



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA**

WEDNESDAY, NOVEMBER 6, 2019

Regular Meeting 6:00 p.m.

Town Council Chambers
14955 Dale Evans Parkway

PLANNING COMMISSION MEMBERS

Jason Lamoreaux, Chairman
Bruce Kallen, Vice-Chairman
B.R. "Bob" Tinsley, Commissioner
Joel Harrison, Commissioner
Mike Arias Jr., Commissioner

PLANNING DIVISION OFFICE: (760) 240-7000 Ext. 7200
www.AVPlanning.org

Monday - Thursday 7:30 a.m. to 5:30 p.m.
Alternating Fridays 7:30 a.m. to 4:30 p.m.



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY NOVEMBER 6, 2019 – 6:00 P.M.**

PUBLIC PARTICIPATION IS INVITED. Planning Commission meetings are held in the Town Council Chambers located at 14955 Dale Evans Parkway, Apple Valley, California. If you wish to be heard on any item on the agenda during the Commission’s consideration of that item, or earlier if determined by the Commission, please so indicate by filling out a "REQUEST TO SPEAK" form at the Commission meeting. Place the request in the Speaker Request Box on the table near the Secretary, or hand it to the Secretary at the Commission meeting. (G.C. 54954.3 {a}).

Materials related to an item on this agenda, submitted to the Commission after distribution of the agenda packet, are available for public inspection in the Town Clerk’s Office at 14955 Dale Evans Parkway, Apple Valley, CA during normal business hours. Such documents are also available on the Town of Apple Valley website at www.applevalley.org subject to staff’s ability to post the documents before the meeting.

The Town of Apple Valley recognizes its obligation to provide equal access to those individuals with disabilities. Please contact the Town Clerk’s Office, at (760) 240-7000, two working days prior to the scheduled meeting for any requests for reasonable accommodations.

REGULAR MEETING

The Regular meeting is open to the public and will begin at 6:00 p.m.

CALL TO ORDER

ROLL CALL

Commissioners: Tinsley _____; Arias _____; Harrison _____
Vice-Chairman Kallen _____ and Chairman Lamoreaux

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

Anyone wishing to address an item not on the agenda, or an item that is not scheduled for a public hearing at this meeting, may do so at this time. California State Law does not allow the Commission to act on items not on the agenda, except in very limited circumstances. Your concerns may be referred to staff or placed on a future agenda.

APPROVAL OF MINUTES

1. Minutes for the regular meeting of September 18, 2019

PUBLIC HEARING ITEMS

2. **Development Code Amendment No. 2019-012.** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code that would allow for administrative review of Amendments to approved projects.

APPLICANT: Town of Apple Valley

LOCATION: 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.

CASE PLANNER: Pam Cupp, Senior Planner

RECOMMENDATION: Adopt Planning Commission Resolution No. 2019-016

3. **Development Code Amendment No. 2019-013.** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code to include advisory information regarding Development Impact Fees.

APPLICANT: Town of Apple Valley

LOCATION: 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.

CASE PLANNER: Pam Cupp, Senior Planner

RECOMMENDATION: Adopt Planning Commission Resolution No. 2019-017

4. **Development Code Amendment No. 2019-015.** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code to allow legal, nonconforming, multi-family projects consisting of two (2) to four (4) units located within the Single-Family Residential (R-SF) zoning designation to be fully repaired or replaced in the event of fire or other damaging event.

APPLICANT: Town of Apple Valley

LOCATION: 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.

CASE PLANNER: Pam Cupp, Senior Planner

RECOMMENDATION: Adopt Planning Commission Resolution No. 2019-018

5. **Development Code Amendment No. 2019-014.** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code to allow solid metal and vinyl as optional materials for solid fencing in commercial zones, allow cargo/shipping containers to be used in Service Commercial (C-S) zone in the Apple Valley Village, modify the definition and footnote related to screening material, and provide design criteria for cargo containers to be allowed in residential zones. In addition, an Amendment to the North Apple Valley Industrial Specific Plan is proposed to allow solid metal and vinyl as optional materials for solid fencing of storage areas.

APPLICANT: Town of Apple Valley

LOCATION: 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.

CASE PLANNER: Ms. Lori Lamson, Assistant Town Manager

RECOMMENDATION: Adopt Planning Commission Resolution No. 2019-015

OTHER BUSINESS

PLANNING COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT

The Planning Commission will adjourn to the Town Council – Planning Commission Joint Meeting on November 20, 2019.

MINUTES

**TOWN OF APPLE VALLEY
PLANNING COMMISSION
REGULAR MEETING**

SEPTEMBER 18, 2019

CALL TO ORDER

Vice-Chairman Kallen called to order the regular meeting of the Town of Apple Valley Planning Commission at 6:07 p.m.

Roll Call

Present: Commissioner Arias, Commissioner Tinsley, Vice-Chairman Kallen,
Commissioner Harrison
Absent: Chairman Lamoreaux

Staff Present

Carol Miller, Assistant Director of Community Development, Pam Cupp, Senior Planner, Thomas Rice, Town Attorney, Maribel Hernandez, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Tinsley.

APPROVAL OF MINUTES

1. Approval of Minutes for the regular meeting of September 4, 2019.

Motion by, Commissioner Arias, second by Commissioner Harrison to approve the minutes of September 4, 2019.

ROLL CALL VOTE

Yes: Vice-Chairman Kallen
Commissioner Tinsley
Commissioner Arias
Commissioner Harrison

Noes: None

Abstain: None

Absent: Chairman Lamoreaux

The motion carried by a 4-0-0-1 vote

PUBLIC COMMENTS

None

PUBLIC HEARINGS

- 2. Development Code Amendment No. 2019-011.** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code to provide the Community Development Director the authority to approve requests for intensity bonuses or concessions based upon enhanced site amenities and/or sustainable, environmentally supportive commercial or industrial projects.

Vice-Chairman Kallen opened the public hearing at 6:08.

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

Commissioner Harrison asked what the current maximum height of the building is and if these changes with the building height affect the Fire Department with their equipment.

Ms. Cupp stated the maximum height was up to 100 ft for office professional and typically maximum is 35ft for all others and all applications are sent to the Fire District for review and comment and if they have any issues with a project, they would then have dialogue with staff and the developer.

Commissioner Harrison also asked if item 5-G, referring to Certification of LEED qualification should be a separate item of its own.

Commissioner Arias expressed concern that the Code Amendments being brought forth were not of importance and asked if there were any current applicants waiting for this change. Ms. Cupp said currently no applications were in the works.

Ms. Miller added that the Amendments are being brought forth in a systematic fashion with items administrative in nature being brought forth first.

Vice-Chairman Kallen questioned the clarity of who is the review authority.

