



Get a Slice of the Apple.

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

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

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

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

1. Minutes for the Regular Meeting of May 16, 2018

PUBLIC HEARING ITEMS

2. **Conditional Use Permit No. 2018-005** - A request for approval of a Conditional Use Permit to allow the construction and operation of a thirty-five (35)-foot tall, 480 square-foot, double sided billboard. The project site is 2.75 acres in size and is located within the Regional Commercial (C-R) zoning designation.

Applicant: Lamar Outdoor Advertising

Location: 18169 Outer Interstate 15, APN 0472-201-08. The project site is at the northeast corner of Outer Interstate 15 and Norco Road.

Environmental

Determination: Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15303 Class 3, the proposed request is Exempt from further environmental review.

Case Planner: Ms. Pam Cupp, Associate Planner

Proposal: Approval

3. **Conditional Use Permit No. 2018-004 and Deviation Permit No. 2018-007** - A request for approval of a Conditional Use Permit to construct a seventy-five (75)-foot tall wireless telecommunication tower designed as a pine tree. The tower and separate 270 square foot equipment enclosure will be located within the golf course maintenance yard. The project includes a request for approval of a Deviation Permit to allow an encroachment of approximately fifty (50) feet into the required 500-foot separation requirement between the tower and residential uses and relief from the landscape buffer requirement.

Applicant: J5 Infrastructure Partners for Verizon Wireless

Location: Apple Valley Municipal Golf Course 15200 Rancherias Road; APN 3112-101-36.

Environmental

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

Case Planner: Ms. Pam Cupp, Associate Planner

Proposal: Approval

4. **Conditional Use Permit No. 2018-007 and Deviation Permit No. 2018-006** - A request for approval of a Conditional Use Permit to install a seventy-five (75)-foot tall wireless telecommunications tower designed as a faux water tank. The tower has been designed to accommodate a second carrier. The tower will be situated within the southeasterly corner of the park within a 784 square-foot lease area that accommodates the tower and equipment enclosure. The Deviation is a request for a reduced separation distance from residential zoned property to the south and west.

Applicant: Spectrum Services for Verizon Wireless

Location: 21024 Otoe Road (Lenny Brewster Sports Center)

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 August 1, 2018.

MINUTES

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

May 16, 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 Doug Qualls; Mark Shoup; Vice-Chairman Jason Lamoreaux; Chairman B.R. "Bob" Tinsley
Absent: Commissioner Bruce Kallen

Staff Present

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Qualls.

APPROVAL OF MINUTES

1. Approval of Minutes

1a. Minutes for the Regular Meeting of March 21, 2018.

MOTION

Motion by Vice-Chairman Lamoreaux, seconded by Commissioner Qualls, to approve the minutes for the Regular Meeting of March 21, 2018.

Vote: Motion carried 3-0-1-1

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

Absent: Commissioner Kallen

Abstain: Commissioner Shoup

1b. Minutes for the Regular Meeting of April 4, 2018.

Commissioner Shoup would like the following modification made to Paragraph 4 on Page 1B-4, for the minutes of April 4, 2018:

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

MOTION

Motion by Vice-Chairman Lamoreaux, seconded by Commissioner Shoup, to approve the minutes for the Regular Meeting of April 4, 2018, as amended.

Vote: Motion carried 4-0-1-0

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

Absent: Commissioner Kallen

Discussion ensued amongst Commissioners Lamoreaux and Tinsley regarding the need to abstain from voting on Agenda Item No. 1c, as both were absent for the meeting of April 18, 2018.

Thomas Rice, Town Attorney, acknowledged that Vice-Chairman Lamoreaux retracted his vote to abstain. He explained, for the benefit of the Commission, that although Commissioners Lamoreaux and Tinsley were absent, they may still participate on voting on Agenda Item No. 1c, for the purpose of recognizing the minutes of April 18, 2018 as being true and accurate.

1c. Minutes for the Regular Meeting of April 18, 2018.

MOTION

Motion by Vice-Chairman Lamoreaux, seconded by Commissioner Shoup, to approve the minutes for the Regular Meeting of April 18, 2018.

Vote: Motion carried 4-0-1-0

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

Absent: Commissioner Kallen

PUBLIC COMMENTS

PUBLIC HEARINGS

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

Vice-Chairman Lamoreaux announced that he had a potential conflict of interest on this item. Therefore, he recused himself from voting on this item.

VICE-CHAIRMAN LAMOREAUX EXCUSED HIMSELF FROM THE DAIS AT 6:06 P.M.

Chairman Tinsley opened the public hearing at 6:06 p.m.

Carol Miller, Assistant Director of Community Development, presented the staff report as filed with the Planning Division. She noted that staff had received letters of opposition from one citizen dated May 7 and May 10, and that an additional letter was received prior to the commencement of the meeting. She noted that the citizen expressed concern regarding electromagnetic frequencies (EMFs). She reminded the Commission that the Town does not have the ability to deny telecommunication facilities based on EMF's due to the fact that they are regulated by the Federal Government.

At the request of the Commission, Ms. Miller read into the record the minor deviation request as follows:

"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%)."

Ms. Miller provided the Commission with an overview of the proposed locations for the cell tower. She noted that the park, school district, and fire district properties are the only preferred locations in this area. She also noted that regardless of which lot is selected as the preferred location, a Deviation would more than likely be required.

Commissioner Shoup requested to know whether or not federal law permits local jurisdictions to consider a Deviation for projects that involve EMFs.

Thomas Rice, Town Attorney, explained why federal law does not permit local governments to consider EMFs in any capacity for these types of applications. He also read into the record Section 3.32 of the Telecommunications Act which prohibits local

jurisdictions from regulating the placement, construction and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commissions for regulations consuming such emissions. He also noted that Condition P7 before the Commission tonight, is a requirement that they comply with those regulations.

Linda Repp, Apple Valley, spoke in opposition of the project. She explained the reasons why she believed the cell tower would be harmful to the health and welfare of children that play at the school. She respectfully requested that the Commission deny the project.

Maria Gordon, Apple Valley, questioned the location that was selected by staff for the proposed cell tower. She believed it was too close to the school, and that it can potentially cause harm to the health and welfare of the children.

Matthew Schulenberg, Apple Valley Unified School District, commented on the setback requirements for this project. He also commented on the potential danger of a structural failure that may impact the school site, causing the school district to be concerned for the safety of the students and staff members. He stated that due to the proximity of the cell tower to the school site, the school district would like to request that the Commission require DSA approval for the proposed structure, or consider relocating the cell tower so that the potential fall zone would not impact the school site.

Bryce Novak, J5 Infrastructure Partners, answered questions by the Commission regarding the selection process for the location of the cell tower. He informed the Commission that the original proposal was for stadium lighting for the ballpark; however, staff did not support any of the proposed locations or design.

Ms. Miller answered questions by the Commission regarding the original renditions that were submitted, and the reasons why they were not approved by staff.

Mr. Novak commented on the requirements for a fall zone mentioned by Mr. Schulenberg. He stated that he would be happy to work with staff on alternate locations; however, the proposed cell tower is allowed to be within a fall zone.

A lengthy discussion ensued regarding the issues with the proximity of the cell tower to the school. Also discussed was the possibility of relocating the cell tower to a location that falls outside of the fall zone.

Commissioner Qualls asked a series of questions regarding the difference in standards for a cell tower that is built by Verizon vs. one that is built according to DSA requirements.

Mr. Novak commented on the review process according to DSA regulations. He noted, for the record, that the proposed project is subject to the International Building Code only. He also clarified that the fall zone requirements for cell towers are not required to go through DSA review.

Ms. Miller commented on the wireless telecommunication facilities that are located within Town limits.

Discussion ensued regarding alternatives to the proposed location of the cell tower, including increasing the setbacks from the school property.

Commissioner Shoup asked questions regarding the proposed cell tower as shown on Page 2-4 that is located near the entrance gate of the park.

Ms. Miller answered questions by the Commission regarding the height of the light standards as shown on Page 2-23, in comparison to the height of the proposed tower.

Commissioner Qualls questioned whether or not the school district would have a concern regarding the light standards in terms of structural failure, as it is located closer to the school.

Ms. Miller noted that the light standards are located on the property line.

Mr. Novak responded to questions by the Commission regarding the LA Unified School District banning the construction of cell towers. He noted for the record, that the construction of cell towers is permitted by most school districts, as well as Southern California Edison. He stated that the construction of a cell tower is a policy decision.

There being no one further wishing to speak, Chairman Tinsley closed the public hearing at 6:45 p.m.

A member of the audience requested to speak; therefore, Chairman Tinsley re-opened the public hearing at 6:46 p.m.

Ms. Repp, Apple Valley, thanked the Commission for their concern on this issue. She stated that this issue is more involved than a policy by the LA Unified School District; it is based on numerous medical studies. She also informed the Commission that there are three (3) gates at this location where people can enter the park. She stated that she is opposed to the project.

Ms. Gordon, Apple Valley, also reiterated her concerns as to the selection of the proposed location of the cell tower. She expressed concern regarding the health risks to the children who are near the cell tower. She also believed there are other alternatives to the hard wire proposed as part of the project for wifi services.

Mr. Novak commented on the search train information included in the staff report. He stated there is a need to close the gap for cell service between Bear Valley Road and Ridgeline Road. He noted that the surrounding parcels were zoned residential, which does not permit the construction of cell towers. He said that this represents exactly where the search train was issued by the VZ radio frequency engineers. He also addressed the concerns regarding EMFs. He noted, for the benefit of the Commission and public, that

the FCC governs the maximum emissions in an effort to protect the health and welfare of all people.

Chairman Tinsley reminded the members of the public that the Town is not legally capable of considering any issues surrounding EMFs.

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

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

There being no one else in the audience wishing to speak, Chairman Tinsley closed the public hearing at 6:50 p.m.

Commissioner Qualls requested to know if there are two different standards for fall zones.

Ms. Miller informed the Commission that according to code, the Town is not subject to fall zone requirements, only separation requirements.

Chairman Tinsley commented on the proposed project, as well as the concerns expressed by the speakers tonight. He stated that the Town's priority is the health and safety of its residents.

Commissioner Qualls commented on the design of the cell tower as a eucalyptus tree with a leaf pattern. He stated that he would like to see other designs for the cell tower.

Ms. Miller stated that she would be happy to meet with the Applicant to revisit the current design of the cell tower.

MOTION

Motion by Commissioner Shoup, 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. 2017-006 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. Approval 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.

Vote: Motion carried 3-0-1-1

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

Noes: None
Abstain: Vice-Chairman Lamoreaux
Absent: Commissioner Kallen

VICE-CHAIRMAN LAMOREAUX RETURNED TO THE DAIS AT 6:56 P.M.

OTHER BUSINESS

None.

PLANNING COMMISSION COMMENTS

None.

STAFF COMMENTS

None

ADJOURNMENT

Motion by Vice-Chairman Lamoreaux, seconded by Commissioner Shoup, and unanimously carried, to adjourn the meeting of the Planning Commission at 6:57 p.m. to its next regularly scheduled meeting on June 20, 2018.

Respectfully Submitted by:

Yvonne Rivera
Planning Secretary

Approved by:

Chairman B.R. "Bob" Tinsley



Get a Slice of the Apple.

TOWN OF APPLE VALLEY PLANNING COMMISSION

Staff Report

AGENDA DATE: July 18, 2018

CASE NUMBER: Conditional Use Permit No. 2018-005

APPLICANT: Lamar Outdoor Advertising

PROPOSAL: A request for approval of a Conditional Use Permit to allow the construction and operation of a thirty-five (35)-foot tall, 480 square-foot, double sided billboard. The project site is 2.75 acres in size and is located within the Regional Commercial (C-R) zoning designation.

LOCATION: 18169 Outer Interstate 15, APN 0472-201-08. The project site is at the northeast corner of Outer Interstate 15 and Norco Road.

ENVIRONMENTAL DETERMINATION: Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15303 Class 3, the proposed request is Exempt from further environmental review.

CASE PLANNER: Ms. Pam Cupp, Associate Planner

RECOMMENDATION: Approval

PROJECT AND SITE DESCRIPTION:

A. Project Size:
The project site is 2.75 acres in size.

B. General Plan Designations:
Site - C-R, Regional Commercial
North - C-R, Regional Commercial
South - C-R, Regional Commercial
East - C-R, Regional Commercial
West - Interstate-15

C. Zoning/Existing Use:

- Site - C-R, Regional Commercial, Vacant
- North - C-R, Regional Commercial, Vacant
- South - C-R, Regional Commercial, Vacant
- East - C-R, Regional Commercial, Vacant
- West - Interstate-15

D. Height:

Permitted Maximum:	35 ft.
Proposed Maximum:	35 ft.

