



## Town Council Agenda Report

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Date: October 22, 2019 Item No. 10

To: Honorable Mayor and Town Council

Subject: DEVELOPMENT CODE AMENDMENT NO. 2019-010, AN AMENDMENT TO TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE TO ALLOW, THROUGH THE DEVIATION PERMIT PROCESS, A MINOR REDUCTION TO SETBACKS AND LANDSCAPING AND AN INCREASE IN BUILDING HEIGHT AND NUMBER OF COMPACT PARKING SPACES AND A REDUCTION OF PARKING SPACES REQUIRED FOR ACCESSORY USES FROM THE STANDARDS FOUND IN CHAPTER 9.35 "COMMERCIAL AND OFFICE DISTRICTS".

From: Douglas Robertson, Town Manager

Submitted by: Pam Cupp, Senior Planner  
Planning Department

Budgeted Item:  Yes  No  N/A

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### RECOMMENDED ACTION:

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, including the attached Planning Commission staff report for September 4, 2019, support the required Findings for approval of the proposed Development Code Amendment and adopt the Findings.
3. **Move** to waive the reading of Ordinance No. 521 in its entirety and read by title only.
4. **Introduce** Ordinance No. 521 approving Development Code Amendment No. 2019-010; and
5. **Direct** staff to file a Notice of Exemption with the San Bernardino County Clerk of the Board.

## **SUMMARY:**

Development Code Amendment No. 2019-010 was initiated by the Town Council at its May 1, 2019 joint meeting with the Planning Commission to allow for more flexibility to commercial development standards through the Deviation Permit process. On September 4, 2019, the Planning Commission adopted Planning Commission Resolution No. 2019-012 recommending the Town Council approve Development Code Amendment No. 2019-010.

The changes proposed under Development Code Amendment No. 2019-010 will allow minor exceptions to commercial development standards with the Community Development Director's approval of a Deviation Permit. The minor exceptions to commercial development standards include a twenty-five (25) percent increase to building height; a fifty (50) percent reduction to the required front yard setback, street side yard setback or setback to a dedicated alley; a fifty (50) percent reduction to required landscaping as needed to achieve required parking and accessibility requirements; a twenty-five (25) percent increase to the permitted number of compact parking spaces; and, a reduction in required parking for accessory uses.

Currently, a developer may request these same exceptions noted above through the Variance process. The Deviation Permit requires the same level of public noticing; however, a Planning Commission public hearing is not required. The Director, based upon public input, would have the ability to defer the decision to the Planning Commission. Alternatively, should the Director deny the Deviation request, the applicant could appeal that decision to the Planning Commission.

## **ANALYSIS:**

In 2015 the Development Code was modified to allow a builder with a project proposed on a substandard lot the ability to request a reduction to landscape planter width, overall landscape area, a ten (10) percent reduction for interior side setbacks and a twenty (20) percent reduction for rear setbacks with the Director's approval of a Deviation Permit. Development Code Amendment No. 2019-010 would increase the number of development standards that could be reduced through the Deviation Permit process.

Unlike the six (6) Findings required to grant a Variance, a Deviation Permit requires one (1) Finding which is: "Granting the deviation 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." A notice of pending land use decision is sent to all property owners within a specified radius, which would be between 300 and 1,300 feet, depending upon the property size. Any decision of the Director can be appealed to the Planning Commission for its consideration.

A complete strike-thru/underline version of the proposed changes can be reviewed within the attached Planning Commission report from the September 4, 2019 public hearing for Development Code Amendment No. 2019-010.

**NOTICING:**

Development Code Amendment No. 2019-010 was advertised as a Town Council public hearing in the Apple Valley News newspaper on October 11, 2019.

**ENVIRONMENTAL REVIEW:**

This proposal will modify the entitlement process required to deviate from some development standards. The change in entitlement process will not reduce the level of environmental review that is already required. It has been determined that the changes proposed under Development Code Amendment No. 2019-010 will not promote development beyond that anticipated within the Environmental Impact Report prepared for the General Plan and certified August 11, 2009.

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.

