



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** July 12, 2016

From: Pam Cupp, Associate Planner **Item No:** 8
Planning Department

Subject: A REQUEST TO CONSIDER AN AMENDMENT TO TITLE 9
“DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY
MUNICIPAL CODE BY MODIFYING SECTION 9.74.110.G “DIGITAL
ADVERTISING DISPLAYS”

T.M. Approval: _____ **Budgeted Item:** Yes No N/A

RECOMMENDED ACTION:

**Move to open the public hearing and take testimony. Close the public hearing.
Then:**

1. **Determine** that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is exempt from environmental review because 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.
2. **Find** the facts presented within the staff report support the required Findings for approval of an amendment to the Development Code, and adopt the Findings.
3. **Find** that the proposed Town Council Ordinance is consistent with the Goals and Objectives of the adopted Town of Apple Valley General Plan and that it is necessary to preserve the health, safety and general welfare of the citizens of Apple Valley.

4. **Move** to waive the reading of Ordinance No. 485 in its entirety and read by title only.
5. **Introduce** Ordinance No. 485, revising Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying Chapter 9.31 "Residential Design Standards" as it relates to single family infill and subdivision development.
6. Direct staff to file a Notice of Exemption.

SUMMARY:

As suggested by the Digital Sign Ad Hoc Committee, and as recommended by the Planning Commission, the proposed amendment will increase the digital portion of any applicable freestanding sign from twenty-five percent (25%) to eighty percent (80%). No other modifications relating to digital advertising displays are proposed at this time. Although the Planning Commission has recommended approval of this amendment, it urges the Town Council to give careful consideration to minimum lot width and/or incorporating a separation distance requirement to digital signs.

DISCUSSION:

On October 27, 2015, the Town Council adopted Ordinance 472, which modified design and operating standards for digital signs. On February 9, 2016, Mayor Pro Tem Nassif requested a Town Council agenda item to discuss digital sign design standards, specifically, how digital sign area is calculated. On March 8, 2016, the Town Council formed an Ad Hoc Committee to review digital signs in the Town of Apple Valley to discuss digital signs and forward its recommendation to the Planning Commission and Town Council for review and approval.

On May 17, 2016, the Digital Signs Ad Hoc Committee met and reviewed the existing design standards. Discussion primarily focused upon the smaller lots with limited street frontage. The existing Code limits the digital portion of any sign to twenty-five percent (25%), or thirty (30) square feet, whichever is less. This significantly reduces to ability for a business with limited frontage to have a quality, digital sign. A business that has one hundred (100) feet of frontage is allowed up to twenty (20) square feet of freestanding sign area, including up to five (5) square feet for digital. Five (5) square feet is basically enough area for a small reader board.

The Ad Hoc Committee is recommending the maximum sign area allowed for the digital portion of a freestanding sign be increased from twenty-five percent (25%) to eighty percent (80%). The maximum size for any digital sign will remain the same at thirty (30) square feet. As recommended by the Ad Hoc Committee, the maximum digital portion of a twenty (20) square foot sign would increase to sixteen (16) square feet, and would require a minimum of four (4) square feet to be permanent signage.

Development Code Amendment 2016-001 was reviewed as a public hearing at the June 15, 2016 Planning Commission meeting. The Commission is not opposed to the increase in sign area; however, it is concerned with the potential visual impact of allowing the installation of sixteen (16) square feet of digital sign every one hundred (100) feet. The Planning Commission urges the Town Council to consider an increase to the minimum lot width and consider a minimum separation distance between freestanding digital signs. The attached Planning Commission Resolution 2015-004 recommended a minimum lot width of two hundred (200) feet for any digital sign. The Town Council did not agree with the Commission's recommendation, and moved forward with a minimum lot width of one hundred (100) feet.

The Digital Sign Ad Hoc Committee recommended modifications are show below as strike-thru/underline.

G. Digital Advertising Displays

1. Permitted Locations

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

2. Design Standards

- a.** Digital advertising displays are accessory to, and must be architecturally integrated with non-digital, permanent freestanding or wall signs.
- b.** The digital portion of any sign may only occupy up to ~~twenty-five (25)~~ eighty (80) percent of the sign area, or thirty (30) square feet, whichever is less (Figure 9.74.110-A). This provision does not apply to billboards adjacent to the freeway.
- c.** The digital portion of any freestanding sign shall not exceed eight (8) feet in height as measured from the top of the sign to the ground, except that this provision does not apply to signs fronting the I-15. Nothing in this section shall be construed to imply that any sign may exceed its permitted height based upon its digital component.
- d.** Digital wall signs, visible from the public right-of-way, are limited to text only reader boards.
- e.** Text only reader boards are limited to one (1) single color.
- f.** Digital advertising displays may not be added to legal, nonconforming signs.

