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**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA**

WEDNESDAY, DECEMBER 1, 2021

Regular Meeting 6:00 p.m.

Town Council Chambers
14955 Dale Evans Parkway

PLANNING COMMISSION MEMBERS

Joel Harrison, Chairman
Mike Arias Jr., Vice-Chairman
Bruce Kallen, Commissioner
B.R. "Bob" Tinsley, Commissioner
Jared 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 DECEMBER 1, 2021 – 6:00 P.M.**

IMPORTANT COVID-19 NOTICE

THIS MEETING IS BEING CONDUCTED CONSISTENT WITH CURRENT GUIDANCE ISSUED BY THE STATE OF CALIFORNIA REGARDING THE COVID-19 PANDEMIC. THE MEETING IS BROADCAST LIVE AND VIEWABLE ON FRONTIER CHANNEL 29 OR CHARTER SPECTRUM CHANNEL 186 AND LIVE STREAMED ONLINE AT APPLEVALLEY.ORG. FOR INDIVIDUALS NOT PHYSICALLY PRESENT AND STILL WISHING TO MAKE PUBLIC COMMENTS, YOU MAY COMMENT IN ONE OF TWO WAYS:

1) COMMENTS AND CONTACT INFORMATION CAN BE EMAILED TO PUBLI COMMENT@APPLEVALLEY.ORG BY 12 P.M. WEDNESDAY DECEMBER 1, 2021, TO BE INCLUDED IN THE RECORD;

2) A REQUEST TO SPEAK CAN BE EMAILED TO THE SAME ADDRESS AS ABOVE AND AT THE TIME OF THE REQUESTED AGENDA ITEM, THE TOWN CLERK WILL PLACE A PHONE CALL TO THE COMMENTER AND ALLOW THEM TO SPEAK TO THE COUNCIL VIA SPEAKER PHONE DURING THE LIVE MEETING FOR UP TO THREE MINUTES.

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: Kallen_____; Tinsley_____; Lanyon _____;
Vice-Chairman Arias_____;Chairman Harrison_____

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. Minutes of the November 3, 2021, meeting.

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. **Tentative Parcel Map No. 20440.** A request to Consideration of a Tentative Parcel Map to create four parcels and a remainder from 8.3 net acres zoned Equestrian Residential (R-EQ)

APPLICANT: Tony Contreras

LOCATION: The southeast corner of Mesquite Road and Pah-Ute Road; APN: 0439-393-01.

ENVIRONMENTAL

DETERMINATION: Staff has determined that, pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15315, Minor Land Divisions, the proposed request is Exempt from further environmental review.

PREPARED BY: Daniel Alcayaga, AICP, Planning Manager

RECOMMENDATION: Approval

OTHER BUSINESS

3. Townsend Sign Program

PLANNING COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT

The Planning Commission will adjourn to its next regularly scheduled Planning Commission meeting on December 15, 2021.

**MINUTES
TOWN OF APPLE VALLEY
PLANNING COMMISSION
REGULAR MEETING
NOVEMBER 3, 2021**

CALL TO ORDER

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

Roll Call

Present: Chairman Harrison; Vice-Chairman Arias; Commissioners Kallen; Commissioner Lanyon; Commissioner Tinsley

Absent: None

Staff Present

Daniel Alcayaga, Planning Manager; Richard Pederson, Deputy Town Engineer; Albert Maldonado, Town Attorney; and Maribel Hernandez, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Kallen.

PUBLIC COMMENTS

None

APPROVAL OF MINUTES

1. Minutes for the Regular Meeting of the October 20, 2021.

Motion by Commissioner Tinsley, second by Vice-Chairman Arias to approve minutes of the October 20, 2021.

ROLL CALL VOTE

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

Noes: None

Abstain: None
Absent: None

The Motion Carried by a 5-0-0-0 vote.

PUBLIC HEARING

2. Conditional Use Permit 2021-007 and Site Plan Review 2021-001.

Mr. Daniel Alcayaga presented the staff report as filed with the Planning Division.

Rory Burchatz, applicant was present.

Chairman Harrison asked if one point of access was acceptable for this project.

Richard Pederson, Deputy Town Engineer and Brian Pachman, Fire Marshall, both agree one point of access was acceptable for the project.

Commissioner Lanyon said the staff report referenced a cement roof, but the images show a metal roof.

Mr. Alcayaga said the applicant would give clarification regarding the roof.

Commissioner Kallen asked if proposed fencing was currently in place somewhere in Town.

Mr. Alcayaga said he had not seen the proposed fencing around Town before.

Commissioner Kallen is concerned that the k-rails will shift around since it is not permanent fencing.

Chairman Harrison opened the public hearing at 6:23pm and asked Mr. Rory Burchatz to address the concerns of the Commission.

Mr. Burchatz said the k-rails will be epoxied in place with anchors so they will not be easily picked up and moved around and will have a concrete base but the main purpose of the fencing would be to avoid future theft.

Chairman Harrison asked the applicant to confirm the roof style.

Mr. Burchatz said they will be doing a standard C-metal roof that will match the future building.

Commissioner Kallen asked if the ground would be leveled all around the property before placing the k-rail.

Mr. Burchartz said a preliminary grading plan has been submitted to even out the rolls to make the fencing leveled on the property.

Vice-Chairman Arias asked the applicant if they had decided on a color for the k-rail.

Mr. Burchartz said they were looking at getting a tan color to blend in with the desert landscape.

Mr. Burchartz asked about the curb and gutter and asked if the cost could be deferred or if they could enter into contract with the Town for reimbursement if future development occurs.

Mr. Pederson said the applicant can enter into an agreement with the Town and would be able to be reimburse for any public infrastructure.

Chairman Harrison asked Mr. Burchartz if he was in agreement with the conditions of approval as amended.

Mr. Burchartz is in agreement with the conditions as amended.

Commissioner Kallen recommended adding to a future agenda, discussion on fencing, since this may bring similar request in the future.

Being that there is no one wanting to speak on the item, Chairman Harrison closed the public hearing at 6:37PM.

Motion by Commissioner Tinsley, second by Commissioner Kallen to approve Conditional Use Permit 2021-007 and Site Plan Review 2021-001 as amended:

EC8. Developer shall provide standard paved access from one ~~two~~ direction from the network of Town maintained roads to project as approved by the Town Engineer.

FD4. Prior to combustible construction, the development and each phase thereof, shall have one ~~two~~ point of paved access for fire and other emergency equipment, and for routes of escape which will safely handle evacuations. Each of these points of access shall provide an independent route into the area in which the development is located.

and the Planning Commission move to:

1. Find that pursuant to the California Environmental Quality Act (CEQA), Section 15332- Infill Development Project, the proposed request is Exempt from further environmental review.

2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve Conditional Use Permit No. 2021-007 & Site Plan Review No. 2021-001, subject to the attached Conditions of Approval.

ROLL CALL VOTE

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

Noes: None

Abstain: None

Absent: None

The Motion Carried by a 5-0-0-0 vote.

3. General Plan Amendment No. GPA-2021-001 & Development Code Amendment No. DCA-2021-002.

Mr. Daniel Alcaayaga presented the staff report as filed with the Planning Division.

Commissioner Kallen asked why an overlay was necessary and why staff did not write warehouse distribution as an allowed use.

Mr. Alcaayaga said the process defines the boundary in the Development Code and is limited to this specific area. It does not apply to other areas in other Regional Commercial, such as areas around Bear Valley Road and Apple Valley Road, as well as the I-15 and Dale Evans Parkway interchange. In doing this it preserves such areas for prime retail.

Chairman Harrison asked if Brightline proceeds, would the infrastructure be a benefit to the area.

Mr. Alcaayaga said it would be hard to tell since that project is approximately 2 1/2 miles away but, they would be required to bring in infrastructure.

Commissioner Tinsley asked about the High Desert Corridor.

Mr. Alcaayaga said in speaking with Engineering, there has not been any activity for several years on that project.

Mr. Tony DeAguiar, property owner in the area spoke in favor of the Amendment.

Chairman Harrison opened the public hearing at 6:57pm

Being that there is no one wanting to speak on the item, Chairman Harrison closed the public hearing at 7:03PM.

Motion by Commissioner Tinsley, second by Commissioner Kallen to approve General Plan Amendment No. GPA-2021-001& Development Code Amendment No. DCA-2021-002 as amended:

PLANNING COMMISSION RESOLUTION NO. 2021- 007

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, AMEND THE GENERAL PLAN LAND USE ELEMENT CREATING AN OVERLAY WITHIN THE REGIONAL COMMERCIAL (CR) DISTRICT THAT WOULD ALLOW WAREHOUSE DISTRIBUTION DEVELOPMENTS AND AMEND TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING SECTION 9.35.020 AND 9.35.030 CREATING A 978 ACRE OVERLAY WITHIN THE REGIONAL COMMERCIAL (CR) DISTRICT THAT WOULD ALLOW WAREHOUSE DISTRIBUTION DEVELOPMENTS.

