



Town Council Agenda Report

Date: April 23, 2019 Item No. 7

To: Honorable Mayor and Town Council

Subject: DEVELOPMENT CODE AMENDMENT NO. 2019-001, AN AMENDMENT TO TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE THAT WILL AMEND CHAPTERS 9.35 "COMMERCIAL AND OFFICE DISTRICTS" AND 9.37 "COMMERCIAL AND OFFICE DISTRICTS DESIGN STANDARDS" RELATED TO THE USE OF EXPOSED METAL.

From: Douglas Robertson, Town Manager

Submitted by: Carol Miller, Assistant Director of Community Development
Community Development Department

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, including the attached Planning Commission staff report for March 20, 2019, support the required Findings for approval of the proposed Development Code Amendment and adopt the Findings.
3. **Move** to waive the reading of Ordinance No.505 in its entirety and read by title only.
4. **Introduce** Ordinance No.505 approving Development Code Amendment No. 2019-002; and

5. **Direct** staff to file a Notice of Exemption with the San Bernardino County Clerk of the Board.

SUMMARY:

On March 20, 2019, the Planning Commission adopted Planning Commission Resolution No. 2019-002 recommending an amendment to the Development Code that specifies level of review authority when metal is used as an exterior building material and how metal siding can be used on the exterior of a building or as a design element.

ANALYSIS:

The Development Code encourages new commercial development to utilize stucco, smooth plasters, earthen colored block, natural stone, wood and terra cotta tile as the dominant building materials. Any use of metal, whether as a siding or design feature currently requires Planning Commission approval regardless of the size or scope of the project. As such, projects that range from large scale commercial development to a simple façade improvement on an existing building, all require Planning Commission approval. To streamline the process in some cases, the automatic referral to Planning Commission is no longer required. The use of metal can be approved administratively under a Development Permit application if the use of metal is limited to an architectural feature or design element, or where the siding replicates other material, such as embossed stucco, wood, stone, or tile. A building that proposes exposed metal as the primary siding would continue to be referred to the Planning Commission regardless of application process.

NOTICING:

Development Code Amendment No. 2019-002 was advertised as a Town Council public hearing in the Apple Valley News newspaper on April 12, 2019.

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.

REQUIRED FINDINGS:

An Amendment to the Development Code requires that the Town Council address two (2) required "Findings", as listed within Development Code Section 9.06.060. For Council consideration, the required Findings are listed below, along with a comment addressing each. If the Council concurs with these comments, it may be adopted. If the Council

wishes to modify the offered comments, after considering input and public testimony at the public hearing, modifications to the Findings and Code Amendment can be included.

1. 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. The proposed Amendment will amend the development requirements for the use of exposed metal within the Commercial zoning designations. The standards and review process will ensure that the community's existing high quality of design and aesthetic integrity will be preserved.

2. The proposed Amendment will not be detrimental to the public health, safety or welfare of the Town or its residents.

Comment: The proposed Amendment will amend the development requirements for the use of exposed metal within the Commercial zoning designations. The standards and review process will ensure that the community's existing high quality of design and aesthetic integrity will be preserved and will not be detrimental to the public health, safety or welfare of the community.

Fiscal Impact:

Not Applicable

Attachments:

Ordinance No.505

Planning Commission Staff Report

Planning Commission Resolution No. 2019-002

ORDINANCE NO.505

AN ORDINANCE OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING CHAPTERS 9.35.120 “COMMERCIAL AND OFFICE DISTRICTS” AND 9.37.080 “COMMERCIAL AND OFFICE DISTRICTS DESIGN STANDARDS”

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 modifying Chapter 9.35.120 “Commercial and Office Districts” and Chapter 9.37.080 “Commercial and Office Design Standards” as it pertains to exposed metal; and

WHEREAS, on March 20, 2019, the Planning Commission of the Town of Apple Valley conducted a duly noticed public hearing on Development Code Amendment No. 2019-002, receiving testimony from the public and adopting Planning Commission Resolution No. 2019-002 forwarding a recommendation to the Council; and

