



**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: May 2, 2006
RE: PC 05-22 - An application by Richard Eisendrath for approval of Tentative Tract Map 17406, the subdivision of 80 acres into 32 lots for future development of 32 single-family residences. The project is located on a vacant and previously unimproved site, southwest of Easy Street and Sunnyslope Drive, on APN # 614-281-03, -07, -09, and -10. Zone RS-E, T1N, RSE, Section 26.

RECOMMENDATION: Conduct the Public Hearing, consider public comment, adopt the Mitigated Negative Declaration, and approve Tentative Tract Map No. 17406, subject to the attached Conditions of Approval.

BACKGROUND: The applicant proposes a 32-lot subdivision in the Single Family Residential (RS-E) land use district, which allows one dwelling unit per 2.5 acres. The project density is the maximum density allowed by the General Plan.

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.

- | Attachments |
|-----------------------------------|
| 1. Conditions of Approval |
| 2. Major Subdivision Application |
| 3. Locator Map |
| 4. Mitigated Negative Declaration |
| 5. Correspondence |
| 6. Tentative Tract Map #17406 |

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
County Sheriff's Department
County Department of Solid Waste Mgmt.
County Assessor's Office
San Bernardino Associated Governments
PC 05-22 SR1

City Engineer
Twentynine Palms Fire Department
County Environmental Health Division
County Flood Control District
County Recorder
Morongo Unified School District

Southern California Edison Company
 Verizon
 Waste Management
 Morongo Basin Ambulance
 Regional Water Quality Control Board
 California Department of Fish & Game
 MCAGCC (Two offices)
 County Surveyors Office

Southern California Gas Co.
 Adelphia
 Morongo Basin Transit Authority
 Air Quality Management District
 Division of Mines and Geology
 Joshua Tree National Park
 State Clearinghouse
 US Fish and Wildlife Service

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-E	RS-E
North	Vacant	RS-E	RS-E
East	Vacant	RS-E	RS-E
South	Single family and vacant	RS-E	RS-E
West	Vacant	RL-5	RL-5

General Plan

The RS-E land use district allows a maximum of one dwelling units per two and a half (2.5) acres. 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

The lot sizes proposed comply with the minimum 2.5 acres lot sizes for the zone. The project also complies with minimum lot dimensions. The proposed density, lot sizes and lot dimensions meet the requirements for the RS-E zone. Therefore, the project is consistent with the Zoning Ordinance.

Site Characteristics

The subject site slopes from northeast to southwest. 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. A biological study prepared as part of this project found desert tortoises present on site. The applicant will be required to secure “Incidental Take” permits from the US Fish and Wildlife Service and California Department of Fish and Game.

Traffic and Circulation

Because the project will result in the development of less than 50 new residences, a traffic impact analysis has not been prepared for this project. However, the project may generate approximately 320 trips per day. 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:

- El Paseo, Canyon Road, Easy Street, Desert Flower and Sunnyslope (40' half street, Collector street);
- "A" Street and "B" Street, (50' street, Rural Local street);
- Curb, gutter and sidewalks on all Collector streets;
- Provide street signs and stop signs at project site access; and
- Traffic signing and striping; and
- Bike paths on all Collector streets.

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

Transit Service

The Morongo Basin Transit Authority has reviewed the project and recommends that the applicant provide a 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 does not pose a threat to ground water quality. As a condition of approval, the applicant will be required to design and receive approval for a septic system 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. Because of the large lot sizes, the City Engineer is likely to allow the streets to be the primary conveyor of storm water flows.

Biological Resources

A biological study of the project site was prepared by Circle Mountain Biological Consultants. 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 evidence of desert tortoise and concluded that desert tortoise is present on the site. In addition, three special status species, Prairie falcon, Coopers hawk and Loggerhead shrike were also observed on site. Because tortoises were observed on site, the applicant shall be required to secure "incidental take" permits from the United States Fish and Wildlife Service (Section 10(a)(1)(b)) and California Department of Fish and Game (10a) are required prior to initiation of on-site work. The biological report notes that in every incidental take permit issued to date, the project proponent has been required to purchase compensation land in conservation areas. Given the area of the project, the biologist suggested that the compensation ratio is expected to be 1:1. Issuance of such permits can be expected to may take between 18 and 24 months.

