



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA**

WEDNESDAY, FEBRUARY 19, 2020

Regular Meeting 6:00 p.m.

Town Council Chambers
14955 Dale Evans Parkway

PLANNING COMMISSION MEMBERS

Bruce Kallen, Vice-Chairman
B.R. "Bob" Tinsley, Commissioner
Joel Harrison, Commissioner
Mike Arias Jr., Commissioner
Tom Lanyon, Commissioner

PLANNING DIVISION OFFICE: (760) 240-7000 Ext. 7200
www.AVPlanning.org

Monday - Thursday 7:30 a.m. to 5:30 p.m.
Alternating Fridays 7:30 a.m. to 4:30 p.m.



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**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY FEBRUARY 19, 2019 – 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: Arias _____; Harrison _____; Tinsley _____;
Lanyon _____
Vice-Chairman Kallen _____

PLEDGE OF ALLEGIANCE

ELECTION OF NEW OFFICERS

1. Nomination for Chairperson
2. Nomination for Vice-Chairperson

RECESS FOR REORGANIZATION

APPROVAL OF MINUTES

- 1a. Minutes for the Regular Meeting of December 4, 2019.
- 1b. Minutes for the Regular Meeting of December 19, 2019.

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.

PUBLIC HEARING ITEMS

- 2. **Conditional Use Permit No. 2019-004 and Deviation No. 2019-004.** A request for approval of a Conditional Use Permit to replace an existing thirty-five (35)-foot tall monopole with a new fifty-five (55)-foot tall wireless telecommunications tower designed as a mono-eucalyptus that will accommodate two (2) wireless carriers. The wireless communication tower will be situated within the west side building setback area and adjacent to a new 312 square-foot enclosure that accommodates the related equipment.

The Deviation is a request to allow a thirteen (13)-foot eight (8)-inch setback where a twenty-nine (29)-foot setback is required, to allow a tower to be located within 800 feet of an existing tower where a minimum separation of 1,050 feet is required, to allow a tower to be located less than 700 feet to residentially zoned property and residential use, and to allow a fifty-five (55)-foot tall tower where a maximum fifty (50)-foot tall tower is allowed.

APPLICANT: Crown Castle Towers LLC

LOCATION: 18495 Corwin Road APN 0473-102-04

ENVIRONMENTAL

DETERMINATION: Staff has determined 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 and 15304, the proposal is exempt from further environmental review.

CASE PLANNER: Carol Miller, Assistant Director of Community Development

RECOMMENDATION: Approval

- 3. Conditional Use Permit No. 2019-005 and Deviation No. 2019-005.** A request for approval of a Conditional Use Permit to allow seventy-five (75)-foot tall wireless telecommunications tower designed as a mono-eucalyptus.

The Deviation is a request to allow the wireless communication tower to be located less than 500 feet to residentially zoned property and located less than 750 feet to an existing tower.

APPLICANT: Crown Castle Towers LLC

LOCATION: 19235 Yucca Loma Road, APN 3088-431-29

ENVIRONMENTAL

DETERMINATION: Staff has determined 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 and 15304, the proposal is exempt from further environmental review.

CASE PLANNER: Carol Miller, Assistant Director of Community Development

RECOMMENDATION: Continuance to March 18, 2020 meeting.

OTHER BUSINESS

- 4.** Lori Lamson is requesting the Commission to appoint two members of the Planning Commission to serve on the Ad-Hoc Committee to review the Multi-Family Development Code standards.

PLANNING COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT

The Planning Commission will adjourn to its next regularly scheduled Planning Commission meeting on March 4, 2020.

MINUTES

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

DECEMBER 4, 2019

CALL TO ORDER

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

Roll Call

Present: Commissioner Tinsley, Vice-Chairman Kallen, Commissioner Harrison
Absent: Commissioner Arias.

Staff Present

Carol Miller, Assistant Director of Community Development, Pam Cupp, Senior Planner, Thomas Rice, Town Attorney, Maribel Hernandez, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Tinsley.

APPROVAL OF MINUTES

1. Approval of Minutes for the regular meeting of November 6, 2019.

Motion by, Commissioner Tinsley, second by Commissioner Harrison to approve the minutes of November 6, 2019.

ROLL CALL VOTE

Yes: Vice-Chairman Kallen
Commissioner Tinsley
Commissioner Harrison

Noes: None

Abstain: None

Absent: Commissioner Arias

The motion carried by a 3-0-0-1 vote

PUBLIC COMMENTS

None

PUBLIC HEARINGS

2. Development Permit No. 2019-012. A Request to approve a Development Permit to allow the construction of a 1,250 square-foot detached recreational vehicle garage that is twenty (20) feet in height.

For the record, Commissioner Arias has arrived at 6:02p.m.

Vice-Chairman Kallen opens the public hearing at 6:02pm.

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

Troy Allender, applicant was present.

Vice-Chairman asked if the applicant agreed with the Conditions of Approval.

Mr. Allender agrees with all Conditions of Approval.

Vice-Chairman Kallen closed the public hearing at 6:06pm.

MOTION

Motion by Commissioner Tinsley seconded Commissioner Arias to approve Development Permit No. 2019-012.

ROLL CALL VOTE

Yes: Vice-Chairman Kallen
Commissioner Arias
Commissioner Tinsley
Commissioner Harrison

Noes: None

Abstain: None

Absent: None

The motion carried by a 4-0-0-0 vote

3. Conditional Use Permit No. 2019-001. A request to operate a U-Haul moving truck and equipment rental facility that will include retail sales and an indoor, self-storage facility. The project will include the interior and exterior renovations of an existing 89,378-Square foot retail building. Development Code Amendment No. 2019-013.

