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Agenda Item No. 10

## TOWN OF APPLE VALLEY PLANNING COMMISSION

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# Staff Report

<b>AGENDA DATE:</b>	October 2, 2013
<b>CASE NUMBER:</b>	Planning Commission Resolution No. 2013-011
<b>APPLICANT:</b>	Town of Apple Valley
<b>PROPOSAL:</b>	The proposed Planning Commission Policy Statement establishes guidelines regarding requests to reduce the square footage and architectural modifications of previously approved Development Permit(s) for single-family tracts. The policy will be Town-wide for the remaining residential tracts that were not finished prior to the recent recession.
<b>LOCATION:</b>	Town-wide (Residential Designated Sites)
<b>EXISTING GENERAL PLAN DESIGNATION:</b>	Single-Family Residential Land Use Designations/Town-wide
<b>EXISTING ZONING:</b>	Single-Family Residential Zoning Designations/Town-wide
<b>ENVIRONMENTAL DETERMINATION:</b>	Pursuant to Section 15061(b)(3) of the State Guidelines to implement the California Environmental Quality Act (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>PROJECT PLANNER:</b>	Mr. Douglas Fenn, Senior Planner
<b>RECOMMENDATION:</b>	Adopt Planning Commission Resolution No. 2013-011 for square footage deduction requests of pre-recession single-family incomplete tracts.

## BACKGROUND

The Planning Commission directed staff to prepare a report addressing requests by developers to reduce the square footage of single-family residential units in tracts previously approved and partially constructed prior to the recent recession. Over the past couple of years, two (2) developers for two (2) different projects have submitted square-footage reductions and minor architectural changes to the Planning Commission. The Planning Commission reviewed the proposed changes and approved both projects subject to new conditions. However, both projects were appealed to the Town Council because the neighbors who had moved into the previously approved residences of the tract were concerned with the impact of smaller residences and the change in architecture. The Town Council approved one (1) of the appeals, and the other was denied.

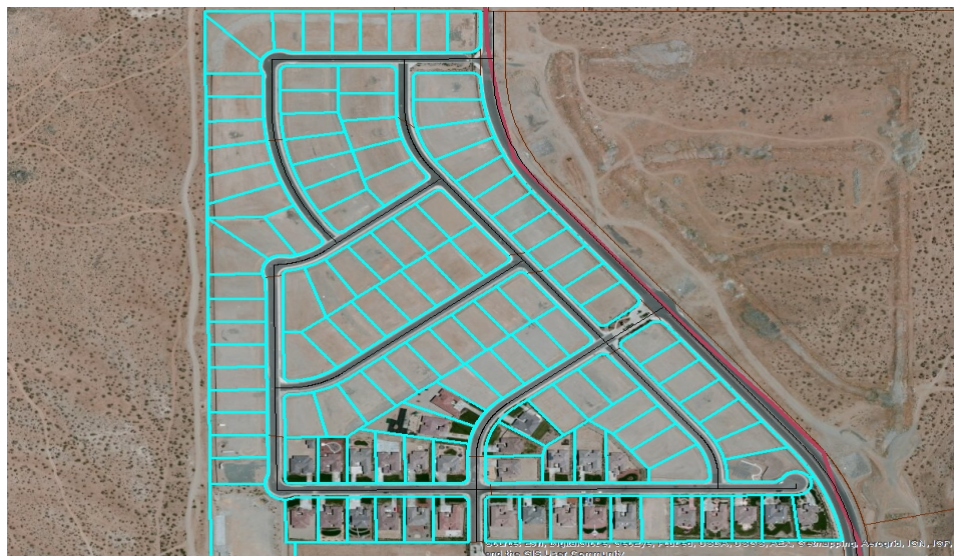
The Commission directed staff to prepare a policy statement regarding single-family residential square footage reductions and architectural modifications. The concept of the policy is to provide a simplified guideline that describes the process to the remaining developers who may request a reduction to the square footage and modify the architecture of previously approved and partially developed tracts.

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 market change 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.