3. Operating Standards

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

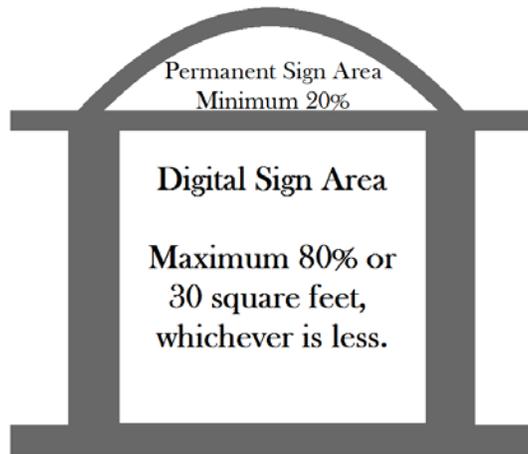


Figure 9.74.110-A Freestanding Digital Sign

FINDINGS:

Prior to the approval of any Amendment to the Development Code, the Council, based upon the advice of the Planning Commission, must make specific “Findings” as listed within the Code. Code Section 9.06.060 “Required Findings” of Chapter 9.06 Amendments to Zoning Provisions” specifies that two (2) Findings must be made in a positive manner to approve an Amendment. These Findings, along with a comment to address each, are presented below

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. 2016-001 will modify the Town's Development Code by updating the Town's provisions relative to the display of digital signs. 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. 2016-001 was advertised as a public hearing in Apple Valley News newspaper on July 1, 2016.

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.

FISCAL IMPACT:

Not Applicable

ATTACHMENTS:

1. Draft Ordinance No. 485
2. Planning Commission draft minutes for June 15, 2016
3. Planning Commission Staff Report
4. Planning Commission Resolution No. 2016-005
5. Planning Commission Resolution No. 2015-004 (Original recommendations June 3, 2015)
6. Planning Commission Resolution No 2015-004 (Modified pursuant to Council direction August 19, 2015)

ORDINANCE NO. 485

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING SECTION 9.74.110 (G) "DIGITAL ADVERTISING DISPLAYS"

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, on March 8, 2016, the Town of Apple Valley Town Council formed an Ad Hoc Committee to review the issue of digital signs in the Town of Apple Valley; and

WHEREAS, the Digital Sign Ad Hoc Committee met to discuss issues relating to digital signs and provided recommendations for a Development Code Amendment; and

WHEREAS, specific changes are proposed to Chapter 9.74 "Sign and Advertising Displays" of Title 9 "Development Code" of the Apple Valley Municipal Code as it relates to the regulations applicable to all digital advertising displays; and

WHEREAS, on June 15, 2016, the Planning Commission of the Town of Apple Valley conducted a duly noticed public hearing on Development Code Amendment No. 2016-001, receiving testimony from the public and adopting Planning Commission Resolution No. 2016-005 forwarding a recommendation to the Council; and

WHEREAS, Development Code Amendment No. 2016-001 is consistent with the Town's General Plan and Title 9 "Development Code" of the Municipal Code of the Town of Apple Valley and shall promote the health, safety, and general welfare of the citizens of the Town of Apple Valley; and

WHEREAS, 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 July 12, 2016, the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearings on Development Code Amendment No. 2016-001, receiving testimony from the public.

NOW, THEREFORE, the Town Council of the Town of Apple Valley, State of California, does ordain as follows:

Section 1. Find that the changes proposed by Development Code Amendment No. 2016-001 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 2. Pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be determined that the Code amendment is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as with the proposed Code Amendment, that there is no possibility that the proposal approved under Development Code Amendment No. 2016-001 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

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

"G. Digital Advertising Displays

2. Design Standards

- a.*** Digital advertising displays are accessory to, and must be architecturally integrated with non-digital, permanent freestanding or wall signs.
- b.*** The digital portion of any sign may only occupy up to eighty (80) percent of the sign area, or thirty (30) square feet, whichever is less (*Figure 9.74.110-A*). This provision does not apply to billboards adjacent to the freeway.
- c.*** The digital portion of any freestanding sign shall not exceed eight (8) feet in height as measured from the top of the sign to the ground, except that this provision does not apply to signs fronting the I-15. Nothing in this section shall be construed to imply that any sign may exceed its permitted height based upon its digital component.
- d.*** Digital wall signs, visible from the public right-of-way, are limited to text only reader boards.
- e.*** Text only reader boards are limited to one (1) single color.
- f.*** Digital advertising displays may not be added to legal, nonconforming signs.

