

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

A REQUEST TO REVISE TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY AMENDING SECTION 9.31.030, "SINGLE FAMILY ARCHITECTURAL DESIGN STANDARDS", OF CHAPTER 9.31 "RESIDENTIAL DESIGN STANDARDS", TO INCORPORATE PROVISIONS RELATED TO THE TOWN OF APPLE VALLEY PLANNING COMMISSION METAL ROOF POLICY STATEMENT.

Recommended Action:

**Move to open the public hearing and take testimony.
Close the public hearing. Then:**

1. **Determine** that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is exempt from environmental review because 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.
2. **Find** the facts presented within the staff report support the required Findings for approval of an amendment to the Development Code, and adopt the Findings.
3. **Find** that the proposed Town Council Ordinance is consistent with the Goals and Objectives of the adopted Town of Apple Valley General Plan and that it is necessary to preserve the health, safety and general welfare of the citizens of Apple Valley.
4. **Move** to waive the reading of Ordinance No. 430 in its entirety and read by title only.
5. **Introduce** Ordinance No. 430, revising Title 9 "Development Code" of the Town of Apple Valley Municipal Code by amending Section 9.31.030, "Single Family Architectural Design Standards", of Chapter 9.31 "Residential Design Standards", to incorporate provisions related to the Town of Apple Valley Planning Commission Metal Roof Policy Statement.
6. **Direct** staff to file a Notice of Exemption.

Proposed by: Planning Division **Item Number** _____

Town Manager Approval: _____ **Budgeted Item** Yes No N/A

The Development Code permits the use of metal roofing material that simulates traditional “S” shaped or flat tile roofing material or that which simulates wooden shake roofing material. All other proposed metal roofing material must be reviewed by the Planning Commission on a case-by-case basis prior to issuance of a building permit. Since adoption of these metal roof provisions, the Planning Commission has reviewed four (4) proposals for metal roofing material. Two (2) of the four (4) reviews resulted with approvals for the use of standing seam metal roofs. The Commission had concerns that requiring the review of roofing materials previously approved would unjustly delay a property owner’s ability to obtain a building permit.

At the October 5, 2011 Planning Commission meeting, the Commission directed staff to formulate a policy that would identify standing seam as a permitted metal roofing material. The policy, which was adopted at the November 2, 2011 Planning Commission meeting, was crafted to allow the Commission to add or remove specific metal roofing material as it deems appropriate. Rather than change the Development Code each time a specific metal material is approved, Planning Commission Resolution No. 2011-007 recommends that the Council modify the Code to identify the Planning Commission Metal Roof Policy Statement as the document that identifies all acceptable metal roofing materials for single-family structures. Metal roofing material not listed within the Metal Roof Policy Statement will continue to require the review and approval of the Planning Commission on a case-by-case basis.

A strike-through/underlined version of the proposed Code modification is within the attached Planning Commission staff report from the November 2, 2011 public hearing for Development Code Amendment 2011-004 in addition to the adopted Planning Commission Metal Roof Policy Statement.

FINDINGS:

Prior to the approval of any Amendment to the Development Code, the Council, based upon the advice of the Planning Commission, must make specific “Findings” as listed within the Code. Code Section 9.06.060, “Required Findings”, of Chapter 9.06, “Amendments to Zoning Provisions”, specifies that two (2) Findings must be made in a positive manner to approve an Amendment. These Findings, along with a comment to address each, are presented below.

A. The proposed amendment is consistent with the General Plan; and

Comment: The General Plan requires that the quality in architectural design is maintained in order to enhance the visual environment of the Town and to protect the economic value of existing structures and provides the basic framework for land development within the Town of Apple Valley. Development Code Amendment No. 2011-004 provides authority to the Planning Commission to further the goals of the General Plan by expanding upon the general design standards with specific material and color criteria for metal roofs.

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

Comment: Development Code Amendment No. 2011-004 will modify the Town's Development Code by authorizing the Planning Commission to identify specific metal materials and colors that may be used for roofs in residential zones, which will not be detrimental to public health, safety or welfare.

NOTICING

Development Code Amendment No. 2011-004 was advertised as a public hearing in the Apple Valley News newspaper on January 13, 2011 as required under Development Code Section 9.13.030 "Notice of Public Hearings".

