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**TOWN OF APPLE VALLEY  
PLANNING COMMISSION AGENDA**

**WEDNESDAY, SEPTEMBER 18, 2019**

**Regular Meeting 6:00 p.m.**

***Town Council Chambers***  
**14955 Dale Evans Parkway**

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**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](http://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.*



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**TOWN OF APPLE VALLEY  
PLANNING COMMISSION AGENDA  
REGULAR MEETING  
WEDNESDAY SEPTEMBER 18, 2019 – 6:00 P.M.**

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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](http://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 4, 2019.

## **PUBLIC HEARING ITEMS**

- 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.

**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. 2019-014

## **OTHER BUSINESS**

## **PLANNING COMMISSION COMMENTS**

## **STAFF COMMENTS**

## **ADJOURNMENT**

The Planning Commission will adjourn to its next regularly scheduled Planning Commission meeting on November 6, 2019.

**MINUTES**

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

**SEPTEMBER 4, 2019**

**CALL TO ORDER**

Vice-Chairman Kallen called to order the regular meeting of the Town of Apple Valley Planning Commission at 6:04 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 Harrison.

**APPROVAL OF MINUTES**

- 1a.** Approval of Minutes for the regular meeting of August 7, 2019.

Motion by, Commissioner Tinsley, second by Commissioner Harrison to approve the minutes of August 7, 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

- 1b.** Approval of Minutes for the regular meeting of August 21, 2019.

Motion by, Commissioner Tinsley, second by Commissioner Arias to approve the minutes of August 21, 2019.

**ROLL CALL VOTE**

Yes:

Vice-Chairman Kallen  
Commissioner Tinsley  
Commissioner Arias

Noes: None

Abstain: Commissioner Harrison

Absent: Chairman Lamoreaux

The motion carried by a 3-0-1-1 vote

**PUBLIC COMMENTS**

None

**PUBLIC HEARINGS**

2. **Development Code Amendment No. 2019-010.** The Planning Commission will be considering an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code that, through the Deviation Permit process, would allow a reduction to setbacks, landscaping and standard parking spaces and allow an increase in building height from the standards found in Chapter 9.35 "Commercial and Office Districts".

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

Commissioner Harrison asked if these changes with the building height and setback changes Fire District review. Ms. Cupp stated the Fire District is provided all entitlement applications for their comment and review.

Commissioner Arias asked if this change would be a big impact or help. Ms. Cupp said it does give some flexibility in the code but at this time there are currently no deviation applications in the works.

Vice-Chairman Kallen asked how the numbers and percentages were established and thought this should have been discussed during the Joint Meeting. Ms. Cupp said it was mostly arbitrary.

Vice-Chairman Kallen asked if these changes relaxed the code. Ms. Carol Miller said this changed relaxed the process and not the code standards.

Mr. Thomas Rice, Town Attorney, noted there is a notice procedure and owners within 300 feet of the property are notified when a deviation permit is requested and are given an opportunity to provide comments.

**MOTION**

Motion by Commissioner Tinsley, seconded Commissioner Harrison to approve Planning Commission Resolution No. 2019-007 with the corrections 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

3. **Development Code Amendment No. 2019-009.** The Planning Commission will be considering an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying Table 9.35.030-A of Chapter 9.35 "Commercial and Office Districts" and Table 9.45.030-A "Permitted Uses" of Chapter 9.45 "Industrial Districts" as needed to address current trends and remove outdated language. The Commission shall also consider replacing the Conditional Use Permit process with a Special Use Permit process for uses that have limited impacts upon the surrounding property owners.

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

Commissioner Harrison asked if there were any impacts on existing occupancies. Ms. Cupp said no to existing occupancies and applications do not expire unless they have been vacated for over 180 days.

**MOTION**

Motion by Commissioner Harrison, seconded Commissioner Tinsley to approve Planning Commission Resolution No. 2019-009 with correction to the heading referencing DCA 2019-009 and corrections to 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**

Commissioner Harrison asked for an update on a past project that involved a digital sign in the Village. Ms. Cupp said applicant removed one of the non-permitted signs and reduced the size into what is permitted in front of the building.

