Motion carried 3-0-2-0

Yes: Commissioners Kallen; Qualls; Shoup.

Absent: Vice-Chairman Lamoreaux; Chairman Tinsley.

3. **Conditional Use Permit No. 2017-010.** A request for 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

Acting Chairman Kallen opened the public hearing at 6:27 p.m.

Pam Cupp, Associate Planner, presented the staff report as filed with the Planning Division. She noted that the parcel map and site plan review for the center, included a parcel that was intended for this type of installation.

Acting Chairman Kallen asked the Applicant if he agreed with all Conditions of Approval.

Bryce Novak stated he was in agreement with all Conditions of Approval.

There being no requests to speak, Acting Chairman Kallen closed the public hearing at 6:29 p.m.

MOTION

Motion by Commissioner Qualls, and seconded by Commissioner Shoup 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.

Vote: Motion carried 3-0-2-0

Yes: Commissioners Kallen; Qualls; Shoup.

Absent: Vice-Chairman Lamoreaux; Chairman Tinsley.

4. **Conditional Use Permit No. 2017-012 and Deviation Permit No. 2017-004.** A request for 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

Acting Chairman Kallen opened the public hearing at 6:29 p.m.

Pam Cupp, Associate Planner, presented the staff report as filed with the Planning Division. She noted that staff is recommending that the applicant plant a minimum of three (3) trees that are fifteen (15)-feet in height or greater, within twenty (20)-feet of the monopine tower, in an effort to alleviate the visual impact.

Commissioner Shoup questioned the need for a Deviation Permit and asked if the tower could be relocated to the middle of the property.

Ms. Cupp explained that the property owner plans to build in the future; therefore, he does not want to change the location for the proposed tower. She also noted that there are no viable locations for the service area.

Commissioner Kallen questioned the distance between the proposed tower and the property line. He also felt that the design of the tower should be revised to make it visually appealing.

Ms. Cupp stated that the Planning Department could condition the tower to include specific setbacks with the Commission's approval.

Discussion ensued regarding possible alternatives for the design of the tower, including a water tower. Also discussed were other potential locations that would work for the tower.

Rachel Davidson, Applicant, responded to questions by the Commission regarding changing the location of the tower. She explained that the landlord had future plans to build on the property, and with the request by staff to add three (3) live trees, he was concerned about encroaching onto the property where he plans to build. Therefore, he asked that the pole be installed in an area where it would line up with future houses. She also commented on other tree designs for the Commission's consideration; however, the applicant believed this design was more appropriate per the code.

Carol Miller, Assistant Director of Community Development, informed the Commission that the property owner does not have any entitlement for any expansions; therefore, staff believed that the owner would need to design his plans around the existing trees.

Commissioner Kallen requested to know if there were other designing options available for the tower, other than the pine tree. He stated that he would not support the project in the way that the tower is currently designed.

Commissioner Qualls also expressed concern regarding the current design of the tower. He suggested the applicant come back to the Commission with more options that conceal the tower.

Commissioner Shoup felt that the location of the tower was too close to the residential area. He also asked questions regarding landscaping in the easement.

After a lengthy discussion surrounding the issues related to the proposed tower, it was the consensus of the Commission to deny the project.

Commissioner Qualls motioned to deny the application without prejudice.

Thomas Rice, Town Attorney, recommended reading into the record, the Findings made by the Commission for the Conditional Use Permit (CUP) and Deviation Permit, prior to denying the application.

Findings for the Conditional Use Permit shall read:

1. The proposed location is not consistent with the development policies and standards of the Town. A minimum separation distance of 1,000 feet is required between towers

- and residential uses or districts. The proposed separation distance of twenty-five (25) feet does not comply with established development policies and would be detrimental to future residential development.
2. The antenna will incorporate a pine tree design as camouflage for the tower, which is not compatible with the site and adjacent uses. The proposal would be visually detrimental to adjacent uses because there are no adjacent features to mitigate the height or design of the proposal.
 5. Based upon the location of the proposal, the project is found to be visually detrimental to the desirable neighborhood characteristics.

Mr. Rice informed the Commission that they do not need to address the issue of a Deviation if they deny the CUP.

Acting Chairman Kallen asked the Applicant if she agreed with all Conditions of Approval.

Ms. Davison stated she was in agreement with all Conditions of Approval.

There being no requests to speak, Acting Chairman Kallen closed the public hearing at 6:45 p.m.

It was the consensus of the Commission to move forward with the Findings for the Conditional Use Permit, as outlined by the Town Attorney, to deny the application without prejudice.

As a point of order, Commissioner Qualls noted that he made the original Motion, followed by the clarification by the Town Attorney.

MOTION

Motion by Commissioner Qualls, and seconded by Commissioner Shoup that the Planning Commission move to deny the project without prejudice.

Vote: Motion carried 3-0-2-0

Yes: Commissioners Kallen; Qualls; Shoup.

Absent: Vice-Chairman Lamoreaux; Chairman Tinsley.

OTHER BUSINESS

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

Applicant: Town of Apple Valley

Carol Miller, Assistant Director of Community Development, presented the staff report as filed with the Planning Division.

Ms. Miller informed the Commission that the Town contributes to the administration fee for SBTCA.

Ms. Miller answered questions by the Commission regarding the continuation of monitoring the restoration and maintenance of the vegetation in areas adjacent to the Yucca Loma Bridge.

Commissioner Qualls requested information related to the recycled water retrofit.

Ms. Miller stated that the Victor Valley Water Recycling Authority (VWVRA) facility would bring reclaimed water to the golf course.

Commissioner Qualls positively commented on the new recycled water plant located at Brewster Park.

Ms. Miller also commented on the information in the staff report regarding signal improvements. She explained, for the benefit of the Commission, that it entailed evaluating the signals for ADA compliance.

MOTION

Motion by Commissioner Qualls, and seconded by Commissioner Shoup that the Planning Commission 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.

Vote: Motion carried 3-0-2-0

Yes: Commissioners Kallen; Qualls; Shoup.

Absent: Vice-Chairman Lamoreaux; Chairman Tinsley.

PLANNING COMMISSION COMMENTS

None.

STAFF COMMENTS

None.

ADJOURNMENT

Motion by Acting Chairman Kallen, seconded by Commissioner Shoup, and unanimously carried, to adjourn the meeting of the Planning Commission at 7:08 p.m. to its next regularly scheduled meeting on May 16, 2018.

Respectfully Submitted by:

Yvonne Rivera
Planning Secretary

Approved by:

Bruce Kallen, Acting Chair



Get a Slice of the Apple.

TOWN OF APPLE VALLEY PLANNING COMMISSION

Staff Report

- AGENDA DATE:** May 16, 2018
- CASE NUMBER:** Conditional Use Permit No. 2017-006 and Deviation Permit No. 2018-003
- APPLICANT:** J5 Infrastructure Partners 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 eucalyptus tree. The tower will be situated adjacent to the parks parking area and will include a 240 square foot CMU block wall equipment enclosure within a 440 square-foot lease area. The Deviation is a request for a reduced separation distance from residential uses, existing wireless telecommunication tower and landscape buffer.
- LOCATION:** 21860 Tussing Ranch Road; APN 3080-104-06.
- 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:** Carol Miller, Assistant Director of Community Development
- RECOMMENDATION:** Approval
- PROJECT AND SITE DESCRIPTION:**
- A. Project Size: The telecommunication facility will occupy 440 square feet of lease area within Mendel Park, a three and one-half acre park.
- B. General Plan Designations:
Project Site - Open Space (O-S)
North - Public Facilities (P-F)

- South - Single-Family Residential (R-SF)
- East - Public Facilities (P-F)
- West - Medium Density Residential (R-M)

C. Surrounding Zoning and Land Use:

- Project Site - Open Space Recreation (OS-R), Public Park
- North - Public Facilities (P-F), Mariana Elementary School
- South - Single-Family Residential (R-SF), Vacant.
- East - Public Facilities (P-F), Fire Station
- West - Multi-Family Residential (R-M), Day Care facility and single-family residence.

