



Town Council Agenda Report

Date: March 9, 2021 Item No. 7

To: Honorable Mayor and Town Council

Subject: DEVELOPMENT CODE AMENDMENT NO. 2021-001 IS AN AMENDMENT TO TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE MODIFYING CHAPTER 9.08 "DEFINITIONS", CHAPTER 9.28 "RESIDENTIAL DISTRICTS", CHAPTER 9.29 "SPECIFIC USE REGULATIONS FOR RESIDENTIAL DISTRICTS", CHAPTER 9.31 "RESIDENTIAL DESIGN STANDARDS", AND CHAPTER 9.72 "OFF-STREET PARKING AND LOADING REGULATIONS" AS IT RELATES TO MULTI-FAMILY DEVELOPMENT STANDARDS.

From: Douglas Robertson, Town Manager

Submitted by: Pam Cupp, Senior Planner

Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

- A. **Determine** that, Pursuant to Section 21080.17 of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it has been 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. **Find** the facts presented within the staff report, including the attached Planning Commission Resolution No. 2021-002 adopted February 3, 2021, 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. 544 in its entirety and read by title only.

- D. **Introduce** Ordinance No. 544 approving Development Code Amendment No. 2021-001; and
- E. **Direct** staff to file a Notice of Exemption with the San Bernardino County Clerk of the Board.

SUMMARY:

At its November 10, 2020 meeting, the Town Council received the recommendations of the Multi-family Ad Hoc Committee and subsequently initiated a Development Code Amendment to modify multi-family residential development standards. On February 3, 2021, the Planning Commission reviewed the modifications proposed by the Ad Hoc Committee under Development Code Amendment No. 2021-001. Upon presentation of the staff report, receipt of public comments, and subsequent Commission discussion, Planning Commission Resolution No. 2021-002 was approved recommending the Town Council modify the Development Code as outlines within this report.

ANALYSIS:

The Planning Commission discussion resulted in several modifications of the Ad Hoc Committee recommendations. Commissioners were concerned that the reductions of standards could possibly create a situation where buildings would be “crammed” together. Dialogue included discussion related to development fees, impediments related to multi-family development, and the need to provide a variety of housing options for the Town’s residents.

The Planning Commission agreed with a majority of the Ad Hoc Committee recommendations, which were based primarily upon industry preferences, and consistency with other cities. They concurred that any changes to Development Code regulations should encourage multi-family development by making it easier and financially solvent to build new units. These changes would also assist the Town in its current efforts to update the Housing Element and obtain certification from the State Department of Housing and Community Development.

The existing regulations are based upon the number of bedrooms in each unit and by the unit count. The Planning Commission concurred with the Ad Hoc Committee recommendation that regulations should be modified to address different sizes of projects and with specific criteria applied to each project size. Their recommendation is to have 3 project sizes:

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

State law states requires projects that have sixteen (16) or more units be required to have an on-site manager living at the premises. The recommendation is based upon a desire 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 fifteen (15) years, since the Development Code regulations for multi-family development was last modified, there have been 174 multi-family units constructed consisting of thirty-six (36) small projects and two (2) large projects.

It is the recommendation of the Planning Commission that modifications to the multi-family development standards include a reduction to the number of amenities, size of common and private open space, setbacks, landscaping, parking, building separations and buffers from other uses. The recommendation also includes provisions for encroachments allowing additional flexibility with the placement of mechanical equipment, trash enclosures and parking.

The recommendation of the Planning Commission is to revise several definitions. For the most part, it is recommended that architectural guidelines remain the same. A minor reduction to drive aisles has also been proposed, subject to Fire District regulations. It is recommended that the minimum unit sizes be reduced to be more in line with industry standards.

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.

The Commission expressed concern that invitations for stakeholder participation may not have been effectively provided. Prior to COVID-19 public hearing mandates, several public hearings and workshops relating to multi-family development were held. Staff provided copies of Planning Commission Resolution No. 2021-002 and invited comments from those individuals that previously expressed interest and to builders with multi-family projects pending and currently entitled. All comments received relating to Development Code Amendment No. 2021-001 and PC Resolution No. 2021-002 are attached for Council's review.

The Planning Commission recommendation is that Development Code Section 9.29.070 "Multi-family Housing Standards" be replaced in its entirety. To create a user-friendly document, the replacement text is mostly based upon project size. For a clear understanding of the recommended modifications, staff has provided for the Council's review the existing text with strike-thru underline text of the Planning Commission recommended modifications, including additional discussion/analysis appearing within text boxes.

9.29.070 Multi-Family Housing Standards

A. *Applicability.* Multi-family housing, including but not limited to duplexes, triplexes, apartments, condominiums and townhouses is permitted in the R-M district with an approved Development Permit **or Conditional Use Permit**. Single-family housing,

including attached and detached homes, is permitted within the R-M district within the Mountain Vista neighborhood only.

- B. General 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.~~ **Projects shall be regulated by total unit count. Small Projects shall be from 2-8 units in size; Medium Projects shall be from 9-15 units in size; and Large Projects shall be 16 units in size or larger.** In addition, the following standards shall apply to all multi-family projects:

The Commission did not agree with the Ad Hoc Committee recommendation of 15-foot front yard setback or 10-foot rear setback. Commission discussion addressed concerns relating to neighborhood consistency, and instead recommends the following:

1. **Setbacks –**

- a. **Front yard – Twenty-five (25) feet, or an average between the two adjacent developments and twenty-five (25) feet**
- b. **Street side yard – Fifteen (15) feet**
- c. **Interior side yard – Ten (10) feet**
- d. **Rear yard – Fifteen (15) feet**
- e. **Parking shall require a minimum fifteen (15)-foot front yard or street side yard setback. Parking shall be setback from the interior side and rear property lines by a minimum of five (5) feet.**
- f. **Structures shall have a minimum fifteen (15)-foot side or rear setback when adjacent to a single-family residential zone.**
- g. **Properties with a recorded front and street side yard setback greater than the minimum required setback can reduce this setback with the recordation of a Certificate of Correction to the approved map as long as the new setback is an average of the two (2) adjacent developments and not less than twenty-five (25) feet.**

The Commission did not agree with the Ad Hoc Committee recommendation of a seven (7)-foot separation and recommends instead a ten (10)-foot separation between all structures and concurs with the remaining recommendations relating to structure separation.

2. **~~Separation Between Buildings.~~** ~~Habitable structures containing three (3) or more units shall have a minimum separation distance of twenty-five (25) feet unless the Planning Commission approves a reduction of the separation distance~~

to a minimum of ten (10) feet. Habitable structures with less than three (3) units shall be separated a minimum of ten (10) feet. Non-habitable structures shall be separated by a minimum of six (6) feet. Non-habitable structures shall be separated from habitable structures by a minimum of ten (10) feet. **Habitable and non-habitable buildings on the same lot shall be separated by a minimum of ten (10) feet. Structures greater than two (2)-stories shall be separated by a minimum of fifteen (15) feet. Over three (3) stories shall have a minimum separation of thirty (30) feet, or greater as determined by the Apple Valley Fire Protection District.**

~~2. *Setback Encroachment.* Non-habitable structures can encroach within the required side and rear setbacks, provided that they comply with the applicable building code requirements.~~

The Commission concurs with the Ad Hoc Committee's recommendation that permitted setback encroachments could include trash enclosures, screened mechanical equipment and covered parking subject to a project's unit count.

~~3. *Permitted Installations within the Required Building Setback Lines.* Unless specifically regulated by another section of this Code or the Town Municipal Code, permitted installations within the required building setback lines may include handicapped access ramps, landscaping, garden walls, parking lots, recreational facilities (side and rear yards only), entry statements (decorative block/stucco, boulders, signage, architectural statements), sidewalks and driveways, underground utilities, lighting and similar fixtures.~~

The Commission recommendation concurs with the Ad Hoc Committee's in that height limits should be dependent upon a project's unit count. Small (2-8 units) and Medium Projects (9-15 units) would be permitted a maximum height of thirty-five (35) feet. Large projects (16 units or greater) would have a maximum height of fifty (50) feet.

~~4. *Height Limitations.* Structures shall be limited to a maximum height of thirty-five (35) feet; however, this height may increase with the Planning Commission's approval, not to exceed fifty (50) feet.~~

The Commission does not agree with the Ad Hoc Committee recommendation for unit size and contends that the recommended reduction is too drastic as compared to other regional cities. The Commission's recommendation is to reduce the minimum unit size by 100 square feet as opposed to the Ad Hoc Committee recommendation of 150-square foot reduction to studios and one bedroom units and a 200-square foot reduction to two bedrooms and above.

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

- a. Studio – 600 **500** square feet
- b. One Bedroom - 800 **700** square feet
- c. Two Bedroom – 1,000 **900** square feet
- d. Three Bedroom and larger – 1,200 **1,100** square feet. **For every bedroom increase above a 3-bedroom, an additional 150 square feet shall be added to the minimum unit square footage.**
- 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).

~~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.** 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, Minimum Dwelling Unit Size, of this Section.~~

The Commission recommendation concurs with the Ad Hoc Committee that common usable open space only be required for Large Projects and has been reduced to 5,000 square feet or five (5) percent of the site, whichever is larger. It is further recommended that usable common open space have a minimum dimension of twenty-five (25) feet. Common Useable open space standards will be moved to the section specific to Large Projects.

4. Open Space – Private open space on a ground floor unit shall be a minimum of 250 square feet with a minimum width of ten (10) feet. Upper floor units shall have a balcony with a minimum of 100 square feet.

- ~~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.~~
- ~~c. Common useable open space standards. Common useable open space shall meet the flowing requirements:

 - ~~A. Useable open space areas shall not include rights-of-way, vehicle parking areas, private open space areas, or areas with slopes exceeding fifteen (15) percent. Setback areas which are landscaped shall be included in the common open space areas.~~
 - ~~B. Such areas shall be planted with turf or ground cover, or other landscaping which will control dust;~~
 - ~~C. Common useable open space shall not be obstructed except by improvements that enhance usability, such as swimming pools, fountains, sunshades, and plantings; and~~
 - ~~D. If at ground level, common useable open space areas shall not be covered more than fifty (50) percent by a building overhang or balcony.~~~~

The Commission recommendation concurs with the Ad Hoc Committee that an entry statement only be required for Medium and Large Projects. The above standard has been moved to the specific standards for Medium and Large Projects.

- ~~7. Entry Statements. Developments with ten (10) or more units shall provide an entry statement in accordance with subsection 9.31.040.C, Entry Statements of this Code.~~

The Commission recommendation concurs with the Ad Hoc Committee that only Large Projects should be required to provide amenities. Therefore, this section should be moved to standards specific to Large Projects. Amenities will be allowed within the setbacks and within the required Usable Common Open Space area with the number of amenities as follows:

- 16-50 units – requires 2 amenities**
- 51-100 units – requires 3 amenities**
- 101-150 units – requires 4 amenities**
- 150-200 units – requires 5 amenities (for every 50 units above 200, an additional amenity shall be required)**

It is recommended that a majority or fifty (50%) of the amenities provided be recreational in nature. It is further recommended that duplicate amenities be counted as a single amenity unless targeting different age groups (i.e. pre-teens, teens, adults) or amenities are distinctly designed incorporating different features.

- ~~8. Required Amenities.~~

- a. ~~At least two hundred (200) square feet per unit of common open space shall be devoted to recreational amenities, as described in paragraph 9.29.070.B.5.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, basketball, racquetball; improved softball or baseball fields; or day care centers. The amenities shall not be located within the front yard 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 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
0—3	Private outdoor space 450 square feet
4—10	4
11—50	2
51—100	3 (including at least one community focal point)
101—200	4

- c. ~~Community focal points. Projects containing more than twenty (20) units require 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.~~

The Planning Commission agrees with the Ad Hoc Committee and recommends that the requirement for a community focal point be removed for any project size. It is further recommended that landscape setbacks and lot coverage should be modified as indicated below.

- 95. Landscape Required.** A minimum landscaped setback area fifteen (15) feet ~~ten (10) feet~~ wide, measured from the property line, shall be provided along each street frontage of the project. **A minimum five (5)-foot wide landscape setback shall be provided along the interior side and rear yards, with the exception of driveways, private open space and accessible pathways. All areas not utilized for structures, walkways, parking or drive aisles shall be fully landscaped.** Such buffer shall be landscaped as required in Chapter 9.75, *Water Conservation/Landscaping Regulations*, of this Code.
- 406. Lot Coverage.** The maximum lot coverage is sixty (60) ~~sixty (60)~~ **seventy (70)** percent of the net project site. An increase to **Lot coverage over** seventy (70) percent can be allowed with Planning Commission approval.
- 417. Pedestrian Circulation.** An interior walkway system with a minimum width of four (4) feet shall be incorporated into the project for the purpose of providing direct access to and from all individual dwelling units, trash storage areas, parking areas, recreational areas and other outdoor common spaces.

The Planning Commission agrees with the Ad Hoc Committee and recommends that parking requirements be subject to project size as follows:

***Small Projects (2-8 units)* - A two (2) car garage, plus 1 uncovered guest space shall be required for each unit. Carports are permitted for the guest space.**

***Medium Projects (9-15 units)* - A total of 2.5 parking spaces shall be required for each unit. One of the required spaces shall be covered parking, which can include a garage or a carport. If a carport is used for the covered parking it must not be open to the street. If this cannot be accommodated, then a garage would be required.**

***Large Projects (16 or more units)* - A total of 2.25 parking spaces shall be required for each unit. One of the required spaces shall be covered parking, which can include a garage or a carport.**

Criteria will also be added to medium and large projects regarding covered parking structures as follows: The parking structure shall have a ten (10)-foot setback from the interior side and rear property lines and the overhang of a structure can encroach up to three (3) feet into a setback. If the structure is equipped with solar panels, the encroachment into the setback can be up to five (5) feet.

