



## Town Council Agenda Report

Date: April 23, 2019 Item No. 8

To: Honorable Mayor and Town Council

Subject: SPECIFIC PLAN AMENDMENT NO. 2005-001 AMENDMENT NO. 7, AN AMENDMENT TO THE NORTH APPLE VALLEY INDUSTRIAL SPECIFIC PLAN SECTION III "DEVELOPMENT STANDARDS AND GUIDELINES" BY AMENDING THE PRE-FABRICATED/METAL BUILDING 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 Specific Plan Amendment.
3. **Move** to waive the reading of Ordinance No.506 in its entirety and read by title only.
4. **Introduce** Ordinance No.506 approving Specific Plan No. 2005-001 Amendment No. 7; 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. 2019-001 recommending an amendment to the North Apple Valley Industrial Specific Plan relating to the use of exposed metal siding.

**ANALYSIS:**

Presently, the North Apple Valley Industrial Specific Plan addresses the use of metal as a building material in Section III “Development Standards and Guidelines” as it relates to new and existing development. For new development, the specific plan currently allows the use of metal when used as an architectural treatment and discourages the use of exposed metal except for airplane hangars within the Industrial-Airport District.

Buildings proposing to use exposed metal as the primary siding currently requires the approval of a Conditional Use Permit subject to Planning Commission approval. The recommendation proposes the approval process change from a Conditional Use Permit to the Site Plan Review but remain the review authority of the Planning Commission. All other Site Plan Review applications are the review authority of the Planning Director.

To address the changes in the metal building industry which now offer siding that simulate other traditional materials, the recommended language expands the existing standards to clarify that a 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 can be considered administratively under the Site Plan Review process.

**NOTICING:**

Specific Plan No. 2005-001 Amendment No. 7 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.

**Fiscal Impact:**

Not Applicable

**Attachments:**

Ordinance No.506  
Planning Commission Staff Report  
Planning Commission Resolution No. 2019-001

**ORDINANCE NO. 506**

**AN ORDINANCE OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING THE NORTH APPLE VALLEY INDUSTRIAL SPECIFIC PLAN (NAVISP) SECTION III “DEVELOPMENT STANDARDS AND GUIDELINES” BY AMENDING THE PRE-FABRICATED/METAL BUILDING STANDARDS.**

**WHEREAS**, a Specific Plan of Land Use was approved on October 10, 2006 by the Town Council on the recommendation of the Planning Commission for lands generally located east of Dale Evans Parkway, south of Quarry Road, west of Central Road and north of Waalew Road, known as the North Apple Valley Industrial Specific Plan; and

**WHEREAS**, the North Apple Valley Industrial Specific Plan has been previously modified by the Town Council on the recommendation of the Planning Commission; and

**WHEREAS**, Specific Plan No. 2005-001 Amendment No. 7 is consistent with the adopted North Apple Valley Industrial Specific Plan and General Plan of the Town of Apple Valley; and

**WHEREAS**, Specific changes are proposed to the North Apple Valley Industrial Specific Plan by amending Section III “Development Standards and Guidelines” as it relates to amending the development standards for metal buildings.

**WHEREAS**, on March 20, 2019, the Planning Commission of the Town of Apple Valley conducted a duly noticed public hearing on Specific Plan No. 2005-001 Amendment No. 7, receiving testimony from the public and adopting Planning Commission Resolution No. 2019-001 forwarding a recommendation to the Council; and

**WHEREAS**, Specific Plan No. 2005-001 Amendment No. 7 is consistent with the Town's General Plan 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 Specific Plan 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 Specific Plan No. 2005-001 Amendment No. 7, 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.** Findings.

