



TOWN OF APPLE VALLEY TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** February 26, 2013

From: Lori Lamson
Community Development Director
Community Development **Item No:** 7

Subject: APPEAL OF THE PLANNING COMMISSION'S DECISION REGARDING A REVIEW AND AMENDMENT OF DEVELOPMENT PERMIT NO. 2006-016 OF THIRTY-FIVE (35) SINGLE-FAMILY RESIDENTIAL HOMES FOR MINOR ARCHITECTURAL REVISIONS AND TO REDUCE THE SQUARE FOOTAGE OF THE REMAINING TWENTY-THREE (23) SINGLE-FAMILY RESIDENCES. THE SUBJECT SITE IS ON APPROXIMATELY TWENTY (20)-ACRES OF LAND WITH A ZONING DESIGNATION OF RESIDENTIAL SINGLE-FAMILY (R-SF) WITH THE APPROVED TENTATIVE TRACT NO. 16134

Applicant: Shawn Brown, Appellant

Location: The project site is generally located at the northwest corner of Mana and Aniwa Roads; APNs 473-661-11-35.

T.M. Approval: _____ **Budgeted Item:** Yes No N/A

RECOMMENDED ACTION:
Move to open the public hearing and take testimony.

Close the public hearing. Then:

1. **Determine** that, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), this project is within the scope of the approved Mitigated Negative Declaration that was adopted by the Planning Commission for Tentative Tract Map No. 16314 on May 19, 2004; therefore, no additional evaluation is necessary;
2. **Find** the Facts presented within the staff report for the Council hearing of February 26th, including the information within the Planning Commission's report from January 16, 2013, reflecting the public and Commissioner's comments at the hearing, and the record as a whole as discussed by the Council, and support the required Findings necessary to approve, Development Permit No. 2006-016; Amendment No. 1; and
3. **Deny** the appeal of Development Permit (DP) 2006-016; Amendment No. 1, upholding the Planning Commission's approval of the proposal.

BACKGROUND:

At its meeting on January 16, 2013, the Planning Commission reviewed the applicant’s request for an amendment to a previously approved Development Permit No. 2006-016 for architectural review on the same number of lots of Tract Map No. 16314. Only twelve (12) single-family residential structures were built before the economic downturn. The applicant proposes to modify the architectural styles and reduced the square footage for the remaining twenty-three (23) single-family units. The project site is partially developed with twelve (12) single-family units along with street improvements, and all of the remaining twenty-three (23) lots are shovel-ready graded lots. The developer requests a modification to the architectural styles and reduction of square footage, due to the impacts of the the recent economic downturn,. As a result of this recession, the building industry has suffered and financing the construction of larger homes has become more difficult.

SUMMARY:

The minimum size for single-family residential homes in the Town’s Development Code is 1,200 square feet; however, the applicant is proposing a maximum average square footage home size of 3,142 of total square feet.

- Plan 1: 1,841 of livable square feet and including a 267 square foot bonus room option the livable space is 2,108 square feet; and including the (3) car garage the total square footage is 2,692 square feet and 2,956 square feet square feet respectively.
- Plan 2: 1,945 of livable square feet and including a 267 square foot bonus room option the livable space 2,212 sq. ft.; and including the three (3) car garage the total square footage is 2,752 square feet and 3,028 square feet respectively.
- Plan 3: 2,137 of livable square feet and including a 279 square foot bonus room option the livable space is 2,416 square feet; and including the (3) car garage the total square footage is 2,958 square feet and 3,223 square feet respectively.
- Plan 4: 2,332 of livable square feet and including a 281 square foot bonus room option the livable space is 2,613 square feet; and including the (3) car garage the total square footage is 3,097 square feet and 3,362 square feet respectively.

The table below depicts the difference of the “maximum square footage” between the previous approved project (before the economic market downturn) and the proposed submittal comparing the total square footage reduction.

Single-Family Plans	July 2006 Approved (max sq. ft.)	January 2013 Proposed (max sq. ft.)	Difference
Plan 1	3,864 sq. ft.	2,956 sq. ft.	908 sq. ft.
Plan 2	4,281 sq. ft.	3,028 sq. ft.	1,253 sq. ft.
Plan 3	4,461 sq. ft.	3,223 sq. ft.	1,238 sq. ft.
Plan 4	4,877 sq. ft.	3,362 sq. ft.	1,515 sq. ft.

Over the past five (5) years, the economic downturn has adversely impacted the residential mortgage finance industry and the ability for developers to obtain construction financing. This change in the market has led to trends of building smaller single-family residences. The National Association of Home Builders (NAHB) conducted a national survey in 2011 and discovered that single-family homes will average 2,152 square feet in size by 2015. The average home size peaked at 2,521 square feet in 2007. A cursory survey of other cities (Rancho Cucamonga and Fontana) confirmed that new single-family residential projects in these communities are trending smaller.

The applicant has submitted a single-family product that is smaller, and reflects the national market downward trend. The developer has oriented all of the single-family units with the widest part of the structures fronting the street. This will maintain the perception of large-scale residences as viewed from the street. The mass of the structures from the street will be compatible with the existing older neighborhood as well as the twelve (12) residences in this tract built during the housing boom. The twelve (12) residences previously constructed in the tract reflect a 5-6 year boom period when larger homes were developed throughout the nation and California. Additionally, the older existing single-family residences in the area represent a market time span when much smaller homes were built before the last boom period. Staff believes that the proposed project indicates the return of the housing market in Apple Valley and will be the beginning of stabilizing this market.

A total of twelve (12) architectural designs are proposed. These consist of three (3) adaptations of architecture design for each of the four (4) plans. There are also twelve (12) color schemes. Overall, the architectural designs illustrate eclectic variations of "Spanish," "Craftsman" and "Traditional" architectural styles. All architectural styles incorporate a variety of shutter styles or accent color window trim, a combination of stucco and stone veneer walls, several window styles and exterior accent decorations. Depending on the color scheme, the home is designed with a flat style or round tile roofs. The proposed colors are primarily earthen tones with darker colors and burgundy accents. The overall elevation designs of all of the houses are varied, including the rear and side elevations which mimic the front elevation architectural theme of the homes. The applicant provided window surrounds to all windows. Vents, louvers and wrapped stone veneers provide additional architectural variety and relief.