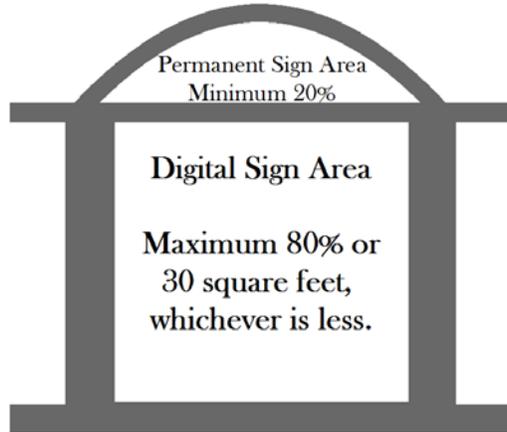


Figure 9.74.110-A Freestanding Digital Sign''

Section 4. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code of the State of California.

Section 5. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 6. Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Ordinance are declared to be severable.

Adopted by the Town Council and signed by the Mayor and attested to by the Town Clerk this 12th day of July, 2016.

Barb Stanton, Mayor

ATTEST:

La Vonda M-Pearson, Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

John Brown, Town Attorney

Frank Robinson, Town Manager

**DRAFTMINUTES
EXCERPT
TOWN OF APPLE VALLEY
PLANNING COMMISSION
Regular Meeting
WEDNESDAY, JUNE 15, 2016**

CALL TO ORDER

Chairman Qualls called to order the Regular Meeting of the Planning Commission of the Town of Apple Valley for June 15, 2016 at 6:00 p.m.

ROLL CALL

Planning Commission

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

STAFF PRESENT

Carol Miller, Principal Planner; Pam Cupp, Associate Planner; Thomas Rice, Town Attorney; and, Yvonne Rivera, Planning Commission Secretary.

VICE-CHAIRMAN SHOUP ARRIVED TO THE PLANNING COMMISSION MEETING AT 6:03 P.M.

PUBLIC HEARINGS

3. **Development Code Amendment No. 2016-001.** This is 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".
Applicant: Town of Apple Valley
Location: Town-wide

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

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

Commissioner Kallen expressed his dislike for digital signs and further commented that digital signs should not be added to any existing sign structure, and all digital signs should require newly designed and built sign structures.

Commissioner Shoup expressed his dislike of digital signs.

Chairman Qualls commented that he was not in support of allowing digital signs every 100 feet. Commissioner Lamoreaux is in support of allowing additional sign area for digital and also expressed concern over the separation distance.

Discussion ensued regarding the Commission's original recommendations to Council for minimum lot widths and separation distances between digital signs.

Ms. Carol Miller, Principal Planner, commented on the Town Council's position regarding lot width and that the Town Council modified the Commission's recommendation to allow 100-foot lot widths.

PUBLIC COMMENT

None.

Chairman Qualls closed the public hearing at 6:40 p.m.

MOTION

Motion by Commissioner Kallen, seconded by Chairman Qualls, that the Planning Commission move to:

1. Approve Planning Commission Resolution No. 2016-005, 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, and with a strong emphasis, recommend that the Town Council consider increasing the minimum lot width, apply a separation distance, and to ask the Council to review the Planning Commission's original Planning Commission Resolution.

ROLL CALL VOTE

Ayes:	Commissioner Kallen Commissioner Lamoreaux Chairman Qualls
Noes:	Vice-Chairman Shoup
Abstain:	None
Absent:	Commissioner Tinsley

The motion carried by a 3-1-0-1 vote.



Get a Slice of the Apple.

Agenda Item No. 2

TOWN OF APPLE VALLEY PLANNING COMMISSION

Staff Report

AGENDA DATE:	June 15, 2016
CASE NUMBER:	Development Code Amendment No. 2016-001
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 amending Section 9.74.110.G "Digital Advertising Displays".
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:	<i>Ms. Pam Cupp, Associate Planner</i>
RECOMMENDATION:	Adopt Planning Commission Resolution No. 2016-005.

