



Town Council Agenda Report

Date: March 12, 2019 Item No. 13

To: Honorable Mayor and Town Council

Subject: A REQUEST TO CONSIDER AMENDMENT TO TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY MODIFYING PROVISIONS RELATING TO ACCESSORY DWELLING UNITS AND OTHER ACCESSORY STRUCTURES.

From: Douglas Robertson, Town Manager

Submitted by: Pam Cupp, Associate Planner
Community Development Department

Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

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

- A. **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.
- B. **Find** the facts presented within the staff report, including the attached Planning Commission staff report for February 6, 2019, support the required Findings for approval of the proposed Development Code Amendment and adopt the Findings.
- C. **Move** to waive the reading of Ordinance No.504 in its entirety and read by title only.
- D. **Introduce** Ordinance No.504 approving Development Code Amendment No. 2019-003

SUMMARY:

On May 8, 2018, Town Council adopted Ordinance No. 502 establishing development standards for accessory dwelling units. This was necessary to comply with new State law requirements. On October 23, 2018, the Town Council discussed the development standards for accessory dwelling units. It was the consensus of the Council that the size restrictions placed upon accessory dwelling units may be overly restrictive, particularly for larger parcels, and requested that the Planning Commission review the issue and forward a recommendation back to the Town Council.

On February 6, 2019, the Planning Commission adopted Planning Commission Resolution No. 2019-003 recommending an amendment to the Development Code that would increase the minimum size for accessory dwelling and other accessory structures based upon lot size. It is recommended that for lots less than two and one-half (2-1/2) acres in size, the minimum accessory dwelling unit size correlate to the footprint of the primary dwelling, instead of habitable living space. For lots one (1) acre or more in size, a larger accessory dwelling unit may be permitted with the approval of a Minor Development Permit. On larger parcels of two and one-half (2-1/2) acres or more, the maximum size permitted for an accessory dwelling unit or other accessory structure shall be based upon the maximum lot coverage permitted by the zoning designation, not the footprint of the primary dwelling unit.

ANALYSIS:

Government Code Section 65852.2 allows local governments to apply development standards and may designate where accessory dwelling units are permitted based upon criteria such as water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. However, standards and allowable areas must not be designed or applied in a manner that burdens the development of accessory dwelling units and should maximize the potential for accessory unit development.

The Town Council has expressed its concern relating to the maximum size permitted for an accessory dwelling unit. Because accessory dwelling units are in fact accessory structures, it is equally important to review the development constraints placed upon all accessory structures. What may be appropriate for an 18,000-square foot lot may be considered too restrictive when applied to larger parcels.

The Town's current Code permits an accessory dwelling unit on any residentially zoned lot containing a single-family residence connected to the sewer. If a property is not connected to sewer, the minimum lot size for an accessory structure is one (1) acre. The maximum size of an accessory dwelling unit is limited to fifty (50) percent of the habitable floor area of the main house, or 1,200 square feet, whichever is less.

On February 6, 2019, the Planning Commission held a public hearing on Development Code Amendment No. 2019-003. The Commission analyzed and discussed the size and number of accessory structures that could be permitted. Discussions also included the use of tiny homes as accessory dwelling units and architectural compatibility with the primary dwelling. The Commission expressed concern over the possibility that, on smaller lots, an accessory dwelling unit could be located in front of the primary dwelling

unit. Draft Planning Commission Resolution No. 2019-003 was modified to include a recommendation that on lots less than two and one-half (2-1/2) acres in size, any detached accessory dwelling unit must be located to the rear of the primary dwelling.

Following the presentation of the staff report, and subsequent Commission discussion, the Commission approved Planning Commission Resolution No. 2019-003, recommending to the Town Council that it adopt an Ordinance amending the Development Code as it relates to accessory structures and accessory dwelling units. A complete, strike-thru/underline of the proposal can be reviewed within the attached Planning Commission report from its February 6, 2019 meeting.