Ms. Cupp said the term "review authority" is used throughout the Code and it could be the Planning Director, Town Council or Planning Commission. Ms. Cupp said the specific information regarding Review Authority is in Development Code.

Vice-Chairman Kallen asked for additional information regarding LEED projects.

Mr. Rice provided clarification regarding LEED certification.

Ms. Carol Miller, Assistant Director of Community Development, said there has been several changes to Title 24 and the Green Code almost gets you to a LEED status and feels that it could be a separate line item.

Commissioner Tinsley said things are always changing and feels like we need a catch-all phrase to fall back on and review as changes allow or dictate.

Vice-Chairman Kallen closes Public Hearing at 6:33pm.

MOTION

Motion by Commissioner Tinsley seconded Vice-Chairman Kallen to approve Planning Commission Resolution No. 2019-014 with modifying the LEED Certification to its own line items and the correction to the signature line.

ROLL CALL VOTE

Yes: Vice-Chairman Kallen
Commissioner Arias
Commissioner Tinsley
Commissioner Harrison
Noes: None
Abstain: None
Absent: Chairman Lamoreaux

The motion carried by a 4-0-0-1 vote

OTHER BUSINESS

None

PLANNING COMMISSION COMMENTS

None

STAFF COMMENTS

Ms. Miller announced the Joint Meeting regarding multi-family standards is scheduled for the November 20, 2019 meeting.

ADJOURNMENT

Motion by Commissioner Tinsley, Second by Vice-Chairman Kallen, and unanimously carried, to adjourn the meeting of the Planning Commission at 6:43p.m. to its next regularly scheduled meeting on November 6, 2019.

Respectfully Submitted by:

Maribel Hernandez
Planning Commission Secretary

Approved by:

Vice-Chairman, Bruce Kallen



DATE: November 6, 2019 Item No. 2

CASE NUMBER: Development Code Amendment No. 2019-012

APPLICANT: Town of Apple Valley

PROPOSAL: An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code that would allow for administrative review of Amendments to approved projects.

LOCATION: 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: Ms. Pam Cupp, Senior Planner

RECOMMENDATION: Adopt Planning Commission Resolution No. 2019-016

BACKGROUND

At the May 1, 2019 joint meeting of the Town Council and Planning Commission. Staff was directed by the Council to work with the Planning Commission to modify the Development Code to allow administrative review of amendments to approved projects.

ANALYSIS

Currently, the Development Code requires that any modification or amendment to an approved Development Permit, Conditional Use Permit, Special Use Permit or Variance be processed the same as the original entitlement. The Director has authority over minor revisions; however, it is left to the Director to determine what would be considered a

“minor revision”.

Specific modification to an approved land use entitlement can include site plan revisions, expansion of floor area; changes to the Conditions of Approval or modifications to the hours of operation. Staff is recommending modifying the Code to provide the ability for any land use entitlement to be amended administratively under certain circumstances, and at no time would an Amendment be approved that does not meet the regulations set forth in the Development Code. It should be further noted that, if the modification no longer complies with the original Environmental Determination, it would be subject to review by the original review authority.

An Amendment application would require public notification in the same manner as the original project, and at the Director’s discretion, may be referred to the Planning Commission for its consideration. The project applicant, or any member of the public, may appeal any Director decision to the Planning Commission.

Staff has prepared the following modifications for the Commission’s consideration. The additional language is shown in **bold underline** and the removed language is shown as ~~strike out~~.

Staff is recommending a modification to Chapter 9.12 “Permit Process and Approvals” by modifying Section 9.12.230 as follows:

9.12.230 Modification or Amendments

A. A modification or amendment to an approved application may be requested by the applicant. A modification or amendment to ~~for any~~ approved Development Permit, Conditional Use Permit, Special Use Permit, or Variance **land use entitlement**.

B. **Amendments to any subdivision are subject to the requirements set forth in Section 9.71.130 “Corrections and Amendment of Maps”.**

C. **Amendments** may include, but **are** not limited to, change in conditions, **site plan, elevations,** expansion, intensity or hours of operation.

D. The request shall be processed in the same manner as the original application and be approved by the same decision authority, except that **under the following circumstances** ~~minor revisions may be approved by the~~ **an amendment may be approved by the** Director:

1. The proposed Amendment is in compliance with the previously approved Environmental Determination. ~~if they conform to the approved plan.~~

2. The proposed Amendment is in compliance with all Development Code regulations. Any request to further reduce development standards previously granted through a Variance shall require Planning Commission review.

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. The proposed amendment does not modify any development standards or processing requirement. It will, however, modify the review authority for requests to amend previously approved development proposals. Therefore, as proposed, this amendment is consistent with the General Plan.

- B. 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 modify the review authority for amendments to previously approved projects. There will be no modifications to development standards and public noticing requirements remain the same. Therefore, the changes proposed under Development Code Amendment No. 2019-012 will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in the vicinity and land use district in which the property is located.

NOTICING

Development Code Amendment No. 2019-012 was advertised as a public hearing in the Apple Valley News newspaper on October 25, 2019.

ENVIRONMENTAL REVIEW

Development Code Amendment No. 2019-012 will modify the review authority for amendments to previously approved projects. Public and environmental noticing requirements remain the same and there are no modifications to development standards proposed. As such, this amendment will not promote development beyond that anticipated within the Environmental Impact Report prepared for the Town’s General

Plan.

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. 2019-017 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.

Attachment:

Draft Planning Commission Resolution No. 2019-016

PLANNING COMMISSION RESOLUTION NO. 2019-016

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2019-012 AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING SECTION 9.12.230 “MODIFICATIONS OR AMENDMENTS” OF CHAPTER 9.12 “PERMIT PROCESS AND APPROVALS” TO ALLOW FOR ADMINISTRATIVE REVIEW OF AMENDMENTS TO APPROVED PROJECTS.

WHEREAS, The General Plan of the Town of Apple Valley was adopted by the Town Council on August 11, 2009; and

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. 2019-012 is consistent with the General Plan and Municipal Code of the Town of Apple Valley;

WHEREAS, On May 1, 2019, the Town Council initiated a Development Code Amendment, directing staff to modify the Development Code to allow administrative review of amendments to approved projects;

WHEREAS, Specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by amending Section 9.12.230 “Modifications or Amendments” of Chapter 9.12 “Permit Process and Approvals” to allow for administrative review of Amendments to approved projects; and,

WHEREAS, on October 25, 2019, Development Code Amendment No. 2019-012 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 November 6, 2019 the Planning Commission of the Town of Apple

Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2019-012 receiving testimony from the public; and

WHEREAS, Development Code Amendment No. 2019-012 is consistent with the Land Use Element goals and policies of 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, 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. 2019-012 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 Section 9.12.230 "Modifications or Amendments" of Chapter 9.12 "Permit Process and Approvals" as follows:

"9.12.230 Modification or Amendments

- A. A modification or amendment to an approved application may be requested for any approved land use entitlement.
- B. Amendments to any subdivision are subject to the requirements set forth in Section 9.71.130 "Corrections and Amendment of Maps".
- C. Amendments may include, but are not limited to, change in conditions, site plan, elevations, expansion, intensity or hours of operation.
- D. The request shall be processed in the same manner as the original application and be approved by the same decision authority, except that under the following circumstances an amendment may be approved by the Director:
 1. The proposed Amendment is in compliance with the previously approved Environmental Determination.