**REQUIRED FINDINGS:**

An Amendment to the Development Code requires that the Town Council address two (2) required “Findings”, as listed within Development Code Section 9.06.060. For Council consideration, the required Findings are listed below, along with a comment addressing each. If the Council concurs with these comments, it may be adopted. If the Council wishes to modify the offered comments, after considering input and public testimony at the public hearing, modifications to the Findings and Code Amendment can be included.

- 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 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 minor exceptions proposed through the Deviation Process would require a Finding that the proposal 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. A negative Finding would require denial of the proposal;

therefore, as proposed, Development Code Amendment No. 2019-010 will not be detrimental to the public health, safety or welfare of the Town or its residents.

**Fiscal Impact:**

Not Applicable

**Attachments:**

Ordinance No. 521

Planning Commission Staff Report

Planning Commission Resolution No. 2019-012

**ORDINANCE NO. 521**

**AN ORDINANCE OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING CHAPTER 9.25 “DEVIATION PERMITS” TO ALLOW A MINOR REDUCTION TO SETBACKS AND LANDSCAPING AND AN INCREASE IN BUILDING HEIGHT AND NUMBER OF COMPACT PARKING SPACES AND A REDUCTION OF PARKING SPACES REQUIRED FOR ACCESSORY USES THROUGH THE DEVIATION PERMIT PROCESS.**

**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 that would expand the use of Deviation Permits and allow for more flexibility for projections into yards and height limits through the Deviation Permit process;

**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 September 4, 2019, the Planning Commission of the Town of Apple Valley conducted a duly noticed public hearing on Development Code Amendment No. 2019-010, receiving testimony from the public and adopting Planning Commission Resolution No. 2019-012 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 Chapter 9.25 “Deviation Permits” to allow a minor reduction to setbacks and landscaping and an increase in building height and number of compact parking spaces and a reduction of parking spaces required for accessory uses through the deviation permit process.

**WHEREAS**, Development Code Amendment No. 2019-010 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**, 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 October 11, 2019, Development Code Amendment No. 2019-010 was duly noticed in the Apple valley News, a newspaper of general circulation within the Town of Apple Valley; and

**WHEREAS**, On October 22, 2019, the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2019-010, 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. 2019-010 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. 2019-009 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

**Section 3.** Amend Section 9.25.030 “Standards” of Chapter 9.25 “Deviation Permits” as follows:

“9.25.030 - Standards

The Director may grant a Deviation Permit for only the following minor exceptions to the Development Code:

A. In Commercial Districts:

1. A maximum twenty-five (25) percent increase to building height.
2. A maximum fifty (50) percent reduction to the front yard setback, street side yard setback or setback to a dedicated alley.
3. A reduction to the required landscaped area as required for accessibility improvements or other factors as determined by the Director.
4. An increase of twenty-five (25) percent to the number of permitted compact parking spaces.
5. A reduction in required parking for accessory uses.

- B. In the Commercial and Industrial Districts:
1. A porte cochere open on three sides may encroach up to fifty (50) percent, but not less than twenty-five (25) feet from the front property line.
  2. A maximum twenty (20) percent reduction in lot area, lot dimensions or setbacks.
- C. A maximum ten (10) percent reduction for interior side setbacks and a twenty (20) percent reduction for rear setbacks in Residential Districts.
- D. A maximum twenty (20) percent increase in the height of fences.
- E. For substandard vacant and developed commercial lots in all Commercial Districts, deviations to one or all of the following standards may be allowed:
1. Reduction of landscape planter width in areas adjacent to parking areas or drive aisles no less than a minimum of two (2) feet in width. (Section 9.72.060)
  2. Reduction in the minimum landscape area of the site from ten (10) percent to no less than five (5) percent. (Section 9.35.040)
  3. Maximum ten (10) percent reduction for interior side setbacks and a twenty (20) percent reduction for rear setbacks.
- F. For an unenclosed addition to a primary residential structure, a maximum ten (10)-foot encroachment into the front yard or street side yard setback as indicated by the Ranchos Residential Overlay District, or as delineated on a Final Map, not to exceed the required setback determined by the zoning district.
- G. For new construction, or additions to existing multi-family or commercial structures, an encroachment into the front or street side yard setback as indicated by the Ranchos Residential Overlay District, or as delineated on a Final Map, not to exceed the required setback determined by the zoning district.”