D. Height:

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

E. Parking Analysis:

Total Parking Required: 1 Space
 Parking Provided: 0 Space

F. Setback Analysis:

Tower	Required	Proposed
Park Boundary:		
From West	22.5 ft.	180 ft.
From East	22.5 ft.	340 ft.
From South	22.5 ft.	226 ft.
From North	22.5 ft.	36 ft.

G. Separation Analysis:

Tower	Required	Proposed
To SFR		
From West	500 ft.	**255 ft.
From East	500 ft.	**440 ft.
From South	500 ft.	**320 ft.
From North	500 ft.	715 ft.
To Existing Tower	750 ft.	**410 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.

In response to the notices that were sent to the surrounding property owners, the Town Clerk's office received one email addressed to the Town Council and Planning Commission in opposition to the Project. The email is attached for your review. The complaints were related specifically to radio frequency emissions. Regarding the concerns about radio frequency emissions, the Town is preempted by the Federal Telecommunications Act from attempting to regulate and control any potential electromagnetic radiation produced by wireless telecommunication facilities.

B. Site Analysis:

The proposed wireless telecommunication facility will be located within Mendel Park, a three and one-half (3.5) acre park. The mono-eucalyptus will be situated near trees that range in height from twenty (20) to forty (40) feet. The proposed equipment shelter will be located within a grassy area adjacent to the parking lot which serves the park. The tower will be located outside of the equipment shelter. The applicant met with Town staff at the location to ensure that the function of the park would not be 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. Although there are other single-family residences within 500 feet, the nearest residence is located approximately 255 feet to the west across Manhasset Road. Since the antenna is closer than 500 feet, the applicant is requesting a Deviation Permit to allow up to a 275-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 located at the fire station to the east that is designed to function as a hose-drying tower. The height of this tower is sixty-five (65) feet. Since the antenna is closer than 750 feet, the applicant is requesting a Deviation Permit to allow a 340-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 parking area within a grassy area. 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 to the south side of the enclosure. Consistent with the requirement placed on a recently approved tower at James Woody Park, staff is recommending a sitting bench be placed around the base of the tree.

The property (Mendel Park) is located within an area primarily developed as residential, causing a lack of wireless coverage to the surrounding neighborhoods. The Town's

Wireless Telecommunication ordinance prohibits wireless telecommunication facilities in residential zones, except for such facilities associated with permitted nonresidential uses such as parks, schools, fire stations, and light standards. An existing sixty-five (65)-foot high cell tower located at the fire station to the east, is a preferred location but was not designed to accommodate a second carrier. This leaves Mendel Park and the elementary school as the only remaining preferred locations to accommodate wireless telecommunication facilities within the area.

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 and 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 separation requirements, which is attached for Commission consideration. Supplemental findings have also been provided in support of the requested deviations.

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. Although the proposal is not a monopine in this instance, the applicant has chosen a mono-eucalyptus design because of the existing trees at the park along the school property fence line which are not pine trees. The applicant is requesting Planning Commission review and approval of a Conditional Use Permit to construct a sixty (60)-foot high mono-eucalyptus. The pole of the mono-eucalyptus will be fifty-five (55)-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-five (55) feet. The simulated foliage for the mono-eucalyptus extends five (5) feet above the pole to assist in providing a tapered visual effect. The drip line diameter of the tree is approximately twenty (20) feet at its widest point. The foliage begins fifteen (15) 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 with additional branches crisscrossing at joints and foliage 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 (20) 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 mono-eucalyptus is proposed without any enclosure; however, the associated equipment will be located within a, eight (8)-foot tall, 240 square foot CMU block enclosure located adjacent to the park's parking lot. 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 covering that would prevent balls and people from entering the equipment enclosure.

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 May 4, 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 has received one communication in opposition.

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 mono-eucalyptus tower complies with the Town's Telecommunications Ordinance of the Development Code, upon the review and approval of a Conditional Use Permit and Deviation Permit by the Planning Commission. and complies with the adopted 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 mono-eucalyptus design, the visual impact will be minimized while expanding the telecommunication coverage within an area that is deficient in cellular coverage.

Additionally, that the design of the project maximizes the beneficial effects of a facility that will serve as an integral part of a whole

communications system and improve the telecommunications coverage for an area with limited 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 eucalyptus 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 mono-eucalyptus, with adherence to the recommended Conditions of Approval, is permitted subject to approval of a Conditional Use Permit and Deviation Permit. All development issues have been evaluated by the appropriate Town departments and appropriate conditions have been required to address their areas of responsibility. When implemented, the conditions will ensure compliance with all local, state and federal regulations pertaining to the proposed facility.

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

Comment: The mono-eucalyptus design compatible with the existing park landscaping and compatible in scale and bulk with the existing park and surrounding commercial structures. The mono-eucalyptus 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: That there will not be a harmful effect upon neighborhood characteristics because the mono-eucalyptus design, will minimize the visual impact while expanding the telecommunication coverage within an area that is deficient in cellular coverage.

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: materials, textures and details of the proposed construction, is compatible with the adjacent and neighboring structures because The location of the mono-eucalyptus is near existing trees that serve as a border separating a ball field from the school 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 mono-eucalyptus is near existing trees that serve as a border separating a ball field from the school. 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 eucalyptus 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 due to existing park improvements.

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

Comment: Given the location of existing park improvement, 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 location of existing park improvements, the location appears most logical despite the encroachments into the required setbacks. With adherence to the 500-foot and 750-foot separation requirements and landscaping, it would preclude the use of this preferred location for telecommunication. Furthermore, the engineering analysis identified a need for a cellular tower in this vicinity in order to provide adequate service to the community. The surrounding area is predominately zoned residential with limited preferred locations in the area. Therefore, this is a rather unique situation in that there is not a more suitable locations for this telecommunications facility, which is necessary in order to provide cellular communications coverage for the community. Further, the T-Mobile cell tower located 410 feet to the east, designed as a hose drying rack, is not designed for co-location.

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 improvements, 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 proposed location offers the greatest setbacks without interfering with the function of the park.

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 separation to residential uses, existing towers, and landscape buffer. The granting of the Deviation to allow the telecommunications facility to be constructed within a location that result in a separation less than 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 because the proposed lease area and facility will be adequately setback within the property boundaries and camouflaged with stealth design to mitigate any visual, aesthetic or land use conflicts. The location of the mono-eucalyptus tower near other trees in the area is much less visually obtrusive than a non-stealth designed tower. 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 and requirement to enhance the appearance of the equipment compound.

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. 2017-006 and Deviation Permit No. 2018-003 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. 2017-006 and Deviation Permit No. 2018-003.
3. Approve Conditional Use Permit No. 2017-006 and Deviation Permit No. 2018-003, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

Prepared By:

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
7. RF maps (see separate attachment)
8. Letter of Opposition dated May 7, 2018.

