



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA
REGULAR MEETING**

WEDNESDAY, June 3, 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 May 6, 2015.

PUBLIC HEARING ITEMS

2. **Conditional Use Permit No. 2015-003.** The applicant is requesting a Conditional Use Permit to allow exterior modifications to three (3) existing non-conforming metal buildings. On-site parking and landscaping improvements are also proposed.
Applicant: HD Surplus, Inc.
Location: The project site is located at 13584 Central Road; 3087-382-08.
Project Planner: Douglas Fenn, Senior Planner
Recommendation: Approval

3. **Development Code Amendment No. 2015-002** *(Continued from May 6, 2015 meeting)*.
An Amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code, 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

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

4. Appointment of two Planning Commissioners to form an Ad-Hoc Committee with two members of the Town Council and staff to address the issues related to landscaping and residential design for single-family infill development. This Ad-Hoc Committee will provide draft changes to the Development Code that will be forwarded to the Planning Commission and Town Council for further action. The Ad-Hoc Committee will be considering the issues that were voiced at the April 7th workshop with staff and the development community.

ADJOURNMENT

In that there are no items scheduled for the June 17, 2015 meeting, the Planning Commission will adjourn to its next regularly scheduled Planning Commission meeting on July 1, 2015.

MINUTES

TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, May 6, 2015

CALL TO ORDER

At 6:03 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for May 6, 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; Jonathan Wood, Senior Code Enforcement Officer; Thomas Rice, Town Attorney, and Debra Thomas, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

Commissioner Tinsley led the Pledge of Allegiance.

1. APPROVAL OF MINUTES

Minutes for the Regular Meeting of April 15, 2015.

Motion by Vice-Chairman Qualls, and seconded by Commissioner Tinsley, to approve the Minutes for the Regular Meeting of April 15, 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. 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 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.

Chairman Kallen opened the public hearing at 6:05 p.m.

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

Mr. William Hoff, Hall & Foreman, representing Watson Land Company, stated the owners have a prospective buyer for one of the two (2) parcels. Mr. Huff also stated the applicant agreed to all Conditions of Approval.

PUBLIC COMMENT

None.

Chairman Kallen closed the public hearing at 6:10 p.m.

MOTION

Motion by Commissioner Shoup, seconded by Commissioner Lamoreaux, 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

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.

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 to temporary political signs and digital advertising displays.

Applicant: Town of Apple Valley

Location: Town-wide

Chairman Kallen opened the public hearing at 6:10 p.m.

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

Temporary Political Signs

Ms. Cupp stated that the Town's attorney suggested modifications be made to political signs. The Town can only limit aggregate total signage on any particular parcel. Item 5, page 3-3 needed to be modified in a manner reflective of an aggregate total rather than thirty-two (32) square feet of signage for each candidate.

Staff would also suggest that the provision for a sign permit be eliminated and instead require a statement of responsibility listing who to contact in case there is an issue with the political signs.

Mr. Thomas Rice, Town Attorney, clarified the changes. to the Development Code, which now would be maximum signage per parcel versus per candidate, as it related to political signs.. The Commission deferred review of political signs until after discussions relating to digital signs.

Digital Advertising Display

Discussion ensued regarding the areas that are ideal for digital advertising displays, possible restrictions to these digital displays to a larger development and where digital signs would be more appropriate.

Staff advised the Planning Commission that the Town could not regulate anything that is content based.

Mr. Rice explained how the Town needed to provide very clear standards as to where and when the Town would allow or prohibit digital advertising displays.

Discussion ensued by the Planning Commission relating to digital sign size, how many signs per lot, separation and lot size. The Planning Commission would like an applicant to have clear direction when presenting a project to the Planning Commission for approval.

The minimum standards where digital advertising displays would be allowed were discussed and are as follows:

- Institutional Use displays are permitted;
- Regulate non-institutional uses as follows;
- One (1) digital sign per property;
- Separation of 1,000 feet;
- Must have frontage along I-15 freeway corridor; and
- Minimum lot size of twenty-five (25) acres.

It was the consensus of the Planning Commission to bring the digital display portion of the Development Code Amendment back at the next regularly scheduled meeting with the above stated changes.

Temporary Political Signs.

Staff presented its recommendations for temporary political signs size, placement and the aggregate maximum.