The Planning Commission added two (2) Conditions of Approval: That the plan-one (1) unit include the bonus room for a minimum 2,108 square of livable area, and maximum of five (5) plan-one (1) units shall be constructed instead of three (3) of them; and that a maximum of three (3) plan two (2) units be constructed. The Commission also required that any change to reduce the maximum number of plan-one (1) and plan-two (2) shall require Planning Commission approval.

The Commission discussed the land use issue that the project is adjacent to Multiple-Family Residential property to the north, and east of the project site and the existing twelve (12) residential lots. The multi-family residential properties will be developed as apartment units at a density of four (4) to twenty (20)-units per acre. The multi-family properties were designated for high-density development before the original project was approved in 2006. The Commission indicated that having smaller unit sizes between the larger twelve (12) homes previously built

and the future apartment buildings would be an appropriate buffer between the two (2) different land use densities.

Recently, the developer submitted a copy of the Conditions Covenants and Restrictions (CC&Rs) that he would like to have accompanied with this report to the Council.

Section 2.2

"...nothing in the Article or elsewhere in this Declaration shall limit the right of Declarant to redesign the size and style of dwellings on all unsold lots in the project, including increasing or decreasing the size of lots, and to otherwise control all aspects of improving and selling lots in the Project."

All of the existing twelve (12) property owners had to sign an acknowledgment document regarding receipt of the CC&Rs and other related paperwork at close of escrow.

January 16th Planning Commission Action:

Following the public hearing and Planning Commission discussion, the Commission approved the proposed project. In addition to the Conditions of Approval mentioned above, the Commission added a Condition that the larger proposed single-family residences be located adjacent to existing single-family residences. The January 16 2013, Planning Commission staff report and Final Conditions of Approval are attached to this report.

Appellant Statement:

On January 28, 2013, the project was appealed to the Town Council, and the appellant states the following reason for the appeal:

"Concerns exist in regards to information and considerations leading up to and discussion during the 1-16-13 planning commission meeting; and proposed new homes are excessively smaller than existing neighborhood homes and will significantly depreciate existing home values. With the average square foot reduction far greater average, the integrity and value of homes will be comprised."

Noticing:

The required noticing for this project includes properties within 500 feet of the subject site. In addition, notices were published in the local newspaper and at Town Hall. Noticing was posted on January 4, 2013 for the Planning Commission and on February 15, 2013 for the appeal of the Planning Commission decision to the Town Council.

ATTACHMENTS:

1. Appeal Application and supporting comments.
2. Final Conditions of Approval adopted by the Planning Commission on January 16, 2013
3. Planning Commission Minutes Excerpt for January 16, 2013
4. Planning Commission Public Hearing Staff Report for January 16, 2013



Town of Apple Valley Appeal Application



This request must be filed with the Planning Division within ten (10) calendar days following the date of action. An Appeal request received after this time *will not be accepted*. Appeals requiring Town Council consideration will be forwarded to the Town Clerk by the Director.

FOR TOWN USE ONLY

Date Submitted: 1/28/2013 Case No.: APL2013-001 Received By: [Signature]
Planning Fee: [Signature] Other Fees: [Signature] Case Planner: [Signature]

Type or print legibly in ink only

PROPERTY ADDRESS 17782 Mars Rd, Apple Valley, CA 92307

FEE

	<u>Initial Deposit</u>	<u>Actual Cost not to exceed</u>
<input type="checkbox"/> Appeal Fee – To Planning Commission	\$224.00	\$224.00
<input type="checkbox"/> Appeal Fee – To Town Council	\$224.00	\$224.00

The Appeal Fee does not apply to permits the Planning Commission acted to revoke or amend.

APPELLANT INFORMATION

Name Shawn Brown Telephone 760-810-7116
Fax _____ Email _____
Address 17782 Mars Rd
City Apple Valley State California Zip 92307

PROJECT INFORMATION

Project Number Being Appealed Development Permit 2006-016; Amendment 1
Project Description Involves the build-out of properties adjacent to Ariwa, Mars, and Lookout Roads
Assessor's Parcel No. (s) 473-961-11-35 Tract _____ Lot _____

APPEAL STATEMENT

1. I am/We do hereby appeal the findings/conditions/interpretations of the Town of Apple Valley:
(Check one)
- | | |
|---|-------------------------|
| <input checked="" type="checkbox"/> Planning Commission | _____ Planning Director |
| _____ Public Works Director | _____ Building Official |
| _____ Town Engineer | _____ Fire Chief |

RECEIVED

JAN 28 2013

Community Development

The Town of Apple Valley
14955 Dale Evans Parkway, Apple Valley, CA 92307 • (760) 240-7000 • Fax: (760) 240-7399
Appeal Application (Effective July 1, 2008 - Resolution 2008-30) Rev. 07/08

Page 1 of 2

Jamie Dan
15510 Lookout Road
Apple Valley, CA 92307

Re: Petition opposing Development Permit No. 2006-016 - AMD No. 1

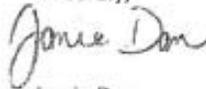
Dear Honorable Mayor Emick, Honorable Mayor Pro Tem Bishop, Honorable Councilwoman Stanton, Honorable Councilman Nassif, Honorable Councilman Cusack, and Honorable Town Manager Robinson:

As a current resident of Desert Knolls Estates located near Mana Rd. and Aniwa Rd, the purpose of this letter is to serve as a petition from the residents including Branding Iron Estates and Lookout Rd. who all oppose Development Permit No. 2006-016 - AMD No. 1.

Please see the enclosed signed petition which includes the signatures of my fellow Desert Knolls Estates Residents (petition contains 11 of the 12 current residents one in which we were not able to contact yet) in the surrounding area of Mana Rd., Branding Iron Estates, and Lookout Rd. who also oppose the Development Permit No. 2006-016 - AMD No. 1. We will provide remaining signatures at or prior to the appeal date.

Thank you for your consideration in this matter. If you should have any questions, please do not hesitate to contact me directly at (702) 249-4750.

