



**CITY OF TWENTYNINE PALMS
STAFF REPORT**
6136 Adobe Road
Twentynine Palms, CA 92277
(760) 367-6799, Fax (760) 367-5400
commdev@ci.twentynine-palms.ca.us

TO: Planning Commission
FROM: Community Development Director
DATE: February 7, 2006
RE: PC 05-95 – An application by James Mooney for a Minor Use Permit to allow an accessory building taller than the main structure and greater than 1,000 square feet in area, at 73495 Starlight Drive. Pursuant to Sections 19.48.030.D.2.a and b of the Twentynine Palms Development Code, a Minor Use Permit may be approved by the Planning Commission to allow an accessory building in excess of 1,000 square feet in area and to allow an accessory building, which exceeds the height of the main structure. The proposed accessory building, a garage and workshop, would be 1,600 square feet and 13'0" in height. The primary structure, the applicant's single family residence, is 12'6" in height. The accessory building would be six inches taller than that the main structure. Zone RSE, T1S, R9E, Section 4, APN# 0590-111-35.

RECOMMENDATION: Conduct the Public Hearing, consider public comment, adopt the Categorical Exemption, and approve the Minor Use Permit, subject to the attached Conditions of Approval.

BACKGROUND: The applicant seeks to construct a metal building to be used as a garage in excess of 1,000 square feet in area and which exceeds the height of the main structure. Per Table 19.10-A in Section 19.10.020 of the Development Code, a Minor Use Permit is required.

- | Attachments |
|--------------------|
| 1. Conditions |
| 2. MUP Application |
| 3. Locator Map |
| 4. Plans |
| 5. Photos |

Zoning for the subject parcel is RS-E. The proposed structure may be allowed in the RS-E land use district subject to the Planning Commission's approval of the MUP. The MUP can be approved if the findings specified in Section 19.31.060 *Findings*. The required findings are:

- A. That the proposed design and location of the minor use and the conditions under which it will be operated are in accordance with the purpose of this Development Code, the zoning regulations applicable to the site, the City of Twentynine Palms General Plan, and other applicable development policies and standards of the City; and
- B. That the proposed design and location of the use and the conditions under which it will be operated will not be detrimental to the public health, safety, or welfare, or materially injurious to uses, properties or improvements in the vicinity; and
- C. That the proposed site is adequate in size and shape to accommodate the use and integrate it with the existing and planned uses in the vicinity.

In approving an application for a MUP, the Planning Commission may impose reasonable and appropriate conditions to achieve the purposes of the Development Code and to justify making necessary findings. Section 19.31.070 *Conditions of Approval*, states that conditions may include, but shall not be limited to:

- A. Requirements for special building setbacks, open spaces, buffers, fences, walls and screening.
- B. Requirements for installation and maintenance of landscaping, and erosion control measures.
- C. Requirements for street and other infrastructure improvements and related dedications.
- D. Regulation of vehicular ingress, egress, and traffic circulation.
- E. Regulation of hours of operation or other characteristics of operation.
- F. Requirements for increased security.
- G. Requirements for periodic review.
- H. Requirements for special building design and features to enhance the visual impact and integrate the use into the community.
- I. Other conditions as may be deemed necessary to make the findings required by this Chapter.

Conditions of Approval

In addition to the standard conditions for Minor Use Permits, staff is recommending the following conditions for this project:

1. That the building shall have a minimum 24' roof overhang or otherwise conform the Desert Southwest Design Guidelines; and
2. The applicant shall dedicate 30' of half street right-of-way along Mara Avenue. No street improvements shall be required as part of this permit.

CEQA

Section 15303 of the California Environmental Quality Act (CEQA) Guidelines provides for Categorical Exemptions for new small structures. Class 3 includes, "the construction and conversion of limited numbers of new small structures. Section 15303(C) specifically identifies structures not exceeding 2,500 square feet in area. Section 15303 (e) specifically identifies accessory (appurtenant) structures including garages, carports, patios, swimming pools and fences. Staff believes that this class of exemption can be applied to the proposed project. If the Planning Commission concurs, a motion to approve the Minor Use Permit should include a finding that the project is exempt from CEQA. If the Commission does not concur, the matter should be referred back to staff for completion of an environmental analysis.

Approval Authority

The Planning Commission is the Approval Authority for the MUP. If the CEQA Exemption is approved, the Commission may, 1) Make the required findings and take action to approve the MUP subject to the conditions discussed above, 2) Make the required findings and take action to approve the MUP subject to a modified list of Conditions, 3) Continue the matter to a future specific date to allow additional time for consideration of the issues, or 4) Take action to deny the project.

CITY OF TWENTYNINE PALMS
DRAFT CONDITIONS OF APPROVAL

PC 05-95, James Mooney

Project Description: Minor Use Permit, Over-height and over-size accessory structure.