- ~~**12. Parking.** The number of parking spaces provided shall be consistent with the requirements of Chapter 9.72, *Off-Street Parking and Loading Regulations*, of this Code. In addition, the following standards shall apply:~~
- ~~**a.** Communal and guest parking areas shall be partially screened from the dwellings within the development;~~

- ~~b. Where parking areas are to be located immediately adjacent to a peripheral boundary, a landscape buffer shall be provided to insure the privacy of adjacent property and an attractive streetscape;~~
- ~~c. Parking shall be allowed in the front setback provided that a fifteen (15)-foot landscape buffer is provided between the parking spaces and the front property line.~~
- ~~d. Parking shall be provided in a manner that allows vehicles to enter onto public streets in a forward motion.~~
- ~~e. Required parking for uncovered spaces can include the uncovered parking directly in front of the enclosed garage space.~~

The Planning Commission discussion regarding private lockable storage was very extensive and resulted in a reduction from 400 to 200 cubic feet. The Commission recommends that private lockable storage should not be required for small or medium projects that provide private two (2)-car garages. The Commission further expressed concern about the materials used to construct lockable storage space within covered parking areas. The following language is recommended by the Commission:

Small Projects (2-8 units) – No additional storage will be required in addition to the garage requirement.

Medium Projects (9-15 units) - No additional storage will be required in addition to a two (2)-car garage. Absent of a private garage, 200 cubic feet of lockable storage space shall be provided and constructed of durable, weather resistant material if located within a covered parking structure. Wood construction is not permitted.

Large Projects (16 or more units) – A minimum of 200 cubic feet of lockable storage space shall be provided and constructed of durable, weather resistant material if located within a covered parking structure. Wood construction is not permitted.

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

The Commission agrees with the Ad Hoc Committee that laundry facilities will be subject to project size as follows:

Small Projects (2-8 units) and Medium Projects (9-15 units) will require each unit to be plumbed for a washing machine and dryer.

Large Projects (16 or more units) If laundry utilities are not provided in each unit, a community laundry facility shall be provided on site.

~~14. **Laundry Facilities.**~~

- ~~a. Common laundry facilities of sufficient number and accessibility consistent with the Uniform Building Code shall be provided; or~~
- ~~b. Each dwelling unit shall be plumbed and wired for a washing machine and dryer.~~

458. Lighting.

- a.** The following areas shall be lighted during the hours of darkness in a manner consistent with the Performance Standards contained in subsection 9.70.020.H of this Code and the Town Lighting Ordinance:
 - 1) Private streets and drive aisles;
 - 2) Parking Areas;
 - 3) Walkways or pedestrian or bicycle paths;
 - 4) Individual dwelling entries;
 - 5) Addresses;
 - 6) Recreational facilities;
 - 7) Active outdoor play areas; and
 - 8) Project entryways.
- b.** All on-site lighting shall be stationary, directed away from adjacent properties and public rights-of-way.
- c.** Lighting fixtures shall be of a type and shall be located such that no light or reflected glare is directed off-site and shall provide that no light is directed above the horizontal plane.
- d.** When on-site lighting occurs, low-rise, pedestrian scale lighting fixtures shall be used in common open space areas, adjacent to dwellings, and along pedestrian and bicycle paths. The maximum height of such a fixture shall be fifteen (15) feet.

The Commission agrees with the Ad Hoc Committee and recommends that trash enclosure standards be subject to project size as follows:

***Small Projects (2-8 units)* - When trash enclosures are required (more than four (4) units), they shall be allowed in the front and street side yards setbacks with the construction of a standard trash enclosure.**

***Medium Projects (9-15 units)* Trash enclosures shall be allowed in the front and street side yards setbacks with the construction of a standard trash enclosure.**

***Large Projects (16 or more units)* – Trash Enclosures shall not be located within a required setback and shall be screened from the public right-of-way.**

~~**16. Trash Enclosures.** Trash enclosures shall be provided and comply with the minimum standards set forth in Sections 9.28.150, *Trash Enclosures*, and 9.31.050, *Multi-Family Architectural Design Standards*, of this Code. Trash enclosures shall be located at convenient distances from the buildings they serve and sited to minimize visual, odor and noise impacts to abutting properties.~~

Unnecessary for Planning to govern internal separation walls. Fire and Building Codes take precedence.

~~17. **Internal Separation Walls.** All party walls (floors and walls separating dwelling units) shall be constructed with acoustical insulation with a sound transmission class (STC) rating of fifty (50).~~

~~189. **Security Devices.** Each door providing ingress and egress to any multi-family dwelling unit shall be equipped with the following devices:~~

- ~~a. A peephole allowing a person inside the unit to see, at a wide angle, persons outside of the unit at the door, without the person inside being seen; and~~
- ~~b. A deadbolt lock attached to the construction studding. Attachment to the doorjamb or trim shall not be sufficient to comply with this standard.~~

Unnecessary for Planning to govern wood shake roofs. Fire and Building Codes take precedence.

~~19. **Roofs.** Wood-shake roof materials are prohibited in new multi-family developments due to fire hazards and the increased risk posed by wood-shake in the desert environment (high wind, low humidity).~~

The Commission agrees with the Ad Hoc Committee and recommends a reduction to the drive aisles as shown below.

~~2010. **Streets.** Development projects which have a maximum of two (2) access points to a public right-of-way or which are enclosed private drives shall be permitted to use private driveways for access. Two-way driveways and drive aisles shall have a minimum width of ~~twenty-eight (28)~~ **twenty-six (26)** feet. Proposed structures over thirty-five (35) feet in height shall require thirty-six (36)-foot wide fire lanes, subject to the review and approval of the Apple Valley Fire Protection District. Where a development is designed to mimic a small tract of residences, or where the project provides more than two (2) external connections to public rights-of-way, private roads shall be built to Town Standards.~~

~~C. **Buffer Areas.** A buffer area between new development and abutting properties shall be provided as follows:~~

- ~~1. A minimum ten (10)-foot wide, densely planted landscape buffer between new multi-family development and existing multi-family residential development;~~
- ~~2. A minimum fifteen (15)-foot wide, densely planted landscape buffer between new multi-family residential development and existing single family developments or zoning districts or nonresidential uses or zoning districts.~~

~~C. **Small Project (2-8 Units) Development Standards.** In addition to the standards within above Section B “General Development Standards”, the following standards shall apply:~~

- ~~1. **Common open space.** None required for Small Projects.~~

2. Parking. A two (2) car garage, plus 1 uncovered guest space shall be required for each unit. Carports are permitted for the guest space.
3. Uncovered Parking. The parking space shall have a minimum standard width of nine (9) feet and a length of nineteen (19) feet. Vehicles can hang over into landscape planters a maximum of two (2) feet reducing the minimum length of the parking space to a minimum of seventeen (17) feet.
4. Parking Lot Landscape. Tree wells/Fingers in parking lots shall be required for every ten (10) spaces of uncovered parking with a minimum of at least one (1) in order to provide shade.
5. Covered Parking. A two (2)-car garage with minimum interior dimensions of twenty (20) feet by twenty (20) feet shall be required for each unit.
6. Storage. No additional storage shall be required in addition to the garage requirement.
7. Mechanical Equipment. Ground mounted mechanical equipment can be located in the front or street side yard setbacks as long as it is screened from view. Screening can consist of a decorative block wall or landscape material. Ground mounted equipment can also be located in the side and rear setbacks without screening.
8. Trash Enclosures. When trash enclosures are required (more than four (4) units), they shall be allowed in the front and street side yards setbacks with the construction of a standard trash enclosure. Trash enclosures shall comply with the minimum standards set forth in Sections 9.28.150, Trash Enclosures, and 9.31.050, Multi-Family Architectural Design Standards, of this Code. Trash enclosures shall be located at convenient distances from the buildings they serve and sited to minimize visual, odor and noise impacts to abutting properties.
9. Height. Structures shall be limited to thirty-five (35) feet in height.
10. Laundry Facilities. Each unit shall be plumbed and wired for a washing machine and dryer.
11. Amenities. No amenities shall be required for Small Projects.

D. Medium Projects (9-15 Units). In addition to the standards within above Section B “General Development Standards”, the following standards shall apply:

1. Common open space. None required for Medium Projects.
2. Parking. A total of 2.5 parking spaces shall be required for each unit. One of the required spaces shall be covered parking, which can include a garage or a carport. If a carport is used for the covered parking it must not be open to the street. If this cannot be accommodated, then a garage would be required.
3. Uncovered Parking. The parking space shall have a minimum standard width of nine (9) feet and a length of nineteen (19) feet. Vehicles can hang over into

landscape planters a maximum of two (2) feet reducing the minimum length of the parking space to a minimum of seventeen (17) feet.

4. *Parking Lot Landscape.* Tree wells/Fingers in parking lots shall be required for every ten (10) spaces of uncovered parking with a minimum of at least one (1) in order to provide shade.
5. *Covered Parking.* The garage or carport structure shall have a ten (10)-foot setback from the interior side and rear property lines and the overhang of a structure can encroach up to three (3) feet into a setback. If the structure is equipped with solar panels, the encroachment into the setback can be up to five (5) feet.
6. *Storage.* No additional storage will be required in addition to a two (2)-car garage. Absent of a private garage, 200 cubic feet of lockable storage space shall be provided and constructed of durable, weather resistant material if located within a covered parking structure. Wood construction is not permitted.
7. *Mechanical Equipment.* Ground mounted mechanical equipment can be located in the front or street side yard setbacks as long as it is screened from view. Screening can consist of a decorative block wall or landscape material. Ground mounted equipment can also be located in the side and rear setbacks without screening.
8. *Trash Enclosures.* Trash enclosures shall be allowed in the front and street side yards setbacks with the construction of a standard trash enclosure. Trash enclosures shall be provided and comply with the minimum standards set forth in Sections 9.28.150, *Trash Enclosures*, and 9.31.050, *Multi-Family Architectural Design Standards*, of this Code. Trash enclosures shall be located at convenient distances from the buildings they serve and sited to minimize visual, odor and noise impacts to abutting properties.
9. *Height.* Structures shall be limited to thirty-five (35) feet in height.
10. *Laundry Facilities.* Each unit shall be plumbed and wired for a washing machine and dryer.
11. *Amenities.* No amenities shall be required for Medium Projects.
12. *Entry Statements.* Development shall provide an entry statement in accordance with subsection 9.31.040.C. Entry Statements of this Code.

E. Large Projects (16 Units and Larger) Development Standards. In addition to the above standards within Section B “General Development Standards”, the following standards shall apply:

1. *Common Usable Open Space.* A minimum of 5,000 square feet or five percent (5%), whichever is larger, of the project site shall be provided as common usable open space. Common useable open space shall meet the following requirements:

- a. Useable open space areas shall not include rights-of-way, vehicle parking areas, private open space areas, or areas with slopes exceeding fifteen (15) percent and shall have a minimum width of twenty-five (25) feet.
 - b. Such areas shall be planted with turf or ground cover, or other landscaping which will control dust;
 - c. Common useable open space shall not be obstructed except by improvements that enhance usability, such as swimming pools, fountains, sunshades, and plantings; and
 - d. If at ground level, common useable open space areas shall not be covered more than fifty (50) percent by a building overhang or balcony, unless it is an integral part of an amenity.
2. Amenities- Amenities shall be provided under the following schedule. A majority, or fifty (50) percent of the amenities shall be recreational amenities as defined in Chapter 9.08 of this Code. Duplicated amenities shall be considered a single amenity, except if amenities target different age groups (i.e. pre-teens, teens, adults) or amenities are distinctly designed incorporating different features. Noise levels shall be considered in the placement of any amenity. Amenities can be located within the setback areas and within the required Common Open Space area.
- a. 16-50 units – requires 2 amenities
 - b. 51-100 units – requires 3 amenities
 - c. 101-150 units – requires 4 amenities
 - d. 150-200 units – requires 5 amenities (for every 50 units above 200, an additional amenity shall be required).
3. Parking. A total of 2.25 parking spaces shall be required for each unit. One of the required spaces shall be covered parking, which can include a garage or a carport.
4. Uncovered Parking. The parking space shall have a minimum standard width of nine (9) feet and a length of nineteen (19) feet. Vehicles can hang over into landscape planters a maximum of two (2) feet reducing the minimum length of the parking space to a minimum of seventeen (17) feet.
5. Parking lot landscaping and screening. Shall comply with the provisions of Section 9.72.080.
6. Covered Parking. The garage or carport structure shall have a ten (10)-foot setback from the interior side and rear property lines and the overhang of a structure can encroach up to three (3) feet into a setback. If the structure is equipped with solar panels, the encroachment into the setback can be up to five (5) feet.
7. Height. The maximum height of a structure is limited to fifty (50) feet. Any portion of a building that exceeds thirty-five (35) feet in height, must be stepped back with a setback minimum of twenty (20) feet from any property line.

8. **Storage.** A minimum of 200 cubic feet of lockable storage space shall be provided and constructed of durable, weather resistant material if located within a covered parking structure. Wood construction is not permitted.
9. **Trash Enclosures.** Shall not be located within a required setback and shall be screened from the public right-of-way. Trash enclosures shall be provided and comply with the minimum standards set forth in Sections 9.28.150, *Trash Enclosures*, and 9.31.050, *Multi-Family Architectural Design Standards*, of this Code. Trash enclosures shall be located at convenient distances from the buildings they serve and sited to minimize visual, odor and noise impacts to abutting properties.
10. **Mechanical Equipment.** Shall not be located within a required front or street side yard setback and shall be screened from the public right-of-way. Mechanical equipment shall have a minimum setback of five (5) feet from the interior side or rear property line.
11. **Laundry.** If laundry utilities are not provided in each unit, a community laundry facility shall be provided on site.
12. **Entry Statements.** Development shall provide an entry statement in accordance with subsection 9.31.040.C. *Entry Statements* of this Code.
13. **Building Elevations.** Architectural design shall comply with Section 9.31.050 “*Multi-Family Architectural Design Standards*. Multiple two (2)-unit attached structures in a large project shall require a minimum of three (3) building elevations consisting of different colors and materials.
14. **Phasing.** A phasing plan shall be submitted and approved by the Community Development Director and Town Engineer. Amenities for the number of units for a constructed phase shall be required to be constructed and operational, prior to occupancy of that phase.
15. **Bicycle racks shall be required.**

D. Maintenance and Completion of Open Space, Amenities, Landscaping and Manufactured Slopes for Non-Apartment Multi-family. No lot or dwelling unit shall have a building or occupancy permit issued unless a corporation, homeowners' association, assessment district or other approved appropriate entity has been legally formed with the right to operate and maintain all of the mutually available features of the development including, but not limited to, open space, amenities, or landscaping or slope maintenance (which may be on private lots adjacent to street rights-of-way). Conditions, Covenants, and Restrictions (CC&Rs) may be developed and recorded for the development subject to review and approval of the Town Attorney. No lot or dwelling unit shall have a building or occupancy permit issued unless all approved and required open space, amenities, landscaping or other improvements, or approved phase thereof, have been completed or if the Town Engineer determines that the health, safety and welfare of the occupants and the intent of this Code will be adequately safeguarded, he may allow issuance of a building or occupancy permit if said completion is assured by a financing guarantee method approved by the Town Engineer.

