



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA
REGULAR MEETING
Wednesday, August 1, 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 July 18, 2018 (*Continued to the regular meeting of August 15, 2018*)

PUBLIC HEARING ITEMS

2. **Conditional Use Permit No. 2018-007 and Deviation Permit No. 2018-006** - At the request of the Applicant, the item be continued to the regular meeting of August 15, 2018.

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

PLANNING COMMISSION COMMENTS

STAFF COMMENTS

OTHER BUSINESS

4. Development Code discussion regarding beer and wine establishments for on-site consumption.

ADJOURNMENT

The Planning Commission will adjourn to its next regularly scheduled Planning Commission meeting on August 15, 2018.



TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

Staff Report

- AGENDA DATE:** August 1, 2018 (Continued from July 18, 2018)
- CASE NUMBER:** Conditional Use Permit No. 2018-007 and Deviation Permit No. 2018-006
- APPLICANT:** Chris Colten representing 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)
- CASE PLANNER:** Carol Miller, Assistant Director of Community Development

RECOMMENDATION

The applicant has requested a continuance to the August 15, 2018 meeting due to his inability to attend this "next regularly scheduled" meeting after the item was continued from the July 18, 2018 meeting due to the lack of a quorum.

Prepared By:

Carol Miller
Assistant Director of Community Development



Get a Slice of the Apple.

TOWN OF APPLE VALLEY PLANNING COMMISSION

Staff Report

- AGENDA DATE:** August 1, 2018 (Continued from the July 18th meeting)
- 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. ($75\% \text{ of } 75 \text{ feet} = 56.25 \text{ feet}$. $50\% \text{ of } 56.25 \text{ feet} = 28.125 \text{ feet}$) 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 collocator 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,

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

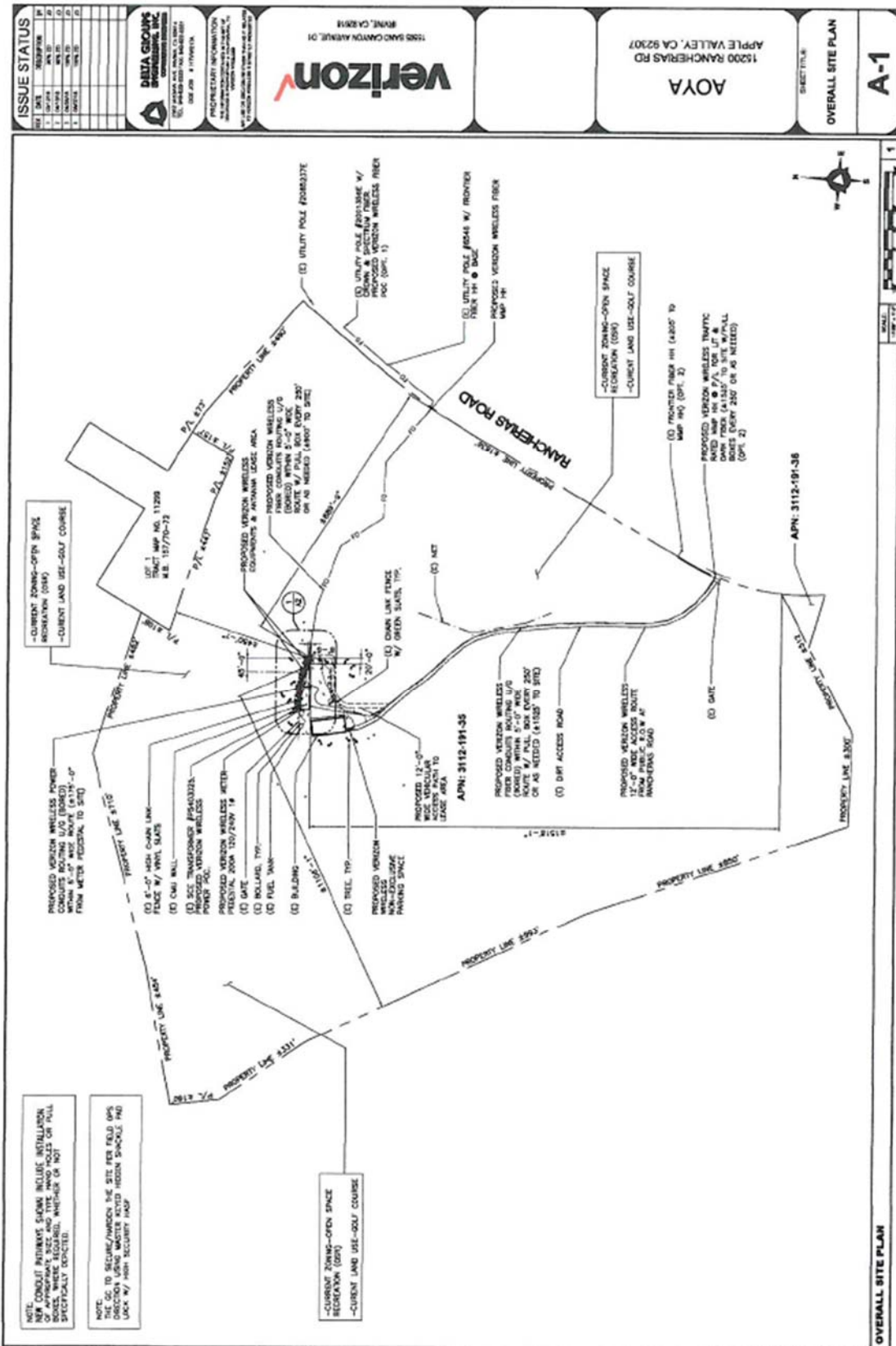
3. That there are no reasonable alternative sites available to provide the services offered;
As noted above, the SARF / RF need falls in 99% residential / single homes area. The Golf Course is the only property that is allowed under the current building code.

