

# APPLE VALLEY, CALIFORNIA

## AGENDA MATTER

**Subject Item:**

**APPEAL (NO. 2010-01) OF THE PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT NO. 2009-06 AND DEVIATION PERMIT NO. 2010-01, A REQUEST TO CONSTRUCT A SIXTY-FIVE (65)-FOOT TALL WIRELESS TELECOMMUNICATION MONOPOLE DESIGNED AS A PINE TREE. THE PROJECT INCLUDES A REQUEST FOR APPROVAL OF A DEVIATION PERMIT TO ALLOW AN ENCROACHMENT OF APPROXIMATELY 970 FEET INTO THE REQUIRED 1,000-FOOT SEPARATION REQUIREMENT BETWEEN THE MONOPOLE AND A SINGLE FAMILY RESIDENCE AND TO ALLOW A THIRTY (30)-FOOT SETBACK WHERE A MINIMUM SETBACK OF FORTY-NINE (49) FEET IS REQUIRED.**

**Appeal Applicant:** Don and Annette May

**Location:** The project site is located at 13609 Hitt Road, APN 3087-382-10.

**Summary Statement:**

At the regularly scheduled April 7, 2010 Planning Commission meeting, the Planning Commission reviewed and approved Conditional Use Permit No. 2009-06 and Deviation Permit No. 2010-01 subject to the Conditions of Approval, as amended. Pursuant to Development Code Section 9.12.250 *Appeals*, the applicant or anyone who is dissatisfied with the decision, may appeal that decision within ten (10) days from the date of the decision. On April 19, 2010, an appeal of the Planning Commission's approval of Conditional Use Permit No. 2009-06 and Deviation Permit No. 2010-01 was filed.

(Continued on next page)

**Recommended Action:**

**Open the public hearing and take testimony.  
Close the public hearing. Then move to:**

- 1. Move** to find that the facts presented to the Town Council on May 11, 2010, including the comments of the public and the Planning Commission as reflected in the Minutes of the Planning Commission meeting of April 7, 2010, to support the Findings necessary to approve Conditional Use Permit No. 2009-06 and Deviation Permit No. 2010-01, subject to the Conditions of Approval applied by the Planning Commission.
- 2. Move** to deny Appeal No. 2010-01 and uphold the Planning Commission's approval of Conditional Use Permit No. 2009-06 and Deviation Permit No. 2010-01.

**Proposed by:** Planning Division **Item Number** \_\_\_\_\_

**Town Manager Approval:** \_\_\_\_\_ **Budget Item**  Yes  No  N/A

## Summary Statement (continued from page 1):

At the April 7, 2010 public hearing, the Commission considered the information within the staff report (attached), comments from the applicant and the public. As indicated in the attached minute excerpt for the meeting of April 7, 2010, the Commission did question the elimination of a "Preferred Location" (New Animal Shelter) as a potential wireless site when it was previously recommended by the Commission as one of three possible locations within the service area. The Commission also discussed the tree design in relationship to the site's characteristics and surrounding area. The Planning Commission could make the positive findings and moved to approve the project on a 3-0-0-2 vote. Commissioners Hernandez and Cusack were absent at this meeting.

The Appeal application (attached), explains the reasons why the applicant/appellant believes the appeal should be granted, overturning the Planning Commission approval of Conditional Use Permit No. 2009-06 and Deviation Permit No. 2010-01. The applicant/appellant is the property owner of 13579 Nomwaket Road, the location of a previously denied CUP for a proposed wireless facility. In summary, the applicant cites similarities between the Hitt Road and Nomwaket Road site characteristics and surrounding area, as well inconsistencies applied to both locations. It should be noted that the Appeal application also references Conditional Use Permit No. 2008-001 and Deviation Permit No. 2008-02 (Nomwaket Road site); however, these applications are not eligible for appeal since they are beyond the required ten (10) day appeal period. These applications were denied by the Planning Commission on July 16, 2008 without an appeal being filed within the required timeframe.

Staff believes the applicant's comment that the staff analysis and Planning Commission discretion were not applied consistently is unfounded. The basis for the applicant's comment is that the Hitt Road and Nomwaket Road locations have similar characteristics. To ensure that both the staff analysis and the Planning Commission would not be inconsistent in the application of the Wireless Telecommunication Ordinance, the background history for both locations was included in the April 7, 2010 staff report. Contrary to the applicants comment, the staff report does address the major differences between the two locations and explains why staff supported the Hitt Road location over the Nomwaket site. Below is an excerpt from the April 7, 2010 Planning Commission staff report:

### H. Summary

Considering the service area as identified by the applicant, the site is probably the best location given the existing development both on and off-site. Although the site requires a deviation permit for separation and setback, the deviations would probably be necessary for nearly all properties within this area. Based on the need for antenna height, due to the low profile buildings and lack of tall trees within the area, anything will be visible. Nevertheless, unlike the previous location, the area surrounding the subject site contains structures on three (3) sides and a greater number of trees to minimize the appearance of the tower. The preferred locations in the area were either not in the service area or could not accommodate a wireless facility based on existing site design.

The differences were also highlighted in staff's presentation. It was indicated, that although both locations required the same deviations from setback and separation from residential requirements, based on the amount of existing trees, on-site structures and surrounding development, that the tower would be less visible than such a facility at the Nomwaket site. It was stated that the Nomwaket site had vacant land on three (3) sides with only a small number

of pine trees along the driveway, as opposed to the Hitt Road site which had numerous trees and was within a developed neighborhood in which assist in making the tower less visible and more compatible with the surrounding area. Based upon the foregoing, staff recommends adoption of Form Motion Numbers 1 and 2.

Attachments:

1. Staff Report from April 7, 2010 Planning Commission meeting
2. Minute Excerpt from April 7, 2010 Planning Commission meeting
3. Appeal Application

## MINUTES

### TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting

Wednesday, April 7, 2010

#### CALL TO ORDER

At 6:00 p.m., the regular meeting of the Planning Commission of the Town of Apple Valley for April 7, 2010, was called to order by Chairman Kallen.

#### ROLL CALL

##### Planning Commission

Roll call was taken with the following members present: Commissioner John Putko, Vice-Chairman B.R. "Bob" Tinsley, Chairman Bruce Kallen. Absent: Commissioner Cusack and Commissioner Hernandez.

#### STAFF PRESENT

Lori Lamson, Assistant Director of Community Development; Carol Miller, Senior Planner; Conrad Olmedo, Assistant Planner; and Patty Hevle, Planning Commission Secretary.

#### 5. Conditional Use Permit No. 2009-006 and Deviation Permit No. 2010-001.

**Applicant:** Reliant Land Services, for T-Mobile USA Inc.

**Location:** The project site is located at 13609 Hitt Road; APN 3087-382-10.

Chairman Kallen opened the public hearing at 6:19 p.m.

Ms. Carol Miller, Senior Planner, presented the staff report as filed by the Planning Commission. She emphasized the differences between the proposed site and the previous site on Nomwacket Road that was denied by the Commission and why staff supported the proposed location as opposed to the Nomwacket site. She mentioned a change to Condition of Approval No. P13 concerning the California Department of Fish and Game fees.

Chairman Kallen asked about a preferred location site, as discussed in the previous Conditional Use Permit (CUP) application.

Ms. Miller stated that the preferred location of the Animal Shelter did not have the layout and site design to accommodate a wireless facility and, further, the applicant did not feel the site was a good location for their tower in a possible location at the shelter.