E. Sign Area Analysis:

	Permitted Maximum	Proposed
Vertical Height	25 ft.	12 ft.
Horizontal Width	50 ft.	48 ft.
Sign Area	500 sq. ft.	480 sq. ft.

ANALYSIS:

A. General:

Pursuant to the Development Code, a Conditional Use Permit is required for all new billboards to afford the Planning Commission the opportunity to review the design and location of any proposed structure. The Code allows billboards on any parcel within the Regional Commercial (C-R) zone that is within 660 feet of Interstate 15. Billboards must be designed and maintained to ensure the message displayed is visible to motorists traveling on Interstate 15.

The subject site is a vacant 2.75-acre parcel with approximately 500 feet of frontage along Outer Interstate 15 and approximately 330 feet of frontage along Norco Road. The topography contains small slopes and drainage courses with evidence of off-road vehicle use. The proposed billboard will be located near the northwest corner of the parcel and will be visible to both north and southbound traffic on Interstate 15.

The footings for the structure must meet the minimum required setbacks for the C-R zone, which is thirty-five (35) feet from local streets and forty-five (45) feet from any major or secondary street. The site plan indicates a setback of thirty (30) feet; therefore, staff is including Condition of Approval P6 requiring the post to meet the minimum setback of thirty-five (35) feet. The Code requires a minimum 2,500-foot separation distance between billboards. The submitted site plan indicates a 2,500-foot separation from the nearest billboard which is located near Outer Interstate 15 and Saugus Road. Access to the site will be via Outer Interstate 15, which is an improved roadway. Although Norco Road is dedicated, it is not improved at this time.

The billboard will be thirty-five (35) feet high with a sign area of 480 square feet, which meets the design criteria of the Development Code. In accordance with the development standards, all utilities must be underground, and the use of generators is prohibited. The applicant proposes to use solar power to illuminate the billboard. The submitted elevations propose the photovoltaic panels above the sign face. The Code requires mechanical and utility related equipment to be screened; therefore, staff is recommending Condition of Approval No. P7, prohibiting the solar panels from extending above the sign face.

In addition to local jurisdictional regulations for billboards, billboards are also regulated by the State. The billboard must also comply with all applicable CALTRANS standards adjacent to freeways and other applicable Government Codes, including the Outdoor Advertising Act (California Business and Professions Code Sections 5200 et seq). Staff has included Condition of Approval P16 requiring the applicant to provide a copy of its State Outdoor Advertising Permit prior to issuance of a Building Permit. The billboard is approximately 500 feet from a private airstrip; therefore, staff is requiring the applicant to complete and submit FAA Form 7460-1 "Notice of Proposed Construction or Alteration" to the Federal Aviation Administration, Airports Division and provide evidence of compliance with any requirements prior to permit issuance (Condition of Approval P17).

B. Environmental Assessment:

Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15303, Class 3, the proposed request is Exempt from further environmental review.

C. Noticing:

The project was legally noticed in the Apple Valley News on July 6, 2018 and notices were mailed to all property owners within 300 feet of the project site.

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 specific Findings. The Findings, and a suggested comment to address each, are presented below:

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 billboard will be located within the Regional Commercial (C-R) zoning designation on a property with frontage on Outer Interstate 15. With the approval of a Conditional Use Permit, the project is in compliance with the Development Code of the Town of Apple Valley and adopted General Plan.

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 billboard is located at the northwest corner of a 2.75 acre, vacant parcel that is surrounding by other large-size parcels. Because of this setting, and that the project is in an undeveloped area of the Town and, with adherence to the recommended conditions, the project will not be detrimental to the undeveloped area of Apple Valley.

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

Comment: Because the proposed project is in an undeveloped area of the Town there is no compatibility issue with lot coverage and density.

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 no services or utilities near the subject site, but the proposed project will be illuminated using solar power.

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

Comment: The proposed billboard will be located on a 2.75-acres, vacant parcel. The closest residence is northeast of the project and is over a mile away, it will have no harmful effect upon the surrounding area.

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

Comment: The project is accessible from Outer Interstate 15, which is an improved roadway Except the periodic maintenance, the proposed billboard will not generate any traffic; therefore the project will not adversely impact the capacity or physical character of surrounding streets.

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 billboard is unmanned and will be accessible from a paved road. Minimal traffic will be generated from the project and will not adversely affect the surrounding area.

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

Comment: The project site is a vacant 2.75-acres parcel. The billboard support structure consists of a four (4)-foot in diameter post and will be constructed within an area previously disturbed by off-road vehicles and illegal dumping. With adherence to the Conditions of Approval, the project will not have a significant effect on the environment or natural resources. 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: Because this is an undeveloped area of the Town, and that the closest residence is northeast of the project and is over a mile away, and that the project is in compliance with all criteria of the Development Code for a billboard, the project will not be materially injurious to surrounding properties in the vicinity.

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

Comment: Approval of the Conditional Use Permit will comply with all provisions of the section 9.74.187 for billboard development.

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

Comment: Because this is an undeveloped area of the Town, and that the closest residence is northeast of the project and is over a mile away, and that the project is in compliance with all criteria of the Development Code for a billboard, and as conditioned by the Planning Commission it will be compatible with the Development Code criteria for billboards.

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: Because this is an undeveloped area of the Town, the billboard will not block buildings, dominate surroundings and its mass and scale will be in compliance with the Development Code criteria for billboards.

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: Because this is not a standard development for buildings, the proposed billboard is designed to be in compliance with the Development Code as required for billboards.

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

Comment: Because this is an undeveloped area of the Town and because this is not the type of use to generate bicyclists, pedestrians and equestrian enthusiasts, there will be no safety issues.

Recommendation:

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

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section No.15303, Class 3, the proposed request is Exempt from further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve Conditional Use Permit No. 2018-005, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

Prepared By:

Reviewed By:

Pam Cupp
Associate Planner

Carol Miller
Assistant Director of Community Development

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Site Plan
3. Elevations
4. Zoning/Location Map

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Case No. Conditional Use Permit No. 2018-005

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

Planning Division Conditions of Approval:

- P1. 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, if not exercised, shall expire 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 sixty (60) days prior to the expiration date. The Conditional Use Permit becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- 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. 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.
- P4. The filing of a Notice of Exemption requires the County Clerk to collect a documentary handling fee of fifty dollars (\$50.00). 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.
- P5. The approval of Conditional Use Permit No. 2018-005 by the Planning Commission is recognized as acknowledgment of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, *Appeals*, of the Town of Apple Valley Development Code.

- P6. The minimum setback to the footing shall be thirty-five (35) feet from Outer I-15.
- P7. All outdoor mechanical and electrical equipment whether rooftop, side of structure, or on the ground, shall be screened from view from the public street by architectural elements designed to be an integral part of the sign structure. Solar panels shall not extend above the sign face.
- P8. Access to the billboard walkway shall be screened from view from any public street or public parking area and security shall be provided to prevent unauthorized access.
- P9. Sign illumination shall conform to the Town of Apple Valley's Lighting Ordinance. The light source for externally illuminated signs shall be arranged and shielded to confine all direct light rays to the sign face and away from streets and adjacent properties. External lighting shall not allow light or glare to shine above the horizontal plane of the top of the sign.
- P10. 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.
- P11. Conditional Use Permit No. 2018-005 may be reviewed annually or more often, if deemed necessary by the Community Development Department, to ensure compliance with the conditions contained herein. Additional conditions may be recommended to and imposed by the Planning Commission to mitigate any negative impacts resulting from the business operations not contained within the scope of this permit.
- P12. Disturbance is limited to the previously disturbed, non-vegetated areas of the site. Submitted plans shall clearly indicate limits of disturbance.
- P13. Temporary construction fencing shall be installed at the limit of disturbance for the duration of construction activities. The temporary fencing shall be removed prior to final inspection.
- P14. The billboard structure and operation shall comply with all provisions of Development Code Chapter 9.74 "Signs and Advertising Displays."
- P15. The billboard structure and sign face shall be maintained and kept in good repair.
- P16. The billboard must comply with all applicable CALTRANS standards adjacent to freeways and other applicable Government Codes, including the Outdoor Advertising Act (California Business and Professions Code Sections 5200 et seq). The applicant shall provide a copy of its State Outdoor Advertising Permit, when required by the State, prior to issuance of a Building Permit.
- P17. The applicant shall complete and submit FAA Form 7460-1 "Notice of Proposed Construction or Alteration" to the Federal Aviation Administration, Airports Division and provide evidence of compliance with any requirements prior to permit issuance.

Building and Safety Division Conditions of Approval

- BC1. Submit plans, engineering and obtain permits for all structures and retaining walls, signs.

- BC2. A pre-construction permit and inspection are required prior to any land disturbing activity to verify requirements for erosion control, flood hazard native plant protection and desert tortoise habitat.
- BC3. A Notice of Intent (NOI) and Storm Water Prevention Plan (SWPP) must be submitted to and approved by the Engineering and Building Departments prior to issuance of a grading permit and or any land disturbance.
- BC4. All utilities shall be placed underground in compliance with Town Ordinance No. 89.
- BC5. A pre-grading meeting is required prior to beginning any land disturbance. This meeting will include the Building Inspector, General Contractor, Grading Contractor, soils technician and any other parties required to be present during the grading process such as a Biologist and/or Paleontologist.
- BC6. A dust palliative or hydro seed will be required on those portions of the site graded but not constructed (phased construction)
- BC7. Page two (2) of the submitted building plans will be conditions of approval.
- BC8. Construction must comply with currently adopted California Building Codes and Green Building Code.
- BC9. Best Management Practices (BMP's) are required for the site during construction.
- BC10. Provide Water Quality Management Plan (WQMP) or Alternative Compliance Plan . Construction must comply with 2013 California Building Codes including the California Green Building Code.

Environmental & Transit Services Conditions of Approval

- ET1. The project must provide adequate areas for collecting and loading recyclable materials in compliance with AB 341. The trash enclosure must comply with the newly adopted recycling standards.

Public Resource Code Section 42910-42912

- ET2. The developer shall complete and submit a Waste Management Plan (“WMP”), on a WMP form approved by the Town for this purpose as part of the application packet for the building or demolition permit. The completed WMP shall indicate all of the following:
 - (1) The estimated volume or weight of project C&D debris to be generated;
 - (2) The estimated volume or weight of such materials that can feasibly be diverted via reuse or recycling;
 - (3) The vendor or facility that the Developer proposes to use to collect or receive that material; and
 - (4) The estimated volume or weight of C&D materials that will be land filled.

Town of Apple Valley Municipal Code Section 8.19.020(a)

- ET3. Compliance with Condition of Approval No. ER2 shall be met by any of the following:

- (1) Contract for hauling services with Town's franchise hauler, with all Project debris delivered to San Bernardino County self-haul landfill diversion program, provided the diversion program is currently operating; and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP
- (2) Self-haul all project debris to San Bernardino County self-haul landfill diversion program, provided the diversion program is currently operating; and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP
- (3) Self-haul all project debris to a construction material recycling facility, and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP
- (4) Contract with a construction site cleanup company to recycle at least fifty (50) percent of the Project construction debris, and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP.

Town of Apple Valley Municipal Code Section 8.19.030

ET4. Prior to issuance of Certificate of Occupancy, the developer shall submit to the WMP Compliance Official documentation proving that it has met the Diversion Requirement for the Project. The Diversion Requirement shall be that the developer has diverted at least fifty percent (50%) of the total C&D debris generated by the Project via reuse or recycling. This documentation shall include all of the following:

- (1) Receipts from the vendor or facility that collected or received each material showing the actual weight or volume of that material;
- (2) A copy of the previously submitted WMP for the Project adding the actual volume or weight of each material diverted and land filled;
- (3) Any additional information the Developer believes is relevant to determining its efforts to comply in good faith with this Chapter 8.19.

