



# TOWN OF APPLE VALLEY

## TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council Date: February 27, 2018

From: Carol Miller, Assistant Director of  
Community Development  
Planning Department Item No: 7

Subject: INTRODUCE ORDINANCE NO. 498, AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, TO AMEND TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY MODIFYING CHAPTERS 9.29 "SPECIFIC USE REGULATIONS FOR RESIDENTIAL DISTRICTS" RELATED TO MULTI-FAMILY RESIDENTIAL STANDARDS AND AMENDING SECTION 9.07.030 "CONTINUANCE OF LEGAL NONCONFORMING STRUCTURES"

T.M. Approval: \_\_\_\_\_ Budgeted Item:  Yes  No  N/A

### 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. 498, in its entirety and read by title only.
5. **Introduce** Ordinance No. 498, revising Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying Chapters 9.29 as it relates to multi-family residential standards and 9.07.030 related to the continuance of legal non-conforming structures.
6. Direct staff to file a Notice of Exemption.

**SUMMARY:**

On May 30, 2017, the Town Council initiated a Development Code Amendment for the Planning Commission to review the Development Code Multi-family residential standards. After a public workshop and three (3) public hearings, on January 17, 2018 the Planning Commission adopted Planning Commission Resolution No. 2018-001 recommending an amendment to the Development Code as it pertains to this issue.

**ANALYSIS:**

The Planning Commission held a public workshop on August 2, 2017. Many local realtors were present at the workshop and provided information and comments that assisted the Planning Commission in their discussions. Overall, much of discussion centered around parking, open space, amenities, and unit size as areas that should be considered for revision. Following the workshop, the Planning Commission discussed the standards as a public hearing item at their December 6, 2017, December 20, 2017 and January 21, 2018 meetings.

Four (4) standards were much of the focus of the Planning Commission that included unit size, private and common open space, amenities and parking. It was felt that changes to these Development Code standards generally would have the most significant impact upon potential development aside from the availability of sewer.

Following much discussion, the Commission is recommending changes to the unit size, amenity and open space requirements. The Commission ultimately elected to make no changes to the parking requirements which includes the enclosed (garage) requirement. Initially, the Commission supported eliminating the garage requirement for projects that consisted of five (5) or more units. Leaving the garage requirement for duplex thru fourplexes since lenders would require garages anyway. However, at their December 20, 2017 meeting they reversed that decision and directed staff to make no changes.

With respect to unit sizes, the recommendation as shown below constitutes a twenty (25) percent reduction in size for projects consisting of five (5) or more units. Projects consisting of two (2) to four (4) units, equates to a fifteen (15) percent reduction in size.

**Minimum Unit Size Requirement for projects that consisting of five (5) or more units:**

**Current:**      Studio                  1-Bedrm                  2-Bedrm                  3-Bedrom +

	600 s.f	800 s.f	1,000 s.f.	1,200 s.f.
<b>Proposed:</b>	Studio 450 s.f.	1-Bedrm 600 s.f.	2-Bedrm 750 s.f.	3-Bedrom 900 s.f.

**Minimum Unit Size Requirement for projects that consisting of two (2) to four (4) units:**

<b>Current:</b>	Studio 600 s.f	1-Bedrm 800 s.f	2-Bedrm 1,000 s.f.	3-Bedrom + 1,200 s.f.
<b>Proposed:</b>	Studio 510 s.f.	1-Bedrm 680 s.f.	2-Bedrm 850 s.f.	3-Bedrom 1,020 s.f.

**Private & Common Open Space Requirement:**

**Current:** Private OS- 150 sq. ft. 450 sf. ft for duplex & triplexes

**Proposed:** 150 sq. ft. 450 s.f for duplex thru fourplexes.

**Current:** Common OS - 15% of lot area & 200 sq. ft. per unit devoted to amenity area(s)

**Proposed** 200 sq. ft. per unit

**Amenities Requirement :**

**Current:** 4-10 units = 1      11-50 units =2      51-100 units = 3      101-200 units =4

**Proposed:** 5-24 units = 1      25-50 units = 2      51-75 units = 3      76-99 units = 4  
100-200 units = 5

For each 25 units above 200, 1 additional recreational facility shall be provided.