WHEREAS, The General Plan of the Town of Apple Valley was adopted by the Town Council on August 11, 2009; and

WHEREAS, Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; 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, General Plan Amendment No. GPA-2021-001 & Development Code Amendment No. DCA-2021-002 is consistent with the General Plan and Municipal Code of the Town of Apple Valley;

WHEREAS, Specific changes are proposed to the Land Use Element of the adopted General Plan of the Town of Apple Valley by amending the General Plan Land Use Designations for C-R in Chapter II of the Land Use Element of the General Plan to provide opportunities for warehouse distribution developments along the I-15 freeway in North Apple Valley; and

WHEREAS, Specific changes are proposed to the Development Code of the Town of Apple Valley Municipal Code by amending Chapter 9.35 “Commercial and Office Districts”, Sections 9.35.020 and 9.35.030 allowing warehouse distribution on 978 acres within the CR District bounded by Interstate 15 (I-15) freeway to the west, Dante Road to the south and Caplet Street to the north, and the CR District’s boundary to the east allows for warehouse distribution developments; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), pursuant to section 21067 of the Public Resources Code, and Section 15367 of the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), the Town of Apple Valley is the lead agency for the General Plan Amendment and Development Code Amendment (project); and

WHEREAS, Town of Apple Valley staff reviewed the project and prepared an Initial Study pursuant to State CEQA Guidelines section 15063; and

WHEREAS, on the basis of the Initial Study, which concluded that the project would have potentially significant impacts but that those impacts could be reduced to less than significant levels with implementation of the proposed mitigation measures, the Town of Apple Valley determined that a Mitigated Negative Declaration (“MND”) should be prepared for the project, and an MND was prepared pursuant to Public Resources Code sections 21064.5 and 21080, subdivision (c), and the State CEQA Guidelines section 15070 et seq.; and

WHEREAS, the Town of Apple Valley distributed a Notice of Intent to Adopt a Mitigated Negative Declaration pursuant to State CEQA Guidelines section 15072; and

WHEREAS, the Town of Apple Valley provided copies of the draft MND and Initial Study to the public and the State Clearinghouse for a thirty-day review and comment period beginning on October 4, 2021 and ending on November 2, 2021 pursuant to Public Resources Code section 21091(b); and

WHEREAS, pursuant to Public Resources Code section 21081.6 and State CEQA Guidelines section 15074(d), the Town of Apple Valley has prepared a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects (the “Mitigation Monitoring and Reporting Program” or “MMRP”); and

WHEREAS, as contained herein, the Town of Apple Valley has endeavored in good faith to set forth the basis for its decision on the proposed project; and

WHEREAS, the Town of Apple Valley has endeavored to take all steps and impose all conditions necessary to ensure that impacts to the environment would not be significant; and

WHEREAS, all of the findings and conclusions made by the Town of Apple Valley pursuant to this Resolution are based upon the oral and written evidence before it as a whole; and

WHEREAS, On October 8, 2021 and October 22, 2021, General Plan Amendment No. GPA-2021-001 & Development Code Amendment No. DCA-2021-007 was duly noticed in the Apple valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, the impacts of new development in the Planned Area (project) were previously analyzed in the Environmental Impact Report (EIR) for the 2009 General Plan and 2018 EIR Addendum for newly annexed areas. The 2018 EIR Addendum was completed for the newly annexed land along the I-15 freeway within north Apple Valley, some of which are part of the proposed overlay. The present analysis concluded that any new development as a result of the Amendments would be required to comply with all mitigation measures in the previously adopted 2009 General Plan EIR and 2018 EIR Addendum and therefore impacts will less than significant; and

WHEREAS, the Planning Commission of the Town of Apple Valley has reviewed the MND, Initial Study, and all other relevant information contained in the record regarding the project; and

WHEREAS, On November 3, 2021, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on General Plan Amendment No. GPA-2021-001 & Development Code Amendment No. DCA-2021-002, receiving testimony from the public and adopted Planning Commission Resolution No. 2021-007 recommending adoption of this Ordinance; and

WHEREAS, on November 3, 2021, at its regularly-scheduled meeting, the public was afforded an opportunity to comment on the project and the MND and the Initial Study, and the Planning Commission discussed and considered the Project and the MND and the Initial Study; and

WHEREAS, General Plan Amendment No. 2019-001 and Development Code Amendment No. 2019-002 are consistent with the Land Use Element goals and policies of the Town's General Plan and 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; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

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, finds and determines 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 General Plan Amendment No. GPA-2021-001 & Development Code Amendment No. DCA-2021-002 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 2. The Planning Commission of the Town of Apple Valley has reviewed and considered the information contained in the MND, Initial Study, and administrative

record on file with the Town of Apple Valley and available for review at 14975 Dale Evans Parkway, Apple Valley, California. The Planning Commission recommends the Town Council finds that the MND and Initial Study have been completed in compliance with the California Environmental Quality Act (Pub. Res. Code § 21000 et seq.: “CEQA”) and the State CEQA Guidelines.

Section 3. *In the Town of Apple Valley’s role as the lead agency under CEQA, the Planning Commission recommends the Town Council finds that the MND and Initial Study contain a complete and accurate reporting of the environmental impacts associated with the project. The Planning Commission recommends the Town Council further finds that the documents have been completed in compliance with CEQA and the State CEQA Guidelines, and that all environmental impacts of the project are either insignificant or can be mitigated to a less than significant level pursuant to the mitigation measures outlined in the MND, Initial Study, and the Mitigation Monitoring and Reporting Program. The Planning Commission recommends the Town Council further finds that there is no substantial evidence in the record supporting a fair argument that the project may result in significant environmental impacts, and that any comments received regarding the project have been examined and determined not to modify the conclusions of the MND or the Planning Commission. Furthermore, the Planning Commission finds that the MND has not been substantially revised after public notice of its availability and recirculation is not required. (State CEQA Guidelines, § 15073.5.) The Planning Commission recommends the Town Council finds that the MND contains a complete, objective, and accurate reporting of the environmental impacts associated with the project and reflects the independent judgment of the Town Council.*

Section 4. *The Planning Commission recommends the Town Council hereby approves and adopts the MND prepared for the project.*

Section 5. *The Planning Commission recommends the Town Council hereby approves and adopts the Mitigation Monitoring and Reporting Program prepared for the project, attached hereto as Exhibit “A”.*

Section 6. *Amend the General Plan Land Use Designations for C-R in Chapter II of the Land Use Element of the General Plan to read as follows:*

*“Regional Commercial (C-R): This land use category allows retail uses that serve not only the residents and businesses of Apple Valley, but also of the surrounding region. Permitted uses in this designation include auto malls, regional malls, business parks, factory stores and outlets, entertainment commercial, hotels and motels, restaurants, institutional and public uses. **The C-R designation provides opportunities for warehouse distribution developments along the I-15 freeway in North Apple Valley to operate in conjunction with retail uses.** ~~The minimum size for a Regional Commercial project site is 10 acres.~~”*

Section 7. *Amend Sections 9.35.020 and 9.35.030 to read as follows:*

“9.35.020 - Commercial and Office Districts

Regional Commercial District (C-R). The C-R district is intended for the development of a full range of retail stores, offices and personal and business services on a scale to serve the needs of the Town and the surrounding region, to be located in proximity to interstate and state highways and arterial roadways. This district implements the Regional Commercial (C-R) land use designation of the General Plan. A maximum floor area ratio (F.A.R.) of 1.0 is permitted in the C-R District. **A total of 978 acres within the CR District bounded by Interstate 15 (I-15) freeway to the west, Dante Road to the south and Caplet Street to the north, and the CR District’s boundary to the east allows for warehouse distribution developments.**

9.35.030 - Permitted Uses

Type of Use ⁽¹⁾	District ⁽¹⁾					
	O-P	C-G	C-S	C-R	C-V	M-U
<i>J. Manufacturing/Production/Wholesale Uses</i>						
<u>5. Warehouse Distribution (Indoors)</u> <i>(7)</i>				<u>P</u>		

(7) In the C-R District, new warehouse distribution developments shall only be allowed within the 978 acres bounded by I-15 freeway to the west, Dante Road to the south and Caplet Street to the north, and the CR District’s boundary to the east. Any new warehouse distribution development would be subject to Site Development Standards in Section 9.35.040; Industrial Design Standards in Chapter 9.47; and Off-street Parking regulations in Chapter 9.72 and Landscaping regulations in Chapter 9.75 for industrial uses/developments. Conflicts and Clarification shall be resolved as specified in Section 9.05.080.”

Section 8. *The documents and materials that constitute the record of proceedings on which these findings are based are located at the Town of Apple Valley at 14975 Dale Evans Parkway, Apple Valley, CA 92307. Daniel Alcayaga is the custodian of the record of proceedings.*

SECTION 9. *Notice of Determination. Staff is directed to file a Notice of Determination with the County of San Bernardino and the State Clearinghouse within five (5) working days of approval of the project.*

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 3rd day of November 2021.

1. Find that pursuant to the California Environmental Quality Act (CEQA), recommendation adoption of the Initial Study and Mitigated Negative Declaration.
2. Recommend that the Town Council approve General Plan Amendment No.

ROLL CALL VOTE

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

The Motion Carried by a 5-0-0-0 vote.

OTHER BUSINESS

None

PLANNING COMMISSION COMMENTS

Commissioner Tinsley asked if he could have an email sent of the map used in the presentation of item #3.

Mr. Alcayaga said he would email Commissioners the map used for item#3.

STAFF COMMENTS

Mr. Alcayaga updated the Commission of SFR Design Criteria and at the request of AdHoc members Council Member Bishop and Pro-Tem Leon, the next meeting will be in the middle of January after the review of SB 9.

Mr. Alcayaga also announced Maribel Hernandez, was awarded Employee of the Quarter.

ADJOURNMENT

Motion by, Commissioner Kallen, seconded by Commissioner Lanyon and unanimously carried, to adjourn the meeting to the regular Planning Commission meeting on December 1, 2021.