Town of Apple Valley Municipal Code Section 8.19.050

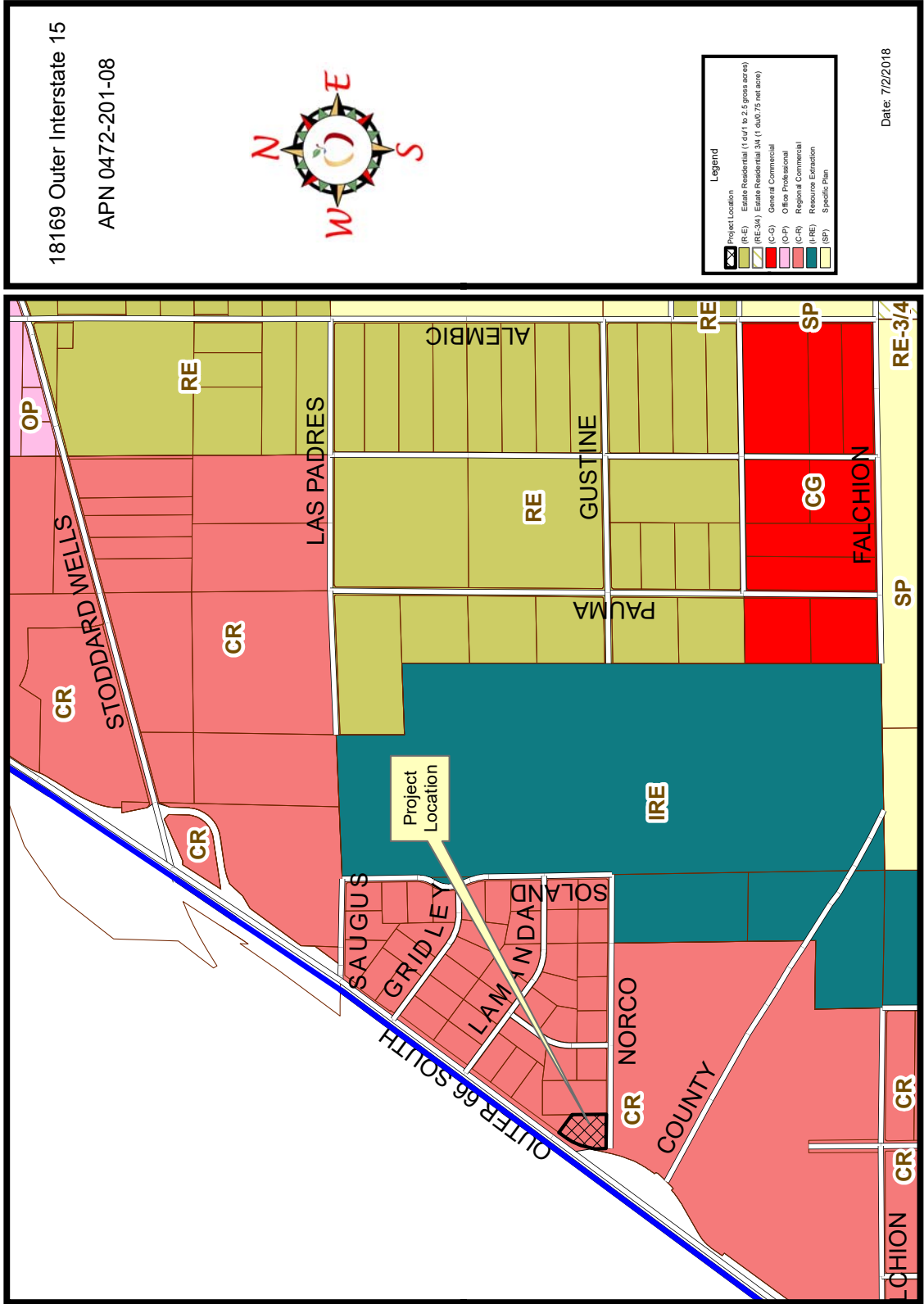
The developer shall make reasonable efforts to ensure that all C&D debris diverted or land filled are measured and recorded using the most accurate method of measurement available. To the extent practical, all C&D debris shall be weighed by measurement on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For C&D debris for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the developer shall use the Standardized Conversion Rates approved by the Town for this purpose.

~End of Conditions~



ZONING/LOCATION MAP

Conditional Use Permit No. 2018-005





Get a Slice of the Apple.

TOWN OF APPLE VALLEY PLANNING COMMISSION

Staff Report

- AGENDA DATE:** July 18, 2018
- CASE NUMBER:** Conditional Use Permit No. 2018-004
Deviation Permit No. 2018-007
- APPLICANT:** J5 Infrastructure for Verizon Wireless
- PROPOSAL:** A request for approval of a Conditional Use Permit to construct a seventy-five (75)-foot tall wireless telecommunication tower designed as a pine tree. The tower and separate 270 square foot equipment enclosure will be located within the golf course maintenance yard. The project includes a request for approval of a Deviation Permit to allow an encroachment of approximately fifty (50) feet into the required 500-foot separation requirement between the tower and residential uses and relief from the landscape buffer requirement.
- LOCATION:** Apple Valley Municipal Golf Course 15200 Rancherias Road; APN 3112-101-36.
- ENVIRONMENTAL DETERMINATION:** The project is characterized as the new construction of a small structure with a minor alteration to the land. Therefore, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303, the proposal is exempt from further environmental review.
- CASE PLANNER:** Ms. Pam Cupp, Associate Planner
- RECOMMENDATION:** Approval

PROJECT AND SITE DESCRIPTION:

- A. **Project Size:** The telecommunication facility will occupy 270 square feet of lease area within the Apple Valley Golf Course.
- B. **General Plan Designations:**
Project Site - Open Space (O-S)
North - Estate Residential (R-E), Medium Density Residential (R-M), General Commercial (C-G)
South - Estate Residential (R-E)

- East - General Commercial (C-G), Medium Density Residential (R-M), Open Space (O-S)
- West - Estate Residential (R-E)

C. Surrounding Zoning and Land Use:

- Project Site - Open Space Recreation (OS-R), Golf Course
- North - Estate Residential (R-E), Single Family Residences; Medium Density Residential (R-M), Condominiums; General Commercial (C-G), Single Family Residences
- South - Estate Residential (R-E), Single Family Residences
- East - General Commercial (C-G), Retail Center; Medium Density Residential (R-M), Vacant; Open Space Conservation (OS-C) Single Family Residence and Vacant
- West - Estate Residential (R-E), Single Family Residence

D. Height:

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

E. Parking Analysis:

Total Parking Required: 1 Space
 Parking Provided: 0 Spaces

F. Setback Analysis:

Antenna	Required	Proposed
Adjoining Property Line:		
From North	28.125 ft.	450 ft.
From South	28.125 ft.	+1,500 ft.
From East	28.125 ft.	+889 ft.
From West	28.125 ft.	+1,106 ft.

G. Separation Analysis:

Tower	Required	Proposed
To Residential		
From North	500 ft.	**450 ft.
From South	500 ft.	+1,500 ft.
From East	500 ft.	+889 ft.
From West	500 ft.	+1,106 ft.
To Existing Tower		
	750 ft.	+4,000 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 golf course, as an accessory use, with 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 similar in height.

B. Site Analysis:

The subject site is developed as a public golf course. The proposed facility would be located within a fenced-in maintenance yard. The tower will be installed along the northern perimeter of the maintenance yard within a line of existing Oleander trees. The 270 square foot equipment shelter is also situated at the northern boundary of the maintenance yard. As a municipal golf course, 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 approximately twenty-eight (28) feet. (75% of 75 feet = 56.25 feet. 50% of 56.25 feet = 28.125 feet) from the adjoining property lines. As proposed, the project exceeds the minimum setback requirements.

The Code requires a minimum 1,000-foot separation to residential land uses or districts. As a preferred location, the required separation can be reduced by fifty (50) percent. This calculates to 500 feet. The nearest residence is located approximately 450 feet to the north. Since the antenna is closer than 500 feet, the applicant is requesting a Deviation Permit to allow a fifty (50)-foot encroachment into the separation requirement.

The Code requires a minimum 1,500-foot separation to an existing wireless telecommunications tower, 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 approximately 4,000 feet to the southeast. As proposed, the project exceeds the minimum separation required to existing wireless towers.

As proposed the monopine will be located outside of the equipment shelter within a line of landscape border consisting mostly of Oleander trees. The applicant proposes an equipment shelter using eight (8)-foot tall, vinyl screened chain link fence matching the existing six (6)-foot tall chain link fence surrounding the maintenance building and storage area. The Code requires a four (4)-foot wide, landscape buffer to effectively screen the view of the tower compound. The applicant is requesting a Deviation for relief from the four (4)-foot wide landscape buffer.

The applicant met with Town staff at the location to ensure that the function of the fairways is not impacted. Since the proposed facility would be located within an existing maintenance yard, golf play is not impacted. Infrastructure necessary for operation of the facility will be installed underground along an existing pathway between Rancherias Road and the maintenance yard.

C. Deviation Permit:

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

provided written justification for the deviations to the separation and landscape buffer requirements, which is attached for Commission consideration.

D. Architecture Analysis:

The Development Code discourages the use of monopines, but the Planning Commission in review of the CUP application may consider a monopine. The applicant has chosen a monopine design because of the existing tree scape on the golf course. The applicant is requesting Planning Commission review and approval of a Conditional Use Permit to construct a seventy-five (75)-foot high monopine. The pole of the monopine will be seventy (70) foot tall and two (2) feet in diameter. The Verizon antenna panels will be eight (8) feet long and will be installed at a maximum height of seventy (70) feet. There is also available space for a collocater to install its antennas at a maximum height of fifty-two (52) feet. The simulated foliage for the monopine extends five (5) feet above the pole to assist in providing a tapered visual effect. The monopine drip line diameter is approximately twenty-four (24) feet at its widest point. The foliage begins twenty (20) feet above the base of the pole.

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

The trees within a 200-foot radius of the monopine range in height from twenty-seven (27) feet to sixty-three (63) feet in height will help minimize the appearance of the tower. Despite the tall trees, the trees will not achieve a height greater than sixty (60%) percent of the overall height of the tower, and when combined with the single-story structures surrounding the park, the tower will still be visible. While not ideal, the seventy-five (75)-foot high, monopine design, the recommended condition of approval for greater tree branch density will provide the least amount of impact to the aesthetics in and around the project.

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 July 6, 2018. Staff notified all property owners within 1,500 feet of the site for this public hearing. At the time of the writing of the staff report, staff had not received any communications from neighbors regarding the proposed telecommunication facility.

H. Conditional Use Permit Findings:

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

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

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

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

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

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

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

Comment: By using a monopine design the visual impact will be minimized and expanding the telecommunication coverage within an area is deficient in cellular coverage is compatible with the surrounding residential uses surrounding the golf course.

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

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

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

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

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

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

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

Comment: The proposed wireless telecommunication facility is unmanned and will be located within a developed golf course. 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: Under the State guidelines to implement the California Environmental Quality Act (CEQA), the project is not anticipated to have any direct or indirect impact upon the environment since the proposed wireless telecommunication facility is unmanned and will be located within a developed park site.

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

Comment: Under the State guidelines to implement the California Environmental Quality Act (CEQA), the project is not anticipated to have any direct or indirect impact upon the environment since the proposed wireless telecommunication facility is unmanned and will be located within a developed golf course.

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: The materials, textures and details of the proposed antenna and associated equipment compound will compliment the existing improvements.

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 design of a pine tree adjacent to or within proximity of other trees that are approximately twenty-seven (27) to sixty (60) feet tall will help minimize the appearance of the tower. Based on the need for antenna height, due to the low profile buildings and lack of tall trees of comparable height within the area, anything will be visible. Nevertheless, the proposal does not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings.

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

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

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

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

I. Findings for Deviation:

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

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

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

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

Comment: Given the site design of the existing facility, the location appears most logical despite the encroachments into the required separation. With adherence to the 500-foot separation requirements, it would preclude the use of this preferred location for telecommunication or the function of the golf course fairways. Essential any viable on-site location would result in an encroachment.

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. With adherence to the 500-foot separation requirements, it would preclude the use of this preferred location for telecommunication or the function of the golf course. Essential any viable on-site location would result in an encroachment.

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

Comment: The applicant has submitted the required supporting documentation indicating that this need cannot be met in any other manner. With adherence to the 500-foot separation requirement, it would preclude the use of this preferred location for telecommunication or the function of the golf course. Essential any viable on-site location would result in an encroachment.

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

Comment: Given that the proposed wireless telecommunication facility will be located within an existing maintenance yard, the location appears most logical despite the encroachments into the required separation distance. Allowing a Deviation from the 500-foot separation requirements, will not interfere with the golf course functionality nor will it be materially detrimental to the public health, safety or general welfare. Additionally, given the existing landscaping in the park, allowing a Deviation for the four (4)-foot wide landscape buffer would not be detrimental because the location is within a public golf course with existing grass and trees to serve as a landscape buffer.