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
 Deviation Permit No. 2018-007
 August 1, 2018 Planning Commission Meeting



ISSUE STATUS

NO.	DATE	REVISION
1	12/11/18	AS NOTED
2	06/29/18	AS NOTED
3	02/29/18	AS NOTED
4	02/15/18	AS NOTED
5	01/10/18	AS NOTED
6	01/03/18	AS NOTED
7	01/03/18	AS NOTED
8	01/03/18	AS NOTED
9	01/03/18	AS NOTED
10	01/03/18	AS NOTED
11	01/03/18	AS NOTED

DATA GROUP
 COMMUNICATIONS
 1000 PARKWAY DRIVE, SUITE 100
 CARROLLTON, TX 75006

Verizon
 1280 SAND CANYON AVENUE, 31
 IRVINE, CA 92618

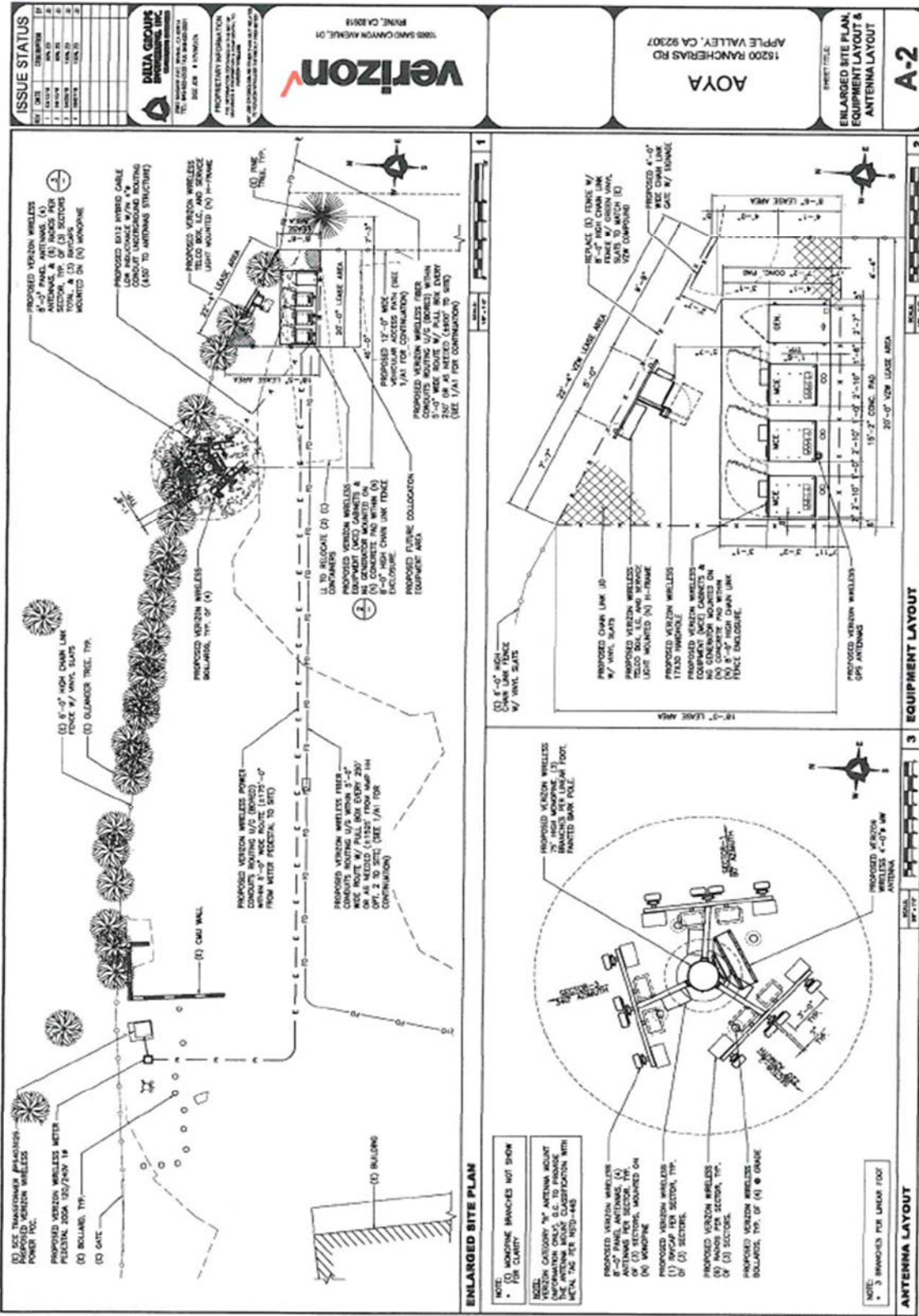
AOYA
 15200 RANCHO ERAS RD
 APPLE VALLEY, CA 92307