Common open space areas shall contain amenities appropriate to project size, i.e. pool, spas, recreation buildings are encouraged for large projects, while BBQ areas and gazebos may be more appropriate for smaller projects.

**NOTICING:**

Development Code Amendment No. 2017-001 was advertised as a public hearing in the Apple Valley News newspaper on February 16, 2018.

**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. The proposed design standard changes do not affect the allowed maximum density as analyzed within the adopted General Plan EIR.

**FISCAL IMPACT:**

Not Applicable

**ATTACHMENTS:**

1. Draft Ordinance No. 498
2. Planning Commission Staff Report, including Planning Commission Resolution No. 2018-001

**ORDINANCE NO. 498**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING CHAPTER 9.29 “SPECIFIC USE REGULATIONS FOR RESIDENTIAL DISTRICTS” AND AMENDING SECTION 9.07.030 “CONTINUANCE OF LEGAL NONCONFORMING STRUCTURES”.**

**WHEREAS**, Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; and

**WHEREAS**, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

**WHEREAS**, specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by amending Sections 9.07 and Section 9.29; 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. The proposed design standard changes do not affect the allowed maximum density as analyzed within the adopted General Plan EIR; and

**WHEREAS**, on January 17, 2018, the Planning Commission of the Town of Apple Valley conducted a duly noticed public hearing on Development Code Amendment No. 2017-001, receiving testimony from the public and adopting Planning Commission Resolution No. 2018-001 forwarding a recommendation to the Council; and

**WHEREAS**, on February 27, 2018, the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearings on Development Code Amendment No. 2017-001, receiving testimony from the public.

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

**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. 2017-001 is consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

**Section 2.** Amend Section 9.07.030.D “Repair of Damaged or Partially Destroyed Structures “ of the Development Code to add subsection “4” as follows:

- 6. Exception.** The provisions of Section 9.07.030 (D) 1. Shall not apply to legal nonconforming duplexes, triplexes and fourplexes located in the R-SF zone. Legal nonconforming units damaged or destroyed to any extent in this zone may be replaced, at the square footage meeting the requirements of Table 9.28.040-B (Minimum Unit Size).

**Section 3.** Amend Section 9.29.070.B “Development Standards” of the Code by amending Subsections “B.5”, “B.6”, “B.8” and including Table 9.29.070-A, “B.13” to read as follows:

**B. Development Standards.** All multi-family housing projects shall comply with applicable site development standards of Chapter 9.28, *Residential Districts*, of this Code. Single-family and multi-family housing projects in the Mountain Vista neighborhood shall comply with applicable site development standards of Chapter 9.28.040 B of this Code. In addition, the following standards shall apply to multi-family projects:

**5. Minimum Dwelling Unit Size.** The minimum dwelling unit size, exclusive of any balcony or private open space shall be as follows:

**a. Multi-family projects consisting of two (2) to four (4) units:**

1. Studio – 510 square feet
2. One Bedroom – 680 square feet
3. Two Bedroom – 850 square feet
4. Three Bedroom and larger – 1,020 square feet

**b. Multi-family projects consisting of five (5) or more units:**

1. Studio – 450 square feet
2. One Bedroom – 600 square feet
3. Two Bedroom – 750 square feet
4. Three Bedroom and larger – 900 square feet

**c.** Where single family homes are constructed within the R-M District and/or in the Mountain Vista neighborhood, the minimum home size shall be 1,000 square feet. (The Mountain Vista neighborhood is described in Section 9.28.020 H – Footnote No. 1).

**6. Required Open Space.** In addition to any other open space requirement of this Code, all multi-family projects shall provide the following amounts of open space.

**a. Private open space.** The following private open space shall be provided. Private open space shall be accessible from the dwelling unit served and not from other units.

- 1. Duplexes, Triplexes, and Fourplexes.** Each dwelling unit shall be provided with a useable private open space area in the form of a courtyard, patio or a garden, or combination

thereof, with a minimum area of 450 square feet and a minimum dimension of fifteen (15) feet.

2. **Other Multi-Family dwelling units.** Ground floor units shall be provided with a private (walled) patio, balcony or courtyard with a minimum area of 150 square feet. Units located above the ground floor units shall be provided one or two balconies with a combined minimum area of 150 square feet.

