

**TOWN OF
APPLE VALLEY, CALIFORNIA
AGENDA MATTER**

Subject Item:

A REQUEST TO CONSIDER AN AMENDMENT TO TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY AMENDING TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY AMENDING SECTION 9.74.040 "DEFINITIONS" AS IT RELATES TO KIOSK SIGNS AND AMENDING CHAPTER 9.74 BY ADDING SECTION 9.74.155 "VILLAGE DISTRICT BUSINESS DIRECTIONAL KIOSK SIGNS AND COMMEMORATIVE BANNERS" AS IT RELATES TO OFF-SITE KIOSK BUSINESS DIRECTIONAL SIGNS AND COMMEMORATE BANNERS ON LIGHT POLES WITHIN THE VILLAGE DISTRICT

Summary Statement:

At its meeting of October 26, 2010, the Apple Valley Town Council initiated a Development Code Amendment to modify the regulations to the Signs and Advertising Displays Ordinance to allow business directional kiosk signs and commemorative banners within the Village Business District. On November 17, 2010, the Planning Commission conducted a public hearing and adopted Planning Commission Resolution No. 2010-008 (attached), recommending the Council approve the attached Ordinance.

Recommended Action:

Move to open the public hearing and take testimony.

Close the public hearing. Then:

1. **Determine** that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be determined that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is EXEMPT from further CEQA review.
2. **Find** the facts presented within the staff report support the required Findings for approval of an amendment to the Development Code and adopt the Findings.
3. **Find** that the proposed Town Council Ordinance is consistent with the Goals and Objectives of the adopted Town of Apple Valley General Plan and that it is necessary to preserve the health, safety and general welfare of the citizens of Apple Valley.
4. **Move** to waive the reading of Ordinance No. _____ in its entirety and read by title only.
5. **Introduce** Ordinance No._____, amending Chapter 9.74 by adding Section 9.74.155 that establishes regulations to allow business directional kiosks and commemorative banner program within the Village Business District.
6. **Direct** staff to file a Notice of Exemption.

Proposed by: Planning Division

Item Number _____

Town Manager Approval: _____

Budget Item Yes No N/A

ANALYSIS

The Apple Valley Village District is considered a unique and historic business district and, as such, the Town's General Plan and Development Code recognize this specific geographic area. The General Plan Goals and Policies discuss the revitalization of the Village District and recognize the challenges because of existing infrastructure and development. One way to highlight the Village from other commercial areas would be to offer the ability to have unique off-site signage and a commemorative banner program that would otherwise be prohibited in all other areas of Town.

For consistency purposes, the basis of the regulations for the kiosks within the Village Business District has been modeled after the residential kiosk directional sign regulations (Section 9.74.150D). The Sign Code currently allows a seven (7)-foot high and four (4)-foot, four (4)-inch wide residential kiosk sign with up to three (3) panels which is also proposed for the business directional kiosks.

It is recommended that Chapter 9.74 be amended to revise the definition of a Kiosk Sign and add Chapter 9.74.155 to read as follows:

9.74.155 VILLAGE DISTRICT BUSINESS DIRECTIONAL KIOSK SIGNS AND COMMEMORATIVE BANNERS.

The following shall regulate and establish a standardized program of off-site directional kiosk signs and commemorative banners/pennants for light poles within the Village Business District. For the purposes of this section, only those businesses located within the Village Business District may participate in the approved kiosk directional program. The Village Business District is generally defined as the corridor along Highway 18, between Navajo Road and Mesquite Road, and Ottawa Road to the south and Esaws Road to the north.