RECOMMENDATION:

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

1. Determine that pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303, Conditional Use Permit No. 2018-004 and Deviation Permit No. 2018-007 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. 2018-004 and Deviation Permit No. 2018-007.
3. Approve Conditional Use Permit No. 2018-004 and Deviation Permit No. 2018-007, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

Prepared By:

Reviewed By:

Pam Cupp
Associate Planner

Carol Miller
Assistant Director of Community Development

ATTACHMENTS:

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

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Case No. Conditional Use Permit No. 2018-004 and Deviation Permit No. 2018-007

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

Planning Division Conditions of Approval

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval to approve a specific use of land, if not established in conformance to any conditions applied, shall become void three (3) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least 60 days prior to the void date. The Conditional Use Permit becomes effective 10 days from the date of the decision unless an appeal is filed as stated in the Town's Development Code, Section 9.03.0180.
- P2. The applicant shall defend at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P3. The applicant recognizes the approval of Conditional Use Permit No. 2017-011 and Deviation Permit No. 2017-003 by the Planning Commission as acknowledgment of Conditions of Approval, unless an appeal is filed in accordance with Section 9.12.250, *Appeals*, of the Town of Apple Valley Development Code.
- P4. The rendering(s) presented to, and approved by, the Planning Commission at the public hearing shall be the anticipated and expected appearance of the structure upon completion.
- P5. It is the sole responsibility of the applicant on any Permit, or other appropriate discretionary review application for any structure, to submit plans, specifications and/or illustrations with the application that will fully and accurately represent and portray the structures, facilities and appurtenances thereto that are to be installed or erected if approved by the Commission. Any such plans, specifications and/or illustrations that are reviewed and approved by the Planning Commission at an advertised public hearing shall accurately reflect the structures, facilities and appurtenances expected and required to be installed at the approved location without substantive deviations, modifications, alterations, adjustments or revisions of any nature.
- P6. The Community Development Director or his/her designee, shall have the authority for minor architectural changes focusing around items such as window treatments, color combinations, façade treatments, and architectural relief.

- P7. The applicant shall supply verification with the American National Standards Institute (ANSI) by providing a copy of its FCC license agreement prior to issuance of Certificate of Occupancy.
- P8. In the event the antenna(s) becomes obsolete and/or abandoned, the provider shall remove the antenna(s) and all related mechanical equipment and return the site to its original state, or an improved state, within 30 days of abandonment.
- P9. The filing of a Notice of Exemption requires the County Clerk to collect a \$50.00 documentary handling and filing fees. The fee must be paid in a timely manner in accordance with Town procedures. No permits may be issued until such fee is paid. The check shall be made payable to the Clerk of the Board of Supervisors.
- P10. Plans submitted for plan check shall reflect a tree branch of three (3) branches per foot or greater and pine needle socks to camouflage the antennas and any dishes. The submitted plans shall also include the installation of simulated bark cladding from the base of the tower up to a minimum of twenty-five (25) feet.
- P11. No antenna array shall extend beyond the foliage.

Building and Safety Division Conditions of Approval

- BC1. Submit plans, engineering and obtain permits for all structures and retaining walls, signs.
- BC2. A pre-construction permit and inspection are required prior to any land disturbing activity to verify requirements for erosion control, flood hazard native plant protection and desert tortoise habitat.
- 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;

The Deviation is being requested due to the SARF / RF need falls in 99% residential area, the SARF from Verizon has been provided. The Golf Course is the only property that is allowed under the current building code. However, this is in close proximity to the residential area and with the space available for the tower, a deviation is needed and being requested.

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

Yes, as noted above, this is the only parcel in the search area that is suitable for a Telecommunications facility. However, this deviation is consistent with several other Telecommunications sites located in Apple Valley that are in close proximity to residential areas. Examples are Corwin Park, James Woody Park, and the recent approval of the new / proposed site being located at Mendel Park. Landscaping Requirement-9.77.120-D-1-E-The existing area outside the proposed Verizon lease area has existing landscaping including irrigated grass and pine trees as the site is located on the golf course.

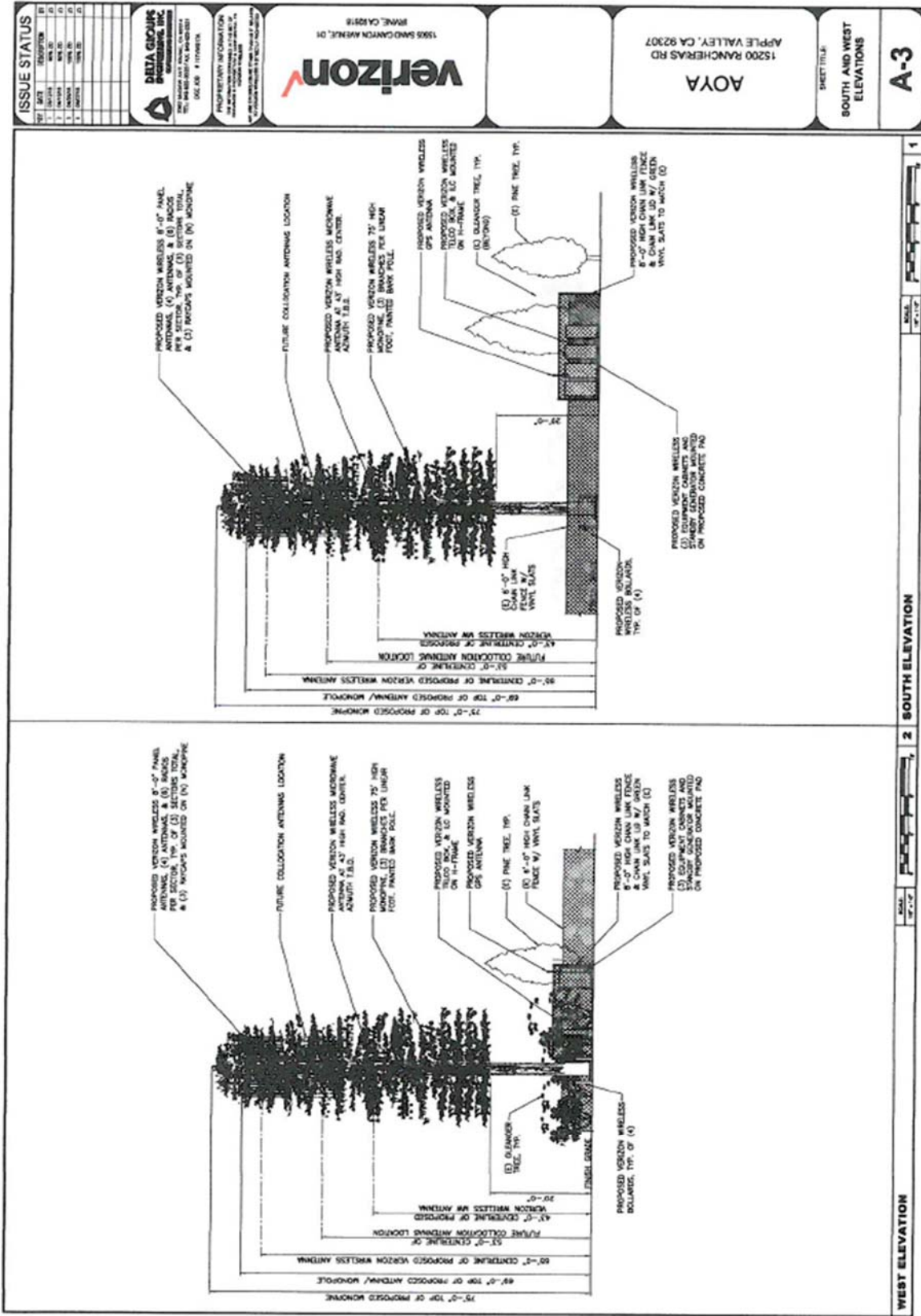
Residential Setback-Section 9.77.130- A-Town of Apple Valley has 1000 feet setback from residential units. The subject site is located on a Town of Apple Valley preferred site which reduces the residential setback by 50% which is 500ft. The current residential setback from the tower is just under 500ft. Due to heavy residential composition of the Verizon search area the proposed parcel (large golf course parcel) and tower location (maintenance yard) is the furthest Verizon could possible setback the tower from residential units without interfering with the golf course use. The 1000ft and 500ft setbacks requirements are excessive compared to other jurisdictions in Southern California as large portion of parcels are located within 500ft of residential units.

3. That there are no reasonable alternative sites available to provide the services offered;
As noted above, the SARF / RF need falls in 99% residential / single homes area. The Golf Course is the only property that is allowed under the current building code.

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 including the change in design to a monopine that helps the esthetics of the facility. Verizon will comply with all FCC requirements.

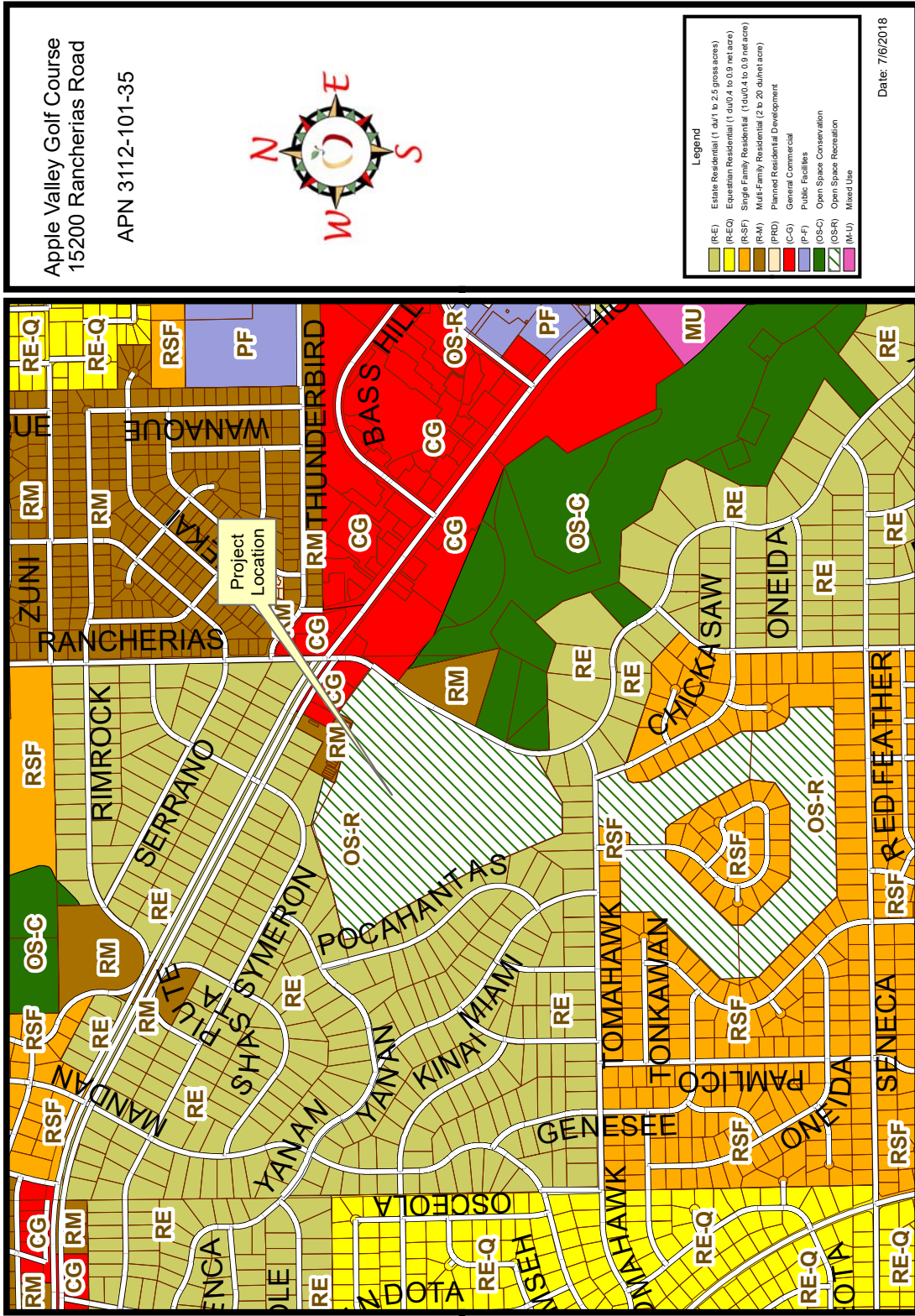
5. That the Commission finds that the proposed deviation will not be materially detrimental to the public health, safety or general welfare, or injurious to the property or improvements in the vicinity and land use districts in which the property is located.