Chairman Kallen requested to know if any thought had been given to locating on the existing flagpole.

Ms. Miller stated it had been discussed, but the applicant would need three (3) flagpoles and they would need to be taller.

The applicants, representing T-Mobile, were Mr. Alonso Lugo and Ms. Susan Chan. Ms. Chan commented that the flagpole did not have the capability to be as co-locatable as the monopine design.

Mr. Lugo stated that, in response to Chairman Kallen's question concerning flagpoles, three (3) flagpoles would not work because of space constraints. He stated that each of the flagpoles in front of Town Hall only has one or two (2) antennas for co-location and that the monopine tree is already manufactured to have more than one carrier.

Mr. Lugo stated he attempted to contact Ms. Gina Whiteside regarding locating at the Animal Shelter, but could not reach her for quite some time. He stated, when he did speak with her, she said the shelter was already under construction and it was too late to incorporate a wireless communications tower.

Ms. Lamson responded that the main issue was the location of the shelter flagpoles which were on the northwest corner of the site. This area did not accommodate the needs of T-Mobile, which needed to be on the northeast corner of the site.

Mr. Lugo stated they had to stay east and could not go west with the tower and that the engineer wanted the location as far north as possible.

Mr. James Minton, an attorney representing G & M Towing on Nomwacket, commented that G & M Towing was previously denied the mobile site by the Planning Commission even though T-Mobile insisted it was the best location to serve the area. He stated if the tower was not going to be constructed on a preferred location site, such as the Animal Shelter, then they did not understand the Commission's repeated denial of constructing it at the G & M Towing site. He stated that this site is not significantly different from the Nomwacket site and that they had made different design proposals for the tower, such as a broadleaf tree, a windmill or a water tower and none of these were acceptable to the Commission. Mr. Minton commented on the possibility of a prejudicial finding against the G & M property owner on Nomwacket.

Chairman Kallen requested to know why the applicant had no appealed the Commission's decision to the Town Council.

Mr. Minton stated that his clients were working with T-Mobile and they felt that it would be quicker, after coming before the Commission four (4) times, to try and locate a preferred site for the tower.

Chairman Kallen reiterated that any decision made by the Planning Commission could be appealed to the Town Council.

Since there was no one else in the audience requesting to speak to this item, Chairman Kallen closed the public hearing at 6:46 p.m.

Chairman Kallen commented on the tower being able to blend in with the surroundings in the Village area and that the site at the Nomwacket location would not have blended

as well. However, the aesthetics of this location would allow for a blending of the tower so it would not be so conspicuous.

Vice-Chairman Tinsley also felt that the monopole tree would blend in better at this location.

Chairman Kallen requested to know if there was any correspondence for or against the project at this location.

Ms. Miller stated there were none.

**MOTION:**

Motion by Vice-Chairman Tinsley, seconded by Commissioner Putko, that the Planning Commission move to:

1. Determine that the proposed project does not have a negative impact upon the environment and adopt a Negative Declaration pursuant to the guidelines to implement the California Environmental Quality Act (CEQA) for Conditional Use Permit No. 2009-006 and Deviation Permit No. 2010-001.
2. Find the Facts presented in the staff report support the required Findings for Approval and adopt the Findings for Conditional Use Permit No. 2009-006 and Deviation Permit No. 2010-001.
3. Approve Conditional Use Permit No. 2009-006 and Deviation Permit No. 2010-001, subject to the attached amended Conditions of Approval.
4. Direct Staff to file the Notice of Determination.

**ROLL CALL VOTE:**

Ayes:           Commissioner Putko  
                  Vice-Chairman Tinsley  
                  Chairman Kallen  
Noes:           None  
Abstain:       None  
Absent:        Commissioner Cusack  
                  Commissioner Hernandez

The motion carried by a 3-0-0-2 vote.

Chairman Kallen stated again that any decision made by the Planning Commission could be appealed to the Town Council.





## TOWN OF APPLE VALLEY PLANNING COMMISSION

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### STAFF REPORT

- AGENDA DATE:** April 7, 2010
- CASE NUMBER:** Conditional Use Permit No. 2009-006  
Deviation Permit No. 2010-001
- APPLICANT:** Reliant Land Services for T-Mobile
- PROPOSAL:** A request for approval of a Conditional Use Permit to construct a sixty-five (65)-foot tall wireless telecommunication monopole designed as a pine tree. A 676-square foot fenced area is proposed to enclose the tower and six (6) equipment cabinets. The project includes a request for approval of a Deviation Permit to allow a thirty (30)-foot setback where a forty-nine (49)-foot setback for the antenna is required and to allow a thirty (30) foot separation where a 1,000-foot separation between the monopole and a single-family residence is required.
- LOCATION:** The project site is located at 13609 Hitt Road, APN 3087-382-10.
- ENVIRONMENTAL DETERMINATION:** Based upon an Initial Study, Pursuant to the California Environmental Quality Act (CEQA), a Negative Declaration has been determined for this proposal.
- CASE PLANNER:** Ms. Carol Miller, Senior Planner
- RECOMMENDATION:** Approval

### PROJECT AND SITE DESCRIPTION:

- A. Project Size: The telecommunication tower and equipment will occupy 960 square feet of lease area within the 1.4-acre site.
- B. General Plan Designations:  
Project Site - Service Commercial (C-S)  
North - General Commercial (C-G)  
South - Service Commercial (C-S)  
East - Mobile Home Park (MHP)



West - Service Commercial (C-S)

C. Surrounding Zoning and Land Use:

Project Site - Service Commercial (C-S), Plumbing Business  
 North- General Commercial (C-S), Retail  
 South - Service Commercial (C-S), Storage area  
 East - Mobile Home Park (MHP), Mobile home park  
 West - Service Commercial (C-S) and General Commercial (C-G), Office and light manufacturing

D. Height:

Permitted Maximum:	55 ft. + 10 ft. (outside preferred location)
Proposed Maximum:	65 ft.

E. Parking Analysis:

Total Parking Required:	1 Space
Parking Provided:	1 Spaces

F. Setback Analysis:

<b>Antenna</b>	<b>Required</b>	<b>Proposed</b>
Adjoining Property Line:		
From West	48.8 ft.	117 ft.
From East	48.8 ft.	30 ft.
From South	48.8 ft.	430 ft.
From North	48.8 ft.	30 ft.

G. Separation Analysis:

<b>Tower</b>	<b>Required</b>	<b>Proposed</b>
To SFR	1,000 ft.	30 ft.
To Existing Tower	1,500 ft.	Approx. 3,000 ft.

H. Site Characteristics

The subject site is currently developed as a plumbing business. The site does contain several twenty-five (25) to thirty (30)-foot tall trees along the north and east property lines. The location of the proposed tower compound is currently improved as a landscape planter area within the existing parking area.

I. Background

The applicant submitted this CUP request following the July 16, 2008 denial of CUP No. 2008-01 by the Planning Commission for a proposed facility at 13579 Nomwaket Road. The Commission's focus and concern was the number of deviations being requested and the tree design in relationship to the site's characteristics and surrounding area. The applicant appealed (Appeal No. 2008-003) the Planning Commission's decision to deny the project to the Town Council. On September 9, 2008, the Town Council considered the appeal request. The Council remanded Conditional Use Permit No. 2008-001 and Deviation No. 2008-002 back to the Planning Commission for reconsideration following the adoption of a Development Code Amendment as it relates to modifications to the regulations for wireless telecommunication towers and antennas. At the May 6, 2009 Planning Commission meeting, the Commission denied the CUP

request. It was suggested at the meeting that the applicant find other locations within the service area that could address the Commission's design concerns. The applicant investigated other locations within the area, and determined that the subject site was the only available suitable site that could address most of the design concerns.

