



Town Council Agenda Report

Date: November 10, 2020 Item No. 10

To: Honorable Mayor and Town Council

Subject: RECOMMENDATIONS FROM THE AD HOC COMMITTEE FOR
MULTI-FAMILY DEVELOPMENT CODE REGULATIONS

From: Douglas Robertson, Town Manager

Submitted by: Lori Lamson, Assistant Town Manager

Budgeted Item: Yes No N/A

RECOMMENDED ACTION

Receive, file and determine if a Development Code Amendment should be initiated.

BACKGROUND & ANALYSIS

The Ad Hoc Committee, consisting of two Council Members and two Planning Commissioners, met on October 8, 2020 and came up with the attached recommendations for consideration in the initiation of a Development Code Amendment. Many of the changes came from industry preferences and consistency with other cities. Changes to the Development Code regulations should encourage multi-family development, making it easier and financially solvent to build new units. These changes should also assist the Town in the current efforts to update the Housing Element and obtain certification from the State Department of Housing and Community Development.

The regulations are currently administered by the number of bedrooms in each unit and by the unit count. The Ad Hoc Committee had refocused regulations to the different sizes of projects and adjusted the regulations for each. Their recommendation is to have 3 project sizes:

Small 2-8 units;
Medium 9-15 units; and
Large 16+ units

State law states, projects that have 16 or more units be required to have an on-site manager living at the premises. The Committee wanted to find ways to encourage these types of large projects and differentiate them from the small or medium projects that are

frequently built in Apple Valley. In the last 15 years since the Development Code regulations for multi-family development was last modified, there have been a few small and medium size projects and almost no large projects.

Generally, there are definitions that should be included within the Code, and for the most part, architectural guidelines have not changed. Drive aisles have the ability to be reduced and still meet fire code standards. Overall minimum unit sizes have been reduced to be more in keeping with industry standards.

Most of the proposed modifications include a reduction such as the number of amenities, size of common and private open space, setbacks, landscaping, parking, building separations and buffers from other uses. More provisions for encroachments and making the location of parking and trash enclosures more flexible.

Keeping the architectural standards similar to what is required now, will allow implementation of these modifications to the Code, while not jeopardizing the quality character that is expected in Apple Valley. Allowing flexibility in these regulations will also allow developers to emphasize or invest in more architectural integrity than they might have under the current regulations.

After discussion, the Town Council can provide direction to staff on the proposed regulations and determine if initiating a Development Code Amendment is appropriate at this time. For reference purposes, the italic red font on the attached recommended changes identifies the current regulations.

FISCAL IMPACT

No fiscal impact.

ATTACHMENTS

Ad Hoc Committee Recommendations

Ad Hoc Committee Recommendations For R-M Development Code Changes

GENERAL:

Define **projects by size** and regulate projects depending on size:

- Small projects - 2-8 units in size
- Medium projects – 9-15 units in size
- Large projects – 16+

Definitions:

Provide a definition of Recreational and Non-Recreational Amenities will be provided.

Define duplexes to be an attached two-unit project on one lot

Define Multi-family unit is more than two units on one lot.

Architecture:

Multiple 2-unit attached structures in a project shall require a minimum of 3 architectural styles consisting of different colors and materials.

Existing **Architectural Guidelines** shall not be modified.

Circulation:

Drive aisles shall be reduced to a minimum of 26 feet. *(28 feet)*

Unit Size:

Studio – 450 square feet *(600 sq. ft.)*

1 bedroom – 650 square feet *(800 sq. ft.)*

2 bedroom – 800 square feet *(1,000 sq. ft.)*

3 bedroom – 1,000 square feet (for every bedroom increase above 3 bedroom an additional 150 square feet shall be added to the minimum unit square footage) *(1,200 sq. ft.)*

SMALL PROJECTS 2-8 UNITS

Eliminate the requirement for **Common Open Space** *(15% of entire site area)*

Private Open Space on the ground level shall be a minimum of 250 square feet *(450 sq. ft.)* with a minimum width of 10 feet *(15 ft.)*. Upper level units shall have a balcony with a minimum of 150 square feet.

Require **laundry** units inside each unit. *(not specified)*

No **amenities** required *(0-3 units private open space only; 4-10 units 1 amenity required)*

Setbacks:

Interior side yard – 10 feet *(10 ft. /15 ft. required)*

Rear yard – 10 feet *(25 feet)*

Street side yard – 15 feet *(25 feet)*

Front yard – 15 feet *(40 ft./45 ft. average unless tract map recorded setbacks are greater)*

No parking shall be allowed in the front yard setback *(same)*. Parking shall be setback from the interior side and rear property lines by a minimum of 5 feet. *(10 ft./15 ft. interior side; 25 ft. rear)*

Properties with recorded front and street side yard setbacks greater than the minimum setback can be reduced with the recordation of a Certificate of Correction to the approved map as long as the new setback is not less than 25 feet *(new)*.