- b. **Common useable open space standards.** Common useable open space shall meet the following requirements:

1. Useable open space areas shall not include rights-of-way, vehicle parking areas, private open space areas, front or street side yard setbacks or areas with slopes exceeding fifteen (15) percent. Interior side and rear setback areas which are landscaped may be included in the common open space areas.
2. Such areas shall be planted with turf or ground cover, or other landscaping which will control dust;
3. Common useable open space shall not be obstructed except by improvements that enhance usability, such as swimming pools, fountains, sunshades, and plantings; and
4. If at ground level, common useable open space areas shall not be covered more than fifty (50) percent by a building overhang or balcony.

**8. Required Amenities.**

- a. At least two hundred (200) square feet per unit of common open space shall be devoted to open space and recreational amenities, as described in paragraph 9.29.070.B.8.b below.
- b. All multi-family housing developments shall provide recreational amenities within the site which may include: a swimming pool and spa; clubhouse; tot lot with play equipment; picnic shelter/barbecue area with seating; court game facilities such as tennis, or basketball, or day care centers. Amenities shall be appropriate to the size of the project, i.e pool, spas, recreational buildings are encouraged for large projects, while BBQ areas and gazebos may be more appropriate for smaller projects. The amenities shall not be located within the front or street side yards of the development and shall be reviewed and approved with the required Development Permit or Conditional Use Permit for the project. The number of amenities provided per project shall be provided according to Table 9.29.070-A. For projects of five (5) to ten (10) dwelling units, private outdoor space of at least 450 square feet for each dwelling unit may be provided in lieu of the required amenities.

**Table 9.29.070-A Required Multi-Family Project Amenities**

<b>Number of Dwelling Units</b>	<b>Number of Amenities Required</b>
2-4	Private outdoor space 450 square feet
5-24	1
25-50	2
51 – 75	3
76-99	4
100 – 200	5
For each 25 units above 200	1 additional recreational facility shall be provided

**c. Community focal points.** Projects containing twenty (20) or more units shall be required the installation of at least one (1) community focal point per project. The community focal point shall be designed to function as a central meeting place for use by project residents and shall consist of a plaza, courtyard, or other type of landmark feature. The focal points shall be protected from the extreme elements characteristic of the desert environment, such as wind and high and low temperatures. These areas shall include shading, seating, and decorative features consistent with the style and design of the units or may be enclosed to function as a recreation room or cabana. If enclosed, the structure shall be architecturally embellished to signify a focal point. The focal point shall be centrally located and accessible to all residents.

**13. On-Site Storage.** Each dwelling unit shall be provided a minimum of 200 cubic square-feet of private enclosed lockable storage space within the garage, carport or immediately adjacent to the dwelling unit.

**Section 4.** 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 5.** Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

**Section 6.** 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 13<sup>th</sup> day of March, 2018.

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Art Bishop, Mayor

**ATTEST:**

\_\_\_\_\_  
La Vonda M. Pearson, Town Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
John Brown, Town Attorney

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Doug Robertson, Town Manager



Get a Slice of the Apple.

## TOWN OF APPLE VALLEY PLANNING COMMISSION

# Staff Report

<b>AGENDA DATE:</b>	January 21, 2018 (Continued from December 20, 2017)
<b>CASE NUMBER:</b>	Development Code Amendment No. 2017-001
<b>APPLICANT:</b>	Town of Apple Valley
<b>PROPOSAL:</b>	An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code that will amend 9.29 "Specific Use Regulations for Residential Districts" relating to multi-family residential development standards and amending Section 9.07.030 "Continuance of Legal Nonconforming Structures".
<b>LOCATION:</b>	Town-wide
<b>GENERAL PLAN DESIGNATION:</b>	Multi-Family (R-M)
<b>ZONING:</b>	Multi-Family (R-M)
<b>ENVIRONMENTAL DETERMINATION:</b>	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.
<b>PLANNER:</b>	Carol Miller, Assistant Director of Community Development
<b>RECOMMENDATION:</b>	Adopt Planning Commission Resolution No. 2018-001.