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Conditional Use Permit No. 2017-006 & Deviation Permit No. 2018-003

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. 2017-006 and Deviation Permit No. 2018-003 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 additional branches that crisscross with leafy 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 (20) 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 or similar 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

DEVIATION PERMIT FINDINGS FOR A WIRELESS TELECOMMUNICATION FACILITY

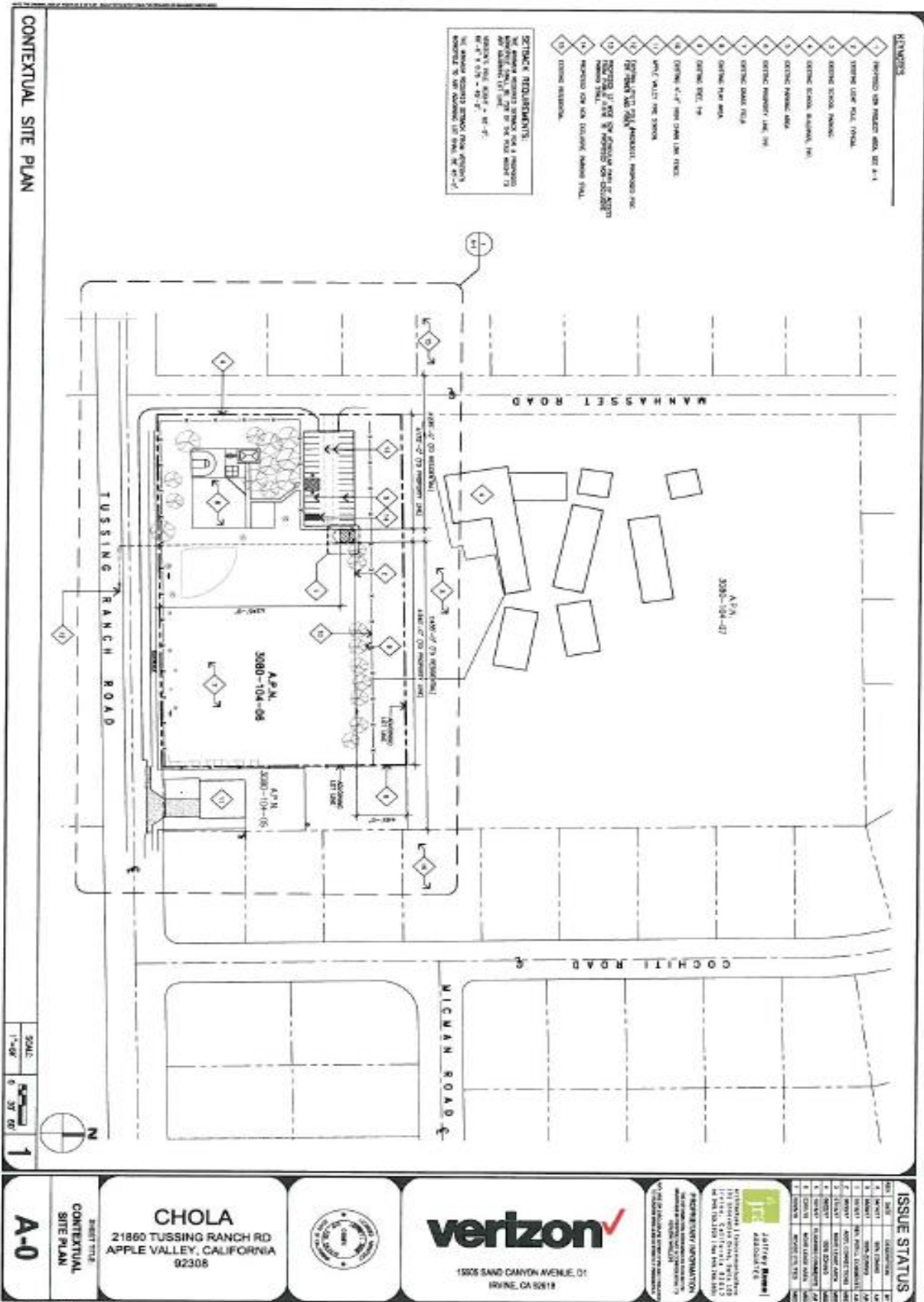
1. That the applicant has provided supporting documentation of the identified need that cannot be met in any other manner;
This project was sited and redesigned numerous times pursuant to City requests within a City park.
A minor deviation is the only manner that this project can proceed.

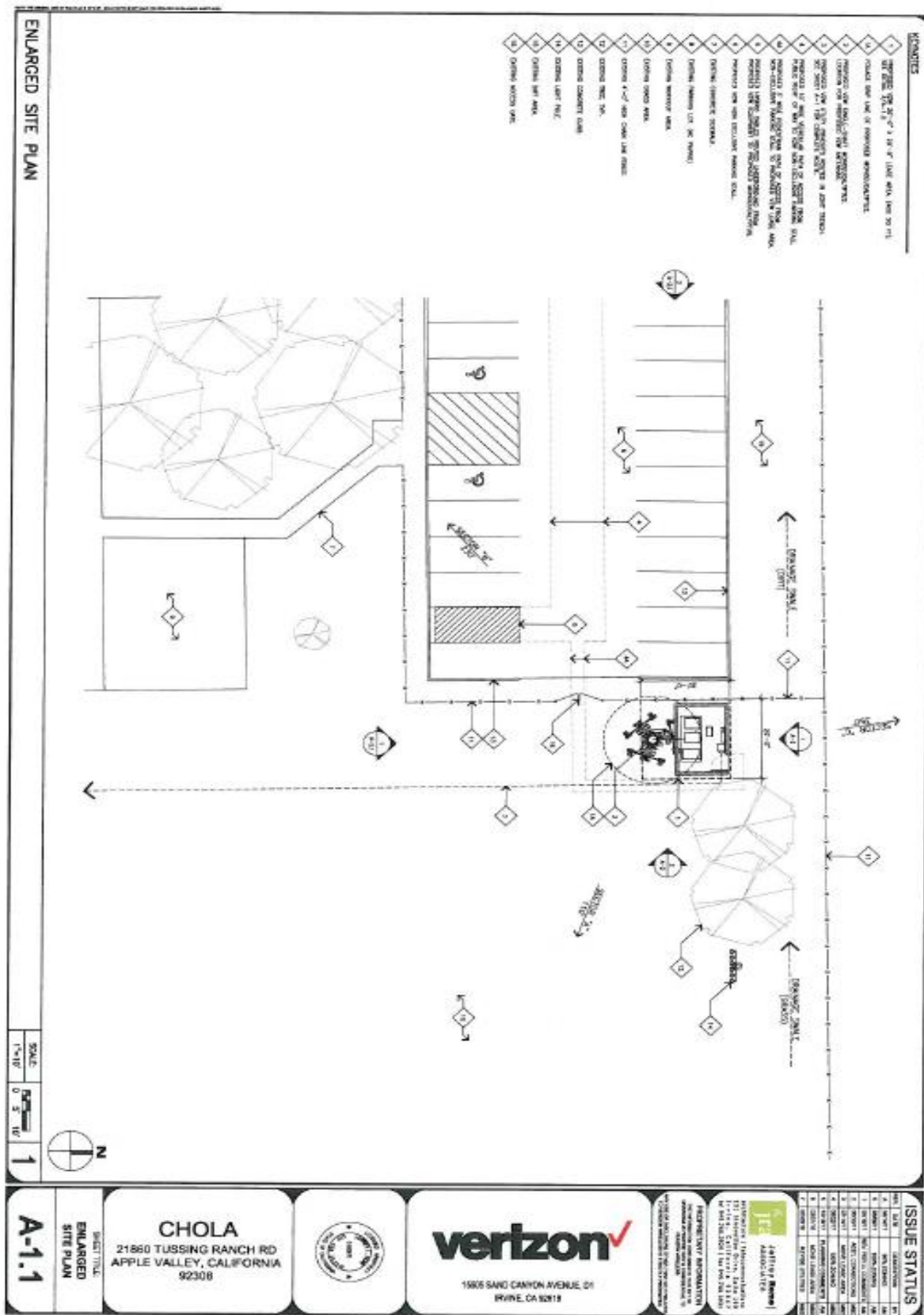
2. That there are unique circumstances associated with the proposed location necessitating the requested Deviations;
The unique circumstances are the additional setbacks required from residentially zoned areas.
This location was determined as that desired by the City, however, the required higher setback cannot be accommodated.