Location: 73495 Starlight Drive

Parcel Number: 0590-111-35

Hearing Date: February 7, 2006

Expires: February 6, 2008

Per Section 19.31.090 of the Development Code, Minor Use Permits shall expire two (2) year from the date the approval was granted, unless prior to the expiration date:

1. A Building Permit is issued and remains active for any approved phase of the project; or
2. A Certificate of Occupancy is issued for the use or structure; or
3. The site is occupied in accordance with the approved use. (A use permit for a public utility installation may be valid for a longer period if specified by the Approval Authority or City Council.)
4. The site is occupied in accordance with an approved phase as part of a phased development.

Per Section 19.31.090 (B), an approved Minor Use Permit shall expire if the use has been commenced and then is discontinued for a period of one (1) year or more.

Planning

- P1. Conditional approval is granted by Planning Commission acting as Approval Authority on February 7, 2006, to permit the construction/use of a 13' tall, 1,600 square foot accessory structure (garage). All development of the site shall be in substantial conformance with the adopted site plan and shall comply with all Conditions of Approval.
- P2. The Applicant shall ascertain and comply with requirements of all State, County and Local agencies as are applicable to the project proposal.
- P3. The property owner shall keep the property neat, clean, and in good physical condition including open spaces, lighting, driveways, and landscaping.
- P4. The Applicant shall subscribe to trash collection service with the City's authorized hauler[(760) 367-9168]. A minimum service level shall be required.
- P5. The roof shall have sloping lines with a minimum twenty-four (24) inch eaves overhang, measured from the vertical side of the home. The Planning Director may approve an alternate design, if the Planning Director finds that the alternate design is architecturally compatible with homes in the vicinity or that the alternate design is compatible with the Desert Southwest Design Guidelines adopted by the City.
- P6. All outdoor lighting shall conform to Development Code Chapter 19.70, *Lighting Standards*, and shall be designed to not glare or reflect onto neighboring properties or public rights-of-way. Outdoor lighting shall be shielded and limited to that required for security and safety purposes. The applicant shall work with staff to select compliant fixtures.

- P7. The building design shall be Desert Southwest, in conformance with the City's Design Guidelines, per drawing and detail provided on the site plan. The approved design theme shall be retained for the duration of the approved use unless a revised design is approved by the Planning Commission as a Minor Use Permit Amendment.
- P8. Prior to construction, the applicant shall submit three sets of plans to the City's Building Official and secure a Building Permit in conformance with the Uniform Building Code.
- P9. Prior to issuance of building permits, the Applicant shall pay school development fees to the Morongo Unified School District that may be in effect at the time of building permit issuance.
- P10. Landscaping shall not interfere with sight distances at vehicular access points.
- P11. Maximum lot coverage (impervious surface) shall not exceed twenty percent (20%) of the total project area.
- P12. All construction and improvements shall comply with *Encroachments into Yards or Setbacks* standards established in the Development Code for the underlying land use district. Minimum setbacks are:

| | |
|----------------|---------|
| Front: | 25 feet |
| Street side: | 25 feet |
| Interior side: | 15 feet |
| Rear: | 20 feet |
- P13. Soil testing (percolation report) for the septic system shall meet the requirements of Department of Environmental Health Services (DEHS) [(909) 387-4666]. The Applicant shall submit test results and required fee to DEHS. Copies of all correspondence with DEHS regarding this Condition shall be provided to the City of Twentynine Palms Community Development Department.
- P14. Prior to construction, the Applicant shall provide written clearance from the Colorado River Regional Water Quality Control Board [(760) 776-8940] and a copy of such clearance forwarded to DEHS.

Engineering Conditions

- E1. Easements, as required for roadways, drainage facilities, utilities, etc., shall be submitted and recorded as directed by the City Engineer. No structures shall be placed on any part of the easements except those directly related to the purposes of said easements.
- E2. A grading permit shall be obtained from the City Engineer prior to any grading or other work done on the site. Prior to the issuance of a grading permit, the applicant's engineer shall submit a comprehensive grading plan in conformance with the Uniform Building Code (UBC) and the requirements of the City. A preliminary soils report and a current preliminary title report shall be submitted to the Engineering Division concurrently with the grading plan.

- E3. Prior to issuance of a grading permit, a final drainage plan with street layouts shall be submitted for review and approval by the City Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider retaining onsite drainage flows from a 100-year design storm.
- E4. An Encroachment Permit separate from the Grading Permit shall be obtained from the City of Twentynine Palms Public Works Department prior to any construction occurring within the public right-of-way. Contact the Planning Division at City Hall [(760) 367-6799] for a permit application.
- E5. The applicant shall dedicate right-of-way along the project boundaries in conformance with the City's General Plan and adopted standards:
 - A. Street name: Mara Avenue
ROW Width: 30'
- E6. Existing utilities shall be shown on the improvement plans and protected or relocated as necessary without cost to the City.