ANALYSIS:

A. General:

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

The subject site is not considered a preferred location as described in Section 9.77.180 of the Development Code. As such, the Code does not give any allowances for a reduction in separation or setback requirements for a non-preferred location or the non-preferred stealth designs.

B. Site Analysis:

The applicant is requesting Planning Commission review and approval of a Conditional Use Permit to construct a sixty-five (65)-foot high stealth, unmanned, wireless antenna ("Antenna") within a 676 square foot enclosure. This area will be enclosed with an eight (8)-foot high combination wrought iron and masonry wall. The enclosure is within the parking area for the business, and also enclosed with an existing nine (9)-foot high masonry block wall. The compound is located approximately twelve (12) feet from the east property line and ten (10) feet to the north property line.

The Code requires that the tower be setback a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line. This calculates to a forty-eight (48.8)-foot (75% of 65 feet = 48.8 feet) setback from the adjoining property line. Any associated equipment or structures must satisfy the minimum zoning district setback requirements. Since the antenna is located thirty (30) feet from the easterly property line, the applicant is requesting a Deviation Permit to allow the nineteen (19)-foot encroachment.

The Code requires a minimum 1,000-foot separation between the tower and residential uses, or land use district. Since the antenna is located thirty (30) feet from the residential land use, the applicant is requesting a Deviation Permit to allow the 970 foot encroachment.

The Code requires a minimum of 1,500 feet separation to an existing antenna. The nearest existing antennas are located approximately 3,000 feet to the southwest at James Woody Park. Therefore, there is no conflict regarding the separation requirements per the Code. The closest T-Mobile facility is 1.9 miles to the southeast.

The project site has two (2) existing driveway approaches along Hitt Road that serve the parking area. Access to the proposed facility would not interfere with the ingress/egress

for the business. This project requires one (1) parking space for a maintenance vehicle from time to time for repairs and meter reading. As such, the business has 18 parking stalls that will accommodate the need for the antenna and will not affect the parking requirements for the plumbing business.

C. Deviation Permit:

With the submittal of a Deviation Permit application, the Planning Commission may increase or modify standards relating to antenna height, setback, separation distance, security fencing or landscape screening if the goals of the Development Code would be better served by granting the requested deviation. Development Code Section 9.77.200 states that the applicant must provide supporting documentation of the identified need that cannot be met in any other manner. There must also be unique circumstances associated with the proposed location necessitating the requested deviation. The applicant should also demonstrate that there are no reasonable alternative sites available to provide the services offered to grant the waiver. The applicant has submitted the required supporting documentation indicating that this need cannot be met in any other manner. Although there is a Preferred Location within the area, the site is not able to accommodate the applicant's request. The applicant submitted this CUP request following the denial of CUP No. 2008-01 for a proposed facility at 13579 Nomwaket Road. The applicant has provided written justification for the deviations, which is attached for Commission consideration (Attachment No. 3).

D. Architecture Analysis:

The Development Code does discourage the use of a mono-pine; however, the Planning Commission, in review of the CUP application, may consider a mono-pine. The applicant has chosen a mono-pine design because of the existing pine trees at this location.

The sixty-five (65)-foot high, mono-pine is designed with full cladding that appears bark-like as the trunk of the tree, with foliage beginning at twenty (20) feet and extending to the top at sixty-five (65) feet. With the parabolic panel antenna at thirty-seven (37) feet and antenna array at a height of fifty-eight (58) feet. The mono-pine tree will have three (3) sectors and four (4) antennas per sector within the foliage. The design of a pine tree adjacent to, or within proximity of, other pine trees that are approximately twenty-five (25) to thirty (30) feet tall will help minimize the appearance of the tower. However, with a limited number of tall trees or structures to the north and west, the tower will be most visible from these directions. While not ideal, the sixty-five (65)-foot high, mono-pine design will provide the least amount of impact to the aesthetics in and around the project than other sites within the vicinity.

In accordance with the Development Code, the maximum height of the antenna is fifty-five (55) feet. The plans indicate the top of the panel antenna to be at fifty (58) feet. Therefore, Condition of Approval No. P14 requires a maximum height of fifty-five (55) feet.

E. Licensing & Future Reviews:

Wireless telecommunication proposals are governed by regulations of the Federal Communications Commission (FCC) and are required to transmit signals on frequencies that will not interfere with other electronic equipment (e.g., fire, police, emergency radio frequencies, etc.). The Telecommunications Act of 1996 determined that

electromagnetic fields associated with wireless telecommunication facilities do not pose a health risk and are required to conform with the standards established by the American National Standard Institute (ANSI) for safe human exposure to electromagnetic fields and radio frequencies. The applicant will be conditioned, if approved, to submit verification from ANSI by providing a copy of its FCC license agreement.

F. Environmental Assessment:

Based upon an Initial Study, Pursuant to the California Environmental Quality Act (CEQA), a Negative Declaration has been determined for this proposal.

G. Noticing:

The project was legally noticed in the Apple Valley News on March 19, 2010.

H. Summary

Considering the service area as identified by the applicant, the site is probably the best location given the existing development both on and off-site. Although the site requires a deviation permit for separation and setback, the deviations would probably be necessary for nearly all properties within this area. Based on the need for antenna height, due to the low profile buildings and lack of tall trees within the area, anything will be visible. Nevertheless, unlike the previous location, the area surrounding the subject site contains structures on three (3) sides and a greater number of trees to minimize the appearance of the tower. The preferred locations in the area were either not in the service area or could not accommodate a wireless facility based on existing site design.

I. **Conditional Use Permit Findings:**

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

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

Comment: The proposed construction of a sixty-five (65)-foot high telecommunication mono-pine tower complies with the Telecommunications Ordinance of the Development Code of the Town of Apple Valley, and the adopted General Plan, upon the review and approval of a Conditional Use Permit and Deviation Permit by the Planning Commission.

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

Comment: The antenna will incorporate a pine tree design as camouflage for the tower and will be compatible with the site and adjacent uses, based on the existing mature trees. There are existing improvements to serve the proposed site, and the proposed installation of the monopole, with adherence to the recommended

Conditions of Approval, is permitted, subject to approval of a Conditional Use Permit.

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

Comment: The antenna will incorporate a pine tree design as camouflage for the tower and will be compatible with the site and adjacent uses based on the existing mature trees.

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

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

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

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

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

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

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

Comment: Traffic generated from the project will not adversely impact the surrounding area. The proposed wireless telecommunication facility is unmanned and will be located within a developed site with adequate internal circulation and parking.

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

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

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

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

10. That the impacts, as described in paragraphs 1 through 9 above, and the proposed location, size, design and operating characteristics of the proposed use and the conditions under which it would be maintained will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity, nor be contrary to the adopted General Plan;

Comment: The project, if approved, would be required to provide FCC (Federal Communications Commission) licensing which regulates electromagnetic fields and radio frequencies.

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

Comment: The proposed telecommunications facility can be built in conformance to the Development Code, subject to approval of a Conditional Use Permit, Deviation Permit and adherence to the recommended Conditions of Approval.