WHEREAS, Development Code Amendment No. 2019-002 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 April 23, 2019, the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearings on Development Code Amendment No. 2019-002, 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. 2019-002 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. 2019-002 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

Section 3. Amend Section 9.35.120.B “Pre-Fabricated Structures” of the Code by amending Subsection “B.1” to read as follows:

9.35.120 Pre-Fabricated Structures

B. Metal Buildings

1. The use of metal exteriors when staff or the Planning Commission determines, during a project’s Development Permit or Conditional Use Permit review, may include exposed metal when used as an architectural feature or design element which provides a varying material to the buildings design. Metal siding that replicates other material, such as embossed stucco, wood, stone, tile, or replicates the appearance of traditional shiplap or board and batten may also be used. The proposed structure shall also have an appearance emulating and simulating the color, texture and appearance of other structures within the surrounding area or where it can be clearly demonstrated that the proposed structure is an enhancement to the surrounding area. A structure which proposes an exposed metal exterior as the primarily building siding shall require the application to be approved by the Planning Commission. Textured panels may not be corrugated or metal seam.

Section 4. Amend Section 9.37.080.F “Architecture” of the Code by amending Subsection “F.2” to read as follows:

9.37.080 Architecture

F. Building Materials

2. New development shall be encouraged to utilize adobe, stucco, smooth plasters, earthen color block, natural stone, wood and terra cotta tile as the dominant building materials in response to the Town's desert environment. The use of metal on the exterior of any portion of a structure may include exposed metal when used as an architectural feature or design element which provides a varying material to the building. Metal siding that replicates other material, such as embossed stucco finish, wood, stone, tile, or replicates the appearance of traditional shiplap or board and batten may be used. The proposed structure shall also have an appearance emulating and simulating the color, texture and appearance of other structures within the surrounding area or where it can be clearly demonstrated that the proposed structure is an enhancement to the surrounding area. A structure which proposes an exposed metal exterior as the primarily building siding shall require the application to be approved by the Planning Commission. Textured panels may not be corrugated or metal seam.

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 to by the Town Clerk this 14th day of May 2019.

Honorable Larry Cusack, Mayor

ATTEST:

Ms. La Vonda M. Pearson, Town Clerk

Approved as to form:

Approved as to content:

Mr. Thomas Rice, Town Attorney

Mr. Douglas B. Robertson, Town Manager



Planning Commission Agenda Report

Date:	March 20, 2019	Item No. 4
Subject:	DEVELOPMENT CODE AMENDMENT NO. 2019-002	
Applicant:	Town of Apple Valley	
Proposal:	An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code that will amend Chapters 9.35 "Commercial and Office Districts", and 9.37 "Commercial and Office Districts Design Standards" related to the use of exposed metal.	
Location:	Town-wide	
General Plan Designation:	Commercial land use designations Town-wide	
Existing Zoning:	Commercial land use designations Town-wide	
Environmental Determination:	Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.	
Prepared By:	Carol Miller, Assistant Director of Community Development	
Recommendation:	Adopt Planning Commission Resolution No. 2019-002.	

BACKGROUND

At the direction of the Town Council, on September 25, 2018, the Town Council initiated an amendment to the Development Code regarding the use of exposed metal construction. Staff was directed by the Council, to work with the Planning Commission to review the existing standards and consider some revisions.

Presently, the Development Code addresses the use of building materials for the exterior of new construction in Code Chapters 9.35 "Commercial and Office Districts", and 9.37 "Commercial and Office Districts Design Standards" related to the use of exposed metal.

DISCUSSION

The Town could benefit from a change to the Development Code allowing a broader use of metal as an exterior treatment on new construction by expanding the alternatives available to those

individuals considering new construction within the Town. However, any use of metal on the exterior of a building must not be allowed to negatively impact existing development either physically or aesthetically. Any new standards must preserve the community's existing high quality of design and aesthetic integrity.