Commissioner Tinsley requested an update on the Water Reclamation Project at Brewster. Ms. Miller will have Mike Molinari, Public Works Manager contact Commissioner Tinsley with update.

Commissioner Kallen thanked staff for their work.

**STAFF COMMENTS**

None

**ADJOURNMENT**

Motion by Commissioner Tinsley, Second by Commissioner Harrison, and unanimously carried, to adjourn the meeting of the Planning Commission at 6:32p.m. to its next regularly scheduled meeting on September 18, 2019.

Respectfully Submitted by:

\_\_\_\_\_  
Maribel Hernandez  
Planning Commission Secretary

Approved by:

\_\_\_\_\_  
Vice-Chairman, Bruce Kallen



**DATE:** September 18, 2019 Item No. 2

**CASE NUMBER:** Development Code Amendment No. 2019-011

**APPLICANT:** Town of Apple Valley

**PROPOSAL:** 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.

**LOCATION:** Commercial and Industrial Districts 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. 2019-014

**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 allow for an intensity bonus or concessions for sustainable, environmentally supportive commercial or industrial development be reviewed and approved by the Community Development Director.



## **ANALYSIS**

On June 12, 2018, the Town Council adopted the most recent update to the Town's Climate Action Plan (CAP). The purpose of the CAP is to ensure the reduction measures proposed and implemented in the original CAP continue to support the Town's greenhouse gas emissions reduction target of 15% below 2005 levels by 2020. The most recent legislation requires that greenhouse gases be reduced to 40% below 2005 emissions by 2030. The CAP identified specific environmentally sustainable measures that should be taken to ensure the Town's compliance with the required reduction to greenhouse gases. These measures were incorporated into the Development Code in 2010 and included "suggested concessions"; however, no specific incentives were adopted.

The Development Code has provisions for intensity bonuses (e.g., increased height, reduced setbacks, and reduced landscaping) for commercial or industrial projects that incorporate enhanced site amenities such as employee trip reduction incentives, shaded public spaces, public art or enhanced landscaping. Any of these amenities could qualify for reductions to the required site development standards through the approval of a Conditional Use Permit by the Planning Commission.

Staff is suggesting that environmentally sustainable design features be added to the list of features that could be eligible for a reduction to certain development standards. Also suggested is to incorporate a parking reduction as a permitted intensity bonus and to allow the developer to suggest other concessions that would result in an actual reduction in energy or water use.

As discussed under a prior amendment, a Conditional Use Permit cannot be revoked from a building. Therefore, staff is suggesting that any request for a reduction to site development standards as identified below be subject to the approval by the applicable review authority, instead of through the Conditional Use Permit process.

Staff is offering for the Commission's consideration a modification to Section 9.35.100 "Intensity Bonus" Chapter 9.35 "Commercial and Office Districts" as follows:

### 9.35.100 - Intensity Bonus/**Concessions**

A. Purpose. The purpose of this Section is to encourage the addition of enhanced site amenities **or environmentally sustainable design features with** and increased flexibility in design for new developments in the commercial and office districts through the granting of additional floor space, additional building height, ~~additional lot coverage~~, reduced setbacks or other variations from the Site Development Standards, Section 9.35.040. Such variations are subject to the approval of a ~~Conditional Use Permit~~ **the applicable review authority**.