Vice-Chairman Kallen opens the public hearing at 6:08pm.

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

Vice-Chairman Kallen asked if the vehicles would be stored inside the facility and if it would be temperature controlled.

Ms. Cupp said no vehicles would be stored and tenants would not allow to conduct business at the location.

Thomas Mitchell, U-Haul representative, said facility would be climate control heated and cooled.

Commissioner Harrison asked if U-Haul has other facilities as the one being presented.

Mr. Mitchell said they currently have 16 other facilities like the one on the agenda.

Commissioner Arias asked if staff would be available on site 24 hours.

Mr. Mitchell stated staff would not be on site 24 hours.

Vice-Chairman Kallen asked if security cameras would be installed and asked how they would track any flammable materials being brought into the facility.

Mr. Mitchel stated there would be several cameras placed all around the facility and they would be monitoring them when new tenants move in, but it would be difficult to catch any items as most of the time items are boxed up.

Ms. Miller said the Fire Department has reviewed the project and have provided conditions of approval.

Vice-Chairman asked applicant if he agreed with the conditions of approval.

Mr. Mitchel stated he agrees with the conditions of approval.

Vice-Chairman Closed the public hearing at 6:18pm.

Commissioner Tinsley asked if all surrounding residents were notified of the project.

Ms. Miller responded, all residents with in a 500' radius were notified.

MOTION

Motion by Commissioner Arias seconded Commissioner Tinsley to approve Conditional Use Permit No. 2019-001.

ROLL CALL VOTE

Yes: Vice-Chairman Kallen
Commissioner Arias

Commissioner Tinsley
Commissioner Harrison
Noes: None
Abstain: None
Absent: None

The motion carried by a 4-0-0-0 vote

4. Development Permit No. 2019-010 and Variance No. 2019-004. A request for a development permit to construct a 2,847 square foot medical office building and related parking. The Variance is a request for relief from Development Code Section 9.72.060(B)(8) to allow a sixteen (16) inch landscape separation and a four (4)-Foot sidewalk separation where a minimum five (5)-Foot separation distance between the parking lot curb and the side property lines is required.

Vice-Chairman Kallen opens the public hearing at 6:12pm.

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

Commissioner Tinsley asked about the parking spaces that were removed.

Ms. Miller said to comply with the separation requirements, it would require 2 spaces be removed resulting in less than the required parking. As designed the project meets the parking requirement for a medical office building.

Mr. Al Carlucci, applicant was present.

Being that there is no one in the audience, Vice-Chairman Kallen closed public hearing at 6:21pm.

MOTION

Motion by Commissioner Tinsley seconded Vice-Chairman Kallen to approve Development Permit No 2019-010 and Variance No. 2019-004

ROLL CALL VOTE

Yes: Vice-Chairman Kallen
Commissioner Arias
Commissioner Tinsley
Commissioner Harrison
Noes: None
Abstain: None
Absent: None

The motion carried by a 4-0-0-0 vote

5. Development Code Amendment No. 2019-017. A request to amend Title 9 “Development Code” of the Town of Apple Valley Municipal Code to modify development provisions relating to accessory dwelling units for compliance with recently approved State Legislation.

Vice-Chairman Kallen opens the public hearing at 6:22pm.

Ms. Pam Cupp, Senior Planner, requested a continuance to the December 18, 2019 meeting.

Motion by Commissioner Tinsley seconded Commissioner Harrison to Continue Development Code Amendment No. 2019-017 to the December 18,2019 meeting.

ROLL CALL VOTE

Yes: Vice-Chairman Kallen
Commissioner Arias
Commissioner Tinsley
Commissioner Harrison
Noes: None
Abstain: None
Absent: None

The motion carried by a 4-0-0-0 vote

OTHER BUSINESS

None

PLANNING COMMISSION COMMENTS

Vice-Chairman Kallen stated the last Joint Meeting was very productive.

STAFF COMMENTS

None

ADJOURNMENT

Motion by Commissioner Tinsley, Second by Commissioner Harrison, and unanimously carried, to adjourn the meeting of the Planning Commission at 6:43p.m. to the next regularly scheduled meeting on December 18, 2019

Respectfully Submitted by:

Maribel Hernandez
Planning Commission Secretary

Approved by:

Vice-Chairman, Bruce Kallen

MINUTES

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

DECEMBER 18, 2019

CALL TO ORDER

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

Roll Call

Present: Commissioner Arias, Commissioner Harrison, Vice-Chairman Kallen
Absent: Commissioner Tinsley

INSTALLATION OF NEWLY APPOINTED COMMISSIONER

Yvonne Rivera, Deputy Town Clerk, administered the Oath of Office to the newly appointed Planning Commissioners Thomas Lanyon.

Roll Call

Present: Commissioner Arias, Commissioner Harrison, Commissioner Lanyon, Vice-Chairman Kallen
Absent: Commissioner Tinsley

Staff Present

Carol Miller, Assistant Director of Community Development, Pam Cupp, Senior Planner, Albert Maldonado, Town Attorney, Maribel Hernandez, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Lanyon.

APPROVAL OF MINUTES

None

PUBLIC COMMENTS

None

PUBLIC HEARINGS

1. Conditional Use Permit No. 2019-003 and Deviation No. 2019-002. A request to approve a Conditional Use Permit to install a seventy (70)-foot tall wireless telecommunications tower designed as a monocross. The tower will be situated within the southern portion of the church site and will include a 484 square-foot enclosure that accommodates the tower and equipment. The deviation is a request for a reduced separation distance from residential zoned property located to the west, east and south.