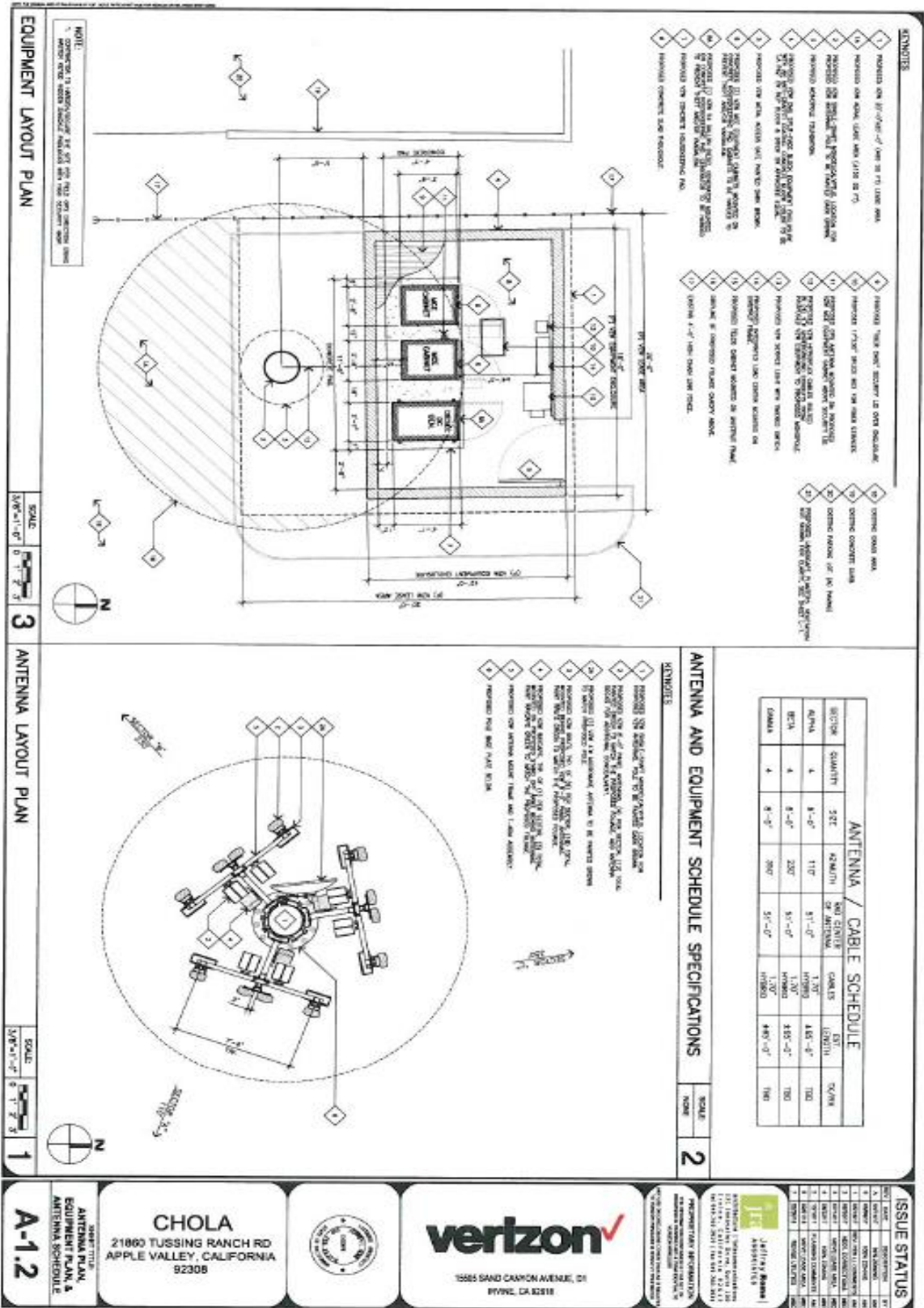
3. That there are no reasonable alternative sites available to provide the services offered;
Verizon considered numerous alternative location. However, as the City's ordinance is quite restrictive, the only locations available within the search ring were the fire station and City park, both of which are identified as City preferred locations. The City identified the location for the facility within the park; however, the extended setback could not be met.

