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**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, May 6, 2015 – 6:00 P.M.**

PUBLIC PARTICIPATION IS INVITED. Planning Commission meetings are held in the Town Council Chambers located at 14955 Dale Evans Parkway, Apple Valley, California. If you wish to be heard on any item on the agenda during the Commission's consideration of that item, or earlier if determined by the Commission, please so indicate by filling out a "REQUEST TO SPEAK" form at the Commission meeting. Place the request in the Speaker Request Box on the table near the Secretary, or hand it to the Secretary at the Commission meeting. (G.C. 54954.3 {a}).

Materials related to an item on this agenda, submitted to the Commission after distribution of the agenda packet, are available for public inspection in the Town Clerk's Office at 14955 Dale Evans Parkway, Apple Valley, CA during normal business hours. Such documents are also available on the Town of Apple Valley website at www.applevalley.org subject to staff's ability to post the documents before the meeting.

The Town of Apple Valley recognizes its obligation to provide equal access to those individuals with disabilities. Please contact the Town Clerk's Office, at (760) 240-7000, two working days prior to the scheduled meeting for any requests for reasonable accommodations.

REGULAR MEETING

The Regular meeting is open to the public and will begin at 6:00 p.m.

CALL TO ORDER

ROLL CALL

Commissioners: Lamoreaux_____;Shoup_____;Tinsley_____
Vice-Chairman Qualls_____; and Chairman Kallen_____

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. Minutes for the Regular Meeting of April 15, 2015.

PUBLIC HEARING ITEMS

2. **Tentative Parcel Map No. 19645.** A request to consolidate and reconfigure ten (10) existing parcels into two (2) parcels consisting of 47.8 and 106.4 acres for future industrial development.

Applicant: Watson Land Company

Location: South of Lafayette Road between Navajo Road and Dachshund Avenue; APNs 0463-231-07,-08,-10,-26,-27,-28,-30,-42,-43 &-60.

Project Planner: Carol Miller, Principal Planner
Recommendation: Approval

3. **Development Code Amendment No. 2015-002.** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by amending Chapter 9.74 "Signs and Advertising Displays" as it relates temporary political signs and digital advertising displays.

Applicant: Town of Apple Valley
Location: Town-wide
Project Planner: Pam Cupp, Associate Planner
Recommendation: Adopt Planning Commission Resolution No. 2015-004.

4. **Development Code Amendment No. 2015-001.** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by amending Chapter 9.77 as it relates to wireless telecommunication towers and antennas that it is consistent with Federal Law.

Applicant: Town of Apple Valley
Location: Town-wide
Project Planner: Carol Miller, Principal Planner
Recommendation: Adopt Planning Commission Resolution No. 2015-003.

PUBLIC COMMENTS

Anyone wishing to address an item not on the agenda, or an item that is not scheduled for a public hearing at this meeting, may do so at this time. California State Law does not allow the Commission to act on items not on the agenda, except in very limited circumstances. Your concerns may be referred to staff or placed on a future agenda.

PLANNING COMMISSION COMMENTS

STAFF COMMENTS

OTHER BUSINESS

5. A request to consider a General Plan Conformity Finding for the Town's Capital Improvement Program for the fiscal year 2015-2016.

ADJOURNMENT

In that there are no items scheduled for the May 20, 2015 meeting, the Planning Commission will adjourn to its next regularly scheduled Planning Commission meeting on June 3, 2015.

MINUTES

TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, April 15, 2015

CALL TO ORDER

At 6:02 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for April 15, 2015, was called to order by Chairman Kallen.

ROLL CALL

Planning Commission

Roll call was taken with the following members present: Commissioner Jason Lamoreaux, Commissioner Mark Shoup, Commissioner B.R. "Bob" Tinsley, Vice-Chairman Doug Qualls and Chairman Bruce Kallen.

STAFF PRESENT

Carol Miller, Principal Planner; Pam Cupp, Associate Planner; Haviva Shane, Town Attorney; and Debra Thomas, Planning Commission Secretary.

PLANNING COMMISSION CLOSED SESSION

It was the consensus of the Planning Commission to adjourn to Closed Session at 6:03 p.m. to discuss the following:

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (d) of Section 54956.9; (1 or more cases).

Upon returning from Closed Session at 6:19 p.m., Chairman Kallen reported that there was no reportable action taken.

PLEDGE OF ALLEGIANCE

Commissioner Tinsley led the Pledge of Allegiance.

1. APPROVAL OF MINUTES

Minutes for the Regular Meeting of March 18, 2015.

Motion by Commissioner Tinsley, and seconded by Commissioner Shoup, to approve the Minutes for the Regular Meeting of March 18, 2015.

Motion Carried by the following vote: Ayes: Commissioner Lamoreaux, Commissioner Shoup, Commissioner Tinsley, Vice-Chairman Qualls and Chairman Kallen. Noes: None. Absent: None. Abstain: None.

PUBLIC HEARING ITEMS

2. **Sign Program 2015-001 (Continued from March 18, 2015).** A request to approve a Sign Program for a multi-tenant, medical office building.

Applicant: South West Sign Maintenance representing Magnus Windsor, LLC

Location: 16008 Kamana Road; APN 0473-412-18

Chairman Kallen opened the public hearing at 6:21 p.m.

Commissioner Tinsley recused himself from this item and left the dias at 6:22 p.m.

Ms. Pam Cupp, Associate Planner, presented the staff report as filed by the Planning Division.

Mr. Robert Martinez, Project Architect speaking on behalf of the Applicant, commented on the monument sign design presented to the Planning Commission and believes that the sign is not within the clear-site triangle. Mr. Martinez also urged the Commission to approved a 1:1 sign area ratio per floor for the building. .

PUBLIC COMMENT

None.

Chairman Kallen closed the public hearing at 6:51 p.m.

Discussion ensued by the Planning Commission relating to the overage of wall sign area proposed and that the location of the monument sign, including its digital display, is within the clear-site triangle at Kamana and Apple Valley Roads.

MOTION

Motion by Commissioner Lamoreaux, seconded by Commissioner Shoup, that the Planning Commission move to:

1. Deny Sign Program No. 2015-001 without prejudice.

ROLL CALL VOTE

Ayes: Commissioner Lamoreaux
Commissioner Shoup
Vice-Chairman Qualls
Chairman Kallen

Noes: None

Abstain: Commissioner Tinsley

Absent: None

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

Commissioner Tinsley returned to the Dias at 7:14 p.m.

- 3. Development Code Amendment No. 2015-001.** An amendment to the Development Code, Chapter 9.77 “Wireless Telecommunications Towers and Antennas” as it relates to wireless telecommunication towers and antennas so that it is consistent with Federal Law.

Applicant: Town of Apple Valley

Location: Town-wide

Chairman Kallen opened the public hearing at 7:14 p.m.

Ms. Carol Miller, Principal Planner, asked the Planning Commission to continue the public hearing to the meeting of May 6, 2015, to allow staff additional time to prepare the staff analysis and report.

PUBLIC COMMENT

None.

Chairman Kallen closed the public hearing at 7:15 p.m.

MOTION

Motion by Commissioner Shoup, seconded by Commissioner Lamoreaux, that the Planning Commission move to:

1. Continue the public hearing for this item to the meeting of May 6, 2015, to allow staff additional time to prepare the staff analysis and report.

ROLL CALL VOTE

Ayes: Commissioner Lamoreaux
Commissioner Shoup
Commissioner Tinsley
Vice-Chairman Qualls
Chairman Kallen

Noes: None

Abstain: None

Absent: None

The motion carried by a 5-0-0-0 vote.

PUBLIC COMMENTS

None.

PLANNING COMMISSION COMMENTS

Commissioner Shoup asked why the Planning Commission could not consider the economic or financial aspects of any project in its deliberations and asked whether it was outlined in the Development Code or was guided by California State law.

Ms. Haviva Shane, Town Attorney, advised the Planning Commission that it must make all of its decisions based solely on the Town of Apple Valley’s Development Code.

Ms. Carol Miller, Principal Planner, indicated staff would research Commissioner Shoup's question and provide the Planning Commission with a more in-depth explanation.

Chairman Kallen commented on the infill workshop conducted by Ms. Lori Lamson, Assistant Town Manager, saying what a great job she had done.

Chairman Kallen stated he would like to find a way to incorporate consideration of some of the financial aspects of a project. He also wanted to look at the Development Code as it relates to signage.

