



**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 16, 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, R8E, 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.          | Resolution PC 05-80            |
| 3.          | Major Subdivision Application  |
| 4.          | Locator Map                    |
| 5.          | Mitigated Negative Declaration |
| 6.          | Correspondence                 |
| 7.          | Tentative Tract Map #17798     |

This case was continued from the May 2, 2006 Planning Commission to provide additional time for address outstanding engineering and design issues. Subsequent to that meeting, staff and the applicant conferred to address these issues.

Standard engineering practice dictates that approximately 5% to 10% of a project site be devoted to storm water retention purposes. The City Engineer requires that a minimum of 5% of the project site be devoted to the use of a retention basin with a general depth of five feet. State requirements for enhanced sewage treatment restrict the use of individual septic systems and now require that a secondary treatment system be provided. On recent projects these facilities have been co-located.

The applicant would like to provide these functions off-site. However, the location, exact boundaries and capacity of these facilities have not been identified, located, quantified or designed. Therefore, at this time staff is unable to recommend approval of the transfer of these functions off-site. However, staff and the applicant are amenable to the addition of a condition, which would require the applicant to provide these functions on-site, unless the applicant could satisfy engineering requirements for retention and sewage treatment off-site. The applicant has been in discussion with adjacent property owners on the concept of construction a common storm water retention and sewage treatment facility, that would serve this 100 acres site as well as the 80 acres located to the north.

Staff is supportive of exploring the economies of scale, which could be achieved through the development of a larger storm water retention area. However, all projects need to be designed to be stand alone with retention and sewage treatment facilities which are self contained.

The applicant has also requested that the condition requiring bikepaths on Collectors be revised. Staff is of the opinion that all roadways with a classification greater than “Local streets and “Expressways” should be designed to facilitate bicycles. To that effect, staff will clarify this condition so that a Class I bikepath (grouped with sidewalk) be constructed on Mesquite Springs Road and Two Mile Road and that a Class II bikepath (striped) be constructed on Samarkand Drive and Bullion Avenue.

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:

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|--|--|
| San Bernardino County Clerk            | City Engineer                          |
| Twentynine Palms Water District        | Twentynine Palms Fire Department       |
| County Sheriff’s Department            | County Environmental Health Division   |
| County Department of Solid Waste Mgmt. | County Flood Control District          |
| County Assessor’s Office               | County Recorder                        |
| San Bernardino Associated Governments  | Morongo Unified School District        |
| Southern California Edison Company     | Southern California Gas Co.            |
| Verizon                                | Adelphia                               |
| Waste Management                       | Morongo Basin Transit Authority        |
| Morongo Basin Ambulance                | Mojave Air Quality Management District |
| Regional Water Quality Control Board   | Division of Mines and Geology          |
| California Department of Fish & Game   | Joshua Tree National Park              |
| MCAGCC (Two offices)                   | State Clearinghouse                    |
| County Surveyors Office                |  |

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
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**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. 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.

**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;
- Street lighting; 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 HOA.

### **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. 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.

### **Retention Basin**

The City Engineer has noted that in order to manage storm water retention and on-site drainage, approximately five to ten percent of a project site must be devoted to on-site storm water retention purposes. For this project, less than five percent of the site has been utilized as retention areas. The City Engineer is going to require that, as a condition of approval, a minimum of five percent of the site, or five acres, be devoted to storm water retention facilities. In recent cases, the Planning Commission has required that the applicant create a multiple-use facility, which could be utilized for park and recreation purposes, for the majority of the year when storm water retention is not required.

### **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 HOA 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 16, 2006

Expire: May 15, 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 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, **on site stormwater retention, on-site sewage treatment facility construction**, 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 **allowed per the Subdivision Map Act. Phasing of specific improvements shall be determines prior to approval of the Final Map.** ~~at the times 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 **wall and** 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 storm drainage retention basin as a multiple use neighborhood park and 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 storm drainage facility shall be operated and 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 CTP Building and Safety Department or another responsible agency.

## **Engineering**

- E1. Prior to issuance of a grading permit, a final drainage plan with street layouts shall be submitted for review and approval by the City Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider retaining onsite drainage flows from a 100 year design storm.
- E2. Street improvement plans shall be submitted to the City Engineer for review and approval.
- E3. All streets shall be improved to City standards with curb, gutter, sidewalk and street pavement. Minimum residential width of streets shall be 36 feet curb to curb.
- E4. All streets abutting the development shall be improved a minimum half-street width of 26 feet with curb, gutter and sidewalk on the development side.
- E5. Streets adjacent to the property shall be improved as follows:
  - 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~~ **Collector** 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~~ **40** 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.