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

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

13. That the development proposal does not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings with respect to mass and scale to an extent unnecessary and inappropriate to the use;

Comment: The design of a pine tree adjacent to, or within proximity of, other pine trees that are approximately twenty-five (25) to thirty (30) feet tall will help minimize the appearance of the tower. Based on the need for antenna height, due to the low profile buildings and lack of tall trees within the area, anything will be visible.

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

Comment: The design of a pine tree adjacent to or within proximity of other pine trees that are approximately twenty-five (25) to thirty (30) feet tall will help minimize the appearance of the tower.

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

Comment: The wireless telecommunications facility will be unmanned. The proposed improvements will not alter any existing access.

I. Findings for Deviation:

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

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

Comment: The applicant has submitted the required supporting documentation indicating that this need cannot be met in any other manner. Although there is a Preferred Location within the area, the site is not able to accommodate the applicant's request. The applicant submitted this CUP request following the denial of CUP No. 2008-01 for a proposed facility at 13579 Nomwaket Road.

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

Comment: Given the site design of the existing facility, the location appears most logical despite the encroachments into the required setbacks. Any viable on-site location would result in an encroachment.

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

Comment: The applicant has submitted the required supporting documentation indicating that this need cannot be met in any other manner. There are no preferred locations within the area to accommodate the applicant's request following the denial of CUP No. 2008-01.

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

Comment: The proposed deviation for the setback requirement from the antenna to adjoining property line and the distance separation from residential uses will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and land use district. The placement of the antenna is limited to the landscape planter area within a paved parking area of an existing business. Mature trees separate the facility from the adjacent residential.

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

Comments: The proposed deviation for the setback requirement from the antenna to adjoining property lines and the distance separation from residential uses will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and land use district. The placement of the antenna is limited to the landscape planter area within a paved parking area of an existing business.

**RECOMMENDATION:**

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

1. Determine that the proposed project does not have a negative impact upon the environment and adopt a Negative Declaration pursuant to the guidelines to implement the California Environmental Quality Act (CEQA) for Conditional Use Permit No. 2009-006 and Deviation Permit No. 2010-001.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings for Conditional Use Permit No. 2009-006 and Deviation Permit No. 2010-001.
3. Approve Conditional Use Permit No. 2009-006 and Deviation Permit No. 2010-001, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Determination.

**Prepared By:**

**Reviewed By:**

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Carol Miller  
Senior Planner

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Lori Lamson  
Assistant Director of Community Development



*Conditional Use Permit No. 2009-06  
Deviation Permit No. 2010-01  
April 7, 2010 Planning Commission Meeting*

**ATTACHMENTS:**

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

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## TOWN OF APPLE VALLEY

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### **RECOMMENDED CONDITIONS OF APPROVAL**

Case No. Conditional Use Permit No. 2009-006 & Deviation Permit No. 2010-001

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

### **Planning Division Conditions of Approval**

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval to approve a specific use of land, if not established in conformance to any conditions applied, shall become void three (3) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least 60 days prior to the void date. The Conditional Use Permit becomes effective 10 days from the date of the decision unless an appeal is filed as stated in the Town's Development Code, Section 9.03.0180.
- P2. The applicant shall agree to defend at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P3. The applicant recognizes the approval of Conditional Use Permit No. 2009-006 and Deviation Permit No. 2010-001 by the Planning Commission as acknowledgment of Conditions of Approval, unless an appeal is filed in accordance with Section 9.12.250, *Appeals*, of the Town of Apple Valley Development Code.
- P4. The rendering(s) presented to, and approved by, the Planning Commission at the public hearing shall be the anticipated and expected appearance of the structure upon completion.
- P5. It is the sole responsibility of the applicant on any Permit, or other appropriate discretionary review application for any structure, to submit plans, specifications and/or illustrations with the application that will fully and accurately represent and portray the structures, facilities and appurtenances thereto that are to be installed or erected if approved by the Commission. Any such plans, specifications and/or illustrations that are reviewed and approved by the Planning Commission at an advertised public hearing shall accurately reflect the structures, facilities and appurtenances expected and

- required to be installed at the approved location without substantive deviations, modifications, alterations, adjustments or revisions of any nature.
- P6. The Community Development Director or his/her designee, shall have the authority for minor architectural changes focusing around items such as window treatments, color combinations, façade treatments, and architectural relief. Questions on the interpretation of this provision or changes not clearly within the scope of this provision shall be submitted to the Planning Commission for consideration under a Revision to the Development Permit.
- P7. The applicant shall supply verification with the American National Standards Institute (ANSI) by providing a copy of its FCC license agreement prior to issuance of Certificate of Occupancy.
- P8. In the event the antenna(s) becomes obsolete and/or abandoned, the provider shall remove the antenna(s) and all related mechanical equipment and return the site to its original state, or an improved state, within 30 days of abandonment.
- P9. Final landscape and irrigation plans shall be submitted prior to the issuance of Building permits and installed prior to issuance of occupancy permits subject to approval by the Planning Division. The landscape plans, in addition to overall site landscaping, shall show any retention basin with dense landscaping consisting of trees, shrubs and/or berms to provide vertical height.
- P10. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
- P11. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.
- P12. All required and installed landscaping shall incorporate and maintain a functioning automatic sprinkler system, and said landscaping shall be maintained in a neat, orderly, disease and weed free manner at all times.
- P13. The filing of a Notice of Exemption requires the County Clerk to collect a documentary handling fee of fifty dollars (\$50.00). The fee must be paid in a timely manner in accordance with Town procedures. No permits may be issued until such fee is paid. The check shall be made payable to the Clerk of the Board of Supervisors.
- P14. The maximum height of the panel antenna is fifty-five (55) feet.

**Building and Safety Division Conditions of Approval**

- B1. Prior to issuance of Building Permit, the applicant shall submit plans and engineering calculations for review and approval.

*Conditional Use Permit No. 2009-06  
Deviation Permit No. 2010-01  
April 7, 2010 Planning Commission Meeting*

- B2. All utilities are required to be placed underground in compliance with Town Ordinance No. 89.
- B3. Page two (2) of the submitted building plans will be conditions of approval.
- B4. Construction must comply with 2007 California Building Codes.
- B5. Best Management Practices (BMP's) are required for the site during construction.

**Apple Valley Fire Protection District**

- FD1. Prior to construction occurring on any parcel, the owner shall contact the Fire District for verification of current fire protection development requirements.

**End of Conditions**



Authorized Agent for **T-Mobile**,  
T-Mobile Project Number: **IE25530**  
T-Mobile Project Name: **Hitt Plumbing**

**Town of Apple Valley**  
Deviation Justification

**Project Location**

Address: 13609 Hitt Road, Apple Valley, CA 92308  
APN: 3087-382-10  
Zoning: Service Commercial

**Project Representative**

Susan Chong / Reliant Land Services, Inc for T-Mobile  
1594 N. Batavia, Orange, CA 92867  
Mobile: 949-892-7678  
Susan.Chong@rlsusa.com