Approval Process

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-E 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
DRAFT CONDITIONS OF APPROVAL
PC 05-22/TTM 17406

Applicant Name: Richard Eisendrath

Project Description: 32 Lot Subdivision on 80 acres

Location/Parcel Number(s) APN 614-281-03, -07, -09 and, -10

Tentative Tract Map No. 17406

Approved: May 2, 2006

Expire: May 1, 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-E) development standards for front, side and rear yard-building setbacks as follows:
- | | |
|----------------|-----------------|
| Front: | 25 feet minimum |
| Street side: | 25 feet minimum |
| Interior side: | 15 feet minimum |
| Rear: | 20 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 2.5 gross acres. All lots shall have a minimum depth of 200 feet and a minimum width of 150 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.
 - G. Only the home site, garage and driveway may be cleared, grubbed and graded.

H. Native vegetation must remain in place.

- 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. The Mitigation Measures from the Initial Study shall be incorporated herein, as conditions of approval, by reference.
- P18. 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].
- P19. 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].
- P20. The applicant shall be required to provide payment of all appropriate City fees in effect at the time, prior to permit issuance.
- P21. The applicant shall pay all relevant fees in effect at the time of Final Map recordation and building permit issuance.
- P22. Prior to issuance of grading permits, the applicant shall secure "incidental take" permits from the United States Fish and Wildlife Service (Section 10(a)(1)(b)) and California Department of Fish and Game (10a). The applicant shall provide evidence of such permits to the Community Development Director prior to initiation of any on-site work. In every "incidental take" permit issued to date, project proponents have been required to purchase compensation land in conservation areas. As part of that "incidental take" permit, the project proponent may be required to purchase compensation land in conservation areas at a ratio anticipated at 1:1. Issuance of such permits can be expected to may take between 18 and 24 months.

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 City of Twentynine Palms 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:
 - “A” street adjacent to the property shall be improved to the City’s full width Local Rural Road standards with either A.C. curbs or an inverted paved shoulder 36’ wide from Canyon Road to Desert Flower Ave.
 - “A” and “B” street adjacent to the property shall be improved to the City’s half width Local Rural Road standards with either A.C. curbs or an inverted paved shoulder 26’ wide from Easy Street to Desert Flower Ave.
 - El Paseo Drive adjacent to the property shall be improved to the City’s Collector Street standards from Easy Street to Desert Flower Avenue. (64’ pavement width)
 - Desert Flower Avenue adjacent to the property shall be improved to the City’s Collector Street standards from El Paseo Drive to “A” Street. (64’ pavement width)
 - Canyon Road adjacent to the property shall be improved to the City’s half-width Collector Street standards. (32’ wide half-width pavement)

Sunnyslope Drive adjacent to the property shall be improved to the City's half-width Local Rural Road standards. (26' wide half-width pavement)

Easy Street adjacent to the property shall be improved to the City's half-width Collector Street standards. (32' wide half-width pavement)

Easy Street from the property to Hwy 62 or Two Mile Road shall be improved to the City's half-width Paved Access road standards. (26' wide pavement)

El Paseo Drive adjacent to the property shall be improved to the City's half-width Collector Street standards from Desert Flower Avenue to Canyon Road. (32' wide half-width pavement)

Desert Flower Avenue adjacent to the property shall be improved to the City's half-width Collector Street standards from "A" Street to Sunnyslope Drive. (32' wide half-width pavement)

E6. Road dedications shall be provided as follows:

A 40-ft wide half-width road dedication along Desert Flower Avenue adjacent to the property and 80-ft full width within 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 El Paseo Drive adjacent to the property and 80-ft full width within 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 Sunnyslope Drive 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 Easy Street 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 Canyon 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 "A" and "B" adjacent to the property and 50-ft full width within 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.
- 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. Utility 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 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. Any developer fees including but not limited to traffic impact fees shall be paid by the developer as per City enactment.
- E21. Right-of-way and improvements (including offsite) to transition traffic and drainage flows from proposed to existing shall be required as necessary as approved by the City Engineer.
- E22. An on-site storm retention basin shall be required to hand site-generated storm water run-off.