Respectfully Submitted by:

Maribel Hernandez
Planning Commission Secretary

Approved by:

Chairman Joel Harrison



Planning Commission Agenda Report

Date: December 1, 2021 Item No. 2

To: Planning Commission

Case Number: Tentative Parcel Map No. 20440

Applicant: High Desert Mapping representing Tony Contreras

Proposal: A request to approve a Tentative Parcel Map to subdivide a 10-acre parcel into four parcels and a remainder. The project is located within the Equestrian Residential (R-EQ) zoning designation.

Location: Located on the southeast corner of Pah-ute Road and Mesquite Road; APN: 0439-393-01

Environmental Determination: Pursuant to Section 15315 of the Guidelines to Implement the California Environmental Quality Act (CEQA), Minor Land Divisions, the proposed request is Exempt from further environmental review.

Prepared By: Daniel Alcayaga, AICP, Planning Manager

Recommendation: Approval

PROJECT SITE AND DESCRIPTION

- A. Project Size:
The existing parcel is approximately 10 acres in size.
- B. General Plan Designations:
- Project Site – Single Family Residential (R-SF)
 - North - Single Family Residential (R-SF)
 - South - Medium Density Residential (R-M)
 - East - Single Family Residential (R-SF)
 - West - Single Family Residential (R-SF) & Medium Density Residential (R-M)

C. Surrounding Zoning and Land Use:

Project Site – Equestrian Residential (R-EQ)

North - Equestrian Residential (R-EQ), existing single-family residences

South - Multi-Family Residential (R-M), Vacant Lot

East - Equestrian Residential (R-EQ), existing single-family residences and vacant land

West - Equestrian Residential (R-EQ) & Multi-Family Residential (R-M), existing single-family residences and vacant land

D. Site Characteristics:

The existing site is currently vacant and consists mainly of sparse vegetation. The property is relatively flat. Pah-ute Road is currently a paved road, while Mesquite Road is a dirt road both of which bound the project site.

ANALYSIS

A. General:

The applicant is requesting Planning Commission review and approval of a Tentative Parcel Map that will subdivide 10 acres into four parcels and a remainder lot. The project is located within the Equestrian Residential (R-EQ) zoning designation and proposes a minimum lot size of one acre. The R-EQ zoning designation requires that each lot is a minimum of 18,000 square feet in size, with a minimum lot width of 100 feet and a minimum lot depth of 150 feet. The Local Agency Management Plan (LAMP) requires new subdivisions to have lot size that are a minimum of 1 acre in size when not connected to sewer. The proposed subdivision will create four (4) parcels and a remainder with the minimum lot size of 1.09 acres and the maximum size of 2.3 acres. The proposed lots comply with the Development Code standards. The project is not located along a Lifeline Trail as identified on General Plan. The existing parcel is currently vacant and does not have Joshua Trees.

1. Traffic and Circulation

The property is bounded by Pah-ute Road to the north and Mesquite Road to the west. Mesquite Road is considered a collector road on the General Plan Circulation Element. As a condition of approval, the Final Map will require a 33-foot half-width dedication along Mesquite Road. Pah-ute Road will require a half-width dedication of 30 feet. The Engineering Department has determined that Sioux Road, an east-west road, which would extend along the property's south boundary, is necessary to provide access to other parcels in the area. Therefore, Sioux Road will require a half-width dedication of 40 feet along the south boundary.

The Planning Commission is being requested to determine if curb, gutter and sidewalk should be required for this tentative map. Typically, in an infill setting, the development code requires surrounding or adjacent developments to be reviewed to determine if street improvements should be required. However, the property is not considered infill given the amount of vacant land surrounding the tentative map.

The following Development Code provisions are relevant in determining if curb, gutter and sidewalk should be required.

- Section 9.71.020(D)(1) states that curb, gutter, and sidewalk shall not be required for parcel map recordation unless specifically conditioned by the Commission for consistency with surrounding development at the time of Tentative Parcel Map approval.
- Section 9.71.140(B)(1)(b) states that Parcel Maps which subdivide the land into parcels larger than the range of minimum lot sizes permitted in the land use designation shall be required to install improvements as a condition of Final Map approval.

The tentative parcel map proposes lot sizes of one and two acres in size, which are outside the range of the minimum lot size in the Equestrian Residential (R-EQ) zoning designation (i.e., 18,000 to 39,200 square feet). Therefore, improvements can be required as a condition of Final Map approval under Section 9.71.140. As far as surrounding developments, there is curb and gutter along Mesquite Road, 660 feet to the south. It is anticipated that all future commercial and multi-family developments to the south, east and west will have curb, gutter and sidewalks upon build-out of the area. In a similar circumstance, the Commission recently required curb and gutter on a tentative parcel map along Choco Road. As such, the conditions of approval recommend curb, gutter and sidewalk along Mesquite Road for this tentative parcel map.

2. Drainage

Prior to issuance of a grading permit, a final drainage plan shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting off-site and on-site tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. The proposal is required to retain onsite drainage flows from a 100-year design storm.

3. Sewer Connection

The proposed lot sizes allow for the use of underground disposal systems. No additional improvements are recommended by the Public Works Division.

Based upon the information provided, implementation of development standards and Conditions of Approval, the proposed four parcels and a remainder subdivision will not produce adverse impacts upon the site nor surrounding properties. The project site is designated for single-family development and is within the R-EQ zone. Adjacent to the project site are R-EQ and Multi-Family Residential (R-M) designations, which will allow the property owner to develop the site in a manner that is consistent with the Town's goals and objectives to promote single-family residential development.

B. Environmental Assessment:

Pursuant to Section 15315 of the Guidelines to Implement the California Environmental Quality Act (CEQA), Minor Land Division, the proposed request is Exempt from further environmental review.

C. Noticing:

The public hearing for proposed Tentative Parcel Map No. 20440 was legally noticed on November 19, 2021.

D. Findings:

In considering any Tentative Parcel Map, the Commission is required by the Development Code to make specific Findings. The following are the Findings for a Tentative Parcel Map required under Section 9.71.040 (A5) of the Development Code and a comment to address each:

1. The proposed Subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and any applicable Specific Plan. The proposed subdivision or land use is compatible with the objectives, policies, general land uses, and programs specified in the General Plan and any applicable Specific Plan (Subdivision Map Act 66473.5).

Comment: The subject property has a General Plan land use designation of Single Family Residential (R-SF) and zoning designation of Equestrian Residential (R-EQ) and, by its size, shape and configuration, the property has the ability to be used in a manner consistent with the General Plan Land Use Element and zoning designations. The project is a proposal to divide 10 acres into four parcels and a remainder and, with adherence to the recommended conditions, will meet the minimum requirements for lot size, width and depth as prescribed by the Code.

2. The Planning Commission has considered the effects of its action upon the housing needs of the region and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources (Subdivision Map Act Section 66412.3).

Comment: The proposal consists of a land subdivision located on residentially designated land for the purpose of future residential development at the density allowed by the underlying zoning. The proposed subdivision will allow the property owner to develop the property in a manner that is consistent with the Town's General Plan Goals and Objectives to promote single-family residential development.

3. The design of the subdivision provides, to the extent feasible, for the future passive or natural heating or cooling opportunities in the subdivision.

Comment: The lots created under this subdivision are appropriate in size to provide natural heating and cooling opportunities for development of the site. As development occurs, the individual lots are subject to the implementation of natural heating and cooling requirements pursuant to Title 24 energy requirements.

4. The Planning Commission shall determine whether the discharge of waste from the proposed subdivision into the existing sewer system would result in a violation of the requirements as set forth in Section 13000 et seq., of the California Water Code. If the Planning Commission finds that the proposed waste discharge would result, in or add to, a violation of said requirements; the Planning Commission may disapprove the subdivision (Subdivision Map Act Section 66474.6).

Comment: The project is a residential land subdivision. Public sewer is not available to site at this time; however, the proposed lot sizes allow for the use of underground disposal systems. Therefore, the project will not affect the existing sewer system.

RECOMMENDATION

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

1. Find that pursuant to the California Environmental Quality Act (CEQA), Section No. 15315, the proposed request is Exempt from further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve Tentative Parcel Map No. 20440, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Tentative Parcel Map
3. Zoning Map

RECOMMENDED CONDITIONS OF APPROVAL
Tentative Parcel Map No. 20440

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 tentative subdivision shall comply with the provisions of the State Subdivision Map Act and the Town Development Code. This tentative approval shall expire three (3) years from the date of approval by the Planning Commission/Town Council. A time extension may be approved in accordance with the State Map Act and Town Ordinance, if an extension application is filed and the appropriate fees are paid thirty (30) days prior to the expiration date. The Tentative Parcel Map becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. Prior to approval of the Final Map, the following agencies shall provide written verification to the Planning Division that all pertinent conditions of approval and applicable regulations have been met:
 - a. Apple Valley Fire Protection District
 - b. Golden State Water Company
 - c. Apple Valley Public Works Division
 - d. Apple Valley Engineering Division
 - e. Apple Valley Planning Division
- P3. The filing of a Notice of Exemption requires the County Clerk to collect a documentary handling fee of fifty dollars (\$50.00). The fee must be paid in a timely manner in accordance with Town procedures. The check shall be delivered to the Planning Division for processing and be made payable to the Clerk of the Board of Supervisors, 385 North Arrowhead, 2nd Floor, San Bernardino, CA 92415.
- P4. Tentative Parcel Map No. 20440 shall adhere to all requirements of the Development Code.
- P5. The applicant shall defend at his sole expense (with attorneys approved by the Town) and indemnify the Town against any action brought against the Town, its agents, officers or employees resulting from or relating to this approval. The applicant shall reimburse the Town, its agents, officers or employees for 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 at its own expense in the defense of any such action, but such participation shall not relieve the applicant of these obligations under this condition.