(i) Find that the changes proposed by Specific Plan No. 2005-01 Amendment No. 7 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan and the North Apple Valley Industrial Specific Plan, and

(ii) Find that, the amendment currently proposed is consistent with the adopted North Apple Valley Industrial Specific Plan and does not constitute a change in build out potential. Further, 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 Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

**Section 2.** Amend Section III “Development Standards and Guidelines” of the North Apple Valley Industrial Specific Plan by amending Subsection “E.7” to read as follows:

**E. Land Use Regulations**

**7. Pre-Fabricated Structures/Metal Buildings**

Buildings with exposed metal are discouraged in the Specific Plan Area, except for airplane hangars located on the airport property, in the Industrial-Airport District. Buildings proposing the use of exposed metal siding as the primary siding shall require the approval of a Site Plan Review subject to Planning Commission approval.

Existing prefabricated structures/exposed metal buildings may remain within the Specific Plan Area, if they are improved to meet the following standards:

- a. The design of the structure is compatible with the design of surrounding structures.
- b. The outside finishes of the pre-fabricated structure create the appearance of a permanent, conventional construction building.
- c. Roofs of pre-fabricated buildings shall be standing seam, tile or shingle.
- d. Pre-fabricated buildings shall be erected on permanent foundations.

**Section 3.** Amend Section III “Development Standards and Guidelines” of the North Apple Valley Industrial Specific Plan by amending Subsection “F.1.e.2” to read as follows:

**F. Design Standards and Guidelines**

**1. Architecture**

**e. Building Material and Colors**

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 be used as an architectural feature or design element that 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 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.** 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 14<sup>th</sup> day of May 2019.

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Honorable Larry Cusack, Mayor

ATTEST:

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Ms. La Vonda M. Pearson, Town Clerk

Approved as to form:

Approved as to content:

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Mr. Thomas Rice, Town Attorney

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Mr. Douglas B. Robertson, Town Manager



## Planning Commission Agenda Report

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<b>Date:</b>	March 20, 2019	Item No. 5
<b>Subject:</b>	SPECIFIC PLAN NO. 2005-001 AMENDMENT NO. 7	
<b>Applicant:</b>	Town of Apple Valley	
<b>Proposal:</b>	An amendment to the North Apple Valley Industrial Specific Plan (NAVISP) Section III “Development Standards and Guidelines” by amending the Pre-Fabricated/Metal Building standards.	
<b>Location:</b>	North Apple Valley Industrial Specific Plan	
<b>General Plan Designation:</b>	Specific Plan	
<b>Existing Zoning:</b>	Specific Plan	
<b>Environmental Determination:</b>	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.	
<b>Prepared By:</b>	Carol Miller, Assistant Director of Community Development	
<b>Recommendation:</b>	Adopt Planning Commission Resolution No. 2019-001.	

### **BACKGROUND**

At the direction of the Town Council, on September 25, 2018, the Town Council initiated an amendment 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 North Apple Valley Industrial Specific Plan addresses the use of metal as a building material in Section III “Development Standards and Guidelines” as it related to new and existing development.

### **DISCUSSION**

The North Apple Valley Industrial Specific Plan currently addresses the use of metal as an exterior treatment on new construction and existing development. However, given the exposed metal discussion as it relates to the Development Code for commercial development, it was considered appropriate to consider some language change as well that could benefit the development

standards within the North Apple Valley Industrial Specific Plan by expanding the alternatives available for new construction.

For new development, the specific plan currently allows the use of metal when used as an architectural treatment. This is proposed to remain unchanged. The proposed language is the same as in the Development Code amendment for commercial development which expands how metal siding can be used.

Metal materials have improved, 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.

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.

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.

### **Section III -Development Standards and Guidelines**

#### **E. Land Use Regulations**

##### **7. Pre-Fabricated Structures/Metal Buildings**

Buildings with exposed metal are discouraged in the Specific Plan Area, with the exception of airplane hangars located on the airport property, in the Industrial-Airport District. Buildings proposing to use exposed metal as the primary siding shall require the approval of a ~~Conditional Use Permit~~ Site Plan Review subject to Planning Commission approval.