**Section 5.** 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 6.** Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

**Section 7.** 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 November, 2019.

Honorable Larry Cusack, 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





## Planning Commission Agenda Report

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**DATE:** September 4, 2019 Item No. 2

**CASE NUMBER:** Development Code Amendment No. 2019-010

**APPLICANT:** Town of Apple Valley

**PROPOSAL:** 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".

**LOCATION:** Commercial 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. 2019-012.

### **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 add provisions to the Development Code that would offer additional flexibility to the commercial development standards. Based upon Town Council direction, staff is suggesting expanding the minor exceptions to development standards that could be permitted with the Community Development Director's approval of a Deviation Permit.

## **ANALYSIS**

In 2015 the Development Code was modified to allow a builder with a project proposed on a substandard lot the ability to request a reduction to landscape planter width, overall landscape area and a ten (10) percent reduction for interior side setbacks and a twenty (20) percent reduction for rear setbacks with the Director's approval of a Deviation Permit. Staff is recommending the Development Code be amended by furthering the number of development standards that could be reduced through the Deviation Permit process.

Unlike the six (6) Findings required to grant a Variance, a Deviation Permit requires one (1) Finding which is: "Granting the deviation 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." A notice of pending land use decision is sent to all property owners within a specified radius, which would be between 300 and 1,300 feet, depending upon the property size. Any decision of the Director can be appealed to the Planning Commission for its consideration.

Staff is offering for the Commission's consideration a modification to Section 9.25.030 "Standards" of Chapter 9.25 "Deviation Permits" as follows:

### 9.25.030 - Standards

The Director may grant a Deviation Permit for only the following minor exceptions to the Development Code:

#### A. **In Commercial Districts:**

- a. A maximum twenty (20) percent reduction in lot area or lot dimensions.
- b. **A maximum twenty-five (25) percent increase to building height.**

*This could result with a height increase ranging from 6.25 feet up to a maximum of 12 feet with Director approval.*

- c. **A maximum fifty (50) percent reduction to the front yard setback, street side yard setback or setback to a dedicated alley.**

*The minimum front yard setbacks ranging could realize a reduction of 5 feet to 37.5 feet depending on the location. The minimum required street side yard and alley setbacks could be reduced by 5 feet to 12.5 feet depending on the location.*

- d. **A reduction to the minimum landscape area from ten (10) percent to no less than five (5) percent as needed to achieve required parking and accessibility requirements.**

*This will not affect the requirement for landscaping in all areas not utilized for building development, parking, sidewalks, etc.*

- e. **An increase of twenty-five (25) percent to the number of permitted compact parking spaces.**

*This would allow for any project to increase its ratio of compact spaces, which currently is 15% when there are at least 20 parking spaces.*

- f. **A reduction in required parking for accessory uses.**

*To establish a process for adjustments to parking requirements as permitted in Development Code Section 9.72.030.C.*

**B. In the Commercial and Industrial Districts:**

- a. A porte cochere open on three sides may encroach up to fifty (50) percent, but not less than twenty-five (25) feet from the front property line.
  - b. A maximum twenty (20) percent reduction in lot area, lot dimensions or setbacks for Commercial and Industrial Districts.
- C. A maximum ten (10) percent reduction for interior side setbacks and a twenty (20) percent reduction for rear setbacks in Residential Districts.
- D. A maximum twenty (20) percent increase in the height of fences.
- E. For substandard vacant and developed commercial lots in all Commercial Districts, deviations to one or all of the following standards may be allowed:
- 1. Reduction of landscape planter width in areas adjacent to parking areas or drive aisles no less than a minimum of two (2) feet in width. (Section 9.72.060.B.8.a and b)
  - 2. Reduction in the minimum landscape area of the site from ten (10) percent to no less than five (5) percent. (Section 9.35.040.A.14)
  - 3. Maximum ten (10) percent reduction for interior side setbacks and a twenty (20) percent reduction for rear setbacks.
- F. For an unenclosed addition to a primary residential structure, a maximum ten (10)-foot encroachment into the front yard or street side yard setback as indicated by the Ranchos Residential Overlay District, or as delineated on a Final Map, not to exceed the required setback determined by the zoning district.
- G. For new construction, or additions to existing multi-family or commercial structures, an encroachment into the front or street side yard setback as indicated by the Ranchos Residential Overlay District, or as delineated on a Final Map, not to exceed the required setback determined by the zoning district.

