

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

A REQUEST SHALL BE PRESENTED TO THE TOWN COUNCIL TO AMEND THE PROVISIONS OF THE DEVELOPMENT CODE PERTAINING TO MODIFYING REGULATIONS FOR HUMAN OPERATED SIGNS LOCATED NEAR ACCESS AREAS OF PUBLIC SAFETY FACILITIES WITHIN THE TOWN.

Recommended Action:

**Move to open the public hearing and take testimony.
Close the public hearing. Then:**

1. **Determine** that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is exempt from environmental review, stating that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.
2. **Find** the facts presented within the staff report support the required Findings for approval of an amendment to the Development Code, and adopt the Findings.
3. **Find** that the proposed Town Council Ordinance is consistent with the Goals and Objectives of the adopted Town of Apple Valley General Plan and that it is necessary to preserve the health, safety and general welfare of the citizens of Apple Valley.
4. **Move** to waive the reading of Ordinance No. 390 in its entirety and read by title only.
5. **Introduce** Ordinance No. 390, amending Chapter 9.74 "Signs and Advertising Displays" of the Development Code as it relates to modifying the regulations for human operated signs located near access areas of public safety facilities within the Town..
6. **Direct** staff to file a Notice of Exemption.

Proposed by: **Planning Division**

Item Number _____

Town Manager Approval: _____

Budget Item **Yes** **No**

Summary Statement:

At its April 22, 2008 meeting, the Town Council adopted Ordinance No. 367 amending Title 9 “Development Code” of the Town of Apple Valley Municipal Code, by amending Chapter 9.74 “Signs and Advertising Displays” of the Development Code as it relates to modifying the regulations for human-operated signs within the commercial and residential neighborhoods within the Town. The amendment prohibited human-operated signs from being displayed in the public right-of-way on local roads in residential neighborhoods.

Recently, Code Enforcement received a complaint of a human sign in front of St. Mary’s Hospital. However, the sign was not in violation of the newly adopted ordinance and the case was closed. At the August 12, 2008 Town Council meeting, Council Member Roelle requested that this Ordinance be reviewed. Council Member Roelle was concerned that the human-operated signage was being displayed in front of emergency services, such as access to fire stations and the hospital. He suggested that additional language be added to the Ordinance to prohibit the placement of human-operated signage near the access to these emergency services. On September 9, 2008, the Town Council initiated Development Code Amendment No. 2008-001 to modify the regulations for human-operated signs adjacent to access areas of emergency/public safety facilities.

ANALYSIS:

The definition for Human-Operated Signs was included as part of the original amendment approved in Ordinance No. 367.

Human-Operated Signage. Signs held and/or movement operated by a person, typically located on a street corner.

The proposed modification would continue to limit the human-operated signs from being displayed in the public right-of-way of local roads within residential neighborhoods, and adjacent to, or in front of, access areas to emergency or public safety facilities, such as a police station, fire stations and hospitals.

FINDINGS:

Prior to the approval of any Amendment to the Development Code, the Council, based upon the advice of the Planning Commission, must make specific “Findings” as listed within the Code. Code Section 9.06.060 “Required Findings” of Chapter 9.06 Amendments to Zoning Provisions” specifies that two (2) Findings must be made in a positive manner to approve an Amendment. These Findings, along with a comment to address each, are presented below.

9.06.060 “Required Findings

- A. The proposed Amendment is consistent with the General Plan; and

Comment: The General Plan is the blueprint for the community’s future growth. Specific Goals and Objectives are provided within each of the adopted General Plan’s State-mandated Elements. Many of these stated Goals and Objectives address the community’s desire to establish and maintain high standards for the quality, aesthetic appearance and safety for all new and existing development. The

proposed Amendment prohibiting human-operated signs from locating adjacent to, and in front of, accesses to emergency/public safety facilities encourages unobstructed access to these facilities and continues to encourage quality aesthetic appearances of the street scene. These changes are consistent with the Goals and Objectives of the adopted General Plan.

- B. The proposed Amendment will not be detrimental to the public health, safety or general welfare of the Town or its residents.

Comment: The proposed Development Code Amendment modifies the regulations regarding prohibiting human-operated signage from locating adjacent to, or in front of, access areas to emergency/public safety facilities. The Amendment shall not be detrimental to the health, safety or general welfare of the citizens or visitors of the Town of Apple Valley.

NOTICING

Development Code Amendment No. 2008-001 was advertised as a public hearing in the Apple Valley News newspaper on October 17, 2008 as required under Development Code Section 9.13.030 "Notice of Public Hearings".

RECOMMENDATION

Following receipt of public input and discussion by the Council, it is recommended that the Council move to introduce Ordinance No. 390 amending Chapter 9.74 "Signs and Advertising Displays" of the Development Code as it relates to modifying the regulations for human operated signs located near access areas of public safety facilities within the Town.