2. The proposed Amendment is in compliance with all Development Code regulations. Any request to further reduce development standards previously granted through a Variance shall require Planning Commission review.”

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 6th day of November 2019.

Vice-Chairman Bruce Kallen

ATTEST:

I, Maribel Hernandez, 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 6th day of November 2019, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ms. Maribel Hernandez, Planning Commission Secretary



DATE: November 6, 2019 Item No. 3

CASE NUMBER: Development Code Amendment No. 2019-013

APPLICANT: Town of Apple Valley

PROPOSAL: An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code to include advisory information regarding Development Impact Fees.

LOCATION: 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: Ms. Pam Cupp, Senior Planner

RECOMMENDATION: Adopt Planning Commission Resolution No. 2019-017

BACKGROUND

At the May 1, 2019 joint meeting of the Town Council and Planning Commission. Staff was directed by the Council to work with the Planning Commission to add to the Development Code information relating to Development Impact Fees.

ANALYSIS

Prior to May 10, 2005, Development Impact Fees were limited to Traffic and Parks and Recreation. On May 10, 2005 Town Council adopted Ordinance No. 294 revising the Development Impact Fee schedule by establishing, amending and increasing certain development impact fees. The new development fees imposed were based upon a study

commissioned in 2003 and are published within the adopted town-wide fee schedule. However, there is no advisory information regarding these impact fees in the Municipal Code. As proposed this amendment will modify the Development Code to include advisory information regarding Development Impact Fees. This effort does not include any new fees or increase to existing fees.

Staff has prepared the following modifications for the Commission's consideration. The additional language is shown in **bold underline** and the removed language is shown as ~~strike-out~~. The context of the provisions within the Code language has been included for your reference.

Staff is recommending a modification to Chapter 9.71 "Subdivision Regulations" by modifying the Title of Section 9.71.055 and supplementing Paragraph A of as follows:

9.71.055 – **Development Impact** ~~Quimby~~ Fees

- A. **Required. The continuing growth of the Town, combined with the continued expectation of high-quality services by persons who live and work in the Town, necessitates the recover the costs to the Town for the future construction of public infrastructure, facilities and improvements. As a condition of approval of any tentative map or development proposal, the Town shall require the payment of Development Impact Fees, as adopted by the Town Council, to fund such public improvements. Collection of Development Impact Fees is established by Government Code, Sections 66000-66003.**

As a condition of approval of any tentative map, and prior to the approval of every final map, the Town shall require dedication of a portion of such land, payment of a fee in lieu thereof, or a combination of both, as set forth in this chapter, for the purpose of establishing and developing park and recreational facilities to serve the future residents of such subdivided property.

Collection of Development Impact Fees for Parks and Recreation is established by Government Code, Sections 66000-66003. These fees are collected to supplement the cost of acquiring, developing and renovating parks and recreational areas as outlined in the Town of Apple Valley's Master Plan of Parks and Recreation Services.

The Development Impact Fee for Parks and Recreation shall be charged and paid for at the issuance of any building permit, or prior to the issuance of a Certificate of Occupancy, by all non-exempted, new development in the Town of Apple Valley consisting of Single Family or Multi-Family Residential Development.

The development impact fee **for Parks and Recreation** is calculated using the same formula used to establish in-lieu fees as defined in the Subdivision Map Act, Quimby Fees **Act (66477)** and is based on projected growth, fair market value per acre of land being developed and the average cost per acre to develop parks and facilities.

Paragraph F should also be modified to clarify exemptions contained within Government Code Section 66477 as follows:

F. Quimby Act Exemptions (66477).

1. The provisions of this chapter do not apply to commercial or industrial subdivisions or to condominium projects, which consist of the subdivision of airspace in an existing apartment building, which is more than five years old, when no new dwelling units are added.
2. Subdivisions containing less than five parcels, and not used for residential purposes, shall be exempt from the requirements of this chapter, provided, however, that a condition shall be placed on the approval of such parcel map that, if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four years, the fee shall be required to be paid by the owner of each such parcel as a condition of the issuance of such permit.

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. The proposed amendment will incorporate advisory information only and will not create any changes to current development standards or procedures. Therefore, as proposed, this amendment is consistent with the General Plan.

- B. 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 incorporate advisory information only and does not create any changes to current development standards or procedures. Therefore, the changes proposed under Development Code Amendment No. 2019-013 will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in the vicinity and land use district in which the property is located.

NOTICING

Development Code Amendment No. 2019-013 was advertised as a public hearing in the Apple Valley News newspaper on October 25, 2019.

ENVIRONMENTAL REVIEW

Development Code Amendment No. 2019-013 will incorporate advisory information regarding the requirements for development impact fees and will not create any changes to current development standards or procedures. As proposed, this amendment will not promote development beyond that anticipated within the Environmental Impact Report prepared for the Town's General Plan.

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. 2019-017 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.

Attachment:

Draft Planning Commission Resolution No. 2019-017

PLANNING COMMISSION RESOLUTION NO. 2019-017

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2019-013 AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING SECTION 9.71.055 OF CHAPTER 9.71 “SUBDIVISION REGULATIONS” TO INCORPORATE ADVISORY INFORMATION REGARDING DEVELOPMENT IMPACT FEES.

WHEREAS, The General Plan of the Town of Apple Valley was adopted by the Town Council on August 11, 2009; and

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. 2019-013 is consistent with the General Plan and Municipal Code of the Town of Apple Valley;

WHEREAS, On May 1, 2019, the Town Council initiated a Development Code Amendment, directing staff to incorporate language relating to Development Impact Fees;

WHEREAS, Specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by amending Chapter 9.71 “Subdivision Regulations” to incorporate advisory information relating to Development Impact Fees ; and,

WHEREAS, on October 25, 2019, Development Code Amendment No. 2019-013 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 November 6, 2019 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2019-013 receiving testimony from the public; and

WHEREAS, Development Code Amendment No. 2019-013 is consistent with the Land Use Element goals and policies of 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, 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. 2019-013 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 Title of Section 9.71.055 "Quimby Fees" of Chapter 9.71 "Subdivision Regulations" as follows:

"9.71.055 Development Impact Fees"

Section 4. Amend Paragraph A of Section 9.71.055 of Chapter 9.71 "Subdivision Regulations" as follows:

"A. **Required.** The continuing growth of the Town, combined with the continued expectation of high-quality services by persons who live and work in the Town, necessitates the recover the costs to the Town for the future construction of public infrastructure, facilities and improvements. As a condition of approval of any tentative map or development proposal, the Town shall require the payment of Development Impact Fees, as adopted by the Town Council, to fund such public improvements. Collection of Development Impact Fees is established by Government Code, Sections 66000-66003.