B. Types of Amenities **and environmentally sustainable measures:**

1. Employee trip reduction incentives and/or facilities
2. Shaded public spaces, plazas

3. Public art, sculptures and fountains
  4. Enhanced landscaping
  - 5. Energy efficiencies shall exceed Title 24 standards and incorporate two or more of the following energy reduction measures:**
    - a. alternative energy systems on-site;
    - b. design parameters that allow for frequent, reliable and convenient public transit;
    - c. site design that utilizes appropriate site orientation to assure solar access and the use of shade and windbreak trees to enhance the use of alternative energy systems;
    - d. site design that utilizes a minimum of fifty (50) percent sustainable and energy efficient interior and exterior building materials;
    - e. landscape plans that exceed Town water efficient landscape requirements by at least fifteen (15) percent through the use of landscape materials and efficient irrigation systems;
    - f. installation of energy-efficient indoor and outdoor lighting that reduces energy use at least twenty-five (25) percent over traditional or existing lighting fixtures;
    - g. certification as LEED Gold or Platinum.
  6. Other amenities or environmentally sustainable measures as approved by the ~~Planning Commission~~ review authority.
- C. **Types of Intensity Bonuses.** Variations from the provisions of Section 9.35.040, Site Development Standards, of this Chapter, may be granted by the ~~Planning Commission~~ review authority through the approval of a ~~Conditional~~ **Development or Use Permit** when enhanced site amenities or sustainable design measures as described in subsection B of this Section are provided. Such variations are limited to:
1. Fifteen (15)-foot increase in height, except within 100 feet of a residential use or district; or
  2. Ten (10) percent decrease in required landscape coverage, e.g., 10% to 9%, 15% to 13.5%; or
  3. Ten (10) percent decrease in required setbacks, except when adjacent to residential uses or districts.
- 4. Ten (10) percent increase to floor area ratio (F.A.R.)**
  - 5. A reduction of up to ten (10) percent in the ratio of vehicular parking spaces;**
  - 6. Other concessions proposed by the developer that result in identifiable and actual reductions in energy or water use, subject to the approval of the review authority.**

Staff is offering for the Commission's consideration a modification to Section 9.46.060 "Intensity Bonus" Chapter 9.46 "Specific Use Regulation for Industrial Districts" as follows:

9.46.060 - Intensity Bonus/Concessions

- A. Purpose. The purpose of this Section is to encourage the addition of enhanced site amenities or environmentally sustainable design features and increased flexibility in design for new developments in the industrial districts through the granting of ~~additional floor space, additional building height, additional lot coverage, reduced setbacks or other differences~~variations from the Site Development Standards, Section 9.45.040, of this Code. Such ~~differences~~variations are subject to the approval of a Conditional Use Permit the applicable review authority.
- B. Types of Amenities and environmentally sustainable measures:
1. Employee trip reduction incentives and/or facilities
  2. Shaded public spaces, plazas
  3. Public art, sculptures and fountains
  4. Enhanced landscaping
  - 5. Energy efficiencies shall exceed Title 24 standards and incorporate two or more of the following energy reduction measures:**
    - a. alternative energy systems on-site;
    - b. design parameters that allow for frequent, reliable and convenient public transit;
    - c. site design that utilizes appropriate site orientation to assure solar access and the use of shade and windbreak trees to enhance the use of alternative energy systems;
    - d. site design that utilizes a minimum of fifty (50) percent sustainable and energy efficient interior and exterior building materials;
    - e. landscape plans that exceed Town water efficient landscape requirements by at least fifteen (15) percent through the use of landscape materials and efficient irrigation systems;
    - f. installation of energy-efficient indoor and outdoor lighting that reduces energy use at least twenty-five (25) percent over traditional or existing lighting fixtures;
    - g. certification as LEED Gold or Platinum.
  6. Other amenities or environmentally sustainable measures as approved by the Planning Commission review authority.
- C. ~~Exceptions~~Types of Intensity Bonuses. ~~Exceptions~~Variations from the provisions of Section 9.45.040, Site Development Standards, of this Code, may be granted by

the ~~Planning Commission~~ **review authority** through the approval of a **Conditional Development or Use Permit** when enhanced site amenities **or sustainable design measures as** described in subsection B of this Section are provided. Such ~~exceptions~~ **variations** are limited to:

1. Fifteen (15)-foot increase in height, except within 100 feet of a residential use or district; or
2. Ten (10) percent decrease in required landscape coverage, e.g., 10% to 9%, 15% to 13.5%; or
3. Ten (10) percent decrease in required setbacks, except when adjacent to residential uses or districts.
- 4. 4. Ten (10) percent increase to floor area ratio (F.A.R.)**
- 5. A ten (10) percent reduction in the ratio of vehicular parking spaces;**
- 6. Other concessions proposed by the developer that result in identifiable and actual reductions in energy or water use, subject to the approval of the review authority.**

**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 Commercial and Industrial Land Use Goals, Policies and Programs promotes commercial developments that strengthen the local economy and enhance the quality of life. Providing a mechanism to offer flexibility in site development standards as an incentive to provide enhanced site development features or environmentally sustainable measures will further the goals of 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 intensity bonuses and concessions suggested will encourage enhanced site development features such as public art, enhanced landscaping or environmentally sustainable measures, such as alternative energy systems or LEED Certification, will enhance the built environment and reduce greenhouse gases. Therefore, the changes proposed under Development Code Amendment No. 2019-011 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. 2019-011 was advertised as a public hearing in the Apple Valley News newspaper on September 6, 2019.

### **ENVIRONMENTAL REVIEW**

Development Code Amendment No. 2019-011 will modify the process and review authority for intensity bonuses or concessions for commercial or industrial development. The amendment will also incorporate environmentally sustainable measures that could qualify for such intensity bonuses or concessions. 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. 2019-014 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. 2019-014

**PLANNING COMMISSION RESOLUTION NO. 2019-014**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2019-011 AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING CHAPTER 9.35 “COMMERCIAL AND OFFICE DISTRICTS” AND CHAPTER 9.46 “SPECIFIC USE REGULATIONS FOR INDUSTRIAL DISTRICTS” TO ALLOW ANY REQUEST FOR AN INTENSITY BONUS OR CONCESSION FOR SUSTAINABLE, ENVIRONMENTALLY SUPPORTIVE COMMERCIAL OR INDUSTRIAL DEVELOPMENT TO BE APPROVED BY THE APPLICABLE REVIEW AUTHORITY AND TO INCORPORATE SPECIFIC SUSTAINABLE MEASURES AS QUALIFYING FACTORS WHEN CONSIDERING ANY INTENSITY BONUS OR CONCESSION.**

**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. 2019-011 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 draft language that would 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;

**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” and Chapter 9.46 “Specific Use Regulations for Industrial Districts” to allow any request for an intensity bonus or concession for sustainable, environmentally supportive commercial or industrial development to be approved by the applicable review authority and to incorporate specific sustainable measures as qualifying factors when considering any intensity bonus or concession; and,

**WHEREAS**, on September 6, 2019, Development Code Amendment No. 2019-011 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 September 18, 2019 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2019-011 receiving testimony from the public; and

**WHEREAS**, Development Code Amendment No. 2019-011 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. 2019-011 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 9.35.100 “Intensity Bonus” of Chapter 9.35 “Commercial and Office Districts” as follows:

“9.35.100 - Intensity Bonus/Concessions

- A. Purpose. The purpose of this Section is to encourage the addition of enhanced site amenities or environmentally sustainable design features with and increased flexibility in design for new developments in the commercial and office districts through the granting of additional floor space, additional building height, reduced setbacks or other variations from the Site Development Standards, Section 9.35.040. Such variations are subject to the approval of the applicable review authority.
- B. Types of Amenities and environmentally sustainable measures:

1. Employee trip reduction incentives and/or facilities
  2. Shaded public spaces, plazas
  3. Public art, sculptures and fountains
  4. Enhanced landscaping
  5. Energy efficiencies shall exceed Title 24 standards and incorporate two or more of the following energy reduction measures:
    - a. alternative energy systems on-site;
    - b. design parameters that allow for frequent, reliable and convenient public transit;
    - c. site design that utilizes appropriate site orientation to assure solar access and the use of shade and windbreak trees to enhance the use of alternative energy systems;
    - d. site design that utilizes a minimum of fifty (50) percent sustainable and energy efficient interior and exterior building materials;
    - e. landscape plans that exceed Town water efficient landscape requirements by at least fifteen (15) percent through the use of landscape materials and efficient irrigation systems;
    - f. installation of energy-efficient indoor and outdoor lighting that reduces energy use at least twenty-five (25) percent over traditional or existing lighting fixtures;
    - g. certification as LEED Gold or Platinum.
  6. Other amenities or environmentally sustainable measures as approved by the review authority.
- C. Types of Intensity Bonuses. Variations from the provisions of Section 9.35.040, Site Development Standards, of this Chapter, may be granted by the review authority through the approval of a Development or Use Permit when enhanced site amenities or sustainable design measures as described in subsection B of this Section are provided. Such variations are limited to:
1. Fifteen (15)-foot increase in height, except within 100 feet of a residential use or district; or
  2. Ten (10) percent decrease in required landscape coverage, e.g., 10% to 9%, 15% to 13.5%; or
  3. Ten (10) percent decrease in required setbacks, except when adjacent to residential uses or districts.
  4. Ten (10) percent increase to floor area ratio (F.A.R.)
  5. A reduction of up to ten (10) percent in the ratio of vehicular parking spaces;
  6. Other concessions proposed by the developer that result in identifiable and actual reductions in energy or water use, subject to the approval of the review authority.”



**Section 4.** Amend Section 9.46.060 “Intensity Bonus” Chapter 9.46 “Specific Use Regulation for Industrial Districts” as follows:

“9.46.060 - Intensity Bonus/Concessions

- A. Purpose. The purpose of this Section is to encourage the addition of enhanced site amenities or environmentally sustainable design features and increased flexibility in design for new developments in the industrial districts through the granting of additional building height, reduced setbacks or other variations from the Site Development Standards, Section 9.45.040, of this Code. Such variations are subject to the approval of the applicable review authority.
- B. Types of Amenities and environmentally sustainable measures:
1. Employee trip reduction incentives and/or facilities
  2. Shaded public spaces, plazas
  3. Public art, sculptures and fountains
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  5. Energy efficiencies shall exceed Title 24 standards and incorporate two or more of the following energy reduction measures:
    - a. alternative energy systems on-site;
    - b. design parameters that allow for frequent, reliable and convenient public transit;
    - c. site design that utilizes appropriate site orientation to assure solar access and the use of shade and windbreak trees to enhance the use of alternative energy systems;
    - d. site design that utilizes a minimum of fifty (50) percent sustainable and energy efficient interior and exterior building materials;
    - e. landscape plans that exceed Town water efficient landscape requirements by at least fifteen (15) percent through the use of landscape materials and efficient irrigation systems;
    - f. installation of energy-efficient indoor and outdoor lighting that reduces energy use at least twenty-five (25) percent over traditional or existing lighting fixtures;
    - g. certification as LEED Gold or Platinum.
  6. Other amenities or environmentally sustainable measures as approved by the review authority.
- C. Types of Intensity Bonuses. Variations from the provisions of Section 9.45.040, Site Development Standards, of this Code, may be granted by the review authority through the approval of a Development or Use Permit when enhanced site amenities or sustainable design measures as described in subsection B of this Section are provided. Such variations are limited to:

1. Fifteen (15)-foot increase in height, except within 100 feet of a residential use or district; or
2. Ten (10) percent decrease in required landscape coverage, e.g., 10% to 9%, 15% to 13.5%; or
3. Ten (10) percent decrease in required setbacks, except when adjacent to residential uses or districts.
4. Ten (10) percent increase to floor area ratio (F.A.R.)
5. A ten (10) percent reduction in the ratio of vehicular parking spaces;
6. Other concessions proposed by the developer that result in identifiable and actual reductions in energy or water use, subject to the approval of the review authority.”

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 18th day of September 2019.

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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 18th day of September 2019, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Ms. Maribel Hernandez, Planning Commission Secretary