The Commission recommends the following definitions be added and or modified for additional clarity:

Chapter 9.08 “Definitions”

Amenity

Aesthetic or other characteristics of a development that increase its desirability to the community or its marketability to the public. Amenities differ from development to development but may include recreational ~~facilities such as swimming pools or tennis courts, security systems, views, tree preservation, or gardens.~~ or enhanced open space **and nonrecreational facilities.**

Amenity, Recreational

Amenities that provide opportunity for physical activity such as exercise, entertainment or athletic facilities. These could include, but are not limited to, recreation rooms, fitness centers, outdoor exercise equipment, swimming pools and spas, tennis courts, putting greens, playgrounds, splash pads, outdoor grill areas with shaded seating, dog park or community vegetable gardens.

Amenity, Nonrecreational

Amenities providing for passive enjoyment and/or convenience facilities. Convenience facilities may include but are not limited to, security systems, package lockers, bicycle lockers, in-unit washer and dryer, high speed internet, or electric car charging stations. Passive enjoyment amenities may include but are not limited to enhanced common open areas incorporating water features, fire pits (non-wood burning) or public art with shaded seating areas. Providing fifteen (15) percent of the project site as common usable open space shall count as a single non-recreational amenity.

Duplex

~~A detached building under single ownership that is designed for occupation as the residence of two (2) families living independently of each other.~~ **A property under single ownership containing one (1) structure consisting of two (2) living units.**

Dwelling, Multiple

A structure **single property** containing **more than** two (2) or more ~~attached~~ dwelling units or a combination of two (2) or more ~~separate~~ **detached** single family dwelling units.

The proposed changes to the site development standards for multi-family development will require modifications to the Residential Site Development Tables. It is recommended that the summary tables be removed as duplicative and unnecessary.

Table 9.28.040-A Site Development Standards

STANDARDS	R-VLD	R-A	R-LD	R-E	R-E ¾	R-EQ	R-SF	R-M	MHP	M-U	PRD⁽¹⁾
1. Minimum lot area ^(15, 17)	5 ac ⁽²⁾	2.5 ac ⁽²⁾	2.5 ac ⁽²⁾	1 ac ⁽²⁾	32,670 sf ⁽³⁾	18,000 sf ⁽³⁾	18,000 sf ⁽³⁾	18,000 sf ⁽³⁾	-	1 ac.	PRD ⁽⁴⁾
2. Minimum corner lot area	5 ac ⁽²⁾	2.5 ac ⁽²⁾	2.5 ac ⁽²⁾	1 ac ⁽²⁾	32,670 sf	20,000 sf ⁽³⁾	20,000 sf ⁽³⁾	20,000 sf ⁽³⁾	-	1 ac.	
3. Minimum lot width (ft)	200	150	150	125	125	100	100	100	-	100	PRD
4. Minimum corner lot width (ft)	200	150	150	125	100	115	115	115	-	115	PRD
5. Minimum lot depth (ft)	300	300	300	250	275	150	150	150	-	100	PRD
6. Minimum corner lot depth (ft)	300	300	300	250	275	150	150	150	-	150	PRD
7. Minimum site frontage (ft)	90	90	90	60	60	60	60	60	-	60	PRD
8. a. Minimum front setback (ft) ⁽¹⁸⁾	50	50	50	45	30	30	30	40 25	15	35/10 ⁽¹⁶⁾	10 ⁽⁵⁾
b. Average front setback (ft)	N/A	N/A	N/A	50	35	35	35	45 25	15	N/A	PRD
9. Minimum rear setback ⁽⁶⁾ ⁽¹⁸⁾	40	35	35	30	25	25	25	25 ⁽¹⁹⁾ 15	-	0	5
10. a. Minimum side setback(ft) ⁽⁷⁾ ⁽¹⁸⁾	25	25	25	20	15/10 ⁽⁸⁾ ⁽¹⁹⁾	15/10 ⁽⁸⁾ ⁽¹⁹⁾	15/10 ⁽⁸⁾ ⁽¹⁹⁾	10 ⁽⁸⁾ ⁽¹⁹⁾	-	0	6
b. Minimum street side setback ⁽⁹⁾ (ft)	45	45	45	40	25	25	25	25 15	-	10	10
11. Animal keeping compatibility buffer ⁽¹⁰⁾ (ft)	25	25	25	25	25	25	N/A	N/A	N/A	N/A	PRD
12. Height limitations ⁽¹¹⁾ (ft)	35	35	35	35	35	35	35	35 50 ⁽¹³⁾	18 ⁽¹³⁾	50	35
13. Maximum lot coverage	25%	25%	25%	25%	30%	30%	40%	60 70 ⁽¹⁴⁾	-	50% ⁽¹⁴⁾	50%
14. Minimum dwelling unit size (sq. ft.)	1,200	1,200	1,200	1,200	1,200	1,200	1,200	600 500 to 1,200 1,100 ⁽¹²⁾	-	600 450 to 1,200 1,000 ⁽¹²⁾	PRD
15. Minimum landscape area	N/A	N/A	N/A	N/A	N/A	N/A	N/A	15% N/A ⁽¹⁹⁾	-	10%	30%
16. Minimum distance between primary structure and detached accessory structure (ft)	6	6	6	6	6	6	6	10	-	0	6

- (1) Development standards shall comply with the minimums established in this Chapter, and in Section 9.29.080, Planned Residential Developments, of this Code, and shall be consistent with an approved Planned Development Permit. Development standards not addressed in an approved PRD shall be the same as those standards contained in this Code for the most similar use or situation.
- (2) Lot area measured in gross acres.
- (3) Lot area measured in net square feet.
- (4) Density shall be consistent with the General Plan and applicable sections of the Development Code.
- (5) A minimum driveway of twenty (20) feet is required for the entrance to a garage or carport unless an automatic garage door opener is provided or unless garage access is provided from an alley.
- (6) Reduced rear setbacks are allowed for accessory structures pursuant to Section 9.29.030.B.
- (7) The Ranchos Residential Overlay District(s), Chapter 9.63 of this Code, may specify different side yard setbacks for interior lot lines.
- (8) Ten (10) feet is required on one side setback, fifteen (15) feet on the opposite side. See also Section 9.28.140, Solar Access, of this Code; subject to solar access requirements. A minimum fifteen (15) foot setback is required between residential districts and other districts.
- (9) Solid fences in excess of four (4) feet in height are not allowed closer than twelve (12) feet to the right-of-way, pursuant to the provisions of Section 9.28.120 Fences, Walls and Hedges, of this Chapter.
- (10) In addition, a sixty-five (65) foot setback from roofed animal enclosures to habitable structure setbacks on adjacent property is required by paragraph 9.29.030.C.2 of this Code.
- (11) Certain mechanical and architectural features may exceed height limits by a maximum of fifteen (15) feet pursuant to subsection 9.28.040.E Projections above Height Limits, of this Chapter.
- (12) See Subsection 9.29.070.B.5 **3** Minimum Dwelling Unit Size, of this Code.
- (13) See subsections ~~9.29.070.B.4~~ **9.29.070.C.9, 9.29.070.D.9 and 9.29.070.E.7** Height Limitations, of this Code. ~~A maximum height of 50 feet is allowed with Planning Commission approval.~~
- (14) See subsection 9.29.070.B.40 **6** Lot Coverage, of this Code. ~~A maximum of 70% is allowed with Planning Commission approval.~~
- (15) For lands located outside the Town limits, the following minimum lot sizes shall apply (see Zoning Map).

R-VLD/10	10 acre minimum lot size
R-VLD/20	20 acre minimum lot size
R-VLD/40	40 acre minimum lot size
- (16) From Major or Secondary/Local Streets
- (17) Projects proposed in the Deep Creek area shall be required to provide perimeter lots of the same size or larger than the adjacent land use designation, or lands across the abutting street. The Deep Creek area shall be defined as land south of Bear Valley Road, east of the Jess Ranch Specific Plan, north of Tussing Ranch Road, and west of Itoya Vista Road and Mockingbird Avenue.
- (18) ~~Handicapped access ramps are permitted in the front, side and rear yard setbacks.~~ **See Table 9.28.040.E and Section 9.28.040.B for permitted projections and exceptions to the required setbacks.**
- (19) ~~Non-habitable structures can encroach within the side and rear yard setbacks.~~

Table 9.28.040-B Summary of Site Development Standards for Residential Districts

Table 9.28.040-B summarizes the minimum site development standards for residential districts

	A, A1	B	C	D	E	F	G
ZONING DISTRICT	MINIMUM LOT WIDTH OR FRONT AGE	MINIMUM LOT DEPTH	MINIMUM AVERAGE FRONT SETBACK⁽⁵⁾	MINIMUM REAR SETBACK⁽⁵⁾	MINIMUM STREET SIDE SETBACK⁽⁵⁾	MINIMUM SIDE SETBACK⁽⁵⁾	MAXIMUM HEIGHT
R-VLD⁽¹⁾	200/90	300	50	40	45	25	35
R-A⁽¹⁾	150/90	300	50	35	45	25	35
R-LD⁽¹⁾	150/90	300	50	35	45	25	35
R-E Corner Lot⁽¹⁾	125/60	250 250	45/50	30	40	20	35
R-E ¾ Corner Lot⁽¹⁾	100/60 100/60	275 275	30/35	25	25	15/10	35
R-EQ Corner Lot⁽¹⁾	100/60 115/60	150	30/35	25	25	15/10	35
R-SF Corner Lot	100/60 115/60	150	30/35	25	25	15/10	35
R-M Corner Lot	100/60 115/60	150	40/45	25 ⁽²⁾	25 ⁽²⁾	15/10 ⁽²⁾	35 ⁽³⁾
M-U	75/60	100	35/10 ⁽⁴⁾	0	10	0	50
PRD	per PRD	per PRD	10	5	10	6	35

(1) See Footnote 17, Table 9.28.040-A regarding lots in Deep Creek area and definition of the Deep Creek area.

(2) See subsection 9.29.070.B.2 and 3. Non-habitable structures can encroach within the side and rear yard setbacks.

(3) See subsection 9.29.070.B.4 Height Limitations, of this Code. A maximum height of 50 feet is allowed with Planning Commission approval.

(4) No average permitted. Distance shown is from Major or Secondary/Local Street.

(5) Handicapped access ramps are permitted in the front, side and rear setbacks.

The Mountain Vista Neighborhood Site Development Standard Table should be revised as follows with its associated "Summary Table" also removed as duplicative and unnecessary.

Table 9.28.040-C Site Development Standards for the Mountain Vista Neighborhood⁽¹⁾

STANDARDS	R-SF <u>Single Family Development</u>	R-M <u>Multi-Family Development</u>
1. Minimum lot area	10,000 sf ^(2,3)	10,000 sf ^(2,3)
2. Minimum corner lot area	16,000 sf ⁽²⁾	16,000 sf ⁽²⁾
3. Minimum lot width (ft)	80	80
4. Minimum corner lot width (ft)	95	95
5. Minimum lot depth (ft)	125	125
6. Minimum corner lot depth (ft)	125	125
7. Minimum site frontage (ft)	40	40
8. a. Minimum front setback (ft) ⁽¹¹⁾	25	25 <u>25</u>
b. Average front setback (ft)	30	30 <u>25</u>
9. Minimum rear setback ⁽⁴⁾ (11)	20	20 <u>15</u>
10. a. Minimum side setback(ft) ⁽⁵⁾ (11)	15/10 ⁽⁶⁾	5 ⁽⁶⁾ <u>10</u>
b. Minimum street side setback ⁽⁶⁾ ⁽¹¹⁾ (ft)	20	20 <u>15</u>
11. Height limitations ⁽⁸⁾ (ft)	35	35 - <u>50</u> ⁽⁸⁾
12. Maximum lot coverage	40%	60 <u>70</u> % ⁽⁹⁾
13. Minimum dwelling unit size (sq. ft.)	1,200 <u>1,000</u>	600 <u>500</u> to 1,200 <u>1,100</u> ⁽¹⁰⁾
14. Minimum landscape area	N/A	40% <u>N/A</u>
15. Minimum distance between primary structure and detached accessory structure (ft)	6	6 <u>10</u>

- (1) Development standards shall comply with the minimums established in this Chapter, and in Section 9.29.080, Planned Residential Developments, of this Code, and shall be consistent with an approved Planned Development Permit. Development standards not addressed in an approved PRD shall be the same as those standards contained in this Code for the most similar use or situation.
- (2) Lot area measured in net square feet.
- (3) Density shall be consistent with the General Plan and applicable sections of the Development Code.
- (4) Reduced rear setbacks are allowed for accessory structures pursuant to Section 9.29.030.B.
- (5) No portion of the building shall be less than ten (10) feet from the side lines of the lot. Ten (10) feet is required on one side setback, fifteen (15) feet on the opposite side. See also Section 9.28.140, Solar Access, of this Code; subject to solar access requirements. A minimum fifteen (15) foot setback is required between residential districts and other districts. Non-habitable structures can encroach within the side and rear yard setbacks. See subsection 9.29.070.B.2 and 3.
- (6) Solid fences in excess of four (4) feet in height are not allowed closer than twelve (12) feet to the right-of-way, pursuant to the provisions of Section 9.28.120 Fences, Walls and Hedges, of this Chapter.
- (7) Certain mechanical and architectural features may exceed height limits by a maximum of fifteen (15) feet pursuant to subsection 9.28.040.E Projections above Height Limits, of this Chapter.
- (8) ~~See subsection 9.29.070.B.4~~ **See subsection 9.29.070.C.9, 9.29.070.D.9 and 9.29.070.E.7** Height Limitations, of this Code. A maximum height of 50 feet is allowed with Planning Commission approval.
- (9) ~~See subsection 9.29.070.B.406~~ Lot Coverage, of this Code. ~~A maximum of 70% is allowed with Planning Commission approval.~~
- (10) See Subsection 9.29.070.B.53 Minimum Dwelling Unit Size, of this Code.
- (11) Handicapped access ramps are permitted in the front, side and rear setbacks.