As a condition of approval of any tentative map, and prior to the approval of every final map, the Town shall require dedication of a portion of such land, payment of a fee in lieu thereof, or a combination of both, as set forth in this chapter, for the purpose of establishing and developing park and recreational facilities to serve the future residents of such subdivided property.

Collection of Development Impact Fees for Parks and Recreation is established by Government Code, Sections 66000-66003. These fees are collected to supplement the cost of acquiring, developing and renovating parks and recreational areas as outlined in the Town of Apple Valley's Master Plan of Parks and Recreation Services.

The Development Impact Fee for Parks and Recreation shall be charged and paid for at the issuance of any building permit, or prior to the issuance of a Certificate of Occupancy, by all non-exempted, new development in the Town of Apple Valley consisting of Single Family or Multi-Family Residential Development.

The development impact fee for Parks and Recreation is calculated using the same formula used to establish in-lieu fees as defined in the Sub-Division Map Act, Quimby Act (66477) and is based on projected growth, fair market value per acre of land being developed and the average cost per acre to develop parks and facilities. “

Section 5. Amend the Paragraph F of Section 9.71.050 of Chapter 9.71 “Subdivision Regulations” as follows:

F. Quimby Act Exemptions (66477).

1. The provisions of this chapter do not apply to commercial or industrial subdivisions or to condominium projects, which consist of the subdivision of airspace in an existing apartment building, which is more than five years old, when no new dwelling units are added.
2. Subdivisions containing less than five parcels, and not used for residential purposes, shall be exempt from the requirements of this chapter, provided, however, that a condition shall be placed on the approval of such parcel map that, if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four years, the fee shall be required to be paid by the owner of each such parcel as a condition of the issuance of such permit.”

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 6th day of November 2019.

Chairman Jason Lamoreaux

ATTEST:

I, Maribel Hernandez, 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 6th day of November 2019, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ms. Maribel Hernandez, Planning Commission Secretary



DATE: November 6, 2019 Item No. 4

CASE NUMBER: Development Code Amendment No. 2019-015

APPLICANT: Town of Apple Valley

PROPOSAL: An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code to allow legal, nonconforming, multi-family projects consisting of two (2) to four (4) units located within the Single-Family Residential (R-SF) zoning designation to be fully repaired or replaced in the event of fire or other damaging event.

LOCATION: 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: Ms. Pam Cupp, Senior Planner

RECOMMENDATION: Adopt Planning Commission Resolution No. 2019-018

BACKGROUND

On January 17, 2018, the Planning Commission held a public hearing for General Plan Amendment No. 2017-002 and Zone Change No 2017-002. Planning Commission Resolution No. 2017-003 recommended to the Town Council that it adopt a Resolution amending the Town of Apple Valley General Plan Land Use Element by modifying the land use designation of 356 parcels from Medium Density Residential (R-M) to Single-Family Residential (R-SF). The Commission further recommended the Council adopt an Ordinance modifying the zoning designation of the same 356 parcels from Multi-Family

Residential (R-M) to Single-Family Residential (R-SF). In March of 2018 the Town Council adopted Resolution 2018-07 and Ordinance No. 500 as recommended by the Planning Commission.

Of the 356 parcels rezoned, seventy-six (76) properties contain existing multi-family structures, each containing two (2) to four (4) each. As part of this approval, the Planning Commission and Town Council wanted to ensure that the existing multi-family projects would be allowed to rebuild in the event of a fire or other damage. This amendment will allow these multi-family structures effected the by the above action to rebuild in the event of fire or another damaging event. The modifications proposed were initially included in broader Code Amendment that was subsequently Tabled by the Town Council. The issue regarding legal nonconforming multi-family units was moved forward at the May 1, 2019 joint meeting.

ANALYSIS

The Development Code has provisions for the orderly termination of nonconforming uses and structures. A legal, nonconforming use is one which lawfully existed prior to the effective date of the Development Code, or subsequent amendments, which is no longer permitted in the land use district in which it is located. Legal nonconforming uses may be altered or enlarged with the review and approval of a Conditional Use Permit by the Planning Commission. Regarding repair of damaged or partially destroyed nonconforming structures, the Development Code states the following:

“D. Repair of Damaged or Partially Destroyed Structures

1. A legal nonconforming structure(s) containing a nonconforming use which is damaged or partially destroyed by fire, natural disaster or any other calamity to the extent that the cost of restoration does not exceed seventy-five (75) percent of the assessed value of the entire structure based on the assessment roll current immediately prior to the time of damage or destruction, may be restored and the nonconforming use resumed. Notwithstanding subsection 9.07.020.B, *Discontinuance/Resumption Prohibited*, of this Code, Restoration shall be started within one (1) year and shall be diligently pursued to completion.
2. When the cost of repair or reconstruction exceeds seventy-five (75) percent of said evaluation, or the structure is voluntarily razed or is required by law to be razed, the structure shall not be restored except in full conformity with the regulations for the district in which it is located and the nonconforming use shall not be resumed, except as permitted within this Chapter.
3. **Exception.** The provisions of Section 9.07.030 (D) 1. shall not apply to legal nonconforming single-family homes located in the R-M or M-U zones. Legal nonconforming single-family homes damaged or destroyed to any extent in these zones may be replaced, at the square footage meeting the requirements of Table 9.28.040-B (Minimum Unit Size).”

It is recommended the multi-family structures consisting of two (2) to four (4) units be included as exceptions to above paragraph 3. Staff is further recommending deletion of

the section number to which the exceptions apply. It is not the intent to exempt damaged property from the timeliness of the repair as outlined in above Paragraph 1, or allow a structure to be rebuilt that is voluntarily razed as in Paragraph 2. The intent is to allow these properties to be repair or replaced in the event of fire or other damaging event without associating the cost of repair to the structures assessed valuation. Of further note, the Table identified in Paragraph 3 is duplicative and will be recommended for removal as part of a future Code Amendment. Staff is recommending modifying the Table reference as appropriate.