- E25. A minimum of five percent of the site, or five acres, shall be devoted to storm water retention facilities.

## 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  
PLANNING COMMISSION  
RESOLUTION NO. PC 06-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 05-80, AN APPLICATION BY TOMMY HART OF BARRETT HART DEVELOPMENT FOR APPROVAL OF TENTATIVE TRACT MAP 17789, THE SUBDIVISION OF 100.13 ACRES INTO 336 SINGLE FAMILY LOTS FOR FUTURE DEVELOPMENT OF SINGLE FAMILY RESIDENCES, EAST OF MESQUITE SPRINGS ROAD, WEST OF BULLION AVENUE, NORTH OF TWO MILE ROAD AND SOUTH OF SAMARKAND DRIVE, ZONE RS-4, T1N, RSE, SECTION 20, APN # 621-031-04, 621-031-26.

WHEREAS, on September 7, 2005 an application was received from 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; and

WHEREAS, the application was deemed incomplete on October 8, 2005; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, on December 22, 2005, the project was routed to public agencies for public comment; and

WHEREAS, on April 27, 2006, the application was deemed complete; and

WHEREAS, with the proposed conditions of approval, the proposed project design is consistent with the General Plan and Development Code; and

WHEREAS, Pursuant to the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration, with De Minimis Impact finding was prepared and the project was routed to public agencies and departments for public review and comment; and

WHEREAS, public hearing notice was published in a newspapers of record and notice was mailed to all property owners located within 300 feet of the project site; and

WHEREAS, a public hearing was held by the Planning Commission on May 2, and May 16, 2006; and

WHEREAS, the Planning Commission finds the following:

1. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and Development Code. The proposed subdivision or land use is compatible with the objectives, policies, general land uses and programs specified in the General Plan and Development Code.
2. The Planning Commission has considered the effects of its action upon the housing needs of the region and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources.
3. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.
4. The Planning Commission shall determine that adequate septic facilities are, or can be, installed for the development of the subdivision, or that a sewer system sufficient to provide for the development of the subdivision can be provided.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms adopts the Mitigated Negative Declaration, and De Minimis Impact Finding pursuant to the California Environmental Quality Act (CEQA) and approves Tentative Tract Map No. 17798, subject to the attached Conditions of Approval.

APPROVED AND ADOPTED THIS 16th DAY OF May, 2006

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

\_\_\_\_\_  
Irving Stone, Chairman

ATTEST:

Charlene L. Sherwood, City Clerk

I hereby certify that the foregoing is a true copy of Resolution No. \_\_\_\_\_ duly adopted by the Planning Commission of the City of Twentynine Palms in a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in Twentynine Palms, California.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Charlene L. Sherwood, City Clerk



**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 16, 2006  
**RE:** PC 05-102 - An application by Robert Lawrence, on behalf of HD Subdivision for approval of Tentative Tract Map 17855, an application for the subdivision of 4.3 acres into 13 lots for future development of 13 single-family residences. The project is located on a vacant and previously unimproved site, east of Copper Mountain Road and north of Alta Loma Drive and west of Ivanpah Avenue, RS-4 zone, T1N, R8E, Section 33, APN # 0614-031-11.

**RECOMMENDATION:** Conduct the Public Hearing, consider public comment, adopt the Mitigated Negative Declaration and De Minimis Impact Finding, and approve Tentative Tract Map No. 17855, subject to the attached Conditions of Approval.

**BACKGROUND:** The applicant proposes a 13-lot subdivision in the Single Family Residential (RS-4) land use district. No architecture is proposed at this time. The project proposes density of 3.02 dwelling units per acre, which is less than the maximum density of 4.0 dwelling units per acre allowed by the General Plan.

- | Attachments                       |
|-----------------------------------|
| 1. Conditions of Approval         |
| 2. Resolution                     |
| 3. Major Subdivision Application  |
| 4. Locator Map                    |
| 5. Mitigated Negative Declaration |
| 6. DeMinimis Impact Finding       |
| 7. Tentative Tract Map #17855     |

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

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

**Project Routing/Notification**

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

San Bernardino County Clerk  
Twentynine Palms Water District  
County Sheriff's Department  
County Department of Solid Waste Mgmt.  
County Assessor's Office  
PC 05-102 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  
 County Environmental Health Division

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

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

**Surrounding Land Use, General Plan and Zoning Designations**

	Land Use	General Plan	Zone
Site	Vacant	RS-4	RS-4
North	Residential	RS-4	RS-4
East	Residential	RS-4	RS-4
South	Residential	RS-4	RS-4
West	Vacant	RL-5	RL-5

**General Plan**

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

**Zoning**

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

**Site Characteristics**

The subject site slopes from the south to north. The site contains typical desert vegetation. The site contains an earthen berm. The City Engineer has reviewed the proposed project design and preliminary drainage study prepared as part of this project and is confident that storm flows can safely be diverted to the street, which will serve as an approved drainage carrier.