STAFF COMMENTS

Ms. Carol Miller, Principal Planner, stated that the Planning Commission has items scheduled for the May 6, 2015 Planning Commission meeting. She also informed the Commissioners that the Town Council authorized a General Plan Amendment and Zone Change for a couple of Town-owned properties. In addition, Town Council approved the Sitting Bull Project and the Amendment to the Jess Ranch Lakes RV Resort.

OTHER BUSINESS

- 4. Development Code Interpretation No. 2015-01.** A request to interpret the Chapter 9.74 "Signs and Advertising Displays" of the Development Code as it pertains to the use of vinyl lettering as a wall sign.

Ms. Carol Miller, Principal Planner, presented the memorandum as filed by the Planning Division.

It was the consensus of the Planning Commission that vinyl lettering was not considered permanent wall signage.

ADJOURNMENT

Motion by Commissioner Tinsley, seconded by Commissioner Lamoreaux, and unanimously carried to adjourn the meeting of the Planning Commission at 7:27 p.m. to the Regular Meeting on May 6, 2015.

Respectfully Submitted by:

Debra Thomas
Planning Commission Secretary

Approved by:

Chairman Bruce Kallen



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TOWN OF APPLE VALLEY PLANNING COMMISSION

Staff Report

- AGENDA DATE:** May 6, 2015
- CASE NUMBER:** Tentative Parcel Map No. 19645
- APPLICANT:** Watson Land Company
- PROPOSAL:** The applicant is requesting a Tentative Parcel Map to consolidate and reconfigure ten (10) existing industrial parcels into two (2) parcels consisting of 47.8 and 106.4 acres for future industrial development.
- LOCATION:** South of Lafayette Road between Navajo Road and Dachshund Avenue; APNs 0463-231-07,-08,-10,-26,-27,-28,-30,-42,-43 &-60.
- GENERAL PLAN DESIGNATION:** Specific Plan
- EXISTING ZONING:** Specific Plan
- ENVIRONMENTAL DETERMINATION:** Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15305 the proposal is Exempt from further environmental review. The proposal is consolidating and reconfiguring the ten (10) parcels into two (2) parcels that will not result in any changes in land use or density.
- CASE PLANNER:** Ms. Carol Miller, Principal Planner
- RECOMMENDATION:** Approval

PROJECT SITE AND DESCRIPTION:

- A. **Project Size:**
The approximately 162-acre site encompasses ten (10) industrially-zoned parcels.
- B. **General Plan Designations:**
- | | |
|----------------|---------------------------------|
| Project Site - | Specific Plan Industrial (I-SP) |
| North - | Specific Plan Industrial (I-SP) |
| South - | Specific Plan Industrial (I-SP) |
| East - | Specific Plan Industrial (I-SP) |
| West - | Specific Plan Industrial (I-SP) |

C. Surrounding Zoning and Land Use:

Project Site-	Specific Plan Industrial (I-SP), Vacant land
North -	Specific Plan Industrial (I-SP), Vacant land and distribution center
South -	Specific Plan Industrial (I-SP), Vacant land
East -	Specific Plan Industrial (I-SP), Vacant land and industrial development
West -	Specific Plan Industrial (I-SP), Vacant land

D. Site Characteristics:

The site is vacant with native desert vegetation. The site has some land disturbances due to off-road activity and natural drainage that bisects the property at the northeast portion of the site.

ANALYSIS

A. General:

Tentative Parcel Map No. 19645 proposes to reconfigure ten (10) parcels into two (2) parcels to encourage future industrial development and the future sale of land. This will enable larger type projects. Parcel No. 1 consists of 106.4 acres and Parcel No. 2 consists of 47.8 acres. The current owner of all the parcels is Watson Land Company. No industrial development of the property is proposed at this time.

Section 66412 of the Subdivision Map Act will allow the adjustment of lot lines between four (4) or fewer existing adjoining parcels, where the land is taken from one parcel and is added to an adjoining parcel, and where a greater number of parcels than originally existed is not created. In this instance, ten (10) parcels are involved in the reconfiguration and therefore, do not qualify for the Lot Line Adjustment process and must be reconfigured through the Parcel Map process.

The subject site is located within the North Apple Valley Industrial Specific Plan project area. The Parcel Map is in conformance with the North Apple Valley Industrial Specific Plan.

Environmental Assessment

Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15305 the proposal is Exempt from further environmental review. The proposal is consolidating and reconfiguring the ten (10) parcels into two (2) parcels that will not result in any changes in land use or density.

Noticing

This item was advertised as a public hearing in the Apple Valley News newspaper on April 24, 2015 and notices were mailed to all property owners within 1,300 feet of the project site. At this time, staff has not received any comments on this request.

Findings

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

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

Comment: The subject property has a General Plan land use designation of Specific Plan Industrial (I-SP) and a Zoning Designation of Specific Plan Industrial (I-SP). By its size, shape and configuration, the property has the ability to be used in a manner consistent with the General Plan Land Use Element and zoning designations. The project is a proposal to reconfigure 162 acres into two (2) parcels that meet the minimum requirements for lot size, width and depth as prescribed by the North Apple Valley Industrial Specific Plan.

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

Comment: The proposal consists of the reconfiguring ten (10) lots into two (2) lots for the purpose of larger scale future industrial development. The proposed reconfiguration creates parcel configurations more suitable for future large industrial development in a manner that is consistent with the Town's General Plan Goals and the North Apple Valley Industrial Specific Plan but not at the expense of the housing needs of the region.

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

Comment: The reconfigured lots created under this parcel map are appropriate in size to provide natural heating and cooling opportunities at the time of development of the site. As development occurs, projects are subject to the implementation of natural heating and cooling requirements pursuant to Title 24 energy requirements.

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

Comment: The proposal is equivalent to a lot line adjustment and, at the time of development, projects will be required to connect to the Town of Apple Valley sewer system.

RECOMMENDATION:

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

1. Find that pursuant to the California Environmental Quality Act (CEQA), Section 15305, the proposed request is Exempt from further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve Tentative Parcel Map No. 19645, subject to the attached Conditions of Approval.

4. Direct Staff to file the Notice of Exemption.

Prepared By:

Reviewed By:

Carol Miller
Principal Planner

Lori Lamson
Assistant Town Manager

ATTACHMENTS:

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

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL Tentative Parcel Map No. 19645

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

Planning Division Conditions of Approval

- P1. This Tentative Parcel Map shall comply with the provisions of the State Subdivision Map Act and the Town Development Code. This tentative approval shall expire three (3) years from the date of approval by the Planning Commission/Town Council. A time extension may be approved in accordance with the State Map Act and Town Ordinance, if an extension application is filed and the appropriate fees are paid thirty (30) days prior to the expiration date. The Tentative Parcel Map becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. Prior to approval of the Final Map, the following agencies shall provide written verification to the Planning Division that all pertinent conditions of approval and applicable regulations have been met:
- Apple Valley Fire Protection District
Apple Valley Ranchos Water Company
Apple Valley Public Services Division
Apple Valley Engineering Division
Apple Valley Planning Division
- P3. Tentative Parcel Map No. 19645 shall adhere to all requirements of the North Apple Valley Industrial Specific Plan and Development Code.
- P4. The applicant shall agree to defend at his sole expense (with attorneys approved by the Town), and indemnify the Town against any action brought against the Town, its agents, officers or employees resulting from or relating to this approval. The applicant shall reimburse the Town, its agents, officers or employees for any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of these obligations under this condition.
- P5. Approval of the Tentative Parcel Map No. 119645 by the Planning Commission is understood as acknowledgement of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, Appeals, of the Town of Apple Valley Development Code.
- P6. The filing fee for a Notice of Exemption (NOE) requires the County Clerk to collect a handling fee of \$50.00. The fees must be paid within five (5) days of the approval of this application in order to reduce the Statute of Limitations to thirty (30) days. All fees must be submitted prior to the issuance of any permits. All checks shall be made payable to the

County of San Bernardino Clerk of the Board.