A. Business Directional Kiosk Sign

1. The kiosk location plan, sign structure and panel design shall be approved by the Planning Commission at a public hearing.
2. A kiosk sign structure shall be located not less than three hundred (300) feet from any other kiosk sign for any single direction of traffic. This also includes kiosks for residential development.
3. Each kiosk sign shall require the submittal of a detailed site plan showing the specific location of the sign which shall be reviewed and approved by the Planning Division in accordance with the requirements of this Code.
4. The placement of panels on the kiosk structure shall be reviewed and approved by the Director.
5. All kiosk sign structures placed on private property shall require written consent of the property owner which shall be filed with the Planning Division.
6. All kiosk signs located on Town property, or within a designated Town right-of-way, shall require an encroachment permit through the Public Works Division, and a hold harmless agreement, or other form of liability insurance, deemed necessary and approved by the Town Attorney. No kiosk sign structures shall be permitted within any public right-of-way controlled or maintained by the California Department of Transportation.
7. There shall be no additions, tag signs, streamers, devices, display boards, or appurtenances added to the kiosk signs as originally approved. Further, no other directional signs may be used, such as posters or trailer signs.
8. At the option of the Town, an administrator may be assigned to monitor, approve, assign, and otherwise manage the kiosk sign and/or kiosk sign program.

9. Kiosk signs shall be constructed in accordance with the requirements of the Uniform Building Code (UBC) and all applicable requirements of the Public Works Division.
10. Kiosk signs shall be permitted in any Commercial zoning district within the Village Business District, subject to the requirements of this Section.
11. Kiosk sign structures shall conform to the following standard regulations:
 - a. Kiosk structure shall not exceed a maximum height of seven (7) feet and four (4) feet four (4) inches wide as shown in Figure 9.74.150-A.
 - b. No more than three (3) panels per side of a kiosk are permitted;
 - c. Double sided kiosk signs are permitted;
 - d. Kiosk sign panels may only contain the name of the business and a directional arrow;
 - e. No more than one panel per business per side of a kiosk sign is permitted.
 - f. Kiosk sign structures shall not encroach within the clear sight triangle as defined in Chapter 9.08 of this Code or create a traffic hazard;
 - g. Design, size and height of kiosk structures and panels shall be approved by the Planning Commission.

B. Commemorative Street Light Banner

1. No more than two (2) vertical pole commemorative banners shall be allowed to be attached to an existing street light pole within the Village District. Such banners shall not exceed twelve and one-half (12 ½) square feet in area; shall have a maximum width of two and one-half (2 ½) feet and a maximum height of five (5) feet.
2. Such commemorative banners attached to public utility light pole shall be approved by Southern California Edison (SCE) prior to attachment.
3. The commemorative banners shall not be used for commercial or political advertising, except that logos and trademarks of the Village District shall be permitted.
4. All parts, portions, and materials shall be maintained and kept in good repair. Failure to adequately maintain the banners shall make the banners subject to abatement in accordance with the provisions of Section 9.74.230 *Enforcement* of this Chapter.

9.74.040 DEFINITIONS

Kiosk Sign. An off-premises sign used for directing people to the sales office or models of a residential subdivision project or to businesses within the Village Business District (Figure 9.74.040-N).

REQUIRED FINDINGS

An amendment to the Development Code requires that the Town Council address two required "Findings", as listed within Development Code Section 9.06.060. As presented within past staff reports, the required Findings are listed below, along with a comment addressing each, for Council consideration and approval. The Council may modify the offered comments after considering input and public testimony at the public hearing.

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

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

and existing development. The proposed Amendment regulating off-site directional signs will help maintain a quality street scene within the Village Business District.

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

Comment: Amending the Code as proposed under Amendment No. 2010-06 will modify the Town's Development Code by establishing regulations for kiosk directional signs within the Village Business District. The establishment of off-site directional sign regulations within the Village Business District shall not be detrimental to the health, safety or general welfare of the citizens or visitors of the Town of Apple Valley.

NOTICING

Development Code Amendment No. 2010-06 was advertised as a public hearing in the Apple Valley News newspaper on January 15, 2011 as required under Development Code Section 9.13.030 "Notice of Public Hearings".

ENVIRONMENTAL REVIEW

Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. As with the proposed amendment that will only result in a minor change to the Code, where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

RECOMMENDATION

Following receipt of public input and discussion by the Council, it is recommended that the Council approve the attached Ordinance to amend Title 9 "Development Code" of the Town of Apple Valley Municipal Code.