Vice-Chairman Kallen opens the public hearing at 6:02pm.

Ms. Carol Miller, Assistant Director of Community Development, met with the applicant prior to the meeting and they have requested to continue.

Jillian Newcomer with Synergy, representing T-Mobile, is requesting a continuance to allow them to work on the design criteria.

Commissioner Harrison suggested that the applicant look at surrounding towers to help with the design.

MOTION

Motion by Commissioner Harrison seconded Commissioner Arias to continue Conditional Use Permit 2019-003 and Deviation No. 2019-012.

ROLL CALL VOTE

Yes: Vice-Chairman Kallen
Commissioner Arias
Commissioner Harrison
Commissioner Lanyon
Noes: None
Abstain: None
Absent: Commissioner Tinsley

The motion carried by a 4-0-0-1 vote

2. Development Code Amendment No. 2019-017. (Continued from December 4, 2019) An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying provisions relating to accessory dwelling units as required for compliance with recently approved State Legislation.

Vice-Chairman Kallen opens the public hearing at 6:08pm.

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

Commissioner Harrison asked if Juniors units were allowed in an R3.

Ms. Cupp said Junior units were allowed but only when there is an existing single-family home.

Vice-Chairman Kallen asked if we deviate from what the State says, do we then lose State Funding.

Ms. Cupp said if we deviate from this law then, HCD would give us the opportunity to correct it and we don't, then this would be forwarded to the Attorney General for further action.

Vice-Chairman Kallen asked if we could fight this new law in court.

Albert Maldonado Town Attorney said some cities do have the funds to fight these regulations but ultimately this is a statewide for every community and some of the cities that have defied it are currently being sued by the State.

Commissioner Harrison expressed concerns with the impact this change would have on the community such the power grids, water system and sewer lines.

Commissioner Harrison asked if there were any class action movements from multiple municipalities against this.

Attorney Maldonado did not have any information.

Ms. Cupp added that staff would monitor any court cases should anything get overturned.

Vice-Chairman Kallen closed the public hearing at 6:30p.m.

MOTION

Motion by Commissioner Arias seconded Commissioner Harrison to approve Planning Commission Resolution No. 2019-020.

ROLL CALL VOTE

Yes: Commissioner Arias
Commissioner Lanyon
Commissioner Harrison

Noes: Vice-Chairman Kallen

Abstain: None

Absent: Vice-Chairman Tinsley

The motion carried by a 3-0-1-1 vote

3. Development Code Amendment No. 2019-016. An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code amending Section 9.36.230 and adding Section 9.29.210 as it relates to cannabis cultivation for personal recreational purposes and penalties for cannabis cultivation violations.

Vice-Chairman Kallen opens the public hearing at 6:34pm.

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

Commissioner Lanyon asked if the Town will be notifying the homeowner if tenant has applied for a grow certification.

Ms. Miller stated the town would not be notifying the owner.

Vice-Chairman Kallen asked if an option could be added to the form so staff is aware if the applicant rents or owns the home.

Ms. Miller said this would be no different than a Home Occupation Application, where the town requires owner approval and if the owner does not want the tenant to grow marijuana in the home, then that should be listed on the lease agreement.

Bonnie Lanyon Apple Valley Resident, asked if having this permit, will it allow law enforcement to enter a home at any time.

Ms. Miller said if a complaint is filed, then it will be followed up with Law Enforcement and Code Enforcement to investigate.

Vice-Chairman Kallen closed the public hearing at 7:00p.m.

Vice-Chairman Kallen asked staff to add a section where it states, Owner will be notified if a grow permit is requested.

MOTION

Motion by Commissioner Arias seconded Vice-Chairman Kallen to approve Planning Commission Resolution No. 2019-019.

ROLL CALL VOTE

Yes: Vice-Chairman Kallen
Commissioner Arias
Commissioner Harrison
Commissioner Lanyon

Noes: None

Abstain: None

Absent: Commissioner Tinsley

The motion carried by a 4-0-0-1 vote

OTHER BUSINESS

None

PLANNING COMMISSION COMMENTS

Commissioner Harrison asked to keep Pastor from Church of The Valley in your prayers as he has fallen ill.

STAFF COMMENTS

ADJOURNMENT

Motion by Commissioner Arias, Second by Commissioner Harrison, and unanimously carried, to adjourn the meeting of the Planning Commission at 6:43p.m. to the Regular Meeting on January 15, 2020.

Respectfully Submitted by:

Maribel Hernandez
Planning Commission Secretary

Approved by:

Vice-Chairman, Bruce Kallen



Planning Commission Agenda Report

Date: February 19, 2020 Item No. 2

To: Planning Commission

Case Number: Conditional Use Permit No. 2019-004 and Deviation No. 2019-004

Applicant: Crown Castle Towers LLC

Proposal: A request for approval of a Conditional Use Permit to replace an existing thirty-five (35)-foot tall monopole with a new fifty-five (55)-foot tall wireless telecommunications tower designed as a mono-eucalyptus that will accommodate two (2) wireless carriers. The wireless communication tower will be situated within the west side building setback area and adjacent to a new 312 square-foot enclosure that accommodates the related equipment.