RECOMMENDATION

Following receipt of public input and discussion by the Council, it is recommended that the Council move to introduce Ordinance No. 430 revising Title 9 "Development Code" of the Town Of Apple Valley Municipal Code by amending Section 9.31.030 "Single Family Architectural Design Standards" of Chapter 9.31 "Residential Design Standards", to incorporate provisions related to the Town Of Apple Valley Planning Commission Metal Roof Policy Statement.

Attachments:

Draft Ordinance No. 430
Planning Commission Staff Report and Minutes for November 2, 2011
Planning Commission Resolution No. 2011-007
Planning Commission Metal Roof Policy Statement

ORDINANCE NO. 430

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, REVISING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY AMENDING SECTION 9.31.030 “SINGLE FAMILY ARCHITECTURAL DESIGN STANDARDS” OF CHAPTER 9.31 “RESIDENTIAL DESIGN STANDARDS”, TO INCORPORATE PROVISIONS RELATED TO THE TOWN OF APPLE VALLEY PLANNING COMMISSION METAL ROOF POLICY STATEMENT.

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

Section 1. Recitals

- (i) 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
- (ii) 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
- (iii) specific changes are proposed to section 9.31.030 “Single Family Architectural Design Standards” as it relates to metal roofing material within the Town of Apple Valley; and
- (iv) On January 13, 2012, Development Code Amendment No. 2011-004 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and
- (v) 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
- (vi) On November 2, 2011, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2011-004, inviting testimony from the public and adopted Planning Commission Resolution No. 2011-007 recommending adoption of this Ordinance; and
- (viii) Development Code Amendment No. 2011-004 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.

Section 2. Findings

(i) Find that the changes proposed by Development Code Amendment No. 2011-003 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

(ii) Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), specifically Section 15061(b)(3), 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 may have a significant effect on the environment; the activity is exempt from, and not subject to, CEQA.

Section 3. Amend the Paragraph 4 of subsection A. “Dwelling Unit Architecture” of Section 9.31.030 “Single Family Architectural Design Standards” of the Town of Apple Valley Development Code to read as follows:

“4. Building Materials.

- a. All street elevations shall be architecturally treated.
- b. Metal or aluminum siding, reflective materials and finishes, and unfinished concrete block shall be avoided unless they are necessary as a part of an established or common architectural style upon review and approval of the Planning Commission on a case-by-case basis. Stone, brick, masonry, stucco, adobe and smooth plasters are required when such architectural treatments are used upon the main structure on site.”

Section 4. Amend Paragraph 8 of subsection A “Dwelling Unit Architecture” of Section 9.31.030 “Single Family Architectural Design Standards” of the Town of Apple Valley Development Code to read as follows:

- “8. ***Roofing Materials.*** Metal roofing materials simulating traditional “S” shaped or flat tile roofing material, simulating shake roofing material (if consistent with surrounding homes), and materials identified within the Planning Commission Metal Roof Policy Statement shall be permitted within all residential zoning districts. All other exposed metal material used for roofing may be reviewed and approved by the Planning Commission on a case-by-case basis as follows:”

Section 5. Invalidation. The amendment by this Ordinance of Title 9 “Development Code” of the Town of Apple Valley Municipal Code as previously in effect, or of any other prior enactment, shall not be construed to invalidate any entitlement exercised or proceeding taken pursuant to such Title or other enactment while the same was in effect.

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. The 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 provision of the Ordinance are declared to be severable.

Adopted by the Town Council and signed by the Mayor and attested by the Town Clerk this 24th day of January, 2012.

Honorable Barb Stanton, Mayor

ATTEST:

Ms. La Vonda M-Pearson, Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Mr. John Brown, Town Attorney

Mr. Frank Robinson, Town Manager



TOWN OF APPLE VALLEY PLANNING COMMISSION

Staff Report

AGENDA DATE:	November 2, 2011
CASE NUMBER:	Development Code Amendment No. 2011-004 and adoption of a Planning Commission Metal Roof Policy Statement
APPLICANT:	Town of Apple Valley
PROPOSAL:	A request to consider the adoption of a Planning Commission Policy Statement to identify specific metal roof material and colors that may be approved administratively. In addition, the Commission will consider an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code amending Section 9.31.030 "Single Family Architectural Design Standards" of the Code to stipulate provisions related to the Town of Apple Valley Planning Commission Metal Roof Policy Statement.
LOCATION:	Town-wide
EXISTING GENERAL PLAN DESIGNATIONS:	All Residential and Mixed-Use Land Use Designations.
EXISTING ZONING:	All Residential and Mixed-Use Zoning Designations.
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.