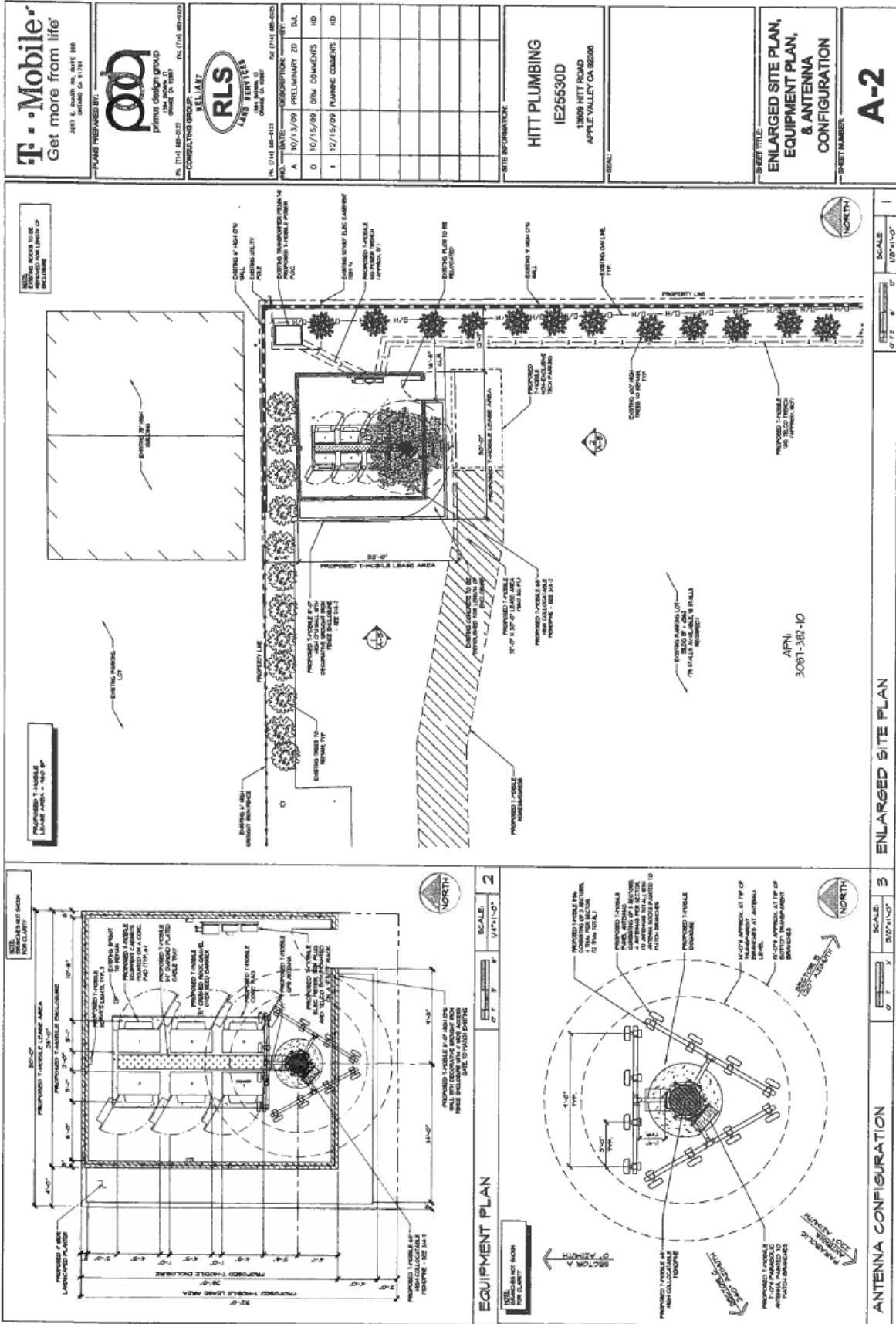
**T-Mobile Contact**

Linda Paul, Real Estate and Zoning Manager  
3257 E. Guasti Rd. #200  
Ontario, CA 91761  
909-975-3698

- A. That the applicant has provided supporting documentation of the identified need that cannot be met in any other manner.
- a. T-Mobile's radio-frequency engineers (RF) have identified a significant gap in radio-signal in the vicinity of the intersection of Hitt Road and Central Road, and for the surrounding area within a distance of approximately ¼ of a miles. Further, existing T-Mobile facilities located approximately two-miles to the southwest and southeast are approaching capacity. The attached propagation maps will show the need for the wireless facility needs to be in this location.
  - b. Primary facility was denied by Town of Apple Valley City Council during CUP – 2008-001.
  - c. Written correspondence from Gina Schwin-Whiteside eliminated the use of the Animal shelter because it is currently in construction and our proposed facility was “not part of the original design. *September 19, 2010 Email, Dennis Cron and Carol Miller were copied.*
- B. There are unique circumstances associated with the proposed location necessitating the requested Deviations.

- a. 1000-ft setback from residential property cannot be accomplished within this service commercial zone, this address or any of the alternate candidates detailed above.
  - b. In efforts to preserve and comply by the land owners request, T-Mobile is unable to meet the set back requirement from the lot-line by 75%. T-Mobile's required setback from any property line would be 48.47-ft. with a proposed 65-ft monopine. The proposed tower is located on the northeast corner of the property. Although the tower is removed from the lot-lines, the tower is currently 40-ft from the east property line and 30-ft. from the north property line.
- C. There are no reasonable alternative sites available to provide the wireless coverage needed.
- a. The following locations were evaluated and the reasons why they were not selected for this project are addressed:
    - i. 13580 Nomwaket Lane – Baptist Church; The owner of the property was uninterested in leasing a portion to T-Mobile.
    - ii. 13579 Nomwaket Lane – GM Towing; CUP Denial upheld by Town Council, property is not a viable candidate per Town of Apple Valley.
    - iii. Town of Apple Valley New Animal Shelter on Powhatan Road – Per Gina Schwin-Whiteside, Animal Services Manager; “I do not have any expectations for a cell tower on the site, because one is not part of the original design.”
- D. The submitted information and testimony from the applicant, staff and public illustrates a reasonable probability that allowance of the Deviation will have minimal or no adverse impacts to the site, surrounding area or the community in general.
- a. The deviation will have minimal or no adverse impacts to the site, surrounding area or the community in general. Currently there are existing pine trees and the proposed monopine would blend in with the existing trees on this property, within an improved lot. This property is surrounded by other commercially zoned properties within mature indigenous tree and plant life.
- E. That the Commission finds that the proposed deviation will not be materially detrimental to the public health, safety or general welfare, or injurious to the property or improvements in the vicinity and land use district in which the property is located.
- a. T-Mobile will operate this facility in full compliance with the regulations and licensing requirements of the FCC, Federal Aviation Administration (FAA) and the CPUC, as governed by the Telecommunications Act of 1996, and other applicable laws.