Sincerely,



Jamie Dan

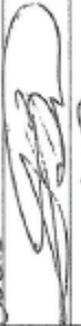
RECEIVED

JAN 28 2013

Community Development

Petition to appeal

Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to deny proposed Development Permit No. 2006-016 - AMD No. 1		
Printed Name	Signature	Address	Date
Jamie & Keith Don	J Don	15510 Lookout Rd., Apple Valley, CA 92307	1-22-13
BING O CHENG	Bing O Cheng	15526 Lookout Road Apple Valley	1/22/13
Diana Yana Becker	Diana Yana Becker	17753 Mana Road Apple Valley Ca	1-22-13
Lisa S. Stone	Lisa Stone	17777 Mana Rd. Apple Valley	1/22/13
Anthony Solas	Anthony Solas	17862 Mana Rd Apple Valley	1/22/13
PATRICIA BENSON	Patricia Benson	17746 Mana Rd	1/23/13
SARA STRUNK	S. Strunk	15974 Lookout Rd	1-23-13
Sikora Emma	Sikora Emma	15436 Lookout Rd	1-23-13
Lisa Phillips	Lisa Phillips	15404 Lookout Rd	1/23/13
Gloriana Pineda	Gloriana Pineda	17750 Mana Rd Apple Valley	1/23/13
Michelle Trent	Michelle Trent	17756 Branding Iron Rd	1/23/13
Judith A. Audet	Judith A. Audet	17756 Branding Iron Rd	1/23/13
GEORGE AUDET	George Audet	17756 Branding Iron Rd	1/23/13
Elfreda Wilson	Elfreda Wilson	17846 Mana Road	1/24/13

Printed Name	Signature	Address	Date
Ann Wilson		17846 MANA RD	24 Jan 13
Teresa Brown		17752 Mana Rd	1/24/13
Shawn Bond		17782 Mana Rd.	1/26/13
Sor J Lariz		17894 Mana Rd	1/26/13.
BRIAN COBURN		17845 Mana Rd.	1/26/13
Jill Coburn		17845 mana rd	1/26/13
JOE CHAVARRIN		17814 Mana Rd	1/26/13
JOHNN CHAVARRIN		17814 Mana Rd	1/26/13
Christina Gutierrez		17798 MANA RD	1-27-13
Bertha Rosson		17798 MANA RD	1-27-13
Jacqueline Ray		17791 Mana Rd. A.V. 92307	1-27-13
Arthur Gutierrez		17808 mana rd A.V. 92307	1/27/13
Becky L. Combs		17897 MANA RD AV. CA 92307	1/27/13
ER SMITH		17821 MANA RD. AV. CA 92307	1-27-13
Tina Smith		17821 Manq Rd AVCA 92307	1-27-13
Brandon Bean		17878 Mana rd AV CA 92307	1-27-13

Printed Name	Signature	Address	Date
Haidi Bean		17878 Macara Rd, AV 92307	1/27/13
Janice Bean		15051 Tacony rd, AV 92307	1/27/13
Bill Bean		15051 Tacony rd, AV, 92307	1/27/13
Danica Wood		15051 Tacony Rd, AV CA 92307	1/27/13

FINAL CONDITIONS OF APPROVAL

Case No. Development Permit No. 2006-039; Amendment No. 1

Please note: *Many of the suggested Conditions of Approval presented herewith are provided for informational purposes and are otherwise required by the Municipal Code. Failure to provide a Condition of Approval herein that reflects a requirement of the Municipal Code does not relieve the applicant and/or property owner from full conformance and adherence to all requirements of the Municipal Code.*

Planning Division Conditions of Approval

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval, if not exercised in conformance to any conditions, shall become void two (2) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the void date. The Development Permit becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code, Section 9.03.0180.
- P2. The applicant shall agree to defend, at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P3. The approval of Development Permit No. 2006-016 AMD No. 1 by the Planning Commission is recognized as acknowledgment of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, *Appeals*, of the Town of Apple Valley Development Code.
- P4. Prior to issuance of any Building Permits for the lots addressed Development Permit No. 2006-016 AMD No. 1 (except as otherwise permitted by the Development Code of model homes), the applicant shall provide proof of recordation of Tentative Tract Map No. 16134 to the Planning and Engineering Divisions.
- P5. Parking requirements shall be met and be in compliance with Town standards. Two (2) parking spaces per dwelling unit shall be within an enclosed garage and shall have a minimum clear gross floor area of twenty (20) feet by twenty (20) feet free of any obstructions, including mechanical equipment. Driveways for single family residences shall be at least eighteen (18) feet wide and shall be maintained clear of all obstructions.
- P6. The project shall conform to the Residential Single-Family (R-SF), development standards for front yard-building setbacks of ~~forty (40)~~ thirty (30) feet minimum, ~~forty-five~~

- ~~(45)~~ thirty-five (35) feet average with a minimum offset of five (5) feet from adjacent properties.
- P7. All street elevations shall be architecturally treated and shall have no more than twenty-five percent (25%) of the homes on any block, including both sides of the street, with the same elevation. Color scheme variations sensitive to the natural colors of the landscape shall be utilized.
- P8. Any equipment, whether on the roof, side of the structure or ground, shall be screened from public view from adjacent property or from a public right-of-way. The method of screening shall be integrated into the architectural design of the building and/or landscaping.
- P9. Property line walls and fences adjacent to streets shall be constructed of decorative materials such as rail fencing, split face block or slumpstone. Such fencing shall incorporate appropriate decorative enhancements such as caps or pilasters.
- P10. Landscaping shall be installed in accordance with Section 9.75 of the Development Code. Xeriscape landscaping techniques are encouraged for use in parkway areas which typically consists of drought tolerant, native type plants, trees and groundcover. Tract areas which back onto rights-of-way shall be landscaped as required by subsection 9.75.040.E, *Landscape Improvement Requirements*. Final landscape and irrigation plans shall be submitted and installed for each individual unit, prior to issuance of occupancy permits.
- P11. All tract identification signs shall have a separate permit and are subject to final approval by the Town Planning Division.
- P12. The rendering(s) presented to and approved by the Planning Commission at the public hearing shall be the anticipated and expected appearance of the structure upon completion.
- P13. It is the sole responsibility of the applicant on any Permit, or other appropriate discretionary review application, for any structure to submit plans, specifications and/or illustrations with the application that will fully and accurately represent and portray the structures, facilities and appurtenances thereto that are to be installed or erected if approved by the Commission. Any such plans, specifications and/or illustrations that are reviewed and approved by the Planning Commission at an advertised public hearing shall accurately reflect the structure, facilities and appurtenances expected and required to be installed at the approved location without deviations, modifications, alterations, adjustments or revisions of any nature.
- P14. The Community Development Director, or his/her designee, shall have the authority for minor architectural changes focusing around items such as window treatments, color combinations, façade treatments, and architectural relief. Questions on the interpretation of this provision or changes not clearly within the scope of this provision shall be submitted to the Planning Commission for consideration under a Revision to the Development Permit.