Fire Department

- F1. The Applicant shall comply with all Conditions and requirements of the Twentynine Palms Fire Department. Written verification from the Fire Department shall be provided by the Applicant prior to issuance of any Building Permit.
- F2. All construction and activities shall comply with applicable sections of the 1988 edition of the Uniform Fire Code and all other state, county, and city ordinances, rules and regulations regarding fire protection.
- F3. The project shall have two (2) points of vehicular access for fire and other emergency vehicles and equipment. The unobstructed width of a fire apparatus access road, to include access gates, shall be not less than twenty (20) feet. A turn-around shall be required at the end of each roadway that is one hundred and fifty (150) feet or more in length and shall be approved by the fire department.
- F4. All flammable vegetation shall be cleared thirty (30) feet, from any flammable building materials or finished structures.
- F5. Automatic extinguishing systems are required for commercial style kitchens and require fire department approval.
- F6. Smoke detectors are required in all sleeping quarters in accordance with the Uniform Building Code.
- F7. Fire extinguishers (type and quantity to be specified by the fire department) will be required prior to any use of the facility.
- F8. Prior to commencement of construction, an approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. The following are the minimum requirements for the proposed development:
 - A. SYSTEM STANDARDS

Fire Flow: 2000 GPM @ 20 PSI Residual Pressure
Duration: 2 Hours
Hydrant Spacing: 330 Feet

B. DISTRIBUTION SYSTEM

Mains: 6-Inch Minimum
Laterals: 6-Inch Minimum
Riser: 6-Inch Minimum

C. FIRE HYDRANTS

Type: 6-Inch, with one (1) two and one half (2 ½) inch outlet and one (1) four (4) inch outlet with National Standard Threads.

Street Valve: 6-Inch Gate

- F9. The developer shall furnish the fire department with a copy of the water system improvement plans where fire protection water systems are required. A letter from the water purveyor stating what fire flow can be met shall be required.
- F10. A Knox-Box shall be placed on the building with keys providing access into the building.
- F11. The street address shall be posted with numbers that are three (3) inches or greater in size. Posted numbers shall contrast with their background and be clearly visible and legible from the street.
- F12. Fire-flow requirements for this project is one hydrant producing a minimum of 2500 GPM at 20 PSI residual pressure for a minimum duration of two (2) hours. To meet this requirements hydrant(s) shall be constructed by the applicant. Hydrant location and construction shall be approved by the Twentynine Palms Water District [(760) 367-7546].

General Conditions

- G1. In compliance with San Bernardino County Ordinance #2684, adopted by reference by the City of Twentynine Palms, the Applicant agrees to defend at his sole expense any action brought against the City, its agents, officers, or employees, because of the issuance of such approval. The Applicant shall reimburse the City, its agents, officers, or employees, for any court costs and attorney's fee which the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve the Applicant of his obligations under this Condition.
- G2. All Conditions are continuing Conditions. Failure of the Applicant and/or operator to comply with any of the said Conditions at any time may result in the revocation of the Conditional Use Permit and/or citation for code violation.
- G3. Within ten days of approval, the applicant shall submit to the Community Development Department a signed copy of the Conditions of Approval, verifying that he/she understands each Condition and agrees to adhere to each of the Conditions of Approval.

G4. The applicant and applicant's successors in interest shall be responsible for payment of all applicable fees, including reimbursement for all City expense in ensuring compliance with the Conditions of Approval.

Applicant Signature

Date



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STAFF REPORT**
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commdev@ci.twentynine-palms.ca.us

To: Planning Commission
From: Community Development Director
Date: February 7, 2006
RE: PC 05-75 - An application by Robert Lawrence, on behalf of HD Subdivision for approval of Tentative Tract Map 17729, an application for the subdivision of 10 acres into 40 lots for future development of single-family residences. The project is located on a vacant and previously unimproved site, APN # 0624-131-10 is bordered to the north by Old Dale Road, to the south by Chemehuevi Drive, to the east by Sherman Hoyt Avenue and to the west by Kellogg Avenue and APN # 0624-131-12 is bordered to the north by Chemehuevi Drive, to the south by Sullivan Road, to the east by Kellogg Avenue and to the west by Maude Adams Avenue, Zone RS-4, T1N, R3E, Section 34.

RECOMMENDATION: Conduct the Public Hearing, consider public comment, adopt the Mitigated Negative Declaration and De Minimis Impact Finding, and approve Tentative Tract Map No. 17729, subject to the attached Conditions of Approval.

BACKGROUND: The applicant proposes a 40-lot subdivision in the Single Family Residential (RS-4) land use district. No architecture is proposed at this time. The density of the project is 4.0 dwelling units per acre (du/ac). The maximum allowed density in the RS-4 land use district is 4.0 du/ac.