## **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 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 minor exceptions proposed through the Deviation Process would require a Finding that the proposal 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. A negative Finding would require denial of the proposal; therefore, as proposed, Development Code Amendment No. 2019-010 will not be detrimental to the public health, safety or welfare of the Town or its residents.

## **NOTICING**

Development Code Amendment No. 2019-010 was advertised as a public hearing in the Apple Valley News newspaper on August 23, 2019.

## **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. 2019-012 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. 2019-012

**PLANNING COMMISSION RESOLUTION NO. 2019-012**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2019-010 AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING CHAPTER 9.25 “DEVIATION PERMITS” TO ALLOW DEVELOPERS OF ANY COMMERCIAL PROJECT TO REQUEST A MINOR REDUCTION TO SETBACKS AND LANDSCAPING AND AN INCREASE IN BUILDING HEIGHT AND NUMBER OF COMPACT PARKING SPACES AND REDUCE PARKING SPACES REQUIRED FOR ACCESSORY USES THROUGH THE DEVIATION PERMIT PROCESS.**

**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. 2019-010 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 add provisions to the Development Code that would offer additional flexibility to the commercial development standards;

**WHEREAS**, Specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by amending Chapter 9.25 “Deviation Permits” to allow developers of any commercial project to request a minor reduction to setbacks and landscaping and an increase in building height and number of compact parking spaces through the deviation permit process; and,

**WHEREAS**, on August 23, 2019, Development Code Amendment No. 2019-010 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 4, 2019 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2019-010 receiving testimony from the public; and

**WHEREAS**, Development Code Amendment No. 2019-010 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. 2019-010 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 9.25.030 "Standards" of Chapter 9.25 "Deviation Permits" as follows:

"9.25.030 - Standards

The Director may grant a Deviation Permit for only the following minor exceptions to the Development Code:

A. In Commercial Districts:

1. A maximum twenty-five (25) percent increase to building height.
2. A maximum fifty (50) percent reduction to the front yard setback, street side yard setback or setback to a dedicated alley.
3. A reduction to the required landscaped area as required for accessibility improvements or other factors as determined by the Director.
4. An increase of twenty-five (25) percent to the number of permitted compact parking spaces.

5. A reduction in required parking for accessory uses.
- B. In the Commercial and Industrial Districts:
    1. A porte cochere open on three sides may encroach up to fifty (50) percent, but not less than twenty-five (25) feet from the front property line.
    2. A maximum twenty (20) percent reduction in lot area, lot dimensions or setbacks.
  - C. A maximum ten (10) percent reduction for interior side setbacks and a twenty (20) percent reduction for rear setbacks in Residential Districts.
  - D. A maximum twenty (20) percent increase in the height of fences.
  - E. For substandard vacant and developed commercial lots in all Commercial Districts, deviations to one or all of the following standards may be allowed:
    1. Reduction of landscape planter width in areas adjacent to parking areas or drive aisles no less than a minimum of two (2) feet in width. (Section 9.72.060)
    2. Reduction in the minimum landscape area of the site from ten (10) percent to no less than five (5) percent. (Section 9.35.040)
    3. Maximum ten (10) percent reduction for interior side setbacks and a twenty (20) percent reduction for rear setbacks.
  - F. For an unenclosed addition to a primary residential structure, a maximum ten (10)-foot encroachment into the front yard or street side yard setback as indicated by the Ranchos Residential Overlay District, or as delineated on a Final Map, not to exceed the required setback determined by the zoning district.
  - G. For new construction, or additions to existing multi-family or commercial structures, an encroachment into the front or street side yard setback as indicated by the Ranchos Residential Overlay District, or as delineated on a Final Map, not to exceed the required setback determined by the zoning district.”

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 4th day of September 2019.

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Vice Chairman Bruce Kallen

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 4th day of September 2019, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Ms. Maribel Hernandez, Planning Commission Secretary