The Deviation is a request to allow a thirteen (13)-foot eight (8)-inch setback where a twenty-nine (29)-foot setback is required, to allow a tower to be located within 800 feet of an existing tower where a minimum separation of 1,050 feet is required, to allow a tower to be located less than 700 feet to residentially zoned property and residential use, and to allow a fifty-five (55)-foot tall tower where a maximum fifty (50)-foot tall tower is allowed.

Location: 18495 Corwin Road APN 0473-102-04.

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 and 15304, the proposal is exempt from further environmental review.

Prepared By: Carol Miller, Assistant Director of Community Development

Recommendation: Approval

PROJECT SITE AND DESCRIPTION

- A. Project Size:
The site is 0.43 acres in size.

B. General Plan Designations:

Project Site - General Commercial (C-G)
 North - General Commercial (C-G) & Residential Estate (R-E)
 South - General Commercial (C-G)
 East - Office Professional (O-P)
 West - General Commercial (C-G)

C. Surrounding Zoning and Land Use:

Project Site- General Commercial (C-G), Medical Office
 North - General Commercial (C-G) & Residential Estate (R-E), Church, Residential care facility
 South - General Commercial (C-G), Vacant
 East - Office Professional (O-P), Office
 West - General Commercial (C-G), Office

D. Height:

Permitted Maximum: 50 ft. (Non-Preferred Location)
 Proposed Maximum: 55 ft.

E. Parking Analysis:

Total Parking Required: 1 Space
 Parking Provided: 0 Space

F. Setback Analysis:

Tower to Property Line:	Required	Proposed
From West	29 ft.	**13.6 ft.
From East	29 ft.	81 ft.
From South	29 ft.	52 ft.
From North	29 ft.	134 ft.

G. Separation Analysis:

Tower to SFR:	Required	Proposed
From West	700 ft.	2000 ft
From East	700 ft.	1050 ft.
From South	700 ft.	840 ft
From North	700 ft.	** 237 ft

Tower to Existing Tower 1050 ft. ** 800 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 on commercial property, as an accessory use, with approval of a Conditional Use Permit. The Wireless Telecommunication ordinance also

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.

Due to the limited size of the property, the site and existing development do not meet the criteria for a "Preferred Location". Therefore, as a nonpreferred location the tower is subject to greater setbacks, separation requirements and reduced height.

B. Site Analysis:

The subject site is developed with a medical office building and related parking. The site is also developed with an existing thirty-five (35)-foot tall non-conforming monopole. The tower was approved in July of 2001 by the Planning Commission as a slim line pole. The pole was later modified with exposed antenna. Since the antenna are not stealth or disguised, the existing tower is considered non-conforming.

The applicant is requesting Planning Commission review and approval of a Conditional Use Permit to replace the existing monopole with a new fifty-five (55)-foot tall wireless telecommunications tower designed as a mono-eucalyptus that will accommodate two (2) wireless carriers. The carrier occupying the existing tower will occupy the new tower and continue to utilize their equipment shelter while the new carrier will install a new 312 foot equipment enclosure.

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. This calculates to a forty-one (41)-foot setback from the adjoining property line. Since the proposed telecommunication tower is being developed for two (2) carriers, the Code allows a thirty (30) percent reduction in setback and separation requirements. These reductions are reflected in the above analysis.

The Code requires a minimum 700-foot separation to nearest residential unit or residentially zoned properties. Since the Tower is closer than 700 feet to residentially zoned properties to the north, the applicant is requesting a Deviation Permit to allow up to an approximately 365-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 across Corwin Road.

The Code requires a minimum 1,050-foot separation to an existing tower. The nearest existing tower is located within Corwin Park, approximately 800 feet to the east.

The Code requires a four (4)-foot wide, landscape buffer to effectively screen the view of the tower compound. The equipment shelter is within a landscape area. The project has been conditioned that landscaping be installed along the north and westerly sides to screen the appearance of the enclosure. The tower will not be located within the equipment shelter, but instead to the north side of the enclosure.

As indicated in the project description, the proposed wireless facility is to replace an existing monopole. The applicant has requested that the existing tower be allowed to remain until such time as the new tower is ready to be finalized. A Condition of Approval has been included to specify that the new tower will not be given a final until such time as the old tower is removed.

C. Architecture Analysis:

The Code states "Proposed locations for telecommunications facilities, structures or devices, and all associated supporting equipment, structures and devices, which, by the nature of its design, size, configuration, appearance, color or character, would, by the visibility of the site, exaggerate or emphasize the appearance of the telecommunication facility, making it unique to the area, obviously noticeable, out of character with the surrounding setting (including buildings, landforms, landscaping or native vegetation) are expressly prohibited. "

The applicant is requesting Planning Commission review and approval of a Conditional Use Permit to construct a sixty (60)-foot high (overall height) mono-eucalyptus. The pole of the mono-eucalyptus will be fifty-five (55)-foot tall and two (2) feet in diameter. Maximum pole height allowed is fifty (50) feet so the applicant is requesting a deviation. The antenna panels will be eight (8) feet long and will be installed at a maximum height of fifty-five (55) feet. The simulated foliage for the mono-eucalyptus extends five (5) feet above the pole to assist in providing a tapered visual effect for an overall height of sixty (60) feet. The drip line diameter of the tree is approximately twenty (20) feet at its widest point. The foliage begins twenty-five (25) feet above the base of the pole. Given the limited separation of where the foliage begins and the first antennas, staff is recommending a Condition of Approval that requires the foliage to begin a twenty (20) feet above the base of the pole.