- | Attachments |
|-----------------------------------|
| 1. Conditions of Approval |
| 2. Major Subdivision Application |
| 3. Locator Map |
| 4. Mitigated Negative Declaration |
| 5. DeMinimis Impact Finding |
| 6. Tentative Tract Map #17729 |

Pursuant to Chapter 19.98 of the Development Code (Subdivision regulations), a tentative tract map is subject to approval by the Planning Commission. Once approved by the Planning Commission, the applicant prepares subdivision improvement plans in accordance with the Conditions of Approval. These improvement plans are reviewed by appropriate departments and agencies, including the Fire Department, Regional Water Quality Control Board, Water District, Edison, Gas Company, Verizon, Morongo Basin Transit Authority, School District, City Engineer and Community Development Director. When it has been determined that the plans comply with the conditions of approval, the applicant submits the Final Map to the City Council for approval. Following approval of the Final Map, the applicant records the Final Map with the county and may then begin development and/or sale of the individual lots.

The design and improvement of subdivisions are regulated by Government Code Section 66410 through 66413.5 (the Subdivision Map Act). In the Map Act, the state confers upon the City the power to regulate subdivisions through adoption of local law. The City's subdivision regulations are contained in Chapters 19.94 through 19.112 of the City's Development Code.

Project Routing/Notification

The project was routed to the following agencies and departments for review:

San Bernardino County Clerk
Twentynine Palms Water District
PC 05-75 SR

City Engineer
Twentynine Palms Fire Department

County Sheriff's Department
 County Department of Solid Waste Mgmt.
 County Assessor's Office
 San Bernardino Associated Governments
 Southern California Edison Company
 Verizon
 Waste Management
 Morongo Basin Ambulance
 Regional Water Quality Control Board
 California Department of Fish & Game
 MCAGCC

County Environmental Health Division
 County Flood Control District
 County Recorder
 Morongo Unified School District
 Southern California Gas Co.
 Adelphia
 Morongo Basin Transit Authority
 Air Quality Management District
 Division of Mines and Geology
 Joshua Tree National Park
 State Clearinghouse

Input from these agencies has been reviewed and, where appropriate, incorporated into the attached draft Conditions of Approval for the project.

Surrounding Land Use, General Plan and Zoning Designations

| | Land Use | General Plan | Zone |
|-------|--------------------------|--------------|------|
| Site | Vacant | RS-4 | RS-4 |
| North | Vacant | RS-4 | RS-4 |
| East | Vacant | RS-4 | RS-4 |
| South | Single family and vacant | RS-4 | RS-4 |
| West | Vacant | RS-4 | RS-4 |

General Plan

The RS-4 district allows a maximum of four dwelling units per acre and permits a minimum lot size of 7,200 square feet. With a density of 4.0 du/ac the project is the maximum density allowed by the General Plan. As designed the project is consistent with the General Plan Land Use Element.

Zoning

Lot sizes range from 7,440 square feet to 8,400 square feet in area. The project also complies with minimum lot dimensions. The proposed density, lot sizes and lot dimensions meet the requirements for the RS-4 zone. Therefore, the project is consistent with the Zoning Ordinance.

Site Characteristics

The subject site slopes from the south to north. The site contains typical desert vegetation and has been used by off-road vehicles.

Phasing

The applicant has not proposed phasing of this project. However, the Subdivision Map Act and the City's subdivision regulations allow phasing. The tentative map for a phased development can be approved with one action. Then, the developer is required to design all offsite improvements (curb & gutter, sidewalks, streets) related to a particular phase, prior to City Council approval of that phase of the Final Map. If the City Council finds that the improvements meet the requirements of the City and the Map Act, Final Map approval is given and the developer may commence sale and development of the lots for that phase.

Environmental Assessment

Based on the findings of the Initial Study, a Mitigated Negative Declaration is recommended. Because the project will not impact wildlife resources, a De Minimis impact finding can be made, thereby exempting the application from the California Department of Fish and Game environmental fee. Key issues addressed in the Initial Study are summarized below.

Traffic and Circulation

A traffic impact analysis has been prepared for this project. The study found that the project would generate 383 trip ends per day, with 30 trips during the AM peak and 40 trips during the PM peak hour. In order for the street system to continue to operate at a Level of Service "C" during peak hours, existing roadways adjacent to the project site will be required to be improved, including the following improvements:

- Sullivan Road, Sherman Hoyt Avenue and Old Dale Road (40' half street, Collector street);
- Kellogg Avenue, Chemehuevi Avenue, Maude Adams, (30' half street, Local street);
- Curb, gutter and sidewalks on all streets;
- Provide street signs and stop signs at project site access; and
- Traffic signing and striping; and
- Bike paths on all Collector streets.

Additionally, all interior streets will be constructed to City Standards and will include curb, gutter, sidewalks, pavement and intersection improvements.

Transit Service

The Morongo Basin Transit Authority has reviewed the project and recommends that the applicant provide a bus turn-out, one covered bus shelter with bench and trash receptacle. The specific location will be determined at a later date.

Sewage Disposal

The California Regional Water Quality Control Board (CRWQCB) has reviewed this project and determined that the proposed discharge of sewage effluent from the project poses a threat to ground water quality. To protect against this threat, the applicant proposes to construct the appropriate sewage treatment facility, as required by CRWQCB. As a condition of approval, the applicant will be required to design and receive approval for an on-site sewage treatment facility from the California Regional Water Quality Control Board (CRWQCB) and San Bernardino County Environmental Health Services, prior to approval of the Final Map.