This locate cannot comply with the extended setbacks required from residential zones. Verizon does comply with all other requirements. Verizon's Facility is required to comply with and will comply with, all laws and regulations on health and safety. This includes all Federal Communications (FCC) laws and radio frequency (RF) waves.



Conditional Use Permit No. 2018-004 and
 Deviation No. 2018-007

ZONING/LOCATION MAP





Get a Slice of the Apple.

TOWN OF APPLE VALLEY PLANNING COMMISSION

Staff Report

AGENDA DATE: July 18, 2018

CASE NUMBER: Conditional Use Permit No. 2018-007 and Deviation Permit No. 2018-006

APPLICANT: Spectrum Services for Verizon Wireless

PROPOSAL: A request for approval of a Conditional Use Permit to install a seventy-five (75)-foot tall wireless telecommunications tower designed as a faux water tank. The tower has been designed to accommodate a second carrier. The tower will be situated within the southeasterly corner of the park within a 784 square-foot lease area that accommodates the tower and equipment enclosure. The Deviation is a request for a reduced separation distance from residential zoned property to the south and west.

LOCATION: 21024 Otoe Road (Lenny Brewster Sports Center)

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 a 784 square-foot lease area within the Lenny Brewster Sports Center, a thirty-nine (39) acre park.
- B. General Plan Designations:
 - Project Site - Open Space (O-S)
 - North - Very Low Density Residential (R-LVD)
 - South - Very Low Density Residential (R-LVD)

East - Very Low Density Residential (R-LVD)
 West - Very Low Density Residential (R-LVD)

C. Surrounding Zoning and Land Use:

Project Site - Open Space Recreation (OS-R), Public Park
 North - Very Low Density Residential (R-LVD), Vacant and Single-Family
 South - Very Low Density Residential (R-LVD), Vacant and Single-Family
 East - Very Low Density Residential (R-LVD), Vacant
 West - Very Low Density Residential (R-LVD), Vacant and Single-Family

D. Height:

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

E. Parking Analysis:

Total Parking Required: 1 Space
 Parking Provided: 1 Space

F. Setback Analysis:

Tower	Required	Proposed
Park Boundary:		
From West	28 ft.	970 ft.
From East	28 ft.	60 ft.
From South	28 ft.	97 ft.
From North	28 ft.	1480 ft.

G. Separation Analysis:

Tower	Required	Proposed
To SFR		
From West	500 ft.	970 ft
From East	500 ft.	**60 ft
From South	500 ft.	**97 ft
From North	500 ft.	1480 ft
To Existing Tower	750 ft.	Approx. 7500 ft.

** highlights the deviations being requested

ANALYSIS:

A. General:

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

B. Site Analysis:

The proposed wireless telecommunication facility will be located within Lenny Brewster Sports Complex, a thirty-nine (39) acre park. The proposed lease area within the park is a

grassy area amongst existing trees. The base of the tower will be enclosed by an eight (8)-foot tall block wall that will house the equipment. The applicant met with Town staff regarding 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 enclosure will include:

- 75-foot cellular tower (water tank)
- 784 square feet
- 8-foot high perimeter block wall enclosure
- 15 kw generator
- One equipment cabinet

The subject site, as well as the surrounding area is located within the Apple Valley Dry Lake, Flood Hazard. As such, any new construction is required to comply with Section 9.62.100 of the Development Code. The dry lake and surrounding area are zoned residential. Due to the flood hazard the area is primarily undeveloped, and with residential zoning the area lacks wireless coverage which is supported by the Propagation Map. 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.

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 twenty-eight (28)-feet (75% of 75 feet = 56.25 feet. 50% of 56.25 feet = 28 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 nearest residential unit or residentially zoned properties. As a preferred location, the required separation can be reduced by fifty (50) percent. This calculates to 500 feet. Since the Tower is closer than 500 feet to residentially zoned properties to the south and east, the applicant is requesting a Deviation Permit to allow up to a 410-foot encroachment into the separation requirement. Although, the request represents a significant encroachment into the requirement, the location is the furthest distance from any existing residential units. The greatest concentration of residential units is to the north (1,480 feet) and west (970 feet). The location also does not impact the function of the sports complex. Although the area surrounding the park is zoned Very Low Density residential (R-VLD), the closest single-family residence is approximately 900 feet to the southwest.

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 antennas are located on Thunderbird and on Dale Evans Parkway, both of which are over 7,500 feet away.

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.

The property is in the middle of a residential, most undeveloped area, causing a lack of coverage to the surrounding neighborhoods. Although the structure encroaches into the separation requirements to residentially zoned property, the proposed cell tower would be located approximately 900 feet from the nearest residential unit.

D. Architecture Analysis:

The cellular antenna will be designed to look like a water tank. All antenna arrays, wiring equipment will be encased inside of the faux water tank. Furthermore, the faux water tank will include the Town's logo and name of the facility. The faux tank is made of laminated fiberglass, which will be molded/painted, to give a simulated wood tank appearance. The support columns will be painted a non-reflective, matte, brown per the General Standards for Wireless Telecommunication Facilities, to simulate wood support members.

The wireless site has been designed as a co-locatable facility for another carrier and has the room to accommodate additional antennas. The design for co-location will limit the potential for proliferation of cell towers in the immediate vicinity. Any new antennas will be integrated into the water tank design.

The faux water tank tower will be located within an eight (8)-foot tall, 784 square foot CMU block enclosure. Staff is recommending Condition No. P10 requiring the enclosure to include split face block, decorative pilasters at each corner and decorative cap.

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 July 6, 2018. Staff notified all property owners within 1,500 feet of the site for this public hearing. At the time of the writing of the staff report, staff has not received any 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 seventy-five (75)-foot high telecommunication tower designed as a faux water tank 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 faux water tank 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 faux water tank design as camouflage for the tower and will be compatible with the site. The proposed faux water tank, 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 faux water tank design compatible with the existing park landscaping and compatible in scale and bulk with the existing park and surrounding commercial structures. The faux water tank design will reduce the visual impact while expanding the telecommunication coverage within an area deficient in cellular coverage. Also, the thirty-nine (39) acre park is in the middle of a residential, mostly undeveloped area, causing a lack of coverage to the surrounding

neighborhoods. Although the structure encroaches into the separation requirements to residentially zoned property, the proposed cell tower would be located approximately 900 feet from the nearest residential unit.

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 faux water tank design, will minimize the visual impact while expanding the telecommunication coverage within an area that is deficient in cellular coverage. Further, the thirty-nine (39) acre park is in the middle of a residential, mostly undeveloped area, causing a lack of coverage to the surrounding neighborhoods. Although the structure encroaches into the separation requirements to residentially zoned property, the proposed cell tower would be located approximately 900 feet from the nearest residential unit.

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: The materials, textures and details of the proposed faux water tank, will be compatible with the adjacent and neighboring structures because within the park there are eighty (80)-foot tall light poles and trees. 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 proposed faux water tank, will not unnecessarily block public views from other adjacent and neighboring structures because within the park there are existing eighty (80)-foot tall light poles and trees which are already highly visible within this largely undeveloped area within the Apple Valley dry lake.
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 faux water tank adjacent to or within proximity of some trees and ball field lighting which will help reduce the appearance of the tower while providing identification for the park.
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 purpose of the park as a sports complex the location appears most logical despite the encroachments into the required separation requirement to residential zoning. With adherence to the 500-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 or interfere with the ballfields

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 residential separation requirement. With adherence to the 500-foot separation requirements 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 zoned residential due to the dry lake hazard status 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 to provide cellular communications coverage for the community.

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 500-foot residential separation requirement, it would preclude the use of this preferred location for telecommunication. The closest residential unit is located approximately 900 feet to the southwest. 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 and its purpose, the location appears most logical despite the encroachments into the required separation to residential zoning and uses. 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 to residential zoning 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 is located approximately 900 feet to the closest residential unit and within a corner section of the park.

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. 2018-007 and Deviation Permit No. 2018-006 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. 2018-007 and Deviation Permit No. 2018-006.
3. Approve Conditional Use Permit No. 2018-007 and Deviation Permit No. 2018-006, 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. Zoning Map
4. Site Plans
5. Elevation
6. Photo-simulation
7. RF maps

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Conditional Use Permit No. 2018-007 & Deviation Permit No. 2018-006

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. 2018-007 and Deviation Permit No. 2018-006 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. The equipment enclosure shall be of split face block with decorative pilasters at all corners and decorative wall cap. No barbed, razor or other wire material shall be used in or on the facility.
- P11. Prior to the commencement of work in the park, the contractor shall coordinate a pre-construction meeting with the Park and Recreation Division.
- P12. Prior to the issuance of a building permit, a lease agreement between the Town and the applicant shall be approved.
- P13. The project shall comply with Section 9.62.100 (Dry Lake Hazard) of the Development Code.
- P14. The logo and park identification shall be on four (4) sides of the tank. The graphics shall remain in good condition.
- P15. Ascent lighting shall be used to highlight the graphics on the faux water tank.
- P16. The non-exclusive parking stall shall be located such that it does not encroach into the drive aisle.

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;

We have submitted propagation maps that show the need to locate our proposed site in this area to meet the coverage and capacity needs of our network.

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

The unique circumstances associated with our proposed location is that our park location is surrounded by residential parcels.

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

This parcel is the only parcel in this area that is a non-residential use so there are no alternative sites in this area to locate our facility.

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

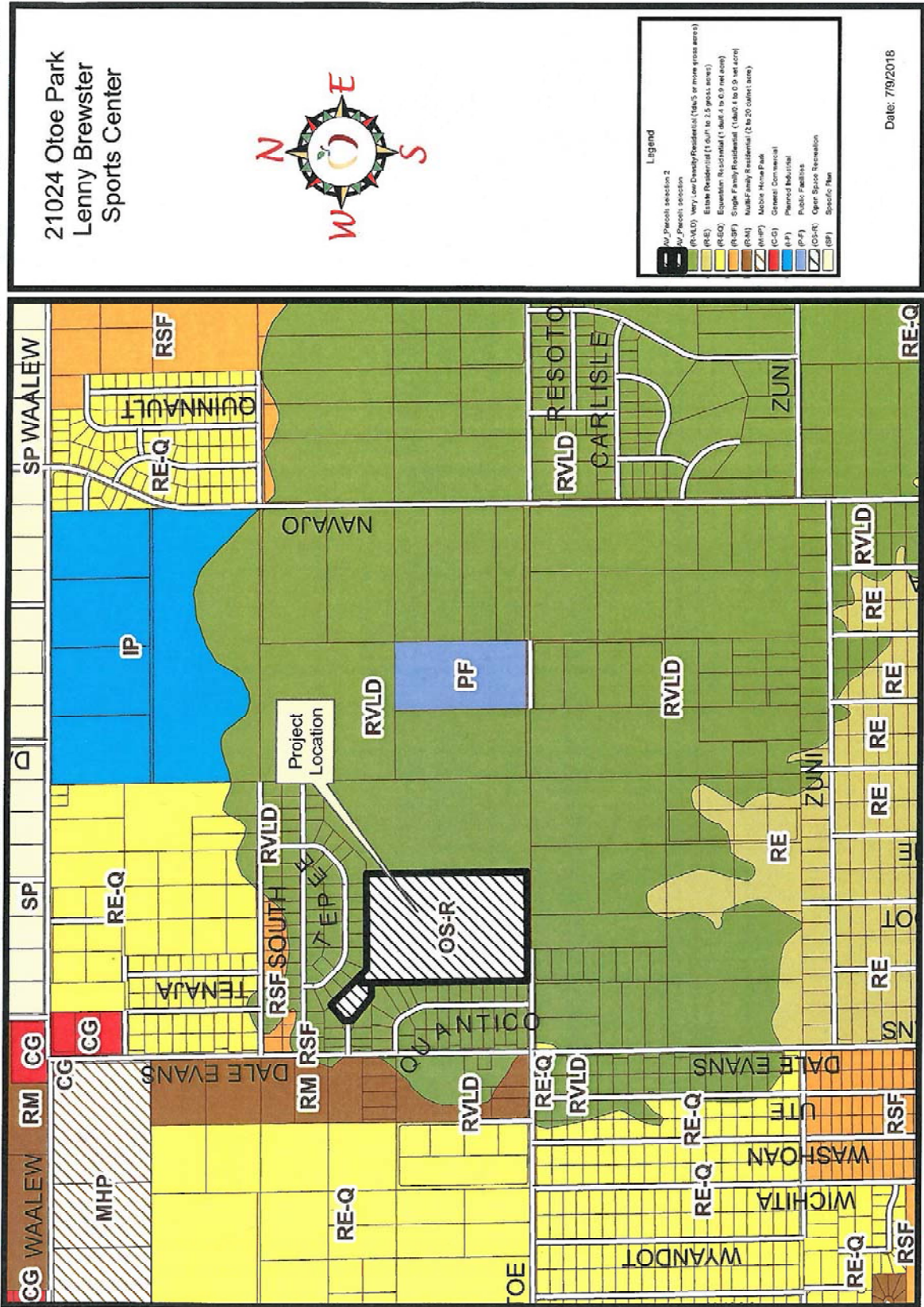
~~The~~ Coupled with the increased capacity of the local E911 system and the decorative stealthing of our facility, there is a reasonable probability that our site will have minimal adverse impacts to the park, surrounding area, or community.