Those cities, which responded to staff's survey (Victorville, Ontario, Colton, Rancho Cucamonga, and Fontana), confirmed that they too experience the same reduction of size to new single-family tracts as Apple Valley. The process for three (3) cities (Fontana, Ontario and Rancho Cucamonga), includes submitting the design of the residential project to a Design Review Committee (staff level review), only after the developer meets with the adjacent neighbors. Once the developer has finished this process the project is brought before the Planning Commission as a consent item. In these cities, any proposed change for reduction on square footage is handled at the staff level, because staff believed that the reduction under 400 +/- square feet and minor changes to the architecture elevations, were nominal. Any project over 400 +/- square feet went through their formal review process and sent back to the Planning Commission. The City of Victorville did allow a revision to residential tracts to be downsized, but the revisions were required to match the existing neighborhoods in appearance and quality. All revisions were addressed at the staff level.

As referenced above, there have been two (2) request to deviate for from previous approval from large square footage to a smaller footprint which reflects the national market of the downward trends. The two (2) projects that requested the square footage reduction and the remaining potential reductions of other single-family are explained below.

**TTM 14514 -- DP 2010-003 – Vista Del Sol**



The Commission approved Development Permit No. 2006-039 Amendment No. 1 on May 5, 2010 for reduction of the square footage and minor architectural revision of the remaining ninety-six (96) single-family residences of Tract Map No. 14514-1 (126 lots). The applicant proposed an average home size of 2,833 of livable square footage.

The new single-family homes ranged in size from 2,311 to 3,186, square feet (livable space), not including the three (3) car garage square footage. The following table depicts the square footage totals of what was previously approved on October 18, 2006 by the Planning Commission, versus what was proposed and approved by the Planning Commission on May 5, 2010.

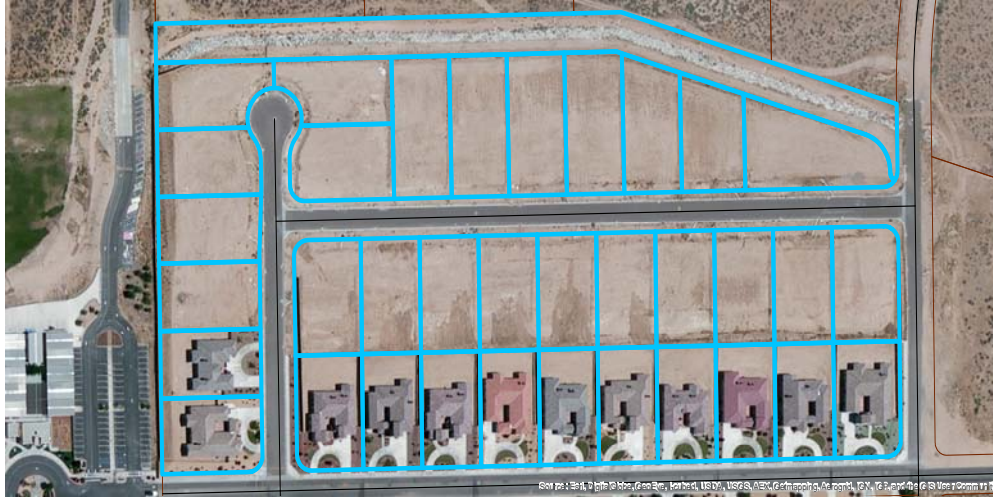
Single-Family Plans	October 2006 Approved (max sq. ft. including 3 car garage)	May 2010 Proposed (max sq. ft. including 3 car garage)	Difference (not including options)
Plan 1	3,492 sq. ft.	2,953 sq. ft.	539 sq. ft.
Plan 2	3,849 sq. ft.	3,294 sq. ft.	555 sq. ft.
Plan 3	4,017 sq. ft.	3,527 sq. ft.	490 sq. ft.
Plan 3x	4,204 sq. ft.	3,769 sq. ft.	435 sq. ft.
Plan 4	4,520 sq. ft.	3,807 sq. ft.	713 sq. ft.

The square footage reductions of the homes range from over 500 square feet to over 700 square feet (not including options). The options total approximately 450 +/- of additional square footage for each unit, thus, increasing the overall reduction, respectively from 900 to 1,160 square feet.

The Commission on May 5, 2010 approved the reduction of the square footage and the modifications to the architecture elevations. The Commission added a condition that the larger proposed single-family residences be located next to existing residences.

The project was appealed to the Town Council because the neighbors were concerned about the proposed reductions and changes to the elevations were not consistent with what was previously approved.

**TTM 16314 -- DP2006-016 AMD 1 – “Mana” Tract**



On July 5, 2006 the Commission approved the architectural appearance of thirty-five (35) single-family residential homes located on a 20.8 acre site. The subject site is located on the northwest corner of Mana Road and Aniwa Road.

