

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

A REQUEST TO CONSIDER AN AMENDMENT TO TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY AMENDING SECTION 9.74.060 "EXEMPT SIGNS" BY ESTABLISHING REGULATIONS RELATED TO TEMPORARY PORTABLE SIGNS.

Summary Statement:

A portable sign program was initiated in January 2009 to assist local business owners by providing them with the ability to display portable signage. Under this program, each business is allowed (1) one portable sign when in conformance with the "Portable Sign Agreement". At the February 23, 2010 meeting, the Council voiced concerns about the expiration of this program. The program could then be extended or a Development Code Amendment to permanently allow these types of portable signs. At the request of Council, staff brought forward at the March 23, 2010 meeting, the issue of portable signs for discussion. Following public input and Council discussion, the Council approved the extension of the program for an additional six (6) months and remanded the matter to the Planning Commission for a possible Code Amendment to the Sign Code. The Code Amendment would establish regulations to allow temporary portable signs on a permanent basis.

Recommended Action:

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

1. **Determine** that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be determined that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is EXEMPT from further CEQA review.
2. **Find** the facts presented within the staff report support the required Findings for approval of an amendment to the Development Code and adopt the Findings.
3. **Find** that the proposed Town Council Ordinance is consistent with the Goals and Objectives of the adopted Town of Apple Valley General Plan and that it is necessary to preserve the health, safety and general welfare of the citizens of Apple Valley.
4. **Move** to waive the reading of Ordinance No. 411 in its entirety and read by title only.
5. **Introduce** Ordinance No.411, amending Section 9.74.060 "Exempt Signs" by establishing regulations related to temporary portable signs..

Proposed by: Planning Division

Item Number _____

Town Manager Approval: _____

Budget Item Yes No N/A

Town Council Meeting: July 27, 2010

ANALYSIS:

Using the “Portable Sign Agreement” regulations as the basis for the Code Amendment language, staff is recommending that portable signs which adhere to the required standards be exempt. Unless otherwise permitted, portable signs which exceed the standards would be prohibited.

It is recommended that Subsection EE be added to Section 9.74.060 to add the following:

EE. Temporary portable signs are permitted subject to the following:

1. Only one (1) on-site, portable sign is allowed per business, per street frontage. Off-site signs are not permitted.
2. Maximum size is six (6) square feet and the sign may be two (2) sided.
3. Maximum sign height is four (4) feet above grade.
4. One (1) temporary, single flag, pole sign with a maximum height of twelve (12) feet, located on private property.
5. Signs may only be displayed during the posted business hours.
6. Signs must be professionally constructed and all lettering done in a professional workmanlike manner.
7. Signs may not be illuminated or contain any electrical components.
8. Construction must be such that the sign will be weighted against falling or blowing over.
9. Signs shall have a minimum separation distance of thirty (30) feet on private property, along the right-of-way, or twenty (20) feet if located along privately owned drive aisles or pedestrian walkways.
10. Signs may be placed on privately owned sidewalks within commercial centers provided a four (4)-foot wide unobstructed pedestrian path is maintained.
11. Prohibited Sign Locations:
 - a. Clear Site Triangle
 - b. Any public right-of-way
 - c. Anywhere outside the boundaries of affected private property
 - d. On fences, boulders, planters, on other signs, vehicles, utility facilities or any structure.

REQUIRED FINDINGS

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

Required “Findings”:

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 portable signs 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. 2010-004, will modify the Town's Development Code by establishing regulations for temporary portable signs. The establishment of portable sign regulations shall not be detrimental to the health, safety or general welfare of the citizens or visitors of the Town of Apple Valley.

NOTICING

Development Code Amendment No. 2010-004 was advertised as a public hearing in the Apple Valley News newspaper on July 16, 2010 as required under Development Code Section 9.13.030 "Notice of Public Hearings".

ENVIRONMENTAL REVIEW

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

RECOMMENDATION

Following receipt of public input and discussion by the Council, it is recommended that the Council approve the attached Ordinance to amend Title 9 "Development Code" of the Town of Apple Valley Municipal Code by adding Subsection EE to Section 9.74.060.

Attachments:

Draft Ordinance

Planning Commission staff report dated June 16, 2010

Minute Excerpt from Planning Commission meeting of June 16, 2010

ORDINANCE No. 411

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, DETERMINING THAT DEVELOPMENT CODE AMENDMENT No. 2010-004 IS EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW AND AMEND TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING SECTION 9.74.060 "EXEMPT SIGNS" AS IT RELATES TO THE REGULATIONS FOR TEMPORARY PORTABLE SIGNS

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

Section 1. Recitals.

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

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

(iii) Specific changes are proposed to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by amending Sections 9.74.060 as it relates to the regulations for temporary portable signs; and

(iv) On July 16, 2010, Development Code Amendment No. 2010-004 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

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

(vi) On June 16, 2010, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2010-004, receiving testimony from the public; and

(vii) Development Code Amendment No. 2010-004 is consistent with Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

Section 2. Findings.