Attachments:

Draft Ordinance

Planning Commission staff report dated November 17, 2010

Minute Excerpt from Planning Commission meeting of November 17, 2010

ORDINANCE No. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, DETERMINING THAT DEVELOPMENT CODE AMENDMENT No. 2010-006 IS EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW AND AMEND TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING SECTION 9.74.040 “DEFINITIONS” AS IT RELATES TO KIOSK SIGNS AND AMENDING CHAPTER 9.74 BY ADDING SECTION 9.74.155 “VILLAGE DISTRICT BUSINESS DIRECTIONAL KIOSK SIGNS AND COMMEMORATIVE BANNERS” AS IT RELATES TO OFF-SITE KIOSK BUSINESS DIRECTIONAL SIGNS AND COMMEMORATE BANNERS ON LIGHT POLES WITHIN THE VILLAGE DISTRICT

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

Section 1. Recitals.

(i) Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; and

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

(iii) Specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by amending Sections 9.74as it relates to the regulations for Village Business directional kiosks and commemorative banners and

(iv) On December 31, 2010, Development Code Amendment No. 2010-006 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

(v) Based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be seen with certainty that Development Code Amendment will not have a direct, adverse impact upon the environment and, therefore, is EXEMPT from further environmental review; and

(vi) On November 17, 2010, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2010-006, receiving testimony from the public; and

(vii) Development Code Amendment No. 2010-006 is consistent with Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

Section 2. Findings.

(i) Find that the changes proposed by Development Code Amendment No. 2010-006 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

(ii) Find that, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be seen with certainty that the proposed Development Code Amendment No. 2010-006 is not anticipated to have a direct, adverse impact upon the environment and, therefore, is EXEMPT from further environmental review.

Section 3. Add Section 9.74.155 “Village District Business Directional Kiosk Sign and Commemorative Banners” to Chapter 9.74 of Title 9 “Development Code” to read as follows:

9.74.155 VILLAGE DISTRICT BUSINESS DIRECTIONAL KIOSK SIGNS AND COMMEMORATIVE BANNERS.

The following shall regulate and establish a standardized program of off-site directional kiosk signs and commemorative banners/pennants for light poles within the Village Business District. For the purposes of this section, only those businesses located within the Village Business District may participate in the approved kiosk directional program. The Village Business District is generally defined as the corridor along Highway 18, between Navajo Road and Mesquite Road, and Ottawa Road to the south and Esaws Road to the north.

A. Business Directional Kiosk Sign

1. The kiosk location plan, sign structure and panel design shall be approved by the Planning Commission at a public hearing.
2. A kiosk sign structure shall be located not less than three hundred (300) feet from any other kiosk sign for any single direction of traffic. This also includes kiosks for residential development.
3. Each kiosk sign shall require the submittal of a detailed site plan showing the specific location of the sign which shall be reviewed and approved by the Planning Division in accordance with the requirements of this Code.
4. The placement of panels on the kiosk structure shall be reviewed and approved by the Director.
5. All kiosk sign structures placed on private property shall require written consent of the property owner which shall be filed with the Planning Division.
6. All kiosk signs located on Town property, or within a designated Town right-of-way, shall require an encroachment permit through the Public Works Division, and a hold harmless agreement, or other form of liability insurance, deemed necessary and approved by the Town Attorney. No kiosk sign structures shall be permitted within any public right-of-way controlled or maintained by the California Department of Transportation.
7. There shall be no additions, tag signs, streamers, devices, display boards, or appurtenances added to the kiosk signs as originally approved. Further, no other directional signs may be used, such as posters or trailer signs.
8. At the option of the Town, an administrator may be assigned to monitor, approve, assign, and otherwise manage the kiosk sign and/or kiosk sign program.
9. Kiosk signs shall be constructed in accordance with the requirements of the Uniform Building Code (UBC) and all applicable requirements of the Public Works Division.
10. Kiosk signs shall be permitted in any Commercial zoning district within the Village Business District, subject to the requirements of this Section.
11. Kiosk sign structures shall conform to the following standard regulations:
 - a. Kiosk structure shall not exceed a maximum height of seven (7) feet and four (4) feet four (4) inches wide as shown in Figure 9.74.150-A.