- P6. Approval of the Tentative Parcel Map No. 20440 by the Planning Commission is understood as acknowledgement of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, Appeals, of the Town of Apple Valley Development Code.
- P7. All new development of residential structures shall be designed and constructed in compliance with the “Single Family Infill Plotting Criteria” subject to the review and approved by the Planning Division.
- P8. The project shall conform to the Equestrian Residential (R-EQ) development standards for front, side and rear yard-building setbacks.
- P9. If the tract/parcel map is adjacent to existing development, a fence/wall plan shall be submitted with the grading and landscape/irrigation plans to identify how new fencing or walls will relate to any existing fences or walls located around the perimeter of the tract/parcel map. The developer shall be required to connect to the existing fencing/walls or collaborate with the adjacent property owners to provide new fencing/walls and remove the existing fence/wall, both options at the developer’s expense. Double fencing shall be avoided, and review and approval of the fencing/wall plan is required prior to issuance of grading permits.
- P10. Landscape and irrigation plans shall be submitted prior to the issuance of Building Permits in accordance with Chapter 9.31 “Residential Design Standards” and Chapter 9.75 “Water Conservation/Landscape Regulations” of the Development Code and installed prior to issuance of occupancy permits subject to approval by the Planning Division.

Engineering Division Conditions of Approval

- EC1. A final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider reducing the post-development site-developed flow to 90 percent of the pre-development flow for a 100-year design storm.
- EC2. Street improvement plans shall be submitted to the Town Engineer for review and approval.
- EC3. All streets abutting the development shall be improved a minimum half-width of 28 feet with curb, gutter and sidewalk on the development side.
- EC4. A 33-ft wide half-width road dedication along Mesquite Road shall be granted to the Town of Apple Valley prior to Final Map Approval.

- EC5. A 30-ft wide half-width road dedication along Pah-Ute Road shall be granted to the Town of Apple Valley prior to Final Map Approval.
- EC6. A 40-ft (30' half width plus 10') wide half-width road dedication along Sioux Road shall be granted to the Town of Apple Valley prior to Final Map Approval.
- EC7. Mesquite Road shall be constructed to the Town's half-width Collector Road Standards. A class II bike lane shall be installed on the east side of Mesquite Road.
- EC8. Pah-Ute Road shall be constructed to the Town's half-width Local Rural Road Standards along the frontage of the project, with asphalt curb or rolled curb.
- EC9. Sioux Road shall be constructed to the Town's half-width Local Rural Road Standards along the frontage of the project, with asphalt curb or rolled curb.
- EC10. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC11. The developer shall present evidence to the Town Engineer that he has made a reasonable effort to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
- EC12. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)
- EC13. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC14. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC15. A Storm Water Pollution Prevention Plan (SWPPP) in accordance with the National Pollutant Discharge Elimination System (NPDES) shall be required.
- EC16. No unimproved cross-lot drainage shall be allowed. The proposed channel along the east boundary shall be improved to Town standards as approved by the Town Engineer.
- EC17. Private drainage easements shall be dedicated on the final map for all drainage structures, indicating that there is no obligation to the Town to improve or maintain drainage improvements.

Parks and Recreation Department Conditions of Approval

- PR1. This project is subject to applicable Quimby Fees as determined by the Town. Quimby Fees shall be collected at time of issuance of building permit and shall be the fee adopted by the Town Council at the time of permit issuance.

Public Works Division Conditions of Approval

No Conditions

Building and Safety Department Conditions of Approval

- B1. An engineered grading report including soils report shall be submitted to and approved by the Building Official prior to recordation of the final map or issuance of permits for grading in excess of 1000 cubic yards.
- B2. A Notice of Intent (NOI) and a Storm Water Prevention Plan (SWPP) must be submitted to and approved by the Engineering and Building Departments prior to issuance of a grading permit and or any land disturbance.

Fire Protection District Conditions of Approval

- 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. The development and each phase thereof shall have two points of paved access for fire and other emergency equipment, and for routes of escape which will safely handle evacuations. Each of these points of access shall provide an independent route into the area in which the development is located. This shall be completed prior to any combustible construction.
- FD4. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

New dwelling addresses shall be posted with a minimum of 4-inch numbers visible from the street, and during the hours of darkness the numbers shall be internally illuminated. Where building setbacks exceed 75 feet from the roadway, additional contrasting 4-inch numbers shall be displayed at the property entrance.

- FD5. Plans for fire protection systems designed to meet the fire flow requirements specified in the Conditions of Approval for this project shall be submitted to and approved by the Apple Valley Fire Protection District and water purveyor prior to the installation of said systems.
 - A. Unless otherwise approved by the Fire Chief, on-site fire protection water systems shall be designed to be looped and fed from two (2) remote points.

B. System Standards:

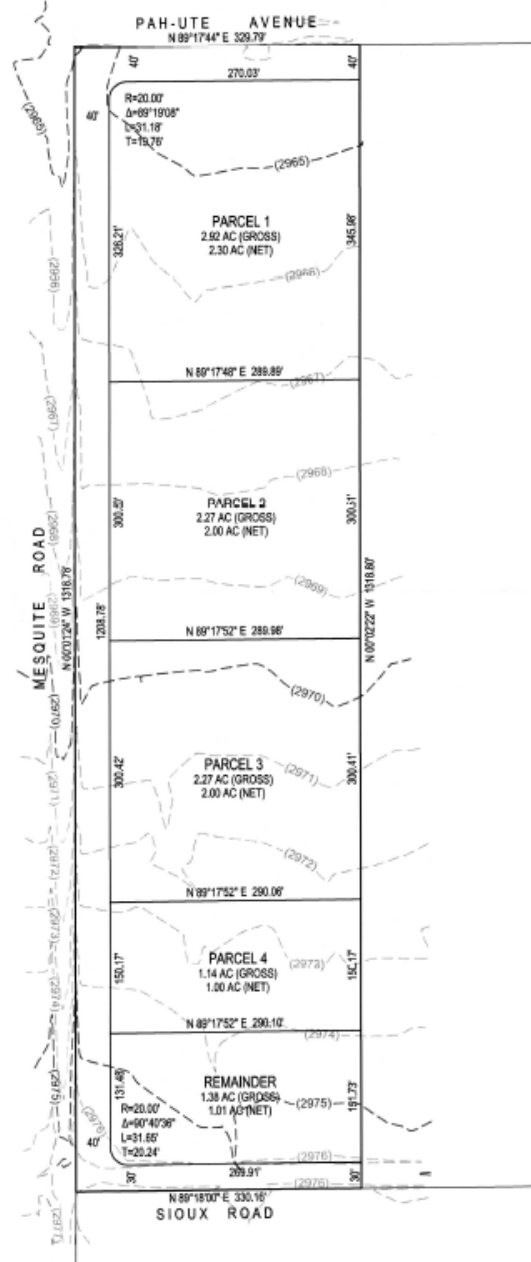
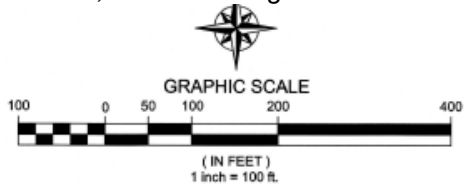
*Fire Flow 1500 GPM @ 20 psi Residual Pressure on 8" minimum water main size.
Duration 1 Hour
Hydrant Spacing 660 Feet