Staff is offering the following modifications to Subsection 3 of Section 9.07.030(D) "Repair of Damaged or Partially Destroyed Structures" of Chapter 9.07 "Nonconforming Uses and Structures" for the Commission's consideration with strike-throughs for deletions and additions shown as bold underline:

3. **Exception.** ~~The provisions of Section 9.07.030 (D) 1 shall not apply to~~ Legal nonconforming single-family homes located in the R-M or M-U zones **or legal nonconforming multi-family projects consisting of no more than four (4) units located within the R-SF zone** ~~Legal nonconforming single-family homes damaged or destroyed~~ **by fire or other calamity** ~~to any extent in these zones may be~~ **repaired as needed, and if** replaced, at the square footage meeting **shall meet** the requirements of **subsection 13b "Minimum dwelling unit size" of Table 9.28.040-A B** "Site Development Standards". ~~(Minimum Unit Size).~~

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. Supporting the continued operation and occupancy of legal nonconforming multi-family structures will further the goals of the Housing Element by preserving multi-family housing stock. Therefore, Development Code Amendment No. 2019-015 is consistent with the General Plan.

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

Comment: The legal nonconforming multi-family structures proposed for an exception relating to repair and replacement in the event of fire or other damage are existing structures located within established neighborhoods. Allowing these structures to be repaired or replaced will not be detrimental to the public health, safety or welfare of the Town or its residents.

NOTICING

Development Code Amendment No. 2019-015 was advertised as a public hearing in the Apple Valley News newspaper on October 25, 2019.

ENVIRONMENTAL REVIEW

Development Code Amendment No. 2019-015 will allow existing legal, nonconforming multi-family structures with up to four (4) units to be repaired or replaced in the event of fire or other damage. It will not promote development or have any effect upon the environment. Therefore, 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. 2019-018 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.

Attachment:

Draft Planning Commission Resolution No. 2019-018

PLANNING COMMISSION RESOLUTION NO. 2019-018

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2019-015 AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING CHAPTER 9.07 “NONCONFORMING USES AND STRUCTURES” TO ALLOW LEGAL, NONCONFORMING MULTI-FAMILY STRUCTURES CONTAINING UP TO FOUR (4) UNITS AND LOCATED WITHIN THE SINGLE-FAMILY RESIDENTIAL (R-SF) ZONING DESIGNATION TO BE REPAIRED OR REPLACED IN THE EVENT OF FIRE OR OTHER CALAMITY.

WHEREAS, The General Plan of the Town of Apple Valley was adopted by the Town Council on August 11, 2009; and

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 May 1, 2019, the Town Council initiated a Development Code Amendment, directing staff to draft language to allow legal nonconforming multi-family structures located within the Single-Family Residential (R-SF) zoning designation the opportunity to be completely repaired or replaced in the event of a fire or other calamity;

WHEREAS, Specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by amending Chapter 9.07 “Nonconforming Uses and Structures” to allow legal, nonconforming multi-family structures containing up to four (4) units and located within the Single-Family Residential (R-SF) zoning designation to be repaired or replaced in the event of fire or other calamity; and,

WHEREAS, on October 25, 2019, Development Code Amendment No. 2019-015 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 November 6, 2019 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2019-015 receiving testimony from the public; and

WHEREAS, Development Code Amendment No. 2019-015 is consistent with the Land Use Element goals and policies of 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, 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. 2019-015 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 paragraph 3 of Subsection 9.07.030(D) "Repair of Damaged or Partially Destroyed Structures" of Chapter 9.07 "Nonconforming Uses and Structures" to read as follows:

"3. **Exception.** Legal nonconforming single-family homes located in the R-M or M-U zones or legal nonconforming multi-family projects consisting of no more than four (4) units located within the R-SF zone damaged or destroyed by fire or other calamity may be repaired as needed, and if replaced, shall meet the requirements of subsection 13b "Minimum dwelling unit size" of Table 9.28.040-A "Site Development Standards".

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 6th day of November 2019.

Vice-Chairman Bruce Kallen

ATTEST:

I, Maribel Hernandez, 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 6th day of November 2019, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ms. Maribel Hernandez, Planning Commission Secretary



DATE: November 6, 2019 Item No. 5

CASE NUMBER: Development Code Amendment No. 2019-014 and Specific Plan No. 2005-001 Amendment No. 8

APPLICANT: Town of Apple Valley

PROPOSAL: An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code to allow solid metal and vinyl as optional materials for solid fencing in commercial zones, allow cargo/shipping containers to be used in Service Commercial (C-S) zone in the Apple Valley Village, modify the definition and footnote related to screening material, and provide design criteria for cargo containers to be allowed in residential zones. In addition, an Amendment to the North Apple Valley Industrial Specific Plan is proposed to allow solid metal and vinyl as optional materials for solid fencing of storage areas.

LOCATION: 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: Ms. Lori Lamson, Assistant Town Manager

RECOMMENDATION: Adopt Planning Commission Resolution No. 2019-015

BACKGROUND

On September 10, 2019 the Town Council had a discussion regarding cargo containers and fencing type for screening storage areas, which resulted in initiating a Development

Code Amendment and an Amendment to the North Apple Valley Specific Plan. The Council's direction was the following: to expand the types of fencing material for screening storage areas in commercial and industrial areas, while restricting the use of chain link when viewed from public right-of-way; to allow for cargo containers to be used in the Service Commercial (C-S) zone, provided that the location and appearance standards currently in the Code for the containers allowed Village Commercial (C-V) zone are maintained; to restrict the use of cargo containers in the residential zone and provide a description of what needs to be done to the exterior of a cargo container in order to allow it in a residential zone.

The Council discussed how vinyl and solid metal, such as steel, would be appropriate for screening materials. They also discussed the use of cargo containers and wanted to only allow them in the Apple Valley Village in both commercial zones of C-V and C-S. The Code currently allows cargo containers in the C-V zone, provided that placement and maintenance criteria are followed.

As part of this effort in modifying the Development Code, it provides opportunity to clean up the language and make it consistent. As an overall rule, it is best to not have regulations within definitions or footnotes. As such, the proposed amendment includes the removal of the definition "Screening Materials" and remove Footnote No. 9 of Table 9.35.080 and incorporate this language into Section 9.35.080 standards.

Chain link with slats are currently allowed in the (C-S) and (C-V) districts in accordance with Section 9.35.080.A and the current definition of "Screening Materials". In order to keep regulations out of the definitions, language has been added to incorporate this into the Section.

During the initiation discussion, there was no support on the Council to allow cargo containers in residential zones, with the exception of covering all four sides and roof with materials and design compatible with the primary structure. The prohibition of cargo containers is already a provision in the Code, but the ability to cover container as previously described, is not fully provided in the Code. The following language should address these Council discussion items.