PROJECT PLANNER: Ms. Pam Cupp, Associate Planner

RECOMMENDATION: Adopt Planning Commission Metal Roof Policy Statement and Planning Commission Resolution No. 2011-007

BACKGROUND AND ANALYSIS

At the October 5, 2011 Planning Commission meeting, the Commission directed staff to formulate, and bring forth for review, a metal roof policy that would identify standing seam as a permitted metal roofing material. In addition to material, the Commission requested the policy statement address its desire that the color of the standing seam metal be compatible with the primary structure.

To ensure the Development Code maintains consistency with the Commission’s Metal Roof Policy Statement, a Development Code Amendment is necessary. Suggested language is presented below, with new language shown in **bold underlined** and deletions are noted in ~~strike through~~.

“9.31.030 Single Family Architectural Design Standards

A. Dwelling Unit Architecture

4. *Building Materials.*

- a. All street elevations shall be architecturally treated.
- b. Metal or aluminum siding ~~and roofs~~, reflective materials and finishes, and unfinished concrete block shall be avoided unless they are necessary as a part of an established or common architectural style upon review and approval of the Planning Commission on a case-by-case basis. Stone, brick, masonry, stucco, adobe and smooth plasters are required when such architectural treatments are used upon the main structure on site.

- 8. ***Roofing Materials.*** Metal roofing materials ~~simulating or emulate~~ traditional “S” shaped or flat tile roofing material, ~~or simulating shake roofing material (if consistent with surrounding homes)~~, **and materials identified within the Planning Commission’s Metal Roof Policy Statement** shall be permitted within all residential zoning districts. All other exposed metal material used for roofing ~~which does not simulate or emulate traditional “S” shaped or flat tile roofing material or shake roofing material~~ may be reviewed and approved by the Planning Commission on a case-by-case basis as follows:”

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 requires that the quality in architectural design is maintained in order to enhance the visual environment of the Town and to protect the economic value of existing structures and provides the basic framework for land development within the Town of Apple Valley. Development Code Amendment No. 2011-004 provides authority to the Planning Commission to further the goals of the General Plan by expanding upon the general design standards with specific material and color criteria for metal roofs.

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

Comment: Development Code Amendment No. 2011-004 will modify the Town's Development Code by authorizing the Planning Commission to identify specific metal materials and colors that may be used for roofs in residential zones, which will not be detrimental to public health, safety or welfare.

NOTICING

Development Code Amendment No. 2011-004 was advertised as a public hearing in the Apple Valley News newspaper on October 21, 2011.

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. 2011-007, 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.

Prepared By:

Reviewed By:

Pam Cupp
Associate Planner
Development

Lori Lamson
Assistant Director of Community

Attachment: Planning Commission Resolution No. 2011-007
Draft Planning Commission Metal Roof Policy Statement

PLANNING COMMISSION RESOLUTION NO. 2011-007

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL FIND THAT DEVELOPMENT CODE AMENDMENT NO. 2011-004 IS EXEMPT FROM ENVIRONMENTAL REVIEW AND AMEND TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY AMENDING SECTION 9.31.030 SINGLE FAMILY ARCHITECTURAL DESIGN STANDARDS AS IT RELATES TO METAL ROOFING MATERIAL.

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 section 9.31.030 "Single Family Architectural Design Standards" as it relates to metal roofing material within the Town of Apple Valley; and

WHEREAS, on October 21, 2011, Development Code Amendment No. 2011-004 was duly noticed in the Apple Valley News, a newspaper of general circulation within 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 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 may have a significant effect on the environment, the activity is EXEMPT from further CEQA review; and

WHEREAS, on November 2, 2011, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2011-004, receiving testimony from the public; and

WHEREAS, Development Code Amendment No. 2011-004 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.

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. 2011-004 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. 2011-004 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

Section 3. Amend the Paragraph 4 of subsection A. "Dwelling Unit Architecture" of Section 9.31.030 "Single Family Architectural Design Standards" of the Town of Apple Valley Development Code to read as follows:

"4. Building Materials.

- a. All street elevations shall be architecturally treated.
- b. Metal or aluminum siding, reflective materials and finishes, and unfinished concrete block shall be avoided unless they are necessary as a part of an established or common architectural style upon review and approval of the Planning Commission on a case-by-case basis. Stone, brick, masonry, stucco, adobe and smooth plasters are required when such architectural treatments are used upon the main structure on site."