~~Table 9.28.040-D Summary of Site Development Standards for Mountain Vista Neighborhood~~

~~Table 9.28.040-D summarizes the minimum site development standards for residential districts~~

	A, A1	B	C	D	E	F	G
ZONING DISTRICT	MINIMUM LOT WIDTH OR FRONT AGE	MINIMUM LOT DEPTH	MINIMUM AVERAGE FRONT SETBACK⁽³⁾	MINIMUM REAR SETBACK⁽³⁾	MINIMUM STREET SIDE SETBACK⁽³⁾	MINIMUM SIDE SETBACK⁽³⁾	MAXIMUM HEIGHT
R-SF Corner Lot	80/40 95/60	125	25/30	20	20	15/5	35

Table 9.28.040-D summarizes the minimum site development standards for residential districts

	A, A1	B	C	D	E	F	G
ZONING DISTRICT	MINIMUM LOT WIDTH OR FRONT SETBACK	MINIMUM LOT DEPTH	MINIMUM AVERAGE FRONT SETBACK⁽³⁾	MINIMUM REAR SETBACK⁽³⁾	MINIMUM STREET SIDE SETBACK⁽³⁾	MINIMUM SIDE SETBACK⁽³⁾	MAXIMUM HEIGHT
R-M Corner Lot	80/40 95/60	125	25/30	20 ⁽¹⁾	20 ⁽¹⁾	15/10 ⁽¹⁾	35 ⁽²⁾

4. ———

- (1) — See subsection 9.29.070.B.2 and 3. Non-habitable structures can encroach within the side and rear yard setbacks.
- (2) — See subsection 9.29.070.B.4 Height Limitations, of this Code. A maximum height of 50 feet is allowed with Planning Commission approval.
- (3) — Handicapped access ramps are permitted in the front, side and rear setbacks.

Modification to the multi-family site planning standards will be required for consistency with the proposed changes.

9.31.040 Multi-Family Site Planning Design Standards

C. Entry Statements

1. **Entry Statement Standards.** Projects with ten or more units shall include Entry statements shall include vehicular and pedestrian entry level statements which shall be consistent with the following:

F. On-Site Parking. In multi-family developments, there are generally three ways to accommodate parking: Parking drives, parking lots/courts and garages within the residential structures. Projects with either long, monotonous parking drives or large, undivided parking lots are undesirable. The following standards shall be followed in the design of parking areas for multi-family developments.

2. **Parking Area Landscaping**

a. Unless otherwise required by Section 9.29.070, at least one (1) landscape or shade tree shall be provided for every seven (7) spaces of open parking areas.

5. **Parking within the Front Yard Building Setback.** Parking may be located within the required front yard if it is shall be completely screened from the street by either a landscaped hedge or a decorative, architectural screen

wall, integrated into the architecture of the building by use of similar materials or accent treatments.

I. Landscaped Areas

2. Landscape Design Standards

- a.**—All areas not covered by structures, drives, parking or hardscape shall be landscaped in accordance with Chapter 9.75, *Water Conservation/ Landscape Regulations*.
- b.**—A minimum of fifteen (15) percent of the site shall be landscaped.

Modifications to the below parking table are required for consistency with the proposed modifications to multi-family development.

Table 9.72.020-A Required Parking Spaces

Type of Use	Parking Spaces Required ⁽¹⁾
A. Residential (for Senior Citizen developments refer to 9.72.040.C)	
1. Single family detached and duplex	2 car enclosed garage per unit. Said garage shall have a minimum clear gross floor area of twenty (20) feet by twenty (20) feet free of any obstructions including mechanical equipment.
2. Bed and breakfast	1 space per room available for rent, in addition to those required for the primary residence
3. Multi-family and single family attached	
a. Studies <u>Small Projects (2-8 units)</u>	1 covered space per unit and 1 open space per unit. <u>A two (2) car garage, plus 1 uncovered guest space per unit.</u>
b. One and two bedrooms <u>Medium Projects 9-15 Units</u>	2 enclosed spaces per unit and 0.50 uncovered guest spaces per unit. <u>1 covered and 1.5 uncovered space per unit.</u>

Type of Use	Parking Spaces Required ⁽¹⁾
–c. Three or more bedrooms Large Projects (16 units or greater)	2 enclosed spaces per unit, one uncovered space per unit and 0.50 uncovered guest spaces per unit. <u>1 covered and 1.25 uncovered space per unit.</u>
4. Multi-family and single family attached (Mountain Vista Estates area only)	
–a. Studios	1 covered space per unit
–b. One and two bedrooms	1 enclosed space per unit and 1 uncovered space per unit.
–c. Three or more bedrooms	2 enclosed spaces per unit and one uncovered space per unit.
43 . Mobile home parks	2 covered spaces per site. Parking may be in tandem. In addition provide guest parking of 1 space per 4 sites.
54 . Boarding houses, dormitories and similar uses	1 space per sleeping room or 1 space per bed, whichever is greater

Modification to the abbreviations found in Chapter 9.28.030 “Permitted Uses” are recommended as follows:

ABBREVIATIONS

- R-VLD Very Low Density Residential
- R-A Residential Agriculture
- R-LD Low Density Residential
- R-E Estate Residential
- R-E ¾ Estate Residential ¾
- R-EQ Equestrian Residential
- R-SF Single Family Residential
- R-M Multi-Family Residential
- MHP Mobile Home Park
- M-U Mixed Use
- PRD Planned Residential Development

The uses listed in Table 9.28.030-A shall be allowed in the Residential districts as indicated in the column beneath each district and as defined below.

DP: Subject to Development Permit process, Department review

SUP: Subject to Special Use Permit process, Department review

CUP: Subject to Conditional Use Permit process, Planning Commission review.

P: Permitted Uses.

"-": Denotes those uses that are prohibited.

The Conditional and Special Use Permit and processes are detailed in Chapter 9.16 and the Development Permit process is detailed in Chapter 9.17 of this Code.

The uses listed in Table 9.28.030-A below apply to applications for expansion, tenant improvements, change of occupancy or new development.

For clarification of the required processes, the following modifications are recommended:

Table 9.28.030-A Permitted Uses

TYPE OF USE	R-VLD	R-A	R-LD	R-E	R-E ^{3/4}	R-EQ	R-SF	R-M	MHP	M-U	PRD ²
A. Residential Uses											
13 Multi-family housing											
1-15 units	-	-	-	-	-	-	-	<u>DP</u>	-	<u>DP</u>	P
16-50 units	-	-	-	-	-	-	-	<u>DP</u> ⁽³⁾	-	<u>DP</u> ⁽³⁾	<u>DP</u> ⁽³⁾
51 and above	-	-	-	-	-	-	-	CUP	-	CUP	CUP

The Planning Commission unanimously approved Planning Commission Resolution No. 2021-002 recommending that the Town Council approve Development Code Amendment No. 2021-001 modifying the development standards for multi-family development.

NOTICING

Development Code Amendment No. 2021-001 was advertised as a COVID-19 compliant public hearing in the Apple Valley News newspaper on February 26, 2021.

FINDINGS

An amendment to the Development Code requires that the Planning Commission and Town Council address two (2) required “Findings”, as listed within Development Code Section 9.06.060. For Council consideration, the Planning Commission recommends adoption of the required Findings as listed below, along with a comment addressing each.

- 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. Many of these stated Goals and Objectives address the community’s desire to provide a variety of housing types while maintaining high standards for the quality, aesthetic appearance and safety for all new and existing development. The proposed Development Code Amendment will modify the development standards of multi-family dwelling units to be consistent with standards applied by surrounding cities. This change is consistent with the Goals and Objectives of the adopted General Plan.

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

Comment: The proposed Development Code Amendment will modify the requirements for development of multi-family housing and duplexes to be consistent with the standards of surrounding communities. Therefore, the Amendment shall not be detrimental to the health, safety or general welfare of the citizens or visitors of the Town of Apple Valley.

ENVIRONMENTAL REVIEW

Development Code Amendment No. 2021-001 will modify the development

standards for multi-family projects to be consistent with the neighboring cities. As proposed, this amendment will not promote development beyond that anticipated within the Environmental Impact Report prepared for the Town's General Plan.

It has been 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.

Fiscal Impact:

Not Applicable

Attachments:

Ordinance No. 544
Planning Commission Resolution No. 2021-001
Public Comments From:

ORDINANCE NO. 544

**AN ORDINANCE OF THE TOWN OF APPLE VALLEY, CALIFORNIA,
ADOPTING DEVELOPMENT CODE AMENDMENT NO. 2021-001
AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF
APPLE VALLEY MUNICIPAL CODE, BY MODIFYING
DEVELOPMENT STANDARDS FOR MULTI-FAMILY
DEVELOPMENT**

WHEREAS, the General Plan of the Town of Apple Valley was adopted by the Town Council on August 11, 2009; and

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

WHEREAS, The Town of Apple Valley Town Council created an Ad Hoc Committee to review multi-family development standards; and

WHEREAS, On November 10, 2020, the Town Council received the recommendations of the Ad Hoc Committee and initiated a Development Code Amendment directing staff to work with the Planning Commission to modify the multi-family standard; 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 including Chapter 9.08 “Definitions”, Chapter 9.28 “Residential Districts”, Chapter 9.29 “Specific Use Regulations for Residential Districts”, Chapter 9.31 “Residential Design Standards” and Chapter 9.72 “Off-Street Parking and Loading Regulations” as it relates to multi-family development; and

WHEREAS, On February 3, 2021, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2021-001 receiving testimony from the public and adopted Planning Commission Resolution No. 2021-002; and

WHEREAS, It 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, Development Code Amendment No. 2021-001 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.

WHEREAS, On February 26, 2021, Development Code Amendment No. 2021-001 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, on March 9, 2021 the Town Council of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2021-001 receiving testimony from the public; and

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

Section 1. Find that the changes proposed by Development Code Amendment No. 2021-001 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. 2021-001 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

Section 3. Replace Section 9.29.070 “Multi-Family Housing Standards” in its entirety with the following:

“9.29.070 Multi-Family Housing Standards

A. *Applicability.* Multi-family housing, including but not limited to duplexes, triplexes, apartments, condominiums and townhouses is permitted in the R-M district with an approved Development Permit or Conditional Use Permit. Single-family housing, including attached and detached homes, is permitted within the R-M district within the Mountain Vista neighborhood only.

B. General Development Standards. All multi-family housing projects shall comply with applicable site development standards of Chapter 9.28, *Residential Districts*, of this Code. Projects shall be regulated by total unit count. Small Projects shall be from 2-8 units in size; Medium Projects shall be from 9-15 units in size; and Large Projects shall be 16 units in size or larger. In addition, the following standards shall apply to all multi-family projects:

3. Setbacks –

- a. Front yard – Twenty-five (25) feet, or an average between the two adjacent developments and twenty-five (25) feet.
- b. Street side yard – Fifteen (15) feet
- c. Interior side yard – Ten (10) feet
- d. Rear yard – Fifteen (15) feet
- e. Parking shall require a minimum fifteen (15)-foot front yard or street side yard setback. Parking shall be setback from the interior side and rear property lines by a minimum of five (5) feet.
- f. Structures shall have a minimum fifteen (15)-foot side or rear setback when adjacent to a single-family residential zone.
- g. Properties with a recorded front and street side yard setback greater than the minimum required setback can reduce this setback with the recordation of a Certificate of Correction to the approved map as long as the new setback is an average of the two (2) adjacent developments and not less than twenty-five (25) feet.

4. Separation Between Buildings. Habitable and non-habitable buildings on the same lot shall be separated by a minimum of ten (10) feet. Structures greater than two (2)-stories shall be separated by a minimum of fifteen (15) feet. Over three (3) stories shall have a minimum separation of thirty (30) feet, or greater as determined by the Apple Valley Fire Protection District.

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

- a. Studio - 500 square feet
- b. One Bedroom - 700 square feet
- c. Two Bedroom - 900 square feet
- d. Three Bedroom and larger - 1,100 square feet. For every bedroom increase above a 3-bedroom, an additional 150 square feet shall be added to the minimum unit square footage.

- 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).
- 6. Private Open Space.** Private open space on a ground floor unit shall be a minimum of 250 square feet with a minimum width of ten (10) feet. Upper floor units shall have a balcony with a minimum of 100 square feet.
- 7. Landscape Required.** A minimum landscaped setback area ten (10) feet wide, measured from the property line, shall be provided along each street frontage of the project. A minimum five (5)-foot wide landscape setback shall be provided along the interior side and rear yards, with the exception of driveways, private open space and accessible pathways. All areas not utilized for structures, walkways, parking or drive aisles shall be fully landscaped as required in Chapter 9.75, Water Conservation/Landscaping Regulations, of this Code.
- 8. Lot Coverage.** The maximum lot coverage is seventy (70) percent of the net project site. Lot coverage over seventy (70) percent can be allowed with Planning Commission approval.
- 9. Pedestrian Circulation.** An interior walkway system with a minimum width of four (4) feet shall be incorporated into the project for the purpose of providing direct access to and from all individual dwelling units, trash storage areas, parking areas, recreational areas and other outdoor common spaces.
- 10. Lighting.**
- a. The following areas shall be lighted during the hours of darkness in a manner consistent with the Performance Standards contained in subsection 9.70.020.H of this Code and the Town Lighting Ordinance:
 - 1) Private streets and drive aisles;
 - 2) Parking Areas;
 - 3) Walkways or pedestrian or bicycle paths;
 - 4) Individual dwelling entries;
 - 5) Addresses;
 - 6) Recreational facilities;
 - 7) Active outdoor play areas; and
 - 8) Project entryways.
 - b. All on-site lighting shall be stationary, directed away from adjacent properties and public rights-of-way.