Attachments:

Ordinance No. ____
Planning Commission Resolution No. 2008-007

ORDINANCE No. 390

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING CHAPTER 9.74 “SIGNS AND ADVERTISING DISPLAYS” OF THE DEVELOPMENT CODE AS IT RELATES TO MODIFYING THE REGULATIONS FOR HUMAN OPERATED SIGNAGE LOCATED NEAR ACCESS AREAS OF PUBLIC SAFETY FACILITIES WITHIN THE TOWN.

The Town Council of the Town of Apple Valley, State of California, does ordain as follows:

Section 1. Recitals.

- (i) Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on October 24, 2000; and
- (ii) Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and
- (iii) Specific changes to Title 9 “Development Code” of the Town of Apple Valley Municipal Code include amending Chapter 9.74 “Signs and Advertising Displays” of the Development Code as it relates to regulations for human operated signage located near access areas of public safety facilities within the Town; and
- (iv) On October 17, 2008, Development Code Amendment No. 2008-001 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and
- (v) The project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA; and
- (vi) On October 1, 2008 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2008-001, receiving testimony from the public and adopted Planning Commission Resolution No. 2008-007 Recommending Adoption of this Ordinance; and
- (viii) Development Code Amendment No. 2008-001 is consistent with Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

Section 2. Findings.

- (i) Find that the changes proposed by Development Code Amendment No. 2008-001 are consistent with the Goals and Policies of the Town of Apple Valley adopted

General Plan.

(ii) Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), specifically Section 15061(b)(3), the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is exempt from, and not subject to, CEQA.

Section 3. Amend Paragraph Q. of Section 9.74.050 "Prohibited Signs" of Chapter 9.74 "Signs and Advertising Displays" of the Development Code to read as follows:

Q. Human-Operated signs located adjacent or in front of access areas to emergency/public safety facilities, such as police stations, fire stations and hospitals.

Section 4. Invalidation. The amendment by this Ordinance of Title 9 "Development Code" of the Town of Apple Valley Municipal Code as previously in effect, or of any other prior enactment, shall not be construed to invalidate any entitlement exercised or proceeding taken pursuant to such Title or other enactment while the same was in effect.

Section 5. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code of the State of California.

Section 6. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 7. Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Ordinance are declared to be severable.

Adopted by the Town Council and signed by the Mayor and attested by the Town Clerk this 18th day of November, 2008.

Honorable Timothy Jasper, Mayor

ATTEST:

La Vonda M-Pearson, Town Clerk

Approved as to form:

Approved as to content:

Mr. John Brown, Town Attorney

Mr. Frank Robinson, Town Manager

PLANNING COMMISSION RESOLUTION NO. 2008-007

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL FIND THAT FOR DEVELOPMENT CODE AMENDMENT NO. 2008-001 AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING CHAPTER 9.74 “SIGNS AND ADVERTISING DISPLAYS” OF THE DEVELOPMENT CODE AS IT RELATES TO PROHIBITING HUMAN-OPERATED SIGNAGE FROM LOCATING ADJACENT TO OR IN FRONT OF ACCESS AREAS OF EMERGENCY/PUBLIC SAFETY FACILITIES.

WHEREAS, Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on October 24, 2000; and,

WHEREAS, Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and,

WHEREAS, specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by Chapter 9.74 as it relates to prohibiting human-operated signage from locating adjacent to and in front of emergency/public safety facilities; and,

WHEREAS, on September 19, 2008, Development Code Amendment No. 2008-001 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, Pursuant to the Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA: and,

WHEREAS, on October 1, 2008, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2008-001, receiving testimony from the public; and

WHEREAS, Development Code Amendment No. 2008-001 is consistent with Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

NOW, THEREFORE, BE IT RESOLVED that in consideration of the evidence presented at the public hearing, and for the reasons discussed by the Commissioners at said hearing, the Planning Commission of the Town of Apple Valley, California, does hereby resolve, order and determine as follows and recommends that the Town Council make the following findings and take the following actions:

Section 1. Find that the changes proposed by Development Code Amendment No. 2008-001 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 2. Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), specifically Section 15061(b)(3), the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is exempt from, and not subject to, CEQA.

Section 3. Amend Paragraph Q. of Section 9.74.050 "Prohibited Signs" of Chapter 9.74 "Signs and Advertising Displays" of the Development Code to read as follows:

- R. Human-Operated signs located adjacent or in front of access areas to emergency/public safety facilities, such as police stations, fire stations and hospitals.

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 1st day of October, 2008.

David Hernandez, Chairman

ATTEST:

I, Patty Hevle, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing Planning Commission Resolution No. 2008-007 was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 1st day of October, 2008, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Patty Hevle, Planning Commission Secretary