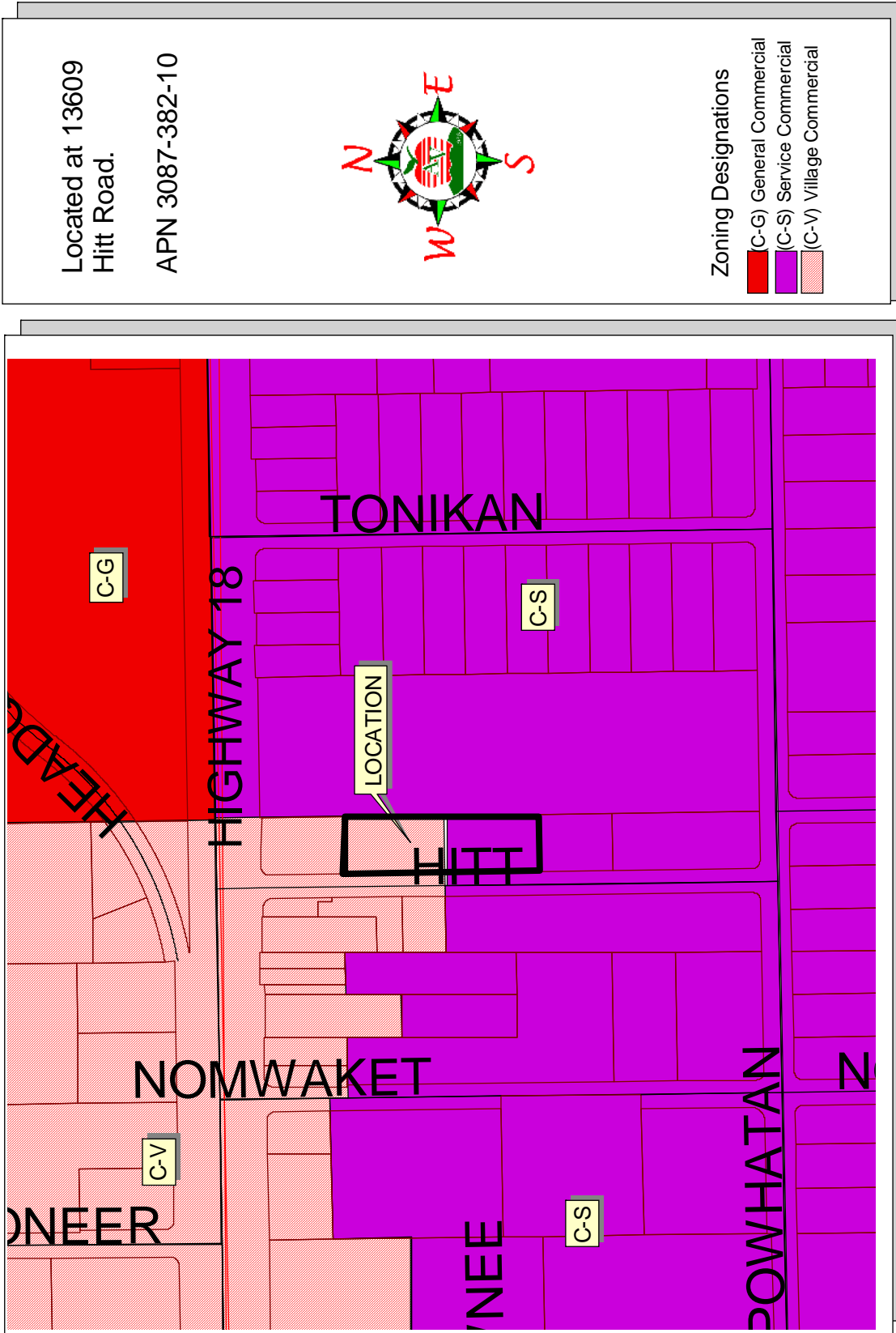






Conditional Use Permit No. 2009-006 &  
Deviation Permit No. 2010-001

# ZONING MAP



**TOWN OF APPLE VALLEY  
 INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM**

This form and the descriptive information in the application package constitute the contents of Initial Study pursuant to Town of Apple Valley Development Code and Section 15063 of the State CEQA Guidelines.

**PROJECT INFORMATION**

1. Project title:  
**Conditional Use Permit No. 2009-06 & Deviation Permit No. 2010-01**
  
2. Lead agency name and address:  
**Town of Apple Valley  
 Planning Division  
 14955 Dale Evans Parkway  
 Apple Valley, CA 92307**
  
3. Contact person and phone number:  
**Carol Miller, Senior Planner 760-240-7000**
  
4. Applicant's name and address:  
**Reliant Land Service for T-Mobile  
 Susan Chong  
 1594 N. Batavia St. Ste 1D  
 Orange, Ca. 92867**
  
5. Project location and APN:  
**13609 Hitt Road, APN 3087-382-10.**
  
6. Description of project (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation):  
**A request for approval of a Conditional Use Permit to construct a 65-foot tall wireless telecommunication monopole designed as a pine tree. A 676-square foot fenced area is proposed to enclose the proposed the tower and six (6) equipment cabinets. The project includes a request for approval of a Deviation Permit to allow an encroachment of approximately 970 feet into the required 1,000-foot separation requirement between the monopole and a single family residence and to allow a 30 foot setback where a minimum setback of 49 feet is required.**

**ENVIRONMENTAL/EXISTING SITE CONDITIONS**

The subject site is currently developed as a plumbing business. The site does contain several twenty-five (25) to thirty (30) foot tall trees along the north and east property lines. The location of the proposed tower compound is currently improved as a landscape planter area within the existing parking area.

	EXISTING LAND USE	TOWN OF APPLE VALLEY ZONING AND GENERAL PLAN DESIGNATION
North	Thrift Store	General Commercial (C-G)
South	Storage yard	ServiceCommercial (C-G)

East	Mobile home park	Mobile Home Park (MHP)
West	Office, light manufacturing	Service Commercial and General Commercial (C-G)

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources     | <input type="checkbox"/> Cultural/Paleontological           | <input type="checkbox"/> Geology/Soils                      |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials      | <input type="checkbox"/> Hydrology/Water Quality            |
| <input type="checkbox"/> Land Use/Planning        | <input type="checkbox"/> Mineral Resources                  | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population/Housing       | <input type="checkbox"/> Public Services                    | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation/Traffic   | <input type="checkbox"/> Utilities/Service Systems          | <input type="checkbox"/> Mandatory Findings of Significance |

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation, the following finding is made:

- The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

*Conditional Use Permit No. 2009-06  
Deviation Permit No. 2010-01  
April 7, 2010 Planning Commission Meeting*

\_\_\_\_\_  
Signature (prepared by)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Lori Lamson  
Assistant Director of Community Development

\_\_\_\_\_  
Date

**I. AESTHETICS**

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION (check \_\_\_ if project is located within the viewshed of any Scenic Route listed in the General Plan):

- a. **Less Than Significant Impact.** The Town of Apple Valley's General Plan recognizes the protection of local scenic resources as necessary for maintaining the overall livability and aesthetic qualities of the Town, and identifies the surrounding knolls, hills, and natural desert environment as important natural resources that should be preserved as Open Space. The proposed project is not located within a Scenic Corridor and will not have a substantial adverse effect on a scenic vista as there are none identified within the vicinity of the project site that would be effected by development of the site.
- b. **No Impact.** The Town's General Plan does not identify officially designated state scenic highways within the project vicinity. As a result, no impacts would occur to scenic resources located within a state scenic highway from the project.
- c. **Less Than Significant Impact.** The proposed project is located within a developed area of the Town and therefore, the overall scenic character has already been altered.
- d. **No Impact.** No exterior lighting is proposed.

**II. AGRICULTURE AND FORESTRY RESOURCES**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland as defined in Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Gov't Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION (check  if project is located in the Important Farmlands Overlay):

- a) **No Impact.** The subject property is not identified or designated as Prime Farmland, Unique Farmland, or Farmland of Statewide importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. There are no agricultural uses on the site.
- b) **No Impact.** The property is designated Service Commercial (C-S) and not subject to a Williams Act land conservation contract or located within an agricultural preserve.
- c) **No Impact.** Forest land is defined as "land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits" (Public Resources Code section 12220(g)). Timberland is define as "land, other than land owned by the federal government and land designated by the Board of Experimental forestland, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees" (Public Resources Code section 4526). A Timberland Production Zone is defined as "an area which has been zoned pursuant to Section 51112 or 51113 and is devoted to and used for growing and harvesting timber and compatible uses, as defined in subdivision" (Gov't Code section 51104(g)).