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 paved 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



**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: May 2, 2006
RE: PC 05-80 - An application by Tommy Hart of Barrett Hart Development for approval of Tentative Tract Map 17798, the subdivision of approximately 100.13 acres into 336 lots for future development of 336 single-family residences. The project is located on a vacant and previously unimproved site, east of Mesquite Springs Road and north of Two Mile Road, on APN # 621-031-04, 621-031-26, Zone RS-4, T1N, RSE, Section 20.

RECOMMENDATION: Conduct the Public Hearing, consider public comment, adopt the Mitigated Negative Declaration, and De Minimis Impact Finding and approve Tentative Tract Map No. 17798, subject to the attached Conditions of Approval.

BACKGROUND: The site is zoned RS-4. The proposed density of 3.36 dwelling units per acre is less than the maximum density of 4.0 dwelling units per acre allowed by the General Plan.

- | Attachments | |
|-------------|--------------------------------|
| 1. | Conditions of Approval |
| 2. | Major Subdivision Application |
| 3. | Locator Map |
| 4. | Mitigated Negative Declaration |
| 5. | Correspondence |
| 6. | Tentative Tract Map #17798 |

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 begin development and/or sale of 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.

CEQA Environmental Review

Pursuant to the California Environmental Quality Act (CEQA), the project was routed to the following agencies and departments for public review and comment:

San Bernardino County Clerk
Twentynine Palms Water District
County Sheriff's Department
County Department of Solid Waste Mgmt.
County Assessor's Office
PC 05-80 SR

City Engineer
Twentynine Palms Fire Department
County Environmental Health Division
County Flood Control District
County Recorder

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 (Two offices)
 County Surveyors Office

Morongo Unified School District
 Southern California Gas Co.
 Adelphia
 Morongo Basin Transit Authority
 Mojave Air Quality Management District
 Division of Mines and Geology
 Joshua Tree National Park
 State Clearinghouse

Input from these agencies has been reviewed, attached as Correspondence and, where appropriate, incorporated into the Conditions of Approval for the project. Based on the findings of the Initial Study, a Mitigated Negative Declaration is recommended.

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-2	RS-2

General Plan

The RS-4 land use district allows a maximum of four dwelling units per acre and permits a minimum lot size of 7,200 square feet. As designed the project is consistent with the General Plan Land Use Element.

Zoning

The project complies with RS-4 zone standards, including minimum lot area and lot dimensions and density. Thus, the project is consistent with the Zoning Ordinance.

Site Characteristics

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

Phasing

The applicant has not proposed phasing the 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. 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, approval is given and the developer may commence sale and development of the lots for that phase.

Traffic and Circulation

Because the project will result in the development of more than 50 new residences, a traffic impact analysis was prepared for this project. The project may generate approximately 3360 trips per day. 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:

- Mesquite Springs, Samarkand Road and Bullion Road (40’ half street, Collector street);

- Siesta Drive and Lazy Joe Avenue 30' (half street Local Street)
- Interior streets, (60' 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.

All streets will be constructed to City Standards and will include curb, gutter, sidewalks, and intersection improvements.

Because of the large size of the project, staff is recommending the creation of seven additional pedestrian walkways between lots and the perimeter streets to enhance pedestrian access into, across and through the site. These walkways will help to firmly establish pedestrian connectivity by reinforcing the traditional grid circulation system. These walkways would be located at lots 17, 30, 252, 277, 283, 307, and 324.