The following is a summary of the proposed modifications:

- For lots less than two and one-half (2-1/2) acres in size:
 - The maximum size of accessory structures and accessory dwelling units will be based upon upon the total footprint of the primary dwelling unit, not to exceed the maximum permitted lot coverage for the zoning district.
 - Lots one (1) acre or more in size may be be permitted and accessory dwelling unit that exceeds fifty (50) percent of the primary dwelling footprint subject to the review and approval of a Minor Development Permit.
- For lots two and one-half (2-1/2) acres or greater:
 - The maximum square footage for accessory structures and accessory dwelling units shall be based upon the permitted lot coverage for the zoning district.
- The architectural requirements for an accessory dwelling units have been modified to allow additional flexibility relating to construction type and design.

NOTICING:

Development Code Amendment No. 2019-003 was advertised as a Town Council public hearing in the Apple Valley News newspaper on March 1, 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.

REQUIRED FINDINGS:

Prior to the approval of any Amendment to the Development Code, the Council, based

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

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

Comment: The General Plan 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 Housing Element encourages housing for special needs households, including the elderly, single parent households, large households, the disabled and the homeless. Additionally, the Housing Element encourages the development of second units. Development Code Amendment No. 2019-003 will provide standards for accessory dwelling units that will encourage additional development while providing quality site planning and design that enhances the aesthetics and economy of the Town.

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 under Development Code Amendment No. 2019-003 will allow for greater flexibility relating to size and design of accessory structures and accessory dwelling units, and will not be detrimental to the public health, safety or welfare of the community

FISCAL IMPACT: Not Applicable

ATTACHMENT: Town Council Ordinance 504
Planning Commission Resolution No. 2019-003
Planning Commission Staff Report – February 6, 2019

ORDINANCE NO.504

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 9.29 “SPECIFIC USE REGULATIONS” AS IT PERTAINS TO ACCESSORY STRUCTURES AND ACCESSORY DWELLING UNITS.

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 modifying Chapter 9.29 “ Specific Use Regulations” as it pertains to accessory structures and accessory dwelling units; and

WHEREAS, on February 6, 2019, the Planning Commission of the Town of Apple Valley conducted a duly noticed public hearing on Development Code Amendment No. 2019-003, receiving testimony from the public and adopting Planning Commission Resolution No. 2019-003 forwarding a recommendation to the Council; and

WHEREAS, Development Code Amendment No. 2019-003 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 March 12, 2019, the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearings on Development Code Amendment No. 2019-003, receiving testimony from the public.

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. 2019-003 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. 2016-004 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

Section 3. Amend Chapter 9.29.020 “Accessory Uses and Structures” as follows:

“C. Size

1. The cumulative total of square footage of accessory structures, combined with all other applicable structure footprints, shall not exceed the maximum lot coverage standard for the zoning district in which it is located.
2. On residential lots less than two and one-half (2-1/2) acres in size, any single accessory structure shall not exceed seventy-five (75) percent of the total area under roof of the primary structure. The total of all accessory structures on a site shall not exceed 100 percent of the total area under roof of the primary structure.”

Section 4. Amend Chapter 9.29.120 “Accessory Dwelling Units” as follows:

“E. Detached Accessory Dwelling Units

Along with the general standards prescribed by subsection C, the following development standards apply to detached accessory dwelling units:

1. Detached accessory dwelling units are subject to all provision within Section 9.29.020 “Accessory Uses and Structures”.
2. For Lots less than two and one-half (2-1/2) acres in size, the accessory dwelling unit shall be located to the rear of the primary dwelling unit; the maximum habitable floor area shall be fifty (50) percent of the total area under roof of the primary dwelling, except that lots of one (1) acre or more in size may be permitted a larger accessory dwelling unit with the approval of a Minor Development Permit.
3. For lots two and one-half (2-1/2) acres or more in size, the maximum habitable floor area of an accessory dwelling unit shall be based upon lot coverage, not based upon the size of the primary dwelling unit.
4. An accessory dwelling unit may occupy all, or a portion, of an existing detached

accessory structure meeting the architectural guidelines set forth in this chapter.

5. Sewer connection is required unless the lot is one (1)-acre or more in size and located outside of any sewer service area
6. The driveway serving the primary dwelling shall be used to serve the accessory dwelling unit whenever feasible.
7. The accessory dwelling unit may be metered separately from the main dwelling for gas, electricity and water/sewer services.
8. The accessory dwelling unit shall be located upon a permanent foundation and architecturally compatible with the main dwelling which could include the use of similar colors, materials and architectural style of the primary dwelling unit.
9. No setback shall be required for an existing garage that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.”