Engineering Division Conditions of Approval

- EC1. A forty-four (44)-foot wide half-width road dedication along Navajo Road shall be granted to the Town of Apple Valley prior to Final Map Approval.
- EC2. A forty-four (44)-foot half-width road dedication along Lafayette Road shall be granted to the Town of Apple Valley prior to Final Map Approval.
- EC3. A thirty-five (35)-foot radius at the corner of Navajo Road and Lafayette Road shall be granted to the Town of Apple Valley prior to Final Map Approval.
- EC4. A forty-four (44)-foot half-width road dedication along Dachshund Road shall be granted to the Town of Apple Valley prior to Final Map Approval.
- EC5. A thirty-five (35)-foot radius at the corner of Lafayette Road and Dachshund Road shall be granted to the Town of Apple Valley prior to Final Map Approval.

End of Conditions

ZONING/LOCATION MAP

Tentative Parcel Map No. 19645

South of Lafayette Road
 between Navajo Road and
 Dachshund Avenue.

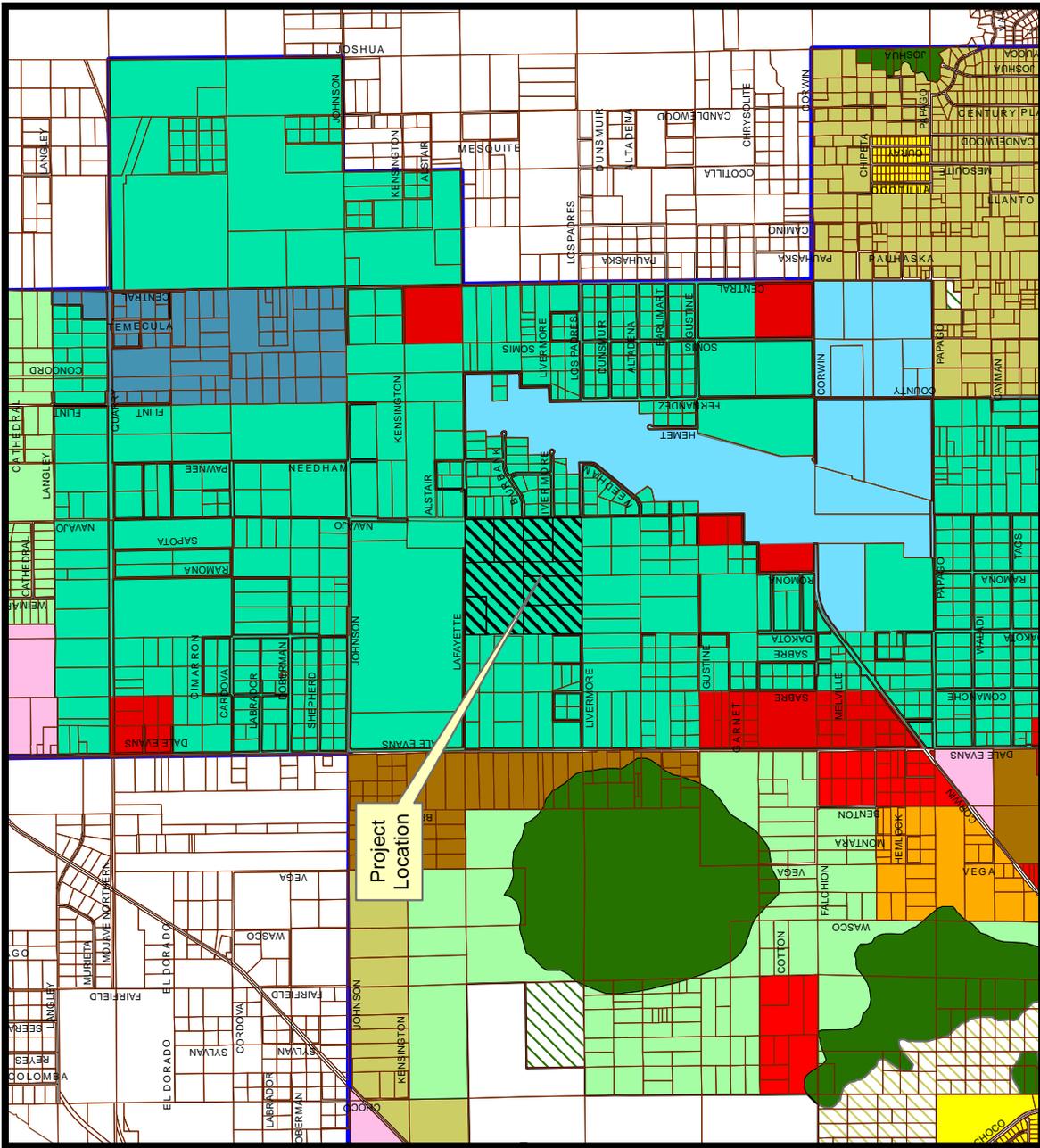
APN(s) 0463-231-07, -08, -10,
 -26, -27, -28, -30, -42, -43,
 and -60.



Zoning Designations

- (R-LD) Low Density Residential (1 du/d to 5 gross acres)
- (R-E) Estate Residential (1 du/d to 2.5 gross acres)
- (RE-S/G) Estate Residential 3rd (1 du/d to 0.75 net acre)
- (R-EG) Equestrian Residential (1 du/d to 0.9 net acre)
- (R-SF) Single Family Residential (1 du/d to 0.9 net acre)
- (R-M) Multi-Family Residential (2 to 20 du/d net acre)
- (C-G) General Commercial
- (O-P) Office Professional
- (O-S-C) Open Space Conservation
- (O-S-R) Open Space Recreation
- (SP) Specific Plan
- WAVS P Land Use**
- WAVS P General Commercial (CG)
- WAVS P Airport Industrial (AI)
- WAVS P General Industrial (GI)
- WAVS P Industrial Specific Plan (ISP)

Date: 4/27/2015





TOWN OF APPLE VALLEY PLANNING COMMISSION

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Staff Report

AGENDA DATE:	May 6, 2015
CASE NUMBER:	Development Code Amendment No. 2015-002
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 9.74.110.G "Digital Advertising Displays" and Section 9.74.170 "Temporary Political Signs".
LOCATION:	Town-wide
EXISTING GENERAL PLAN DESIGNATIONS:	All Land Use Designations.
EXISTING ZONING:	All Zoning Designations.
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. Pam Cupp, Associate Planner
RECOMMENDATION:	Adopt Planning Commission Resolution No. 2015-004.

BACKGROUND

On April 14, 2015, the Town Council initiated a Development Code Amendment regarding Temporary Political Signs and Digital Advertising Displays.

DISCUSSION

During last November's election, concerns were raised regarding the Town's existing temporary political sign regulations and that there are no provisions concerning the number of signs that may be posted on a single lot by an individual candidate or ballot measure. Consideration should also be given to when a temporary sign permit would be required, since the Code does not specifically address the need for permits when installing temporary political signs.

Modifications may be required to the Town's regulations concerning digital advertising displays. Staff has been notified by the Town Attorney that our digital display regulations may conflict with case law because of the requirement for a discretionary review under the Development Permit process. It is recommended that our Code be modified to eliminate any discretionary review relative to digital advertising displays. Additional development standards have been crafted to ensure sign compliance with the law and protect the Town from future litigation.

Staff is offering for the Commission's consideration the following amended language as identified by strike through and underlined text. Any staff analysis will be within a comment box.

9.74.110.G Digital Advertising Displays

- A. ~~Permitted in all commercial districts subject to Planning Commission review and approval of a Development Permit.~~

The intent is to include all standards and requirements for digital advertising displays in the sign provisions.

- B. Digital Advertising Displays shall be permitted in all commercial districts subject to the following:

1. Project site must have a minimum frontage of 225 feet along a Major Divided Arterial, Major Divided Parkway, or Major Road as identified within the Town's General Plan.
2. Signs may not be located ~~within the direct line of sight of any existing residential unit~~ within 450 300 feet of any residential use or district ~~said sign~~.

Staff's recommendation is provided as a starting point for discussion. By requiring 225 feet of frontage, which is three times the minimum lot width for commercial zones, only larger developments would qualify for a digital sign. Staff is further recommending a separation distance to residential use or district, instead of the existing line of site provision.

3. Digital advertising displays are accessory to, and must be architecturally integrated with non-digital, permanent free-standing or wall signs and may only occupy up to fifty (50) percent of the sign area, except that this provision does not apply to billboards adjacent to the freeway.