Transit Service

The Morongo Basin Transit Authority has reviewed the project and recommends that the applicant provide a bus shelter with bench and trash receptacle. The specific location will be determined at a later date, in conjunction with the MBTA.

Sewage Disposal

The California Regional Water Quality Control Board (CRWQCB) and County Department of Environmental Health have reviewed this project and determined that, with the construction of a sewage treatment system, the proposed discharge of sewage effluent from the project will not pose a threat to ground water quality. 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. Management and operation of that system will be the responsibility of the Home Owner's Association.

Drainage

A preliminary drainage study has been prepared for the project. The study suggests that all storm flows be directed to on-site storm retention basins. 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. Because of the large lot sizes, the City Engineer is likely to allow the streets to be the primary conveyor of storm water flows.

Biological Resources

A biological study was prepared by Circle Mountain Biological Consultants regarding this project. The study determined that no desert tortoises or burrowing owls were occupying the site during the survey. Furthermore, no special status species, including any plant or animal species considered to be rare, threatened or endangered, were observed or are expected to be impacted by project development. The biologist recognized that there is some potential for burrowing owl to enter the site, therefore a pre-construction survey of the site and buffer area will be conducted. Should these species be discovered on site as part of this survey, the applicant would be required to secure clearance from the US Fish and Wildlife Service and the California Department of Fish and Game prior to initiating any onsite construction or grading activities. Wildlife resources will not be affected by project approval.

Retention Basin Park

The project has the potential to add 893 new residents (2.66 residents per household) to the community. Existing park and recreation facilities are heavily used. To provide some relief to existing facilities, staff recommends that the retention basin be expanded through the use of inclusion 14 lots (185-198) to create a minimum five-acre neighborhood park, which would be improved by the applicant as a passive park. The park would serve as an important neighborhood and community amenity. Park improvement plans will be reviewed by the Park Task Force and Planning Commission, prior to approval of the Final Map by the City Council. The facility would be maintained by the Home Owner's Association for use by the project residents and would also be open to the community.

Approval Process

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
DRAFT CONDITIONS OF APPROVAL
PC 05-80/TTM 17798

Applicant Name: Tommy Hart of Barrett Hart Development

Project Description: 336 lots/100 acres

Location/Parcel Number(s) APN: 621-031-04, 621-031-26

Tentative Tract Map No. 17798

Approved: May 2, 2006

Expire: May 1, 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, Central Park design, construction and 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 7,200 square feet. All lots shall have a minimum depth of 100 feet and a minimum width of 60 feet. Corner lots shall have 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. The Mitigation Measures from the Initial Study shall be incorporated herein, as conditions of approval, by reference.
- P18. 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].
- P19. 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].
- P20. The applicant shall be required to provide payment of all appropriate City fees in effect at the time, prior to permit issuance.
- P21. The applicant shall pay all relevant fees in effect at the time of Final Map recordation and building permit issuance.
- P22. Prior to issuance of grading permits, the applicant shall conduct a clearance biological study. The study shall be prepared by a trained biologist. The applicant shall provide the biological clearance report for review and approval by the Community Development Director prior to issuance of the grading permit.
- P23. The final map shall include the creation of seven additional pedestrian walkways between lots to enhance pedestrian access into and through the project site. These walkways shall be located at or adjacent to lots 17, 30, 252, 277, 283, 307, and 324.
- P24. Fourteen additional lots shall be dedicated for expansion of the retention basin into a five acre minimum size central park. These lots shall include 185-198.
- P25. The applicant shall construct a five acre neighborhood park as a project amenity. The park design shall be review by the Park Task Force and Planning Commission prior to approval of the Final Map. The neighborhood park shall be designed, constructed, improved and maintained by the applicant as a passive park. Park improvement plans shall be reviewed by the Park Task Force and Planning Commission prior to approval of the Final Map by the City Council. The facility shall be maintained by the HOA for use by the project residents and shall be open to the community.