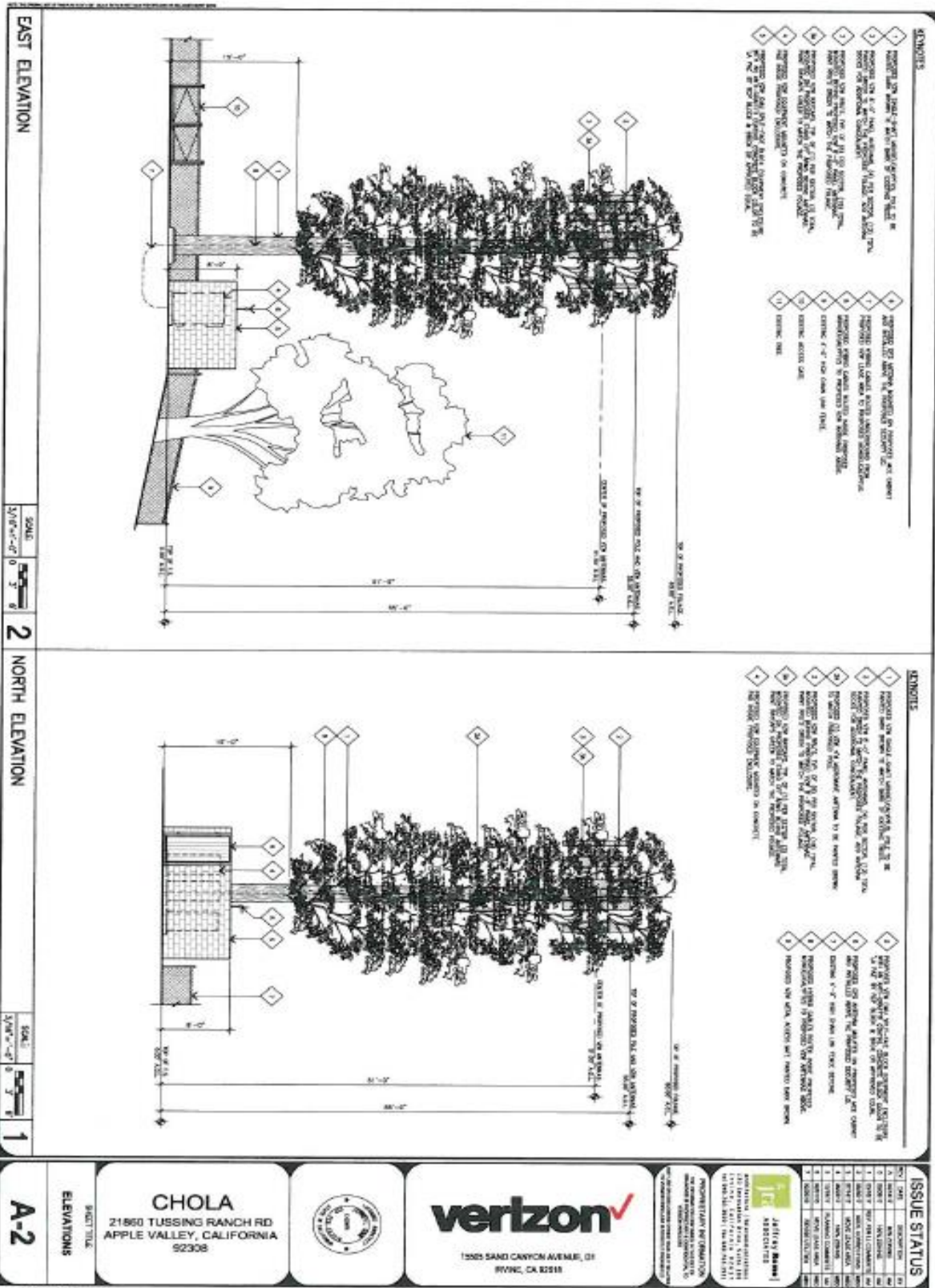
4. That the submitted information and testimony from the applicant, staff and public illustrates a reasonable probability that allowance of the Deviation will have minimal or no adverse impacts to the site, surrounding area or the community in general; and
Verizon has complied with all City requests, and will comply with all FCC requirements.

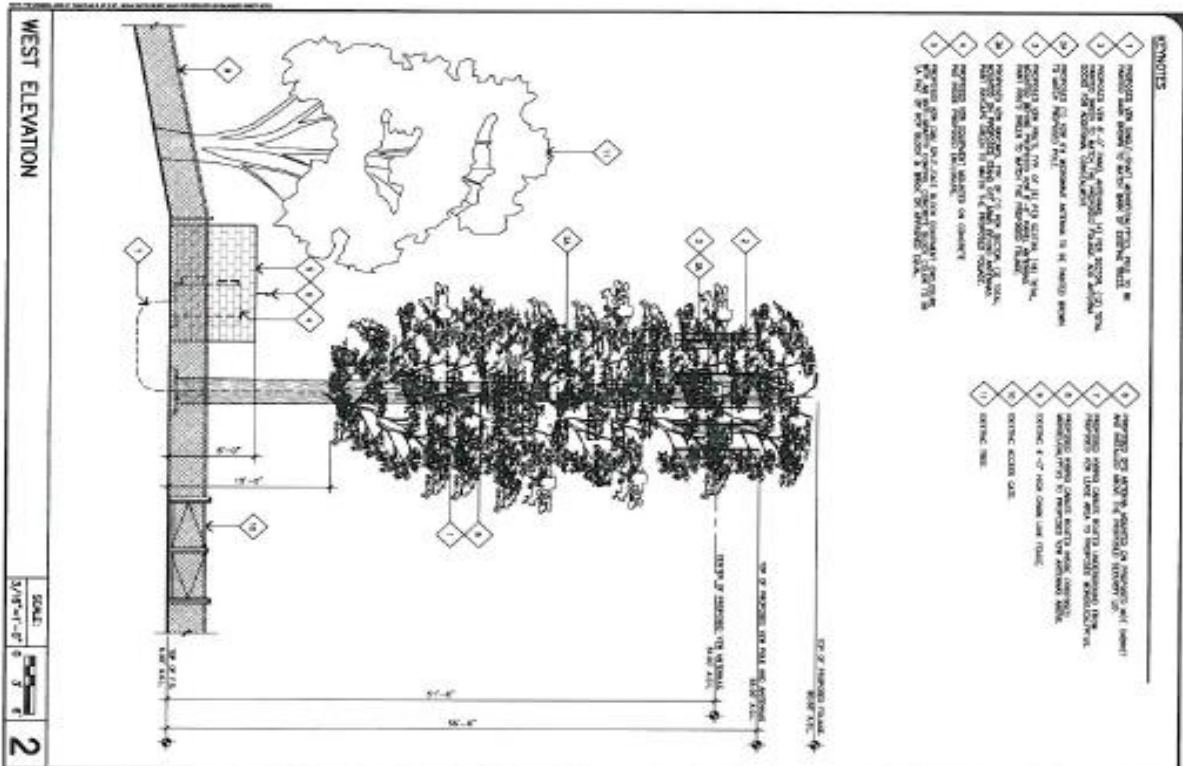
5. That the Commission finds that the proposed deviation will not be materially detrimental to the public health, safety or general welfare, or injurious to the property or improvements in the vicinity and land use districts in which the property is located.
This location was the third modified siting requested by the City. Unfortunately, this location cannot comply with the extended setbacks required from residential zones. Verizon complies with all other requirements.