4. Signs visible from the public right-of-way shall not change at a frequency in excess of one alteration per five (5) seconds.
5. Transition between slides shall not exceed one (1) second.
6. Each slide shall contain one (1) complete message; messages shall not be truncated between slides.
7. Scrolling or animated characterization is not permitted, except along pedestrian mall areas, not visible from a public right-of-way, may use scrolling and animated characterization. ~~as expressly set forth below.~~
8. All signs must comply with the illumination provisions of this Section.
9. ~~Signs located~~ Digital Signs shall not advertise off-site businesses.

9.74.170 Temporary Political Signs

- A. Temporary political signs encourage a particular vote in a scheduled election and are permitted on private property in all districts subject to the following:

The above modification is suggested because it specifically describes temporary political signs and it separates temporary political signs from other types of noncommercial signage.

1. Election signs shall not be displayed more than forty-five (45) days prior to an election, except for signs which are pertinent to a primary and run-off election, and shall be removed within seven (7) days after the election;
2. Signs may only be placed or erected upon property with the permission of the property owner or tenant.
3. ~~Other political signs shall not be displayed for more than fifty (50) days unless a permit is issued in accordance with other provisions of this Chapter;~~

Staff is recommending removal of this provision, as it refers to noncommercial signs, which are addressed elsewhere in the code.

4. In residential districts, signs shall have maximum area of six (6) square feet, with a maximum height of four (4) feet for free-standing signs with than aggregate area of all signs on a single parcel not to exceed eighty (80) square feet in order to reduce the accumulation of debris.
5. In nonresidential districts, and on vacant property in residential districts that is located on major divided, major or secondary roads, as indicated in the General Plan, each candidate or ballot measure may have up to thirty-two (32) square feet of sign area per parcel with a maximum height of six (6) feet for free-standing signs shall have a maximum area of eighteen (18) square feet with a maximum height of six (6) feet for free-standing signs;

The current Code identifies maximum sign area but does not speak to the number of signs permitted per parcel. Limiting the number of signs may be constitutionally impermissible; however, reasonable size regulations have been upheld. Staff is recommending that the Town regulate total sign area per candidate, per parcel. Allowing up to thirty-two (32) square feet of sign area would allow for one large sign or three to four smaller signs.

6. Signs shall not be located in the Clear Sight Triangle (see definition in Section 9.08 of this Chapter).
7. Signs must maintain a minimum setback of five (5) feet from property line.
8. Sign permits are not required for temporary political signs; however, a statement of responsibility must be filed with the Planning Division.
9. Signs may not be installed on public property or within the public right-of-way.

The Code does not specifically require sign permits for temporary political signs, nor does it require sign permits for temporary real estate or temporary civic event signs. Therefore, it would not be equitable to require permits for political signs. Instead of a permit, the Town should consider requiring the submittal of a "Statement of Responsibility" that would contain contact information in case of a problem with the sign or property owner complaints. Staff would further recommend that any such document also contain an acknowledgement statement that the candidate and/or ballot measure proponent agree with and understand the Town's rules regarding temporary political signs.

~~B. Temporary political signs which exceed the limitations in subsection A above may be permitted, subject to the following:~~

~~C.~~

~~1. Signs shall have a maximum area of thirty-two (32) square feet;~~

~~2.~~

~~3. Signs shall not exceed a maximum height of six (6) feet;~~

D. Signs may only be placed or erected on property with the ~~written~~ permission of the property owner or tenant.

E. **Abatement of Signs.** The Director shall order the abatement, abate, or cause to be abated any temporary political sign erected, placed, or displayed in violation, subject to the provisions within Section 9.74.230 "Enforcement".

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 modifications to 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 signage within the Town of Apple Valley will help maintain a quality street scene.

- 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. 2015-002 will modify the Town's Development Code by updating the Town's provisions relative to the display of temporary political signs and the discretionary review requirement of certain signs within the Town to be compliant with Case Law. The proposed revisions 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. 2015-002 was advertised as a public hearing in the Apple Valley News newspaper on April 24, 2015.

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. 2015-004, 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:

Reviewed By:

Pam Cupp
Associate Planner

Carol Miller
Principal Planner

Attachment:
Draft Planning Commission Resolution No. 2015-004

PLANNING COMMISSION RESOLUTION NO. 2014-004

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2015-002 AMENDING TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING SECTION 9.74.110.G "DIGITAL ADVERTISING DISPLAYS" AND SECTION 9.74.170 "TEMPORARY POLITICAL SIGNS".

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

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

WHEREAS, specific changes are proposed to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by comprehensively amending Chapter 9.74; and,

WHEREAS, on April 24, 2015, Development Code Amendment No. 2015-002 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, 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; and

WHEREAS, on May 6, 2015 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2015-002, receiving testimony from the public; and

WHEREAS, Development Code Amendment No. 2015-002 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. 2015-002 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 2. 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.

Section 3. Amend the Development Code Section 9.74.110.G "Digital Advertising Displays" as follows:

"G. Digital Advertising Displays

1. Permitted in all commercial districts subject to the following sit standards:
 - a. Project site must have a minimum frontage of 225 feet along a Major Divided Arterial, Major Divided Parkway, or Major Road as identified within the General Plan Circulation Element.
 - b. Signs may not be located within 300 feet of any residential use or district.
2. Digital advertising displays are accessory to, and must be architecturally integrated with non-digital, permanent free-standing or wall signs and may only occupy up to fifty (50) percent of the sign area, except that this provision does not apply to billboards adjacent to the freeway.
3. Signs visible from the public right-of-way shall not change at a frequency in excess of one alteration per five (5) seconds.
4. Transition between slides shall not exceed one (1) second.
5. Each slide shall contain one (1) complete message; messages shall not be truncated between slides.
6. Scrolling or animated characterization is not permitted unless located along pedestrian mall areas, not visible from a public right-of-way.
7. All signs must comply with the illumination provisions of this Section.
8. Digital Signs shall not advertise off-site businesses."

Section 3. Amend the Development Code Section 9.74.160 "Temporary Real Estate Signs" as follows:

"9.74.170 Temporary Political Signs

- A. Temporary political signs encourage a particular vote in a scheduled election and are permitted on private property in all districts subject to the following:
 1. Election signs shall not be displayed more than forty-five (45) days prior to an election, except for signs which are pertinent to a primary and run-off election, and shall be removed within seven (7) days after the election;
 2. Signs may only be placed or erected on property with the written permission of the property owner or tenant.
 3. In residential districts, In residential districts, signs shall have maximum area of six (6) square feet, with a maximum height of four (4) feet for free-standing signs with than aggregate area of all signs on a single parcel not to exceed eighty (80) square feet in order to reduce the accumulation of debris.

4. In nonresidential districts, and on vacant property in residential districts that is located on major divided, major or secondary roads, as indicated in the General Plan, each candidate or ballot measure may have up to thirty-two (32) square feet of sign area per parcel with a maximum height of six (6) feet for free-standing signs.
 5. Signs shall not be located in the Clear Sight Triangle (see definition in Section 9.08 of this Chapter)."
 6. Signs must maintain a minimum setback of five (5) feet from property line.
 7. Sign permits are not required for temporary political signs; however, a statement of responsibility must be files with the Planning Division.
 8. Sign may not be installed on public property or within the public right-of-way.
- B.** Sign may only be placed or erected on property with the permission of the property owner or tenant.
- C. *Abatement of Signs.*** The Director shall order the abatement, abate, or cause to be abated any temporary political erected, placed, or displayed in violation, subject to the provisions within Section 9.74.230 "Enforcement" of this Chapter."

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 6th day of May, 2015.

Chairman Bruce Kallen

ATTEST:

I, Debra Thomas, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 6th day of May, 2015 by the following vote, to-wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ms. Debra Thomas, Planning Commission Secretary



TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

Staff Report

- AGENDA DATE:** May 6, 2015
- CASE NUMBER:** Development Code Amendment No. 2015-001
- 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 by amending Chapter 9.77 as it relates to modifications to existing wireless telecommunication towers and antennas consistent with Federal Law.
- LOCATION:** Town-wide
- 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:** Carol Miller, Principal Planner
- RECOMMENDATION:** Adopt Planning Commission Resolution No. 2015-003

BACKGROUND

On February 22, 2012, the Middle Class Tax Relief and Job Creation Act of 2012 became law. Section 6409(a) of the Act provides that local government “may not deny, and shall approve” any request for collocation, removal, or replacement of transmission equipment on an existing wireless tower or base station, provided the change does not substantially change the

physical dimensions of the tower or base station. The Federal Communications Commission (FCC) recently adopted regulations that implement Section 6409(a). Therefore, the purpose of the Code Amendment is to bring the Town's wireless telecommunication facilities ordinance in conformance with the new Federal regulations while minimizing the impacts related to automatic modifications as allowed under Section 6409(a).