The applicant proposes to paint 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 outlining specific architectural elements necessary to minimize the appearance of the antenna array including three (3) branches per foot or greater with additional branches crisscrossing at joints and foliage socks to camouflage the antennas and any dishes. Further, staff has included a Condition of Approval that prohibits any antennas from extending beyond the limits of the foliage.

D. Deviation Permit:

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

For Non-Preferred Locations, the maximum tower height is fifty (50) feet plus ten (10) additional feet to accommodate an architectural feature, such a tree branches for an overall height of sixty (60) feet. The proposal and Deviation is requesting a fifty-five (55)-foot tower height with five (5) additional feet for architectural branches for an overall height of sixty (60) feet where the Code allows a maximum of fifty (50) feet in height and up to ten (10) additional feet for the architectural branches for an overall height of sixty (60) feet. Staff finds that a deviation of five (5) feet in pole height while not exceeding the overall height of sixty (60) feet with the recommended architectural Conditions of Approval could be supported since the proposal is replacing a nonconforming tower that will accommodate two carriers.

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 and 15304, the proposal is exempt from further environmental review.

G. Noticing:

This item was advertised as a public hearing in the Apple Valley News newspaper on February 7, 2020.

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 tower with a height of fifty-five (55)-foot designed as a mono-eucalyptus tower complies with the Town's Telecommunications Ordinance of the Development Code, upon the review and approval of a Conditional Use Permit and Deviation Permit by the Planning Commission. and complies with the adopted Utilities Element of the General Plan Policy 1.H states "...cellular communication towers and other major utility facilities shall be designed

and sited so that they result in minimal impacts to viewsheds and minimally pose environmental hazards.” By replacing the existing nonconforming monopole which does have a visual impact with a tower using a mono-eucalyptus design, the visual impact will be minimized while expanding the telecommunication coverage within an area that is deficient in cellular coverage.

2. That the proposed location, size, design and operating characteristics of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity, adjacent uses, residents, buildings, structures or natural resources.

Comment: The antenna will incorporate a eucalyptus tree design as camouflage for the tower and will be compatible with the site and adjacent uses, based on the existing development and building heights. The proposed mono-eucalyptus, with adherence to the recommended Conditions of Approval, is permitted subject to approval of a Conditional Use Permit and Deviation Permit. All development issues have been evaluated by the appropriate Town departments and appropriate conditions have been required to address their areas of responsibility. When implemented, the conditions will ensure compliance with all local, state and federal regulations pertaining to the proposed facility.

3. That 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.

4. That the generation of traffic will not adversely impact the capacity and physical character of surrounding streets and that the traffic improvements and/or mitigation measures are provided in a manner consistent with the Circulation Element of the General Plan.

Comment: Traffic generated from the unmanned wireless telecommunication facility will not adversely impact the surrounding area.

5. 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.

6. That Use Permits requiring new construction also meet the Required Findings set forth with Chapter 9.17 “Development Permits”.

Comment: N/A

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 antenna height, setback, separation distance, security fencing or landscape screening established within Section 9.77, "Wireless Telecommunications Towers and Antennas". 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 supporting documentation (attached) 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 location of existing improvements, the location appears most logical despite the encroachments into the required setbacks and separation. With adherence to the separation requirements, it would preclude the use of this location for a new telecommunication to replace the existing nonconforming monopole. Essentially, 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. Given the location of existing improvements, the location appears most logical despite the encroachments into the required setbacks. With adherence to the setback and separation requirements, it would preclude the use of this location for a new telecommunication facility to replace the existing nonconforming monopole. With respect to the request to increase the pole height by five (5) feet, staff can support the request because the overall height is consistent the Code at sixty (60) feet in height. The surrounding area is predominately zoned residential to the north and commercial area with limited preferred locations in the area. Therefore, this is a rather unique situation in that there is not a more suitable locations for this telecommunications facility, which is necessary in order to provide cellular communications coverage for the community. Further, the cell tower located approximately

800 feet to the east, designed as a eighty (80)-foot pine tree is currently occupied 2 or more carriers.

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

Comment: The applicant has submitted the required supporting documentation indicating that this need cannot be met in any other manner. Given the site design of the existing improvements, the location appears most logical despite the encroachments into the required setbacks. With adherence to the separation requirements, it would preclude the replacement of the existing single user tower for a new two user telecommunication tower. Essentially, any viable on-site location would result in an encroachment.

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

Comment: Given the site design, the location appears most logical despite the encroachments. The tower will replace an existing nonconforming tower in nearly the same location. The granting of the Deviation to allow the telecommunications facility to be constructed within a location that result in a separation less than the requirements, will not interfere with the function of the office development nor will it be materially detrimental to the public health, safety or general welfare because the proposal is replacing an existing tower. The location of the mono-eucalyptus tower has two story structures nearby and the design is much less visually obtrusive than the existing non-stealth tower.

