



Town Council Agenda Report

Date: January 12, 2021 Item No. 6

To: Honorable Mayor and Town Council

Subject: SECOND READING OF ORDINANCE 542 OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY MODIFYING SECTION 9.70.020(H) "LIGHT AND GLARE" BY ADDING REGULATIONS TO CONTROL NUISANCE LIGHTING AND GLARE BETWEEN RESIDENTIAL PROPERTIES AND TO REMOVE ALL REFERENCES RELATING TO THE "DARK SKY POLICY" WITHIN THE DEVELOPMENT CODE.

From: Douglas Robertson, Town Manager

Submitted by: Pam Cupp, Senior Planner
Planning Department

Budgeted Item: Yes No N/A

RECOMMENDED ACTION

Adopt Ordinance No. 542

SUMMARY

At its December 8, 2020 meeting, the Town Council reviewed and introduced Ordinance No. 542 that amends the Development Code by adding regulations to control nuisance lighting and glare between residential properties and to remove all references relating to the "Dark Sky Policy" within the development code. Ordinance 542 has been scheduled for adoption at the January 12, 2021 Town Council meeting.

FISCAL IMPACT

None

ATTACHMENTS:

Ordinance No. 542

ORDINANCE NO. 542

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 9.70.020(H) "LIGHT AND GLARE" BY ADDING REGULATIONS TO CONTROL NUISANCE LIGHTING AND GLARE BETWEEN RESIDENTIAL PROPERTIES AND TO REMOVE ALL REFERENCES RELATING TO THE "DARK SKY POLICY" WITHIN THE DEVELOPMENT CODE.

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 August 25, 2020, the Town Council initiated a Development Code Amendment directing staff to work with the Planning Commission to add regulations to the Development Code that would address the issue of light nuisances within single-family land uses;

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 October 21, 2020, the Planning Commission of the Town of Apple Valley conducted a duly noticed public hearing on Development Code Amendment No. 2020-010, inviting testimony from the public and adopting Planning Commission Resolution No. 2020-008 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 adding regulations to control nuisance lighting and glare between residential properties and to remove all references relating to the "Dark Sky Policy"; and

WHEREAS, Development Code Amendment No. 2020-010 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, 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 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.; and

WHEREAS, On November 27, 2020, Development Code Amendment No. 2020-010 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, On December 8, 2020, the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2020-010, receiving testimony from the public and

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. 2020-010 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. 2020-010 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

Section 3. Add Paragraph 7 to Section 9.70.020(H) "Light and Glare" of Chapter 9.70 "Performance Standards" as follows:

"7. Security or accent lighting for single-family residences shall be shielded to project downward or in a manner that the light is directed away from streets and adjoining properties."

Section 4. Eliminate the reference to the "Dark Sky Policy" with the following modification to Paragraph (A)(1) of Section 9.47.090 "Lighting" of Chapter 9.47 "Industrial Design Standards" as follows:

"1. Lighting shall be used only for the functional requirements of safety, security, and identification. Unnecessary lighting is prohibited in the interest of energy efficiency and preservation of the night sky views."

Section 5. Modify Paragraph D of Section 9.77.110 of Chapter 9.77 "Wireless Telecommunications Towers and Antennas" to remove reference to the Dark Sky Policy as follows:

“D. **Lighting.** Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding properties and the night sky views.

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 12th day of January 2021.

Honorable Curt Emick, 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