DISCUSSION

The new rule only addresses modifications as allowed under Section 6409(a), and not the approval of new wireless communication facilities. The Town retains full discretion to approve any new wireless communication facilities. Modifications allowed under Section 6409(a) do reduce the Town's ability to mitigate impacts or add project specific conditions that address circumstances for individual projects. Therefore, in response to the Federal action, staff is recommending provisions to implement the law, remove most incentives for collocation (because Section 6409(a) provides a collocation alternative), and reduce the potential for unintended impacts which may result from the new law.

Although 6409(a) regulations are silent as to whether or not the automatic modifications are a one time increase or can be incremental increases, the regulations have been interpreted to be cumulative so that all 6409(a) modifications are limited to less than allowable height and width increase under substantial change.

Since most facilities in Town are either concealed or camouflaged, the area of concern regarding the new rule is the added height that existing wireless telecommunication facilities are allowed, which can be as much as a twenty (20)-foot increase in height. As the Commission is aware, height of a facility has always been a concern when considering new wireless facilities. The current allowed heights for new facilities and what they would be allowed based on the new rule are listed below:

Number of Tenants	Max. Height	Max. Height. w/ new rule
Non Preferred Location	55 ft.	75'
Preferred Location : 1	75 ft.	95'
Preferred Location : 2	88 ft.	108'
Preferred Location : 3 or more	102 ft.	122'

It should be noted that although tower heights have been approved based on allowances for multiple tenants, a tower height could be increased under 6409(a) regulations even though the tower is not fully occupied by the anticipated number of tenants. This calls into question the need for the height requirements for multiple carriers since Section 6409(a) modifications support collocation. Therefore, staff is recommending removal of all pre-approved collocation and height bonus incentives based on the number of tenants since Federal law provides an alternative to support collocation through Section 6409(a) Modifications. In addition, staff is recommending lowering the maximum height for a Non-Preferred Location from fifty-five (55) feet to fifty (50) feet. The logic would be to anticipate an additional twenty (20) feet as allowed under Section 6409(a). For Preferred Locations, the provision for maximum height based on the number of tenants has been eliminated. The maximum height recommendation stipulates a maximum tower height of seventy-five (75) feet. The logic is the Section 6409(a) modification will add an additional height of twenty (20) feet, bringing the tower height to ninety-five (95) feet in height. No other provisions for additional height, except that the provisions for a Deviation Permit are unchanged.

To address the new automatic modifications rule staff is recommending the following changes to Chapter 9.77.

9.77.090 DEFINITIONS

As used in this Section, the following terms shall have the meanings set forth below:

- A.** “Alternative tower structure” means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- B.** “Antenna” means any exterior transmitting or receiving device mounted on a tower, building structure, or alternative tower structure, and used in communication that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals or other communication signals.
- C.** “Backhaul network” means the lines that connect a provider’s towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
- D.** “Base Station” means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network, including (a) equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul and (b) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks). Base Station does not include Tower.
- E.** Cable micro cell network means a cable network using multiple low-powered transmitters/receivers attached to existing wire line systems, such as conventional cable or telephone wires, or similar technology, that does not require the use of towers.
- F.** “Collocation Facility” means the placement or installation of wireless facilities, including antennas, and related equipment, on, or immediately adjacent to, a wireless telecommunications collocation facility.
- G.** “Director” means the Town’s Director of Economic and Community Development or his or her designee.
- H.** Electro magnetic interference means the distortion, disruption or blockage of the clear reception or transmission of any radio, television, communications, data or other type of electronic communications media.
- I.** “Eligible Facilities Request” means any request for modification of an existing wireless tower or base station that involves (a) a collocation of new transmission equipment, (b) removal of transmission equipment, or (c) replacement of transmission equipment
- J.** “FAA” means the Federal Aviation Administration.
- K.** “FCC” means the Federal Communications Commission.
- L.** “Height” means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel on which the structure is located to the highest point on the tower or other structure, including the base pad and any antenna.

- M.** Monopole means any singular, monolithic structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes. Also see “Tower”.
- N.** Parabolic means a curved or cone shaped structure.
- O.** “Preexisting towers and preexisting antennas” means any tower or antenna for which a building permit or conditional use permit has been properly issued prior to the effective date of this Section, including permitted towers or antennas that have not yet been constructed, so long as such approval is current and not expired.
- P.** “Stealth” antennas or towers shall mean communications facilities, towers and individual antennas using innovative camouflaging techniques to virtually completely screen or conceal such communications facilities, towers and individual antennas from view.
- Q.** “Substantial Change” means a modification that substantially changes the physical dimensions of an eligible support structure if it meets any of the following:

For towers located outside of the right of way:

1. It increases the height of the tower by more than ten percent (10%) or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater;
2. It involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater;
3. It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets;
4. It entails any excavation or deployment outside the site;
5. It would defeat the concealment elements of the tower;
6. It does not comply with existing conditions of approval for the tower provided that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified above; or
7. It does not comply with applicable building codes or other applicable health and safety standards.

For other towers and wireless communications facilities:

1. It increases the height of the structure by more than ten percent (10%) or more than ten (10) feet, whichever is greater;
2. It involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;
3. It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets;
4. It involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any other ground cabinets associated with the structure;
5. It entails any excavation or deployment outside the site;
6. It would defeat the concealment elements of the tower or base station;

7. It does not comply with existing conditions of approval for the tower or base station provided that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified above; or
8. It does not comply with applicable building codes or other applicable health and safety standards.
- R.** “Tower” means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.
- S.** Wireless systems mean any and all type or manner of electromagnetic devices, including antennas, towers, arrays, etc., and associated equipment, used for the transmission or reception of electro magnetic waves communicating any form of information including voice, picture or data.
- T.** “Wireless Telecommunications Facility” means equipment and network components such as towers, utility poles, transmitters, base stations, and emergency power systems that are integral to providing wireless telecommunication services.
- U.** “Wireless Telecommunication Collocation Facility” means a wireless telecommunications facility that includes collocation facilities.
- V.** “Wireless Communication Facility, Section 6409(a) Modification” or “Section 6409(a) Modification” means a modification of an existing wireless tower or base station that involves the collocation, removal or replacement of transmission equipment that does not substantially change the physical dimensions of such wireless tower or base station and that otherwise qualifies for approval pursuant to Section 6409(a) of the federal 2012 Middle Class Tax Relief and Job Creation Act as implemented by 47 C.F.R. 1.40001.

9.77.100 APPLICABILITY

- A.** *New Commercial Towers and Antennas.* All new commercial towers or antennas in the Town of Apple Valley shall be subject to these regulations, except as provided below.
- B.** *Collocation Facilities.* All new collocation facilities on, or immediately adjacent to a previously approved wireless telecommunication facility shall be ~~applicable~~ subject to all collocation criteria in these regulations or as allowed under a Section 6409(a) modification.
- C.** *Amateur Radio Station Operators/Receive Only Antennas.* The maximum height of an amateur radio station operators/receive only antenna shall be fifty (50) feet as measured from grade level to the highest point of the antenna. This Section shall not govern any tower, or the installation of any antenna, that is under fifty (50) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.
- D.** ~~*Preexisting Towers or Antennas.* Preexisting towers and preexisting antennas shall not be required to meet the requirements of this Section, except regarding state and Federal Requirements and Building Code Safety Requirements.~~
- D.** *Eligible Facilities Requests.* Eligible Facilities Requests that do not require a “Substantial Change” shall be processed in accordance with Section 6409(a) of the federal 2012 Middle

Class Tax Relief and Job Creation Act as implemented by 47 C.F.R. 1.40001 . In reviewing permits for qualifying “Eligible Facilities Request”, the Director or their designee shall be required to approve applications, but shall retain discretion to enforce compliance with applicable building, structural, electrical, and safety codes related to health and safety.

- E. **AM Array.** For the purpose of implementing this Section, an AM array, consisting of one or more tower units, and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.
- F. **Modification of Tower/Base Stations.** The Town may not deny any “Eligible Facilities Request” for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station, as defined in Section 9.77.090 “Definitions”.