Drainage

A preliminary drainage study has been prepared for the project. The study suggests that all storm flows be directed to the streets. Prior to issuance of a grading permit, the applicant will prepare the final drainage plan, which will receive and conduct offsite and onsite tributary drainage flows through the site in a manner, which will not adversely affect adjacent or downstream properties. The City Engineer will require the use of on-site retention basins designed to accommodate storm flows from a 100-year design storm on site in two locations.

The basins could be designed and improved as multi-use facilities, and serve as pocket parks on the 355 days per year without rain. The Homeowners Association would be responsible for construction and maintenance of these facilities.

Biological Resources

A biological study of the project site was prepared by Superior Desert Biological Services. The site is classified as Mojave Desert creosote-white bursage. The study, conducted in accordance with protocol established by the US Fish and Wildlife Service (USFWS) for the threatened desert tortoise, found no evidence of desert tortoise and concluded that desert tortoise is absent from the site. However, as a precaution, staff recommends having a biological monitor at the site during the initial phases of construction (clearing, grubbing and grading) to verify that tortoises are not present. This recommendation is based on the fact that although tortoises were not observed on site, they could appear at a later date. If tortoises were discovered during

construction, the California Department of Fish and Game would be called to have a qualified biologist relocate any tortoises from the site. Any relocation would be completed in accordance with USFWES standards.

General

Staff recommends the formation of a Home Owner's Association (HOA) to operate and maintain the common facilities of the project. These facilities include street maintenance, lighting, landscaping, storm drainage retention basin maintenance, pocket park maintenance and sewage treatment facilities. Formation of the HOA requires approval by the California Department of Real Estate. The formation of the HOA will enable the project to be self-sustaining and not become a burden to the public.

Approval

The Planning Commission is the Approval Authority for the Tentative Map. In taking action to approve, the Commission must find that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan. Because the subject property has the RS-4 General Plan land use designation, development of single-family residential units at the proposed density is consistent with the General Plan Land Use Plan.

In considering the application, the Planning Commission should consider the effects of its action upon the housing needs of the region and balance these needs against the public service needs of its residents and available fiscal and environmental resources (Subdivision Map Act Section 66412.3). Because the applicant proposes residential lot development, approval may ultimately result in an increase in available residential lots, could help to expand the supply of available housing with the region, and therefore, will not negatively impact housing for the region.

CITY OF TWENTYNINE PALMS
STANDARD CONDITIONS OF APPROVAL
PC 05-75/TTM 17729

Applicant Name: Robert Lawrence

Project Description: 40 Lot Subdivision

Location/Parcel Number(s) APN 624-131-10 and 624-131-12

Tentative Tract Map No. 17729

Approved: February 7, 2006

Expire: February 6, 2009

The following Standard Conditions of Approval shall be applicable to all subdivisions in the City. Additionally, site specific Conditions will be applicable as necessary to protect the public health, safety and welfare.

Planning Division

- P1. Prior to final tract map approval, the applicant shall submit for review to the Planning Division, and shall obtain the approval of the Planning Division and City Attorney for, Covenants, Conditions and Restrictions (CC&R's) which shall provide for, or include, all of the following:
- A. Creation of a homeowner's association ("Association") for the purpose of providing for the perpetual maintenance responsibility of areas including, but not limited to, all common areas, including irrigation systems, street maintenance, landscaped areas, storm drain retention basins, pocket park maintenance, other systems, as approved by the City Engineer, walls, street lights, pedestrian walkways, any onsite sewage treatment facilities, as required by the San Bernardino County Department of Environmental Health Services, Water and Waste Management Division and the California Regional Water Quality Control Board. In addition, the CC&Rs shall indicate all other areas to be owned and maintained by the Association and that maintenance of all private drainage facilities shall be in conformance with City standards and policies.
 - B. A reasonable method of allocating to the home/lot buyers the costs incurred by the Association to perform the maintenance and other obligations set forth in the CC&Rs.
 - C. A requirement that within 15 days after the establishment of the Association, the declarant in the CC&Rs shall furnish the Board or Officers of the Association a copy of the approved map, a copy of the approved site and fencing plan, copies of all approved landscaping plans, a complete set of construction plans for the map, and approved plans indicating the locations and characteristics of all major project components, utilities, and related data.
 - D. A requirement that following recordation of the final map, the Association shall submit to the Planning Division, for distribution to the Twentynine Palms Fire Department and Water District, and shall re-submit annually, a list of all current Officers of the Association.
 - E. A statement indicating that proposed amendments to the CC&Rs shall be submitted for review to the Planning Division, and shall be approved by the City Attorney and the Planning Division prior to the amendments being valid.