(i) Find that the changes proposed by Development Code Amendment No. 2010-004 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

(ii) Find that, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be seen with certainty that the proposed Development Code Amendment No. 2010-004 is not anticipated to have a direct, adverse impact upon the

environment and, therefore, is EXEMPT from further environmental review.

Section 3. Add Subsection EE “Portable Signs” to Chapter 9.74.060 “Exempt Signs” of Title 9 “Development Code” to read as follows:

EE. Temporary portable signs are permitted subject to the following:

1. Only one (1) on-site, portable sign is allowed per business, per street frontage. Off-site signs are not permitted.
2. Maximum size is six (6) square feet and the sign may be two (2) sided.
3. Maximum sign height is four (4) feet above grade.
4. One (1) temporary, single flag, pole sign with a maximum height of twelve (12) feet, located on private property.
5. Signs may only be displayed during the posted business hours.
6. Signs must be professionally constructed and all lettering done in a professional workmanlike manner.
7. Signs may not be illuminated or contain any electrical components.
8. Construction must be such that the sign will be weighted against falling or blowing over.
9. Signs shall have a minimum separation distance of thirty (30) feet on private property, along the right-of-way, or twenty (20) feet if located along privately owned drive aisles or pedestrian walkways.
10. Signs may be placed on privately owned sidewalks within commercial centers provided a four (4)-foot wide unobstructed pedestrian path is maintained.
11. Prohibited Sign Locations:
 - a. Clear Site Triangle
 - b. Any public right-of-way
 - c. Anywhere outside the boundaries of affected private property
 - d. On fences, boulders, planters, on other signs, vehicles, utility facilities or any structure

Section 4. Invalidation. The amendment by this Ordinance of Title 9 “Development Code” of the Town of Apple Valley Municipal Code as previously in effect, or of any other prior enactment, shall not be construed to invalidate any entitlement exercised or proceeding taken pursuant to such Title or other enactment while the same was in effect.

Section 5. 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 6. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 7. Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Ordinance are declared to be severable.

Adopted by the Town Council and signed by the Mayor and attested by the Town Clerk
this ____ day of _____, 2010.

Honorable Peter Allan, Mayor

ATTEST:

Ms. La Vonda M-Pearson, Town Clerk

Approved as to form:

Approved as to content:

Mr. John Brown, Town Attorney

Mr. Frank Robinson, Town Manager



TOWN OF APPLE VALLEY PLANNING COMMISSION

STAFF REPORT

AGENDA DATE:	June 16, 2010
CASE NUMBER:	Development Code Amendment No. 2010-004
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 9.74.060 “Exempt Signs” by establishing regulations related to temporary portable signs.
LOCATION:	Town-wide
EXISTING GENERAL PLAN DESIGNATIONS:	Commercial and Industrial Land Use Designations.
EXISTING ZONING:	Commercial and Industrial 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. Carol Miller, Senior Planner
RECOMMENDATION:	Adopt Planning Commission Resolution No. 2010-003

BACKGROUND AND ANALYSIS

Due to the economic downturn, the Town Manager initiated a portable sign program in January 2009 to assist local business owners by providing them with the ability to display portable signage. Under this program, each business is allowed (1) one portable sign, when in conformance with the “Portable Sign Agreement”. Typically, these types of signs are otherwise

prohibited, as specified in the Development Code. This program was extended to January 15, 2010 by the Town Council in July 2009.

At the February 23, 2010 meeting, the Council voiced concerns about the expiration of this program, for which the program may be extended or initiate a Development Code Amendment to permanently allow these types of portable signs. At the request of Council, staff brought forward at the March 23, 2010 meeting, the issue of portable signs for discussion. Following public input and Council discussion, the Council approved to extend the program another six (6) months and remand the matter to the Planning Commission for a possible Code Amendment to the Sign Code. The Code Amendment would establish regulations to allow temporary portable signs.

Using the "Portable Sign Agreement" regulations as the basis for the Code Amendment language, staff is recommending that portable signs which adhere to the required standards be exempt. Unless otherwise permitted, portable signs which exceed the standards would be prohibited.

It is recommended that Subsection EE be added to Section 9.74.060 to add the following:

- EE.** Temporary portable signs are permitted subject to the following:
2. Only one (1) on-site, portable sign is allowed per business, per street frontage. Off-site signs are not permitted.
 2. Maximum size is six (6) square feet and the sign may be two (2) sided.
 3. Maximum sign height is four (4) feet above grade.
 4. One (1) temporary, single flag pole sign with a maximum height of twelve (12) feet, located on private property.
 5. Signs may only be displayed during the posted hours the business is open to conduct business.
 6. Signs must be professionally constructed and all lettering done in a professional workmanlike manner.
 7. Signs may not be illuminated or contain any electrical components.
 8. Construction must be such that the sign will be weighted against falling or blowing over.
 9. Signs shall have a minimum separation distance of thirty (30) feet on private property, along the right-of-way or twenty (20) feet if located along privately owned drive aisles or pedestrian walkways.
 10. Signs may be placed on privately owned sidewalks within commercial centers provided a four (4)-foot wide unobstructed pedestrian path is maintained.
 11. Prohibited Sign Locations:
 - a. Clear Site Triangle
 - b. Any public right-of-way
 - c. Anywhere outside the boundaries of affected private property
 - d. On fences, boulders, planters, on other signs, vehicles, utility facilities or any structure.