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 burrow site with a current permit from the City of Twentynine Palms 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:
 - Samarkand Road adjacent to the property shall be improved to the City's half-width Collector Street standards. (32' pavement half-width)
 - Bullion Street adjacent to the property shall be improved to the City's Collector Street standards. (32' pavement half-width)

Bullion Street from the property to Two Mile Drive shall be improved to the City's Connector road standards. (26' pavement half-width)

Mesquite Springs Road adjacent to the property shall be improved to the City's half-width Collector Street standards. (32' wide half-width pavement)

Siesta Drive adjacent to the property shall be improved to the City's half-width Local Road standards.

Lazy Joe Avenue adjacent to the property shall be improved to the City's half-width Local Road standards.

Two Mile Road adjacent to the property shall be improved to the City's half-width Major Arterial standards. (40' wide half-width pavement)

E6. Road dedications shall be provided as follows:

A 40-ft wide half-width road dedication along Samarkand 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 Bullion Street 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 Mesquite Springs Road adjacent to the property shall be granted to the City of Twentynine Palms prior to Final Map Approval.

A 30-ft wide half-width road dedication along Siesta Drive adjacent to the property shall be granted to the City of Twentynine Palms prior to Final Map Approval.

A 30-ft wide half-width road dedication along Lazy Joe Avenue adjacent to the property shall be granted to the City of Twentynine Palms prior to Final Map Approval.

A 52-ft wide half-width road dedication along Two Mile Road 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.
- 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. Utility 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 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. In addition to City Standard Sidewalks, Class I bike paths shall be constructed along Two Mile Road, Mesquite Springs, Samarkand and Bullion as approved by the City Engineer.
- E21. Any developer fees including but not limited to traffic impact fees shall be paid by the developer as per City enactment.
- E22. All mitigations measures as outlined in the traffic study for this project shall be required as approved by the City Engineer.
- E23. Where feasible, retention/detention basins shall be designed as dual use facilities. Retention/detention basins greater than 1 acre in size shall not be greater than 8 feet in depth (unless otherwise approved by the Planning Commission). The sides of any retention/detention basins shall be 4:1 or flatter slopes. The retention basins shall include two stage- interceptor type dry wells to help facilitate the rapid removal of storm water and nuisance water.
- E24. Right-of-way and improvements (including offsite) to transition traffic and drainage flows from proposed to existing shall be required as necessary as approved by the City Engineer.

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 paved 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



**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: May 2, 2006
RE: PC 05-93 - An application by Steve Enochs of Sunwest Development, LLC., for approval of Tentative Tract Map 17850, the subdivision of approximately 60 acres into 58 lots for future development of single-family residences. The project is located on a vacant and previously unimproved site, north of Two Mile Road and west of Encelia Avenue, on APN # 612-221-02, -09, -10, 612-231-02 and-03, Zone RS-1, T1N, RSE, Section 24.

RECOMMENDATION: Conduct the Public Hearing, consider public comment, adopt the Mitigated Negative Declaration, and De Minimis Impact Finding and approve Tentative Tract Map No. 17850, subject to the attached Conditions of Approval.

BACKGROUND: The site is zoned RS-1. The proposed density of 0.96 dwelling units per acre is slightly less than the maximum density of 1.0 dwelling units per acre allowed by the General Plan.

- | Attachments | |
|-------------|--------------------------------|
| 1. | Conditions of Approval |
| 2. | Major Subdivision Application |
| 3. | Locator Map |
| 4. | Mitigated Negative Declaration |
| 5. | Correspondence |
| 6. | Tentative Tract Map #17850 |

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 begin development and/or sale of 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 Municipal Code.

CEQA Environmental Review

Pursuant to the California Environmental Quality Act (CEQA), the project was routed to the following agencies and departments for public review and comment:

San Bernardino County Clerk
Twentynine Palms Water District
County Sheriff's Department
County Department of Solid Waste Mgmt.
County Assessor's Office
PC 05-93 SR

City Engineer
Twentynine Palms Fire Department
County Environmental Health Division
County Flood Control District
County Recorder

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 (Two offices)
 County Surveyors Office

Morongo Unified School District
 Southern California Gas Co.
 Adelphia
 Morongo Basin Transit Authority
 Mojave Air Quality Management District
 Division of Mines and Geology
 Joshua Tree National Park
 State Clearinghouse

Input from these agencies has been reviewed, attached to this staff report as Correspondence and, where appropriate, incorporated into the Conditions of Approval for the project. Based on the findings of the Initial Study, a Mitigated Negative Declaration is recommended.