Structures shall have a minimum 15-foot side or rear yard setback when adjacent to a single-family residential zone. *(10 ft. adjacent to M-F; 15 ft. adjacent to SFR; densely planted landscape buffer required)*

Landscaping shall be minimum of 10 feet wide in the front yard and street side yard and five feet in the side and rear yards, with the exception of driveways and private open space areas.

Parking spaces *(uncovered)* shall be a standard length of 19 feet and can hang over into landscape planters by a maximum of 2 feet *(spaces required to be 10' x 19' without ability to hang over)*.

Tree wells/fingers shall be required every 10 spaces of uncovered parking in order to provide a tree for shade *(every 7 spaces)*.

Parking:

A two-car garage plus 1 uncovered guest space shall be required per unit. Carports are permitted for the guest space. *(Studios – 1 covered and one open; 1 and 2 bedroom – 2 garage spaces and 0.5 uncovered; 3 or more bedrooms – 2 garage spaces and one uncovered plus 0.5 uncovered guest spaces)*

Covered parking structure shall be setback 10 feet from the interior side and rear property lines and the overhang of the structure can encroach 3 feet into the setback. If the carport is equipped with solar panels, the encroachment can be 5 feet into the setback. *(encroachments are not permitted)*

Storage:

Cubic storage requirement of 400 cubic feet shall be constructed within the garage structure. *(same)*

Mechanical Equipment:

Ground mounted mechanical equipment can be located in front or street side yard setback as long as it is screened from view. Screening can consist of a block wall or landscape material. Ground mounted equipment can be located in the side and rear setbacks without screening. *(new)*

Trash Enclosures:

When trash enclosures are required (more than 4 units), they are permitted in the front and street side yards with the construction of standard enclosure structure. *(not permitted in street or street side setback)*

Height:

Structures shall be limited to 35 feet in height. *(remove provision allowing 50 feet of height with PC approval – not necessary for smaller projects)*

Habitable and Non-habitable Building Separation:

Buildings on the same lot shall be separated by a minimum of 7 feet. *(25 feet for habitable buildings or 10 feet with PC approval; Non-habitable is 6 feet to another non-habitable building or 10 feet to a habitable building)*

MEDIUM PROJECTS 9-15 UNITS

Eliminate the requirement for **Common Open Space** *(15% of entire site area)*

Private Open Space on the ground level shall be a minimum of 250 square feet with a minimum width of 10 feet. Upper level units shall have a balcony with a minimum of 150 *(same)* square feet. *(450 sq. ft. with a minimum dimension of 15 feet).*

Require **laundry** units inside each unit *(new)*

No **amenities** required *(0-3 units private open space only; 4-10 units 1 amenity required; 11-50 units 2 amenities are required)*

Setbacks:

Interior side yard – 10 feet *(10 ft. /15 ft. required)*

Rear yard – 10 feet *(25 ft. required)*

Street side yard – 15 feet *(25 ft. required)*

Front yard – 15 feet *(40 ft. /45 ft. average, unless greater recorded setback on the tract map)*

No parking shall be allowed in the front yard setback. Parking shall be setback from the interior side and rear property lines by a minimum of 5 feet. *(10 ft./ 15 ft. interior side; 25 ft. in rear)*

Properties with recorded front and street side yard setbacks greater than the minimum setback can be reduced with the recordation of a Certificate of Correction to the approved map as long as the new setback is not less than 25 feet. *(new)*

Structures shall have a minimum 15-foot setback when adjacent to a single-family residential zone. *(10 ft. adjacent to M-F; 15 ft. adjacent to SFR; densely planted landscape buffer required)*

Landscaping shall be minimum of 10 feet wide in the front yard and street side yard and five feet in the side and rear yards, with the exception of driveways and private open space areas.

Parking spaces *(uncovered)* shall be a standard length of 19 feet and can hang over into landscape planters by a maximum of 2 feet. *(spaces required to be 10' x 19' without ability to hang over).*

Tree wells/fingers shall be required every 10 spaces of uncovered parking in order to provide a tree for shade. *(every 7 spaces)*

Parking:

A total of 2.5 parking spaces shall be provided per unit. One of those spaces must be covered parking. If a carport is used for the covered parking, it must not be open to the street. If this cannot be accommodated, then an enclosed garage would be required. *(Studios – 1 covered and one open; 1 and 2 bedroom – 2 garage spaces and 0.5 uncovered; 3 or more bedrooms – 2 garage spaces and one uncovered plus 0.5 uncovered guest spaces)*

Storage:

Cubic storage requirement of 400 cubic feet shall be constructed in the carport or garage structure. *(same)*

Covered parking structure shall be setback 10 feet from the interior side and rear property lines and the overhang of the structure can encroach 3 feet into the setback. If the carport is equipped with solar panels, the encroachment can be 5 feet into the setback. *(encroachments are not permitted)*