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

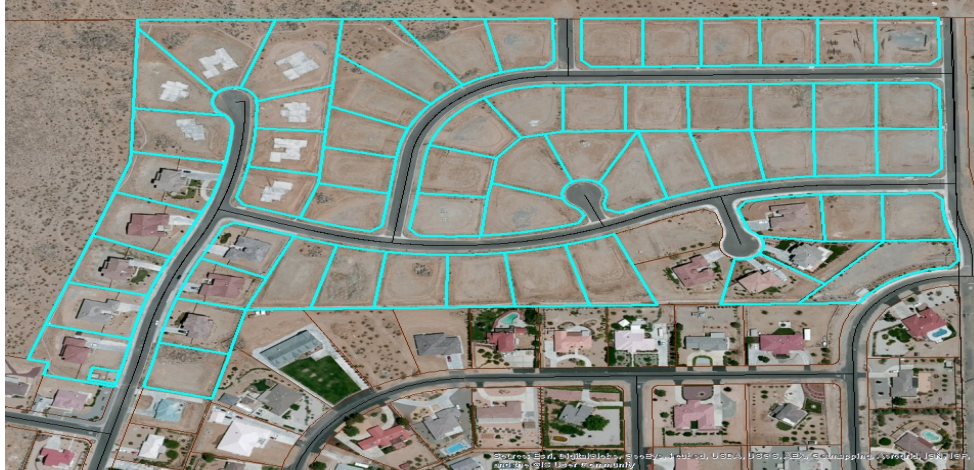
Single-Family Plans	July 2006 Approved (max sq. ft. including 3 car garage)	January 2011 Proposed (max sq. ft. including 3 car garage)	Difference
Plan 1	3,864 sq. ft.	2,956 sq. ft.	908 sq. ft.
Plan 2	4,281 sq. ft.	3,028 sq. ft.	1,253 sq. ft.
Plan 3	4,461 sq. ft.	3,223 sq. ft.	1,238 sq. ft.
Plan 4	4,877 sq. ft.	3,362 sq. ft.	1,515 sq. ft.

The Commission on January 16, 2013 approved the developers’ request to reduce the square footage of the single-family units and proposed architectural modifications. However, one key condition that the Commission added, was that the larger residential units must be located next to existing single-family residences.

The project was appealed to the Town Council by the adjacent neighbors to the project. The neighbors believed that the proposed square footage reductions and changes to the elevations were not consistent with their existing residences that were previously approved by the Commission.

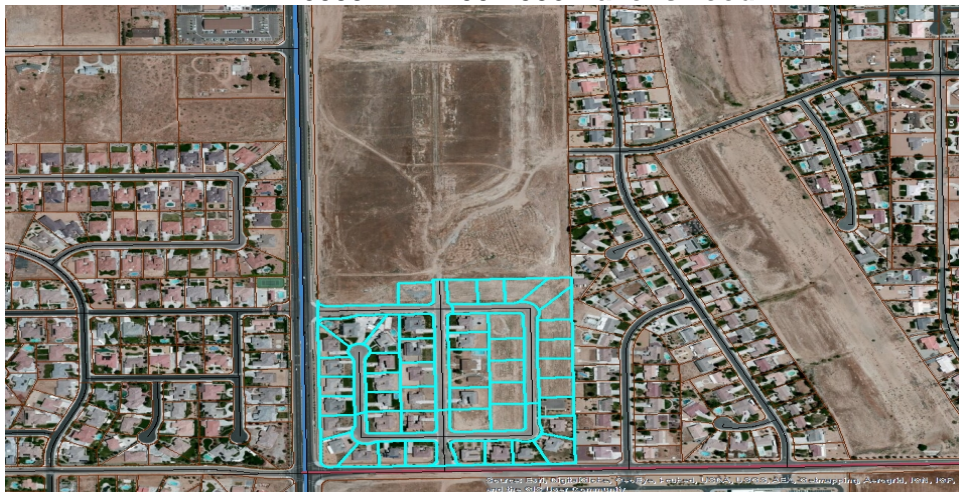
Remaining Tracts Partially Developed Prior to the Recession.