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 portable signs 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. 2010-004 will modify the Town's Development Code by establishing regulations for temporary portable signs. The establishment of portable sign regulations shall not be detrimental to the health, safety or general welfare of the citizens or visitors of the Town of Apple Valley.

NOTICING

Development Code Amendment No. 2010-004 was advertised as a public hearing in the Apple Valley News newspaper on June 4, 2010.

ENVIRONMENTAL REVIEW

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

RECOMMENDATION

Following receipt of public input and discussion by the Commission, it is recommended that the Commission move to approve Planning Commission Resolution No. 2010-003, 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
Senior Planner

Lori Lamson
Assistant Director of Community Development

ATTACHMENT:

1. Planning Commission Resolution No. 2010-003

PLANNING COMMISSION RESOLUTION NO. 2010-003

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL AMEND TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY AMENDING SECTION 9.74.060 "EXEMPT SIGNS" AS IT RELATES TO THE REGULATIONS FOR TEMPORARY PORTABLE SIGNS

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

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

WHEREAS, specific changes are proposed to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by amending the Sign Code as it relates to portable signs within the Town of Apple Valley. The proposed amendment modifies Code Section 9.74.060 "Exempt Signs"; and

WHEREAS, on June 4, 2010, Development Code Amendment No. 2010-004 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

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

WHEREAS, on June 16, 2010, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2010-004, receiving testimony from the public; and

WHEREAS, Development Code Amendment No. 2010-004 is consistent with Title 9 "Development Code" of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

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

Section 1. Find that the changes proposed by Development Code Amendment No. 2010-004 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 2. Pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be determined that the Code amendment is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as with the proposed Code Amendment, that there is no possibility that the proposal approved under Development Code Amendment No. 2010-004 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

Section 3. Add Subsection EE “Portable Signs” to Chapter 9.74.060 “Exempt Signs” of Title 9 “Development Code” to read as follows:

EE. Temporary portable signs are permitted subject to the following:

1. Only one (1) on-site, portable sign is allowed per business, per street frontage. Off-site signs are not permitted.
2. Maximum size is six (6) square feet and the sign may be two (2) sided.
3. Maximum sign height is four (4) feet above grade.
4. One (1) temporary, single flag pole sign with a maximum height of twelve (12) feet, located on private property.
5. Signs may only be displayed during the posted hours the business is open to conduct business.
6. Signs must be professionally constructed and all lettering done in a professional workmanlike manner.
7. Signs may not be illuminated or contain any electrical components.
8. Construction must be such that the sign will be weighted against falling or blowing over.
9. Signs shall have a minimum separation distance of thirty (30) feet on private property, along the right-of-way or twenty (20) feet if located along privately owned drive aisles or pedestrian walkways.
10. Signs may be placed on privately owned sidewalks within commercial centers provided a four (4)-foot wide unobstructed pedestrian path is maintained.
11. Prohibited Sign Locations:
 - a. Clear Site Triangle
 - b. Any public right-of-way
 - c. Anywhere outside the boundaries of affected private property
 - d. On fences, boulders, planters, on other signs, vehicles, utility facilities or any structure

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 16th day of June, 2010.

Bruce Kallen, Chairman

ATTEST:

I, Patty Hevle, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing Planning Commission Resolution No. 2010-003 was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 16th day of June, 2010, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Patty Hevle, Planning Commission Secretary

**MINUTES EXCERPT
TOWN OF APPLE VALLEY
PLANNING COMMISSION
Regular Meeting
Wednesday, June 16, 2010**

CALL TO ORDER

At 6:00 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for June 16, 2010, was called to order by Vice-Chairman B.R. "Bob" Tinsley.

ROLL CALL

Planning Commission

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

STAFF PRESENT

Ms. Lori Lamson, Assistant Director of Community Development; Ms. Carol Miller, Senior Planner; Ms. Pam Cupp, Associate Planner; and Ms. Patty Hevle, Planning Commission Secretary.

2. Development Code Amendment No. 2010-004.

Applicant: Town of Apple Valley

Location: Town-wide.

Vice-Chairman Tinsley opened the public hearing at 6:04 p.m.

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

Since there was no one in the audience requesting to speak to this item, Vice-Chairman Tinsley closed the public hearing at 6:06 p.m.

MOTION:

Motion by Commissioner Hernandez, seconded by Commissioner Putko, that the Planning Commission approve Planning Commission Resolution No. 2010-003, 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 Hernandez
Commissioner Putko
Vice-Chairman Tinsley

Noes: None

Abstain: None

Absent: Commissioner Cusack
Chairman Kallen

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