9.77.110 GENERAL REQUIREMENTS

- B. ***Inventory of Existing and Anticipated Sites.*** Each applicant for an antenna and/or tower shall provide to the Director an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within Town or within one mile of the border. ~~thereof, including specific information about the location, height, and design of each tower.~~ An applicant for the placement of a new antenna on an approved co-location structure is exempt from this requirement. The Director may share such information with others seeking to locate antennas within the Town; however the Director is not, by sharing such information, in any way representing the accuracy of the information or warranting that such sites are available or suitable.

9.77.130 CONDITIONAL AND SPECIAL USE PERMITS

D. **Towers.**

- 4. ***Height.*** The maximum antenna height of fifty-five (55) (50) feet plus ten (10) additional feet in overall height is permitted to accommodate an architectural feature such as, but not limited to tree branches, roof top, parapet, etc., for the purpose of providing additional camouflage or screening shall apply to all towers for which a Special Use Permit or Conditional Use Permit is required, except within “Preferred Locations” as defined within this Chapter, provided, however, that the Planning Commission may increase the height limitation requirements if the goals of this ordinance would be better served by granting a Deviation as prescribed in Section 9.77.200 “Deviation from Established Standards” of this Code.
A maximum height of seventy-five (75) feet ~~shall apply to single tenant towers for which a Conditional Use Permit is required~~ within “preferred locations” as defined within this Chapter is permitted. ~~For multiple tenants upon the same tower facility within a preferred location, a maximum height of eighty eight (88) feet shall be allowed for two tenants and a maximum of 102 feet for three or more tenants.~~ The Planning Commission may, however, increase the height limitation requirements for ~~a single tenant upon~~ a tower if the goals of this ordinance would be better served by granting a Deviation as prescribed in Section 9.77.200 “Deviation from Established Standards” of this Code.

9.77.190 CO-LOCATION OF TELECOMMUNICATIONS FACILITIES

The Town of Apple Valley encourages the Telecommunication Industry to work cooperatively with one another in the placement of telecommunication facilities. The development standards and criteria for siting Telecommunication facilities as defined within this Chapter 9.77 “Wireless Telecommunications Towers and Antennas” for setback and separation distances may be reduced as noted below for multiple users (collocation) on or within a single structure. For the second user locating on or within a single facility, the development standards and criteria may be reduced by thirty percent (30%). For the third or more user(s) locating on or within a single facility, the development standards and criteria may be reduced by sixty percent (60%). Provided that the collocation facility is consistent with the conditions of the original wireless telecommunication facility where it will be located, and the above criteria, the collocation facility can be approved administratively, without a Conditional Use Permit. Conditions can be placed on the approval of the collocation facility, which pertain to height, location, bulk, size of the collocation facility; percentage of the original wireless telecommunication facility that may be occupied by collocation facilities; and, the aesthetic or design requirements for the collocation facility.

Section 6409(a) modifications can be approved administratively by the Director. Applicants may appeal any decision related to a Section 6409(a) modification in the same manner as a Special Use Permit. Notwithstanding anything to the contrary in this code, any approval or a Section 6409(a) modification does not and shall not be construed to grant any rights beyond those granted by § 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (codified at 47 U.S.C. 1455) as implemented by 47 C.F.R. 1.40001. In the event § 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (codified at 47 U.S.C. 1455) or 47 C.F.R. 1.40001 are stayed, amended, revised or otherwise not in effect, no modifications to an existing wireless tower or base station shall be approved as a 6409(a) modification.

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 modifications to 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 Development Code Amendment establishes new standards and criteria specifically addressing wireless telecommunication facilities within the Town relative to expansions and collocation facilities. This change is consistent with the Goals and Objectives of the adopted General Plan.

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

Comment: The proposed Development Code Amendment will address new Federal law for the expansion of existing wireless telecommunication facilities within the Town of Apple Valley. These standards are proposed with the specific intent of allowing expansions or collocation facilities consistent with FCC's new automatic modification rules will 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. 2015-001 was advertised as a public hearing in the Apple Valley News newspaper on March 27, 2015.

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. 2015-003, 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:

Reviewed By:

Carol Miller
Principal Planner

Lori Lamson
Assistant Town Manager

ATTACHMENT:

Draft Planning Commission Resolution No. 2015-003

PLANNING COMMISSION RESOLUTION NO. 2015-003

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2015-001 AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING SECTION 9.77 WIRELESS TELECOMMUNICATION TOWERS AND ANTENNAS

WHEREAS, Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; and

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

WHEREAS, specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by comprehensively amending Chapter 9.77; and,

WHEREAS, on March 27, 2015, Development Code Amendment No. 2015-001 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, 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; and

WHEREAS, on May 6, 2015 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2015-001, receiving testimony from the public; and

WHEREAS, Development Code Amendment No. 2015-001 is consistent with Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

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

Section 1. Find that the changes proposed by Development Code Amendment No. 2015-001 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 2. 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.

Section 3. Amend the Development Code Section 9.77.090 *Definitions* to read as follows:

9.77.090 DEFINITIONS

As used in this Section, the following terms shall have the meanings set forth below:

- A.** “Alternative tower structure” means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- B.** “Antenna” means any exterior transmitting or receiving device mounted on a tower, building structure, or alternative tower structure, and used in communication that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals or other communication signals.
- C.** “Backhaul network” means the lines that connect a provider’s towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
- D.** “Base Station” means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network, including (a) equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul and (b) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks). Base Station does not include Tower.
- E.** Cable micro cell network means a cable network using multiple low-powered transmitters/receivers attached to existing wire line systems, such as conventional cable or telephone wires, or similar technology, that does not require the use of towers.
- F.** “Collocation Facility” means the placement or installation of wireless facilities, including antennas, and related equipment, on, or immediately adjacent to, a wireless telecommunications collocation facility.
- G.** “Director” means the Town’s Director of Economic and Community Development or his or her designee.
- H.** Electro magnetic interference means the distortion, disruption or blockage of the clear reception or transmission of any radio, television, communications, data or other type of electronic communications media.
- I.** “Eligible Facilities Request” means any request for modification of an existing wireless tower or base station that involves (a) a collocation of new transmission equipment, (b) removal of transmission equipment, or (c) replacement of transmission equipment
- J.** “FAA” means the Federal Aviation Administration.

- K.** “FCC” means the Federal Communications Commission.
- L.** “Height” means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel on which the structure is located to the highest point on the tower or other structure, including the base pad and any antenna.
- M.** Monopole means any singular, monolithic structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes. Also see “Tower”.
- N.** Parabolic means a curved or cone shaped structure.
- O.** “Preexisting towers and preexisting antennas” means any tower or antenna for which a building permit or conditional use permit has been properly issued prior to the effective date of this Section, including permitted towers or antennas that have not yet been constructed, so long as such approval is current and not expired.
- P.** “Stealth” antennas or towers shall mean communications facilities, towers and individual antennas using innovative camouflaging techniques to virtually completely screen or conceal such communications facilities, towers and individual antennas from view.
- Q.** “Substantial Change” means a modification that substantially changes the physical dimensions of an eligible support structure if it meets any of the following:

For towers located outside of the right of way:

1. It increases the height of the tower by more than ten percent (10%) or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater;
2. It involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater;
3. It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets;
4. It entails any excavation or deployment outside the site;
5. It would defeat the concealment elements of the tower;
6. It does not comply with existing conditions of approval for the tower provided that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified above; or
7. It does not comply with applicable building codes or other applicable health and safety standards.

For other towers and wireless communications facilities:

1. It increases the height of the structure by more than ten percent (10%) or more than ten (10) feet, whichever is greater;
2. It involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;
3. It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets;
4. It involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of

- ground cabinets that are more than ten percent (10%) larger in height or overall volume than any other ground cabinets associated with the structure;
5. It entails any excavation or deployment outside the site;
 6. It would defeat the concealment elements of the tower or base station;
 7. It does not comply with existing conditions of approval for the tower or base station provided that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified above; or
 8. It does not comply with applicable building codes or other applicable health and safety standards.
- R.** “Tower” means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.
- S.** Wireless systems mean any and all type or manner of electromagnetic devices, including antennas, towers, arrays, etc., and associated equipment, used for the transmission or reception of electro magnetic waves communicating any form of information including voice, picture or data.
- T.** “Wireless Telecommunications Facility” means equipment and network components such as towers, utility poles, transmitters, base stations, and emergency power systems that are integral to providing wireless telecommunication services.
- U.** “Wireless Telecommunication Collocation Facility” means a wireless telecommunications facility that includes collocation facilities.
- V.** “Wireless Communication Facility, Section 6409(a) Modification” or “Section 6409(a) Modification” means a modification of an existing wireless tower or base station that involves the collocation, removal or replacement of transmission equipment that does not substantially change the physical dimensions of such wireless tower or base station and that otherwise qualifies for approval pursuant to Section 6409(a) of the federal 2012 Middle Class Tax Relief and Job Creation Act as implemented by 47 C.F.R. 1.40001.