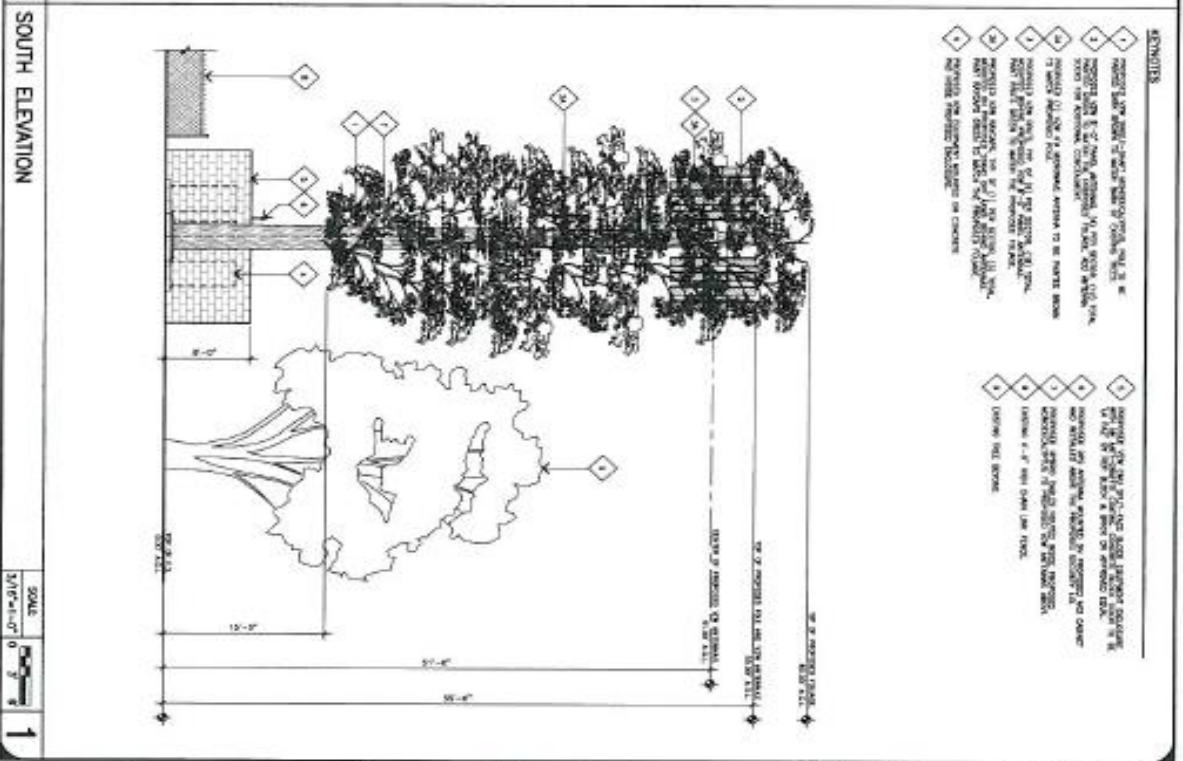








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<p>CHOLA 21860 TUSSING RANCH RD APPLE VALLEY, CALIFORNIA 92308</p>		<p>verizon</p> <p>1565 SAND CANYON AVENUE, D1 IRVINE, CA 92618</p>	<p>Jeffrey Green ARCHITECT</p> <p>11500 S. CALIFORNIA AVE. SUITE 200 IRVINE, CALIFORNIA 92618 TEL: 949.453.1234 WWW.JEFFREYGREENARCHITECT.COM</p>	<p>ISSUE STATUS</p> <table border="1"> <tr><td>NO. 1</td><td>DATE</td><td>DESCRIPTION</td><td>BY</td></tr> <tr><td>1</td><td>05/16/2018</td><td>ISSUED FOR PERMITTING</td><td>JG</td></tr> <tr><td>2</td><td>05/16/2018</td><td>REVISED PER PERMITTING</td><td>JG</td></tr> <tr><td>3</td><td>05/16/2018</td><td>REVISED PER PERMITTING</td><td>JG</td></tr> <tr><td>4</td><td>05/16/2018</td><td>REVISED PER PERMITTING</td><td>JG</td></tr> <tr><td>5</td><td>05/16/2018</td><td>REVISED PER PERMITTING</td><td>JG</td></tr> <tr><td>6</td><td>05/16/2018</td><td>REVISED PER PERMITTING</td><td>JG</td></tr> <tr><td>7</td><td>05/16/2018</td><td>REVISED PER PERMITTING</td><td>JG</td></tr> <tr><td>8</td><td>05/16/2018</td><td>REVISED PER PERMITTING</td><td>JG</td></tr> <tr><td>9</td><td>05/16/2018</td><td>REVISED PER PERMITTING</td><td>JG</td></tr> <tr><td>10</td><td>05/16/2018</td><td>REVISED PER PERMITTING</td><td>JG</td></tr> </table>	NO. 1	DATE	DESCRIPTION	BY	1	05/16/2018	ISSUED FOR PERMITTING	JG	2	05/16/2018	REVISED PER PERMITTING	JG	3	05/16/2018	REVISED PER PERMITTING	JG	4	05/16/2018	REVISED PER PERMITTING	JG	5	05/16/2018	REVISED PER PERMITTING	JG	6	05/16/2018	REVISED PER PERMITTING	JG	7	05/16/2018	REVISED PER PERMITTING	JG	8	05/16/2018	REVISED PER PERMITTING	JG	9	05/16/2018	REVISED PER PERMITTING	JG	10	05/16/2018	REVISED PER PERMITTING	JG
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ZONING MAP

Verizon Chola

21860 Tussing Ranch Rd. - Apple Valley, CA 92308

VICINITY



Verizon Wireless
15505 Sand Canyon Ave.
Irvine, CA 92618



J5 Infrastructure Partners
2030 Main Street, Suite 200
Irvine, CA 92614

Verizon Chola

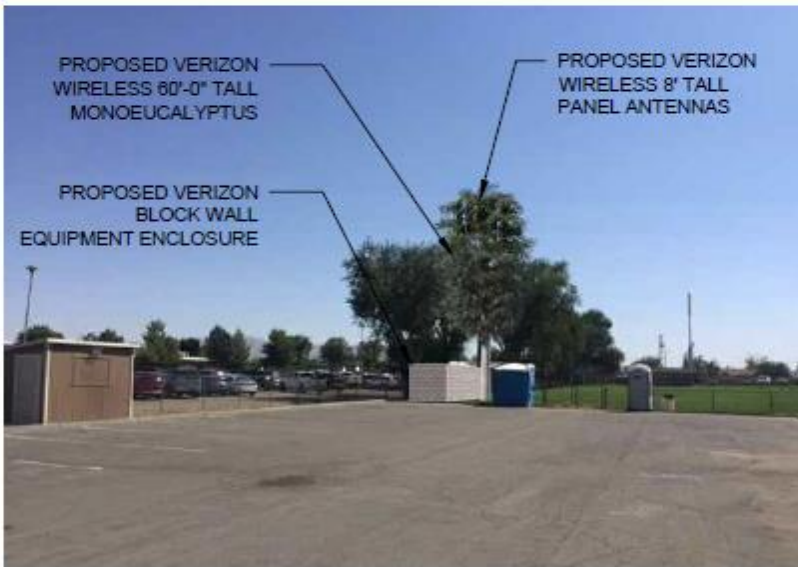
21860 Tussing Ranch Rd. - Apple Valley, CA 92308

EXISTING

WEST LOOKING EAST



PROPOSED



Verizon Wireless
15505 Sand Canyon Ave.
Irvine, CA 92618



J5 Infrastructure Partners
2030 Main Street, Suite 200
Irvine, CA 92614

Sheet No.

1

Verizon Chola

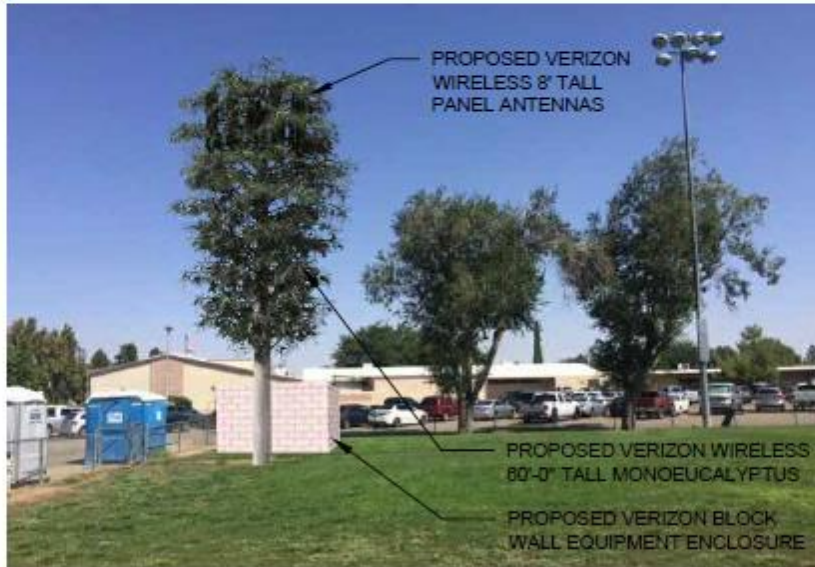
21860 Tussing Ranch Rd. - Apple Valley, CA 92308

EXISTING



SOUTH LOOKING NORTH

PROPOSED



Verizon Wireless
15505 Sand Canyon Ave.
Irvine, CA 92618



J5 Infrastructure Partners
2030 Main Street, Suite 200
Irvine, CA 92614

Sheet No.