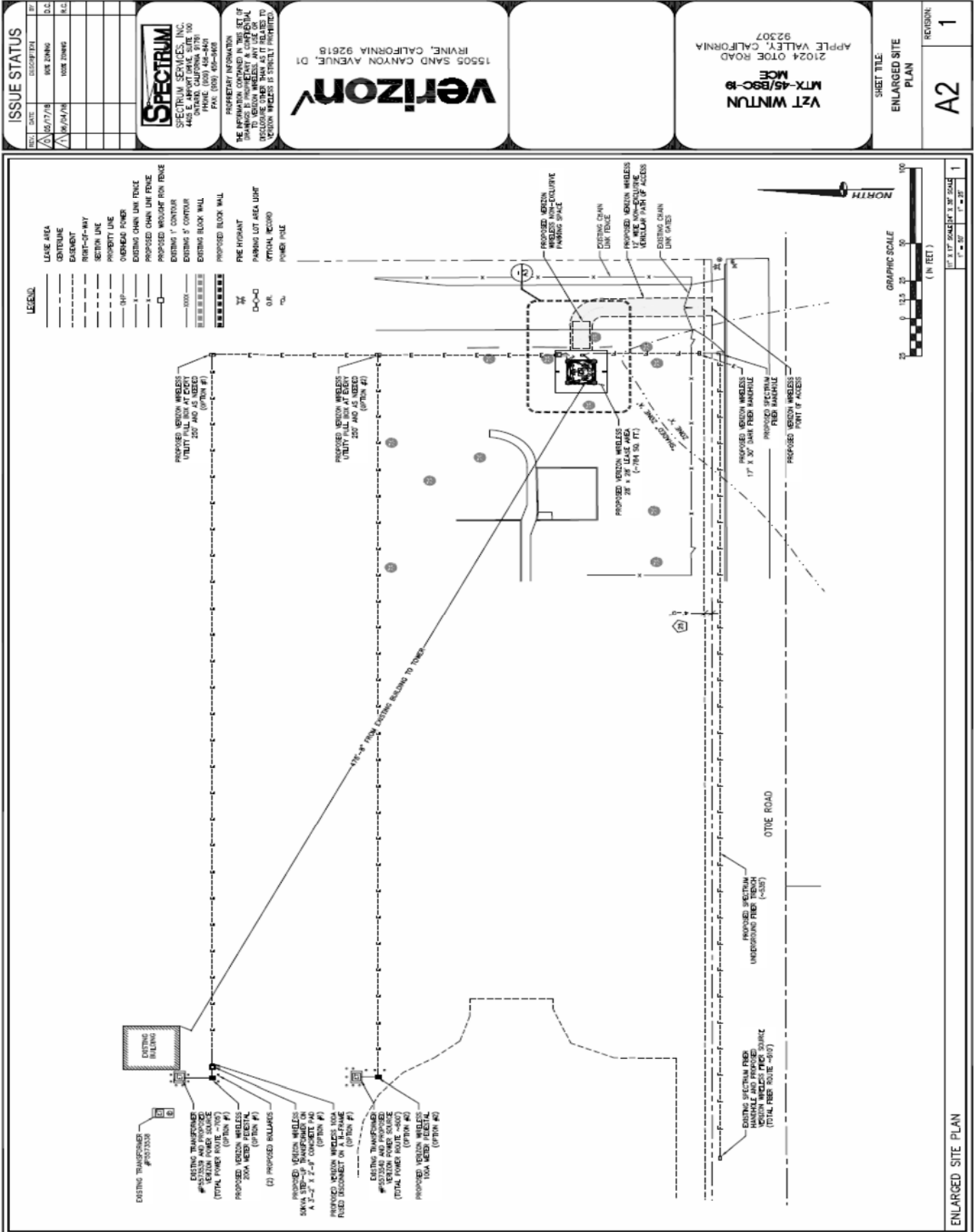
5. That the Commission finds that the proposed deviation will not be materially detrimental to the public health, safety or general welfare, or injurious to the property or improvements in the vicinity and land use districts in which the property is located.

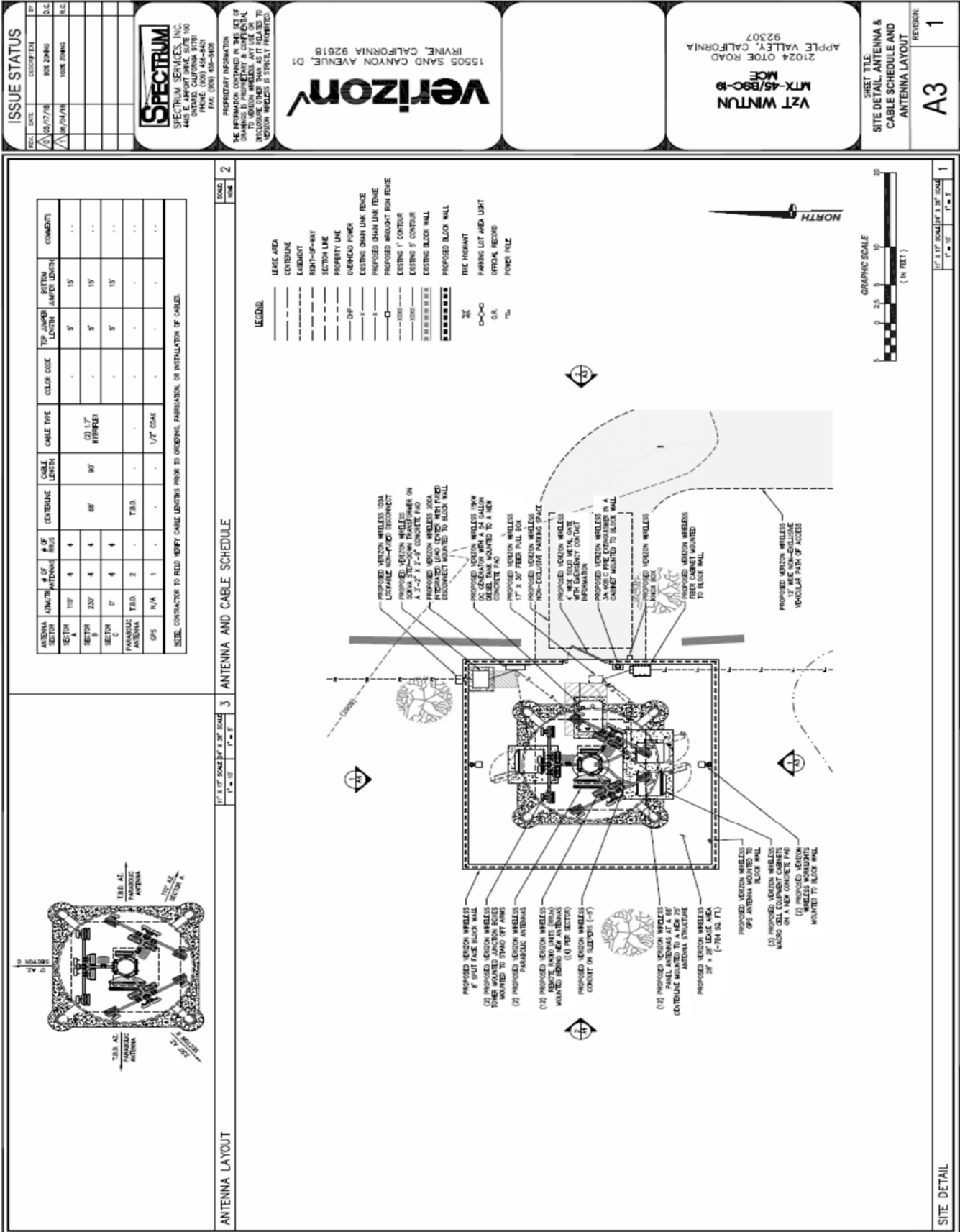
The granting of the deviation will actually serve to be beneficial to the public as it will increase the capacity of the E911 system, protect adjacent residential parcels, encourage the location of towers in non-residential areas (the park)

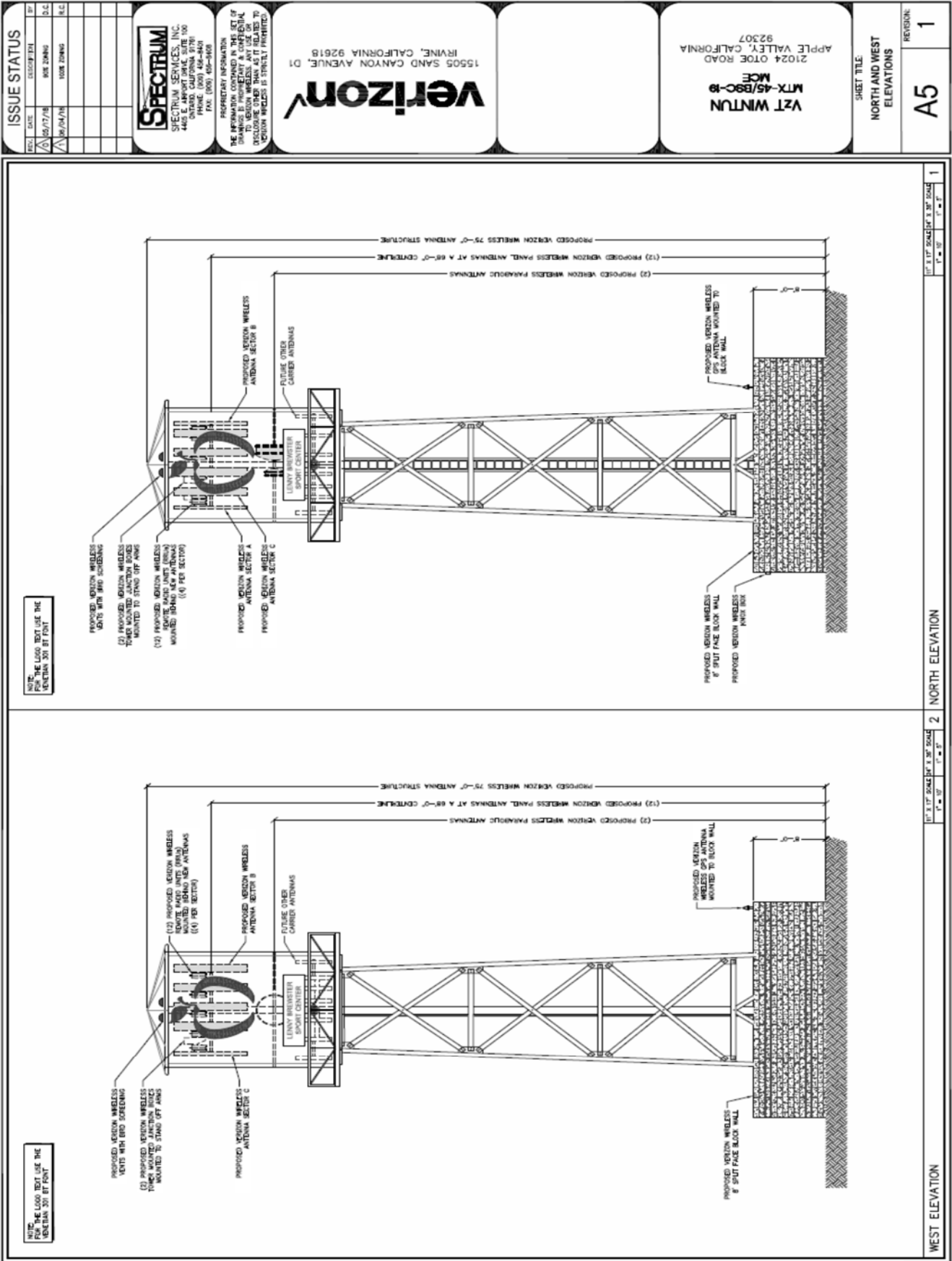
Conditional Use Permit No. 2018-007
 Deviation Permit No. 2018-006