ANALYSIS

Staff has prepared the following modifications for the Commission's consideration. The additional language is shown in **bold underline** and the removed language is in ~~strike out~~. The context of the provisions within the Code language has been included for your reference.

- Modify the first and second paragraphs of subsection A. "Outdoor Storage" of Section 9.35.080 "Outdoor Storage and Use" of Chapter 9.35 "Commercial and Office Districts" to read as follows:

- A. **Outdoor Storage.** Outdoor storage of materials and equipment is permitted in **all commercial districts and the M-U district, with the exception of the Office Professional (O-P) district,** ~~the C-S, C-V and M-U districts~~ when it is clearly incidental to the permitted use on the site and is in compliance with the provisions of this Chapter. Such storage shall be located in the rear one-half of the site and screened completely from view from any adjoining property or roadway by a solid wall or fence at least six (6) feet in height, but not to exceed ten (10) feet in height. Said fence or wall shall be constructed of or finished with materials that are compatible with those of the primary building on the site. In the M-U district, outdoor storage shall be screened by a solid decorative block or stucco wall. **Acceptable materials can include, masonry, stucco, vinyl, solid metal, but shall not include corrugated metal.** Items that are being stored outdoors shall not be stacked to a height exceeding the height of the required wall or fence.

In the C-S and C-V districts, when on-site barriers are necessary for security, open view fencing shall be used. Open view fencing shall have pilasters of materials that complement the building architecture. Metal rails and pickets shall be sufficiently spaced to restrict trespassing. Spires or spikes or other detailing may be used to impede trespassing. **Chain link with metal slats can be used in these districts as long as the slats are maintained in such a manner so the material being stored behind the fencing cannot be seen directly, indirectly through the fence.** Barbed wire, razor wire, electrification or similar barriers are only permitted for law enforcement agency vehicle impound yards.

- Modify subsection E. “Cargo Containers” of Section 9.35.080 “Outdoor Storage and Use” of Chapter 9.35 “Commercial and Office Districts” to read as follows:

- E. **Cargo Containers.** In the Village Commercial (C-V) **and Service Commercial (C-S) Districts** district, cargo containers shall be permitted subject to Section 9.36.170.D.

- Remove Footnote (9) of Table 9.35.040.A “Site Development Standards” of Section 9.35.040 “Site Development Standards” of Chapter 9.35 “Commercial and Office Districts”.

~~(9) — Outdoor storage of materials and equipment shall not be permitted within the O-P, Office Professional, District. Outdoor storage of materials and equipment shall not be permitted in the Commercial Districts except when it is clearly incidental to the permitted use on the site and in compliance with the provisions of this chapter. Such storage shall be located in the rear of the site and shall be completely screened from view from any roadway by a solid wall or opaque fence at least six (6) feet in height but not to exceed ten (10) feet in height. Said opaque fence or solid wall shall be constructed of or finished with materials that are similar to or compatible with those of the primary building on the site. Items that are being stored outdoors shall not be stacked to a height exceeding the height of the required wall or opaque fence. When on site barriers are necessary for security, open fencing shall be used. High voltage electrification is not permitted.~~

- Remove “Screening Materials” from Chapter 9.08 “Definitions”

Screening Materials

When the provisions of this Code allow for, or require, the installation of fencing to screen objects located behind said fence from public view, such fencing shall consist of new solid materials or, if chain link fencing, such chain link fencing must include redwood or durable plastic/metallic slats installed and maintained in

~~such a manner so the material being stored behind the fencing cannot be seen directly, indirectly, silhouetted or in any other manner, directly or at an oblique angle to the fence.~~

- Modify Paragraph D. “Cargo Container” of Section 9.36.170 “Outdoor Displays, Sales and Uses” of Chapter 9.36 “Specific Use Regulations/Commercial and Office” to read as follows:

D. *Cargo Container.* All properties zoned Village Commercial (C-V) **and Service Commercial (C-S)** within the Apple Valley Village area may use a cargo container for storage purposes subject to a Minor Development Permit and conforms to the ~~following standards below.~~ **For this purpose the Apple Valley Village area shall be defined as the area east of Navajo Road, south of Esaws Road, west of Central Road and north of Nisqually Road:**

1. Cargo container shall mean for the purposes of this Code Section, a storage container that was built for intermodal freight transport, meaning these containers were used across different modes of transport – from ship to rail to truck – without unloading and reloading their cargo. This does not include any freight container that was previously attached to an axle with wheels such as a railcar or commercial tractor trailer.
2. No cargo container shall be visible from any lot frontage(s)
3. Maximum number of containers shall be limited to two (2). Each container shall not exceed forty (40) feet in length, ten (10) feet in width, and nine and one half (9.5) feet in height.
4. The use of the cargo container for storage shall be directly related to and associated with a legally established primary use on-site.
5. The container may not occupy required parking, drive aisles, fire lane or landscape area.
6. Stored material must be business related and may not include hazardous material.
7. Placement of the container shall meet **all required setback** ~~the setback standards of the Village Commercial (C-V) district.~~
8. Architecturally the cargo container shall be limited to a single color. No signage, lettering or graphics on the container is allowed. The cargo container must remain graffiti free.

- Amend Section 9.29.020 “Accessory Uses & Structures” of Chapter 9.29 “Specific Use Regulations for Residential Districts” to read as follows:

E. *Architectural Compatibility.* Accessory structures larger than one hundred twenty (120) square feet in area or taller than eight (8) feet in height shall meet the architectural compatibility with primary structure requirements for residential districts found in Chapter 9.31, *Residential Design Standards* of this Code.

- I. Accessory structures larger than one-hundred, twenty (120) square feet in area or taller than eight (8) feet in height and located in front of the back line of the house shall be constructed of materials and colors which are similar to the primary building on the site. Structures built 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 not use metal exteriors except as described below and as described in Section 9.29.022. Structures built, assembled or fabricated, off site having metal exteriors, such as metal containers, cargo containers, freight and similar containers, modified trailers, modified rail-road cars, butler buildings, and the like, are expressly prohibited, **unless said container/structure is covered or skinned with siding materials similar to the primary residence (i.e. wood, stucco, or masonry) and the design is compatible with the primary residence. All applicable building permits for alteration of prefabricated structure shall be required.**

Structures built on site, or structures assembled from modular or similar units on site, or structures assembled off site and moved on site as one unit, including metal sheds, may use metal exteriors when the Planning Commission determines that the proposed structure shall have an appearance emulating and simulating the color, texture and appearance of the main structure on site. Said metal exterior must provide the same texture depth and other physical characteristics as the exterior of the main structure on the property. Exceptions to Planning Commission review requirements are carports and accessory structures or shelters for the storage of cars, boats, recreational vehicles (RVs), trailers, self-propelled equipment and related bulky items as described in Section 9.29.022.