The property is designated Service Commercial and the proposed project does not involve other changes in the existing environment that, due to their location or nature, could result in conversion of Prime Farmland, to a non-agricultural use.

- d) **No Impact.** The site is developed and therefore, does not contain forest land as defined in Public Resources Code section 12220(g) or timberland as defined in Gov't Code section 51104(g).

- e. **No Impact.** The subject property is not identified or designated as Prime Farmland, Unique Farmland, or Farmland of Statewide importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. There are no agricultural uses on the site.

**III. AIR QUALITY**

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:**

a-c: **Less Than Significant Impact.** The project area is located within the Mojave Desert Air Quality Management District (MDAQMD) which lies in the San Bernardino County portion of the Mojave Desert Air Basin (MDAB). This portion of the basin has been designated as a 'non-attainment' area with respect to violating National Air Quality Standards for particulate matter classified as equal to, or smaller than, 10 microns in diameter (PM<sub>10</sub>). However, because the proposed site disturbance will be less than ½ acre, the 960 square feet is not subject to the regulatory provisions of Rule 403.2 (Fugitive Dust Control for the Mojave Desert Planning Area) which requires a number of operating conditions to reduce fugitive dust generation to the lowest extent possible. No stationary sources are associated with the project that would be subject to MDAQMD rules. As a result, the proposed wireless facility would be in conformance, and impacts would be less than significant.

d: **Less Than Significant Impact.** This is a request to install a wireless telecommunication facility at an existing business. The only potential sensitive receptor is located thirty (30) feet to the east. No other sensitive receptors are in the area. The project will not expose sensitive receptors to substantial pollutant concentrations because there are no identified concentrations of substantial pollutants associated with this proposal.

e. **Less Than Significant Impact.** The wireless telecommunication facility does not include any sources of odor producers, which would cause impacts to the surrounding area. Odors would be generated from vehicles and/or equipment exhaust emission during construction. However such odors are temporary



and would not occur at such levels that would effect substantial number of people. Less than significant impact is anticipated.

**IV. BIOLOGICAL RESOURCES**

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION (check if project is located in the Biological Resources Overlay \_\_\_ or contains habitat for any species listed in the California Natural Diversity Database \_\_\_):

a –d. **No Impact.** The project involves the installation of a wireless telecommunication tower designed as a pine tree located within a parking area of an existing business. The subject site is surrounded on all sides by development; therefore, the proposed will not impact biological resources or conflict with any conservation plans.

**V. CULTURAL RESOURCES**

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION (check if the project is located in the Cultural \_\_\_ or Paleontologic \_\_\_ Resources overlays or cite results of cultural resource review):

a –d. **No Impact.** The project involves the installation of a wireless telecommunication tower designed as a pine tree located within a parking area of an existing business. The subject site is surrounded on all sides by development; therefore, the proposed will not impact cultural resources.

**VI. GEOLOGY AND SOILS**

Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
d) Be located on expansive soil, as defined in Table 18 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION (check \_\_ if project is located in the Geologic Hazards Overlay District):

a (i-iv). **Less Than Significant Impact.** The General Plan indicates that the project site is not located within a special studies (Alquist-Priolo) zone and, therefore, does not require a geologic study. The Mojave Desert is a seismically active region; however, safety provisions identified in the Uniform Building Code shall be required when development occurs which would reduce potential ground shaking hazards to a less than significant level. The project site is not within a known area which may be susceptible to the effects of liquefaction. The subject site is currently developed and no hills or mountains surround the site that would subject the projects to landslides or rock falls.

b. **No Impact.** Although the desert is susceptible to strong winds and wind erosion hazards, the proposed facility will be located in a parking lot of an existing business; therefore, the project will result in minimal grading that would result in the loss of topsoil or cause soil erosion.

c-d: **No Impact.** The project site is relatively flat. The potential of unstable soil condition, landslide, lateral spreading, subsidence, liquefaction or collapse is present because of the geographical make up of the area and the frequency of earthquake occurrences in Southern California. The General Plan indicates that the project site is not located within a special studies zone or an earthquake fault zone. Any project within the area of Southern California shall meet the latest UBC standards to minimize the potential impact caused by an earthquake. However, any future project will meet and/or exceed the development standards set by the Town of Apple Valley. No impact is anticipated.

e. **No Impact.** The project is an unmanned wireless telecommunication facility that does not include the use of sewer, septic tanks or the need to dispose of wastewater.

**VII. GREENHOUSE GAS EMISSIONS**

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

- a) **Less Than Significant Impact.** This is a request to construct an unmanned wireless telecommunication facility in the Service Commercial zoning designation. According to the Town’s General Plan, air quality is a concern due to human health issues, and because air pollutants are thought to be contributing to global warming and climate change. Air pollution is defined as a chemical, physical or biological process that modifies the characteristics of the atmosphere. The Town will follow applicable greenhouse gas regulations and quantification protocols. A detailed description of each of the greenhouse gases and their global warming potential are provided in *Air Quality* of the General Plan EIR. Less than significant impact is anticipated.
- b) **No Impact.** The proposed project would not conflict with the provisions of any adopted, applicable plan, policy or regulation. Prior to August 11, 2010, the Town shall develop and adopt a Climate Action Plan (“CAP”) that enhances the General Plan’s goals, policies and programs relating to meeting the greenhouse gas emission targets established in the California Global Warming Solutions Act, including reducing emissions to 1990 levels by including an emissions inventory; emission targets that apply at reasonable intervals through the life of the plan; enforceable GHG control measures; monitoring and reporting; and mechanisms to allow for the revision of the plan, if necessary, to stay on target. The goal of the CAP shall be to reduce greenhouse gas emissions within the Town’s control the achieve the emission reduction goals required by AB 32, as further developed and quantified by the California Air Resources Board. The CAP shall quantify the approximate greenhouse gas emissions reductions of each measure developed with the CAP, and shall consider the mechanisms, strategies and techniques included above.

**VIII. HAZARDS AND HAZARDOUS MATERIALS**

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or				

working in the project area?

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:**

a-c: **No Impact.** The project will not create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials because no use approved on the site is anticipated to be involved in such activities. If such uses are proposed on-site in the future, they will be subject to land use approval, permit and inspection.

d: **No Impact.** This project is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, this project would not create a significant hazard to the public or the environment. No impact is anticipated.

e-f: **No Impact.** The project site is not located within two miles of a public airport or public use airport. The nearest airport is the Apple Valley Airport located approximately five (5) miles to the north of the project site. The Osborne Airstrip is the nearest private airstrip and is located approximately ten (10) miles northwest of the project site. No impacts related to air traffic are anticipated to occur.

g: **No Impact.** The proposed development of a wireless telecommunication facility would not impair or interfere with the Town's adopted emergency evacuation plan. No impact is anticipated.

h: **No Impact.** The facility is an unmanned wireless telecommunication facility consisting of a tower and six (6) equipment cabinets.

**IX. HYDROLOGY AND WATER QUALITY**

Would the project:

a) Violate any water quality standards or waste discharge requirements?

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there

would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

	<input type="checkbox"/> Potentially Significant Impact	<input type="checkbox"/> Less than Significant with Mitigation Incorp.	<input type="checkbox"/> Less than Significant Impact	<input checked="" type="checkbox"/> No Impact
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:**

- a: **No Impact.** Future development at the project site would disturb approximately 960 square feet within an existing parking lot and is, therefore not subject to the National Pollution Discharge Elimination System (NPDES) permit requirements.
- b: **No Impact.** The project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. Further, the only water necessary for the project is for irrigation purposes which will be supplied by the local water purveyor.