ZONING/LOCATION MAP

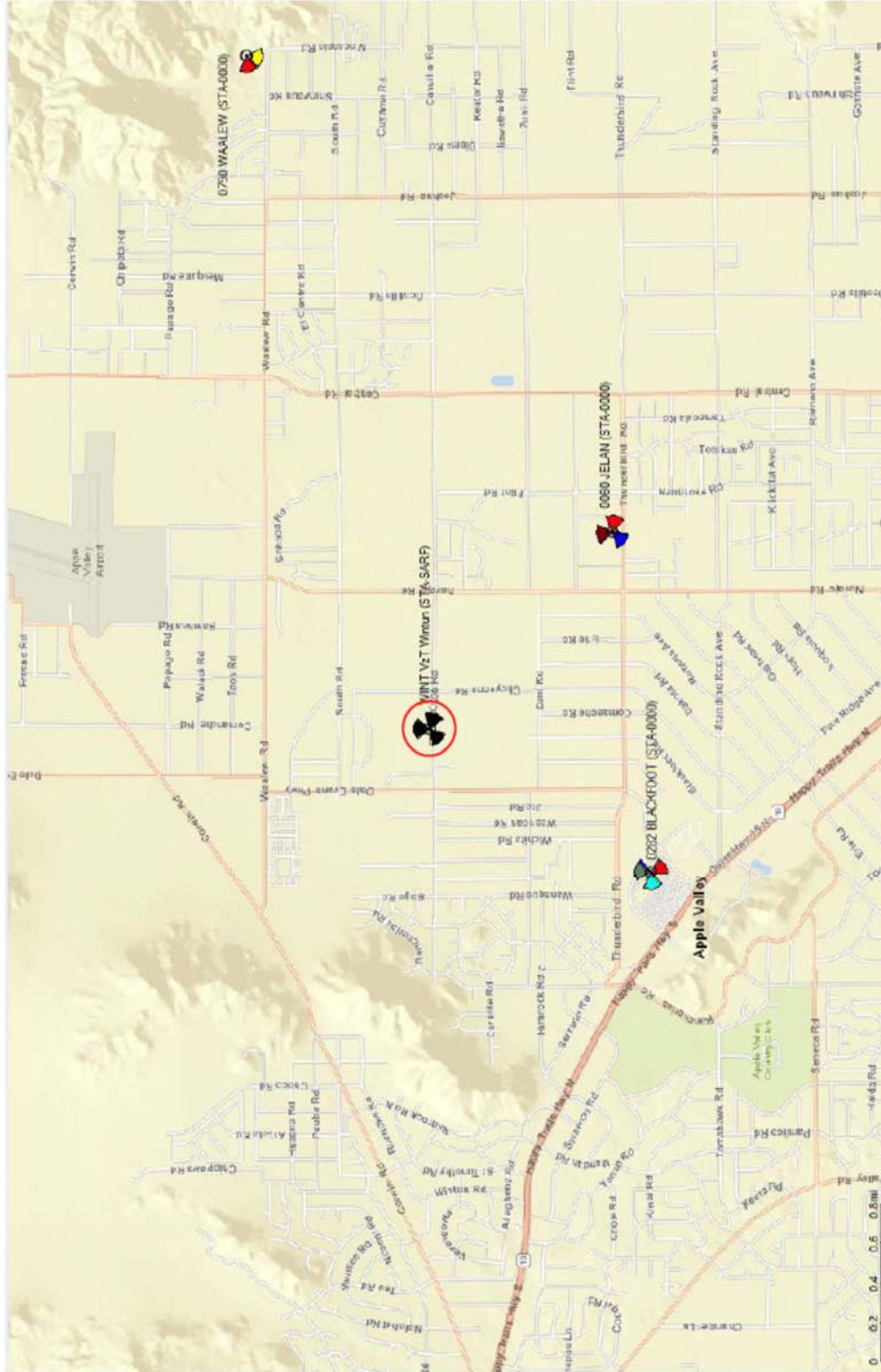






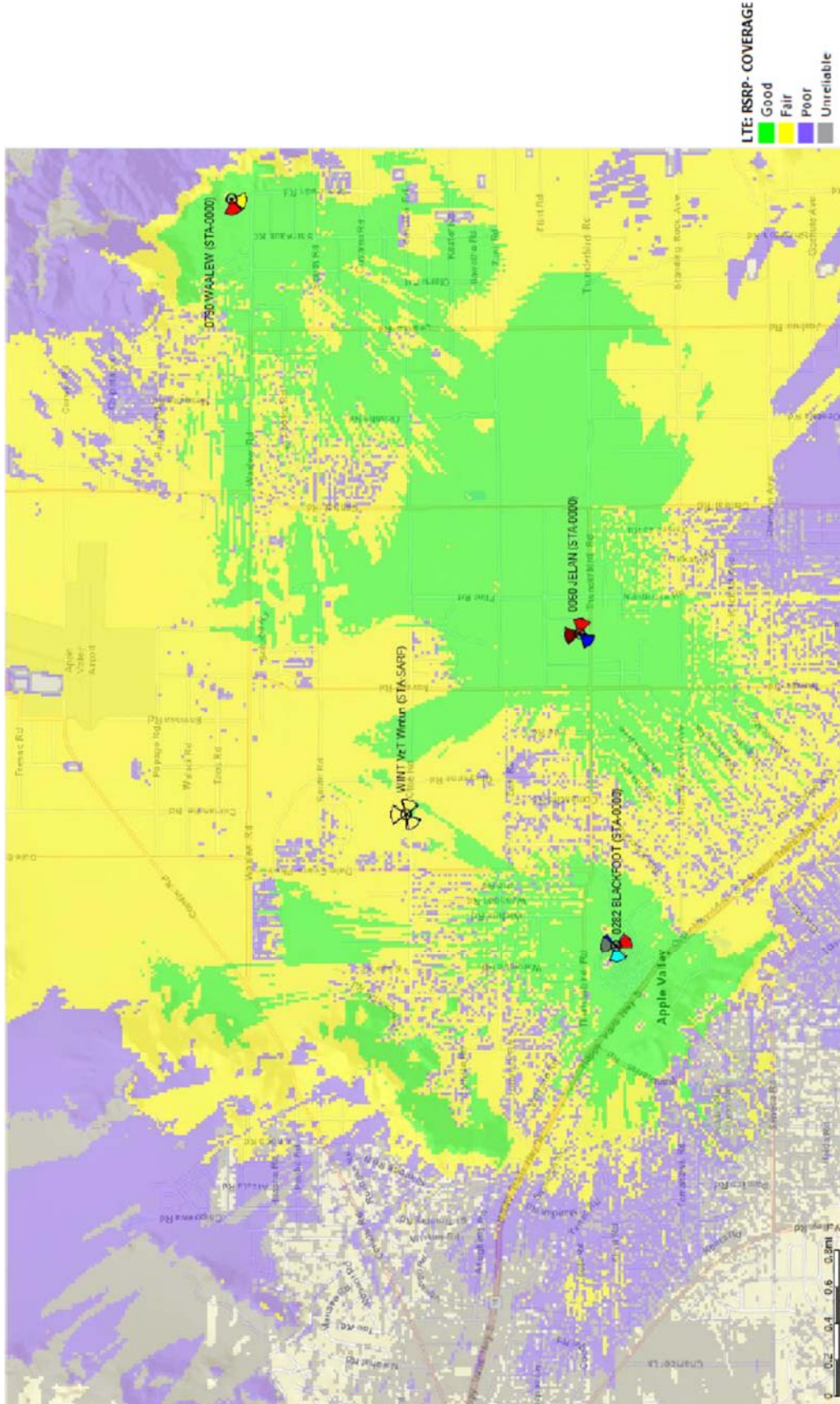


VzT Wintun – General Map



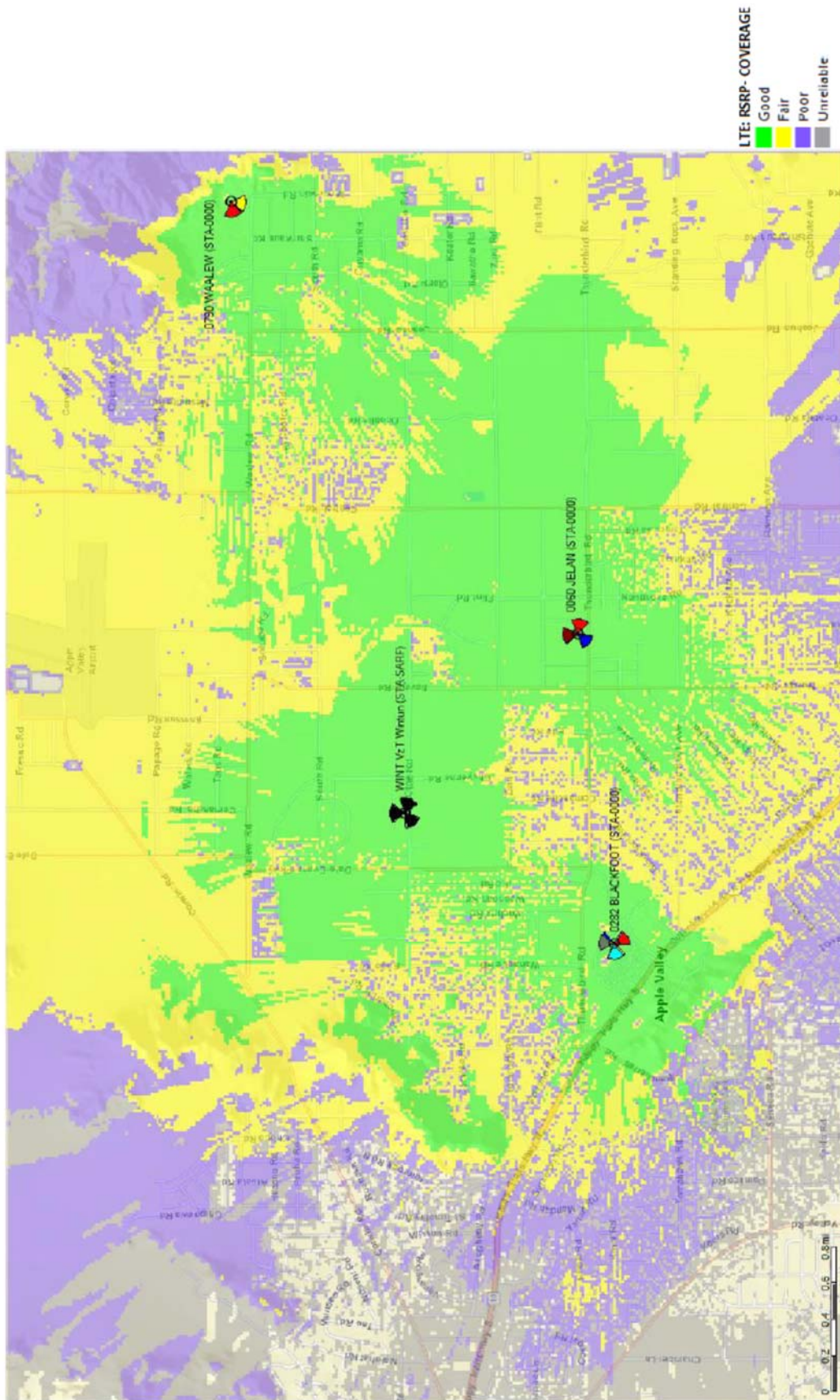
Confidential and proprietary materials for authorized Verizon personnel and outside agencies only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement.

Verizon Coverage without VzT Wintun



Confidential and proprietary materials for authorized Verizon personnel and outside agencies only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement.