BACKGROUND

On October 27, 2015, the Town Council adopted Ordinance 472, which modified design and operating standards for digital signs. On February 9, 2016, Mayor Pro Tem Nassif requested a Town Council agenda item to discuss digital sign design standards, specifically, how digital sign area is calculated. As a result of that discussion, an Ad Hoc committee was formed to review digital signs in the Town of Apple Valley to discuss digital signs and forward its recommendation to the Planning Commission and Town Council for review and approval.

DISCUSSION

Some members of the Town Council were not clear regarding the methodology used to calculate the permitted digital portion of any freestanding sign. The methodology may have been misconstrued to include the total sign area allowed for the site. This would include permitted wall sign area together with allowable freestanding sign area to achieve the total percentage that could be digital. Since wall sign area and freestanding sign area are always calculated independently, the available area permitted for digital is much less than that which may have been perceived.

The ad hoc committee met and reviewed digital sign design standards. Discussion primarily focused upon the smaller lots with limited street frontage. The existing Code limits the digital portion of any sign to twenty-five (25) percent or thirty (30) square feet, whichever is less. This significantly reduces to ability for a business with limited frontage to have a quality digital advertising display. A business that has 100 feet of frontage may only have up to twenty (20) square feet of sign area, which only allows up to five (5) square feet for digital. Five (5) square feet is basically enough area for a small reader board.

The ad hoc committee is recommending the maximum sign area allowed for the digital portion of a freestanding sign be increased from twenty-five (25) percent to eighty (80) percent. The maximum size for any digital sign will remain the same at thirty (30) square feet. As recommended by the ad hoc committee, the maximum digital portion of a twenty (20) square foot sign would increase to sixteen (16) square feet, and a minimum of four (4) square feet would be required the permanent portion of the sign.

The Digital Sign Ad Hoc Committee recommendations are show below as strike-thru/underline.

G. Digital Advertising Displays

2. Design Standards

- a.*** Digital advertising displays are accessory to, and must be architecturally integrated with non-digital, permanent freestanding or wall signs.
- b.*** The digital portion of any sign may only occupy up to ~~twenty-five (25)~~ eighty (80) percent of the sign area, or thirty (30) square feet, whichever is less (Figure 9.74.110-A). This provision does not apply to billboards adjacent to the freeway.
- c.*** The digital portion of any freestanding sign shall not exceed eight (8) feet in height as measured from the top of the sign to the ground, except that this provision does not apply to signs fronting the I-15. Nothing in this section shall be construed to imply that any sign may exceed its permitted height based upon its digital component.
- d.*** Digital wall signs, visible from the public right-of-way, are limited to text only reader boards.
- e.*** Text only reader boards are limited to one (1) single color.
- f.*** Digital advertising displays may not be added to legal, nonconforming signs.

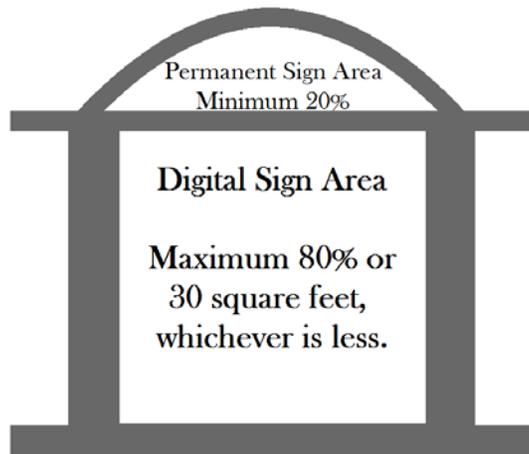


Figure 9.74.110-A Freestanding Digital Sign

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. 2016-001 will modify the Town’s Development Code by updating the Town’s provisions relative to the display of digital signs. 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. 2016-001 was advertised as a public hearing in the Apple Valley News newspaper on June 3, 2016.

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. 2016-005, 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. 2016-005

PLANNING COMMISSION RESOLUTION NO. 2016-005

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2016-001 AMENDING TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING SECTION 9.74.110.G "DIGITAL ADVERTISING DISPLAYS".