- b. No more than three (3) panels per side of a kiosk are permitted;
- c. Double sided kiosk signs are permitted;
- d. Kiosk sign panels may only contain the name of the business and a directional arrow;
- e. No more than one panel per business per side of a kiosk sign is permitted.
- f. Kiosk sign structures shall not encroach within the clear sight triangle as defined in Chapter 9.08 of this Code or create a traffic hazard;
- g. Design, size and height of kiosk structures and panels shall be approved by the Planning Commission.

B. Commemorative Street Light Banner

- 1. No more than two (2) vertical pole commemorative banners shall be allowed to be attached to an existing street light pole within the Village District. Such banners shall not exceed twelve and one-half (12 ½) square feet in area; shall have a maximum width of two and one-half (2 ½) feet and a maximum height of five (5) feet.
- 2. Such commemorative banners attached to public utility light pole shall be approved by Southern California Edison (SCE) prior to attachment.
- 3. The commemorative banners shall not be used for commercial or political advertising, except that logos and trademarks of the Village District shall be permitted.
- 4. All parts, portions, and materials shall be maintained and kept in good repair. Failure to adequately maintain the banners shall make the banners subject to abatement in accordance with the provisions of Section 9.74.230 *Enforcement* of this Chapter.

Section 4. Amend Section 9.74.040 “Definitions” of Chapter 9.74 “Signs and Advertising Displays” of Title 9 “Development Code” to read as follows:

9.74.040 DEFINITIONS

Kiosk Sign. An off-premise sign used for directing people to the sales office or models of a residential subdivision project or to businesses within the Village Business District (Figure 9.74.040-N).

Section 5. Invalidation. The amendment by this Ordinance of Title 9 “Development Code” of the Town of Apple Valley Municipal Code as previously in effect, or of any other prior enactment, shall not be construed to invalidate any entitlement exercised or proceeding taken pursuant to such Title or other enactment while the same was in effect.

Section 6. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code of the State of California.

Section 7. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 8. Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Ordinance are declared to be severable.

Adopted by the Town Council and signed by the Mayor and attested by the Town Clerk
this ____ day of _____, 2011.

ATTEST:

Scott Nassif, Mayor

Ms. La Vonda M-Pearson, Town Clerk

Approved as to form:

Approved as to content:

Mr. John Brown, Town Attorney

Mr. Frank Robinson, Town Manager



TOWN OF APPLE VALLEY PLANNING COMMISSION

STAFF REPORT

AGENDA DATE: November 17, 2010

CASE NUMBER: Development Code Amendment No. 2010-06

APPLICANT: Town of Apple Valley

PROPOSAL: A request to consider an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code amending Section 9.74 "Signs and Advertising Displays" of the Code by amending and establishing provisions allowing off-site business directional signage and commemorative banners/pennants for street light standards within the Village Business District.

LOCATION: Village Business District

EXISTING GENERAL PLAN DESIGNATIONS: Commercial Land Use Designations within the Village District.

EXISTING ZONING: Commercial Zoning Designations within the Village District.

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

PROJECT PLANNER: Ms. Carol Miller, Senior Planner

RECOMMENDATION: Adopt Planning Commission Resolution No. 2010-008

BACKGROUND ANALYSIS:

At its meeting of October 26, 2010, the Apple Valley Town Council initiated a Development Code Amendment to modify the regulations to the Signs and Advertising Displays Ordinance to

allow business directional kiosk signs and commemorative banners within the Village Business District.

The Apple Valley Village District is considered a unique and historic business district and, as such, the Town's General Plan and Development Code recognize this specific geographic area. The General Plan Goals and Policies discuss the revitalization of the Village District and recognize the challenges because of existing infrastructure and development. One way to highlight the Village from other commercial areas would be to offer the ability to have unique off-site signage and a commemorative banner program that would otherwise be prohibited in all other areas of Town.