Metal materials have improved over time and the market now has materials that simulate other traditional materials, such as wood siding, brick, and stucco. Also, modern, contemporary design that includes exposed metal architectural elements has become more popular and trend setting. The Development Code Sections references may not accurately reflect changes in the quality of the material or availability of design.

Over the past several years, the Planning Commission and staff have reviewed and approved different uses of metal throughout Town. Metal accents on commercial and industrial buildings have been considered appropriate and contributing toward the high architectural standards we require in the Town. In addition, the Planning Commission may wish to discuss the use of metal as a roofing material.

The Development Permit process can be administratively approved for buildings under 50,000 square feet or façade improvements. Buildings larger than this require approval by the Planning Commission. Because of the subjectivity in determining the appropriate use of exposed metal, staff has historically been very conservative in interpreting the appropriate use of metal, and in some cases where a project could have been administratively approved, was referred to the Planning Commission. A Conditional Use Permit automatically requires the review and approval of the Planning Commission.

The modified language would allow new construction under a Development Permit to be considered at staff level even if exposed metal is shown provided its used as an architectural feature or design element, or replicates other material, such as embossed stucco, wood, stone, or tile. A building that has exposed metal as the primary siding would be referred to the Planning Commission. The language specifically prohibits the use of corrugated or metal seam.

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

9.35.120 Pre-Fabricated Structures

B. Metal Buildings

1. ~~Buildings constructed on site, or structures assembled from modular or similar units on site, or structures assembled off site and moved on site as one unit, may~~ The use of metal exteriors when staff or the Planning Commission determines, during a project's Development Permit or Conditional Use Permit review, may include exposed metal when used as an architectural feature or design element which provides a varying material to the buildings design. Metal siding that replicates other material, such as embossed stucco, wood, stone, tile, or replicates the appearance of traditional shiplap or board and batten may also be used. A structure which proposes an exposed metal exterior as the primarily building siding shall require the application to be approved by the Planning Commission. Textured panels may not be corrugated or metal seam.
~~that the proposed structure shall have an appearance emulating and simulating the color, texture and appearance of other structures within the surrounding area or where it can be clearly demonstrated that the proposed structure shall be an~~

~~enhancement to the surrounding area. Said metal exterior must provide the same texture depth and other physical characteristics as the exterior of the main structure on the surrounding properties.~~

9.37.080 Architecture

F. **Building Materials**

2. New development shall be encouraged to utilize adobe, stucco, smooth plasters, earthen color block, natural stone, wood and terra cotta tile as the dominant building materials in response to the Town's desert environment. The use of metal on the exterior of any portion of a structure ~~constructed on site, or structures assembled from modular or similar units on site, or structures assembled off site and moved on site as one unit,~~ may use include exposed metal exteriors when used as an architectural feature or design element which provides a varying material to the building. Metal siding that replicates other material, such as embossed stucco finish, wood, stone, tile, or replicates the appearance of traditional shiplap or board and batten may be used. A structure which proposes a exposed metal exterior as the primarily building siding shall require the application to be approved by the Planning Commission. Textured panels may not be corrugated or metal seam. ~~the Planning Commission determines, during a project's Development Permit or Conditional Use Permit review, that the proposed structure shall have an appearance emulating and simulating the color, texture and appearance of other structures within the surrounding area or where it can be clearly demonstrated that the proposed structure shall be an enhancement to the surrounding area. Said metal exterior must provide the same texture depth and other physical characteristics as the exterior of the main structure on the surrounding properties~~

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, it may be adopted and forward its recommendation to the Council for consideration of the Development Code Amendment. If the Commission wishes to modify the offered comments, after considering input and public testimony at the public hearing, modifications to the Findings and Code Amendment recommendations can be included into the information forwarded to the Council for consideration.

1. 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. The proposed Amendment will amend the development requirements for the use of exposed metal within the Commercial zoning designations. The standards and review process with ensure that the community's existing high quality of design and aesthetic integrity will be preserved.