- P15. All required and installed landscaping shall incorporate and maintain a functioning automatic sprinkler system, and said landscaping shall be maintained in a neat, orderly, disease and weed free manner at all times.
- P16. Prior to issuance of any Building Permits for the lots addressed under Development Permit No. 2006-016 AMD No. 1 (except as otherwise permitted by the Development Code of model homes), the applicant shall provide proof of recordation of Tentative Tract Map No. 16134 to the Planning and Engineering Divisions.
- P17. A minimum of three (3) styles of garage doors with three (3) different styles of glass/lexan panel inserts shall be provided for each model, subject to review and approval by the Planning Division.
- P18. Plan-one shall include the 264 square foot bonus area for a minimum total of 2,105 square feet of liveable area. A maximum of five (5) plan-one single-family units shall be constructed. A maximum of three (3) plan-two single-family units shall be constructed with a minimum of 1,945 square feet of liveable area. Eight (8) plan-three units and seven (7) plan-four units shall be constructed.
- P19. Modification to the maximum number of units for plan-one and plan-two as described in P19 above, shall require Planning Commission approval.

**MINUTES
EXCERPT**

**TOWN OF APPLE VALLEY
PLANNING COMMISSION
Regular Meeting
Wednesday, January 16, 2013**

CALL TO ORDER

At 6:01 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for January 16, 2013, was called to order by Chairman Lamoreaux.

INSTALLATION OF NEWLY APPOINTED COMMISSIONER

Debra Thomas, Planning Commission Secretary administered the Oath of Office to newly appointed Planning Commissioner Mr. Bruce Kallen.

ROLL CALL

Planning Commission

Roll call was taken with the following members present: Commissioner Bruce Kallen, Commissioner Mark Shoup, and Chairman Jason Lamoreaux. Absent: Commissioner B.R. "Bob" Tinsley.

STAFF PRESENT

Lori Lamson, Community Development Director, Carol Miller, Senior Planner, Douglas Fenn, Senior Planner, Richard Pederson, Deputy Town Engineer, Haviva Shane, Town Attorney, and Debra Thomas, Planning Commission Secretary.

PUBLIC HEARING ITEM

2. **Development Permit No. 2006-016, Amendment No. 1.** A request to make minor architectural revisions and reduce the square footage of the remaining twenty-three (23) single-family residences.
Applicant: Mr. Dave Faylor for Evergreen Homes, LLC
Location: The project site is generally located at the northwest corner of Mana and Aniwa Roads; APNs 473-661-11-35.

Chairman Lamoreaux opened the public hearing at 6:08 p.m.

Mr. Douglas Fenn, Senior Planner, presented the staff report as filed by the Planning Division.

Changes were made to the original Conditions of Approval adding, "A minimum of three (3) styles of garage doors and a minimum of three (3) different styles of glass/lexan panel inserts shall be provided for each model, subject to review and approval by the Planning Division."

Discussion ensued clarifying the actual square footage of each proposed home's livable space.

Commissioner Kallen asked if the Town of Apple Valley ("Town") received input from the surrounding neighbors.

Mr. Fenn indicated receipt of concerns from a couple of the neighbors with respect to the square footage reduction.

Chairman Lamoreaux paused the public hearing at 6:18 p.m.

INSTALLATION OF NEWLY APPOINTED COMMISSIONER

Debra Thomas, Planning Commission Secretary, administered the Oath of Office to newly appointed Planning Commissioner Mr. Doug Qualls.

Chairman Lamoreaux resumed the public hearing at 6:23 p.m.

Chairman Lamoreaux was concerned with the gross square footage and the reduction by what he believed was fifty-percent (50%) in an existing neighborhood and its impact.

Ms. Lori Lamson, Community Development Director, indicated the Planning Division was looking at the architectural style proposed for the entire project. We want to make sure that the overall mass of the design and structure fits within a majority of the residential community it surrounds.

Mr. Fenn described how many plans were going to be sold and how many of each would be placed in the tract

If the Applicant wanted to increase the number of Plan 1 and Plan 2, the request would need to come before the Planning Commission to obtain approval.

Commission Shoup would like any changes to Plan 1 and Plan 2 included in the Conditions of Approval.



TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

Staff Report

- AGENDA DATE:** January 16, 2013
- CASE NUMBER:** Development Permit No. 2006-016 - AMD No. 1
- APPLICANT:** Mr. David Faylor, for Evergreen Homes, LLC
- PROPOSAL:** The applicant requests that the Planning Commission review and amend a previous Development Permit No. 2006-016 of thirty-five (35) single-family residential units for architectural revisions and reduction of square footage to the remaining twenty-three (23) single-family residences. The subject site is approximately twenty (20) acres of land and has a zoning designation of Residential Single-Family (R-SF) within recorded Tentative Tract No. 16134.
- LOCATION:** The project site is generally located at the northwest corner of Mana and Aniwa Roads; APNs 473-661-11-35.
- ENVIRONMENTAL:** This project is within the scope of the approved Mitigated Negative Declaration that was adopted by the Planning Commission for Tentative Tract Map No. 16134 on May 19, 2004. No additional evaluation is necessary in compliance with the California Environmental Quality Act (CEQA).
- CASE PLANNER:** Mr. Douglas Fenn, Senior Planner
- RECOMMENDATION:** Approval

PROJECT AND SITE DESCRIPTION:

- A. General Plan Designations:
- | | |
|----------------|----------------------------------|
| Project Site - | Single Family Residential (R-SF) |
| North - | Medium Density Residential (R-M) |
| South - | Single Family Residential (R-SF) |
| East - | Medium Density Residential (R-M) |
| West - | Single Family Residential (R-SF) |
- B. Surrounding Zoning and Land Use:

- Project Site - Single Family Residential (R-SF), eleven (11) single-family residences and vacant.
- North - Multi-Family Residential (R-M), vacant.
- South - Single Family Residential (R-SF), single family residences.
- East - Multi-Family Residential (R-M), vacant.
- West - Single Family Residential (R-SF), school (Lewis Center).

