



Town Council Agenda Report

Date: September 8, 2020 Item No. 7
To: Honorable Mayor and Town Council
Subject: SECOND READING OF ORDINANCE 534 OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY MODIFYING PROVISIONS RELATING TO LANDSCAPE SETBACK REGULATIONS FOR COMMERCIAL DEVELOPMENT (DCA 2020-005)
From: Douglas Robertson, Town Manager
Submitted by: Lori Lamson, Assistant Town Manager

Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

Adopt Ordinance No. 534

SUMMARY:

At its August 25, 2020 meeting, the Town Council reviewed and introduced Ordinance No. 534 that amends the Development Code by modifying provisions relating to landscape setback regulations for commercial development referred to as Development Code Amendment No. 2020-005. Ordinance No. 534 has been scheduled for adoption at the September 8, 2020 Town Council Meeting.

Fiscal Impact:

Not Applicable

Attachments:

Ordinance No. 534

ORDINANCE NO. 534

AN ORDINANCE OF THE TOWN OF APPLE VALLEY, CALIFORNIA, ADOPTING DEVELOPMENT CODE AMENDMENT NO. 2020-005 AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING CHAPTER 9.72 “OFF-STREET PARKING AND LOADING REGULATIONS”, “SECTION 9.72.080 “LANDSCAPING AND SCREENING REQUIREMENTS” AS IT PERTAINS TO LANDSCAPING AND SCREENING REQUIREMENTS MODIFYING THE LANDSCAPED SETBACK REQUIREMENTS IN COMMERCIAL DEVELOPMENT

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, specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by amending Chapter 9.72 “Off-Street Parking and Loading Regulations”, Section 9.72.080 “Landscaping and Screening Requirements” as it pertains to landscaped setback requirements in commercial development; and,

WHEREAS, on August 14, 2020, Development Code Amendment No. 2020-005 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, Development Code Amendment No. 2020-005 is consistent with 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.

WHEREAS, on August 14, 2020, Development Code Amendment No. 2020-005 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, on August 25, 2020 the Town Council of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2020-05 receiving testimony from the public; and

NOW, THEREFORE, BE IT RESOLVED that in consideration of the evidence presented at the public hearing, and for the reasons discussed by the Town Council at said hearing, the Town Council of the Town of Apple Valley, California, does hereby resolve, order and determine as follows, make the following findings and take the following actions:

Section 1. Find that the changes proposed by Development Code Amendment No. 2020-005 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 2. Pursuant to Section 21080.17 of the State Guidelines to Implement the California Environmental Quality Act (CEQA), this proposal is exempt because CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.1 or Section 65852.2 of the Government Code; and

Section 3. Remove Figure 9.72.080-A “Landscape Areas” and replace paragraphs Nos. 1 through 9 and add paragraphs Nos. 10 and 11 of subsection A. “Landscape Coverage” of Section 9.72.080 “Landscaping and Screening Requirements” of Chapter 9.72 “Off-Street Parking and Loading Regulations” to read as follows:

9.72.080 Landscaping and Screening Requirements

A. Landscape Coverage...

1. A minimum of five (5) percent of the interior of parking lots shall be landscaped.
2. For lots or commercial centers greater than two (2) acres in size, a landscaped strip with a minimum width of ten (10) feet shall be provided where parking lots are adjacent to a public right-of-way or residential uses or districts For lots or commercial centers two (2) acres or less in size, a landscape strip with a minimum of five (5) feet shall be provided, where parking lots are adjacent to a public right-of-way or residential uses or districts. For gas stations, regardless of size, a landscape strip with a minimum of five (5) feet shall be provided, where parking lots are adjacent to a public right-of-way or residential uses or districts. The required setback between parking lots adjacent to residential uses or districts can be reduced with a Deviation Permit approved by the Director. The setback reduction shall require the erection of a decorative block wall adjacent to the property line. Said wall

shall be a minimum of six (6) feet in height, up to a maximum of eight (8) feet, subject to surrounding topography and potential neighborhood impacts. If the commercial parcel or center is adjacent to an existing commercial development with a landscaped setback strip that is less than the required amount specified above, a reduction in width is permitted. This reduction in width must be similar in width of the adjacent landscaped setback, and designed with a gradual taper, back to the required width on the subject parcel or center.

3. Provide a minimum of one (1) tree (minimum fifteen (15) gallon size when planted) for each seven (7) parking spaces located so as to visually disrupt long rows of parking spaces, trees may be clustered where appropriate.
4. Landscaping along a property line abutting vacant property shall utilize a concrete curb, a block wall, or a mowing strip (at least four (4) inches wide and six (6) inches deep) along said property line for definition.
5. All landscaped areas shall be bordered by a concrete curb and shall be at least five (5) feet wide. Concrete mow strips at least four (4) inches wide and six (6) inches deep shall be used to separate turf areas from shrub areas.
6. Low walls, berms or landscaping, thirty-six (36) to forty-two (42) inches in height, as measured from the finished grade of the parking area, shall be used adjacent to public rights-of-way to screen the parking area. The height of such wall or berm may be reduced where the parking lot grade is lowered (Figure 9.72.080-B).
7. All areas within a parking lot not used for driveways, maneuvering areas, parking spaces, aisles or walkways shall be permanently landscaped.
8. Parking and driveway areas in commercial and residential zoning districts shall be separated from buildings by a landscaped planter.
9. Where a drive aisle abuts the side of a parking space a landscaped planter shall separate the parking space from the drive aisle.
10. For purposes of determining landscaped setbacks, the parcel line adjacent to the right-of-way shall be the ultimate right-of-way. If the ultimate right-of-way has been dedicated, but will not be immediately improved, encroachment of the required landscaping may occur within the right-of-way with the approval of a Deviation Permit by the Director.
11. To encourage creativity and unique landscape design, commercial centers greater than two (2) acres in size may deviate from the landscape standards through development of a landscape program approved by a Deviation Permit approved by the Planning Commission. An additional finding must be made by the Planning Commission explaining how the design of the overall landscape program compliments the development and the reduction in landscaping does not degrade the appearance of the project or the surrounding area.

Section 4. Amend last sentence of footnote 11 of Table 9.35.040-A to read as follows:

11. *...Refer to Section 9.25.030.E and 9.72.080.A for deviations to this requirement.*

NOW, THEREFORE, the Town Council of the Town of Apple Valley, State of California, does ordain as follows:

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 8th day of September, 2020.

Honorable Scott Nassif, Mayor

ATTEST:

Ms. La Vonda M. Pearson, Town Clerk

Approved as to form:

Approved as to content:

Mr. Thomas Rice, Town Attorney

Mr. Douglas B. Robertson, Town Manager