Mr. Jonathan Wood, Senior Code Enforcement Officer, stated vacant lots were a problem area for temporary political signs. He commented on the difficulties Code Enforcement had when trying to contact a property owner and described the abatement warrant process to remove signs. His recommendation would be to limit the amount of signs per candidate and to measure those signs.

Mr. Rice advised that the Town cannot limit the number of signs, that a candidate or measure can have on any given parcel. Courts have upheld regulations addressing aggregate total of all signs on any particular property when the purpose of said regulations is to reduce the accumulation of debris.

Discussion ensued regarding the legalities of limiting and regulating political signs.

PUBLIC COMMENT

Mr. John Laraway, Apple Valley, CA. asked what the Planning Commission considered “multiple” versus “singular” signs, as well as, how many signs can be vertical and horizontal. He also asked what content could be placed on a political sign.

Chairman Kallen closed the public hearing at 7:44 p.m. It was the consensus of the Commission that Planning Commission Resolution No. 2014-004 be modified to include its recommendation for no change to temporary political signs.

MOTION

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

1. Continue Development Code Amendment 2015-002, to the next regularly scheduled meeting of June 3, 2015..

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.

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 is consistent with Federal Law.

Applicant: Town of Apple Valley

Location: Town-wide

Chairman Kallen opened the public hearing at 7:52 p.m.

Ms. Carol Miller, Principal Planner, presented the staff report as filed with the Planning Division.

Discussion ensued on what the Town can and cannot do as it relates to modifications to existing Wireless Telecommunication Towers as allowed under Section 6409(a).

PUBLIC COMMENT

None.

Chairman Kallen closed the public hearing at 8:17 p.m.

MOTION

Motion by Commissioner Lamoreaux, seconded by Vice-Chairman Qualls, that the Planning Commission move to:

1. 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.

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 Lamoreaux advised he would not be able to attend the June 3, 2015 Planning Commission meeting.

Commissioner Shoup requested an update on being able to consider economics when evaluating a proposed project.

Commissioner Lamoreaux asked for an explanation on why the Planning Commission is required to ask whether an applicant agrees to the proposed Conditions of Approval and its location on the Motion Agenda.

Vice-Chairman Qualls thanked staff for all of their effort.

Chairman Kallen stated he appreciated staff. He also asked when the Builder's Workshop would be scheduled.

Ms. Carol Miller, Principal Planner, stated that the Assistant Town Manager would be setting up an Ad Hoc Committee to address the Builder's Workshop.

STAFF COMMENTS

None.

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.

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

MOTION

Motion by Commissioner Lamoreaux, seconded by Vice-Chairman Qualls, that the Planning Commission move to:

1. 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.

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.

ADJOURNMENT

Motion by Commissioner Lamoreaux, seconded by Commissioner Tinsley, and unanimously carried to adjourn the meeting of the Planning Commission at 8:30 p.m. to the Regular Meeting on June 3, 2015.

Respectfully Submitted by:

Debra Thomas
Planning Commission Secretary

Approved by:

Chairman Bruce Kallen



TOWN OF APPLE VALLEY PLANNING COMMISSION

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Staff Report

AGENDA DATE: June 3, 2015

CASE NUMBER: Conditional Use Permit No. 2015-003

APPLICANT: Mr. Octavio Carrasco

PROPOSAL: The applicant requests a Conditional Use Permit to allow exterior modifications to three (3) existing non-conforming metal industrial buildings, which total 38,400 square feet. On-site parking and landscaping improvements are also proposed. The subject site is a 3.5-acre parcel in the Service Commercial (C-S) Zoning District.

LOCATION: The project site is located at 13584 Central Road.

ENVIRONMENTAL DETERMINATION: Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301 Class 1 (a), the proposed request is Exempt from further environmental review.

CASE PLANNER: Mr. Douglas Fenn, Senior Planner

RECOMMENDATION: Approval

PROJECT AND SITE DESCRIPTION:

- A. Project Size:
The project site is 3.5 acres in size.
- B. General Plan Designations:
 - Site - C-S, Service Commercial
 - North - C-S, Service Commercial
 - South - C-S, Service Commercial
 - East - C-S, General Commercial and R-M, Medium Density Residential
 - West - C-S, Service Commercial
- C. Zoning/Existing Use:
 - Site - C-S, Service Commercial, Industrial Warehouse Buildings

- North - C-S, Service Commercial, Vacant
- South - C-S, Service Commercial, Light Industrial Business
- East - C-G, General Commercial, Commercial Retail Center
R-M-Multiple-Family Residential, Single-Family Residences
- West - C-S, Service Commercial, Light Industrial Business

D. Site Characteristics:

The subject site is a level parcel that has been developed with an industrial type warehouse complex. There are three (3) existing non-conforming metal buildings totaling 38,000 square feet of industrial/office space. There is also a wooden structure attached to the main building which fronts Central Road that is proposed to be demolished. The site has substandard paved parking, lighting and a minimal amount of sporadic landscaping. There are four (4) access driveways along Central Road and none are proposed to be closed off. The existing driveways range from ninety-two (92) down to twenty-four feet (24) in width.