C. Building/Unit Analysis:

- Required: Minimum 1,200 sq. ft.
- Proposed:
 - Plan 1: 2,692 sq. ft.: (also includes a three (3) car garage; there is also an option for a 264 square foot bonus room to total 2,956 square feet)
 - Plan 2: 2,752 sq. ft.: (also includes a three (3) car garage; there is also an option for a 264 square foot bonus room to total 3,028 square feet)
 - Plan 3: 2,958 sq. ft.: (also includes a three (3) car garage; there is also an option for a 26 square foot bonus room to total 3,223 square feet)
 - Plan 4: 3,097 sq. ft.: (also includes a three (3) car garage; there is also an option for a 265 square foot bonus room to total 3,362 square feet)

- D. Building Height:
 - Permitted Maximum: 35 ft.
 - Proposed Maximum: 17 ft.

- E. Setback Analysis: Shall vary in conformance with the R-SF design standards specified within the adopted Development Code.

- F. Parking Analysis:
 - Required: Minimum two-car garage (20 ft. x 20 ft. clear space) per home
 - Proposed:
 - Plan 1: 3 car garage
 - Plan 2: 3 car garage
 - Plan 3: 3 car garage
 - Plan 4: 3 car garage

ANALYSIS:

A. Background:

An applicant received a previous approval of Development permit No. 2006-016 on July 5, 2006, for architectural review on the same number of lots of Tract Map No. 16314. Only twelve (12) single-family residential structures were built before the economic downturn. The applicant proposes to modify the architectural styles and reduced the square footage for the remaining twenty-three (23) single-family units.

B. General:

Pursuant to the Development Code, a Development Permit is required for all new single-family residential constructions within a tract to afford the Commission the opportunity to review the architectural/aesthetics of all proposed structures. The proposed homes will range in size from 2,692 to 3,091 square feet, including the garage area. The property is required to conform to the standards specified under the Single-Family Residential

zoning designation and Section 9.31.030 "Single-Family Architectural Design Standards." The minimum size for single-family residential homes in the Town's Development Code is 1,200 square feet; however, the applicant is proposing a maximum average square footage home size of 3,142 of square feet.

The table below depicts the difference of the maximum square footage per plan that was previously approved before the economic market downturn, compared to the proposed square footage reduction.

Single-Family Plans	July 2006 Approved (max sq. ft.)	January 2013 Proposed (max sq. ft.)	Difference
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Plan 2	4,281 sq. ft.	3,028 sq. ft.	1,253 sq. ft.
Plan 3	4,461 sq. ft.	3,223 sq. ft.	1,238 sq. ft.
Plan 4	4,877 sq. ft.	3,362 sq. ft.	1,515 sq. ft.

Over the past five (5) years, the economic downturn has adversely impacted the residential mortgage finance industry and the ability for developers to obtain construction financing. This change in the market has led to trends of building smaller single-family residences. The National Association of Home Builders (NAHB) conducted a national survey in 2011 and discovered that single-family homes will average 2,152 square feet in size by 2015. The average home size peaked at 2,521 square feet in 2,007. A cursory survey of other cities (Rancho Cucamonga and Fontana) confirmed that new single-family residential projects in these communities are now smaller.

The applicant has submitted a single-family product that is smaller, and reflects the national market trend. The developer has oriented all of the single-family units with the widest part of the structures fronting the street. This will maintain the perception of large-scale residences as viewed from the street. The mass of the structures from the street will be compatible with the existing older neighborhood as well as the twelve (12) residences in this tract built during the housing boom. The twelve (12) residences previously constructed in the tract reflect a 5-6 year boom period when larger homes were developed throughout the nation and California. Additionally, the older existing single-family residences in the area represent a market time span when much smaller homes were built before the last boom period. Staff believes that the proposed project indicates the return of the housing market in Apple Valley and will be the beginning of stabilizing this market.

C. Site Analysis:

The project site is partially developed with twelve (12) single-family units along with street improvements, and all of the remaining twenty-three (23) lots are shovel-ready graded lots. The project was previously approved for a subdivision by the Planning Commission on May 19, 2004 as TTM No. 16134, and Development Permit 2006-016 for thirty-five (35) single-family residential units. The project site is adjacent to existing single-family residential homes to the south and vacant properties to the north and east. To the west is the Lewis Center for Educational Research.

D. Architecture Analysis:

A total of twelve (12) architectural designs are proposed. These consist of three (3) adaptations of architecture design for each of the four (4) plans. There are also twelve (12) color schemes. Overall, the architectural designs illustrate eclectic variations of "Spanish," "Craftsman" and "Traditional" architectural styles. All architectural styles incorporate a variety of shutter styles or accent color window trim, a combination of stucco and stone veneer walls, several window styles and exterior accent decorations. Depending on the color scheme the home is designed with a flat style or round tile roofs. The color schemes are offered on all models. The proposed colors are primarily earthen tones with darker colors and burgundy accents.

The following is a brief summary of colors and architectural feature elements that are incorporated for the architectural styles:

Spanish (Plan 1-4):

The Spanish style incorporates faux wood stylized single- and double-entry doors, round tile roofs, foamed belly-band trim, and circular tile inset accent treatments. The pitch of the roofs on the Plans mimics the California Spanish style that is prevalent in Southern California. The Spanish style architecture is proposed with warm color "S" roof tiles, including orange and brown, with compliments of light tan, Indian white and sand stucco finish. The accent color varies from deep brown, tan, sandstone, and burgundy.

Craftsman (Plan 1-4):

The Craftsman style includes darker color flat roof tiles, of grey, brown and blue-brown. The sand finish stucco of light-tan, light-grey and light sand compliments the roof tiles. The Craftsman incorporates shutters, stonework entryway, raised roof lines, and accent vents. The accent colors consist of blue, gray, maroon and brown. The style incorporates pre-fabricated complementary stone and brick veneers.

Traditional (Plan 1-4):

The Traditional style incorporates faux wood doors, exterior shutters, stone veneer to the top of the primary pop-out walls, block window lines, variation to the pitched roof, flat tile roof, and decorative vent elements. The textured flat tile roof includes deep "cool" colors, including dark brown, grey and light brown-grey with beige-tan, cream-tan and khaki-tan stucco colors. The accent colors compliment with range from steel blue to brown. The Traditional style incorporates the use of pre-fabricated stone veneers of matching or complimenting colors.

The overall elevation designs of all of the houses are varied, including the rear and side elevations which mimic the front elevation architectural theme of the homes. The applicant provided window surrounds to all windows. Vents, louvers and wrapped stone veneers provide additional architectural variety and relief.