Section 3. Amend Paragraph 8 of subsection A "Dwelling Unit Architecture" of Section 9.31.030 "Single Family Architectural Design Standards" of the Town of Apple Valley Development Code to read as follows:

- "8. Roofing Materials.*** Metal roofing materials simulating traditional "S" shaped or flat tile roofing material, simulating shake roofing material (if consistent with surrounding homes), and materials identified within the Planning Commission's Metal Roof Policy Statement shall be permitted within all residential zoning districts. All other exposed metal material used for roofing may be reviewed and approved by the Planning Commission on a case-by-case basis as follows:"

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 2nd day of November, 2011.

B.R. Tinsley, Chairman

ATTEST:

I, Debra Thomas, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing Planning Commission Resolution No. 2011-005 was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 2nd day of November, 2011, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Debra Thomas, Planning Commission Secretary

**TOWN OF APPLE VALLEY PLANNING COMMISSION
METAL ROOFING POLICY STATEMENT**

It is the goal of the Town Council and the Planning Commission of the Town of Apple Valley to promote the preservation of the Town's identity and character through a commitment to protecting the community's aesthetics. The Development Code identifies specific design standards and criteria that ensure the continued preservation and protection of the community's aesthetic integrity and preservation the of the open desert environment.

The Commission recognizes the importance of preventing arbitrary interpretation and consistency while applying the standards and requirements established within the Development Code Pursuant to the goals of the General Plan and Municipal Code to preserve the desert environment, community pride and the community's aesthetic appeal, while affording and individual property owner a fair and equitable opportunity to build using creative and innovative designs within the Town of Apple Valley, the Planning Commission of the Town of Apple Valley, California, finds and determines as follows :

- 1. Standing seam metal, of any color compatible with the primary structure, is an acceptable roofing material for use on any residential structure.***

The Planning Commission may modify this policy statement as deemed appropriate. It is not the intent of the policy, nor shall this policy allow the use of exposed metal for the exterior siding of any structure where it is otherwise expressly prohibited within Title 9, Development Code of the Town of Apple Valley Municipal Code.

Adopted by the Planning Commission of the Town of Apple Valley and signed by the Chairperson this 2nd day of November, 2011.

B.R. Tinsley, Chairman
Planning Commission

Debra Thomas
Secretary, Planning Commission

MINUTES
EXCERPT

TOWN OF APPLE VALLEY
PLANNING COMMISSION
Regular Meeting
November 2, 2011

CALL TO ORDER

At 6:02 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for November 2, 2011, was called to order by Chairman Tinsley.

ROLL CALL

Planning Commission

Roll call was taken with the following members present: Commissioner David Hernandez, Commissioner Jason Lamoreaux, Commissioner Mark Shoup, Vice-Chairman Larry Cusack and Chairman B.R. "Bob" Tinsley.

2. **Development Code Amendment No. 2011-004 and adoption of the Planning Commission Metal Roof Policy Statement.** A request to consider adoption of a Planning Commission policy statement to identify specific metal roof material and colors that may be approved administratively. In addition, the Commission will consider an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code amending Section 9.31.030 "Single Family Architectural Design Standards" of the Code to stipulate provisions related to the Town of Apple Valley Planning Commission Metal Roof Policy Statement.

Ms. Pam Cupp, Associate Planner, presented the staff report as filed by the Planning Division. She stated that, in addition to the Policy Statement, it was necessary to update the Development Code to include the Policy Statement by reference within the residential design standards to the Code. She explained that the policy can be amended, as needed, by Planning Commission without any further Development Code Amendments.

Commissioner Lamoreaux requested to know if the color compatibility standards would be subject to architectural review at the counter.

Ms. Cupp responded "yes".

Chairman Tinsley closed the public hearing at 6:22 P.M.

MOTION

Council Meeting Date: 1/24/12

Motion by Commissioner Lamoreaux, seconded by Vice-Chairman Cusack, and unanimously carried, to:

1. Adopt Planning Commission Resolution No. 2011-007 and the Planning Commission Metal Roof Policy Statement.

ROLL CALL VOTE:

Ayes: Commissioner Hernandez
 Commissioner Lamoreaux
 Vice-Chairman Cusack
 Chairman Tinsley
 Commissioner Shoup

Noes: None

Abstain: None

Absent: None

The motion carried by a 5-0-0-0 vote