2. The proposed Amendment will not be detrimental to the public health, safety or welfare of the Town or its residents.

Comment: The proposed Amendment will amend the development requirements for the use of exposed metal within the Commercial zoning designations. The standards and review process will ensure that the community's existing high quality of design and aesthetic integrity will be preserved and will not be detrimental to the public health, safety or welfare of the community.

NOTICING

Development Code Amendment No. 2019-002 was advertised as a public hearing in the Apple Valley News newspaper on March 8, 2019.

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. 2019-002, forwarding a recommendation that the Town Council amends the North Apple Valley Industrial Specific Plan, as outlined within the staff report.

Prepared by:

Carol Miller
Assistant Director of Community Development

ATTACHMENTS:

1. Planning Commission Resolution No. 2019-002

PLANNING COMMISSION RESOLUTION NO. 2019- 002

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 CHAPTERS 9.35 “COMMERCIAL AND OFFICE DISTRICTS”, 9.37 “COMMERCIAL AND OFFICE DISTRICTS DESIGN STANDARDS” REGARDING THE STANDARDS FOR THE USE OF METAL ON EXPOSED EXTERIOR BUILDING SURFACES COMMERCIAL ZONED PROPERTIES ANYWHERE WITHIN THE TOWN OF APPLE VALLEY.

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, Development Code Amendment No. 2019-002 is consistent with the General Plan and Municipal Code of the Town of Apple Valley; and

WHEREAS, Specific changes are proposed to the Development Code of the Town of Apple Valley Municipal Code by amending Chapter 9.35 “Commercial and Office Districts” and 9.37 “Commercial and Office Districts Design Standards” as it relates to amending the development standards for metal buildings.

WHEREAS, On March 8, 2019, Development Code Amendment No. 2019-002 was duly noticed in the Apple valley News, a newspaper of general circulation within 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 March 20, 2019, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2019-002, receiving testimony from the public and adopted Planning Commission Resolution No. 2019-002 recommending adoption of this Ordinance; and

WHEREAS, Development Code Amendment No. 2019-002 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.

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, finds and determines 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. 2019-002 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 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

Section 3. Amend Section 9.35.120.B “Pre-Fabricated Structures” of the Code by amending Subsection “B.1” to read as follows:

1. The use of metal exteriors when staff or the Planning Commission determines, during a project’s Development Permit or Conditional Use Permit review, may include exposed metal when used as an architectural feature or design element which provides a varying material to the buildings design. Metal siding that replicates other material, such as embossed stucco, wood, stone, tile, or replicates the appearance of traditional shiplap or board and batten may also be used, provided that the proposed structure also has an appearance emulating and simulating the color, texture and appearance of other structures within the surrounding area or where it can be clearly demonstrated that the proposed structure shall be an enhancement to the surrounding area. A structure which proposes an exposed metal exterior as the primarily building siding shall require the application to be approved by the Planning Commission. Textured panels may not be corrugated or metal seam.

Section 4. Amend Section 9.37.080.F “Architecture” of the Code by amending Subsection “F.2” to read as follows:

2. New development shall be encouraged to utilize adobe, stucco, smooth plasters, earthen color block, natural stone, wood and terra cotta tile as the dominant building materials in response to the Town's desert environment. The use of metal on the exterior of any portion of a structure may include exposed metal when used as an architectural feature or design element which provides a varying material to the building. Metal siding that replicates other material, such as embossed stucco finish, wood, stone, tile, or replicates the appearance of traditional shiplap or board and batten may be used, provided that the proposed structure also has an appearance emulating and simulating the color, texture and appearance of other structures within the surrounding area or where it can be clearly demonstrated that the proposed structure is an enhancement to the surrounding area. A structure which proposes an exposed metal exterior as the primarily

building siding shall require the application to be approved by the Planning Commission. Textured panels may not be corrugated or metal seam.

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 20th day of March 2019.

Bruce Kallen, Vice-Chairman

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 20th day of March 2019 by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ms. Yvonne Rivera, Planning Commission Secretary