For consistency purposes, the basis of the regulations for the kiosks within the Village Business District has been modeled after the residential kiosk directional sign regulations (Section 9.74.150D). The Sign Code currently allows a seven (7)-foot high and four (4)-foot, four (4) inches wide kiosk sign with up to three (3) panels. Since the residential directional kiosk program is town-wide, the Commission may wish to discuss the specific design standards to ensure they are appropriate for this geographic area. Similar to the residential kiosk sign program, a 300-foot separation is proposed. The Commission may want to consider if a 300-foot separation between kiosks is appropriate. A reduced separation may be acceptable if the kiosks were on opposite sides of Highway 18.

It is recommended that Chapter 9.74 be amended to revise the definition of a Kiosk Sign and add Chapter 9.74.155 to read as follows:

9.74.155 VILLAGE DISTRICT BUSINESS DIRECTIONAL KIOSK SIGNS AND COMMEMORATIVE BANNERS.

The following shall regulate and establish a standardized program of off-site directional kiosk signs and commemorative banners/pennants for light poles within the Village Business District. For the purposes of this section, only those businesses located within the Village Business District may participate in the approved kiosk directional program. The Village Business District is generally defined as the corridor along Highway 18, between Navajo Road and Mesquite Road, and Ottawa Road to the south and Esaws Road to the north.

A. Business Directional Kiosk Sign

1. The kiosk location plan, sign structure and panel design shall be approved by the Planning Commission at a public hearing.
2. A kiosk sign structure shall be located not less than three hundred (300) feet from any other kiosk sign for any single direction of traffic. This also includes kiosks for residential development.
3. Each kiosk sign shall require the submittal of a detailed site plan showing the specific location of the sign which shall be reviewed and approved by the Planning Division in accordance with the requirements of this Code.
4. The placement of panels on the kiosk structure shall be reviewed and approved by the Director.
5. All kiosk sign structures placed on private property shall require written consent of the property owner which shall be filed with the Planning Division.
6. All kiosk signs located on Town property, or within a designated Town right-of-way, shall require an encroachment permit through the Public Works Division, and a hold harmless agreement, or other form of liability insurance, deemed necessary and approved

by the Town Attorney. No kiosk sign structures shall be permitted within any public right-of-way controlled or maintained by the California Department of Transportation.

7. There shall be no additions, tag signs, streamers, devices, display boards, or appurtenances added to the kiosk signs as originally approved. Further, no other directional signs may be used, such as posters or trailer signs.
8. At the option of the Town, an administrator may be assigned to monitor, approve, assign, and otherwise manage the kiosk sign and/or kiosk sign program.
9. Kiosk signs shall be constructed in accordance with the requirements of the Uniform Building Code (UBC) and all applicable requirements of the Public Works Division.
10. Kiosk signs shall be permitted in any Commercial zoning district within the Village Business District, subject to the requirements of this Section.
11. Kiosk sign structures shall conform to the following standard regulations:
 - a. Kiosk structure shall not exceed a maximum height of seven (7) feet and four feet four inches (4 ¼) wide as shown in Figure 9.74.150-A.
 - b. No more than three (3) panels per side of a kiosk are permitted;
 - c. Double sided kiosk signs are permitted;
 - d. Kiosk sign panels may only contain the name of the business and a directional arrow;
 - e. No more than one panel per business per side of a kiosk sign is permitted.
 - f. Kiosk sign structures shall not encroach within the clear sight triangle as defined in Chapter 9.08 of this Code or create a traffic hazard;
 - g. Design, size and height of kiosk structures and panels shall be approved by the Planning Commission.

B. Commemorative Street Light Banner

1. No more than two (2) vertical pole commemorative banners shall be allowed to be attached to an existing street light pole within the Village District. Such banners shall not exceed twelve and one-half (12 ½) square feet in area; shall have a maximum width of two and one-half (2 ½) feet and a maximum height of five (5) feet.
2. Such commemorative banners attached to public utility light pole shall be approved by Southern California Edison (SCE) prior to attachment.
3. The commemorative banners shall not be used for commercial or political advertising, except that logos and trademarks of the Village District shall be permitted.