RECOMMENDED ACTION

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:

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. 2019-004 and Deviation Permit No. 2019-004 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. 2019-004 and Deviation Permit No. 2019-004.
3. Approve Conditional Use Permit No. 2019-004 and Deviation Permit No. 2019-004, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

Prepared By:

Carol Miller
Assistant Director of Community Development

ATTACHMENTS:

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

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Case No. Conditional Use Permit No. 2019-004 and Deviation Permit No. 2019-004

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

Planning Division Conditions of Approval

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval to approve a specific use of land, if not established in conformance to any conditions applied, shall become void three (3) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least 60 days prior to the void date. The Conditional Use Permit becomes effective 10 days from the date of the decision unless an appeal is filed as stated in the Town's Development Code, Section 9.03.0180.
- P2. The applicant shall defend at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P3. The applicant recognizes the approval of Conditional Use Permit No. 2019-004 and Deviation Permit No. 2019-004 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. Plans submitted for plan check shall reflect a tree branch of three (3) branches per foot or greater, and additional branches that crisscross with leafy socks to camouflage the antennas and any dishes. The submitted plans shall also include the installation of simulated bark cladding from the base of the tower up to a minimum of twenty-five (25) feet and the foliage shall begin twenty-five (25) feet above the base of the pole.
- P10. Prior to final inspection, the existing monopole tower shall be removed and the area be landscaped.
- P11. No antenna array shall extend beyond the foliage.
- P12. The equipment shelter shall have decorative pilasters at all corners. No barbed, razor or other wire material shall be used in or on the facility.
- P13. The equipment enclosure shall incorporate densely planted landscape buffer on the north and west side. Landscaping shall be installed with appropriate combinations of drought tolerant trees, shrubs, and ground cover, consistent with Chapter 9.75, Water Conservation Landscape Regulations, of this Code.

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. Page two (2) of the submitted building plans will be conditions of approval.
- BC5. Construction must comply with current California Building Codes and green Building Code.

BC6. Best Management Practices (BMP's) are required for the site during construction.

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

Conditional Use Permit No. 2019-004

Deviation No. 2019-004



Specific Code Section for relief

1. 9.77.130.D4. Applicant is requesting relief to extend the maximum height of the antenna to 55'. This height provides the needed coverage objective of applicant. Applicant has attempted to work within the required antenna height, however, that does not allow for the coverage objective to be met. The overall height will remain at 60' total height.

9.77.130.D5. Applicant would like to request relief from the requirement that the tower be setback 75% of the height of the tower from any adjoining lot line. The tower, in order to accommodate multiple carriers and satisfy the JX's colocation preference, needs to be taller than the existing facility on site. Due to the layout of the parcel and the location of the existing building, it is not feasible to place the proposed tower further from the side parcel line.

9.77.130.D6 Applicant is requesting relief from the requirement that the tower be located more than 1,000 feet from residential and more than 1,500 feet from an existing tower. The required distance from residential will not accomplish the coverage objective and provide much needed e911 services. The closest residential home is over 550' away and the tower at Corwin Park is 790' away. Applicant is requesting that similar deviation be approved as was approved for the existing tower because the proposed tower will benefit the community and will not be detrimental to the health safety or welfare to those to work, live, and travel through Apple Valley. Over the past several years many homeowners have opted to only have mobile devices instead of a landline phone. To provide e911 services to these homeowners, coverage needs to continue in this area. Applicant will not be able to achieve that without its proposed installation within the required setback distance.

Explain the hardship or practical difficulty that would result from the strict interpretation and enforcement of this Code.

2. The strict enforcement and interpretation of this code would create a hardship to the surrounding homeowners. So many homes no longer have landlines and data usage is up 75 percent over the last 5 years. This high demand for service and coverage would not be able to be provided and in the event of an emergency, e911 services are essential. Users would continue to experience coverage gaps and slow data speeds and would be without the essential e911 services.

Height is a key element needed by antennas to ensure efficiency and coverage to and allow for adequate space to add wireless providers, which Apple Valley encourages. Wireless technology is line-of-sight technology, so antennas need to be installed above surrounding foliage, structures or land masses for the antennas to maintain signal strength and integrity. In addition, the proposed height allows for the installation of two carriers so as to avoid the need for multiple, more visually obtrusive sites from being built in the area. Applicant requests the Planning Department to recognize the unique requirements of wireless telecommunications antennas and consider allowing the proposed facility.

What is the alternative means of compliance being proposed?

3. Applicant has identified many search rings, this one accomplishes the goals of applicant to provide coverage within areas that are experiencing gaps in coverage and provide the essential e911 services to their homes. The Applicant is collocating with the existing tower on site in order to lessen any perceived

Conditional Use Permit No. 2019-004

Deviation No. 2019-004



burden the site creates. This colocation is encouraged in section 9.77.190 of the code and is the proposed alternative means of compliance being proposed

What are the special circumstances that apply only to the property to which the application pertains, and do not apply generally to the other properties in the vicinity.