- G. Landscaping:
- | | |
|-----------|--|
| Existing: | Three (3) trees and no other Code compliant landscaping. |
| Proposed: | 5% |
- H. Parking Calculations:
- | | |
|----------|-------------|
| Existing | Not Defined |
| Proposed | 48 |

The existing Service Commercial industrial warehouse center contains 38,400 square feet of building area. The parking requirement is one (1) space per 500 square feet of gross floor area for the first 10,000 square feet and beyond that, one (1) space per 1,000 square feet. The Code necessitates forty-eight (48) required parking spaces.

ANALYSIS:

A. General:

The site is developed with three (3) existing metal buildings that are in need of repair. A property owner is allowed, by the Development Code, to repair a nonconforming structure but may not perform alterations. The applicant submitted plans to the Building and Safety Division to repair the existing structures and demolish the wooden structure. To merely repair or replace the damaged metal panels with new metal panels would not have given a uniform look to the building exteriors because of the differences in the new and existing panels being used. Therefore, under the Conditional Use Permit process, the applicant has the ability to go beyond just repairing and replacing damaged metal panels and allows for further enhancements to the buildings.

To ensure uniformity or consistency in siding, staff is recommending that the front and side building elevations, as seen from Central Road, be improved with new panels only and allow the re-use of existing panels, that are in good condition, be used along the side and rear building elevations which are not visible from Central Road. All panels shall be painted to match. To further improve the appearance of the site, the applicant is proposing a four (4)-foot high stone veneer wainscot base along the front and a portion of the sides of the buildings that front Central Road. The main doorways will be covered with awnings to help accent the pedestrian entry points to the buildings.

As with any business proposing to occupy an existing building, sufficient parking must be demonstrated to accommodate the use. The site currently is void of any striped parking stalls. Based on the Parking Code, the use is required forty-eight (48) parking spaces. To meet this requirement the applicant is proposing to resurface the entire parking lot area and provide striped parking. Due to the lack of landscaping, the refurbished parking area will be improved with landscaping in accordance with the Development Code.

Summary

With the improvements as described above, the appearance of the site will be greatly enhanced. Therefore, staff recommends that the Planning Commission approve the Conditional Use Permit for the requested architectural modifications to the appearance of the existing non-conforming exposed metal buildings along with the proposed and conditioned improvements. The revitalization of this specific area of the Town, commonly known as the "Village", will have a positive impact.

- B. Environmental Assessment:
Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301, Class 1 (a), the proposed request is Exempt from further environmental review.
- C. Noticing:
The project was legally noticed in the Apple Valley News on May 22, 2015, and notices were mailed to all property owners within 300 feet of the project site.

CONDITIONAL USE PERMIT FINDINGS:

As required under Section 9.16.090 of the Development Code, prior to approval of a Conditional Use Permit, the Planning Commission must make specific Findings. The Findings, and a suggested comment to address each, are presented below:

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

Comment: The proposed exterior improvements to the existing non-conforming metal buildings and site improvements along with the conditions will make the project in compliance with the Development Code of the Town of Apple Valley and adopted General Plan and permitted by the Planning Commission.

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

Comment: The proposal is for exterior modifications to the metal buildings only. The revitalization of this specific area of the Town, commonly known as the "Village", will have a positive impact.

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

Comment: The proposal is for exterior modifications to the metal buildings only. The revitalization of this specific area of the Town, commonly known as the "Village", will have a positive.

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

Comment: The proposed changes to the exterior of the buildings and site improvements will not necessitate additional utilities. The existing site is currently served by public services and utilities. No additional utility services are required.

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

Comment: The proposal is for exterior modifications to the metal buildings and limited on-site improvements. The revitalization of this site will have a positive impact on the surrounding area.