### **BACKGROUND**

At its meeting of December 20, 2017, the consensus of the Planning Commission was to move forward with respect to the recommended changes, except for those previously discussed for parking. The Commission recommended no changes to the existing parking requirements. The following changes are the culmination of all the direction provided during the August 2, 2017

workshop, December 6, 2017 and December 20, 2017 meetings.

## **ANALYSIS**

Staff is offering for the Commission's consideration the following amended language as identified by strike-through text for deletions and underlined text for additions.

As recommended by the Planning Commission during the discussion of General Plan Amendment and Zone Change Nos. 2017-002 at the November 1, 2017 meeting, regarding exemptions for duplexes, triplexes and fourplexes within the R-SF zoning from the nonconforming provisions.

### **9.07.030 CONTINUANCE OF LEGAL NONCONFORMING STRUCTURES**

A legal nonconforming structure may continue even though the structure fails to conform to the present requirements of the land use district in which it is located. A legal nonconforming structure may be maintained as follows:

#### ***D. Repair of Damaged or Partially Destroyed Structures***

3. ***Exception.*** The provisions of Section 9.07.030 (D) 1. shall not apply to legal nonconforming single-family homes located in the R-M or M-U zones. Legal nonconforming single-family homes damaged or destroyed to any extent in these zones may be replaced, at the square footage meeting the requirements of Table 9.28.040-B (Minimum Unit Size).
4. ***Exception.*** The provisions of Section 9.07.030 (D) 1. shall not apply to legal nonconforming duplexes, triplexes and fourplexes located in the R-SF zone. Legal nonconforming units damaged or destroyed to any extent in this zone may be replaced, at the square footage meeting the requirements of Table 9.28.040-B (Minimum Unit Size).

Below reflect the recommendations of the Commission based on the discussions during each of the three public hearings. The unit sizes were reduced, open space requirement reduced and number of amenities per unit category was expanded. The following Code sections have been modified based on the Commission discussion addressing unit size, amenities, private and common open space. Any incorrect code references have been corrected.

### **9.29.070 MULTI-FAMILY HOUSING STANDARDS**

***B. Development Standards.*** All multi-family housing projects shall comply with applicable site development standards of Chapter 9.28, *Residential Districts*, of this Code. Single-family and multi-family housing projects in the Mountain Vista neighborhood shall comply with applicable site development standards of Chapter 9.28.040 B of this Code. In addition, the following standards shall apply to multi-family projects:

- ~~5. ***Minimum Dwelling Unit Size.*** The minimum dwelling unit size, exclusive of any balcony or private open space shall be as follows:~~
  - ~~a. ***Studio*** — 600 square feet~~
  - ~~b. ***One Bedroom*** — 800 square feet~~
  - ~~c. ***Two Bedroom*** — 1,000 square feet~~
  - ~~d. ***Three Bedroom and larger*** — 1,200 square feet~~
  - ~~e. ***Where single family homes are constructed within the R-M District and/or in the Mountain Vista neighborhood, the minimum home size shall be 1,000 square feet. (The Mountain Vista neighborhood is described in Section 9.28.020 H Footnote No. 1).***~~