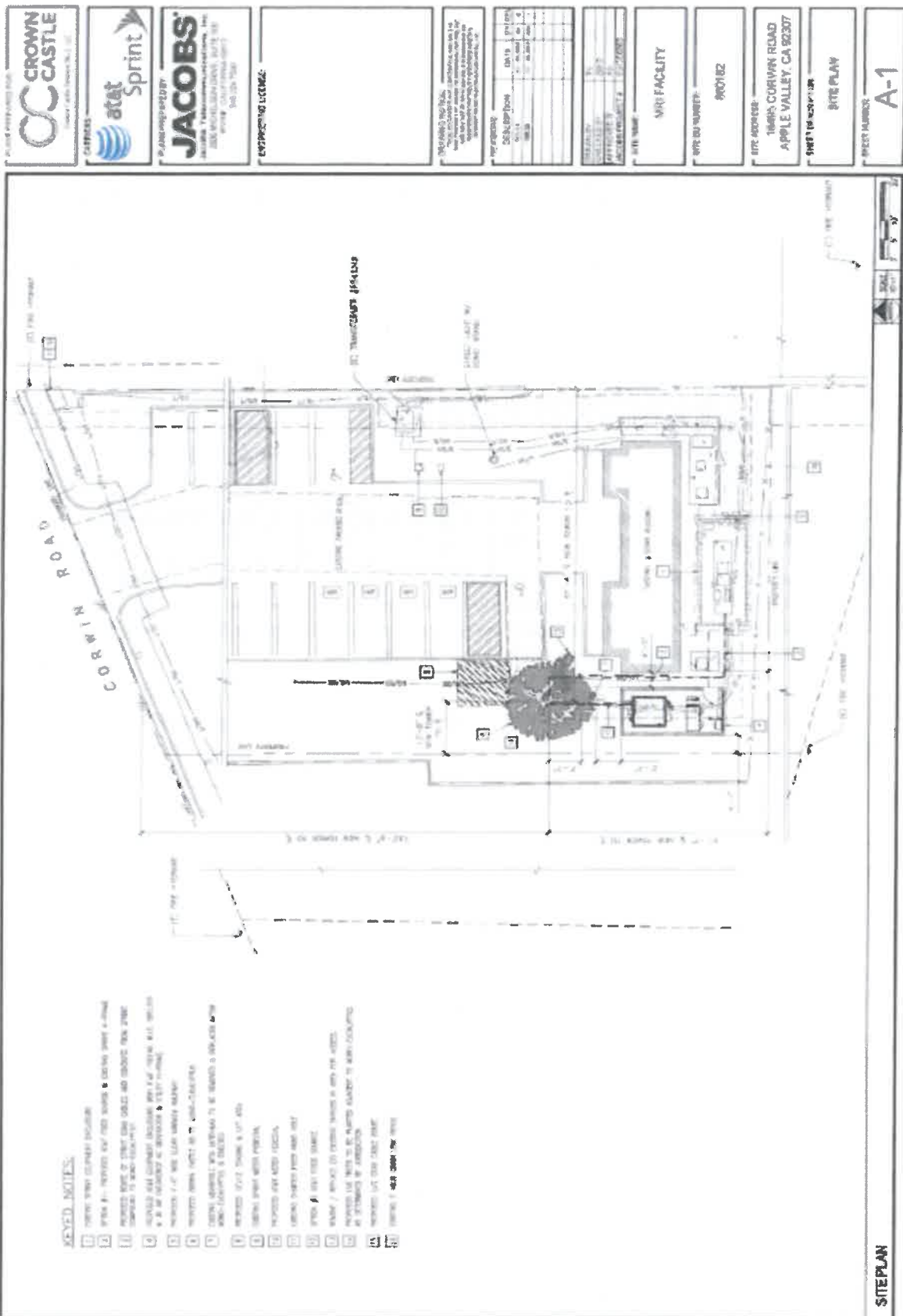
4. The size and shape of the parcel does not allow the facility to meet certain side setback requirements that other properties would be able to meet. Also, the winding and hilly nature of Corwin road necessitates the structure to be taller to cover a wider range as shown in the coverage maps included with the original application submittal.

This property meets the criteria in location, space and availability in order that the applicant will be able to, reduce coverage gaps, eliminate dropped calls and provide the essential e911 services, allowing a user to contact first responders in the event of an emergency. There are no other properties outside of the required distance that would accomplish this while also meeting the setback and separation requirements in the code.

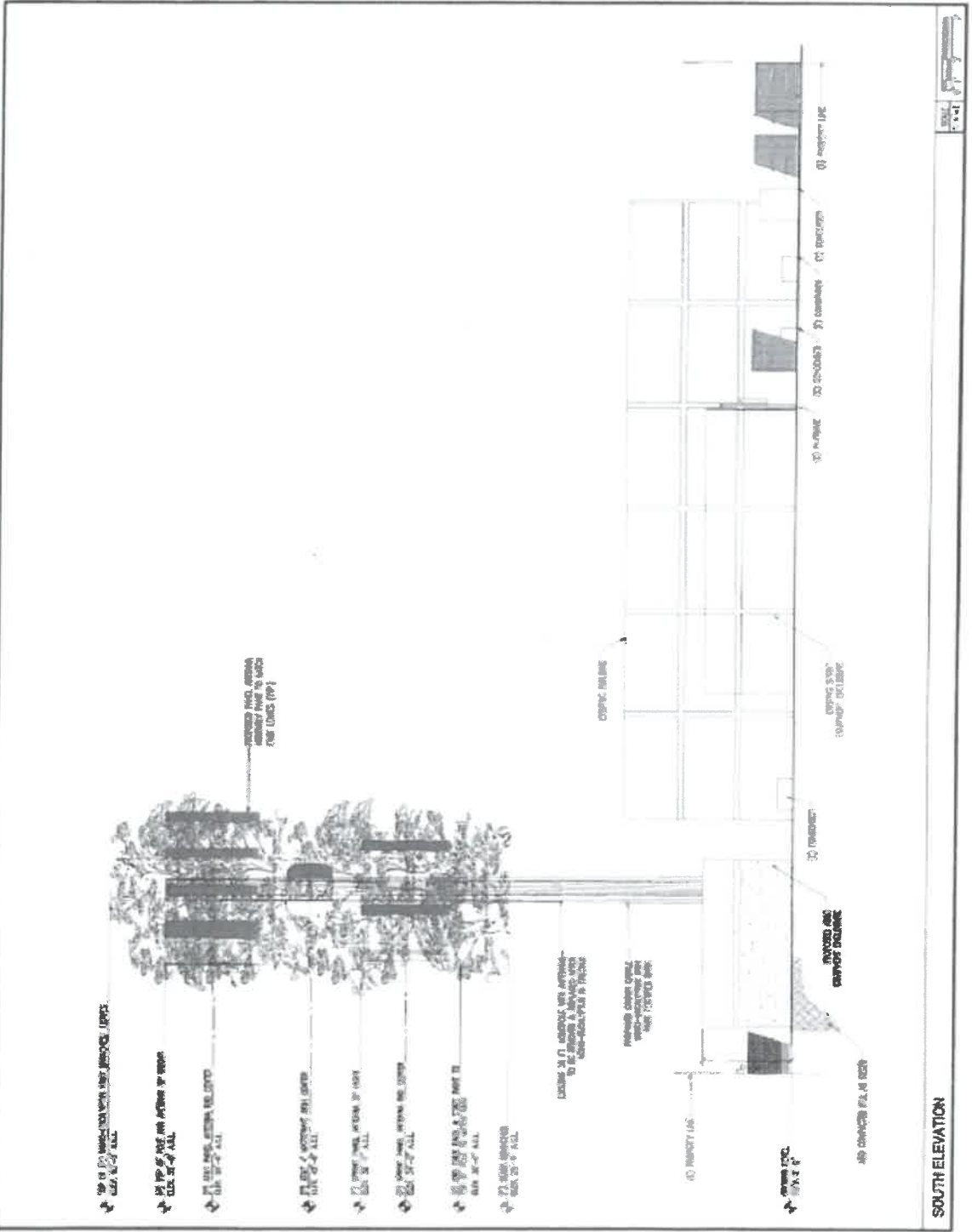
Explain how, if the variance is approved, it will not constitute a granting of special privilege which will not be available to other properties in the vicinity.