**Phasing**

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

**Environmental Assessment**

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

**Traffic and Circulation**

Roadways adjacent to the project site will be required to be following standards:

- Copper Mountain Road, Alta Loma Drive and Ivanpah Avenue (30' half street, Local street);
- Curb, gutter, sidewalks connecting pavement and intersection improvements on all streets;
- Provide street signs and stop signs at project site access; and
- Traffic signing and striping.

### **Transit Service**

The Morongo Basin Transit Authority has reviewed the project and recommends that the applicant provide a bus shelter. The specific location will be determined at a later date.

### **Sewage Disposal**

The California Regional Water Quality Control Board (CRWQCB) and San Bernardino County Environmental Health Division have reviewed this project. As a condition of approval, the applicant will be required to secure approval for sewage treatment from the CRWQCB and County Environmental Health Services, prior to approval of the Final Map.

### **Drainage**

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

### **Biological Resources**

A biological study of the project site was prepared by Superior Desert Biological Services. The site is classified as Mojave Desert creosote-white bursage. The study, conducted in accordance with protocol established by the US Fish and Wildlife Service (USFWS) for the threatened desert tortoise, found no evidence of desert tortoise and concluded that desert tortoise is absent from the site. However, as a precaution, staff recommends having a biological monitor at the site during the initial phases of construction (clearing, grubbing and grading) to verify that tortoises are not present. If tortoises were discovered during construction, the California Department of Fish and Game would be called to have a qualified biologist relocate any tortoises from the site. Any relocation would be completed in accordance with USFWS standards.

### **Approval**

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

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

CITY OF TWENTYNINE PALMS  
STANDARD CONDITIONS OF APPROVAL  
PC 05-102/TTM 17785  
Applicant Name: Robert Lawrence  
Project Description: 13 Lot Subdivision  
Location/Parcel Number: APN# 0614-031-11.  
Tentative Tract Map No. 17785  
Approved: May 16, 2006  
Expire: May 15, 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, landscaped areas, storm drain retention basins, 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.
  - H. If individual septic systems are approved, the formation of an HOA and the preparation of CC&Rs shall not be required.
- 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. The project shall be constructed in one phase.
- P11. Within ten days of approval, the applicant shall submit to the Planning Division a signed copy of the Conditions of Approval, verifying that he/she understands each Condition and agrees to adhere to each of the Conditions of Approval.
- P12. The project shall conform to the Single Family Residential (RS-4) development standards for front, side and rear yard-building setbacks as follows:
- |                |                 |
|----------------|-----------------|
| Front:         | 25 feet minimum |
| Street side:   | 15 feet minimum |
| Interior side: | 10 feet minimum |
| Rear:          | 15 feet minimum |
- Two story structures or second stories shall be setback a minimum of 20 feet from the side and rear property lines.
- P13. All lots shall have a minimum area of 7,200 square feet. All lots shall have a minimum depth of 100 feet and a minimum width of 60 feet, except corner lots, which shall have a minimum depth of 100 feet and a minimum width of 70 feet.
- P14. A copy of the final grading plan shall be submitted to the Building and Safety Division for review and approval by the Community Development Director.
- A. All on-site cut and fill slopes shall conform to the Uniform Building Code and Development Code (Chapter 19.64) relating to maximum slope, height and setbacks. Slopes shall be limited to a maximum slope ratio of 3 to 1 and a maximum vertical height of thirty (30) feet.
  - B. Slopes shall be contour graded to blend with existing natural contours.
  - C. Slopes shall be a part of the downhill lot when within or between individual lots.
  - D. All slopes over five (5) feet in vertical height and all fill slopes over three (3) feet in vertical height and steeper than 3:1, shall incorporate erosion control.
  - E. Minimize elevation differences between off-site residences and proposed pads.
  - F. Fill-slopes shall not be permitted to be located on the perimeter of the project.