Pursuant to the Development Code all street elevations shall be architecturally treated and shall have no more than twenty-five percent (25%) of the homes on any block.

For the Commission's convenience, staff has included the original Conditions of Approval with recommended modifications in ~~strikeout~~ (deletions) and underline (additions).

E. Environmental Assessment:

This project is within the scope of the approved Mitigated Negative Declaration that was adopted by the Planning Commission for Tentative Tract Map No. 16134 on May 19, 2004. Therefore, the proposed amendment requires no additional evaluation and is in compliance with the California Environmental Quality Act (CEQA).

F. Noticing:

This item was advertised as a public hearing in the Apple Valley News newspaper on January 4, 2013.

G. Compliance with Climate Action Plan:

The project is required to provide documentation that it will use less energy than required by Title 24. Some of the criteria that the applicant may incorporate into the project include the following compliance measures:

1. 1/2" thick reflective Polyurethane Foam Roof;
2. R-38 Roof Insulation;
3. R-19 Wall Insulation in addition to the R-Value of the concrete tilt-up panels;
4. Tankless gas water heaters;
5. Dimmer switches connected to programmable time clocks;
6. Occupancy Sensors for lights;
7. Energy saving lamps and electronic ballasts;
8. Daylight switching;
9. Inspect all ductwork for leaks;
10. Increase duct insulation; and
11. Incorporation of features that would allow/accommodate renewable energy.

H. Development Permit Findings:

As required under Section 9.17.080 of the Development Code, prior to approval of a Development Permit, the Planning Commission must make specific required "Findings". These Findings, as well as a comment to address each, are presented below.

1. That the location, size, design, density and intensity of the proposed development is consistent with the General Plan, the purpose of this Code, the purpose of the zoning district in which the site is located, and the development policies and standards of the Town;

Comment: The proposed single-family residential development is within a Residential Single-Family (R-SF) zoning designation and is in compliance with the General Plan Land Use and Zoning District that allows new construction of residential homes, subject to approval of a Development Permit.

2. That the location, size and design of the proposed structures and improvements are compatible with the site's natural landforms, surrounding sites, structures and streetscapes;

Comment: The proposed single-family residential development is compatible with the surrounding area as the site and existing improvements

can facilitate the project, and the structures (homes) are permitted subject to approval of a Development Permit.

3. That the proposed development produces compatible transitions in the scale, bulk, coverage, density and character of development between adjacent land uses;

Comment: The proposed single-family residential development is compatible with the site and surrounding area and has been designed with adequate setbacks and access. The use is not anticipated to generate excessive noise, vibration, traffic or other disturbances.

4. That the building, site and architectural design are accomplished in an energy efficient manner;

Comment: The proposed single-family residential development will be required to be constructed in accordance with the Uniform Building Code and will be oriented in a manner that will optimize efficient energy resources. The project must also comply with requirements from the Building and Safety Division as well as UBC Title 24 requirements.

5. That the materials, textures and details of the proposed construction, to the extent feasible, are compatible with the adjacent and neighboring structures;

Comment: The design, materials and details of the proposed single-family residential development will utilize an architectural design consistent with existing structures in the immediate area. However, the individual homes will incorporate stone veneers that will enhance and complement existing surrounding residential homes. The proposal, with adherence to the suggested Conditions of Approval, conforms to Code requirements.

6. That the development proposal does not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings with respect to mass and scale to an extent unnecessary and inappropriate to the use;

Comment: The proposed single-family residential development is in conformance with Code requirements for appropriate setbacks. The proposed single-family residential development will not block public views and is in scale to other residential developments in the area.

7. That the amount, location, and design of open space and landscaping conforms to the requirements of this Code, enhances the visual appeal and is compatible with the design and function of the structure(s), site and surrounding area;

Comment: The proposed single-family residential development is compatible with adjacent uses within the surrounding area. The location, size and design of the proposed landscaping will enhance the

surrounding area. The project landscaping will incorporate a blend of plant material along the street frontages.

8. That quality in architectural design is maintained in order to enhance the visual environment of the Town and to protect the economic value of existing structures;

Comment: The proposed single-family residential development is designed to be compatible with the surrounding development and will be located within the Residential Single Family (R-SF) zoning district. Single-family residential development, with adherence to recommended Conditions of Approval, is permitted subject to approval of a Development Permit.

9. That excessive and unsightly grading of hillsides does not occur, and the character of natural landforms and existing vegetation are preserved where feasible and as required by this Code;

Comment: The project is proposed on a relatively flat vacant site and will require additional grading to meet the Town of Apple Valley Development Code. Six (6) Joshua Trees were relocated from the site under the direction of a Desert Native Plant Expert. However, prior to issuance of any maintenance clearing, or building permits, the applicant/developer shall comply with the Native Plant Protection Ordinance for any new small Joshua Tree pups that may have grown on the site since the prior grading of the site. The relocation of any Joshua Trees may only be initiated by the Desert Native Plant Expert and submittal of a scheduled maintenance report to ensure the highest practicable survival rate.

10. That historically significant structures and sites are protected as much as possible in a manner consistent with their historic values;

Comment: The site is partially developed with twelve (12) single-family units and the remainder of the site is vacant and generally surrounded by existing single-family residential homes and vacant lots with no known historical structures on site or in the vicinity.

11. That there are public facilities, services and utilities available at the appropriate levels, or that these shall be installed at the appropriate time, to serve the project as they are needed;

Comment: There are existing improvements available to serve the site. In addition, the proposal, with adherence to the recommended Conditions of Approval, will be compatible with the surrounding neighborhood.

12. That access to the site and circulation on and off-site is safe and convenient for pedestrians, bicyclists, equestrians and motorists;

Comment: The proposed single-family residential development will be located on a residential site with interior local roads, which are required to be improved to Town standards, including an equestrian path. Additionally, the proposal must adhere to Conditions of Approval required in the Development Permit. Therefore, the proposal will not adversely impact access, circulation and the physical character of surrounding streets.

13. That the proposed development's generation of traffic will not adversely impact the capacity and physical character of surrounding streets;

Comment: The proposed single-family residential development will be located on a residential site with interior local roads, which are required to be improved to Town standards and designed to accommodate residential traffic. In addition, the proposed project must adhere to the Conditions of Approval required in the Development Permit. Therefore, the proposal will not adversely impact the capacity and physical character of surrounding streets.