Mechanical Equipment:

Ground mounted mechanical equipment can be located in front or street side yard setback as long as it is screened from view. Screening can consist of a block wall or landscape material. Ground mounted equipment can be located in the side and rear setbacks without screening. *(new)*

Trash Enclosures:

When trash enclosures are required (more than 4 units), they are permitted in the front and street side yards with the construction of standard enclosure structure. *(not permitted in street or street side setback)*

Height:

Structures shall be limited to 35 feet in height. *(35 feet maximum or 50 feet with PC approval)*

Habitable and Non-habitable Building Separation:

Buildings on the same lot shall be separated by a minimum of 7 feet. *(25 feet for habitable buildings or 10 feet with PC approval; Non-habitable is 6 feet to another non-habitable building or 10 feet to a habitable building)*

LARGE PROJECTS 16+ UNITS

Common Open Space – shall be 5% of the project site or a minimum of 5,000 square feet, whichever is larger. *(15% of entire site area)*

Private Open Space on the ground level shall be a minimum of 250 square feet with a minimum width of 10 feet *(15 feet)*. Upper level units shall have a balcony with a minimum of 150 square feet *(same)*.

Amenities are permitted in the setbacks and within the common open space area. At least one of the amenities shall be a recreational amenity as defined. The number of amenities required shall be determined by the size of the project as follows:

16-50 units – 2 amenities

51-100 units – 3 amenities

101- 150 units – 4 amenities

150-200 units – 5 amenities (for every 50 units above 200, an additional amenity shall be required).

(0-3 units private open space only; 4-10 units 1 amenity required; 11-50 units 2 amenities are required; 51-100 units 3 amenities with a focal point are required; 101-200 units 4 amenities are required)

Setbacks:

Interior side yard – 10 feet *(10 ft. /15 ft.)*

Rear yard – 10 feet *(25 ft.)*

Street side yard – 15 feet *(25 ft.)*

Front yard – 15 feet *(40 ft./45 ft. average unless tract map recorded setbacks are greater)*

No parking shall be allowed in the front yard setback. Parking shall be setback from the interior side or rear property lines by a minimum of 5 feet. *(10 ft./ 15 ft. interior side; 25 ft. in rear)*

Properties with recorded front and street side yard setbacks greater than the minimum setback can be reduced with the recordation of a Certificate of Correction to the approved map as long as the new setback is not less than 25 feet. *(new)*

Structures shall have a minimum 15-foot setback when adjacent to a single-family residential zone. *(10 ft. to M-F; 15 ft. to SFR all with densely planted landscaping)*

Landscaping shall be minimum of 10 feet wide in the front yard and street side yard and five feet in the side and rear yards, with the exception of driveways and private open space areas.

Parking spaces *(uncovered)* shall be a standard length of 19 feet and can hang over into landscape planters by a maximum of 2 feet. *(spaces required to be 10' x 19' without ability to hang over).*

Tree wells/fingers shall be required every 10 spaces of uncovered parking in order to provide a tree for shade. *(every 7 spaces)*

Mechanical equipment and **Trash Enclosures** shall not be located within a required setback and shall be screened from the public right of way. *(same)*

If **laundry** service is not provided in each unit, a community laundry facility shall be provided. *(new)*

The **height** of the structure is limited to 50 feet *(35 feet or 50 feet with PC approval)*. Any portion of a building that exceeds 35 feet in height, that portion of the building shall be setback a minimum of 20 feet from any property line. *(new)*

A **phased project** shall require that all interior circulation be completed leaving only building pads to be constructed under future phases. Amenities for the number of units for constructed phase shall be required to be installed and operational, prior to occupancy of that phase. *(new)*

Habitable and Non-habitable Building Separation:

One- and Two-story structures shall be separated by a minimum of 7 feet. Structures greater than two stories shall be separated from any structure at a minimum of 15 feet. *(25 feet for habitable buildings or 10 feet with PC approval; Non-habitable is 6 feet to another non-habitable building or 10 feet to a habitable building)*

Parking:

A total of 2.25 parking spaces shall be required per unit. One of those spaces must be covered space and can be a carport. Covered parking structure shall be setback 10 feet from the interior side and rear property lines and the overhang of the structure can encroach 3 feet into the setback. If the carport is equipped with solar panels, the encroachment can be 5 feet into the setback. *(Studios – 1 covered and one open; 1 and 2 bedroom – 2 garage spaces and 0.5 uncovered; 3 or more bedrooms – 2 garage spaces and one uncovered plus 0.5 uncovered guest spaces)*

Covered parking structure shall be setback 10 feet from the interior side and rear property lines and the overhang of the structure can encroach 3 feet into the setback. If the carport is equipped with solar panels, the encroachment can be 5 feet into the setback. *(encroachments are not permitted)*

Storage:

Cubic storage requirement of 400 cubic feet shall be constructed in the carport or garage structure. *(same)*