Section 7. 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 8. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 9. 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.

Adopted by the Town Council and signed by the Mayor and attested to by the Town Clerk this _____ day of _____, 2019.

Honorable Larry Cusak, 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 RESOLUTION NO. 2019-003

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2019-003 AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING CHAPTER 9.29 “SPECIFIC USE REGULATIONS” AS IT PERTAINS TO ACCESSORY STRUCTURES AND ACCESSORY DWELLING UNITS.

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 Chapter 9.29 “Specific Use Regulations” as it pertains to accessory structures and accessory dwelling units; and,

WHEREAS, on January 25, 2019, Development Code Amendment No. 2019-003 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 February 6, 2019 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2019-003 receiving testimony from the public; and

WHEREAS, Development Code Amendment No. 2019-003 is consistent with Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

NOW, THEREFORE, BE IT RESOLVED that in consideration of the evidence presented at the public hearing, and for the reasons discussed by the Commissioners at said hearing, the Planning Commission of the Town of Apple Valley, California, does hereby resolve, order and determine as follows and recommends that the Town Council make the following findings and take the following actions:

Section 1. Find that the changes proposed by Development Code Amendment No. 2019-003 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 Chapter 9.29.020 “Accessory Uses and Structures” as follows:

“C. Size

1. The cumulative total of square footage of accessory structures, combined with all other applicable structure footprints, shall not exceed the maximum lot coverage standard for the zoning district in which it is located.
2. On residential lots less than two and one-half (2-1/2) acres in size, any single accessory structure shall not exceed seventy-five (75) percent of the total area under roof of the primary structure. The total of all accessory structures on a site shall not exceed 100 percent of the total area under roof of the primary structure.”

Section 4. Amend Chapter 9.29.120 “Accessory Dwelling Units” as follows:

“E. Detached Accessory Dwelling Units

Along with the general standards prescribed by subsection C, the following development standards apply to detached accessory dwelling units:

1. Detached accessory dwelling units are subject to all provision within Section 9.29.020 “Accessory Uses and Structures”.
2. For Lots less than two and one-half (2-1/2) acres in size, the accessory dwelling unit shall be located to the rear of the primary dwelling unit; the maximum habitable floor area shall be fifty (50) percent of the total area under roof of the primary dwelling, except that lots of one (1) acre or more in size may be permitted a larger accessory dwelling unit with the approval of a Minor Development Permit.
3. For lots two and one-half (2-1/2) acres or more in size, the maximum habitable floor area of an accessory dwelling unit shall be based upon lot coverage, not based upon the size of the primary dwelling unit.
4. An accessory dwelling unit may occupy all, or a portion, of an existing detached accessory structure meeting the architectural guidelines set forth in this chapter.
5. Sewer connection is required unless the lot is one (1)-acre or more in size and located outside of any sewer service area
6. The driveway serving the primary dwelling shall be used to serve the accessory

dwelling unit whenever feasible.

7. The accessory dwelling unit may be metered separately from the main dwelling for gas, electricity and water/sewer services.
8. The accessory dwelling unit shall be located upon a permanent foundation and architecturally compatible with the main dwelling which could include the use of similar colors, materials and architectural style of the primary dwelling unit.
9. No setback shall be required for an existing garage that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage. “

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 6th day of February, 2019.

Acting Chairman, Bruce Kallen

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 6th day of February 2019, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ms. Yvonne Rivera, Planning Commission Secretary



TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

Staff Report

- AGENDA DATE:** February 6, 2019
- CASE NUMBER:** Development Code Amendment No. 2019-003
- APPLICANT:** Town of Apple Valley
- PROPOSAL:** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying provisions relating to accessory dwelling units and other accessory structures.
- LOCATION:** Residential Zoning 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.
- PROJECT PLANNER:** Ms. Pam Cupp, Associate Planner
- RECOMMENDATION:** Adopt Planning Commission Resolution No. 2019-003.