- c-e: **No Impact.** The project will cause changes in absorption rates, drainage patterns, and the rate and amount of surface water runoff because the amount of new hardscape proposed on the site; however, the project will not alter the course of any stream or river. All runoff generated from the project would be retained on the project site. The project design includes landscaping of all non-hardscape areas to prevent erosion. A grading and drainage plan must be approved by the Town Engineer prior to the issuance of a grading permit.
- f: **No Impact.** Grading activities associated with the construction of the wireless communication facility could result in temporary increase in the amount of suspended solids in surface flows during a concurrent storm event, thus resulting in surface water quality impacts. Since the lease area is only 960 square feet, any surface run off will be minimal.
- g: **No Impact.** The project does not propose the development of housing. Further, the site is not located within a flood hazard zone. The 100-year flood zones in the Town are concentrated around the Mojave River and its tributaries, as well as the Apple Valley Dry Lake.
- h: **No Impact.** The project site is not located within the 100-year Flood Zone as indicated in the Town of Apple Valley General Plan. At the time of development, the applicant must conform to FEMA requirements and the Town's regulations to mitigate any potential flood hazards.
- i-j: **No Impact.** No levees, dams or large bodies of water are located near the development site which would subject people to flooding. The site is also not located in a coastal area and, therefore, would not be subject to seiche, tsunami or mudflow.

**X. LAND USE AND PLANNING**

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:**

- a: **No Impact.** The project site is designated Service Commercial and proposed on an existing developed site. The development of a wireless telecommunication facility will not create any physical obstruction which would divide the community.
- b: **No Impact.** The project site is designated Service Commercial and proposed on an existing developed site. The development of a wireless telecommunication facility is consistent with the General Plan designation and zoning classification.

- c. **No Impact.** No habitat conservation plan or natural community conservation plan exists over this site which is currently developed. Therefore, no impact is anticipated.

**XI. MINERAL RESOURCES**

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION (check \_\_\_ if project is located within the Mineral Resource Zone Overlay):

- a. **No Impact.** The site is not designated as a State Aggregate Resource Area according to the General Plan FEIR; therefore, there is no impact.
- b. **No Impact.** The site is not designated by the General Plan as a Mineral Resource Zone; therefore, there is no impact.

**XII. NOISE**

Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

SUBSTANTIATION (check if the project is located in the Noise Hazard Overlay District \_\_\_ or is subject to severe noise levels according to the General Plan Noise Element \_\_):

a-d: **Less Than Significant Impact.** The proposal is an unmanned wireless telecommunication facility which would only periodically generate noise in the event of a power outage and an emergency generator is used. Also, the development would result in short term noise during construction activities and would be required to comply with the Town's adopted Noise Ordinance.compliance with the Town's construction hours of 7:00 a.m. to 7:00 p.m. which will mitigate temporary noise impacts during night time hours. Noise levels generated by the development would be consistent with levels anticipated for the site.

e-f: **No Impact.** The project site is not located within two miles of a public airport or public use airport. Therefore, no impact is anticipated.

**XIII. POPULATION AND HOUSING**

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

a-c. **No Impact.** The General Plan identifies the site as Service Commercial zone. The proposed unmanned wireless telecommunication facility will not induce population growth or displace housing or number of people.

**XIV. PUBLIC SERVICES**

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?

Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<b>Potentially Significant Impact</b>	<b>Less than Significant with Mitigation Incorp.</b>	<b>Less than Significant Impact</b>	<b>No Impact</b>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:**

a. **No Impact.** The proposed unmanned wireless telecommunication facility will not result in the need for additional public service due to the limited size and scope.

**XV. RECREATION**

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

**SUBSTANTIATION:**

a-b: **No Impact.** The proposed unmanned wireless telecommunication facility will not impact existing recreational opportunities or create the need for additional recreational facilities.

**XVI. TRANSPORTATION/TRAFFIC**

Would the project:

- a) Conflict with an applicable plan, ordinance or policy establishing measure of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system including but not limited to intersection, streets, highways and freeways, pedestrian and bicycle paths and mass transit?
- b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?
- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:**

- a-b: **No Impact.** The proposed unmanned wireless telecommunication facility will not exceed, either individually or cumulatively the Town's level of service (LOS) standard or change existing traffic patterns.
- c. **No Impact.** The proposed unmanned wireless telecommunication facility does not utilize air transportation and will not result in a change to air traffic patterns.
- d. **No Impact.** The proposed unmanned wireless telecommunication facility will not require new roads or design features.
- e. **No Impact.** The unmanned wireless telecommunication facility is proposed to be located within an existing parking lot. The area within the parking lot to be disturbed is currently a landscape planter area; therefore, the overall circulation and emergency access within the site will not be altered.
- f. **No Impact.** The unmanned wireless telecommunication facility is proposed to be located within an existing parking lot. The area within the parking lot to be disturbed is currently a landscape planter area; therefore, the on-site parking will not be altered.
- g. **No Impact.** The unmanned wireless telecommunication facility is proposed to be located within an existing parking lot. The area within the parking lot to be disturbed is currently a landscape planter area; therefore, the proposal will not conflict with adopted policies, plans and programs.

**XVII. UTILITIES AND SERVICE SYSTEMS**

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill(s) with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:**

a-g **No Impact.** The proposed unmanned wireless telecommunication facility will not impact existing utility service systems or create the need for additional facilities.

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE**

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- d) Does the project have environmental effects which will cause Substantial adverse effects on human beings, either directly or indirectly?

**SUBSTANTIATION:**

- a. **No Impact.** The project will not result in any negative impacts to wildlife habitat. As previously described, the site is developed with a commercial business, and therefore, does not have the potential to degrade the quality of the environment.
- b. **No Impact.** The project would not have impacts that are individually limited but cumulatively considerable. There are no projects within the area, that when combined with the proposed project that would result in cumulatively considerable impacts.
- c. **Less Than Significant Impact.** Based on the analysis above, it has been determined there would be no significant direct or indirect effects on human beings.

**REFERENCES**

(List author or agency, date, title)

California Department of Water Resources, Bulletin #118 (Critical Regional Aquifers), 1975

County of San Bernardino, Countywide Integrated Waste Management Plan, March 1995

Town of Apple Valley General Plan, adopted 2009-09-02

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County of San Bernardino Identified Hazardous Materials Waste Sites List, April 1998

Federal Emergency Management Agency Flood Insurance Rate Map and Flood Boundary Map

Mojave Desert Air Quality Management District, Mojave Desert Planning Area – Federal Particulate Matter (PM10) Attainment Plan, July 1995

Mojave Desert Air Quality Management District, Rule 403.2: Fugitive Dust Control Planning Area, July 1996

South Coast Air Quality Management District, CEQA Air Quality Handbook, 1993

Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4 Gov Code; Sections 21080 (c), 21080.1, 21080.3, 21082.1, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; *Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d 296; *Leonoff v. Monterey Board of Supervisors* (1990) 222 Cal. App. 3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal App. 4<sup>th</sup> 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4<sup>th</sup> at 1109; *San Franciscans Upholding the Downtown Plan v. County of San Francisco* (2002) 102 Cal. App. 4<sup>th</sup> 656.