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

Comment: This is an exterior building modification only, therefore, no traffic improvements are required by the Engineering Division. However, the Engineering Division does require that a sixty-four (64) half-width road dedication along Central Road adjacent to the property be granted to the Town of Apple Valley prior to issuance of Building Permit.

7. That there will not be significant harmful effects on environmental quality and natural resources;

Comment: The proposal is for exterior modifications to the metal buildings only. Any future occupancy will be required to meet all occupancy requirements.

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

Comment: The proposed parking lot, landscaping and building improvements the proposed project will not produce adverse impacts upon the site, nor the surrounding properties.

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

Comment: The location, size, design, site and building improvements, along with the recommended conditions under which it will be operated and maintained, the project will not be detrimental to the public health, safety or welfare, nor will it be materially injurious to properties or improvements in the vicinity. The exterior and on-site improvements will improve the appearance of the site.

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

Comment: Approval of the Conditional Use Permit will afford the applicant the ability to improve the quality of the buildings and site by allowing the replacement of the exterior siding and installing building enhancements.

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

Comment: The modifications to the existing metal buildings and on-site improvements will improve the overall condition and appearance of the site.

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

Comment: The modifications to the metal buildings and onsite improvements will improve an otherwise deteriorating site. Because no expansion is proposed there will be no impact to public views.

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

Comment: The architectural modifications to the existing metal industrial warehouse buildings will enhance the appearance of the structures and allow for continued use of nonconforming metal buildings.

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

Comment: With the proposed site improvements and conditions, the property will be in concert with the Code in that the improvements has been designed to accommodate safe, on- and off-site circulation.

Recommendation:

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

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section No.15301, Class 1 (a), the proposed request is Exempt from further environmental review.

2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve Conditional Use Permit No. 2015-003, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

Prepared By:

Reviewed By:

Douglas Fenn
Senior Planner

Carol Miller
Principal Planner

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Zoning/Location Map
3. Elevation and site plan exhibits (as separate attachment)

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Case No. Conditional Use Permit No. 2015-003

Planning Division Conditions of Approval:

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval, if not exercised, shall expire three (3) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the expiration date. The Conditional Use Permit 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. The applicant shall agree to defend at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P3. The filing of a Notice of Exemption requires the County Clerk to collect a documentary handling fee of fifty dollars (\$50.00). The fee must be paid in a timely manner in accordance with Town's procedures. No permits may be issued until such a fee is paid.
- P4. The approval of Conditional Use Permit No. 2015-003 by the Planning Commission is recognized as acknowledgment 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.
- P5. Parking requirements must be met and be in compliance with Town's standards. All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines.
- P6. Required parking spaces will be provided for the handicapped in accordance with Town's standards and in accordance with Title 24 of the California Administrative Code. The handicapped spaces shall be located as close as practical to the entrance of the facility. Each space must be provided with access ramps and clearly marked in accordance with Title 24 of the California Administrative Code.
- P7. All signs shall have a separate permit.
- P8. Lighting fixtures shall be of a type and be located in such a manner that no light or reflected glare is directed off-site and shall provide that no light is directed above a horizontal plane passing through the bottom of the fixture. All glare shall be directed onto the site and away from adjacent properties.

- P9. New metal panels shall be installed on all building elevations that are visible from Central Road. Any existing metal panels that are undamaged and/or in good condition may remain or be used in the place of existing damaged metal panels on building elevations which are not visible from Central Road. All panels shall be painted to match each other.
- P10. Prior to occupancy permit, all improved parking and landscaping shall be installed.
- P11. Final landscape and irrigation plans shall be submitted prior to the issuance of Building permits and installed prior to issuance of occupancy permits subject to approval by the Planning Division.
- P12. Trash Enclosure shall be in accordance with Town Standards and is recommended to reflect the architectural design of approved project subject to the review and approval of the Planning Division.

Building and Safety Division Conditions of Approval

- BC1. Submit plans, engineering and obtain permits for all structures, retaining walls, signs.
- BC2. Comply with State of California Disability Access requirements.
- BC3. A dust palliative or hydro seed will be required on those portions of the site graded but not constructed (phased construction)
- BC4. Page two (2) of the submitted building plans will be the conditions of approval.
- BC5. Construction must comply with 2013 California Building Codes including the California Green Building Code.
- BC6. Best Management Practices (BMP's) are required for the site during construction.

Engineering Division Conditions of Approval

- EC1. A sixty-four (64)-foot wide half-width road dedication along Central Road adjacent to the property shall be granted to the Town of Apple Valley prior to issuance of Building Permit.
- EC2. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC3. Any developer fees including but not limited to drainage fees shall be paid by the developer as per Town enactment.