Verizon Coverage with VzT Wintun

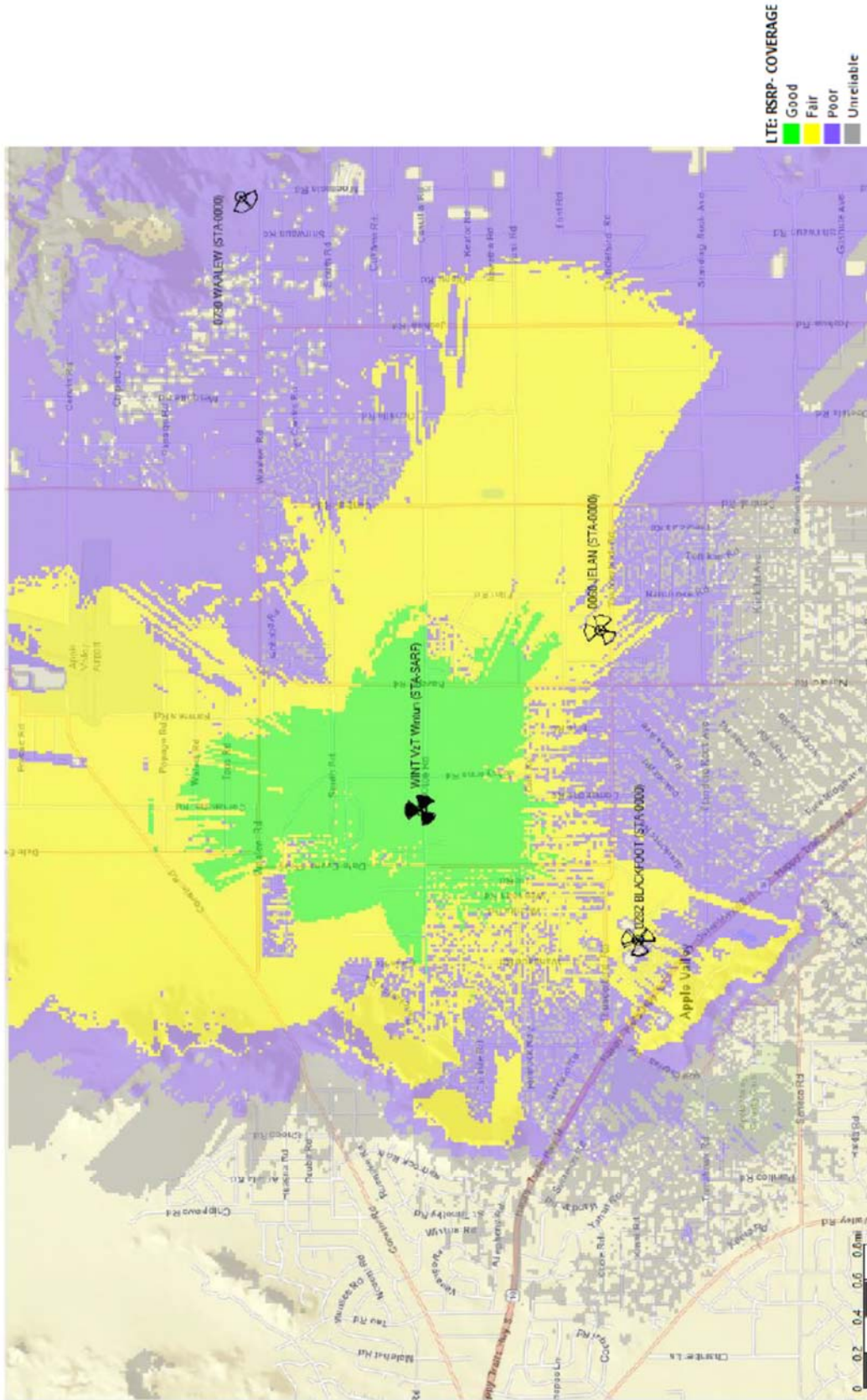


LTE RSRP - COVERAGE
Good
Fair
Poor
Unreliable



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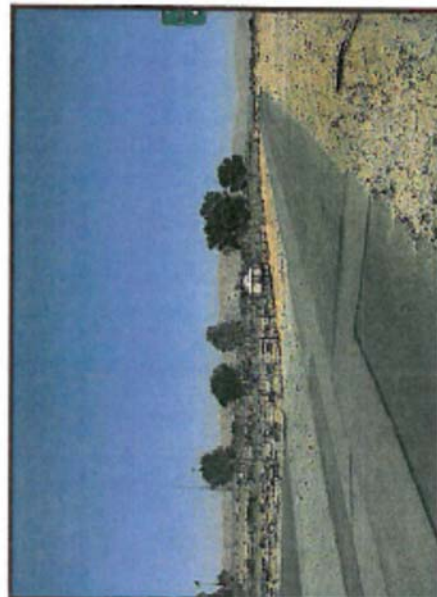
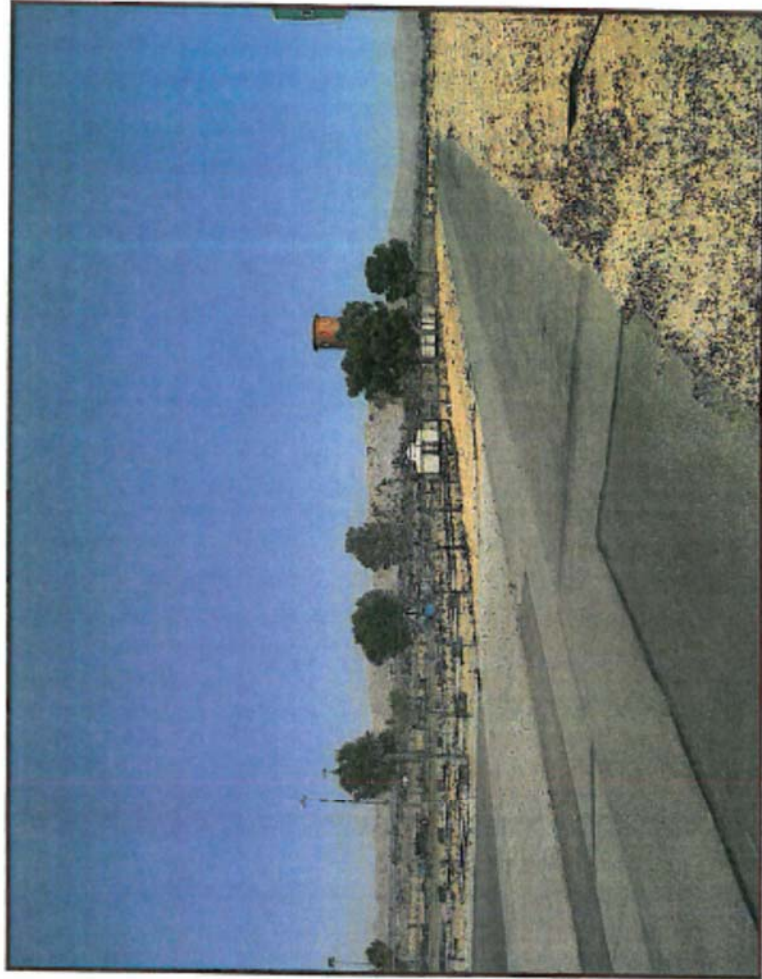
VzT Wintun Coverage Only



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VZT WINTUN 21024 OTOE ROAD, APPLE VALLEY, CALIFORNIA 92307

VIEW 1

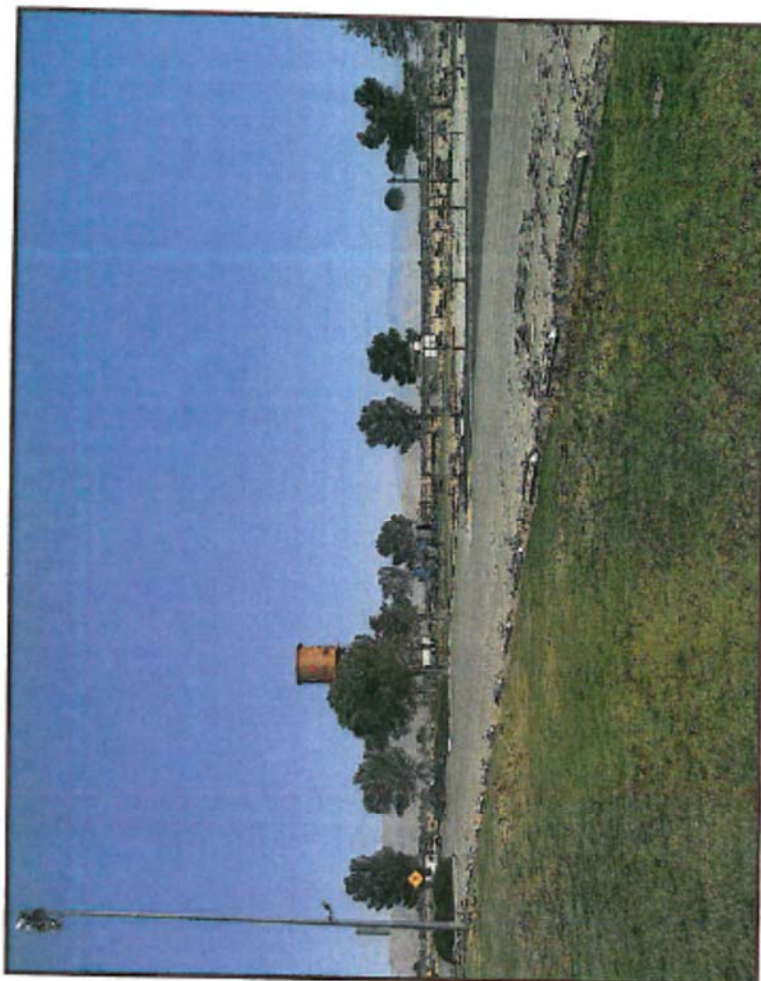


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VIEW 2



LOCATION



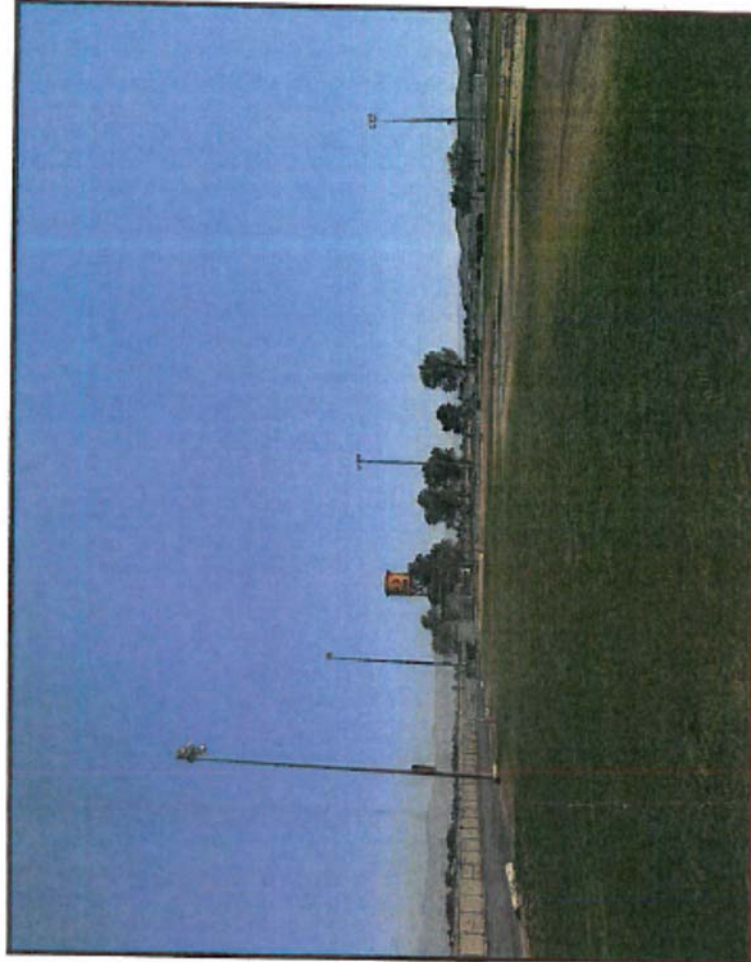
PROPOSED INSTALLATION OF (12) VERIZON WIRELESS ANTENNAS ON AN NEW 75' ANTENNA STRUCTURE. PROPOSED INSTALLATION OF AN EQUIPMENT COMPOUND SCREENED BY A 8' BLOCK WALL



EXISTING

VZT WINTUN 21024 OTOE ROAD, APPLE VALLEY, CALIFORNIA 92307

VIEW 3



SPECTRUM
4465 LAFAYETTE DRIVE, SUITE 100
ONTARIO, CALIFORNIA 91764
OFFICE: (909) 655-9401
FAX: (909) 405-3446

verizon
15505 SAND CANYON AVENUE
BUILDING D, 1ST FLOOR IRVINE,
CALIFORNIA 92618