2. Accessory structures built on site located to the rear of the back line of the house may be constructed of any material allowed by the Uniform Building Code and may utilize any desired architectural design except that metal may not be used on the exteriors of such structures unless reviewed and approved by the Planning Commission as described below or as allowed under Section 9.29.022. Metal, freight, cargo or similar containers are not allowed within any residential district, except the Residential-Agriculture, R-A, District when placed in a manner where such containers are not visible from the public right-of-way.

- Amend Section 9.31.030 “Single Family Architectural Design Standards” of Chapter 9.31 “Residential Design Standards” to read as follows:

A. *Accessory Features*

- I. *Accessory Structures.* The design of accessory structures (greater than 120 square feet) including second units, garages, guesthouses, cabanas and storage buildings shall be architecturally compatible with the primary structure through the use of compatible building materials, walls/roofs/trellises, fence/wall connections and/or landscaping. **Cargo containers or prefabricated shipping containers shall be expressly prohibited with the exception of the acceptable modifications described in Section 9.29.020.**

- Amend the North Apple Valley Industrial Specific Plan Subsection F. “Design Standards and Guidelines” of Section 3 “Development Standards and Guidelines” to read as follows:

4. Walls and Fences

a. General Provisions

1. Unless required for a specific screening or security purpose, walls should avoided within commercial areas. Walls shall be kept as low as possible while still performing their screening or security function.
2. The design and architecture of all walls, retaining walls, and fences shall reinforce the Town's desert character by the use of natural looking materials which can be expected to withstand the extremes of the high desert climate. **Masonry, stucco, solid metal and vinyl are examples of acceptable materials. Corrugated metal shall not be permitted.**
3. Wall design shall be compatible with the architectural character of the primary structures and the surrounding area.
4. Long expanses of wall surface or fence surface shall be offset and architecturally designed to avoid monotony. Pilasters shall be provided at regular intervals consistent with the length and scale of the wall but at a minimum of every fifty (50) feet and landscape pockets shall be provided.
5. Construction materials and colors shall be consistent with the project architecture and provide an element of continuity throughout the project.
6. Walls shall be designed to blend with the architecture of the site, both sides of all walls shall be finished.
7. Retaining walls of more than one hundred twenty (120) square feet shall be constructed of finished decorative material which is compatible with the primary material used on the main building.
8. When on-site barriers are necessary for security, open view fencing shall be used. Open view fencing shall have pilasters of a material which complements the building architecture. Metal rails and pickets shall be sufficiently spaced to restrict trespassing. Spires or spikes or other detailing may be used to impede trespassing.

FINDINGS

An Amendment to the Development Code and the North Apple Valley Industrial Specific Plan requires two (2) "Findings" for both, as listed within Development Code Section 9.06.060. For consideration, the required Findings are listed below, along with a comment addressing each. If there is concurrence with these comments, it may be adopted. If the Commission/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.

Development Code Amendment

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 expanding the use of cargo containers in the C-S zone, establishing criteria for which cargo containers can be located in residential zones and the use of metal and vinyl fencing for screening storage areas in commercial zones. 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 expanding the use of cargo containers in the C-S zone, establishing criteria for which cargo containers can be located in residential zones and the use of metal and vinyl fencing for screening storage areas in commercial zones. 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.

North Apple Valley Industrial Specific Plan Amendment

1. The proposed Amendment is consistent with the General Plan; and

Comment: Find that the changes proposed by Specific Plan No. 2005-01 Amendment No. 8 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan and the North Apple Valley Industrial Specific Plan. The proposed Amendment amends the development requirements expanding the use of cargo containers into Specific Plan area, establishing criteria for which cargo containers can be located with residential uses and the use of metal and vinyl fencing for screening storage areas. 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, and

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

Comment: 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.

NOTICING

Development Code Amendment No. 2019-014 and Specific Plan No. 2005-001 Amendment No. 8 was advertised as a public hearing in the Apple Valley News newspaper on October 25, 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. 2019-0__ forwarding a recommendation that the Town Council amend Title 9 "Development Code" of the Town of Apple Valley Municipal Code and the North Apple Valley Industrial Specific Plan as outlined within the staff report.

Attachment:

Draft Planning Commission Resolution No. 2019-015

PLANNING COMMISSION RESOLUTION NO. 2019-015

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2019-014 AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING CHAPTER 9.08 “DEFINITIONS”, CHAPTER 9.35 “COMMERCIAL AND OFFICE DISTRICTS”, CHAPTER 9.36 “SPECIFIC USE REGULATIONS /COMMERCIAL AND OFFICE”, CHAPTER 9.29 “SPECIFIC USE REGULATIONS FOR RESIDENTIAL DISTRICTS” 9.31 “RESIDENTIAL DESIGN STANDARDS” TO ALLOW SOLID METAL AND VINYL AS OPTIONAL MATERIALS FOR SOLID FENCING IN COMMERCIAL ZONES, ALLOW CARGO/SHIPPING CONTAINERS TO BE USED IN C-S ZONE IN THE APPLE VALLEY VILLAGE, AND PROVIDE DESIGN CRITERIA FOR CARGO CONTAINERS TO BE ALLOWED IN RESIDENTIAL ZONES. IN ADDITION, RECOMMEND THAT THE TOWN COUNCIL ADOPT AMENDMENT NO. 8 OF SPECIFIC PLAN NO. 2005-001 “NORTH APPLE VALLEY INDUSTRIAL SPECIFIC PLAN” AMENDING SECTION 3 “DEVELOPMENT STANDARDS AND GUIDELINES” TO ALLOW SOLID METAL AND VINYL AS OPTIONAL MATERIALS FOR SOLID FENCING OF STORAGE AREAS.

WHEREAS, The General Plan of the Town of Apple Valley was adopted by the Town Council on August 11, 2009; and

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, the North Apple Valley Industrial Specific Plan (SP No. 2005-001) was adopted by the Town Council on October 24, 2006; and

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

WHEREAS, Development Code Amendment No. 2019-014 and Amendment No. 8 of Specific Plan No. 2005-001 “North Apple Valley Industrial Specific Plan”, are consistent with the General Plan and Municipal Code of the Town of Apple Valley;

WHEREAS, On September 10, 2019, the Town Council initiated a Development Code Amendment, directing staff to draft language that would allow solid metal and vinyl as optional materials for solid fencing in commercial zones, allow cargo/shipping containers to be used in C-S zone in the Apple Valley Village, and provide design criteria

for cargo containers to be allowed in residential zones. In addition, amend the North Apple Valley Industrial Specific Plan to allow solid metal and vinyl as optional materials for solid fencing of storage areas.