Existing prefabricated structures/exposed metal buildings may remain within the Specific Plan Area, if they are improved to meet the following standards:

- a. The design of the structure is compatible with the design of surrounding structures.
- b. The outside finishes of the pre-fabricated structure create the appearance of a permanent, conventional construction building.
- c. Roofs of pre-fabricated buildings shall be standing seam, tile or shingle.
- d. Pre-fabricated buildings shall be erected on permanent foundations.

#### **F. Design Standards and Guidelines**

##### **1. Architecture**

##### **e. Building Material and Colors**

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 ~~decorative metal features on the exterior of any portion of a structure is allowed.~~ metal on the exterior of any portion of a structure may be used as an architectural feature or design element that 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 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.

**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 North Apple Valley Specific Plan. 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 North Apple Valley Specific Plan. 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**

Specific Plan Amendment No. 2005-001 Amendment No. 7 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. 2019-001, forwarding a recommendation that the Town Council amend the North Apple Valley Industrial Specific Plan, as outlined within the staff report.



**Prepared by:**

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Carol Miller  
Assistant Director of Community Development

**ATTACHMENTS:**

1. Planning Commission Resolution No. 2019-001

**PLANNING COMMISSION RESOLUTION NO. 2019- 001**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT SPECIFIC PLAN NO. 2005-001 AMENDMENT NO. 7 THE NORTH APPLE VALLEY INDUSTRIAL SPECIFIC PLAN BY AMENDING SECTION III “DEVELOPMENT STANDARDS AND GUIDELINES” AS THEY RELATE TO PREFABRICATED BUILDINGS AND METAL BUILDINGS.**

**WHEREAS**, a Specific Plan of Land Use was approved on October 10, 2006 by the Town Council on the recommendation of the Planning Commission for lands generally located east of Dale Evans Parkway, south of Quarry Road, west of Central Road and north of Waalew Road, known as the North Apple Valley Industrial Specific Plan; and

**WHEREAS**, the North Apple Valley Industrial Specific Plan has been previously modified by the Town Council on the recommendation of the Planning Commission; and

**WHEREAS**, Specific Plan No. 2005-001 Amendment No. 7 is consistent with the General Plan and Municipal Code of the Town of Apple Valley; and

**WHEREAS**, Specific changes are proposed to the North Apple Valley Industrial Specific Plan by amending Section III “Development Standards and Guidelines” as it relates to amending the development standards for metal buildings.

**WHEREAS**, On March 8, 2019, Specific Plan No. 2005-001 Amendment No. 7 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 Specific Plan No. 2005-001 Amendment No. 7, receiving testimony from the public and adopted Planning Commission Resolution No. 2019-001 recommending adoption of this Ordinance; and

**WHEREAS**, Specific Plan No. 2005-001 Amendment No. 7 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 Specific Plan No. 2005-001 Amendment No. 7 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 Specific Plan No. 2005-001 Amendment No. 7 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

**Section 3.** Amend Section III “Development Standards and Guidelines” of the North Apple Valley Industrial Specific Plan by amending Subsection “E.7” to read as follows:

**E. Land Use Regulations**

**7. Pre-Fabricated Structures/Metal Buildings**

Buildings with exposed metal are discouraged in the Specific Plan Area, except for airplane hangars located on the airport property, in the Industrial-Airport District. Buildings proposing to use exposed metal siding as the primary siding shall require the approval of a Site Plan Review subject to Planning Commission approval.

Existing prefabricated structures/exposed metal buildings may remain within the Specific Plan Area, if they are improved to meet the following standards:

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- c. Roofs of pre-fabricated buildings shall be standing seam, tile or shingle.
- d. Pre-fabricated buildings shall be erected on permanent foundations.

**Section 4.** Amend Section III “Development Standards and Guidelines” of the North Apple Valley Industrial Specific Plan by amending Subsection “F.1.e.2” to read as follows:

**F. Design Standards and Guidelines**

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**e. Building Material and Colors**

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 be used as an architectural feature or design element that 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 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 is an enhancement to the surrounding area. A structure which proposes an exposed metal exterior as the primary 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.

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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:

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Ms. Yvonne Rivera, Planning Commission Secretary