2

Verizon Chola

21860 Tussing Ranch Rd. - Apple Valley, CA 92308

EXISTING

SOUTHEAST LOOKING NORTHWEST



PROPOSED



Verizon Wireless
15505 Sand Canyon Ave.
Irvine, CA 92618



J5 Infrastructure Partners
2030 Main Street, Suite 200
Irvine, CA 92614

Sheet No.

3

May 7th, 2018

ATTENTION; APPLE VALLEY PLANNING COMMISSION/TOWN COUNCIL MEMBERS

WE THE PARENTS OF STUDENTS AT MARIANA ACADEMY AND RESIDENTS OF APPLE VALLEY FIRMLY OPPOSE THE CONSTRUCTION OF A WIRELESS TELECOMMUNICATIONS TOWER NEAR THE SCHOOL, PARK, AND THE FIRE DEPARTMENT.

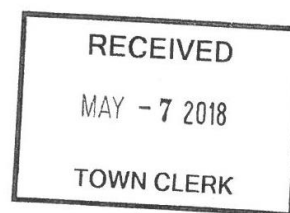
BASED ON NUMEROUS STUDIES THE COUNTY OF LOS ANGELES HAS BANNED SUCH PLACEMENT. THE FIREFIGHTERS ASSOCIATION HAS ALSO BANNED TOWERS AT THEIR LOCATIONS. THE CHILDREN OF SAN BERNARDINO COUNTY ARE JUST AS VALUABLE AND THEIR HEALTH CONCERNS SHOULD BE PROTECTED.

AFTER STUDIES BY MANY LEADING MEDICAL RESEARCHERS INCLUDING HARVARD MEDICAL SCHOOL IT HAS BEEN FOUND THAT TOWERS ARE A HEALTH HAZARD IN CLOSE PROXIMITY.

REAL ESTATE STUDIES SHOW HOME VALUES DECREASE 5 TO 20 PERCENT, AND SCHOOL ENROLLMENT DROPS IF TOWERS ARE ON OR NEAR TOWERS.

WITH ALL OF THE VAST OPEN DESERT SPACE WE ARE ASKING THE APPLE VALLEY PLANNING COMMISSION TO DENY THE PERMIT FOR A J5 INFRASTRUCTURE BY VERIZON WIRELESS AT MENDEL PARK ADJACENT TO ELEMENTARY SCHOOL, PARK AND FIRE DEPARTMENT.

ENVIRONMENTALLY THIS PARK IS ALSO A MIGRATORY ROUTE FOR BIRDS.





American Academy of Environmental Medicine

6505 E Central • Ste 296 • Wichita, KS 67206
Tel: (316) 684-5500 • Fax: (316) 684-5709
www.aaemonline.org

Executive Committee

March 19, 2013

President

Amy L. Dean, D.O., FAAEM
1955 Pauline Blvd Ste 100D
Ann Arbor, MI 48103

Los Angeles Unified School District
333 S Beaudry Ave #24
Los Angeles, CA 90017

President-Elect

Doris Rapp, M.D., FAAEM
8179 E. Del Cuzarzo Dr.
Scottsdale, AZ 85258

The American Academy of Environmental Medicine comprises Medical Doctors, Osteopaths and PhD researchers focusing on the effects of environmental agents on human health. For forty years the Academy has trained Physicians to treat the most difficult, to heal patients who are often overlooked by our medical system because the cause of their illness is a chemical, solvent, or toxic metal, not a bacteria, virus or other traditionally understood cause.

Secretary

Jennifer Armstrong, M.D., FAAEM
3364 Carling Ave.
Ottawa, Ontario, Canada

In recent years our members and colleagues have reported an increase in patients whose symptoms are reversible by eliminating wireless radiating devices in their homes such as cell phones, cordless phones and wireless internet systems.

Treasurer

James W. Willoughby, II, D.O.
24 Main St.
Liberty, MO 64068

There is consistent emerging science that shows people, especially children are affected by the increasing exposure to wireless radiation. In September 2010, the Journal of the American Society for Reproductive Medicine - Fertility and Sterility reported that only four hours of exposure to a standard laptop using WiFi caused DNA damage to human sperm.

Immediate Past President

A.L. Barrier, M.D., FFAO-HNS

Advisor

William J. Rea, M.D., FAAEM
Gary R. Oberg, M.D., FAAEM

In May 2011, the World Health Organization elevated exposure to wireless radiation, including WiFi, onto the Class 2b list of Carcinogens.

Board of Directors

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In October 2012, the AAEM issued a public warning about WiFi in schools that stated:

“Adverse health effects from wireless radio frequency fields, such as learning disabilities, altered immune responses, and headaches, clearly exist and are well documented in the scientific literature. Safer technology, such as use of hard-wiring, is strongly recommended in schools.”

Continuing Medical Education

Chair
James W. Willoughby, II, D.O.
24 Main St.
Liberty, MO 64068

In December 2012, the American Academy of Pediatrics - representing 60,000 pediatricians, wrote to Congress requesting it update the safety levels of microwave radiation exposure especially for children and pregnant women.

Assistant-Chair

Allan D. Lieberman, M.D., FAAEM
7510 Northforest Dr.
North Charleston, SC 29420

The WiFi systems in schools are typically hundreds of times more powerful than the home consumer systems you may be familiar with. They are also dozens of times more powerful than the cafe and restaurant systems you may have been exposed to. The WiFi systems in schools are necessarily more powerful than any microwave communication systems in any other setting because they are required to run hundreds of computers simultaneously. They are also exposing children - the

most vulnerable to microwave radiation - to extended periods all day, for their entire childhood. This is an unprecedented exposure with unknown outcome on the health and reproductive potential of a generation.

To install this system in Los Angeles risks a widespread public health question that the medical system is not yet prepared to answer.

In October 2013, the AAEM is organizing an international medical conference in Phoenix AZ to teach doctors how to identify patients whose symptoms can be reversed by eliminating exposure to WiFi, cell phones and other forms of wireless radiation in the home.

It is unlikely that there are currently enough doctors in Los Angeles County familiar with the biological effects of microwave radiation to diagnose and treat the numbers of children who will potentially become symptomatic from exposure to your wireless system should you elect to install it. Statistics show that you can expect an immediate reaction in 3% of your students and time-delayed reactions in 30% of them. This will also include teachers.

The American Academy of Environmental Medicine suggests strongly that you do not add to the burden of public health by installing blanket wireless internet connections in Los Angeles schools. Hardwired internet connections are not only safer, they are stronger, and more secure.

Children who are required by law to attend school also require a higher level of protection than the general public. You may be directed by technology proponents that the science on the human health effects of WiFi is not yet certain. This uncertainty is not a reason to subject a generation of children to such extreme exposure. Rather, it is the foundation upon which caution must be exercised to prevent a potential public health disaster.