14. That traffic improvements and/or mitigation measures are provided in a manner adequate to maintain a Level of Service C or better on arterial roads and are consistent with the Circulation Element of the Town General Plan;

Comment: Traffic generated from the project will not adversely impact the surrounding area as circulation issues were addressed by the Town when Tentative Tract Map No. 16134 was reviewed and approved by the Planning Commission. The proposed single-family residential development will be located with interior local roads that can accommodate traffic generated from the project site.

15. That environmentally unique and fragile areas, such as the knolls, areas of dense Joshua trees, and the Mojave River area, shall remain adequately protected;

Comment: The proposal is within a Residential Single Family (R-SF) zoning district, using a site that has been determined to be outside of any known environmentally unique or fragile areas. Per Code Section 9.76.040, any Joshua Trees must be relocated with the approval of the Town and under the direct supervision of a Desert Native Plant Expert.

16. That there will not be significant harmful effects upon environmental quality and natural resources;

Comment: This project is within the scope of the approved Mitigated Negative Declaration that was adopted by the Planning Commission for Tentative Tract Map No. 16134 on May 19, 2004. Therefore, the proposed request requires no additional evaluation is necessary in compliance with the California Environmental Quality Act (CEQA); and

The project will not conflict with the provisions of any adopted, applicable plan, policy or regulation and will comply with the Town's Climate Action Plan (CAP), addressing the reduction of greenhouse-gas emissions adopted to comply with the California Global Warming Solutions Act. In order to reduce the Greenhouse gas emissions for this project, the design will incorporate the following measures to ensure that the energy levels will be reduced than Title 24 requirements.

17. That there are no other relevant negative impacts of the proposed use that cannot be mitigated;

Comment: This project is within the scope of the approved Mitigated Negative Declaration that was adopted by the Planning Commission for Tentative Tract Map No. 16134 on May 19, 2004. Therefore, the proposed request requires no additional evaluation is necessary in compliance with the California Environmental Quality Act (CEQA).

18. That the impacts which could result from the proposed development, and the proposed location, size, design and operating characteristics of the proposed development, and the conditions under which it would be operated or maintained, will not be detrimental to the public health, safety and welfare of the community or be materially injurious to properties or improvements in the vicinity, nor be contrary to the adopted General Plan; and

Comment: The proposed single-family residential development, by its design and operating characteristics, and with adherence to the conditions under which it will be operated and maintained, will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity.

19. That the proposed development will comply with each of the applicable provisions of this Code and applicable Town policies, except approved variances.

Comment: The proposed single-family residential development can be built in conformance to the Development Code, subject to approval of a Development Permit and with adherence to the recommended Conditions of Approval.

RECOMMENDATION:

Based upon the information contained within this report, and any input received from the public at the hearing, it is recommended that the Planning Commission move to:

1. Determine that the project is within the scope of the approved Mitigated Negative Declaration that was adopted by the Planning Commission for Tentative Tract Map No. 16134 on May 19, 2004. Therefore, the proposed amendment requires no additional evaluation in compliance with the California Environmental Quality Act (CEQA).
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.

3. Approve Development Permit No. 2006-016, AMD No. 1, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

Prepared By:

Reviewed By:

Douglas Fenn
Senior Planner

Lori Lamson
Community Development Director

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Zoning Map
3. Full Size Set of Plans (as separate Attachment)

RECOMMENDED CONDITIONS OF APPROVAL

Case No. Development Permit No. 2006-016, AMD No. 1

Please note: *Many of the suggested Conditions of Approval presented herewith are provided for informational purposes and are otherwise required by the Municipal Code. Failure to provide a Condition of Approval herein that reflects a requirement of the Municipal Code does not relieve the applicant and/or property owner from full conformance and adherence to all requirements of the Municipal Code.*

Planning Division Conditions of Approval

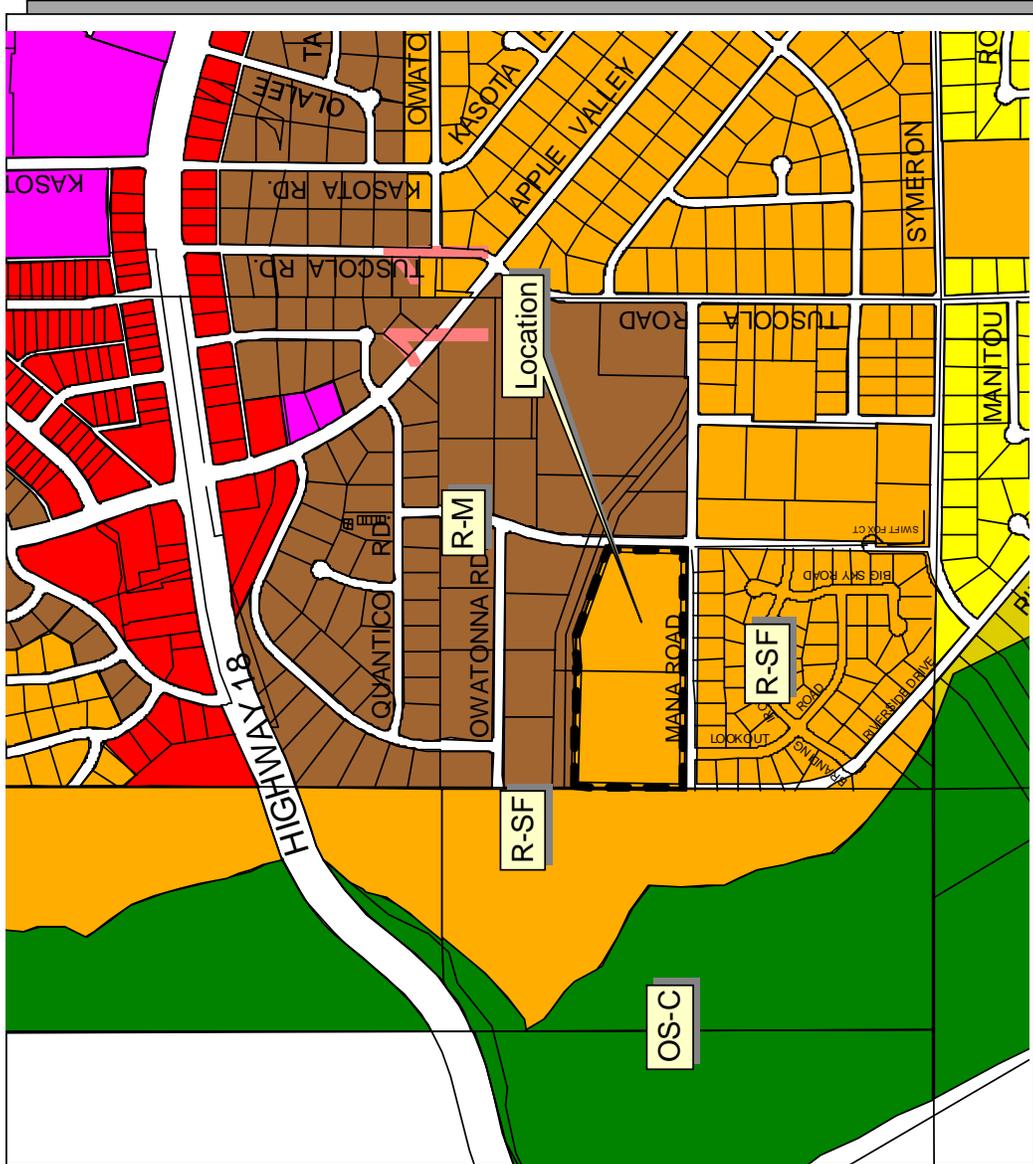
- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval, if not exercised in conformance to any conditions, shall become void two (2) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the void date. The Development Permit becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code, Section 9.03.0180.
- P2. The applicant shall agree to defend, at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P3. The approval of Development Permit No. 2006-016 AMD No. 1 by the Planning Commission is recognized as acknowledgment of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, *Appeals*, of the Town of Apple Valley Development Code.
- P4. Prior to issuance of any Building Permits for the lots addressed Development Permit No. 2006-016 AMD No. 1 (except as otherwise permitted by the Development Code of model homes), the applicant shall provide proof of recordation of Tentative Tract Map No. 16134 to the Planning and Engineering Divisions.
- P5. Parking requirements shall be met and be in compliance with Town standards. Two (2) parking spaces per dwelling unit shall be within an enclosed garage and shall have a minimum clear gross floor area of twenty (20) feet by twenty (20) feet free of any obstructions, including mechanical equipment. Driveways for single family residences shall be at least eighteen (18) feet wide and shall be maintained clear of all obstructions.
- P6. The project shall conform to the Residential Single-Family (R-SF), development standards for front yard-building setbacks of ~~forty (40)~~ thirty (30) feet minimum, ~~forty-five~~