Section 4. Amend Chapter 9.77.100 *Applicability* to read as follows:

9.77.100 APPLICABILITY

- A.** *New Commercial Towers and Antennas.* All new commercial towers or antennas in the Town of Apple Valley shall be subject to these regulations, except as provided below.
- B.** *Collocation Facilities.* All new collocation facilities on, or immediately adjacent to a previously approved wireless telecommunication facility shall be subject to all collocation criteria in these regulations or as allowed under a Section 6409(a) modification.
- C.** *Amateur Radio Station Operators/Receive Only Antennas.* The maximum height of an amateur radio station operators/receive only antenna shall be fifty (50) feet as measured from grade level to the highest point of the antenna. This Section shall not govern any tower, or the installation of any antenna, that is under fifty (50) feet in height and is owned and operated by a

federally licensed amateur radio station operator or is used exclusively for receive only antennas.

- D. *Eligible Facilities Requests.*** Eligible Facilities Requests that do not require a “Substantial Change” shall be processed in accordance with Section 6409(a) of the federal 2012 Middle Class Tax Relief and Job Creation Act as implemented by 47 C.F.R. 1.40001. In reviewing permits for qualifying “Eligible Facilities Request”, the Director or their designee shall be required to approve applications, but shall retain discretion to enforce compliance with applicable building, structural, electrical, and safety codes related to health and safety.
- E. *AM Array.*** For the purpose of implementing this Section, an AM array, consisting of one or more tower units, and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.
- F. *Modification of Tower/Base Stations.*** The Town may not deny any “Eligible Facilities Request” for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station, as defined in Section 9.77.090 “Definitions”.

Section 5. Amend Chapter 9.77.110 Subsection (B) to read as follows:

9.77.110 GENERAL REQUIREMENTS

- B. *Inventory of Existing and Anticipated Sites.*** Each applicant for an antenna and/or tower shall provide to the Director an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within Town or within one mile of the border. An applicant for the placement of a new antenna on an approved co-location structure is exempt from this requirement. The Director may share such information with others seeking to locate antennas within the Town; however the Director is not, by sharing such information, in any way representing the accuracy of the information or warranting that such sites are available or suitable.

Section 6. Amend Chapter 9.77.130 Subsection (D)(4) to read as follows:

9.77.130 CONDITIONAL AND SPECIAL USE PERMITS

D. *Towers.*

- 4. *Height.*** The maximum antenna height of fifty (50) feet plus ten (10) additional feet in overall height is permitted to accommodate an architectural feature such as, but not limited to tree branches, roof top, parapet, etc., for the purpose of providing additional camouflage or screening shall apply to all towers for which a Special Use Permit or Conditional Use Permit is required, except within “Preferred Locations” as defined within this Chapter, provided, however, that the Planning Commission may increase the height limitation requirements if the goals of this ordinance would be better served by granting a Deviation as prescribed in Section 9.77.200 “Deviation from Established Standards” of this Code.

A maximum height of seventy-five (75) feet within “preferred locations” as defined within this Chapter is permitted. The Planning Commission may, however, increase the height limitation requirements for a tower if the goals of this ordinance would be better

served by granting a Deviation as prescribed in Section 9.77.200 “Deviation from Established Standards” of this Code.

Section 7. Amend Chapter 9.77.190 *Co-Location of Telecommunications Facilities* to read as follows:

9.77.190 CO-LOCATION OF TELECOMMUNICATIONS FACILITIES

The Town of Apple Valley encourages the Telecommunication Industry to work cooperatively with one another in the placement of telecommunication facilities. The development standards and criteria for siting Telecommunication facilities as defined within this Chapter 9.77 “Wireless Telecommunications Towers and Antennas” for setback and separation distances may be reduced as noted below for multiple users (collocation) on or within a single structure. For the second user locating on or within a single facility, the development standards and criteria may be reduced by thirty percent (30%). For the third or more user(s) locating on or within a single facility, the development standards and criteria may be reduced by sixty percent (60%). Provided that the collocation facility is consistent with the conditions of the original wireless telecommunication facility where it will be located, and the above criteria, the collocation facility can be approved administratively, without a Conditional Use Permit. Conditions can be placed on the approval of the collocation facility, which pertain to height, location, bulk, size of the collocation facility; percentage of the original wireless telecommunication facility that may be occupied by collocation facilities; and, the aesthetic or design requirements for the collocation facility.

Any proposed collocation beyond those allowed under a Section 6409(a) modification shall be processed pursuant to this Chapter. Section 6409(a) modifications can be approved administratively by the Director. Applicants may appeal any decision related to a Section 6409(a) modification in the same manner as a Special Use Permit. Notwithstanding anything to the contrary in this code, any approval or a Section 6409(a) modification does not and shall not be construed to grant any rights beyond those granted by § 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (codified at 47 U.S.C. 1455) as implemented by 47 C.F.R. 1.40001. In the event § 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (codified at 47 U.S.C. 1455) or 47 C.F.R. 1.40001 are stayed, amended, revised or otherwise not in effect, no modifications to an existing wireless tower or base station shall be approved as a 6409(a) modification.

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 6th day of May, 2015.

Chairman Bruce Kallen

ATTEST:

I, Debra Thomas, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 6th day of May, 2015 by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ms. Debra Thomas, Planning Commission Secretary



TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

Staff Report

- AGENDA DATE:** May 6, 2015
- APPLICANT:** Town of Apple Valley
- PROPOSAL:** To consider a General Plan Conformity Finding for the Town's Capital Improvement Program (CIP) for fiscal year 2015-2016.
- ENVIRONMENTAL DETERMINATION:** The General Plan Conformity Finding is not a project as defined by CEQA. Also, since this is a General Plan Consistency Finding, the adopted General Plan EIR would be considered adequate CEQA documentation.
- LOCATION:** Town wide
- STAFF PERSON:** Carol Miller, Principal Planner
- RECOMMENDATION:** Adopt Planning Commission Resolution No. 2015-005 which finds the proposed CIP for Fiscal Year 2015-2016 consistent with the goals and policies of the Town's General Plan.

- A. Project Summary: The Planning Commission is being requested to review the attached CIP for FY 2015-2016 to determine consistency with the General Plan. This is the third year of what will be an annual report for General Plan consistency for the program. The CIP is proposed to be adopted by the Town Council with the FY 2015-2016 budget.

ANALYSIS

The CIP is a document addressing the long-term capital improvement needs of the Town. The CIP also provides a relatively long-term (7-year) strategy that will be approved annually, in concept, by the Council. Section 65401 of the California Government Code requires the Planning Commission to annually review the CIP of the Town for consistency with the General Plan.

The attached CIP for FY 2015-2016 has been included for the Commission's reference. Staff has reviewed these projects and recommends adoption of the attached Resolution No. 2015-005 finding the CIP for FY 2015-2016 is consistent with the General Plan. Staff has listed the applicable General Plan Goals, Policies and Programs with each project.

Transportation – The draft CIP contains a list of street and bike path improvements including, Apple Valley Road rehabilitation, Apple Valley Road and Tuscola Road signal, Bear Valley Rd

and Mohawk signal, Navajo Road rehabilitation, Powhatan Road street improvements, Ramona Road widening, Yucca Loma Bridge, Yucca Loma Road Widening, Yucca Loma Elementary School and Rancho Verde Elementary School Safe Route to School, paving priorities, Mojave Riverwalk South, Town-wide Class II Bikeway upgrades, Bear Valley Bike Path, and SANBAG Congestion Management Plan.

These projects are consistent with the following General Plan goals and policies:

Circulation Element – Community Development

Goal

The Town shall continue to maintain and expand a safe and efficient circulation and transportation system.

Policy 1.B

The Town shall establish and maintain a Five (5)-Year CIP for streets.