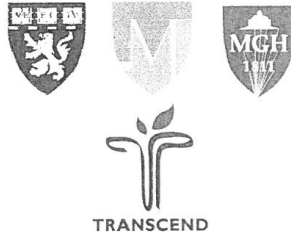
While technicians and sales staff argue about the validity of the dangers posed by cell towers, cell phones, WiFi and other forms of wireless radiation, it is the doctors who must deal with the fall out. Until we, as doctors, can determine why some of our patients become debilitatingly sick from WiFi and other microwave communications, while others do not, we implore you not to take such a known risk with the health of so many children who have entrusted you to keep them safe while at school.

Respectfully,

The Executive Committee of the American Academy of Environmental Medicine

HARVARD MEDICAL SCHOOL

Martha R. Herbert, Ph.D., M.D.
Assistant Professor, Pediatric Neurology
Director, TRANSCEND Research Program
www.transcendresearch.org



MASSACHUSETTS
GENERAL HOSPITAL

Martinos Center for Biomedical Imaging
149 13th Street, Room 10.018
Boston, Massachusetts 02129
Phone: (617) 724-5920
Fax: (617) 812-6334

TO: Los Angeles Unified School District
FROM: Martha R Herbert, PhD, MD
RE: Wireless vs. Wired in Classrooms
DATE: February 8, 2013

I am a pediatric neurologist and neuroscientist on the faculty of Harvard Medical School and on staff at the Massachusetts General Hospital. I am Board Certified in Neurology with Special Competency in Child Neurology, and Subspecialty Certification in Neurodevelopmental Disorders.

I have an extensive history of research and clinical practice in neurodevelopmental disorders, particularly autism spectrum disorders. I have published papers in brain imaging research, in physiological abnormalities in autism spectrum disorders, and in environmental influences on neurodevelopmental disorders such as autism and on brain development and function.

I recently accepted an invitation to review literature pertinent to a potential link between Autism Spectrum Disorders and Electromagnetic Frequencies (EMF) and Radiofrequency Radiation (RFR). I set out to write a paper of modest length, but found much more literature than I had anticipated to review. I ended up producing a 60 page single spaced paper with over 550 citations. It is available at http://www.bioinitiative.org/report/wp-content/uploads/pdfs/sec20_2012_Findings_in_Autism.pdf.

In fact, there are thousands of papers that have accumulated over decades – and are now accumulating at an accelerating pace, as our ability to measure impacts become more sensitive – that document adverse health and neurological impacts of EMF/RFR. Children are more vulnerable than adults, and children with chronic illnesses and/or neurodevelopmental disabilities are even more vulnerable. Elderly or chronically ill adults are more vulnerable than healthy adults.

Current technologies were designed and promulgated without taking account of biological impacts other than thermal impacts. We now know that there are a large array of impacts that have nothing to do with the heating of tissue. The claim from wifi proponents that the only concern is thermal impacts is now definitively outdated scientifically.

EMF/RFR from wifi and cell towers can exert a disorganizing effect on the ability to learn and remember, and can also be destabilizing to immune and metabolic function. This will make it harder for some children to learn, particularly those who are already having problems in the first place.

Powerful industrial entities have a vested interest in leading the public to believe that EMF/RFR, which we cannot see, taste or touch, is harmless, but this is not true. Please do the right and precautionary thing for our children.

I urge you to step back from your intention to go wifi in the LAUSD, and instead opt for wired technologies, particularly for those subpopulations that are most sensitive. It will be easier for you to make a healthier decision now than to undo a misguided decision later.

Thank you.



Martha Herbert, PhD, MD
Pediatric Neurology
drherbert@autismrevolution.org
Martinos Center for Biomedical Imaging
Massachusetts General Hospital
Harvard Medical School
Boston, Massachusetts
USA

Los Angeles Unified School District
OFFICE OF COMMUNICATIONS
333 S. Beaudry Ave., 24th floor
Los Angeles, CA 90017
Phone: (213) 241-6766
FAX: (213) 241-8952
www.lausd.net



News Release

For Immediate Release

May 29, 2009
#08/09-340

LOS ANGELES BOARD OF EDUCATION MEMBERS VOTE TO PROHIBIT CELL PHONE TOWERS NEAR SCHOOLS

Los Angeles –The “Wireless Telecommunication Installations” resolution, which opposes the location of cell phone towers in close proximity to schools, was introduced by Los Angeles Unified School District Board Member Julie Korenstein and adopted earlier this week by the Los Angeles Board of Education.

This resolution will ensure individuals, especially children, are protected from the potential health effects associated with exposures to extremely low frequency electromagnetic and radio-frequency radiation.

“With this resolution, we will continue to protect our children by working with cities, counties, and local municipalities regarding cell phone towers,” said Korenstein. “With their help, we will provide safer schools for many generations to come.”

In an effort to combat this critical issue, the Office of Environmental Health and Safety (OEHS) has requested cities, counties, and local municipalities responsible for zoning approval to provide timely notification when new cellular permit applications are filed.

One of many new roles of the OEHS will be to challenge these municipalities to show that the proposed cellular installations are in compliance with Federal Communications Commission (FCC) regulations. In the event FCC compliance has not been demonstrated, OEHS will take appropriate and reasonable action to appeal proposed installations.

The debate over the safety of school-based towers has been going on for many years. There is growing scientific evidence that the electromagnetic radiation they emit, even at low levels, is dangerous to human health. In 2000, the Board of Education passed a resolution authored by Board Member Korenstein restricting cell phone towers on its school sites. Recently, an Oregon district also banned them on school grounds.

Interim Director of the OEHS, Yi Hwa Kim said, “To ensure the health and safety of our students, it is critical that the District receive timely notification of these projects and is given ample opportunity to evaluate compliance with federal guidelines.”

###

Firefighters Exempt Selves from Calif. Bill to Save Others - Wed., S... <http://www.odwyerpr.com/story/public/9385/2017-09-13/firefighters...>



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(<https://www.eventbrite.com/e/prsa-foundation-2018-paladin-awards-ceremony-tickets-43784005138>)

Firefighters Exempt Selves from Calif. Bill to Save Others

Wed., Sep. 13, 2017
By Susan Foster (/story/author.html?aid=419&q=Susan Foster)



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t (<https://twitter.com/intent/tweet?url=http%3A%2F%2Fwww.odwyerpr.com%2Fstory%2Fpublic%2F9385%2F2017-09-13%2Ffire-exempt-selves-from-calif-bill-save-others.html&text=Firefighters+Exempt+Selves+from+Calif.+Bill+to+Save+Others&via=odwyerpr>)

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Susan Foster

California firefighters are used to saving lives, and if SB 649 passes through the California Legislature this week, it looks like the lives they may be saving are their own.

For the first time in U.S. history, a health exemption has been granted to firefighters for their stations in California. The state's firefighters have a history dating back to the late 1990s of fighting to get cell towers off their stations, and in a preemptive move the firefighters asked for and the legislators granted an exemption from SB 649.

This legislation, the "Wireless telecommunications facilities" bill, is essentially a telecom takeover giving wireless carriers the right to force cities and counties to lease available lampposts, the right-of-way and public buildings - with the exception of fire stations.



If Bill Passes, as Expected, Veto Needed

The Assembly, in a late afternoon vote Sept. 13, passed SB 649 on an initial vote of 45-23 with 21 abstentions. It now goes to the Senate for ratification of added amendments. It then goes to Gov. Jerry Brown.

Unless Brown vetoes the bill, cell towers will dot the landscape as never before for the questionable purpose of blanketing