9.74.040 DEFINITIONS

Kiosk Sign. An off-premises sign used for directing people to the sales office or models of a residential subdivision project or to businesses within the Village Business District (Figure 9.74.040-N).

FINDINGS:

An amendment to the Development Code requires that the Planning Commission address two (2) required "Findings", as listed within Development Code Section 9.06.060. For Commission consideration, the required Findings are listed below, along with a comment addressing each. If the Commission concurs with these comments, they may be adopted and forwarded to the Council for its consideration of the Development Code Amendment. If the Commission wishes to modify the offered comments, after considering input and public testimony at the public hearing, modifications to the Findings and Code Amendment recommendations can be included into the information forwarded to the Council for consideration.

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

Comment: The General Plan is the blueprint for the community's future growth. Specific Goals and Objectives are provided within each of the adopted General Plan's State-mandated Elements. Many of these stated Goals and Objectives address the community's desire to establish and maintain high standards for the quality, aesthetic appearance and safety for all new and existing development. The proposed Amendment regulating off-site directional signs will help maintain a quality street scene within the Village Business District.

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

Comment: Amending the Code as proposed under Amendment No. 2010-06 will modify the Town's Development Code by establishing regulations for kiosk directional signs within the Village Business District. The establishment of off-site directional sign regulations within the Village Business District shall not be detrimental to the health, safety or general welfare of the citizens or visitors of the Town of Apple Valley.

NOTICING

Development Code Amendment No. 2010-06 was advertised as a public hearing in the Apple Valley News newspaper on November 5, 2010.

ENVIRONMENTAL REVIEW

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

RECOMMENDATION

Following receipt of public input and discussion by the Commission, it is recommended that the Commission move to approve Planning Commission Resolution No. 2010-008, forwarding a recommendation that the Town Council amend Title 9 "Development Code" of the Town of Apple Valley Municipal Code as outlined within the staff report.

Prepared By:

Carol Miller
Senior Planner

Reviewed By:

Lori Lamson
Assistant Director of Community Development

ATTACHMENT:

1. Planning Commission Resolution No. 2010-008

PLANNING COMMISSION RESOLUTION NO. 2010-008

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL AMEND TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY AMENDING SECTION 9.74.040 “DEFINITIONS” AS IT RELATES TO KIOSK SIGNS AND AMENDING CHAPTER 9.74 BY ADDING SECTION 9.74.155 “VILLAGE DISTRICT BUSINESS DIRECTIONAL KIOSK SIGNS AND COMMEMORATIVE BANNERS” AS IT RELATES TO OFF-SITE KIOSK BUSINESS DIRECTIONAL SIGNS AND COMMEMORATE BANNERS ON LIGHT POLES WITHIN THE VILLAGE DISTRICT

WHEREAS, Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 28, 2010; and

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

WHEREAS, specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by amending the Sign Code as it relates to off-site kiosk business directional signs and commemorate banners on light poles within the Town of Apple Valley Village District. The proposed amendment modifies Code Section 9.74.040 “Definitions” and adding Section 9.74.155 “Village District Business Directional Kiosk Signs and Commemorative Banners”; and

WHEREAS, on November 5, 2010, Development Code Amendment No. 2010-06 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be determined that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is EXEMPT from further CEQA review; and

WHEREAS, on November 17, 2010, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2010-06, receiving testimony from the public; and

WHEREAS, Development Code Amendment No. 2010-06 is consistent with Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

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

Section 1. Find that the changes proposed by Development Code Amendment No.