Program 1.B.1

The Town Engineer and Department of Public Services shall maintain a CIP for five (5) years, and update it annually.

Program 1.C.1

An inventory of discontinuous sidewalks on all qualifying roadways shall be compiled by the Town Engineer and Department of Public Services, and individual improvement projects shall be funded through the CIP to connect these sidewalks.

Program 1.C.3

Safe routes to school shall be developed in conjunction with the School District.

Policy 1.J

The Town shall implement a coordinated and connected bicycle lane network consistent with the Bicycle Lane Map in this Element.

Program 1.J.2

The Town shall inventory bicycle lane deficiencies within the existing roadway system, and include improvements to make these improvements consistent with this Element in the CIP.

Stormwater - The draft CIP contains an item related to dry wells.

These projects are consistent with the following General Plan goals and policies:

Flooding and Hydrology Element – Environmental Hazards

Goal

Protect lives and property from flooding hazards through a comprehensive system of flood control facilities throughout the Town.

Policy 1.A

Upgrade the Town's local and regional drainage system through proactive planning and coordination with other responsible agencies.

Program 1.B.2

Continue active participation in regional flood control and drainage improvement efforts.

Wastewater- The draft CIP contains a list of wastewater related projects including, Lift Station AD#2B Improvements and sewer manhole rehabilitation at various locations.

These projects are consistent with the following General Plan goals and policies:

Public Buildings & Facilities Element – Public Services & Facilities

Policy 1.C

The Town shall ensure that every effort is made to facilitate cost-effective and timely extension and expansion of community-development support services.

Program 1.C.1

In conjunction with local utility and service providers, the Town shall coordinate its CIP to ensure that adequate and cost-effective services and facilities and capacities are provided to serve future growth and development.

Preliminary Design- Several projects have been identified for preliminary design and full design at various locations related to transportation.

Environmental Assessment: The General Plan Conformity Finding is not a project as defined by CEQA. Also, since this is a General Plan Consistency Finding, the adopted General Plan EIR would be considered adequate CEQA documentation.

RECOMMENDATION

Adopt Planning Commission Resolution No. 2015-005 which finds the proposed CIP for fiscal year 2015-2016 consistent with the goals and policies of the Town's General Plan.

ATTACHMENTS:

1. Planning Commission Resolution No. 2015-005
2. CIP FY 2015-2016 Budget

PLANNING COMMISSION RESOLUTION NO. 2015-005

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, FINDING THE PROPOSED CAPITAL IMPROVEMENT PROGRAM (CIP) FY 2015-2016 TO BE IN CONFORMANCE WITH THE GENERAL PLAN.

WHEREAS, on August 11, 2009 the Town Council adopted a Comprehensive General Plan Update for the Town of Apple Valley; and

WHEREAS, the Planning Commission is required by State law to review and find that all proposed projects included in the CIP, are consistent with the adopted General Plan; and

WHEREAS, in accordance with the California Environmental Quality Act, the General Plan Conformity Finding is not a project as defined by CEQA. Also, since this is a General Plan Consistency Finding, the adopted General Plan EIR would be considered adequate CEQA documentation.

WHEREAS, on May 6, 2015, the Planning Commission reviewed CIP for fiscal year 2015-2016, and hereby found to be in conformance with the Town of Apple Valley General Plan.

Section 1. Approved and Adopted by the Planning Commission of the Town of Apple Valley this 6th day of May, 2015.

Bruce Kallen, Chairman

ATTEST:

I, Debra Thomas, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 6th day of May, 2015 by the following vote, to-wit:

Ms. Debra Thomas, Planning Commission Secretary

AYES:
NOES:
ABSENT:
ABSTAIN

CIP FY 2015-2016 General Plan Consistency
 May 6, 2015 Planning Commission Meeting

Town of Apple Valley								
Capital Improvement Plan								
FY 2015-2016 Budget by Funding Source								
	Measure I	TIF	RDA-Bond	Grants		Storm Drains	Wastewater	Totals
Estimated Beginning CIP Resources Available at July 1, 2015	2,223,368	6,021,874	5,113,750	-		1,275,394	37,370,930	
Estimated Revenues	1,610,000	412,000		17,505,680		112,500	6,369,351	
Total Resources Available	3,833,368	6,433,874	5,113,750	17,505,680		1,387,894	43,740,281	
Preliminary Design								
Apple Valley Safe Routes to Schools Master Plan	12,825	-	-	212,175	19,20	-	-	225,000
Bear Valley Bridge (Mojave River Bridge) - co	358,570	-	-	664,080	1	-	-	1,022,650
High Desert Corridor	25,000	-	-	-	-	-	-	25,000
Hwy 18 Shoulder Median Improvements (Navajo to Central)	25,000	-	-	-	-	-	-	25,000
Standing Rock @ Hwy 18	150,000	-	-	-	-	-	-	150,000
Full Design								
Dale Evans Parkway @ Waalew Road (Realignment) - co	300,000	-	-	-	-	-	-	300,000
Construction								
Apple Valley Rd Rehabilitation (Bear Valley to Town Center) -	5,000	-	-	-	-	-	-	5,000
Apple Valley Rd & Tuscola Road signal	380,000	-	-	-	-	-	-	380,000
Bear Valley Bike Path - co	-	-	-	355,700	2	-	-	355,700
Bear Valley Rd @ Mohawk Rd Signal	-	5,000	-	-	-	-	-	5,000
Mojave Riverwalk South	-	-	-	923,000	17	-	-	923,000
Navajo Road Rehabilitation (Bear Valley Rd to Hwy 18) - co	10,000	-	-	-	-	-	-	10,000
Paving Priorities (50% Categorical / 50% Non-Categorical)	1,000,000	-	-	-	-	-	-	1,000,000
Powhatan Road Street Improvements - co	-	-	-	5,000	4	-	-	5,000
Ramona Road Widening (Navajo Rd to Central Rd) - co	10,000	-	-	-	-	-	-	10,000
SANBAG Congestion Management Plan	5,000	-	-	-	-	-	-	5,000
Rancho Verde Elementary School - SR2S - co	10,000	-	-	-	-	-	-	10,000
Town wide Class II bikeway upgrade - co	-	5,000	-	-	-	-	-	5,000
Yucca Loma Bridge - co	-	-	5,113,750	6,715,420	3,11,12	-	-	11,829,170
Yucca Loma Elementary School - SRTS - co	10,000	-	-	-	-	-	-	10,000
Yucca Loma Road Widening (YLB to Apple Valley Rd)	-	4,396,920	-	8,842,480	7,8,17,18	-	-	13,239,400
Road Total	2,301,395	4,406,920	5,113,750	17,717,855				29,539,920
Storm Drains Fund								
Dry Wells						100,000		100,000
Storm Drains Fund Total						100,000		100,000
Wastewater								
Lift Station AD#2B Improvements	-	-	-	-	-	-	262,000	262,000
Sewer Manhole Rehabilitation, Various Locations	-	-	-	-	-	-	100,000	100,000
Wastewater Total	-	-	-	-	-	-	362,000	362,000
Capital Projects Total	2,301,395	4,406,920	5,113,750	17,717,855		100,000	362,000	30,001,920
Estimated Ending CIP Resources Available June 30, 2016	1,531,973	2,026,954	-	(212,175.00)	#	1,287,894	43,378,281	
* Other Funding Sources								
1) HBP = Highway Bridge Program - Federal Grant								
2) Caltrans Bicycle Facilities Utility (4910 Fund)								
3) SLPP = State Local Partnership Program								
4) LTF = Local Transportation Funds (2015 Fund)								
5) SR2S = Safe Routes 2 School - State								
6) HSIP = Highway Safety Improvement Program								
7) Z4 FC = Zone 4 Flood Control - county								
8) STP = Surface Transportation Program								
9) SANBAG - TDA Article 3								
10) SRTS = Safe Routes To School - Federal								
11) MLHP = Major Local Highway Program								
12) San Bernardino County - Public Works								
13) CDBG (Parks)								
14) CDBG (Public Services)								
15) TDA Article 3								
16) VVTA Article 3								
17) ATP - Active Transportation Program - State (4910 & TIF Fund)								
18) SANBAG - Measure I 2010-2040 - MHLF								
19) Sustainable Transportation Planning Grant								
20) 50% Share of cost reimbursement from AVUSD								
TIF = Transportation Impact Fees (fund 4410)								
DIF = Storm Drainage Facilities Fees (fund 4760)								