NFPA 13D (RESIDENTIAL AUTOMATIC FIRE SPRINKLER SYSTEM): REQUIRED

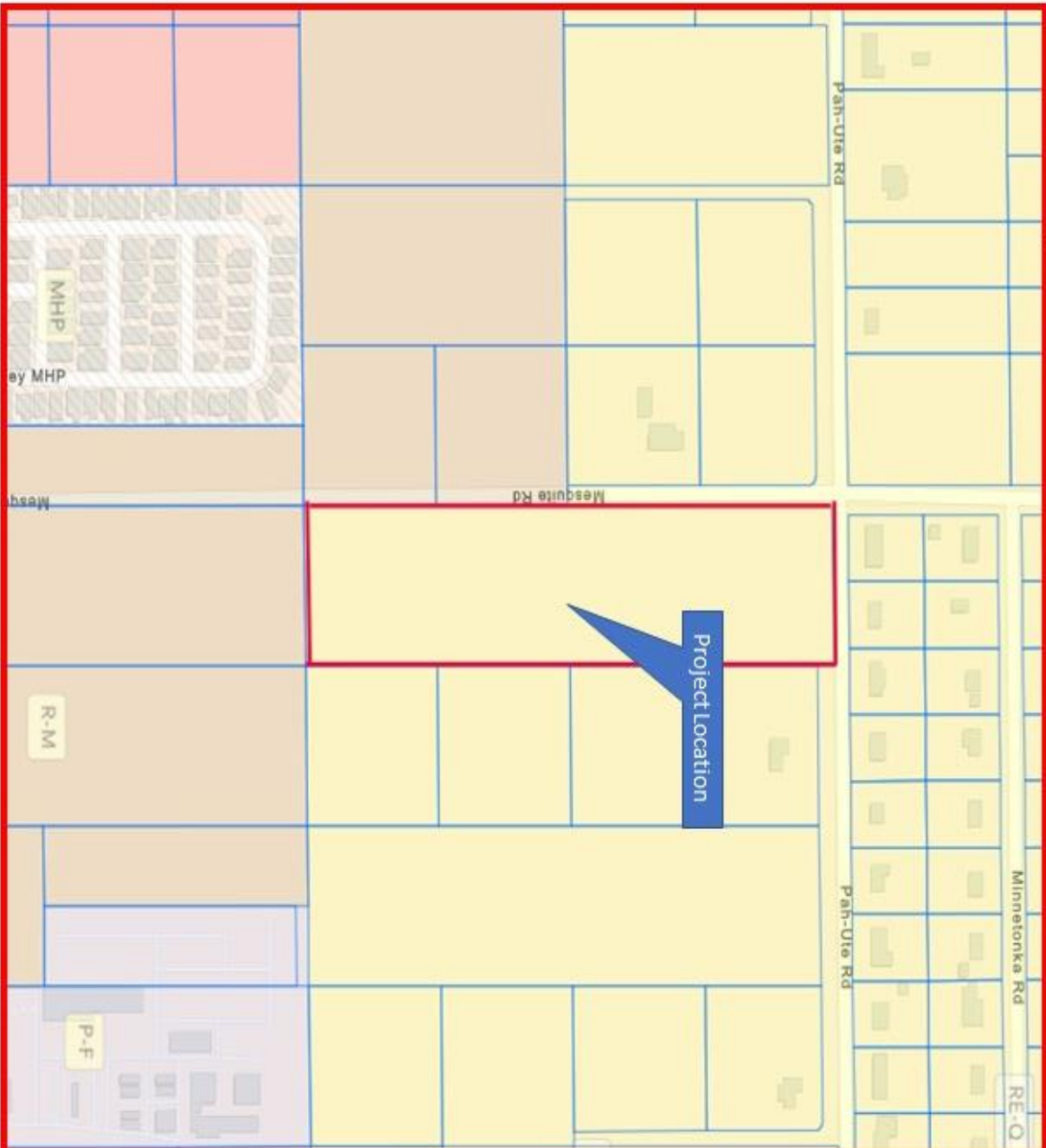
This residence shall be constructed with an automatic fire sprinkler system (NFPA 13D) throughout the structure, including garage. Plans shall be submitted by a licensed C-16 contractor to the Fire District for review and approval along with plan review fees. Fire Sprinkler work shall not commence until plan approval and a job card have been issued. An approved fire alarm system shall be installed that will provide a local alarm for water flow to be audible throughout the premises. **NOTE: The Fire District shall be notified a minimum of 24 hours prior to the desired final inspection date.**

- FD6. A letter shall be furnished to the Fire District from the water purveyor stating that the required fire flow for the project can be met prior to the Formal Development Review Committee meeting.
- FD7. Apple Valley Fire Protection District Final Subdivision/Tract/Development fees shall be paid to the Fire District prior to final map acceptance according to the current Apple Valley Fire Protection District Fee Ordinance.

END OF CONDITIONS



ZONING/LOCATION MAP



Tentative Parcel Map
 TPM No. 20440



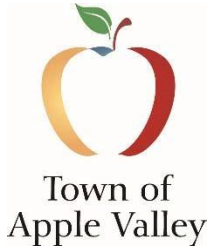
0463-393-01-0000



Legend

- (R)O Educational Residential (1 acre to 10.99 acres)
- (R)M Medium Density Residential (2 to 20 acres)
- (P)F Public Facilities
- (M)HP Mobile Home Park

Date: 11/24/2021



Planning Commission Business Item

Date: December 1, 2021 Item No. 3

To: Planning Commission

Applicant: It's a Hitt Corp

Proposal: Sign Program and Design Merit Sign Permit

Location: 22020 Highway 18; APNs: 3112-653-10, 11 (Town's End Distillery);
22092 Highway 18; APN: 3112-651-23 (Town's End Marketplace)

Prepared By: Daniel Alcayaga, AICP, Planning Manager

Recommendation: Report and File

In anticipation of the grand opening of Town's End Stillhouse and Grill, the applicant has filed a sign program with the Planning Division for both the Stillhouse and the Marketplace (Attachment 1). In reviewing the proposal, the proposed signs can be approved administratively under Section 9.74.080 -Design Merit Signs of the Development Code (Attachment 2).

Both the Design Merit Sign Permit and Sign Program provisions allow for flexibility in sign regulations to encourage quality design. The Design Merit Sign Permit allows freestanding signs to be up to a maximum height of 15 feet and up to a maximum of 30 additional square feet for signs along Highway 18, a Major Divide Arterial. Sign No. 4 would qualify under the latter provisions. Other signs, such as the proposed Stillhouse Wall sign and parking lot signs (Nos. 1 & 2) are allowed up to a maximum of 25% increase in size and 50% percent increase in height for freestanding signs.

Table comparing proposed signs against Design Merit Sign allowances

No.	Type of Sign	Proposed Height	Allowed Height	Proposed Area	Allowed Area
1	Wall Sign on Stillhouse Bldg.	N/A	N/A	±130 sq ft	143 sq ft.
2	Parking Signs	12'	12'	12 sq ft.	60 sq ft
4	Monument Signs at Marketplace	12' 1/2"	15'	19.5 sq ft	60 sq ft

Note: Traffic/Stop signs are subject to traffic control standards

The applicant has demonstrated exceptional design quality in building architecture for the Stillhouse and creative and innovative craftsmanship in certain features, such as perimeter fencing, detailing, and kiosks, found throughout the two developments. The proposed signage matches the overall architecture and design elements of the two developments consistent with Section 9.74.080.

The Planning Division would like to obtain feedback from the Planning Commission. On November 17, 2021, the Apple Valley Village Property Business Improvement District (PBID) approved the traffic signs and stop signs with decorative metal post in concept pending Town approval and requested additional information on how the cost of future right-of-way signs would be covered and by whom.

Regarding the on-street “To-Go” signs, an Ordinance will be required to be able to allow these types of signs.

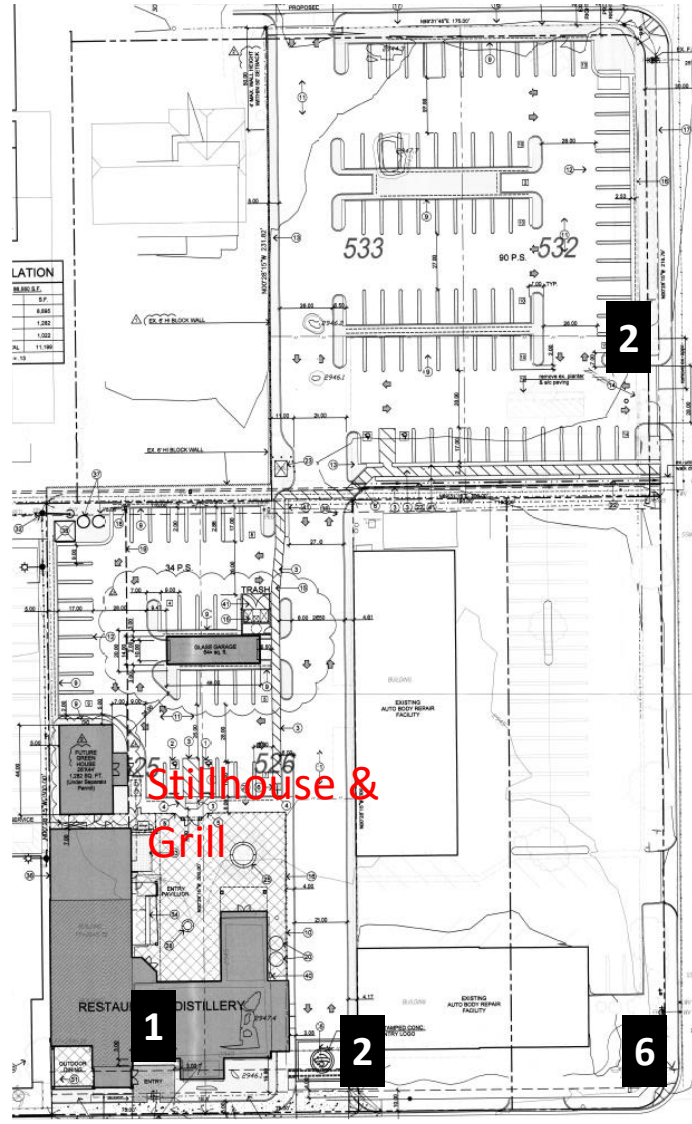
Attachments

1. Proposed Sign Program
2. Design Merit Sign Permits and Sign Program provisions



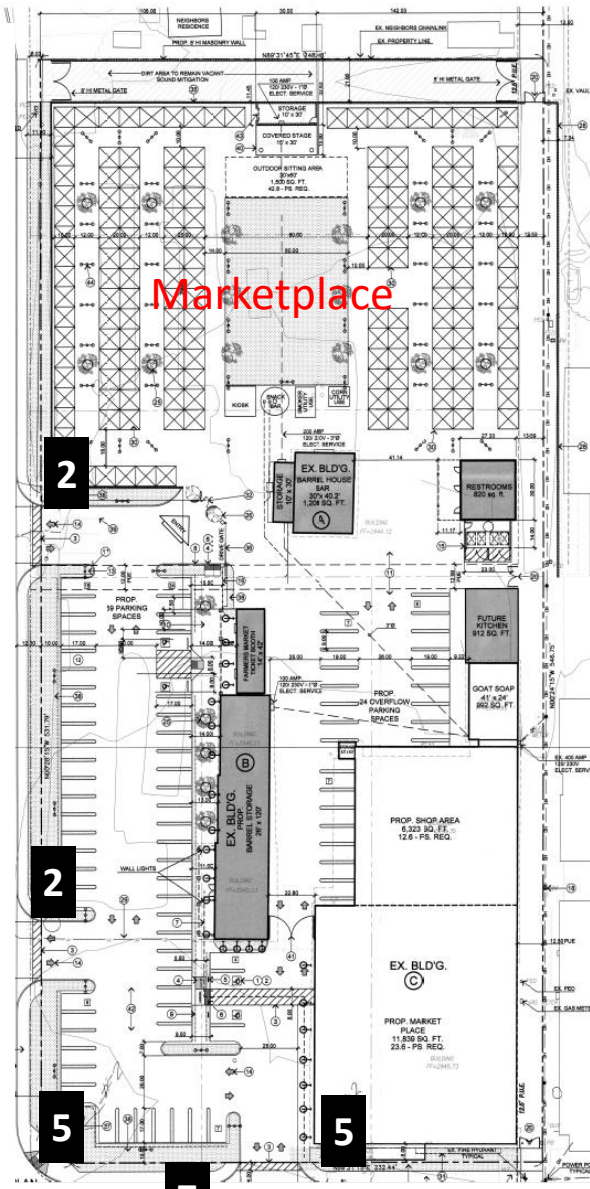
Sign Program for Town's End Stillhouse
and Town's End Marketplace
Design Merit Sign Permit