Apple Valley Rancho Conditions of Approval

- AV1. If additional fire hydrants are required onsite then they will need to be installed in accordance with Apple Valley Fire Protection District's requirements.
- AV2. A domestic service line exists to this lot. The developer will need to sign up for service.

- AV3. A fire service line exists to this lot and has been out of service. Therefore, the existing backflow device needs to test and copies of the results submitted.
- AV4. The existing fire hydrant fronting this lot is currently out of service. Therefore, it needs to be serviced and put back into the fire hydrant flushing program.

Environmental & Transit Services Conditions of Approval

- ET1. The project must provide adequate areas for collecting and loading recyclable materials in compliance with AB 341. The trash enclosure must comply with the newly adopted recycling standards.

Public Resource Code Section 42910-42912

- ET2. The developer shall complete and submit a Waste Management Plan (“WMP”), on a WMP form approved by the Town for this purpose as part of the application packet for the building or demolition permit. The completed WMP shall indicate all of the following:
- (1) The estimated volume or weight of project C&D debris to be generated;
 - (2) The estimated volume or weight of such materials that can feasibly be diverted via reuse or recycling;
 - (3) The vendor or facility that the Developer proposes to use to collect or receive that material; and
 - (4) The estimated volume or weight of C&D materials that will be land filled.

Town of Apple Valley Municipal Code Section 8.19.020(a)

- ET3. Compliance with Condition of Approval No. ER2 shall be met by any of the following:
- (1) Contract for hauling services with Town’s franchise hauler, with all Project debris delivered to San Bernardino County self-haul landfill diversion program, provided the diversion program is currently operating; and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP
 - (2) Self-haul all project debris to San Bernardino County self-haul landfill diversion program, provided the diversion program is currently operating; and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP
 - (3) Self-haul all project debris to a construction material recycling facility, and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP
 - (4) Contract with a construction site cleanup company to recycle at least fifty (50) percent of the Project construction debris, and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP.

Town of Apple Valley Municipal Code Section 8.19.030

- ET4. Prior to issuance of Certificate of Occupancy, the developer shall submit to the WMP Compliance Official documentation proving that it has met the Diversion Requirement for the Project. The Diversion Requirement shall be that the developer has diverted at least

fifty percent (50%) of the total C&D debris generated by the Project via reuse or recycling. This documentation shall include all of the following:

- (1) Receipts from the vendor or facility that collected or received each material showing the actual weight or volume of that material;
- (2) A copy of the previously submitted WMP for the Project adding the actual volume or weight of each material diverted and land filled;
- (3) Any additional information the Developer believes is relevant to determining its efforts to comply in good faith with this Chapter 8.19.

Town of Apple Valley Municipal Code Section 8.19.050

The developer shall make reasonable efforts to ensure that all C&D debris diverted or land filled are measured and recorded using the most accurate method of measurement available. To the extent practical, all C&D debris shall be weighed by measurement on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For C&D debris for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the developer shall use the Standardized Conversion Rates approved by the Town for this purpose.

Apple Valley Fire Protection District Conditions of Approval

- FD1. Fire lanes shall be provided with a minimum width of twenty-six (26) feet, maintained, and identified. Twenty-six (26) feet access will start at both points of ingress and continue throughout the site.
- FD2. Submit rack plans to Fire District showing method of attachment and distance to ceiling height to the Fire District.
- FD3. Submit engineers report stating existing buildings (B&C) are able to support new sprinkler system.
- FD4. Approved numbers or addresses shall be placed on all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background. Additional non-illuminated contrasting eighteen (18) inch numbers shall be displayed and the location will be determined by fire department prior to installation. Buildings (B&C) to be eighteen (18) inches as well.
- FD5. Provide a strip sign above the main entrance door which reads: "This Door To Remain Unlocked When Building is Occupied."
- FD6. Every exit door with the exception of the main entrance shall be operable from the inside without the use of a key, tool or special knowledge or effort. Special locking devices shall be of an approved type.
- FD7. Air-moving systems supplying air in excess of 2,000 CFM shall have an automatic shut off for smoke control. Where fire detection or alarm systems are provided for the building, the smoke detectors required by this section shall be supervised by such systems.