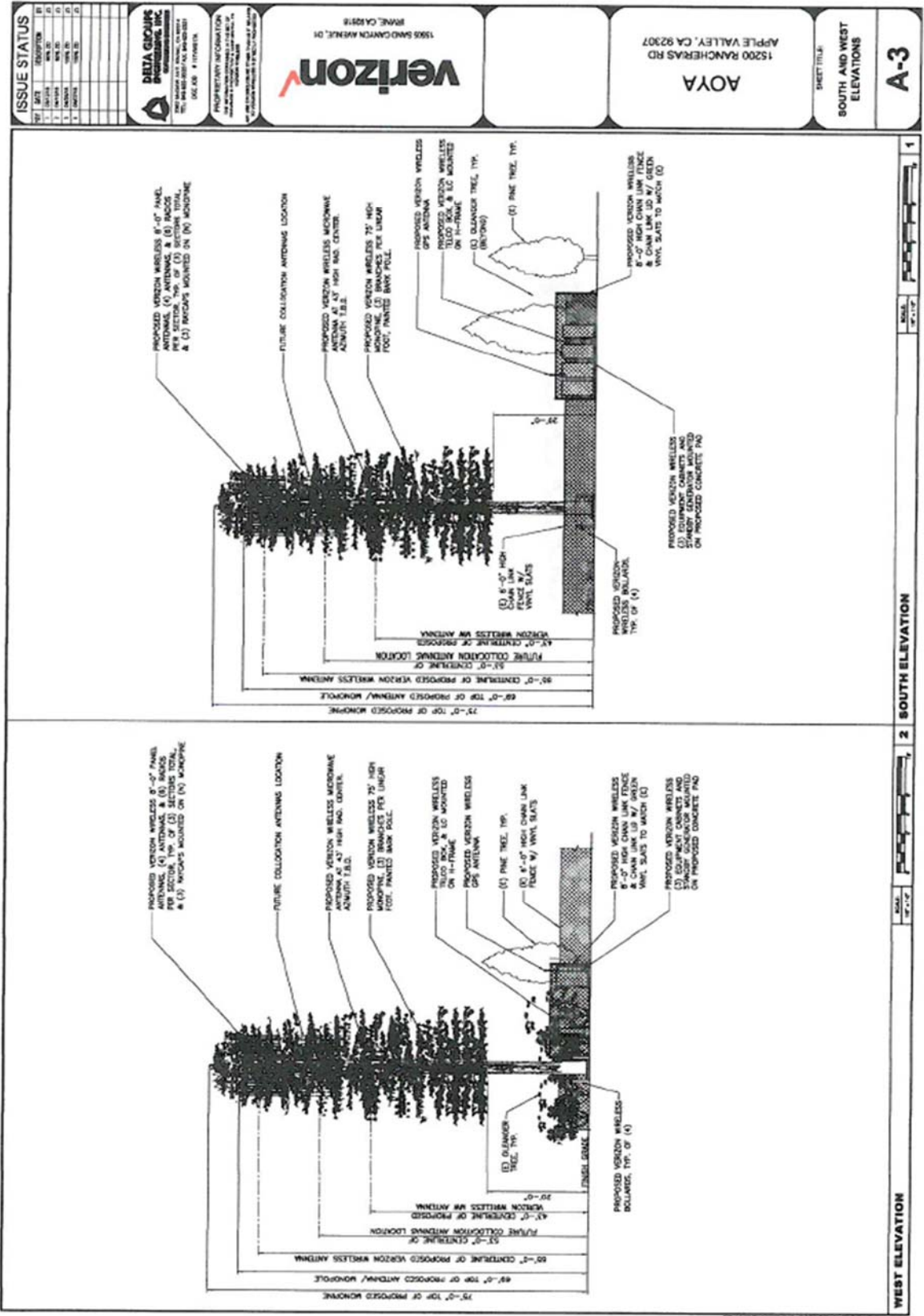
OVERALL SITE PLAN
 SHEET TITLE
A-1

NOTE:
 NEW CONDUIT PATHWAYS SHOWN INCLUDE INSTALLATION OF APPROXIMATE SIZE AND TYPE AND HOLES OR TULL LACK W/ HIGH SECURITY MAP SPECIFICALLY DEPICTED.