- c. Lighting fixtures shall be of a type and shall be located such that no light or reflected glare is directed off-site and shall provide that no light is directed above the horizontal plane.
- d. When on-site lighting occurs, low-rise, pedestrian scale lighting fixtures shall be used in common open space areas, adjacent to dwellings, and along pedestrian and bicycle paths. The maximum height of such a fixture shall be fifteen (15) feet.

11. Security Devices. Each door providing ingress and egress to any multi-family dwelling unit shall be equipped with the following devices:

- a. A peephole allowing a person inside the unit to see, at a wide angle, persons outside of the unit at the door, without the person inside being seen; and
- b. A deadbolt lock attached to the construction studding. Attachment to the doorjamb or trim shall not be sufficient to comply with this standard.

12. Streets. Development projects which have a maximum of two (2) access points to a public right-of-way or which are enclosed private drives shall be permitted to use private driveways for access. Two-way driveways and drive aisles shall have a minimum width of twenty-six (26) feet. Proposed structures over thirty-five (35) feet in height shall require thirty-six (36)-foot wide fire lanes, subject to the review and approval of the Apple Valley Fire Protection District. Where a development is designed to mimic a small tract of residences, or where the project provides more than two (2) external connections to public rights-of-way, private roads shall be built to Town Standards.

C. Small Project (2-8 Units) Development Standards. In addition to the standards within above Section B "General Development Standards", the following standards shall apply:

- 1. **Common open space.** None required for Small Projects.
- 2. **Parking.** A two (2) car garage, plus 1 uncovered guest space shall be required for each unit. Carports are permitted for the guest space.
- 3. **Uncovered Parking.** The parking space shall have a minimum standard width of nine (9) feet and a length of nineteen (19) feet. Vehicles can hang over into landscape planters a maximum of two (2) feet reducing the minimum length of the parking space to a minimum of seventeen (17) feet.
- 4. **Parking Lot Landscape.** Tree wells/Fingers in parking lots shall be required for every ten (10) spaces of uncovered parking with a minimum of at least one (1) in order to provide shade.

5. **Covered Parking.** A two (2)-car garage with minimum interior dimensions of twenty (20) feet by twenty (20) feet shall be required for each unit.
6. **Storage.** No additional storage shall be required in addition to the garage requirement.
7. **Mechanical Equipment.** Ground mounted mechanical equipment can be located in the front or street side yard setbacks as long as it is screened from view. Screening can consist of a decorative block wall or landscape material. Ground mounted equipment can also be located in the side and rear setbacks without screening.
8. **Trash Enclosures.** When trash enclosures are required (more than four (4) units), they shall be allowed in the front and street side yards setbacks with the construction of a standard trash enclosure. Trash enclosures shall comply with the minimum standards set forth in Sections 9.28.150, Trash Enclosures, and 9.31.050, Multi-Family Architectural Design Standards, of this Code. Trash enclosures shall be located at convenient distances from the buildings they serve and sited to minimize visual, odor and noise impacts to abutting properties.
9. **Height.** Structures shall be limited to thirty-five (35) feet in height.
10. **Laundry Facilities.** Each unit shall be plumbed and wired for a washing machine and dryer.
11. **Amenities.** No amenities shall be required for Small Projects.

D. Medium Projects (9-15 Units). In addition to the standards within above Section B “General Development Standards”, the following standards shall apply:

1. **Common open space.** None required for Medium Projects.
2. **Parking.** A total of 2.5 parking spaces shall be required for each unit. One of the required spaces shall be covered parking, which can include a garage or a carport. If a carport is used for the covered parking it must not be open to the street. If this cannot be accommodated, then a garage would be required.
3. **Uncovered Parking.** The parking space shall have a minimum standard width of nine (9) feet and a length of nineteen (19) feet. Vehicles can hang over into landscape planters a maximum of two (2) feet reducing the minimum length of the parking space to a minimum of seventeen (17) feet.
4. **Parking Lot Landscape.** Tree wells/Fingers in parking lots shall be required for every ten (10) spaces of uncovered parking with a minimum of at least one (1) in order to provide shade.
5. **Covered Parking.** The garage or carport structure shall have a ten (10)-foot setback from the interior side and rear property lines and the overhang of a structure can encroach up to three (3) feet into a setback. If the structure

is equipped with solar panels, the encroachment into the setback can be up to five (5) feet.

6. **Storage.** No additional storage will be required in addition to a two (2)-car garage. Absent of a private garage, 200 cubic feet of lockable storage space shall be provided and constructed of durable, weather resistant material if located within a covered parking structure. Wood construction is not permitted.
7. **Mechanical Equipment.** Ground mounted mechanical equipment can be located in the front or street side yard setbacks as long as it is screened from view. Screening can consist of a decorative block wall or landscape material. Ground mounted equipment can also be located in the side and rear setbacks without screening.
8. **Trash Enclosures.** Trash enclosures shall be allowed in the front and street side yards setbacks with the construction of a standard trash enclosure. Trash enclosures shall be provided and comply with the minimum standards set forth in Sections 9.28.150, *Trash Enclosures*, and 9.31.050, *Multi-Family Architectural Design Standards*, of this Code. Trash enclosures shall be located at convenient distances from the buildings they serve and sited to minimize visual, odor and noise impacts to abutting properties.
9. **Height.** Structures shall be limited to thirty-five (35) feet in height.
10. **Laundry Facilities.** Each unit shall be plumbed and wired for a washing machine and dryer.
11. **Amenities.** No amenities shall be required for Medium Projects.
12. **Entry Statements.** Development shall provide an entry statement in accordance with subsection 9.31.040.C. Entry Statements of this Code.

E. Large Projects (16 Units and Larger) Development Standards. In addition to the above standards within Section B “General Development Standards”, the following standards shall apply:

1. **Common Usable Open Space.** A minimum of 5,000 square feet or five percent (5%), whichever is larger, of the project site shall be provided as common usable open space. Common useable open space shall meet the following requirements:
 - a. Useable open space areas shall not include rights-of-way, vehicle parking areas, private open space areas, or areas with slopes exceeding fifteen (15) percent and shall have a minimum width of twenty-five (25) feet.
 - b. Such areas shall be planted with turf or ground cover, or other landscaping which will control dust;

- c. Common useable open space shall not be obstructed except by improvements that enhance usability, such as swimming pools, fountains, sunshades, and plantings; and
 - d. If at ground level, common useable open space areas shall not be covered more than fifty (50) percent by a building overhang or balcony, unless it is an integral part of an amenity.
2. **Amenities.** Amenities shall be provided under the following schedule. A majority, or fifty (50) percent of the amenities shall be recreational amenities as defined in Chapter 9.08 of this Code. Duplicated amenities shall be considered a single amenity, except if amenities target different age groups (i.e. pre-teens, teens, adults) or amenities are distinctly designed incorporating different features. Noise levels shall be considered in the placement of any amenity. Amenities can be located within the setback areas and within the required Common Open Space area.
- a. 16-50 units – requires 2 amenities
 - b. 51-100 units – requires 3 amenities
 - c. 101-150 units – requires 4 amenities
 - d. 150-200 units – requires 5 amenities (for every 50 units above 200, an additional amenity shall be required).
3. **Parking.** A total of 2.25 parking spaces shall be required for each unit. One of the required spaces shall be covered parking, which can include a garage or a carport.
4. **Uncovered Parking.** The parking space shall have a minimum standard width of nine (9) feet and a length of nineteen (19) feet. Vehicles can hang over into landscape planters a maximum of two (2) feet reducing the minimum length of the parking space to a minimum of seventeen (17) feet.
5. **Parking lot landscaping and screening.** Shall comply with the provisions of Section 9.72.080.
6. **Covered Parking.** The garage or carport structure shall have a ten (10)-foot setback from the interior side and rear property lines and the overhang of a structure can encroach up to three (3) feet into a setback. If the structure is equipped with solar panels, the encroachment into the setback can be up to five (5) feet.
7. **Height.** The maximum height of a structure is limited to fifty (50) feet. Any portion of a building that exceeds thirty-five (35) feet in height, must be stepped back with a setback minimum of twenty (20) feet from any property line.
8. **Storage.** A minimum of 200 cubic feet of lockable storage space shall be provided and constructed of durable, weather resistant material if located within a covered parking structure. Wood construction is not permitted.
9. **Trash Enclosures.** Shall not be located within a required setback and shall be screened from the public right-of-way. Trash enclosures shall be

provided and comply with the minimum standards set forth in Sections 9.28.150, *Trash Enclosures*, and 9.31.050, *Multi-Family Architectural Design Standards*, of this Code. Trash enclosures shall be located at convenient distances from the buildings they serve and sited to minimize visual, odor and noise impacts to abutting properties.

10. **Mechanical Equipment.** Shall not be located within a required front or street side yard setback and shall be screened from the public right-of-way. Mechanical equipment shall have a minimum setback of five (5) feet from the interior side or rear property line.
11. **Laundry.** If laundry utilities are not provided in each unit, a community laundry facility shall be provided on site.
12. **Entry Statements.** Development shall provide an entry statement in accordance with subsection 9.31.040.C. Entry Statements of this Code.
13. **Building Elevations.** Architectural design shall comply with Section 9.31.050 “Multi-Family Architectural Design Standards. Multiple two (2)-unit attached structures in a large project shall require a minimum of three (3) building elevations consisting of different colors and materials.
14. **Phasing.** A phasing plan shall be submitted and approved by the Community Development Director and Town Engineer. Amenities for the number of units for a constructed phase shall be required to be constructed and operational, prior to occupancy of that phase.
15. Bicycle racks shall be required.

F. Maintenance and Completion of Open Space, Amenities, Landscaping and Manufactured Slopes for Non-Apartment Multi-family. No lot or dwelling unit shall have a building or occupancy permit issued unless a corporation, homeowners' association, assessment district or other approved appropriate entity has been legally formed with the right to operate and maintain all of the mutually available features of the development including, but not limited to, open space, amenities, or landscaping or slope maintenance (which may be on private lots adjacent to street rights-of-way). Conditions, Covenants, and Restrictions (CC&Rs) may be developed and recorded for the development subject to review and approval of the Town Attorney. No lot or dwelling unit shall have a building or occupancy permit issued unless all approved and required open space, amenities, landscaping or other improvements, or approved phase thereof, have been completed or if the Town Engineer determines that the health, safety and welfare of the occupants and the intent of this Code will be adequately safeguarded, he may allow issuance of a building or occupancy permit if said completion is assured by a financing guarantee method approved by the Town Engineer.”

Section 4. Modify the following definitions in Chapter 9.08 “Definitions”:

“Amenity

Aesthetic or other characteristics of a development that increase its desirability to the community or its marketability to the public. Amenities differ from development to development but may include recreational and nonrecreational facilities.

Amenity, Recreational

Amenities that provide opportunity for physical activity such as exercise, entertainment or athletic facilities. These could include, but are not limited to, recreation rooms, fitness centers, outdoor exercise equipment, swimming pools and spas, tennis courts, putting greens, playgrounds, splash pads, outdoor grill areas with shaded seating, dog park or community vegetable gardens.

Amenity, Nonrecreational

Amenities providing for passive enjoyment and/or convenience facilities. Convenience facilities may include but are not limited to, security systems, package lockers, bicycle lockers, in-unit washer and dryer, high speed internet, or electric car charging stations. Passive enjoyment amenities may include but are not limited to enhanced common open areas incorporating water features, fire pits (non-wood burning) or public art with shaded seating areas. Providing fifteen (15) percent of the project site as common usable open space shall count as a single non-recreational amenity.”

Duplex

A property under single ownership containing one (1) structure consisting of two (2) living units.”

Dwelling, Multiple

A single property containing more than two (2) attached dwelling units or a combination of two (2) or more detached single family dwelling units.”

Section 5. Modify Table 9.28.040-A “Site Development Standards” to reflect the development standards within Section 9.29.070 as follows:

Table 9.28.040-A Site Development Standards

STANDARDS	R-VLD	R-A	R-LD	R-E	R-E ¾	R-EQ	R-SF	R-M	MHP	M-U	PRD⁽¹⁾
1. Minimum lot area ^(15, 17)	5 ac ⁽²⁾	2.5 ac ⁽²⁾	2.5 ac ⁽²⁾	1 ac ⁽²⁾	32,670 sf ⁽³⁾	18,000 sf ⁽³⁾	18,000 sf ⁽³⁾	18,000 sf ⁽³⁾	-	1 ac.	PRD ⁽⁴⁾
2. Minimum corner lot area	5 ac ⁽²⁾	2.5 ac ⁽²⁾	2.5 ac ⁽²⁾	1 ac ⁽²⁾	32,670 sf	20,000 sf ⁽³⁾	20,000 sf ⁽³⁾	20,000 sf ⁽³⁾	-	1 ac.	
3. Minimum lot width (ft)	200	150	150	125	125	100	100	100	-	100	PRD
4. Minimum corner lot width (ft)	200	150	150	125	100	115	115	115	-	115	PRD
5. Minimum lot depth (ft)	300	300	300	250	275	150	150	150	-	100	PRD
6. Minimum corner lot depth (ft)	300	300	300	250	275	150	150	150	-	150	PRD
7. Minimum site frontage (ft)	90	90	90	60	60	60	60	60	-	60	PRD
8. a. Minimum front setback (ft) ⁽¹⁸⁾	50	50	50	45	30	30	30	25 ⁽¹²⁾	15	35/10 ⁽¹⁶⁾	10 ⁽⁵⁾
b. Average front setback (ft)	N/A	N/A	N/A	50	35	35	35	25 ⁽¹²⁾	15	N/A	PRD
9. Minimum rear setback ⁽⁶⁾ ⁽¹⁸⁾	40	35	35	30	25	25	25	15	-	0	5
10. a. Minimum side setback(ft) ⁽⁷⁾ ⁽¹⁸⁾	25	25	25	20	15/10 ⁽⁸⁾	15/10 ⁽⁸⁾	15/10 ⁽⁸⁾	10	-	0	6
b. Minimum street side setback ⁽⁹⁾ (ft)	45	45	45	40	25	25	25	15	-	10	10
11. Animal keeping compatibility buffer ⁽¹⁰⁾ (ft)	25	25	25	25	25	25	N/A	N/A	N/A	N/A	PRD
12. Height limitations ⁽¹¹⁾ (ft)	35	35	35	35	35	35	35	35-50 ⁽¹³⁾	18	50	35
13. Maximum lot coverage	25%	25%	25%	25%	30%	30%	40%	70% ⁽¹⁴⁾	-	50% ⁽¹⁴⁾	50%
14. Minimum dwelling unit size (sq. ft.)	1,200	1,200	1,200	1,200	1,200	1,200	1,200	500 to 1,100 ⁽¹²⁾	-	500 to 1,100 ⁽¹²⁾	PRD
15. Minimum landscape area	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	-	10%	30%
16. Minimum distance between primary structure and detached accessory structure (ft)	6	6	6	6	6	6	6	10	-	0	6

Section 6. Remove Footnote 19 as no longer applicable and modify Footnotes 12, 13, 14, and 18 to cross-reference the correct subsections, and removing development standards, as follows:

- “(12) See subsection 9.29.070.B. General Development Standards of this Code.
- (13) See subsections 9.29.070.C.9, 9.29.070.D.9 and 9.29.070.E.7 of this Code.
- (14) See subsection 9.29.070.B.6 Lot Coverage, of this Code.
- (18) See Table 9.28.040.E and Section 9.28.040.B for permitted projections and exceptions to the required setbacks.”