- ~~(45)~~ thirty-five (35) feet average with a minimum offset of five (5) feet from adjacent properties.
- P7. All street elevations shall be architecturally treated and shall have no more than twenty-five percent (25%) of the homes on any block, including both sides of the street, with the same elevation. Color scheme variations sensitive to the natural colors of the landscape shall be utilized.
- P8. Any equipment, whether on the roof, side of the structure or ground, shall be screened from public view from adjacent property or from a public right-of-way. The method of screening shall be integrated into the architectural design of the building and/or landscaping.
- P9. Property line walls and fences adjacent to streets shall be constructed of decorative materials such as rail fencing, split face block or slumpstone. Such fencing shall incorporate appropriate decorative enhancements such as caps or pilasters.
- P10. Landscaping shall be installed in accordance with Section 9.75 of the Development Code. Xeriscape landscaping techniques are encouraged for use in parkway areas which typically consists of drought tolerant, native type plants, trees and groundcover. Tract areas which back onto rights-of-way shall be landscaped as required by subsection 9.75.040.E, *Landscape Improvement Requirements*. Final landscape and irrigation plans shall be submitted and installed for each individual unit, prior to issuance of occupancy permits.
- P11. All tract identification signs shall have a separate permit and are subject to final approval by the Town Planning Division.
- P12. The rendering(s) presented to and approved by the Planning Commission at the public hearing shall be the anticipated and expected appearance of the structure upon completion.
- P13. It is the sole responsibility of the applicant on any Permit, or other appropriate discretionary review application, for any structure to submit plans, specifications and/or illustrations with the application that will fully and accurately represent and portray the structures, facilities and appurtenances thereto that are to be installed or erected if approved by the Commission. Any such plans, specifications and/or illustrations that are reviewed and approved by the Planning Commission at an advertised public hearing shall accurately reflect the structure, facilities and appurtenances expected and required to be installed at the approved location without deviations, modifications, alterations, adjustments or revisions of any nature.
- P14. It is the sole responsibility of the applicant on any Permit, or other appropriate discretionary review application, for any structure to submit plans, specifications and/or illustrations with the application that will fully and accurately represent and portray the structures, facilities and appurtenances thereto that are to be installed or erected if approved by the Commission. Any such plans, specifications and/or illustrations that are reviewed and approved by the Planning Commission at an advertised public hearing shall accurately reflect the structure, facilities and appurtenances expected and required to be installed at the approved location without deviations, modifications, alterations, adjustments or revisions of any nature.

- P15. The Community Development Director, or his/her designee, shall have the authority for minor architectural changes focusing around items such as window treatments, color combinations, façade treatments, and architectural relief. Questions on the interpretation of this provision or changes not clearly within the scope of this provision shall be submitted to the Planning Commission for consideration under a Revision to the Development Permit.
- P16. All required and installed landscaping shall incorporate and maintain a functioning automatic sprinkler system, and said landscaping shall be maintained in a neat, orderly, disease and weed free manner at all times.
- P17. Prior to issuance of any Building Permits for the lots addressed under Development Permit No. 2006-016 AMD No. 1 (except as otherwise permitted by the Development Code of model homes), the applicant shall provide proof of recordation of Tentative Tract Map No. 16134 to the Planning and Engineering Divisions.
- P18. A minimum of three (3) styles of garage doors and a minimum of three (3) different styles of glass/lexan panel inserts shall be provided for each model, subject to review and approval by the Planning Division.

ZONING MAP

Tentative Tract Map No. 16134



Northwest Corner of Mana and Aniwa Roads

APN 473-141-24 and 25

Legend

- (R-SF) Residential Single Family (1 DU Per 0.4 to 0.9 Net Acres)
- (R-M) Residential Multi-Family (2 to 10 DU Per Net Acre)
- (OS-C) Open Space Conservation

Town of Apple Valley Planning Division
April 21, 2004