BACKGROUND

On May 8, 2018, Town Council adopted Ordinance No. 502 establishing development standards for accessory dwelling units. This was necessary to comply with new State law requirements. The Town Council is now requesting that staff bring forth a Development Code Amendment for Planning Commission review that will increase the maximum size of an accessory dwelling unit dependent upon the total footprint of the primary residence and give additional consideration based upon lot size and maximum lot coverage.

ANALYSIS

Government Code Section 65852.2 allows local governments to apply development standards and may designate where accessory dwelling units are permitted. Accessory dwelling units located within existing structure must be allowed in all single family residential zones. For accessory dwelling units consisting of new additions or construction of a detached accessory structure, development standards can be established with certain limitations. However, standards and allowable areas must not be designed or applied in a manner that burdens the development of accessory dwelling units and should maximize the potential for accessory unit development.

The Town's current Code permits an accessory dwelling unit on any residentially zoned lot containing a single-family residence connected to the sewer. If a property is not connected to sewer, the minimum lot size for an accessory structure is one (1) acre. The maximum size of an accessory dwelling unit is limited to fifty (50) percent of the habitable floor area of the main house, or 1,200 square feet, whichever is less. Other factors that impact the size of an accessory dwelling unit include any existing accessory structures such as detached garages and shed; compliance with the maximum lot coverage based upon the zoning designation; and design standards.

The Town Council has expressed its concern relating to the maximum size permitted for an accessory dwelling unit. Because accessory dwelling units are in fact accessory structures, it is equally important to review the development constraints placed upon all accessory structures. The Commission should consider whether or not it is reasonable to have accessory structures treated uniformly across all lot sizes and zoning designations. What may be appropriate for an 18,000 square foot lot may be considered too restrictive when applied to larger parcels.

Development Code Section 9.29.020 Accessory Uses and Structures" states the following:

"C. Size

1. The cumulative total of square footage of accessory structures, combined with all other applicable structure footprints, shall not exceed the maximum lot coverage standard for the zoning district in which it is located.
2. Any single accessory structure shall not exceed seventy-five (75) percent of the square footage of the primary structure. The total of all accessory structures on a site shall not exceed one hundred (100) percent of the square footage of the primary structure."

Attached to this report are examples demonstrating various zoning designations with typical lot sizes. The purpose is to illustrate what is permitted under the current Code and what would be allowed should lot coverage become the new formula for calculating the size of allowable accessory structures. Showing the adjacent properties gives an idea of the potential impact created with maximum lot coverage.

The public has expressed interest related to the use of manufactured homes or "tiny homes" as accessory dwelling units. Staff is not opposed; however, the development standards are written in a manner directed towards permanent structures. The Code requires accessory dwelling units be architecturally compatible with the design of the main dwelling and match with the same colors and materials of the primary unit. Staff has been unable to approve the use of manufactured homes or "tiny homes" due to this constraint. Staff is recommending modifications to the Code that could allow these types of units as accessory dwellings.

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

9.29.020 Accessory Uses and Structures

C. Size

1. The cumulative total of square footage of accessory structures, combined with all other applicable structure footprints, shall not exceed the maximum lot coverage standard for the zoning district in which it is located.
2. On residential lots less than two and one-half (2-1/2) acres in size, any single accessory structure shall not exceed seventy-five (75) percent of the total area under roof square footage of the primary structure. The total of all accessory structures on a site shall not exceed 100 percent of the total area under roof square footage of the primary structure.

9.29.120 Accessory Dwelling Units

E. Detached Accessory Dwelling Units

Along with the general standards prescribed by subsection C, the following development standards apply to detached accessory dwelling units:

1. Detached accessory dwelling units are subject to all provision within Section 9.29.020 "Accessory Uses and Structures".
2. ~~The maximum floor area of an accessory dwelling unit is fifty (50) percent of the existing habitable floor area of the primary dwelling, not to exceed 1,200 square feet.~~
2. For Lots less than two and one-half (2-1/2) acres in size, the maximum habitable floor area shall be fifty (50) percent of the total area under roof of the primary dwelling, except that lots of one (1) acre or more in size may be permitted a larger accessory dwelling unit with the approval of a Minor Development Permit.
3. For lots two and one-half (2-1/2) acres or more in size, the maximum habitable floor area of an accessory dwelling unit shall be based upon lot coverage, not based upon the size of the primary dwelling unit.
3. An accessory dwelling unit may occupy all, or a portion, of an existing detached accessory structure meeting the architectural guidelines set forth in this chapter.
4. Sewer connection is required unless the lot is one (1)-acre or more in size and located outside of any sewer service area
5. The driveway serving the primary dwelling shall be used to serve the accessory dwelling unit whenever feasible.
6. The accessory dwelling unit may be metered separately from the main dwelling for gas, electricity and water/sewer services.
8. The accessory dwelling unit shall be located upon a permanent foundation and architecturally compatible with the design of the main dwelling which could include the use of similar colors, materials and architectural style and shall match with the same colors and materials of the primary dwelling unit.
8. No setback shall be required for an existing garage that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