Section 7. Remove Table 9.28.040-B “Summary of Site Development Standards for Residential Districts” and associated footnotes as duplicative.

Section 8. Modify Table 9.28.040-C “Site Development Standards for the Mountain Vista Neighborhood” for consistency with Section 9.29.070 “Multi-Family Housing Standards” as follows:

“Table 9.28.040-C Site Development Standards for the Mountain Vista Neighborhood (1)

STANDARDS	Single Family Development	Multi-Family Development
1. Minimum lot area	10,000 sf ^(2,3)	10,000 sf ^(2,3)
2. Minimum corner lot area	16,000 sf ⁽²⁾	16,000 sf ⁽²⁾
3. Minimum lot width (ft)	80	80
4. Minimum corner lot width (ft)	95	95
5. Minimum lot depth (ft)	125	125
6. Minimum corner lot depth (ft)	125	125
7. Minimum site frontage (ft)	40	40
8. a. Minimum front setback (ft) ⁽¹¹⁾	25	25 ⁽¹⁰⁾
b. Average front setback (ft)	30	25 ⁽¹⁰⁾
9. Minimum rear setback ⁽⁴⁾ ⁽¹¹⁾	20	15
10. a. Minimum side setback(ft) ⁽⁵⁾ ⁽¹¹⁾	15/10 ⁽⁶⁾	10
b. Minimum street side setback ⁽⁶⁾ ⁽¹¹⁾ (ft)	20	15
11. Height limitations ⁽⁸⁾ (ft)	35	35 - 50 ⁽⁸⁾
12. Maximum lot coverage	40%	70% ⁽⁹⁾
13. Minimum dwelling unit size (sq. ft.)	1,000	500 to 1,100 ⁽¹⁰⁾
14. Minimum landscape area	N/A	<u>N/A</u>
15. Minimum distance between primary structure and detached accessory structure (ft)	6	10

Section 9. Modify the following Footnotes to Table 9.28.040-C to reflect the correct subsection cross-reference removing development standards as applicable.

“(8) See subsection 9.29.070.C.9, 9.29.070.D.9 and 9.29.070.E.7 of this Code. A maximum height of 50 feet is allowed with Planning Commission approval.

- (9) See subsection 9.29.070.B.6 Lot Coverage, of this Code.”
- (10) See Subsection 9.29.070.B General Development Standards, of this Code.”

Section 10. Remove Table 9.28.040-D “Summary of Site Development Standards for Mountain Vista Neighborhood” and associated footnotes as duplicative.

Section 11. For consistency with the changes to Section 9.29.070, modify Section 9.31.040(C), Paragraph 1 as follows:

“1. Entry Statement Standards. Entry statements shall include vehicular and pedestrian entry level statements which shall be consistent with the following:”

Section 12. For consistency with the changes to Section 9.29.070, modify Section 9.31.040(F)(2)(a), as follows:

“2. Parking Area Landscaping

- a. Unless otherwise required by Section 9.29.070, at least one (1) landscape or shade tree shall be provided for every seven (7) spaces of open parking areas.”

Section 13. For consistency with the changes to Section 9.29.070, modify paragraph 5 of Section 9.31.040(F) On-Site Parking as follows:

“5. Parking within the Front Yard Building Setback. Parking located within the required front yard shall be completely screened from the street by either a landscaped hedge or a decorative, architectural screen wall, integrated into the architecture of the building by use of similar materials or accent treatments.”

Section 14. For consistency with the changes to Section 9.29.070, modify Section 9.31.040(I) “Landscaped Areas” Paragraph 2 as follows:

“2. All areas not covered by structures, drives, parking or hardscape shall be landscaped in accordance with Chapter 9.75, *Water Conservation/ Landscape Regulations.*”

Section 15. For consistency with the changes to Section 9.29.070, modify Section A of Table 9.72.020-A “Required Parking Spaces” as follows:

Table 9.72.020-A Required Parking Spaces

Type of Use	Parking Spaces Required ⁽¹⁾
A. Residential (for Senior Citizen developments refer to 9.72.040.C)	
1. Single family detached and duplex	2 car enclosed garage per unit. Said garage shall have a minimum clear gross floor area of twenty (20) feet by twenty (20) feet free of any obstructions including mechanical equipment.
2. Bed and breakfast	1 space per room available for rent, in addition to those required for the primary residence
3. Multi-family and single family attached	
a. Small Projects (2-8 units)	A two (2) car garage, plus 1 uncovered guest space per unit.
b. Medium Projects (9-15 Units)	1 covered and 1.5 uncovered space per unit.
c. Large Projects (16 units or greater)	1 covered and 1.25 uncovered space per unit.
3. Mobile home parks	2 covered spaces per site. Parking may be in tandem. In addition, provide guest parking of 1 space per 4 sites.
4. Boarding houses, dormitories and similar uses	1 space per sleeping room or 1 space per bed, whichever is greater

Section 16. For consistency with the changes to Section 9.29.070, modify Section 9.72.040(A) as follows:

“A. Location. Parking spaces within the Multi-Family Residential (R-M) District, shall comply with the provisions of Section 9.29.070 “Multi-Family Housing Standards”. Parking shall be setback a minimum of fifteen (15) feet from the front or street side property lines. Parking shall be screened from the public rights-of-way with a minimum ten (10)-foot wide landscaped buffer. This buffer shall be landscaped, using berms or short three (3)-foot wall(s) to reduce the visual impact of the parked vehicles. Off-street parking spaces shall be located on the same lot or parcel on which the dwelling is located and as further modified below.

When a garage is specifically required, or provided to meet required parking, entry doors shall be maintained in an operable condition at all times, and no structural alteration or obstruction shall be permitted within the required parking area which would reduce the number of required parking spaces. Use of garages shall be limited to vehicular and general storage purposes only and shall not conflict with any applicable building, housing or fire codes.”

Section 17. For clarity regarding the processing requirements for a multi-family project, modify the Abbreviations found in Chapter 9.28.030 “Permitted Uses” by adding an abbreviation for Development Permit as follows:

“ABBREVIATIONS

R-VLD Very Low Density Residential
R-A Residential Agriculture
R-LD Low Density Residential
R-E Estate Residential
R-E $\frac{3}{4}$ Estate Residential $\frac{3}{4}$
R-EQ Equestrian Residential
R-SF Single Family Residential
R-M Multi-Family Residential
MHP Mobile Home Park
M-U Mixed Use
PRD Planned Residential Development

The uses listed in Table 9.28.030-A shall be allowed in the Residential districts as indicated in the column beneath each district and as defined below.

DP: Subject to Development Permit process, Department review

SUP: Subject to Special Use Permit process, Department review

CUP: Subject to Conditional Use Permit process, Planning Commission review.

P: Permitted Uses.

"-": Denotes those uses that are prohibited.

The Conditional and Special Use Permit and processes are detailed in Chapter 9.16 and the Development Permit process is detailed in Chapter 9.17 of this Code. The uses listed in Table 9.28.030-A below apply to applications for expansion, tenant improvements, change of occupancy or new development.”

Section 18. For clarity regarding the processing requirements for a multi-family project, modify Paragraph 13 of Section A. “Residential Uses” of Table 9.28.030-A “Permitted Uses” by adding the Development Permit requirement to the Table as follows:

Table 9.28.030-A Permitted Uses

TYPE OF USE		R-VLD	R-A	R-LD	R-E	R-E ^{3/4}	R-EQ	R-SF	R-M	MHP	M-U	PRD ²
A. Residential Uses												
13	Multi-family housing											
	1-15 units	-	-	-	-	-	-	-	DP	-	DP	P
	16-50 units	-	-	-	-	-	-	-	DP ⁽³⁾	-	DP ⁽³⁾	DP ⁽³⁾
	51 and above	-	-	-	-	-	-	-	CUP	-	CUP	CUP

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

Section 19. 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 20. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 21. 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 ____ day of _____ 2021.

Honorable Curt Emick, 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. 2021-002

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2021-001 AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING DEVELOPMENT STANDARDS FOR MULTI-FAMILY DEVELOPMENT

WHEREAS, The General Plan of the Town of Apple Valley was adopted by the Town Council on August 11, 2009; and

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

WHEREAS, The Town of Apple Valley Town Council created an Ad Hoc Committee to review multi-family development standards;

WHEREAS, On November 10, 2020, the Town Council received the recommendations of the Ad Hoc Committee and initiated a Development Code Amendment directing staff to work with the Planning Commission to modify the multi-family development standards;

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 including Chapter 9.08 “Definitions”, Chapter 9.28 “Residential Districts”, Chapter 9.29 “Specific Use Regulations for Residential Districts”, and Chapter 9.72 “Off-Street Parking and Loading Regulations” as it relates to multi-family development; and

WHEREAS, On January 22, 2021, Development Code Amendment No. 2021-001 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, It has been 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 3, 2021 the Planning Commission of the Town of

Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2021-001 receiving testimony from the public; and

WHEREAS, Development Code Amendment No. 2021-001 is consistent with the Land Use Element goals and policies of the Town’s General Plan and Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley and shall promote the health, safety, and general welfare of the citizens of the Town of Apple Valley.

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

Section 1. Find that the changes proposed by Development Code Amendment No. 2021-001 is consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan and Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley.

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. Replace Section 9.29.070 “Multi-Family Housing Standards” in its entirety with the following:

“9.29.070 Multi-Family Housing Standards

A. *Applicability.* Multi-family housing, including but not limited to duplexes, triplexes, apartments, condominiums and townhouses is permitted in the R-M district with an approved Development Permit or Conditional Use Permit. Single-family housing, including attached and detached homes, is permitted within the R-M district within the Mountain Vista neighborhood only.

B. *General Development Standards.* All multi-family housing projects shall comply with applicable site development standards of Chapter 9.28, *Residential Districts*, of this Code. Projects shall be regulated by total unit count. Small Projects shall be from 2-8 units in size; Medium Projects shall be from 9-15 units in size; and Large Projects shall be 16 units in size or larger. In addition, the following standards shall apply to all multi-family projects:

1. Setbacks

- a. Front yard – Twenty-five (25) feet, or an average between the two adjacent developments and twenty-five (25) feet.
- b. Street side yard – Fifteen (15) feet
- c. Interior side yard – Ten (10) feet
- d. Rear yard – Fifteen (15) feet
- e. Parking shall require a minimum fifteen (15)-foot front yard or street side yard setback. Parking shall be setback from the interior side and rear property lines by a minimum of five (5) feet.
- f. Structures shall have a minimum fifteen (15)-foot side or rear setback when adjacent to a single-family residential zone.
- g. Properties with a recorded front and street side yard setback greater than the minimum required setback can reduce this setback with the recordation of a Certificate of Correction to the approved map as long as the new setback is an average of the two (2) adjacent developments and not less than twenty-five (25) feet.

2. Separation Between Buildings. Habitable and non-habitable buildings on the same lot shall be separated by a minimum of ten (10) feet. Structures greater than two (2)-stories shall be separated by a minimum of fifteen (15) feet. Over three (3) stories shall have a minimum separation of thirty (30) feet, or greater as determined by the Apple Valley Fire Protection District.

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

- a. Studio - 500 square feet
- b. One Bedroom - 700 square feet
- c. Two Bedroom - 900 square feet
- d. Three Bedroom and larger - 1,100 square feet. For every bedroom increase above a 3-bedroom, an additional 150 square feet shall be added to the minimum unit square footage.
- 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).

4. Private Open Space. Private open space on a ground floor unit shall be a minimum of 250 square feet with a minimum width of ten (10) feet.

Upper floor units shall have a balcony with a minimum of 100 square feet.

- 5. Landscape Required.** A minimum landscaped setback area ten (10) feet wide, measured from the property line, shall be provided along each street frontage of the project. A minimum five (5)-foot wide landscape setback shall be provided along the interior side and rear yards, with the exception of driveways, private open space and accessible pathways. All areas not utilized for structures, walkways, parking or drive aisles shall be fully landscaped as required in Chapter 9.75, Water Conservation/Landscaping Regulations, of this Code.
- 6. Lot Coverage.** The maximum lot coverage is seventy (70) percent of the net project site. Lot coverage over seventy (70) percent can be allowed with Planning Commission approval.
- 7. Pedestrian Circulation.** An interior walkway system with a minimum width of four (4) feet shall be incorporated into the project for the purpose of providing direct access to and from all individual dwelling units, trash storage areas, parking areas, recreational areas and other outdoor common spaces.
- 8. Lighting.** The following areas shall be lighted during the hours of darkness in a manner consistent with the Performance Standards contained in subsection 9.70.020.H of this Code and the Town Lighting Ordinance:

 - a. Private streets and drive aisles;
 - b. Parking Areas;
 - c. Walkways or pedestrian or bicycle paths;
 - d. Individual dwelling entries;
 - e. Addresses;
 - f. Recreational facilities;
 - g. Active outdoor play areas; and
 - h. Project entryways.
 - i. All on-site lighting shall be stationary, directed away from adjacent properties and public rights-of-way.
 - j. Lighting fixtures shall be of a type and shall be located such that no light or reflected glare is directed off-site and shall provide that no light is directed above the horizontal plane.
 - k. When on-site lighting occurs, low-rise, pedestrian scale lighting fixtures shall be used in common open space areas, adjacent to dwellings, and along pedestrian and bicycle paths. The maximum height of such a fixture shall be fifteen (15) feet.
- 9. Security Devices.** Each door providing ingress and egress to any multi-family dwelling unit shall be equipped with the following devices:

- a. A peephole allowing a person inside the unit to see, at a wide angle, persons outside of the unit at the door, without the person inside being seen; and
- b. A deadbolt lock attached to the construction studding. Attachment to the doorjamb or trim shall not be sufficient to comply with this standard.