Surrounding Land Use, General Plan and Zoning Designations

	Land Use	General Plan	Zone
Site	Vacant	RS-1	RS-1
North	Vacant	RL-5	RL-5
East	Vacant	RS-1, P	RS-1, P
South	Single family and vacant	RS-1	RS-1
West	Vacant	RS-1	RS-1

General Plan

The RS-1 land use district allows a maximum of one dwelling units per acre. As designed the project is consistent with the General Plan Land Use Element.

Zoning

The project complies with RS-1 zone standards, including minimum lot area and lot dimensions and density. Thus, the project is consistent with the Zoning Ordinance.

Neighborhood Consistency

The proposed project shares nearly 700' of boundary with parcels zoned RL-5, which is a lower intensity zone. In order to provide adequate buffering to these existing low density residential uses, staff suggests that the following conditions be imposed:

1. To ensure that double frontage lots do not result in unmitigated circulation through adjacent undeveloped property, the entire project site should be enclosed by a split-rail fence.
2. A rear yard setback of 100' should be required on lots #56, 57 and 58.
3. Retention Basin "A" should be designed to be accessible from "D" Street.

Site Characteristics

The subject site slopes from southwest to northeast. The primary vegetation on the property is low diversity creosote brush scrub. The site contains typical desert vegetation and has been used by off-road vehicles.

Phasing

The applicant has not proposed phasing the project. However, the Subdivision Map Act and the City's subdivision regulations allow phasing. A tentative map for a phased development can be approved with one action. 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, approval is given and the developer may commence sale and development of the lots for that phase.

Retention Basin

In recent cases, the Planning Commission has required that the applicant create a multiple-use storm water retention facility, which could be utilized for park and recreation purposes, for the majority of the year when storm water retention is not required. A combination retention basin/park facility could serve as an important neighborhood and community amenity. Retention basin/park improvement plans will be reviewed by the Park Task Force and Planning Commission, prior to approval of the Final Map by the City Council. The facility would be maintained by the HOME OWNER'S ASSOCIATION for use by the project residents and would also be open to the community.

Traffic and Circulation

Because the project will result in the development of more than 50 new residences, a traffic impact analysis was prepared for this project. The project may generate approximately 580 trips per day. 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:

- Two Mile Road (52' half street, Arterial standard)
- Mesquite Springs, Samarkand Road and Bullion Road (40' half street, Collector street);
- Panorama and Interior "A", "B", "C" and "D" Street and "A", "B" and "C" Courts, (60' street, Local street);
- Curb, gutter on all streets;
- Provide street signs and stop signs at project site access; and
- Traffic signing and striping;
- Street lighting; and
- Bike paths on all Collector streets.

All streets, with the exception of Samarkand Drive and Panorama Avenue north of "D" Street, will be constructed to City Standards and will include curb and gutter. Two Mile Road will also be improved with sidewalks, and intersection improvements.

Right of way will be provided by the applicant for future development of Samarkand Drive and Panorama Avenue north of "D" Street. However, in deference to existing area residents located to the north of the project area, who have stated a preference to maintain the existing dirt roads in the area, these road will not be constructed at this time. The applicant will provide in lieu fees, based on current construction costs estimates provided by the design engineer and confirmed by the City Engineer.

Because of the large size of the project, the applicant has provided pedestrian walkways between lots to enhance pedestrian access into, across and through the site. These walkways will help to firmly establish pedestrian connectivity by reinforcing the traditional grid circulation system. These walkways would be located between lots 21,22, 32, 33 and between 44 and 45.