5. By granting this variance, it would not constitute a special privilege as the high demand for reliable service and the need for the e911 service within the specified area are not the result of applicant needs, but the needs of the users in that vicinity where the coverage gaps have been identified. A potential for no access to emergency services is a reality and must be provided.

By granting a deviation to a second carrier on site, a special privilege would not be granted as similar circumstances surround the proposed installation as did the granting of a deviation for the original tower



<p>CROWN CASTLE Aerial and Ground Networks</p>	<p>Sprint</p>	<p>JACOBS PROJECT: 18465 CORWIN ROAD, APPLE VALLEY, CA 92307</p>	<p>PROJECT NUMBER: 2019-004</p>	<p>ISSUING AGENCY: CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS</p>	<p>DATE: 01/15/2020</p>	<p>PROJECT NAME: MRI FACILITY</p>	<p>TYPE OF NUMBER: 680182</p>	<p>SITE ADDRESS: 18465 CORWIN ROAD, APPLE VALLEY, CA 92307</p>	<p>BUILDING DESCRIPTION: SOUTH ELEVATION</p>	<p>PROJECT NUMBER: A-3</p>
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view from Corwin Road looking southwest at site



800 E. MRI Facility
19495 Corwin Road, Aubie Valley, CA
Photos: Produced on 9/12/2019



view from Outer HWY 18 N. looking southeast at site



6801 P2 Mill Facility
18495 Corwin Road Appleton, WI
Photosims Produced on 9/12/2019

Existing



Existing condition

Proposed



Proposed Crown Castle
Installation



view from Happy Trails Highway looking northeast at site



830182 MRI Facility
18495 Corwin Road, Apple Valley, CA
Photosim Produced on 9-12-2019



Planning Commission Agenda Report

Date: February 19, 2020 Item No. 3

To: Planning Commission

Case Number: Conditional Use Permit No. 2019-005 and Deviation No. 2019-005

Applicant: Crown Castle Towers LLC

Proposal: A request for approval of a Conditional Use Permit to allow seventy-five (75)-foot tall wireless telecommunications tower designed as a mono-eucalyptus.

The Deviation is a request to allow the wireless communication tower to be located less than 500 feet to residentially zoned property and located less than 750 feet to an existing tower.

Location: 19235 Yucca Loma Road, APN 3088-431-29

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 and 15304, the proposal is exempt from further environmental review.

Prepared By: Carol Miller, Assistant Director of Community Development

Recommendation: Continue to the March 18, 2020 meeting

The applicant has requested a continuance to allow time for a revised site plan to be prepared that addresses the parking deficiency and identify locations for future wireless carriers equipment enclosures.

Prepared By:

Carol Miller
Assistant Director of Community Development



Planning Commission Agenda Report

Date: February 19, 2020 Item No. 4

To: Planning Commission

Subject: FORMATION OF AN AD-HOC COMMITTEE TO REVIEW MULTI-FAMILY RESIDENTIAL DEVELOPMENT STANDARDS

Submitted by: Lori Lamson, Assistant Town Manager

RECOMMENDED ACTION:

The Commission should appoint two members of the Planning Commission to serve on the Ad-Hoc Committee to review the Multi-Family Development Code standards.

SUMMARY:

On November 20, 2019, at the Joint Planning Commission and Town Council meeting, regarding multi-family development regulations, direction was given by the Council to formulate an Ad-Hoc committee of 2 Council members and 2 Planning Commissioners. These Ad-Hoc members along with staff and members of the public, that are professionals in the apartment and townhouse development community, will review current standards and recommend possible changes.

The Town Council appointed Council Members Larry Cusack and Kari Leon to the Ad-Hoc Committee at the January 14, 2020 Town Council meeting. Meetings will commence in early March and may go through May of 2020. Once the Ad-Hoc Committee has provided recommendations, they will be forwarded to the Town Council for discussion prior to initiating a Development Code Amendment. Once a Development Code Amendment is initiated, the item will be brought to the entire Planning Commission for discussion, review and recommendation.