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 Housing Element encourages housing for special needs households, including the elderly, single parent households, large households, the disabled and the homeless. Additionally, the Housing Element encourages the development of second units. Development Code Amendment No. 2019-003 will provide standards for accessory dwelling units that will encourage additional development while providing quality site planning and design that enhances the aesthetics and economy of the Town.

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 under Development Code Amendment No. 2019-003 will allow for greater flexibility relating to size and design of accessory structures and accessory dwelling units, and will not be detrimental to the public health, safety or welfare of the community

NOTICING

Development Code Amendment No. 2019-003 was advertised as a public hearing in the Apple Valley News newspaper on January 25, 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. 2019-003 forwarding a recommendation that the Town Council amend Title 9 "Development Code" of the Town of Apple Valley Municipal Code as outlined within the staff report.

Prepared By:

Reviewed By:

Pam Cupp
Associate Planner

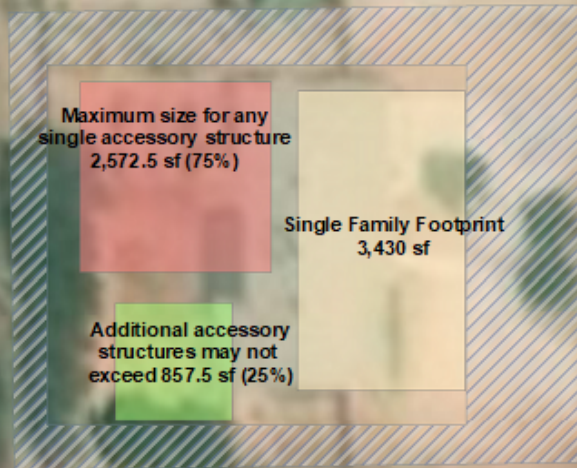
Carol Miller
Assistant Director of Community Development





Attachment:

Lot Coverage Exhibits

Draft Planning Commission Resolution No. 2019-003

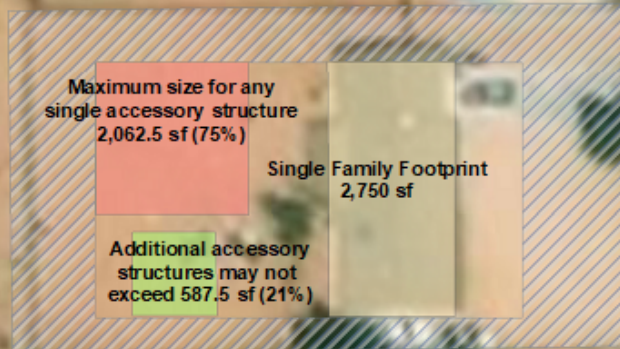
Zoning: Single Family Residential
Lot Size: 18,000 sf
Building envelope 10,355 sf
Maximum Lot Coverage @ 40% = 7,200 sf (69% of building envelope)
Depicted Lot Coverage 6,850 sf (66% of building envelope)







Legend	
	Existing Residential Footprint
	Maximum Size for Accessory Structure
	Maximum Additional Accessory Structure
	Minimum Setbacks

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Zoning: Equestrial Residential
Lot Size: 18,000 sf
Building envelope 10,355 sf
Maximum Lot Coverage @ 30% = 5,400 sf (52% of building envelope)
Depicted Lot Coverage 5,400 sf (52% of building envelope)



Legend	
	Existing Residential Footprint
	Maximum Size for Accessory Structure
	Maximum Additional Accessory Structure
	Minimum Setbacks

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