5. **Minimum Dwelling Unit Size.** The minimum dwelling unit size, exclusive of any balcony or private open space shall be as follows:
- a. **Multi-family projects consisting of two (2) to four (4) units:**
    - 1. Studio – 510 square feet
    - 2. One Bedroom - 680 square feet
    - 3. Two Bedroom – 850 square feet
    - 4. Three Bedroom and larger – 1,020 square feet
  - b. **Multi-family projects consisting of five (5) or more units:**
    - 1. Studio – 450 square feet
    - 2. One Bedroom - 600 square feet
    - 3. Two Bedroom – 750 square feet
    - 4. Three Bedroom and larger – 900 square feet
  - c. **Where single family homes are constructed within the R-M District and/or in the Mountain Vista neighborhood, the minimum home size shall be 1,000 square feet. (The Mountain Vista neighborhood is described in Section 9.28.020 H – Footnote No. 1).**
6. **Required Open Space.** In addition to any other open space requirement of this Code, all multi-family projects shall provide the following amounts of open space.
- a. **Private open space.** The following private open space shall be provided. Private open space shall be accessible from the dwelling unit served and not from other units.
    - 1. **Duplexes, ~~and~~ Triplexes, and Fourplexes.** Each dwelling unit shall be provided with a useable private open space area in the form of a courtyard, patio or a garden, or combination thereof, with a minimum area of 450 square feet and a minimum dimension of fifteen (15) feet.
    - 2. **Other Multi-Family dwelling units.** Ground floor units shall be provided with a private (walled) patio, balcony or courtyard with a minimum area of 150 square feet. Units located above the ground floor units shall be provided one or two balconies with a combined minimum area of 150 square feet.
    - 3. ~~**Private open space waived.**~~ Private open space may be waived if an additional 200 square feet of minimum dwelling unit size is provided in addition to the requirements of paragraph 9.29.070.B.2.5, Minimum Dwelling Unit Size, of this Section.
  - b. ~~**Common useable open space.**~~ All multi family developments, within the exception of duplexes, triplexes and fourplexes, shall provide not less than fifteen (15) percent of the net site area as common useable open space.
  - e.b. **Common useable open space standards.** Common useable open space shall meet the following requirements:
    - 1. Useable open space areas shall not include rights-of-way, vehicle parking areas, private open space areas, front or street side yard setbacks or areas with slopes exceeding fifteen (15) percent. Interior side and rear setback areas which are landscaped shall may be included in the common open space areas.
    - 2. Such areas shall be planted with turf or ground cover, or other landscaping which will control dust;

3. Common useable open space shall not be obstructed except by improvements that enhance usability, such as swimming pools, fountains, sunshades, and plantings; and
4. If at ground level, common useable open space areas shall not be covered more than fifty (50) percent by a building overhang or balcony.

**8. Required Amenities.**

- a. At least two hundred (200) square feet per unit of common open space shall be devoted to open space and recreational amenities, as described in paragraph 9.29.070.B.5.8. b below.
- b. All multi-family housing developments shall provide recreational amenities within the site which may include: a swimming pool and spa; clubhouse; tot lot with play equipment; picnic shelter/barbecue area with seating; court game facilities such as tennis, or basketball, ~~racquetball; improved softball or baseball fields;~~ or day care centers. Amenities shall be appropriate to the size of the project, i.e pool, spas, recreational buildings are encouraged for large projects, while BBQ areas and gazebos may be more appropriate for smaller projects. The amenities shall not be located within the front or street side yards of the development and shall be reviewed and approved with the required Development Permit or Conditional Use Permit for the project. The number of amenities provided per project shall be provided according to Table 9.29.070-A. For projects of ~~four (4) or more~~ five (5) to ten (10) dwelling units, private outdoor space of at least 450 square feet for each dwelling unit may be provided in lieu of the required amenities. ~~This may completely replace the required amenities for four to ten (4-10) dwelling units.~~

**Table 9.29.070-A Required Multi-Family Project Amenities**

Number of Dwelling Units	Number of Amenities Required
<del>0-3</del> <u>2-4</u>	Private outdoor space 450 square feet
<del>4-10</del> <u>5-24</u>	1
<del>11-50</del> <u>25-50</u>	2
<del>51-100</del> <u>75</u>	3 (including at least one community focal point)
<u>76-99</u>	<u>4</u>
100 – 200	<u>5</u>
For each 25 units above 200	1 additional recreational facility shall be provided

- c. **Community focal points.** Projects containing ~~more than~~ twenty (20) or more units shall be required the installation of at least one (1) community focal point per project. The community focal point shall be designed to function as a central meeting place for use by project residents and shall consist of a plaza, courtyard, or other type of landmark feature. The focal points shall be protected from the extreme elements characteristic of the desert environment, such as wind and high and low temperatures. These areas shall include shading, seating, and decorative features consistent with the style and design of the units or may be enclosed to function as a recreation room or cabana. If enclosed, the structure shall be architecturally embellished to signify a focal point. The focal point shall be centrally located and accessible to all residents.

13. **On-Site Storage.** Each dwelling unit shall be provided a minimum of ~~400 cubic~~ 200 cubic square-feet of private enclosed lockable storage space within the garage, carport or immediately adjacent to the dwelling unit.