NOTE:
 GO TO SECURITY/MAP/NO THE SITE PER FIELD USE DIRECTION USING MATTER NOTED HIDDEN SHOCKLE NO

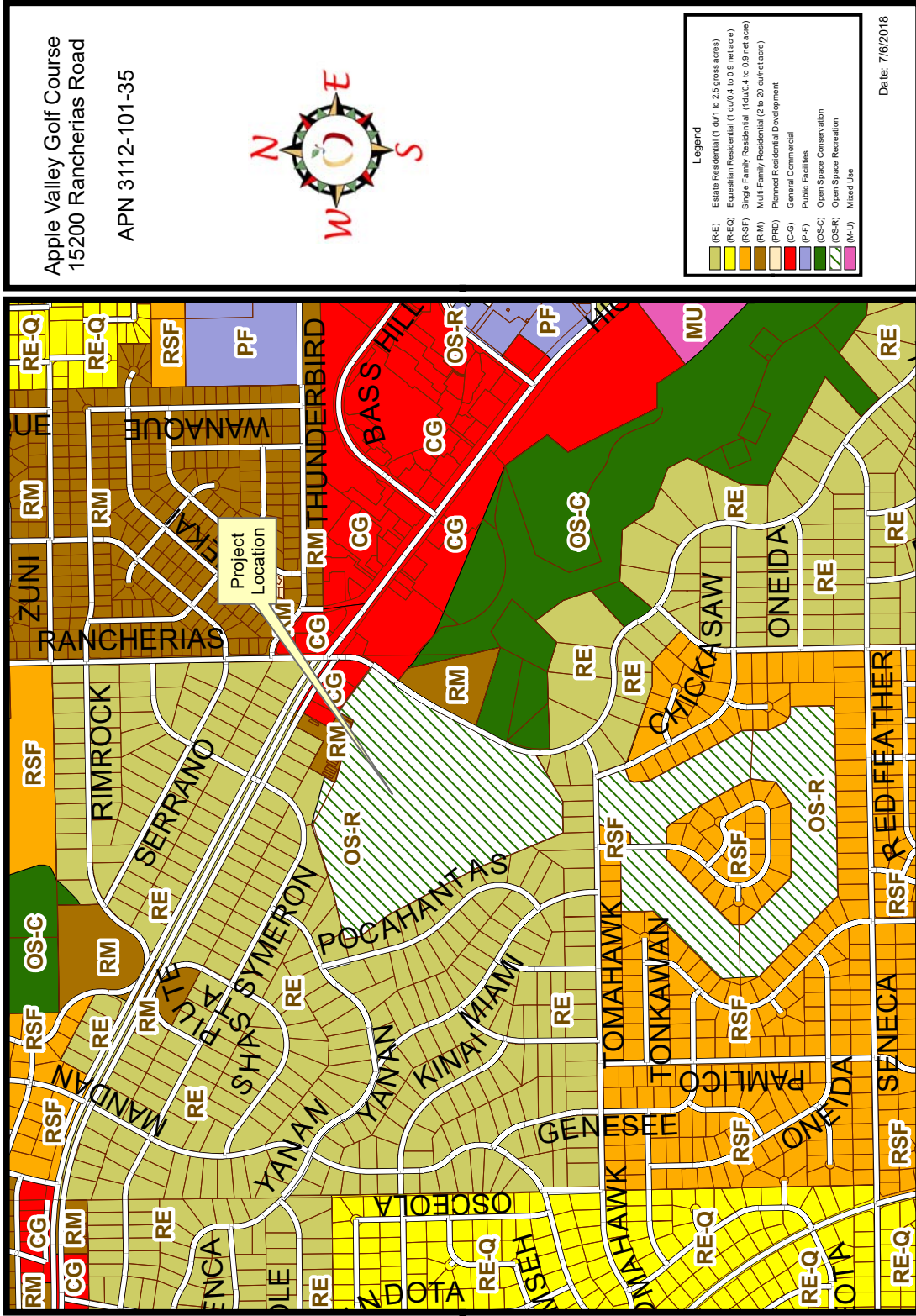
-CURRENT ZONING-OPEN SPACE
 -CURRENT LAND USE-GOLF COURSE
 RECREATION (095)





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

ZONING/LOCATION MAP





TOWN OF APPLE VALLEY MEMORANDUM

Get a Slice of the Apple.

TO: Planning Commission

FROM: Carol Miller, Assistant Director of Community Development

SUBJECT: Development Code discussion regarding establishments that have alcohol sales for on-site consumption.

DATE: August 1, 2018

Staff is requesting a discussion with the Planning Commission regarding establishments that have alcohol sales for on-site consumption. The Development Code within the permitted use table for commercial districts identifies alcoholic beverage sales as a land use category. The category then is further broken down for uses which have no on-site sales such as liquor or grocery stores and those that do, such as restaurants and taverns/bars. Alcohol sales for on-site consumption related to a restaurant is a permitted use while a Conditional Use Permit is required for taverns and bars.

The Department of Alcohol Beverage Control (ABC) has many license types but within the past several years has created different license types that appear to address the increasing popularity of micro-breweries, craft distilleries, etc. The license types now seem to fill specific niches which has caused staff to raise the question whether or not the Development Code should be less broad on alcohol sales for on-site consumption. Therefore, does the Commission believe that all alcohol sales for on-site sales should require a CUP or should the Code possibly reflect a Special Use Permit (SUP) process for some ABC license categories or types of business establishments?