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 June 3, 2016, Development Code Amendment No. 2016-001 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 June 15, 2016 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2016-001, receiving testimony from the public; and

WHEREAS, Development Code Amendment No. 2016-001 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. 2016-001 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 9.74.110.G "Digital Advertising Displays" as follows:

G. Digital Advertising Displays

3. Design Standards

- g.* Digital advertising displays are accessory to, and must be architecturally integrated with non-digital, permanent freestanding or wall signs.
- h.* The digital portion of any sign may only occupy up to eighty (80) percent of the sign area, or thirty (30) square feet, whichever is less (*Figure 9.74.110-A*). This provision does not apply to billboards adjacent to the freeway.
- i.* The digital portion of any freestanding sign shall not exceed eight (8) feet in height as measured from the top of the sign to the ground, except that this provision does not apply to signs fronting the I-15. Nothing in this section shall be construed to imply that any sign may exceed its permitted height based upon its digital component.
- j.* Digital wall signs, visible from the public right-of-way, are limited to text only reader boards.
- k.* Text only reader boards are limited to one (1) single color.
- l.* Digital advertising displays may not be added to legal, nonconforming signs.

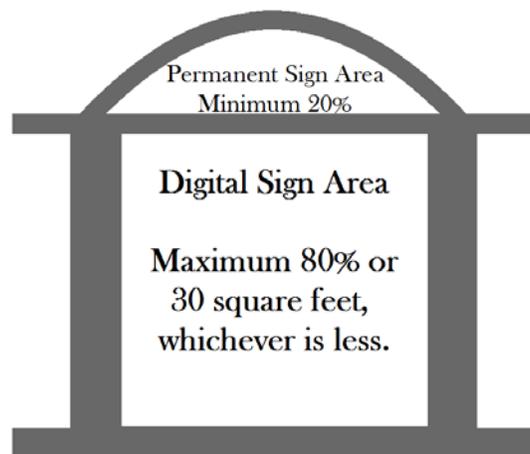


Figure 9.74.110-A Freestanding Digital Sign"

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 15th day of June, 2016.

Chairman Doug Qualls

ATTEST:

I, Yvonne Rivera, 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 15th day of June, 2016 by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ms. Yvonne Rivera, Planning Commission Secretary

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".

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 August 7, 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 August 19, 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 are only permitted within the Regional Commercial (C-R) and General Commercial (C-G) zoning designations.
- b. Project site must have a minimum lot frontage of 200 feet.
- c. Digital advertising displays may only be installed on developed property with frontage along I-15; Major Divided Arterial, Major Divided Parkway or Major Road as identified within the Town's Circulation Element of the General Plan.
- d. Single tenant buildings and sites may be permitted one (1) digital sign.
- e. Digital advertising displays may not be located within 300 feet of any residential unit or district, as measured from the sign.

2. Design Standards

- a. Digital advertising displays are accessory to, and must be architecturally integrated with non-digital, permanent free-standing or wall signs.
- b. The digital portion of any sign may only occupy up to twenty-five (25) percent of the sign area, or thirty (30) square feet, whichever is less. This provision does not apply to billboards adjacent to the freeway.
- c. The digital portion of any freestanding sign shall not exceed eight (8) feet in height as measured from the top of the sign to the ground, except that this provision does not apply to signs fronting the I-15. Nothing in this section shall be construed to imply that any sign may exceed its permitted height based upon its digital component.
- d. Digital wall signs, visible from the public right-of-way, are limited to text only reader boards.
- e. Text only reader boards are limited to one (1) single color.
- f. Digital advertising displays may not be added to legal, nonconforming signs.

3. Operating Standards

- a.* Signs visible from the public right-of-way shall not change at a frequency in excess of one alteration per five (5) seconds.
- b.* Transition between slides shall not exceed one (1) second.
- c.* Each slide shall contain one (1) complete message; messages shall not be truncated between slides.
- d.* Scrolling or animated characterization is not permitted.
- e.* All digital advertising displays shall be equipped with a light meter to automatically adjust the display brightness to ambient light conditions.
- f.* All digital advertising displays must comply with the illumination provisions of this Section.
- g.* Digital advertising displays located along pedestrian mall areas, not visible from a public right-of-way, may use scrolling and animated characterization.
- h.* Except for billboards located along the I-15, digital advertising displays shall not advertise off-site businesses.”

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 19th day of August, 2015.



Chairman Bruce Kallen

ATTEST:

I, Yvonne Rivera, 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 19th day of August, 2015 by the following vote, to-wit:

AYES: Commissioners Lamercaux, Sheup, Tinsley, Vice-chairman Qualls and chairman Kallen
NOES:
ABSENT:
ABSTAIN:



Ms. Yvonne Rivera, Planning Commission Secretary