



Town Council Agenda Report

Date: February 25, 2020 Item No. 6

To: Honorable Mayor and Town Council

Subject: SECOND READING OF ORDINANCE 527, AMENDING TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, TO ALLOW ADMINISTRATIVE REVIEW OF AMENDMENTS TO PREVIOUSLY APPROVED PROJECTS.

From: Douglas Robertson, Town Manager

Submitted by: Pam Cupp, Senior Planner
Planning Department

Budgeted Item: Yes No N/A

RECOMMENDED ACTION

Adopt Ordinance No. 527

BACKGROUND/SUMMARY

At its February 11, 2020 meeting, the Town Council introduced Ordinance No. 527 that modifies the Development Code to allow administrative approvals for amendments to previously approved projects. Ordinance No. 527 has been scheduled for adoption at the February 25, 2020 Town Council meeting.

FISCAL IMPACT

None

ATTACHMENTS

Ordinance No. 527

ORDINANCE NO. 527

AN ORDINANCE OF THE TOWN OF APPLE VALLEY, CALIFORNIA, 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, On May 1, 2019, the Town Council initiated a Development Code Amendment to allow administrative review of amendments to approved projects; 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 November 6, 2019, the Planning Commission of the Town of Apple Valley conducted a duly noticed public hearing on Development Code Amendment No. 2019-012, receiving testimony from the public and adopting Planning Commission Resolution No. 2019-016 forwarding a recommendation to the Council; and

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, Development Code Amendment No. 2019-012 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 January 31, 2020, 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, On February 11, 2020, the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2019-012, 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. 2019-012 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. 2019-013 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

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.”

Section 6. 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 7. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 8. 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.

Approved and Adopted by the Town Council and signed by the Mayor and attested to by the Town Clerk this 25th day of February 2020.

Honorable Scott Nassif, Mayor

ATTEST:

Ms. LaVonda M. Pearson, Town Clerk

Approved as to form:

Approved as to content:

Mr. Thomas Rice, Town Attorney

Mr. Douglas B. Robertson, Town Manager