- F. A statement indicating that the City is deemed to be an express third party beneficiary of the CC&Rs and has the right, but not the obligation, to enforce any of the provisions of the CC&Rs.
- G. Fire prevention and defense provisions including a fire lane map, provisions that prohibit parking in fire lanes, and a method of enforcement. Also, a method for keeping fire protection access easements unobstructed shall be included. The approval of the Twentynine Palms Fire Department shall be required for any modifications such as control gates, or parking changes.
- P2. The CC&Rs and bylaws of the Association shall be approved by the California Department of Real Estate prior to acceptance of final tract map. The CC&Rs shall be recorded against the tract.
- P3. Concurrently with the applicant's submittal of the CC&Rs, the applicant shall submit to the City a deposit to pay for all costs associated with plan check and with City Attorney review of the project CC&Rs, disclosure statement, and any other applicable documents (minimum deposit shall be \$5,000.) Any unused deposit shall be returned to the applicant.
- P4. The final map shall show all common areas and systems to be maintained by the Association, including, but not limited to, any onsite sewage treatment facility.
- P5. Prior to final tract map approval, the owner or designee shall pay all applicable fees, including, but not limited to, park acquisition and development, water and sewer connection, drainage, and grading, and shall reimburse the City for all City expense in ensuring compliance with the Conditions of Approval.
- P6. A clear and comprehensive disclosure document shall be provided to each prospective home/lot buyer that presents the responsibilities, liabilities and costs of maintenance and liability of all common areas as detailed within the CC&Rs, as well as the method(s) of the Association's enforcement of the CC&Rs. Acknowledgement of receipt of this disclosure document, on forms provided by the Community Development Department of the City of Twentynine Palms, and signed by the prospective buyer, shall be retained by the Association, or corporation, and a copy of said form shall be provided to the City of Twentynine prior to occupancy of any home built upon the lot purchased.
- P7. This tentative subdivision shall comply with the provisions of the State Subdivision Map Act and the City Development Code. This tentative approval shall expire three (3) years from the date of approval by the Planning Commission/City Council. An application for a time extension may be submitted in accordance with the Subdivision Map Act and Chapter 19.98 of the Development Code, 30 days prior to the expiration date. The Tentative Tract Map becomes effective 10 days from the date of the decision unless an appeal is filed in compliance with Chapter 19.46 of the City's Development Code.
- P8. Prior to approval of the Final Map, the following agencies shall provide written verification to the Planning Division that all required exactions and dedications have been provided and that all pertinent conditions of approval and applicable regulations have been met:

Twentynine Palms Fire Department
Twentynine Palms Water District
City of Twentynine Palms Public Works Department
City of Twentynine Palms Engineering Division

California Regional Water Quality Control Board
California Department of Real Estate

- P9. The applicant shall defend, at its sole expense (with attorneys approved by the City), and indemnify the City against any claim, action, or proceeding brought by any third party against the City, its agents, officers or employees resulting from or relating to this approval. The applicant shall reimburse the City, its agents, officers or employees for any judgment, court costs and attorney's fees which the City, its agents, officers or employees may be required to pay as a result of such claim, action, or proceeding. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.
- P10. Subdivision phasing shall be as shown on the approved Tentative Tract Map.
- P11. Within ten days of approval, the applicant shall submit to the Planning Division a signed copy of the Conditions of Approval, verifying that he/she understands each Condition and agrees to adhere to each of the Conditions of Approval.
- P12. The project shall conform to the Single Family Residential (RS-4) development standards for front, side and rear yard-building setbacks as follows:
- | | |
|----------------|-----------------|
| Front: | 25 feet minimum |
| Street side: | 15 feet minimum |
| Interior side: | 10 feet minimum |
| Rear: | 15 feet minimum |
- Two story structures or second stories shall be setback a minimum of 20 feet from the side and rear property lines.
- P13. All lots shall have a minimum area of 7,200 square feet. All lots shall have a minimum depth of 100 feet and a minimum width of 60 feet, except corner lots, which shall have a minimum depth of 100 feet and a minimum width of 70 feet.
- P14. A copy of the final grading plan shall be submitted to the Building and Safety Division for review and approval by the Community Development Director.
- A. All on-site cut and fill slopes shall conform to the Uniform Building Code and Development Code (Chapter 19.64) relating to maximum slope, height and setbacks. Slopes shall be limited to a maximum slope ratio of 3 to 1 and a maximum vertical height of thirty (30) feet.
 - B. Slopes shall be contour graded to blend with existing natural contours.
 - C. Slopes shall be a part of the downhill lot when within or between individual lots.
 - D. All slopes over five (5) feet in vertical height and all fill slopes over three (3) feet in vertical height and steeper than 3:1, shall incorporate erosion control.
 - E. Minimize elevation differences between off-site residences and proposed pads.
 - F. Fill-slopes shall not be permitted to be located on the perimeter of the project.
- P15. Prior to recordation of Final Map, three sets of detailed landscaping and irrigation plans

for the retention basins, and front yard typical drawings shall be prepared by a qualified licensed landscape professional, shall be submitted to the Community Development Department for review and approval. The landscape and irrigation plans shall be prepared in compliance with the City Development Code and the "Go Native" landscape design guidelines.