Arapahoe Avenue



Stillhouse & Grill

Quinnault Road



Marketplace

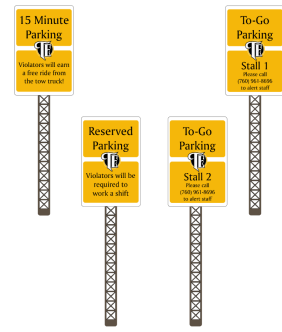
Outer Highway 18



1



2



3

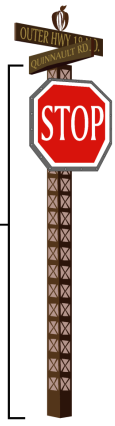


4'



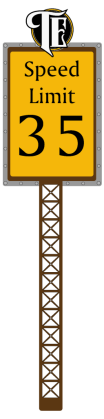
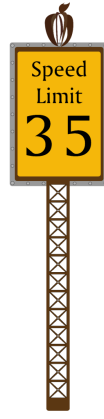
12' 1/8"

4



12'

5



6



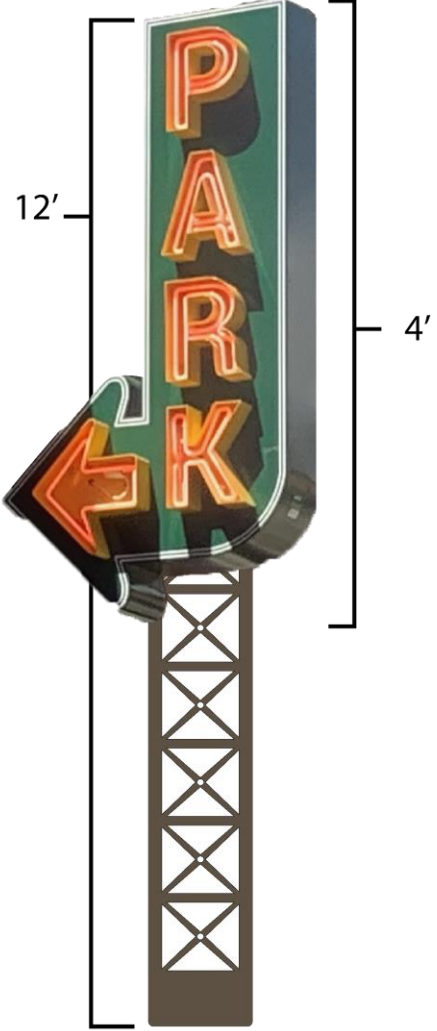
P-1

20' x ±7 ½' Wall sign on Roof

1



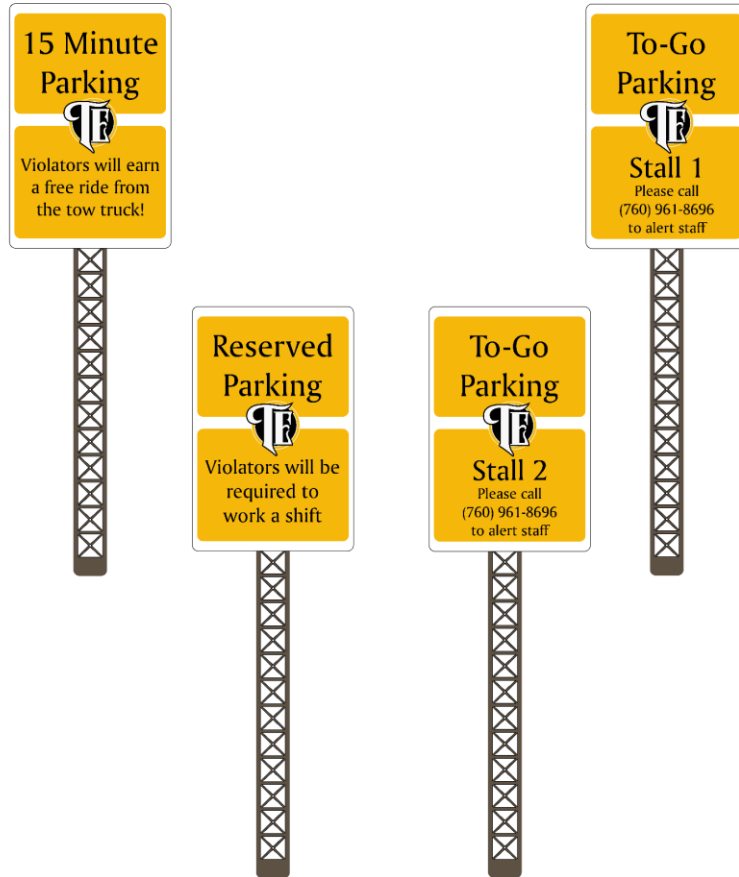
2



A total of four freestanding parking signs for both Distillery and Marketplace

- Height: 12-feet high
- Area: ±12 square feet

3



These off-site signs will require an Ordinance to allow in the right-of-way

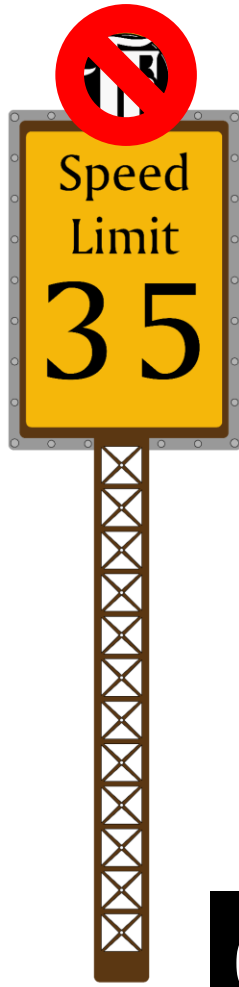
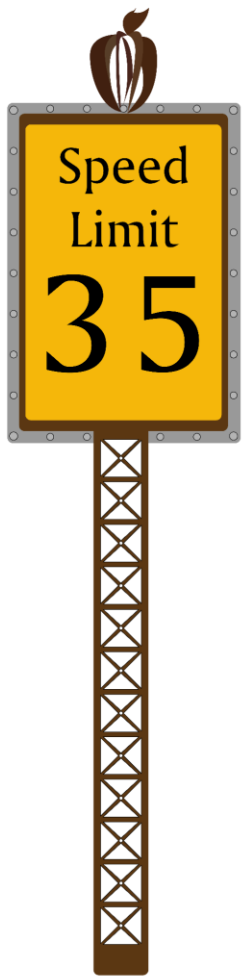


4


Two monument signs with digital signage for the Marketplace.

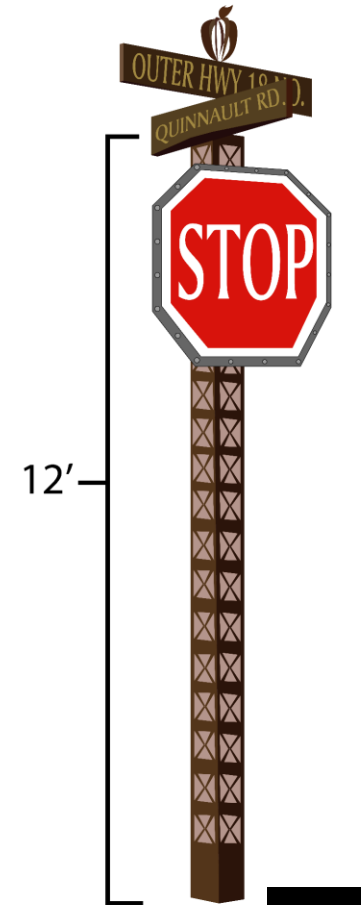
These are former grain silos to be converted into signs

- Height: 11 ½ feet high
- Area: 19.5 square foot digital sign



6

- Town Engineer has approved in concept
- On Nov. 17, 2021, the PBID approved the signs in concept and would like additional information about cost before applying Village wide. PBID allowed Townsend Distillery and Marketplace to proceed pending Town approval
- Businesses will not be allowed to advertise name on stop signs and traffic signs 