The portion that is recommended to be deleted or possibly modified, not previously discussed by the Commission is the section allowing the waiver of private open space if unit sizes are increased by 200 square-feet. At a minimum the subsection will be revised to correct the referenced subsection. It should read “paragraph 9.29.070.B.5. The Code section currently reads as follows:

*Private open space waived.* Private open space may be waived if an additional 200 square feet of minimum dwelling unit size is provided in addition to the requirements of paragraph 9.29.070.B.2, Minimum Dwelling Unit Size, of this Section.

## **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 provides the basic framework for land development within the Town of Apple Valley, with the Development Code setting the specific standards and criteria to fulfill the General Plan’s Goals and Policies. The proposed Code Amendment modifies the existing development standards for multi-family development. The changes proposed to the Development Code, in modifying the development standards for multi-family development are consistent with the General Plan and promotes multi-family development while still protecting the property values and providing an improved living environment for all Apple Valley residents.

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

Comment: Amending the Code as proposed will amend the Town’s Development Code by modifying the development standards for multi-family development. The proposal provides specific restrictions and limitations for multi-family development and encourages attractive, high quality multi-family development, which will offer the community a range of housing opportunities. The amendment complies with the General Plan goals and policies and is consistent with the Housing Element. Thus, the amendment proposed shall result in a change to the Code that addresses the community’s living environment while providing for the health, safety and general welfare of the citizens of the Town of Apple Valley.

## **NOTICING**

Development Code Amendment was legally noticed in the newspaper on December 29, 2017.

**RECOMMENDATION**

Following receipt of public input and discussion by the Commission, it is recommended that the Commission move to approve Planning Commission Resolution No. 2018-001, 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:**

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Carol Miller  
Assistant Director of Community Development

Attachment:  
Planning Commission Resolution No. 2018-001

**PLANNING COMMISSION RESOLUTION NO. 2018-001**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2017-001 AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING CHAPTER 9.29 “SPECIFIC USE REGULATIONS FOR RESIDENTIAL DISTRICTS” AND AMENDING SECTION 9.07.030 “CONTINUANCE OF LEGAL NONCONFORMING STRUCTURES”.**

**WHEREAS**, Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; and

**WHEREAS**, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

**WHEREAS**, specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by comprehensively amending Chapter 9.07 "Continuation of Legal Nonconforming Structures"; Chapter 9.29 “Specific Use Regulations for Residential Districts”; and,

**WHEREAS**, On December 29, 2017, Development Code Amendment No. 2017-001 was duly noticed in the Apple valley News, a newspaper of general circulation within 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 January 17, 2018, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2017-001, receiving testimony from the public and adopted Planning Commission Resolution No. 2018-001 recommending adoption of this Ordinance; and

**WHEREAS**, Development Code Amendment No. 2017-001 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.

**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. 2017-001 is 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. 2017-001 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

**Section 3.** Amend Section 9.07.030.D "Repair of Damaged or Partially Destroyed Structures " of the Development Code to add subsection "4" as follows:

4. **Exception.** The provisions of Section 9.07.030 (D) 1. shall not apply to legal nonconforming duplexes, triplexes and fourplexes located in the R-SF zone. Legal nonconforming units damaged or destroyed to any extent in this zone may be replaced, at the square footage meeting the requirements of Table 9.28.040-B (Minimum Unit Size).

**Section 4.** Amend Section 9.29.070.B "Development Standards" of the Code by amending Subsections "B.5", "B.6", "B.8" and including Table 9.29.070-A, "B.13" to read as follows:

**B. Development Standards.** All multi-family housing projects shall comply with applicable site development standards of Chapter 9.28, *Residential Districts*, of this Code. Single-family and multi-family housing projects in the Mountain Vista neighborhood shall comply with applicable site development standards of Chapter 9.28.040 B of this Code. In addition, the following standards shall apply to multi-family projects:

5. **Minimum Dwelling Unit Size.** The minimum dwelling unit size, exclusive of any balcony or private open space shall be as follows:
  - a. **Multi-family projects consisting of two (2) to four (4) units:**
    1. Studio – 510 square feet
    2. One Bedroom - 680 square feet
    3. Two Bedroom – 850 square feet
    4. Three Bedroom and larger – 1,020 square feet
  - b. **Multi-family projects consisting of five (5) or more units:**
    1. Studio – 450 square feet
    2. One Bedroom - 600 square feet
    3. Two Bedroom – 750 square feet
    4. Three Bedroom and larger – 900 square feet
  - c. Where single family homes are constructed within the R-M District and/or in the Mountain Vista neighborhood, the minimum home size shall be 1,000 square feet. (The Mountain Vista neighborhood is described in Section 9.28.020 H – Footnote No. 1).
6. **Required Open Space.** In addition to any other open space requirement of this Code, all multi-family projects shall provide the following amounts of open space.
  - a. **Private open space.** The following private open space shall be provided. Private open space shall be accessible from the dwelling unit served and not from other units.
    1. **Duplexes, Triplexes, and Fourplexes.** Each dwelling unit shall be provided with a useable private open space area in the form of a courtyard,

patio or a garden, or combination thereof, with a minimum area of 450 square feet and a minimum dimension of fifteen (15) feet.

2. **Other Multi-Family dwelling units.** Ground floor units shall be provided with a private (walled) patio, balcony or courtyard with a minimum area of 150 square feet. Units located above the ground floor units shall be provided one or two balconies with a combined minimum area of 150 square feet.

b. **Common useable open space standards.** Common useable open space shall meet the following requirements:

5. Useable open space areas shall not include rights-of-way, vehicle parking areas, private open space areas, front or street side yard setbacks or areas with slopes exceeding fifteen (15) percent. Interior side and rear setback areas which are landscaped may be included in the common open space areas.
6. Such areas shall be planted with turf or ground cover, or other landscaping which will control dust;
7. Common useable open space shall not be obstructed except by improvements that enhance usability, such as swimming pools, fountains, sunshades, and plantings; and
8. If at ground level, common useable open space areas shall not be covered more than fifty (50) percent by a building overhang or balcony.

8. **Required Amenities.**

a. At least two hundred (200) square feet per unit of common open space shall be devoted to open space and recreational amenities, as described in paragraph 9.29.070.B.8.b below.

b. All multi-family housing developments shall provide recreational amenities within the site which may include: a swimming pool and spa; clubhouse; tot lot with play equipment; picnic shelter/barbecue area with seating; court game facilities such as tennis, or basketball, or day care centers. Amenities shall be appropriate to the size of the project, i.e pool, spas, recreational buildings are encouraged for large projects, while BBQ areas and gazebos may be more appropriate for smaller projects. The amenities shall not be located within the front or street side yards of the development and shall be reviewed and approved with the required Development Permit or Conditional Use Permit for the project. The number of amenities provided per project shall be provided according to Table 9.29.070-A. For projects of five (5) to ten (10) dwelling units, private outdoor space of at least 450 square feet for each dwelling unit may be provided in lieu of the required amenities.

**Table 9.29.070-A Required Multi-Family Project Amenities**

<b>Number of Dwelling Units</b>	<b>Number of Amenities Required</b>
2-4	Private outdoor space 450 square feet
5-24	1
25-50	2
51 – 75	3
76-99	4
100 – 200	5
For each 25 units above 200	1 additional recreational facility shall be provided

c. **Community focal points.** Projects containing twenty (20) or more units shall be required the installation of at least one (1) community focal point per project. The community focal point shall be designed to function as a central meeting place for use by project residents and shall consist of a plaza, courtyard, or other type of landmark feature. The focal points shall be protected from the extreme elements characteristic of the desert environment, such as wind and high and low temperatures. These areas shall include shading, seating, and decorative features consistent with the style and design of the units or may be enclosed to function as a recreation room or cabana. If enclosed, the structure shall be architecturally embellished to signify a focal point. The focal point shall be centrally located and accessible to all residents.

13. **On-Site Storage.** Each dwelling unit shall be provided a minimum of 200 cubic square-feet of private enclosed lockable storage space within the garage, carport or immediately adjacent to the dwelling unit.

Approved and Adopted by the Planning Commission of the Town of Apple Valley  
this 17th day of January 2017.

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Chairman Mark Shoup

ATTEST:

I, Yvonne Rivera, 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 17th day of January, 2018 by the following vote, to-wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Ms. Yvonne Rivera, Planning Commission Secretary