- P16. The project shall incorporate curb, gutter, sidewalks, and bikeways, which shall be shown on Engineered improvement plans, subject to approval by the City Engineer.
- P17. Not used.
- P18. The Mitigation Measures from the Initial Study shall be incorporated herein, as conditions of approval, by reference.
- P19. Not used.
- P20. Prior to Final Map approval, the applicant shall submit to the Community Development Department written verification from Adelpia Communications that the subdivision complies with requirements of Adelpia Communications or their successor and their franchise agreement with the City [contact Plant Manager, (760) 365-5076, 7500 Kickapoo Trail, Yucca Valley, CA 92284].
- P21. To serve the MBTA, the applicant shall provide a bus stop, including a pull-out and shelter. The bus stop shall include a bench and trash receptacle. Bus stop locations and specifications shall be coordinated with Morongo Basin Transit Authority (MBTA), [contact MBTA General Manager Michael Tree (760) 366-2986].
- P22. The applicant shall be required to provide payment of all appropriate City fees in effect at the time, prior to permit issuance.
- P23. The retention basins shall be designed and improved as multi-use retention basins and neighborhood park facilities. The retention basin and park shall be available for public use prior to issuance of the first certificate of occupancy. The facility will include passive recreation facilities. The facility shall incorporate landscaping, seating and shade features. The facility shall be designed in consultation with the Community Services Director. The Planning Commission shall review and approve the site plan for the combination retention and park facility, prior to approval of the Final Map. The Association will be responsible for construction, maintenance and upkeep.
- P24. A biological consultant shall provide written confirmation that the site is clear of Desert Tortoise prior to grubbing.
- P25. The applicant shall pay all relevant fees in effect at the time of Final Map recordation and building permit issuance.

Building and Safety

- B1. An engineered grading report, including soils engineering and engineering geology, shall be filed with, and approved by, the Building Official prior to recordation of final map or issuance of permits for grading in excess of 50 cubic yards.
- B2. Grading and drainage plans are to be submitted to, and approved by, the Building Official prior to permit issuance.

- B3. The applicant/developer shall submit plans and obtain building permits for all structures and walls. No work is to be done prior to approvals and permit issuance.
- B4. A pre-construction permit and inspection are required prior to any land disturbing activity to verify requirements for erosion control, flood hazard, native plant protection and desert tortoise habitat.
- B5. Erosion control plans shall be submitted to, and approved by, the City Engineer and/or Building Official prior to issuance of permits.
- B6. All cross-lot drainage requires easements and may require improvements at the time of development.
- B7. Prior to any construction activity, the applicant shall check with the State of California Water Quality Control Board to determine if a general construction activity storm water permit is required.
- B8. Imported fill dirt shall be obtained from a borrow site with a current permit from the CTP Building and Safety Department or another responsible agency.

Engineering

- E1. Prior to issuance of a grading permit, a final drainage plan with street layouts shall be submitted for review and approval by the City Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider retaining onsite drainage flows from a 100-year design storm.
- E2. Street improvement plans shall be submitted to the City Engineer for review and approval.
- E3. All streets shall be improved to City standards with curb, gutter, sidewalk and street pavement. Minimum residential width of streets shall be 36 feet curb to curb.
- E4. All streets abutting the development shall be improved a minimum half-street width of 26 feet with curb, gutter and sidewalk on the development side.
- E5. Streets adjacent to the property shall be improved as follows:
 - Sullivan Road adjacent to the property shall be improved to the City's half-width Collector street standards. (32' wide half width pavement)
 - Sherman Hoyt Avenue adjacent to the property shall be improved to the City's half-width Collector street standards. (32' wide half width pavement)
 - Old Dale adjacent to the property shall be improved to the City's half-width Collector street standards. (32' wide half width pavement)
 - Maude Adams Avenue adjacent to the property shall be improved to the City's half-width local street standards. (18' to centerline + 8' wide half width pavement)