10. Streets. Development projects which have a maximum of two (2) access points to a public right-of-way or which are enclosed private drives shall be permitted to use private driveways for access. Two-way driveways and drive aisles shall have a minimum width of twenty-six (26) feet. Proposed structures over thirty-five (35) feet in height shall require thirty-six (36)-foot wide fire lanes, subject to the review and approval of the Apple Valley Fire Protection District. Where a development is designed to mimic a small tract of residences, or where the project provides more than two (2) external connections to public rights-of-way, private roads shall be built to Town Standards.

C. Small Project (2-8 Units) Development Standards. In addition to the standards within above Section B “General Development Standards”, the following standards shall apply:

1. **Common open space.** None required for Small Projects.
2. **Parking.** A two (2) car garage, plus 1 uncovered guest space shall be required for each unit. Carports are permitted for the guest space.
3. **Uncovered Parking.** The parking space shall have a minimum standard width of nine (9) feet and a length of nineteen (19) feet. Vehicles can hang over into landscape planters a maximum of two (2) feet reducing the minimum length of the parking space to a minimum of seventeen (17) feet.
4. **Parking Lot Landscape.** Tree wells/Fingers in parking lots shall be required for every ten (10) spaces of uncovered parking with a minimum of at least one (1) in order to provide shade.
5. **Covered Parking.** A two (2)-car garage with minimum interior dimensions of twenty (20) feet by twenty (20) feet shall be required for each unit.
6. **Storage.** No additional storage shall be required in addition to the garage requirement.
7. **Mechanical Equipment.** Ground mounted mechanical equipment can be located in the front or street side yard setbacks as long as it is screened from view. Screening can consist of a decorative block wall or landscape material. Ground mounted equipment can also be located in the side and rear setbacks without screening.
8. **Trash Enclosures.** When trash enclosures are required (more than four (4) units), they shall be allowed in the front and street side yards setbacks with

the construction of a standard trash enclosure. Trash enclosures shall comply with the minimum standards set forth in Sections 9.28.150, *Trash Enclosures*, and 9.31.050, *Multi-Family Architectural Design Standards*, of this Code. Trash enclosures shall be located at convenient distances from the buildings they serve and sited to minimize visual, odor and noise impacts to abutting properties.

9. **Height.** Structures shall be limited to thirty-five (35) feet in height.
10. **Laundry Facilities.** Each unit shall be plumbed and wired for a washing machine and dryer.
11. **Amenities.** No amenities shall be required for Small Projects.

D. Medium Projects (9-15 Units). In addition to the standards within above Section B “General Development Standards”, the following standards shall apply:

1. **Common open space.** None required for Medium Projects.
2. **Parking.** A total of 2.5 parking spaces shall be required for each unit. One of the required spaces shall be covered parking, which can include a garage or a carport. If a carport is used for the covered parking it must not be open to the street. If this cannot be accommodated, then a garage would be required.
3. **Uncovered Parking.** The parking space shall have a minimum standard width of nine (9) feet and a length of nineteen (19) feet. Vehicles can hang over into landscape planters a maximum of two (2) feet reducing the minimum length of the parking space to a minimum of seventeen (17) feet.
4. **Parking Lot Landscape.** Tree wells/Fingers in parking lots shall be required for every ten (10) spaces of uncovered parking with a minimum of at least one (1) in order to provide shade.
5. **Covered Parking.** The garage or carport structure shall be have a ten (10)-foot setback from the interior side and rear property lines and the overhang of a structure can encroach up to three (3) feet into a setback. If the structure is equipped with solar panels, the encroachment into the setback can be up to five (5) feet.
6. **Storage.** No additional storage will be required in addition to a two (2)-car garage. Absent of a private garage, 200 cubic feet of lockable storage space shall be provided and constructed of durable, weather resistant material if located within a covered parking structure. Wood construction is not permitted.
7. **Mechanical Equipment.** Ground mounted mechanical equipment can be located in the front or street side yard setbacks as long as it is screened from view. Screening can consist of a decorative block wall or landscape

material. Ground mounted equipment can also be located in the side and rear setbacks without screening.

8. **Trash Enclosures.** Trash enclosures shall be allowed in the front and street side yards setbacks with the construction of a standard trash enclosure. Trash enclosures shall be provided and comply with the minimum standards set forth in Sections 9.28.150, *Trash Enclosures*, and 9.31.050, *Multi-Family Architectural Design Standards*, of this Code. Trash enclosures shall be located at convenient distances from the buildings they serve and sited to minimize visual, odor and noise impacts to abutting properties.
9. **Height.** Structures shall be limited to thirty-five (35) feet in height.
10. **Laundry Facilities.** Each unit shall be plumbed and wired for a washing machine and dryer.
11. **Amenities.** No amenities shall be required for Medium Projects.
12. **Entry Statements.** Development shall provide an entry statement in accordance with subsection 9.31.040.C. Entry Statements of this Code.

E. Large Projects (16 Units and Larger) Development Standards. In addition to the above standards within Section B “General Development Standards”, the following standards shall apply:

1. **Common Usable Open Space.** A minimum of 5,000 square feet or five percent (5%), whichever is larger, of the project site shall be provided as common usable open space. Common useable open space shall meet the following requirements:
 - a. Useable open space areas shall not include rights-of-way, vehicle parking areas, private open space areas, or areas with slopes exceeding fifteen (15) percent and shall have a minimum width of twenty-five (25) feet.
 - b. Such areas shall be planted with turf or ground cover, or other landscaping which will control dust;
 - c. Common useable open space shall not be obstructed except by improvements that enhance usability, such as swimming pools, fountains, sunshades, and plantings; and
 - d. If at ground level, common useable open space areas shall not be covered more than fifty (50) percent by a building overhang or balcony, unless it is an integral part of an amenity.
2. **Amenities.** Amenities shall be provided under the following schedule. A majority, or fifty (50) percent of the amenities shall be recreational amenities as defined in Chapter 9.08 of this Code. Duplicated amenities shall be considered a single amenity, except if amenities target different age groups (i.e. pre-teens, teens, adults) or amenities are distinctly designed incorporating different features. Noise levels shall be considered in the

placement of any amenity. Amenities can be located within the setback areas and within the required Common Open Space area.

- a. 16-50 units – requires 2 amenities
 - b. 51-100 units – requires 3 amenities
 - c. 101-150 units – requires 4 amenities
 - d. 150-200 units – requires 5 amenities (for every 50 units above 200, an additional amenity shall be required).
3. **Parking.** A total of 2.25 parking spaces shall be required for each unit. One of the required spaces shall be covered parking, which can include a garage or a carport.
 4. **Uncovered Parking.** The parking space shall have a minimum standard width of nine (9) feet and a length of nineteen (19) feet. Vehicles can hang over into landscape planters a maximum of two (2) feet reducing the minimum length of the parking space to a minimum of seventeen (17) feet.
 5. **Parking lot landscaping and screening.** Shall comply with the provisions of Section 9.72.080.
 6. **Covered Parking.** The garage or carport structure shall have a ten (10)-foot setback from the interior side and rear property lines and the overhang of a structure can encroach up to three (3) feet into a setback. If the structure is equipped with solar panels, the encroachment into the setback can be up to five (5) feet.
 7. **Height.** The maximum height of a structure is limited to fifty (50) feet. Any portion of a building that exceeds thirty-five (35) feet in height, must be stepped back with a setback minimum of twenty (20) feet from any property line.
 8. **Storage.** A minimum of 200 cubic feet of lockable storage space shall be provided and constructed of durable, weather resistant material if located within a covered parking structure. Wood construction is not permitted.
 9. **Trash Enclosures.** Shall not be located within a required setback and shall be screened from the public right-of-way. Trash enclosures shall be provided and comply with the minimum standards set forth in Sections 9.28.150, *Trash Enclosures*, and 9.31.050, *Multi-Family Architectural Design Standards*, of this Code. Trash enclosures shall be located at convenient distances from the buildings they serve and sited to minimize visual, odor and noise impacts to abutting properties.
 10. **Mechanical Equipment.** Shall not be located within a required front or street side yard setback and shall be screened from the public right-of-way. Mechanical equipment shall have a minimum setback of five (5) feet from the interior side or rear property line.
 11. **Laundry.** If laundry utilities are not provided in each unit, a community laundry facility shall be provided on site.

12. **Entry Statements.** Development shall provide an entry statement in accordance with subsection 9.31.040.C. Entry Statements of this Code.

13. **Building Elevations.** Architectural design shall comply with Section 9.31.050 “Multi-Family Architectural Design Standards. Multiple two (2)-unit attached structures in a large project shall require a minimum of three (3) building elevations consisting of different colors and materials.

14. **Phasing.** A phasing plan shall be submitted and approved by the Community Development Director and Town Engineer. Amenities for the number of units for a constructed phase shall be required to be constructed and operational, prior to occupancy of that phase.

15. Bicycle racks shall be required.

F. Maintenance and Completion of Open Space, Amenities, Landscaping and Manufactured Slopes for Non-Apartment Multi-family. No lot or dwelling unit shall have a building or occupancy permit issued unless a corporation, homeowners' association, assessment district or other approved appropriate entity has been legally formed with the right to operate and maintain all of the mutually available features of the development including, but not limited to, open space, amenities, or landscaping or slope maintenance (which may be on private lots adjacent to street rights-of-way). Conditions, Covenants, and Restrictions (CC&Rs) may be developed and recorded for the development subject to review and approval of the Town Attorney. No lot or dwelling unit shall have a building or occupancy permit issued unless all approved and required open space, amenities, landscaping or other improvements, or approved phase thereof, have been completed or if the Town Engineer determines that the health, safety and welfare of the occupants and the intent of this Code will be adequately safeguarded, he may allow issuance of a building or occupancy permit if said completion is assured by a financing guarantee method approved by the Town Engineer.”

Section 4. Modify the following definitions in Chapter 9.08 “Definitions”:

“Amenity

Aesthetic or other characteristics of a development that increase its desirability to the community or its marketability to the public. Amenities differ from development to development but may include recreational and nonrecreational facilities.

Amenity, Recreational

Amenities that provide opportunity for physical activity such as exercise, entertainment or athletic facilities. These could include, but are not limited to, recreation rooms, fitness centers, outdoor exercise equipment, swimming pools and spas, tennis courts, putting greens, playgrounds, splash pads, outdoor grill areas with shaded seating, dog park or community vegetable gardens.

Amenity, Nonrecreational

Amenities providing for passive enjoyment and/or convenience facilities. Convenience facilities may include but are not limited to, security systems, package lockers, bicycle lockers, in-unit washer and dryer, high speed internet, or electric car charging stations. Passive enjoyment amenities may include but are not limited to enhanced common open areas incorporating water features, fire pits (non-wood burning) or public art with shaded seating areas. Providing fifteen (15) percent of the project site as common usable open space shall count as a single non-recreational amenity.”

Duplex

A property under single ownership containing one (1) structure consisting of two (2) living units.”

Dwelling, Multiple

A single property containing more than two (2) attached dwelling units or a combination of two (2) or more detached single family dwelling units.”

Section 5. Modify Table 9.28.040-A “Site Development Standards” to reflect the development standards within Section 9.29.070 as follows:

Table 9.28.040-A Site Development Standards

STANDARDS	R-VLD	R-A	R-LD	R-E	R-E ¾	R-EQ	R-SF	R-M	MHP	M-U	PRD⁽¹⁾
1. Minimum lot area ^(15, 17)	5 ac ⁽²⁾	2.5 ac ⁽²⁾	2.5 ac ⁽²⁾	1 ac ⁽²⁾	32,670 sf ⁽³⁾	18,000 sf ⁽³⁾	18,000 sf ⁽³⁾	18,000 sf ⁽³⁾	-	1 ac.	PRD ⁽⁴⁾
2. Minimum corner lot area	5 ac ⁽²⁾	2.5 ac ⁽²⁾	2.5 ac ⁽²⁾	1 ac ⁽²⁾	32,670 sf	20,000 sf ⁽³⁾	20,000 sf ⁽³⁾	20,000 sf ⁽³⁾	-	1 ac.	
3. Minimum lot width (ft)	200	150	150	125	125	100	100	100	-	100	PRD
4. Minimum corner lot width (ft)	200	150	150	125	100	115	115	115	-	115	PRD
5. Minimum lot depth (ft)	300	300	300	250	275	150	150	150	-	100	PRD
6. Minimum corner lot depth (ft)	300	300	300	250	275	150	150	150	-	150	PRD
7. Minimum site frontage (ft)	90	90	90	60	60	60	60	60	-	60	PRD
8. a. Minimum front setback (ft) ⁽¹⁸⁾	50	50	50	45	30	30	30	25 ⁽¹²⁾	15	35/10 ⁽¹⁶⁾	10 ⁽⁵⁾
b. Average front setback (ft)	N/A	N/A	N/A	50	35	35	35	25 ⁽¹²⁾	15	N/A	PRD
9. Minimum rear setback ⁽⁶⁾ ⁽¹⁸⁾	40	35	35	30	25	25	25	15	-	0	5
10. a. Minimum side setback(ft) ⁽⁷⁾ ⁽¹⁸⁾	25	25	25	20	15/10 ⁽⁸⁾	15/10 ⁽⁸⁾	15/10 ⁽⁸⁾	10	-	0	6
b. Minimum street side setback ⁽⁹⁾ (ft)	45	45	45	40	25	25	25	15	-	10	10
11. Animal keeping compatibility buffer ⁽¹⁰⁾ (ft)	25	25	25	25	25	25	N/A	N/A	N/A	N/A	PRD
12. Height limitations ⁽¹¹⁾ (ft)	35	35	35	35	35	35	35	35-50 ⁽¹³⁾	18	50	35
13. Maximum lot coverage	25%	25%	25%	25%	30%	30%	40%	70% ⁽¹⁴⁾	-	50% ⁽¹⁴⁾	50%
14. Minimum dwelling unit size (sq. ft.)	1,200	1,200	1,200	1,200	1,200	1,200	1,200	500 to 1,100 ⁽¹²⁾	-	500 to 1,100 ⁽¹²⁾	PRD
15. Minimum landscape area	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	-	10%	30%
16. Minimum distance between primary structure and detached accessory structure (ft)	6	6	6	6	6	6	6	10	-	0	6

Section 6. Remove Footnote 19 as no longer applicable and modify Footnotes 12, 13, 14, and 18 to cross-reference the correct subsections, and removing development standards, as follows:

- “(12) See subsection 9.29.070.B. General Development Standards of this Code.
- (13) See subsections 9.29.070.C.9, 9.29.070.D.9 and 9.29.070.E.7 of this Code.
- (14) See subsection 9.29.070.B.6 Lot Coverage, of this Code.
- (18) See Table 9.28.040.E and Section 9.28.040.B for permitted projections and exceptions to the required setbacks.”