WHEREAS, Specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by amending Chapter 9.35 “Commercial and Office Districts”, Chapter 9.36 “Specific Use Regulations/Commercial and Office”, Chapter 9.29 “Specific Use Regulations For Residential Districts” 9.31 “Residential Design Standards” to allow solid metal and vinyl as optional materials for solid fencing in commercial zones, allow cargo/shipping containers to be used in Service Commercial C-S zone in the Apple Valley Village, and provide design criteria for cargo containers to be allowed in residential zones; and,

WHEREAS, Specific changes are proposed to Specific Plan No. 2005-001 “North Apple Valley Industrial Specific Plan” Section No. 3” “Development Standards and Guidelines” to allow solid metal and vinyl as optional materials for solid fencing of storage areas; and

WHEREAS, on October 25, 2019, Development Code Amendment No. 2019-014 and Amendment No. 8 of Specific Plan No. 2005-001 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 November 6, 2019 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2019-014 and Amendment No. 8 of Specific Plan No. 2005-001 receiving testimony from the public; and

WHEREAS, Development Code Amendment No. 2019-011 and Amendment No. 8 of Specific Plan No. 2005-001 are consistent with the Land Use Element goals and policies of 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, 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. 2019-011 and Amendment No. 8 of Specific Plan No. 2005-001 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 first and second paragraphs of subsection A. “Outdoor Storage” of Section 9.35.080 “Outdoor Storage and Use” of Chapter 9.35 “Commercial and Office Districts” to read as follows:

A. Outdoor Storage. Outdoor storage of materials and equipment is permitted in all commercial districts and the M-U district, with the exception of the Office Professional (O-P) district, when it is clearly incidental to the permitted use on the site and is in compliance with the provisions of this Chapter. Such storage shall be located in the rear one-half of the site and screened completely from view from any adjoining property or roadway by a solid wall or fence at least six (6) feet in height, but not to exceed ten (10) feet in height. Said fence or wall shall be constructed of or finished with materials that are compatible with those of the primary building on the site. In the M-U district, outdoor storage shall be screened by a solid decorative block or stucco wall. Acceptable materials can include, masonry, stucco, vinyl, solid metal, but shall not include corrugated metal. Items that are being stored outdoors shall not be stacked to a height exceeding the height of the required wall or fence.

In the C-S and C-V districts, when on-site barriers are necessary for security, open view fencing shall be used. Open view fencing shall have pilasters of materials that complement the building architecture. Metal rails and pickets shall be sufficiently spaced to restrict trespassing. Spires or spikes or other detailing may be used to impede trespassing. Chain link with metal slats can be used in these districts as long as the slats are maintained in such a manner so the material being stored behind the fencing cannot be seen directly, indirectly through the fence. Barbed wire, razor wire, electrification or similar barriers are only permitted for law enforcement agency vehicle impound yards.

Section 4. Amend subsection E. “Cargo Containers” of Section 9.35.080 “Outdoor Storage and Use” of Chapter 9.35 “Commercial and Office Districts” to read as follows:

E. Cargo Containers. In the Village Commercial (C-V) and Service Commercial (C-S) Districts, cargo containers shall be permitted subject to Section 9.36.170.D.

Section 5. Remove Footnote (9) of Table 9.35.040.A “Site Development Standards” of Section 9.35.040 “Site Development Standards” of Chapter 9.35

“Commercial and Office Districts”, and renumber remaining footnotes.

Section 6. Remove “Screening Materials” from Chapter 9.08 “Definitions”.

Section 7. Amend Paragraph D. “Cargo Container” and subparagraph 7. of Paragraph D. “Cargo Container” of Section 9.36.170 “Outdoor Displays, Sales and Uses” of Chapter 9.36 “Specific Use Regulations/Commercial and Office” to read as follows:

D. *Cargo Container.* All properties zoned Village Commercial (C-V) and Service Commercial (C-S) within the Apple Valley Village area may use a cargo container for storage purposes subject to a Minor Development Permit and conforms to the below standards. For this purpose the Apple Valley Village area shall be defined as the area east of Navajo Road, south of Esaws Road, west of Central Road and north of Nisqually Road:

7. Placement of the container shall meet all required setback standards.

Section 8. Amend Section 9.29.020 “Accessory Uses & Structures” of Chapter 9.29 “Specific Use Regulations for Residential Districts” to read as follows:

E. *Architectural Compatibility.* Accessory structures larger than one hundred twenty (120) square feet in area or taller than eight (8) feet in height shall meet the architectural compatibility with primary structure requirements for residential districts found in Chapter 9.31, *Residential Design Standards* of this Code.

Section 9. Amend paragraph 1. of subsection E “Architectural Compatibility” of “Section 9.29.020 “Accessory Uses & Structures” of Chapter 9.29 “Specific Use Regulations for Residential Districts” to read as follows:

1. Accessory structures larger than one-hundred, twenty (120) square feet in area or taller than eight (8) feet in height and located in front of the back line of the house shall be constructed of materials and colors which are similar to the primary building on the site. Structures built 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 not use metal exteriors except as described below and as described in Section 9.29.022. Structures built, assembled or fabricated, off site having metal exteriors, such as metal containers, cargo containers, freight and similar containers, modified trailers, modified rail-road cars, butler buildings, and the like, are expressly prohibited, unless said container/structure is covered or skinned with siding materials (i.e. wood, stucco, or masonry) similar to the primary residence and the design is compatible with the primary residence. All applicable building permits for alteration of prefabricated structure shall be required.

Section 10. Amend paragraph 1. “Accessory Structures” of subsection A. “Accessory Features” of Section 9.31.030 “Single Family Architectural Design Standards” of Chapter 9.31 “Residential Design Standards” to read as follows:

1. **Accessory Structures.** The design of accessory structures (greater than 120 square feet) including second units, garages, guesthouses, cabanas and storage buildings shall be architecturally compatible with the primary structure through the use of compatible building materials, walls/roofs/trellises, fence/wall connections and/or landscaping. Cargo containers or prefabricated shipping containers shall be expressly prohibited with the exception of the acceptable modifications described in Section 9.29.020.

Section 11. Amend North Apple Valley Industrial Specific Plan subparagraph 2 of paragraph a. "General Provisions" of subsection 4. "Walls and Fences" of subsection F. "Design Standards and Guidelines" of Section 3 "Development Standards and Guidelines" to read as follows:

2. The design and architecture of all walls, retaining walls, and fences shall reinforce the Town's desert character by the use of natural looking materials which can be expected to withstand the extremes of the high desert climate. Masonry, stucco, solid metal and vinyl are examples of acceptable materials. Corrugated metal shall be prohibited

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 6th day of November 2019.

Vice Chairman Bruce Kallen

ATTEST:

I, Maribel Hernandez, 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 6th day of November 2019, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ms. Maribel Hernandez, Planning Commission Secretary