Transit Service

The Morongo Basin Transit Authority has reviewed the project and recommends that the applicant provide a bus shelter with bench and trash receptacle. The specific location will be determined at a later date, in conjunction with the MBTA.

Sewage Disposal

The California Regional Water Quality Control Board (CRWQCB) and County Department of Environmental Health have reviewed this project and determined that, with the construction of individual septic systems will not pose a threat to ground water quality. As a condition of approval, the applicant will be required to design and receive approval for individual septic systems from the California Regional Water Quality Control Board (CRWQCB) and San Bernardino County Environmental Health Services, prior to approval of the Final Map. Management and operation of that system will be the responsibility of the Home Owner's Association.

Drainage

A preliminary drainage study has been prepared for the project. The study suggests that all storm flows be directed to one of two on-site storm retention basins. 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.

Grading

The project is subject to Section 19.64.030 (Clearing and Plant Removal) of the Development Code, which states:

On parcels of one (1) acre or greater in size, land may only be cleared of natural vegetation in order to provide for the installation of building pads, driveways, landscaping, agriculture or other use allowed in the underlying zone. Such clearing may only occur after issuance of a building permit, where required, or a grading permit, issued by the City's Building Official in conformance with the Building Code. The purpose of this regulation is to reduce disturbances to fragile desert soils as much as practical and reduce the amount of fugitive dust that can for long periods of time adversely affect residents on the subject parcel and those residents and land uses downwind of the subject parcel.

Biological Resources

A biological study was prepared by the Lilburn Corporation regarding this project. The study determined that no desert tortoises or burrowing owls were occupying the site during the survey. Furthermore, no special status species, including any plant or animal species considered to be rare, threatened or endangered, were observed or are expected to be impact by project development. The biologist recognized that there is some potential for burrowing owl to enter the site. Furthermore, the biological agencies recognize biological studies for a period of one year. Therefore, a pre-construction survey of the site and buffer area will be conducted. Should these species be discovered on site as part of this survey, the applicant would be required to secure clearance from the US Fish and Wildlife Service and the California Department of Fish and Game prior to initiating any onsite construction or grading activities. Wildlife resources will not be affected by project approval.

Approval Process

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-1 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
DRAFT CONDITIONS OF APPROVAL
PC 05-93/TTM 17850

Applicant Name: Steve Enochs/ Sunwest Development

Project Description: 58 lots/60 acres

Location/Parcel Number(s) APN: 612-221-02, -09, -10, 612-231-02 and-03

Tentative Tract Map No. 17850

Approved: May 2, 2006

Expire: May 1, 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, combination retention basins/park design, construction and 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 City, 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. This may require re-submittal to the Department of Real Estate.

- 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. This may require re-submittal to the Department of Real Estate.
- 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 applicant shall provide written verification from the following agencies 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-1) development standards for front, side and rear yard-building setbacks as follows:
- | | |
|----------------|-----------------|
| Front: | 25 feet minimum |
| Street side: | 25 feet minimum |
| Interior side: | 10 feet minimum |
| Rear: | 20 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 depth of 100 feet and a minimum width of 150 feet. Corner lots shall have a minimum width of 150 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.
- G. Mass grading of the site shall be prohibited.