**TTM 15286 -- DP 2005-022 Bell Mountain Estates**



**Location:** Northwest Corner of Chippewa and Wintun Roads  
**Project Size:** 40 acres  
**Total Number of Lots:** 61 lots  
**Developed Units:** 12 units (additional 7 units have concrete pads)  
**Zoning:** R-SF  
**Range of Square Footage:** 3,864 to 4,877  
**Garage Size:** 2 & 3 car garages

**TTM 16059 -- DP2004-006 Ravenswood**



**Location:** Northeast corner of Apple Valley Road and Sitting Bull Road  
**Project Size:** 97 acres  
**Total Number of Lots:** 172 lots  
**Developed Units:** Phase One - 30 units (additional 16 graded pads)  
**Zoning:** R-SF  
**Range of Square Footage:** 2,626 to 4,239  
**Garage Size:** 2 & 3 car garages

**TTM 18343 -- DP2006-019 Mira Monte**



**Location:** Northwest corner of Central Road and Esaws Road

**Project Size:** 50 acres

**Total Number of Lots:** 85 lots

**Developed Units:** 24 units

**Zoning:** R-EQ

**Range of Square Footage:** 2,215 to 2,613

**Garage Size:** 3 car garages

The issues that have consistently come up during the discussions of the two projects reviewed by the Commission and Council include the need to find a balance among the older development surrounding the project site, the newer units built prior to the recession and the units requested to be modified in size and architectural style. The balance not only includes the compatibility of square footage, but the compatibility of style and scale. All of these issues weigh into the overall compatibility of any change to the originally approved plans and how it might relate with the surrounding neighborhood. The following policies begin to illustrate possible requirements on developers considering a change in the size and architectural style of an approved residential tract development. The Commission can add or delete to the list at its discretion.

1. The height, scale and massing of the modified plans shall be consistent with the originally approved tract.
2. Any new residence directly adjacent to a residence completed prior to the recession or within the older surrounding neighborhood shall not have a greater difference in square footage than 200 square feet or ten (10) percent of the square footage of the older home, whichever is less.
3. Any request of more than twenty (20) percent modification to the square footage, from the originally approved plan, shall require a square footage analysis of an area not less than 1,200 feet from the project perimeter.
4. Tracts with originally approved plans that include a three (3)-car garage, must provide a minimum of seventy-five (75) percent of the remaining units, with a three (3)-car garage.

5. Colors, materials and architectural styles of the proposed plans shall be consistent and compatible with the originally approved plans.

The Town of Apple Valley has a different process from the other communities that responded to our survey. The other planning departments addressed their square footage reduction request at the administrative staff level or went through the planning process for the larger reduction requests as a consent item.

At the direction of the Commission, staff has prepared a process within the policy guideline that will help the Commission, staff and the development community to proceed with future changes as described in the staff report. The proposed policy process is described below, and the Commission can add or delete to the list at its discretion.

1. Any proposed square footage of over twenty (20) percent of livable square feet of the previously approved project shall be reviewed by the Planning Commission. An application with less than twenty (20) percent of modification to the square footage shall be reviewed administratively. Both modifications will be considered an amendment to an approved project.
2. If a project proposed changes less than twenty (20) percent of livable square feet, and the Planning Director or designee determines the proposed architectural changes are not in concert with prior Commission approval, the project shall be reviewed by the Planning Commission; and
3. Any project that qualifies for Commission review, the applicant is encouraged to meet with surrounding neighbors who live within 300 feet from the project site.

### **RECOMMENDATION**

Following receipt of public input and discussion by the Commission, it is recommended that the Planning Commission move to approve Policy Guidelines regarding single-family square footage reduction and/or architectural modification requests of pre-recession projects

**Prepared By:**

**Reviewed By:**

\_\_\_\_\_  
Douglas Fenn  
Senior Planner

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Lori Lamson  
Community Development Director

Attachments:

1. Resolution No. 2013-011 w/ Exhibit A

**PLANNING COMMISSION RESOLUTION NO. 2013-011**

**A RESOLUTION BY THE TOWN OF APPLE VALLEY, CALIFORNIA PLANNING COMMISSION ADOPTS A POLICY GUIDELINE REGARDING THE MODIFICATION TO SINGLE-FAMILY RESIDENTIAL SQUARE FOOTAGE AND ARCHITECTURAL CHANGES TO APPROVED TRACTS NOT COMPLETED DUE TO THE RECENT DOWNTURN OF THE RESIDENTIAL MARKET, EXEMPTING THIS POLICY FROM ENVIRONMENTAL REVIEW AND DETERMINING THIS POLICY IS COMPLAINT WITH TITLE 9 OF THE DEVELOPMENT CODE.**