Section 7. Remove Table 9.28.040-B “Summary of Site Development Standards for Residential Districts” and associated footnotes as duplicative.

Section 8. Modify Table 9.28.040-C “Site Development Standards for the Mountain Vista Neighborhood” for consistency with Section 9.29.070 “Multi-Family Housing Standards” as follows:

“Table 9.28.040-C Site Development Standards for the Mountain Vista Neighborhood (1)

STANDARDS	Single Family Development	Multi-Family Development
1. Minimum lot area	10,000 sf ^(2,3)	10,000 sf ^(2,3)
2. Minimum corner lot area	16,000 sf ⁽²⁾	16,000 sf ⁽²⁾
3. Minimum lot width (ft)	80	80
4. Minimum corner lot width (ft)	95	95
5. Minimum lot depth (ft)	125	125
6. Minimum corner lot depth (ft)	125	125
7. Minimum site frontage (ft)	40	40
8. a. Minimum front setback (ft) ⁽¹¹⁾	25	25 ⁽¹⁰⁾
b. Average front setback (ft)	30	25 ⁽¹⁰⁾
9. Minimum rear setback ⁽⁴⁾ ⁽¹¹⁾	20	15
10. a. Minimum side setback(ft) ⁽⁵⁾ ⁽¹¹⁾	15/10 ⁽⁶⁾	10
b. Minimum street side setback ⁽⁶⁾ ⁽¹¹⁾ (ft)	20	15
11. Height limitations ⁽⁸⁾ (ft)	35	35 - 50 ⁽⁸⁾
12. Maximum lot coverage	40%	70% ⁽⁹⁾
13. Minimum dwelling unit size (sq. ft.)	1,000	500 to 1,100 ⁽¹⁰⁾
14. Minimum landscape area	N/A	<u>N/A</u>
15. Minimum distance between primary structure and detached accessory structure (ft)	6	10

Section 9. Modify the following Footnotes to Table 9.28.040-C to reflect the correct subsection cross-reference removing development standards as applicable.

“(8) See subsection 9.29.070.C.9, 9.29.070.D.9 and 9.29.070.E.7 of this Code. A maximum height of 50 feet is allowed with Planning Commission approval.

- (9) See subsection 9.29.070.B.6 Lot Coverage, of this Code.”
- (10) See Subsection 9.29.070.B General Development Standards, of this Code.”

Section 10. Remove Table 9.28.040-D “Summary of Site Development Standards for Mountain Vista Neighborhood” and associated footnotes as duplicative.

Section 11. For consistency with the changes to Section 9.29.070, modify Section 9.31.040(C), Paragraph 1 as follows:

“1. Entry Statement Standards. Entry statements shall include vehicular and pedestrian entry level statements which shall be consistent with the following:”

Section 12. For consistency with the changes to Section 9.29.070, modify Section 9.31.040(F)(2)(a), as follows:

“2. Parking Area Landscaping

a. Unless otherwise required by Section 9.29.070, at least one (1) landscape or shade tree shall be provided for every seven (7) spaces of open parking areas.”

Section 13. For consistency with the changes to Section 9.29.070, modify paragraph 5 of Section 9.31.040(F) On-Site Parking as follows:

“5. Parking within the Front Yard Building Setback. Parking located within the required front yard shall be completely screened from the street by either a landscaped hedge or a decorative, architectural screen wall, integrated into the architecture of the building by use of similar materials or accent treatments.”

Section 14. For consistency with the changes to Section 9.29.070, modify Section 9.31.040(I) “Landscaped Areas” Paragraph 2 as follows:

“2. All areas not covered by structures, drives, parking or hardscape shall be landscaped in accordance with Chapter 9.75, *Water Conservation/ Landscape Regulations.*”

Section 15. For consistency with the changes to Section 9.29.070, modify Section A of Table 9.72.020-A “Required Parking Spaces” as follows:

Table 9.72.020-A Required Parking Spaces

Type of Use	Parking Spaces Required ⁽¹⁾
A. Residential (for Senior Citizen developments refer to 9.72.040.C)	
1. Single family detached and duplex	2 car enclosed garage per unit. Said garage shall have a minimum clear gross floor area of twenty (20) feet by twenty (20) feet free of any obstructions including mechanical equipment.
2. Bed and breakfast	1 space per room available for rent, in addition to those required for the primary residence
3. Multi-family and single family attached	
a. Small Projects (2-8 units)	A two (2) car garage, plus 1 uncovered guest space per unit.
b. Medium Projects (9-15 Units)	1 covered and 1.5 uncovered space per unit.
c. Large Projects (16 units or greater)	1 covered and 1.25 uncovered space per unit.
3. Mobile home parks	2 covered spaces per site. Parking may be in tandem. In addition, provide guest parking of 1 space per 4 sites.
4. Boarding houses, dormitories and similar uses	1 space per sleeping room or 1 space per bed, whichever is greater

Section 16. For consistency with the changes to Section 9.29.070, modify Section 9.72.040(A) as follows:

“A. Location. Parking spaces within the Multi-Family Residential (R-M) District, shall comply with the provisions of Section 9.29.070 “Multi-Family Housing Standards”. Parking shall be setback a minimum of fifteen (15) feet from the front or street side property lines. Parking shall be screened from the public rights-of-way with a minimum ten (10)-foot wide landscaped buffer. This buffer shall be landscaped, using berms or short three (3)-foot wall(s) to reduce the visual impact of the parked vehicles. Off-street parking spaces shall be located on the same lot or parcel on which the dwelling is located and as further modified below.

When a garage is specifically required, or provided to meet required parking, entry doors shall be maintained in an operable condition at all times, and no structural alteration or obstruction shall be permitted within the required parking area which would reduce the number of required parking spaces. Use of garages shall be limited to vehicular and general storage purposes only and shall not conflict with any applicable building, housing or fire codes.”

Section 17. For clarity regarding the processing requirements for a multi-family project, modify the Abbreviations found in Chapter 9.28.030 “Permitted Uses” by adding an abbreviation for Development Permit as follows:

“ABBREVIATIONS

R-VLD Very Low Density Residential
R-A Residential Agriculture
R-LD Low Density Residential
R-E Estate Residential
R-E $\frac{3}{4}$ Estate Residential $\frac{3}{4}$
R-EQ Equestrian Residential
R-SF Single Family Residential
R-M Multi-Family Residential
MHP Mobile Home Park
M-U Mixed Use
PRD Planned Residential Development

The uses listed in Table 9.28.030-A shall be allowed in the Residential districts as indicated in the column beneath each district and as defined below.

DP: Subject to Development Permit process, Department review

SUP: Subject to Special Use Permit process, Department review

CUP: Subject to Conditional Use Permit process, Planning Commission review.

P: Permitted Uses.

"-": Denotes those uses that are prohibited.

The Conditional and Special Use Permit and processes are detailed in Chapter 9.16 and the Development Permit process is detailed in Chapter 9.17 of this Code. The uses listed in Table 9.28.030-A below apply to applications for expansion, tenant improvements, change of occupancy or new development.”

Section 18. For clarity regarding the processing requirements for a multi-family project, modify Paragraph 13 of Section A. “Residential Uses” of Table 9.28.030-A “Permitted Uses” by adding the Development Permit requirement to the Table as follows:

Table 9.28.030-A Permitted Uses

TYPE OF USE	R-VLD	R-A	R-LD	R-E	R-E ^{3/4}	R-EQ	R-SF	R-M	MHP	M-U	PRD ²
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A. Residential Uses

13	Multi-family housing											
	1-15 units	-	-	-	-	-	-	-	DP	-	DP	P
	16-50 units	-	-	-	-	-	-	-	DP ⁽³⁾	-	DP ⁽³⁾	DP ⁽³⁾
	51 and above	-	-	-			-	-	CUP	-	CUP	CUP

Approved and Adopted by the Planning Commission of the Town of Apple Valley
this 3rd day of February 2021.

Chairman Joel Harrison

ATTEST:

I, Maribel Hernandez, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 3rd day of February 2021, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ms. Maribel Hernandez, Planning Commission Secretary

----- Original Message -----

From: Randall Lewis <randall.lewis@lewismc.com>

To: 'Carlos Rodriguez' <carlos@biabuild.com>, "kari.leon@agiorealestate.com" <kari.leon@agiorealestate.com>

Cc: Spencer Bogner <Spencer.Bogner@lewismc.com>

Date: February 2, 2021 at 8:37 AM

Subject:

I hope this is useful. If you or anyone have questions, please send them to me, and also Spencer Bogner and we will get back to you quickly.

Thanks for letting us be part of this process.

Randall

General

- Definitions: Should “Multi-family unit” be defined as “more than two units on one lot”, or should it more broadly be understood to reflect a “multi-family project”, or should it be both (as Section 9.29.070 of their municipal code seems to indicate)? We have run into issues in different cities on this same topic.

Architecture: There’s no reason to have a minimum of 3 architectural styles with different colors and materials, especially if a 3 unit project in two buildings would qualify (and therefore the condition can’t be met). Variety can be achieved if successful color blocking and material swaps are utilized, rather than enforcing completely different architectural styles that impact skin and structure.

- Circulation: Clarify if the 26’ is the minimum only where fire access is required? Can it be further reduced when a fire lane isn’t needed, i.e. 22’-24’ for two-way traffic?
- Unit Size: The unit size minimums are greatly improved, but do they really even need to be regulated? What if a developer had a microunit or coliving situation that could deliver smaller square footages?

Large Projects

- Private Open Space: The private open space minimums (including the dimensions) are much larger than industry norms. Minimum widths are typically 5'-6"-6' in more dense products and 8' in lower density products. Consider reducing the private open space to 100 square feet on patios and 50 feet for the balconies.
 - The code also currently references "walled" patios. Please also consider other types of fencing and means of enclosure.

- Amenities: The amenity schedule references "recreational amenity as defined". The Town's code reads as follows:
 - "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, basketball, racquetball; improved softball or baseball fields; or day care centers."
 - Both the qualifying amenities and the quantity required greatly exceed what we're used to seeing. We believe more options should be permitted, incorporating broader cost-effectiveness and contemporary owner/renter preferences, and that the required quantity should be reduced.

- Landscaping: Why are landscaping dimensions being defined? What about paseos for duplex-type submittals (and what that implies about "front yard" setbacks)? Consider eliminating these requirements and judging individually via design review.

- Mechanical Equipment: Why can't mechanical equipment be located within setbacks? Frequently, this is a good location for them, particularly if landscape can serve as screening.

- Height: The building heights, particularly the 35' in height, should have clarified what is being measured from and to. This way developers can assess impacts as they work with Planners throughout the process. The requirement itself is otherwise reasonable.

- **Phased Project:** This requirement is atypical. This would not work for a large master-planned development, depending on the Town’s interpretation of “phased project”.
- **Parking:** The parking requirement might be better tied to the unit’s bedroom count and a guest factor, as was done previously, but with reduced standards. EG, a development of studios would be overparked at 2.25 parking spaces per unit, in practice.
- **Storage:** The 400 cubic foot storage requirement is vastly oversized; it is the largest such requirement either of us have seen in any jurisdiction, and by a significant margin. We struggle to meet 100 cubic foot requirements in other locations. We recommend eliminating this or reducing it to a more manageable size. Furthermore, the “shall be constructed” language suggests this can’t be illustrated via a reserved floor space on architectural drawings but would instead be something built, which is unnecessary and adds cost.

Randall Lewis

Executive Vice President

Lewis Management Corp.

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Pamela Cupp

From: Clyde Rankin <clyderankin@gmail.com>
Sent: Friday, February 12, 2021 12:23 PM
To: Pamela Cupp
Subject: Re: Multi-family Standard Modification

Hi Pam!

This is looking pretty good. I'm still diving in but one of the glaring issues is around parking for Small Projects. For example, the way that I'm reading this is that if I built 4 small Studio Apartments at 500 square feet I would then be required to add 4 TWO CAR garages at 400 square feet each as well as 4 additional parking spaces? This would take up such a significant amount of space as well as cost making smaller developments hard to rationalize.

A suggestion could be (if you were open to it):

If the builder provides two additional covered carports that provide shade as well as storage and/or provides solar panels/electrical outlets for charging electric vehicles via the carports they can be exempt from the two car garage per unit and only have to provide one enclosed garage.

This would still allow for the same number of parking spots but provide flexibility and cost savings for developers as well as guaranteed storage and shade for its residents. It would also be progressive in providing energy savings through solar panels as well as provide future proofing in regards to electric cars.

I appreciate you being open to feedback. I'll let you know as I come across more.

Thank you again
Clyde