2010-06 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 2. Pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be determined that the Code amendment is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as with the proposed Code Amendment, that there is no possibility that the proposal approved under Development Code Amendment No. 2010-06 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

Section 3. Add Section 9.74.155 “Village District Business Directional Kiosk Signs and Commemorative Banners” to Chapter 9.74 “Signs and Advertising Displays” of Title 9 “Development Code” to read as follows:

9.74.155 VILLAGE DISTRICT BUSINESS DIRECTIONAL KIOSK SIGNS AND COMMEMORATIVE BANNERS.

The following shall regulate and establish a standardized program of off-site directional kiosk signs and commemorative banners/pennants for light poles within the Village Business District. For the purposes of this section, only those businesses located within the Village Business District may participate in the approved kiosk directional program. The Village Business District is generally defined as the corridor along Highway 18, between Navajo Road and Mesquite Road, and Ottawa Road to the south and Esaws Road to the north.

A. Business Directional Kiosk Sign

1. The kiosk location plan, sign structure and panel design shall be approved by the Planning Commission at a public hearing.
2. A kiosk sign structure shall be located not less than three hundred (300) feet from any other kiosk sign for any single direction of traffic. This also includes kiosks for residential development.
3. Each kiosk sign shall require the submittal of a detailed site plan showing the specific location of the sign which shall be reviewed and approved by the Planning Division in accordance with the requirements of this Code.
4. The placement of panels on the kiosk structure shall be reviewed and approved by the Director.
5. All kiosk sign structures placed on private property shall require written consent of the property owner which shall be filed with the Planning Division.
6. All kiosk signs located on Town property, or within a designated Town right-of-way, shall require an encroachment permit through the Public Works Division, and a hold harmless agreement, or other form of liability insurance, deemed necessary and approved by the Town Attorney. No kiosk sign structures shall be permitted within any public right-of-way controlled or maintained by the California Department of Transportation or the Town of Apple Valley.
7. There shall be no additions, tag signs, streamers, devices, display boards, or appurtenances added to the kiosk signs as originally approved. Further, no other directional signs may be used, such as posters or trailer signs.
8. At the option of the Town, an administrator may be assigned to monitor, approve, assign, and otherwise manage the kiosk sign and/or kiosk sign program.
9. All kiosk signs shall be constructed in accordance with the requirements of the Uniform Building Code (UBC) and all applicable requirements of the Public Works Division.

10. All kiosk signs shall be permitted in any Commercial zoning district within the Village Business District, subject to the requirements of this Section.
11. All kiosk sign structures shall conform to the following standard regulations:
 - a. Kiosk structure shall not exceed a maximum height of seven (7) feet and four feet four inches (4 ¼) wide as shown in Figure 9.74.150-A.
 - b. No more than three (3) panels per business per side of a kiosk are permitted;
 - c. Double sided kiosk signs are permitted;
 - d. Kiosk sign panels may only contain the name of the business and a directional arrow;
 - e. No more than one panel per business per side of a kiosk sign is permitted.
 - f. Kiosk sign structures shall not encroach within the clear sight triangle as defined in Chapter 9.08 of this Code or create a traffic hazard;
 - g. Design, size and height of kiosk structures and panels shall be approved by the Planning Commission.

B. Commemorative Street Light Banner

1. No more than two (2) vertical pole commemorative banners shall be allowed to be attached to an existing street light pole within the Village District. Such banners shall not exceed twelve and one-half (12 ½) square feet in area; shall have a maximum width of two and one-half (2 ½) feet and a maximum height of five (5) feet.
2. Such commemorative banners attached to public utility light pole shall be approved by Southern California Edison (SCE) prior to attachment.
3. The commemorative banners shall not be used for commercial or political advertising, except that logos and trademarks of the Village District shall be permitted.

Section 4. Amend Section 9.74.040 “Definitions” of Chapter 9.74 “Signs and Advertising Displays” of Title 9 “Development Code” to read as follows:

9.74.040 DEFINITIONS

Kiosk Sign. An off-premises sign used for directing people to the sales office or models of a residential subdivision project or to businesses within the Village Business District (Figure 9.74.040-N).

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 17th day of November, 2010.

Bruce Kallen, Chairman

ATTEST:

I, Patty Hevle, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing Planning Commission Resolution No. 2010-008 was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 17th day of November, 2010, by the following vote, to-wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Patty Hevle, Planning Commission Secretary