**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 Planning Commission recognizes the need to have clear interpretation and consistency in applying the standards and requirements established within the Development Code; and

**WHEREAS**, The Planning Commission works to preserve the Town's identity and character through the commitment of protecting the community's aesthetics; and

**WHEREAS**, this Policy Statement shall serve as a guideline to encourage quality development, preserve community pride and providing aesthetic appeal, while affording an individual property owner and developer a fair and equitable opportunity to build a compatible community using creative and innovative designs; and

**WHEREAS**, this Policy Statement shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

**WHEREAS**, this Policy Statement has been prepared in compliance with the Title 9 "Development Code" of the Municipal Code of the Town of Apple Valley on the recommendation of the Planning Commission; and

**WHEREAS**, Pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be determined 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 may have a significant effect on the environment, the activity is EXEMPT from further CEQA review; and

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

**Section 1.** Find that the Policy Statement is consistent with the Goals and Policies of the



Town of Apple Valley adopted General Plan and Development Code

**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 Policy Statement will have a significant effect on the environment and; therefore, the Amendment is EXEMPT from further environmental review.

**Section 3.** Adopt the attached Policy “Single-Family Square Footage Reduction and Architectural Modifications to Tracts Partially Built Prior to Recession” (Exhibit A).

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 2nd day October 2013.

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Jason Lamoreaux, Chairman

ATTEST:

I, Debra Thomas, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing Planning Commission Resolution No. 2013-011 was adopted by the Planning Commission at a regular meeting thereof, held on the 2nd day of October, 2013, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Debra Thomas, Planning Commission Secretary

**TOWN OF APPLE VALLEY PLANNING COMMISSION  
POLICY GUIDELINES  
FOR  
SINGLE-FAMILY SQUARE FOOTAGE REDUCTION AND ARCHITECTURAL  
MODIFICATIONS TO TRACTS PARTIALLY BUILT PRIOR TO RECESSION**

It is the goal of the Town Council and the Planning Commission of the Town of Apple Valley to promote the preservation of the Town's identity and character through a commitment to protecting the community's aesthetics. The Development Code identifies specific design standards and guidelines that ensure the continued preservation and protection of the community's aesthetic integrity and preservation of the open desert environment.

The Commission recognizes the importance of preventing arbitrary interpretation and providing consistency while applying the standards and requirements established within the Development Code. This Policy will preserve the desert environment, community pride and the community's aesthetic appeal, while affording an individual property owner a fair and equitable opportunity to build using creative and innovative designs within the Town of Apple Valley, the Planning Commission of the Town of Apple Valley, California, finds and determines as follows:

As it pertains to amendments to approved single-family residential development plans for tracts that were partially developed prior to the recession of 2007-2010, the following guidelines shall be implemented:

Guideline Standards:

1. The height, scale and massing of the modified plans shall be consistent with the originally approved tract.
2. Any new residence directly adjacent to a residence completed prior to the recession or within the older surrounding neighborhood shall not have a greater difference in square footage than 200 square feet or ten (10) percent of the square footage of the older home, whichever is less.
3. Any request of more than twenty (20) percent modification to the square footage, from the originally approved plan, shall require a square footage analysis of an area not less than 1,200 feet from the project perimeter.
4. Tracts with originally approved plans that include a three (3)-car garage, must provide a minimum of seventy-five (75) percent of the remaining units, with a three (3)-car garage.
5. Colors, materials and architectural styles of the proposed plans shall be consistent and compatible with the originally approved plans.

Process for Amendments:

1. Any proposed square footage of over twenty (20) percent of livable square feet of the previously approved project shall be reviewed by the Planning Commission. An application with less than twenty (20) percent of modification to the square footage shall be reviewed administratively. Both modifications will be considered an amendment to an approved project.

2. If a project proposed changes less than twenty (20) percent of livable square feet, and the Planning Director or designee determines the proposed architectural changes are not in concert with prior Commission approval, the project shall be reviewed by the Planning Commission; and
3. Any project that qualifies for Commission review, the applicant is encouraged to meet with surrounding neighbors who live within 300 feet from the project site.

The Planning Commission may modify this policy guideline as deemed appropriate. It is the intent of the policy to be in concert with applicable guidelines required for single-family development per Title 9, of the Development Code of the Town of Apple Valley Municipal Code.