- FD8. Install illuminated exit signs at exits. Exit signs shall be energized from separate circuits. Illumination shall normally be provided by the premises wiring system. In the event of failure of this system, illumination shall be automatically provided from an emergency system.
- FD9. No landscaping, i.e., trees or shrubs may be within three feet of any fire protection equipment.
- FD10. The current system in building (A) is under designed for high piled storage as submitted in the statement of intended use. Buildings (A,B,C) need to be designed as minimum of Extra Hazard Class. These systems shall be installed throughout the building, and shall be supervised and connected to an approved alarm monitoring station and provide local alarm which will give an audible signal at a protected location. Supervision to be both water flow and tamper. Sprinkler work may not commence until approved plans and permits have been issued by the Fire District.
- FD11. Plans for fire protection systems designed to meet the fire flow requirements specified in the Conditions of Approval for this project shall be submitted to and approved by the Apple Valley Fire Protection District and water purveyor prior to the installation of said systems.
- FD12. System Standards:
- o Fire Flow 2,250 GPM @ 20 psi Residual Pressure
 - o Duration 2 Hour(s)
 - o Hydrant Spacing 330 Feet
 - o A total of 2 additional fire hydrants will be required on-site. It is the responsibility of the owner/developer to provide all new fire hydrants with reflective pavement markers set into pavement and curb identification.
- FD13. An approved automatic fire alarm system shall be installed, and shall be supervised and connected to an approved alarm monitoring station and provide local alarm which shall be audible throughout the premises. Alarm work may not commence until approved plans and permit have been issued by the Fire District.
- FD14. An approved security Knox box system for fire department access to fire protection equipment and building common areas shall be installed on the building at an approved location. The application to be obtained from the Fire District.
- FD15. Fire Extinguishers with a minimum rating of 2A40BC shall be provided, as per inspection, prior to Certificate of Occupancy.

~End of Conditions~



TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

Staff Report

AGENDA DATE:	June 3, 2015 (<i>Continued from May 6, 2015</i>)
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. Staff presented proposed modifications for the Commission's consideration at the May 6th Commission meeting. Following the staff presentation and subsequent Commission discussion, it was the consensus of the Commission not to make any changes to Section 9.74.170 "Temporary Political Signs". However, the Commission did request specific modifications to Section 9.74.170 "Digital Advertising Displays" and directed staff to bring the item back for review and further discussion.

DISCUSSION

Staff is offering for the Commission's consideration the following amended language as identified by strike through and underlined text.

9.74.110.G Digital Advertising Displays

- ~~1. Permitted in all commercial districts subject to Planning Commission review and approval of a Development Permit.~~
1. Permitted Locations
 - a. Digital Advertising Displays shall be permitted for all institutional uses as defined in Section 9.08 "Definitions."
 - b. Non-institutional digital displays are only permitted within the Regional Commercial (C-R) zoning designation subject to the following:
 - 1) Property must have frontage along Interstate 15.
 - 2) Minimum lot size of twenty-five (25) acres.
 - 3) Signs may not be located within 1,000 feet of any other digital display, including Civic Gateway Signs and/or Billboards.
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, except as expressly set forth below.
7. All signs must comply with the illumination provisions of this Section.
8. Signs may not be located within the direct line-of-sight of any existing residential unit within 150 feet of said sign.
9. Signs located along pedestrian mall areas, not visible from a public right-of-way, may use scrolling and animated characterization.
10. The addition of any digital display to a non-conforming sign is prohibited.

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. 2015-004

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 Locations

- a.*** Digital Advertising Displays shall be permitted for all institutional uses as defined in Section 9.08 "Definitions".
- b.*** Non-institutional digital displays are only permitted within the Regional Commercial (C-R) zoning designation subject to the following:
 - 1)*** Property must have frontage along Interstate 15.
 - 2)*** Minimum lot size of twenty-five (25) acres.
 - 3)*** Signs may not be located within 1,000 feet of any other digital display, including Civic Gateway Signs and/or Billboards.
 - 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.
 - 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 as expressly set forth below.
 - 8.*** All signs must comply with the illumination provisions of this Section.
 - 9.*** Signs may not be located within the direct line-of-sight of any existing residential unit within 150 feet of said sign.
 - 10.*** Signs located along pedestrian mall areas, not visible from a public right-of-way, may use scrolling and animated characterization.
 - 11.*** The addition of any digital display to a non-conforming sign is prohibited."

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 3rd day of June, 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 3rd day of June, 2015 by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ms. Debra Thomas, Planning Commission Secretary