- H. Land may only be cleared of natural vegetation in order to provide for the installation of building pads, driveways, landscaping, agriculture or other use allowed in the underlying zone. Such clearing may only occur after issuance of a building permit, where required, or a grading permit, issued by the City's Building Official in conformance with the Building Code. The purpose of this regulation is to reduce disturbances to fragile desert soils as much as practical and reduce the amount of fugitive dust that can for long periods of time adversely affect residents on the subject parcel and those residents and land uses downwind of the subject parcel. (Section 19.64.030 (Clearing and Plant Removal))
- 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. The Mitigation Measures from the Initial Study shall be incorporated herein, as conditions of approval, by reference.
- P18. Prior to Final Map approval, the applicant shall submit to the Community Development Department written verification from Adelphia Communications that the subdivision complies with requirements of Adelphia Communications or their successor and their franchise agreement with the City [contact Plant Manager, (760) 365-5076, 7500 Kickapoo Trail, Yucca Valley, CA 92284].
- P19. 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].
- P20. The applicant shall be required to provide payment of all appropriate City fees in effect at the time, prior to permit issuance.
- P21. The applicant shall pay all relevant fees in effect at the time of Final Map recordation and building permit issuance.
- P22. Prior to issuance of grading permits, the applicant shall conduct a clearance biological study. The study shall be prepared by a trained biologist. The applicant shall provide the biological clearance report for review and approval by the Community Development Director prior to issuance of the grading permit.
- P23. The final map shall include the creation of two pedestrian walkways between lots to enhance pedestrian access into and through the project site. These walkways shall be located at or adjacent to lots 21,22, 32, 33 and between lots 44 and 45
- P24. To ensure that double frontage lots do not result in unmitigated circulation through adjacent undeveloped property, the entire project site shall enclosed by a split-rail fence.
- P25. A rear yard setback of 100' shall be required on lots #56, 57 and 58.

- P26 Retention Basin "A" shall be designed to be accessible from "D" Street.
- P27 Combination retention basin/park improvement plans shall be reviewed by the Park Task Force and Planning Commission, prior to approval of the Final Map by the City Council. The facility shall be maintained by the HOME OWNER'S ASSOCIATION for use by the project residents and would also be open to the community.

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, 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 on the development side.

E5. Streets adjacent to the property shall be improved as follows:

Samarkand Drive adjacent to the property shall not be improved to the City's half-width Collector Street standards. (32' wide half-width pavement). In lieu of construction of this roadway, the applicant will provide in lieu fees, based on current construction costs estimates provided by the design engineer and confirmed by the City Engineer.

Panorama Avenue adjacent to the property shall be improved to the City's half-width Local Road standards from Two Mile Road to Manana Drive and from "D" Street to Samarkand Drive. (26' wide half-width pavement)

Panorama Avenue shall not be improved from "D" Street to Samarkand Drive. (26' wide half-width pavement). In lieu of construction of this roadway, the applicant will provide in lieu fees, based on current construction costs estimates provided by the design engineer and confirmed by the City Engineer.

Manana Drive adjacent to the property shall be improved to the City's half-width Local Road standards. (26' wide half-width pavement)

Two Mile Road adjacent to the property shall be improved to the City's half-width Major Arterial standards. (40' wide half-width pavement)

E6. Road dedications shall be provided as follows:

A 40-ft wide half-width road dedication along Samarkand Road adjacent to the property shall be granted to the City of Twentynine Palms prior to Final Map Approval.

A 30-ft wide half-width road dedication along Manana Drive adjacent to the property shall be granted to the City of Twentynine Palms prior to Final Map Approval.

A 30-ft wide half-width road dedication along Panorama Avenue adjacent to the property shall be granted to the City of Twentynine Palms prior to Final Map Approval.

A 52-ft wide half-width road dedication along Two Mile Road 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 sub-grades 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.
- 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. Utility 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 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. In addition to City Standard Sidewalks, a Class I bike path shall be constructed along Two Mile Road as approved by the City Engineer.
- E21. Any developer fees including but not limited to traffic impact fees shall be paid by the developer as per City enactment.
- E22. All mitigations measures as outlined in the traffic study for this project shall be required as approved by the City Engineer.
- E23. Where feasible, retention/detention basins shall be designed as dual use facilities. Retention/detention basins greater than 1 acre in size shall not be greater than 8 feet in depth (unless otherwise approved by the Planning Commission). The sides of any retention/detention basins shall be 4:1 or flatter slopes. The retention basins shall include two stage- interceptor type dry wells to help facilitate the rapid removal of storm water and nuisance water.
- E24. Right-of-way and improvements (including offsite) to transition traffic and drainage flows from proposed to existing shall be required as necessary as approved by the City Engineer.

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 paved 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