5

9.74.080 - Design Merit Sign Permits

- A. **Purpose.** The purpose of these provisions is to provide flexibility in sign regulations which apply to permanent signs in order to encourage exceptional quality in sign design and construction. These provisions are also intended to implement the goals and objectives of the Town General Plan to encourage and promote designs which relate to and are harmonious with the region's desert character and which enhance the quality of life of the Town.
- B. **Application Procedures**
1. Applications for Design Merit Sign Permits shall be made on forms provided by the Planning Division and shall be accompanied by the information, materials and submittal requirements as specified on the forms, including information which will enable the required findings to be made. Applications shall clearly demonstrate exceptional design and construction quality in order to be considered for Design Merit Sign Permits.
 2. Fees shall be paid as established by the Town fee schedule.
- C. **Approval.** The Director shall review all applications for a Design Merit Sign Permit for consistency with the review criteria described in subsection E, below, as well as consistency with all other standards and guidelines in this Chapter. Specifically, review shall include focus on the overall integration and relationship of the proposed sign with the buildings and site and the integration of all elements relating to the sign to achieve the purpose of this Section for exceptional quality that is harmonious with the desert character. Consideration may include size, color, materials, illumination, location, as well as all other elements of sign design and construction. Signs which do not clearly demonstrate exceptional quality in design, use of materials, and craftsmanship shall not be considered for any increase in size or height as allowable by this Section.
- D. **Allowable Sign Area and Height.** The following increases in sign area and height may be allowed when consistent with the purpose, criteria and findings of Design Merit Sign Permits.
1. **Free-Standing Signs in Commercial and Industrial Districts.** Up to a maximum of thirty (30) additional square feet of sign area (not to exceed a cumulative increase of twenty-five (25) percent) and up to a maximum height of fifteen (15) feet may be allowed for free-standing signs for free-standing single tenant buildings and sites pursuant to Sections 9.74.130 and 9.74.140 of this Chapter. The maximum height of fifteen (15) feet shall only be allowed along major divided, major and secondary roads per the Circulation Element of the Town's General Plan. In other locations, the provisions of paragraph 2, below, shall apply.
 2. **Other Signs.** Up to a maximum of a twenty-five (25) percent increase in size and a fifty (50) percent increase in height for free-standing signs may be allowed for signs not included in paragraph 1, above.
- E. **Review Criteria**
1. The Design Criteria and Standards included in Section 9.74.110 are minimum requirements that apply to all signs. Each Design Merit Sign Permit application shall be reviewed by the Director to determine how exceptional design and materials beyond these minimum standards have been incorporated into the proposed sign and whether these elements have been successfully integrated to create a sign that is consistent with the purposes of this Section, which represents exceptional quality, enhances community design and is harmonious with the desert character because it:
 - a. Evokes a special relationship to the structures and uses located on site by incorporating elements of the structural architecture and/or natural features of the site, without dominating the site;

- b. Makes use of high quality and/or natural or indigenous building materials including, but not limited to, rock, carved wood and incised lettering in stone;
 - c. Identifies the site or use without extensive sign copy (text) by use of graphic imagery and/or logo;
 - d. Utilizes reverse channel lettering or opaque sign field (background) with illuminated routed copy.
2. Treatments more specific to wall signs that may qualify for the Design Merit Permit include:
- a. Graphic or logo sign only (without text or type face);
 - b. Reverse channel lettering on opaque background;
 - c. Bas-relief lettering.
 - d. Painted sign copy, graphics and/or murals on any exterior wall surface.
- F. **Required Findings.** Before granting a Design Merit Sign Permit, the Director shall find that the circumstances listed below do apply:
- 1. The proposed sign exhibits exceptional design quality and incorporates high quality materials that enhance the overall development and appearance of the site;
 - 2. The proposed sign is well integrated with the buildings and other elements of the property and site and is harmonious with the desert character;
 - 3. The proposed sign is consistent with the criteria provided in paragraph E, above;
 - 4. The proposed sign, by its design, construction and location, contribute to the Town's unique character and quality of life;
 - 5. That granting the Design Merit Sign Permit is based upon its distinct quality and does not constitute a granting of special privileges beyond those provided for by this Chapter.

9.74.100 - Sign Programs

- A. **Purpose.** The purpose of a sign program is to integrate signs with building and landscape design into a unified architectural statement and to insure that all signs are in harmony with other on-site signs, buildings and surrounding development. Sign programs are also intended to provide a means of flexible application of sign regulations so as to encourage maximum creativity in the design and display of signs.
- B. **Applicability.** A sign program shall be developed for any business, shopping center or group of business uses with shared sign facilities. Master planned communities and specific plans may require the review and approval of a sign program subject to this section and provisions within this Chapter.
- C. **Application Requirements.** In addition to applicable application forms and fees, the following information is required for review of a sign program:
 - 1. Site plan, to scale, indicating the location of all existing and proposed signs with sign area dimensions;
 - 2. Building elevation(s), to scale, with sign location depicted and dimensioned;
 - 3. Sign details indicating sign area, dimensions, colors, materials, letter style, proposed copy, if available, letter and/or graphic height and method of illumination;
- D. **Approval.** The Director shall have authority to approve, conditionally approve, or deny a sign program based on findings that the proposed sign program is in compliance with the intent of this Section and the design guidelines contained in Section 9.74.110 *General Design Criteria and Standards* of this Chapter.
- E. **Master Planned Communities (Specific Plans and PUDS).** Master planned communities may be allowed within

the project boundaries sign programs to facilitate identification of different uses and areas designated for future uses or construction phases in accordance with the following standards:

1. The sign program may include a combination of the signs typically allowed for the particular uses in the various zoning districts where those uses are permitted;
 2. Master planned community entryway signs shall be limited to sixty (60) square feet and six (6) feet in height per sign and shall otherwise be consistent with the provisions of subsection 9.74.120.A *Residential Identification Signs* of this Chapter. The total number of such signs shall not exceed the total number of entrances to the master planned community;
 3. Kiosk directional signs may be allowed at an interval not less than three hundred (300) feet and may be located at intersections in a manner that will not impair clear sight of traffic in all directions. Such signs may identify specific community destinations within the master planned communities. Kiosk signs shall be reviewed and approved by the Director and otherwise administered and maintained in a manner consistent with this Chapter or by a master property owners association of the master planned community.
 4. Future uses for land which is vacant or has no building within the master planned community (including commercial services, schools, parks, or residential phases), may be identified with temporary signs that shall not exceed sixteen (16) square feet in area and six (6) feet in height, unless requirements for Landmark Signs are met. Other temporary signs may be allowed consistent with the standards provided in Section 9.74.150 of this Chapter.
- F. **Sign Programs Part of a Specific Plan.** Sign Programs for special or unique uses as a part of a specific plan may be approved containing standards other than provided in this Chapter except that the provisions of Section 9.74.110 *General Design Criteria and Standards* of this Chapter, shall apply.
- G. **Design Guidelines.** The following guidelines are encouraged in developing a sign program:
1. A theme, styles, types, colors or placement of signs that will unify and identify the center and integrate the signs with the building and landscape design should be provided. Consideration should be given to different types of tenants (e.g., major and minor) and placement locations consistent with the architectural design;
 2. Sign color should be compatible with building color. In general, limit the number of primary colors on any sign to no more than two with secondary colors used for accent or shadow detail. Variations in color may be used as long as the remaining components of the program remain consistent with the overall program;
 3. Use the same type of cabinet supports or method of mounting for signs of the same type;
 4. Use the same type of construction material for same components, such as monument bases, panels, cabinets, and supports;
 5. Use the same form of illumination for all signs of a given type, or by using varied forms of illumination that have been determined by the approving body to be compatible; and
 6. Consideration should be provided for logos or trademarks.
- H. **Revisions to Sign Programs**
1. **Minor Revisions.** A revision to a sign program may be approved by the Director if it is determined that the revision is minor in nature and that the intent of the original approval, and any conditions attached thereto, are not affected.
 2. **Major Revisions.** For any revisions which are determined to be major by the Director, a new application shall be filed in accordance with this Chapter.

3. The submittal materials required to accompany the application for a revision to a sign program shall be the same required within this Section.

9.74.110 - General Design Criteria and Standards

Signs make public statements about what they identify through the quality of materials and workmanship, size and positioning, and the method of illumination. The cumulative effect of high quality signs results in a higher quality image for the Town. The purpose of this Section is to assist designers and the general public in understanding the Town's goals and objectives for achieving high quality, efficient signage within the Town.

These criteria and standards are intended to promote the purpose set forth in establishing this Chapter and to provide inspiration, ideas and direction. These criteria and standards will be used during the Town's development review process to encourage the highest degree of sign quality while providing the flexibility necessary to encourage creativity on the part of sign designers.

The criteria and standards in this Section apply to all sign proposals. These criteria and standards should be followed unless the purpose of this Chapter can better be achieved through other design techniques. Sign standards for particular land uses are provided in Sections 9.74.120 thru 150 of this Chapter.

- A. **Computations.** The following methods shall be used to measure sign height, sign area and the number and location of signs.

1. **Sign Height**

- a. The distance from ground level to highest point of the sign structure, providing, however, that where the structure is on a berm, mound or slope, the slope shall not exceed a four to one (4:1) horizontal to vertical ratio. If the slope exceeds this ratio then height shall be measured from the toe (or bottom) of the slope, or a point where the slope does not exceed four to one. Where a planter or retaining wall exists, the height shall be measured from the top of the footing, unless the wall is on the side of the sign away from the public right-of-way and is not visible from the public right-of-way;
- b. Where visibility of a free-standing sign face is obstructed by a grade differential, the height of the sign may be increased so that the base of the sign would be considered as that point where there is no obstruction of the line of sight for a driver in any lane of the main highway or road (not including outer highway or frontage roads). This also shall not apply to grade differentials from the I-15 Freeway.