- Kellogg Avenue adjacent to the property shall be improved to the City's half-width local street standards. (18' to centerline + 8' wide half width pavement)
 - Chemehuevi Avenue adjacent to the property shall be improved to the City's half-width local street standards. (18' to centerline + 8' wide half width pavement)
- E6. Road dedications shall be provided as follows:
- A 40-ft wide (30' half-width + 10') road dedication along Maude Adams Avenue adjacent to the property shall be granted to the City of Twentynine Palms prior to Final Map Approval.
 - A 40-ft wide (30' half-width + 10') road dedication along Kellogg Avenue adjacent to the property shall be granted to the City of Twentynine Palms prior to Final Map Approval.
 - A 40-ft wide half-width road dedication along Old Dale Road adjacent to the property shall be granted to the City of Twentynine Palms prior to Final Map Approval.
 - A 40-ft wide half-width road dedication along Sullivan Road adjacent to the property shall be granted to the City of Twentynine Palms prior to Final Map Approval.
 - A 40-ft wide half-width road dedication along Sherman Hoyt Avenue adjacent to the property shall be granted to the City of Twentynine Palms prior to Final Map Approval.
- E7. During the grading of the roads, soils testing of the road subgrades by a qualified soils engineering firm shall be performed to determine appropriate structural road section and R value. Minimum asphalt concrete thickness for all streets shall be 0.33 feet (4 inches).
- E8. All required improvements shall be bonded in accordance with City Development Code unless constructed and approved prior to approval and recordation on the Final Map.
- E9. An encroachment permit shall be obtained from the City prior to performing any work in any public right of way.
- E10. Final improvement plans and profiles shall indicate the location of any existing utility, which would affect construction and shall provide for its relocation at no cost to the City.
- E11. A final grading plan shall be submitted to the City Engineer prior to issuance of a grading permit for review and approval. A grading permit shall not be issued until street improvement plans have been submitted to the City Engineer for review and substantial completion of the street plans has been attained as determined by the City Engineer.
- E12. Street lights shall be required and shall conform to City's standards for such.
- E13. All road names shall be approved by the City and such approval shall be coordinated through the City Engineer.
- E14. Prior to City acceptance of the Final Map, Subdivider shall present evidence to the City Engineer that he has made a reasonable effort to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
- E15. All utilities and lines shall be placed underground in accordance with the requirements of the City.

- E16. The developer shall make a good faith effort to acquire the required off-site property interests, and if he or she should fail to do so, the developer shall at least 120 days prior to submittal of the final map for approval, enter into an agreement to complete the improvements pursuant to Government Code Section 66462 at such time as the City acquires the property interests required for the improvements. Such agreement shall provide for payment by the developer of all costs incurred by City to acquire the off-site property interests required in connection with the subdivision. Security for a portion of these costs shall be in the form of a cash deposit in the amount given in an appraisal report obtained by the developer, at the developer's cost. The appraiser shall have been approved by the City prior to commencement of the appraisal. Additional security may be required as recommended by the City Engineer and City Attorney.
- E17. Any required street striping shall be thermoplastic as approved by the City Engineer.
- E18. Soil percolation testing for the subsurface disposal system shall meet the requirements of the San Bernardino Environmental Health Services, California Regional Water Quality Control Board and the City.
- E19. Easements, as required for roadway slopes, drainage facilities, utilities, etc., shall be submitted and recorded as directed by the City Engineer. No structures shall be placed on any part of the easements except those directly related to the purposes of said easements.
- E20. All FEMA flood zone regulations per City Ordinance shall be adhered to by the applicant/developer.

Fire Department

- F1. Prior to any construction, the owner shall contact the Twentynine Palms Fire Department for verification of current fire protection requirements.
- F2. All construction and activities shall comply with applicable sections of the 1988 edition of the Uniform Fire Code and all other state, county, and city ordinances, rules and regulations regarding fire protection.
- F3. The development, and each phase thereof, shall have two (2) points of vehicular access for emergency vehicles and equipment and for routes of escape that will safely handle evacuation.
 - A. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. The required width shall not be obstructed in any manner, including parking of vehicles.
 - B. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.
 - C. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus.
- F4. All flammable vegetation shall be cleared a minimum distance of 30 feet, or to the property line, from any flammable building materials or finished structures.

- F5. Each chimney used in conjunction with any fireplace or heating appliances in which solid or liquid fuels are used shall have, and be maintained with an approved spark arrester as identified by the Uniform Fire Code.
- F6. Street addresses shall be posted with numbers a minimum height of three (3) inches. Posted numbers shall contrast with their background and be visible and legible from the street. Developer shall furnish the fire department with a list and map of all of the street names and addresses within the project.
- F7. Prior to commencement of construction, an approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. The following are the minimum requirements for the proposed development:

A: SYSTEM STANDARDS

| | |
|------------------|-------------------------------------|
| Fire Flow: | 1500 GPM @ 20 PSI Residual Pressure |
| Duration: | 2 Hours |
| Hydrant Spacing: | 660 Feet |

B: DISTRIBUTION SYSTEM

| | |
|-----------|----------------|
| Mains: | 6-Inch Minimum |
| Laterals: | 6-Inch Minimum |
| Riser: | 6-Inch Minimum |

C: FIRE HYDRANTS

Number: To be determined
 Type: 6-Inch, with one (1) two and one half (2 ½) inch outlet and one (1) four (4) inch outlet with National Standard Threads.
 Street Valve: 6-Inch Gate

- F8. The developer shall furnish the fire department with a copy of the water system improvement plans. A letter from the water purveyor stating what fire flow can be met shall be required.

The undersigned applicant verifies that he/she has read the Conditions of Approval, understands each Condition, and agrees to adhere to the Conditions of Approval.

Applicant/Developer

Date