



Town Council Agenda Report

Date: May 14, 2019 Item No. 6
To: Honorable Mayor and Town Council
Subject: SECOND READING OF ORDINANCE 505 OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING 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:
Adopt Ordinance No. 505

SUMMARY:

At its April 23, 2019 meeting, the Town Council reviewed and introduced Ordinance No. 505 which amends the Development Code by modifying Chapters 9.35 "Commercial and Office Districts" and 9.37 "Commercial and Office Districts Design Standards" related to the use of exposed metal and review authority. As a part of the requirements to adopt any new ordinance, Ordinance No. 505 has been scheduled for adoption at the May 14, 2019 Town Council Meeting.

Fiscal Impact:
Not Applicable

Attachments:
Ordinance 505

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