2. **Sign Area**

- a. Sign area is defined as the entire area within the outside border of the sign. The area of a sign having no continuous border or lacking a border shall mean the entire area within a single continuous perimeter formed by no more than eight straight lines enclosing the extreme limits of writing, representations, emblem, or any fixture or similar character, integral part of the display or used as a border excluding the necessary supports or uprights on which such sign is placed.

Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where (2) two such faces are placed back-to-back and are at no point more than three feet (3) from one another, the area of the sign shall be taken as the area of one (1) face if the two faces of equal area, or as the area of the larger face if the two (2) faces are of unequal area.

- b. Building or street frontages may not be combined to permit a larger area on any one frontage.

3. Number and Location of Signs

- a. Except as otherwise specified, the total cumulative sign area of each sign type (i.e., free-standing signs or wall signs) allowed for a building or street frontage may be divided among more than one sign, of the same sign type (i.e., free-standing signs or wall signs) provided that the total of all signs of each sign type, except exempt signs, does not exceed the cumulative sign area allowed for that sign type and signs comply with the following criteria. This applies to wall and free-standing signs.
 - 1) Free-standing signs on an individual property shall be a minimum of two hundred (200) feet apart, which may limit the permissible number of signs. Signs on separate properties shall be located to minimize obstruction of signs on other properties to the greatest extent feasible.
 - 2) The number of free-standing signs shall not exceed the number of entrances to a site, except that sign area may be allocated for individual free-standing buildings occupied by a single tenant within a project to allow free-standing signs for such tenants.
 - 3) Free-standing signs shall be located near an entrance to the site or near a street intersection or adjacent to the free-standing business to which it relates.
- b. Signs shall not obstruct vehicular sight distance, view of right-of-way, or pedestrian/bicycle circulation. In no case shall signs be allowed to interfere with the "Clear Sight Triangle" (see definition in Chapter 9.08 of this Code).
- c. Commercial signs shall not be allowed for frontages on local residential streets.

B. Architectural Compatibility and Context

1. Relationship to Buildings

- a. Signs shall be designed as an integral part of the total building and site design and shall relate to the architectural style of the buildings or structures with which they are associated.
- b. Signs shall be consistent with the scale and proportions of building elements within the facade rather than conceal, compete, detract from or dominate them. The shape and layout of architectural features of the building shall be reflected in the sign shape (vertical and horizontal rectangles, arches, squares, etc.). For instance, dominant horizontal or rectangular architectural elements shall not be accompanied by square or vertically oriented signs. Dominant building lines shall not be obscured by the sign shape.
- c. Signs shall be designed to incorporate or be compatible with the predominant visual elements of the building, such as type of construction materials, architectural elements, color, or other design detail or style.
- d. Signs shall be adequately separated to avoid clutter and difficulty in reading the message.

2. **Relationship to Other Signs.** Signs on the same lot or within the same center shall be related to each other by incorporating similar design elements or theme.

3. Relationship to the Site

- a. Signs shall provide a visual reference to business or building location. Signs shall be placed to indicate the location of access to a building or business. Whenever possible, signs shall be placed at or near the entrance to a building or site to indicate the most direct access to the business. The identification of each building or unit's address in a minimum of six (6) inch high numbers over the entry doorway or within ten (10) feet of the main entry, shall be required.
- b. Signs shall be located entirely on the site to which the sign pertains and shall be set back a minimum of

one (1) foot from any public right-of-way to any portion of the sign structure.

- c. All free-standing signs shall be located in a planted landscaped area which is of a shape, design, and size that will provide a compatible setting and ground definition to the sign, a minimum ratio of four (4) square feet of landscaped area for each one (1) square foot of sign area shall be required.
- d. The design and placement of signs shall insure that no lighting sources create negative impacts on surrounding properties or roadways.

4. Scale and Proportion

- a. All signs and sign structures shall reflect proportion and scale appropriate to its location and overall design.
- b. All free-standing signs and sign structures shall be consistent and compatible with the scale and proportions of the buildings and elements of the site where such signs are located.

C. Sign Copy

1. Letter size shall be proportional to the background and overall sign size. Sign copy shall not occupy more than a maximum of seventy-five (75) percent of the portion of the facade or building element where it is placed.
2. Graphics consistent with the nature of the product to be advertised are encouraged, i.e., hammer symbol for hardware, or mortar and pestle for a drug store. However, these shall be considered as part of the sign area.
3. Logos are encouraged and are considered part of the sign area.
4. Free-standing signs shall include the address of the site in letters or numerals at least six (6) inches high. Addresses using letters or numerals larger than ten (10) inches in height shall be calculated as part of sign area. Centers shall display the range of addresses for that site on any free-standing signs.

D. Materials

1. All signs, except those otherwise permitted as temporary signs shall be permanent in nature and shall reflect the architectural design of structures and natural features of the site with which they are associated by containing unifying features and materials.
2. High quality and natural materials, such as exterior grade building materials are encouraged.
3. Materials shall be selected to contribute to legibility and design integrity.
4. Individual channel letters, including reverse channel letters and sculptured cabinet signs are permitted for all commercial and industrial zones.
5. Can signs constructed of sheet metal, cabinets with an interchangeable sign face shall not be permitted on any exterior wall surface.

E. Illumination

1. Preservation of Night Sky.

- a. In order to preserve views of the night skies, sign illumination shall minimize the potential for glare. Harsh or unnecessarily bright sign lighting shall also be minimized to avoid negative impacts on surrounding properties or roadways.
- b. **Internally illuminated signs.** The illumination level of a sign shall be reduced if it is determined by a Town Official to be excessive. Illumination shall be considered excessive if it is substantially greater than the illumination level of other nearby signs, if it interferes with the visibility of other signs or with the

perception of objects or buildings in the vicinity of the sign, if it directs glare toward streets or motorists, if it adversely impacts nearby residents or neighborhoods, or if the illumination reduces the nighttime readability of the sign.

- c. **Externally illuminated signs.** The light source for externally illuminated signs shall be arranged and shielded to confine all direct light rays to the sign face and away from streets and adjacent properties. External lighting shall not allow light or glare to shine above the horizontal plane of the top of the sign.
- d. Sign illumination shall conform to the Town of Apple Valley's Lighting Ordinance.

F. Neon Signs

1. **Exterior neon signs.** Neon tubing may be permitted as a material in exterior monument signs and wall signs subject to the following provisions:
 - a. Exterior neon signs shall be permitted in all commercial districts;
 - b. Within shopping centers, neon signs may be allowed as a part of a sign program;
 - c. Exterior neon signs shall be limited to business identification only, and may include graphic symbols; and
 - d. Exterior neon signs shall be prohibited adjacent to or across the street from residential areas.
2. **Interior neon signs.** Neon tubing may be permitted as a sign material for interior window signs subject to the following standards:
 - a. Permitted in commercial districts only;
 - b. No more than two (2) neon window signs shall be permitted per business; and
 - c. Neon window signs shall not exceed four (4) square feet per sign. A combination of graphic symbols and names may be used; however, the total combined sign area of interior neon signs shall not exceed eight (8) square feet.

G. Digital Advertising Displays (Digital Signs)

1. Permitted Locations

- a. Digital advertising displays are only permitted within the Regional Commercial (C-R); General Commercial (C-G); and Village Commercial (C-V) zoning designations.
- b. Project site must have a minimum lot frontage of 100 feet.
- c. Digital advertising displays may only be installed on developed property with frontage along I-15; Major Divided Arterial, Major Divided Parkway or Major Road as identified within the Town's Circulation Element of the General Plan.
- d. Single tenant buildings and sites may be permitted one (1) digital sign.
- e. Digital advertising displays may not be located within 150 feet of any residential unit or district, as measured from the sign.

2. Design Standards

- a. Digital advertising displays are accessory to, and must be architecturally integrated with non-digital, permanent freestanding or wall signs.
- b. The digital portion of any sign may only occupy up to eighty (80) percent of the sign area, or thirty (30) square feet, whichever is less (Figure 9.74.110-A). This provision does not apply to billboards adjacent to the freeway.
- c. The digital portion of any freestanding sign shall not exceed eight (8) feet in height as measured from the

top of the sign to the ground, except that this provision does not apply to signs fronting the I-15. Nothing in this section shall be construed to imply that any sign may exceed its permitted height based upon its digital component.

- d. Digital wall signs, visible from the public right-of-way, are limited to text only reader boards.
- e. Text only reader boards are limited to one (1) single color.
- f. Digital advertising displays may not be added to legal, nonconforming signs.



Figure 9.74.110-A Freestanding Digital Sign

3. Operating Standards

- a. Signs visible from the public right-of-way shall not change at a frequency in excess of one alteration per five (5) seconds.
- b. Transition between slides shall not exceed one (1) second.
- c. Each slide shall contain one (1) complete message; messages shall not be truncated between slides.
- d. Scrolling or animated characterization is not permitted.
- e. All digital advertising displays shall be equipped with a light meter to automatically adjust the display brightness to ambient light conditions.
- f. All digital advertising displays must comply with the illumination provisions of this Section.
- g. Digital advertising displays located along pedestrian mall areas, not visible from a public right-of-way, may use scrolling and animated characterization.
- h. Digital advertising displays may advertise off-site businesses.

(Ord. No. 472, § 3, 10-27-2015; Ord. No. 485, § 3, 7-26-2016)