- P15. Prior to recordation of Final Map, three sets of detailed landscaping and irrigation plans for the retention basins, and front yard typical drawings shall be prepared by a qualified licensed landscape professional, shall be submitted to the Community Development Department for review and approval. The landscape and irrigation plans shall be prepared in compliance with the City Development Code and the "Go Native" landscape design guidelines.
- P16. The project shall incorporate curb, gutter, and sidewalks, 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 shelter. The bus shelter 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. A biological consultant shall provide written confirmation that the site is clear of Desert Tortoise prior to grubbing.

### **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 approved 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. Streets adjacent to the property shall be improved as follows:
  - Copper Mountain Road from Alta Loma Road to Foot Hill Drive shall be improved to the City's Local Street standards as approved by the City Engineer. (36' full-width pavement)
  - Alta Loma Drive adjacent to the property shall be improved to the City's full-width Local Street standards as approved by the City Engineer. (36' wide full-width pavement)
  - Ivanpah Avenue adjacent to the property shall be improved to the City's full-width Local Street standards as approved by the City Engineer. (36' wide full-width pavement)
- E5. Road dedications shall be provided as follows:
  - A 60-ft wide full-width road dedication along Copper Mountain Road from Alta Loma Drive to Foothill Drive shall be granted to the City of Twentynine Palms prior to Final Map Approval.
  - A 60-ft wide full-width road dedication along Alta Loma Drive adjacent to the property shall be granted to the City of Twentynine Palms prior to Final Map Approval.
  - A 30-ft wide full-width road dedication along Ivanpah Avenue adjacent to the property shall be granted to the City of Twentynine Palms prior to Final Map Approval.
- E6. 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).
- E7. 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.
- E8. An encroachment permit shall be obtained from the City prior to performing any work in any public right of way.

- E9. 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.
- E10. 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.
- E11. Street lights shall be required and shall conform to City's standards for such.
- E12. 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.
- E13. On and off-site utility lines shall be placed underground in accordance with the requirements of the City.
- E14. 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.
- E15. Any required street striping shall be thermoplastic as approved by the City Engineer.
- E16. Soil percolation testing for the subsurface disposal system shall meet the requirements of the San Bernardino Environmental Health Services and the City.
- E17. 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.

## **Fire Department**

- F1. Prior to any construction, the owner shall contact the Twentynine Palms Fire Department for verification of current fire protection requirements.
- F2. All construction and activities shall comply with applicable sections of the 1988 edition of the Uniform Fire Code and all other state, county, and city ordinances, rules and regulations regarding fire protection.
- F3. The development, and each phase thereof, shall have two (2) points of vehicular access for emergency vehicles and equipment and for routes of escape that will safely handle evacuation.

- A. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. The required width shall not be obstructed in any manner, including parking of vehicles.
- B. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.
- C. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus.
- F4. All flammable vegetation shall be cleared a minimum distance of 30 feet, or to the property line, from any flammable building materials or finished structures.
- F5. Each chimney used in conjunction with any fireplace or heating appliances in which solid or liquid fuels are used shall have, and be maintained with an approved spark arrester as identified by the Uniform Fire Code.
- F6. Street addresses shall be posted with numbers a minimum height of three (3) inches. Posted numbers shall contrast with their background and be visible and legible from the street. Developer shall furnish the fire department with a list and map of all of the street names and addresses within the project.
- F7. Prior to commencement of construction, an approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. The following are the minimum requirements for the proposed development:
- A: SYSTEM STANDARDS
- |                  |                                     |
|------------------|-------------------------------------|
| Fire Flow:       | 1500 GPM @ 20 PSI Residual Pressure |
| Duration:        | 2 Hours                             |
| Hydrant Spacing: | 660 Feet                            |
- B: DISTRIBUTION SYSTEM
- |           |                |
|-----------|----------------|
| Mains:    | 6-Inch Minimum |
| Laterals: | 6-Inch Minimum |
| Riser:    | 6-Inch Minimum |
- C: FIRE HYDRANTS
- |               |  |
|---------------|--|
| Number:       | To be determined   |
| Type:         | 6-Inch, with one (1) two and one half (2 ½) inch outlet and one (1) four (4) inch outlet with National Standard Threads. |
| Street Valve: | 6-Inch Gate  |

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

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

\_\_\_\_\_  
Applicant/Developer

\_\_\_\_\_  
Date

CITY OF TWENTYNINE PALMS  
PLANNING COMMISSION  
RESOLUTION NO. 06-\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 05-102, AN APPLICATION BY ROBERT LAWRENCE ON BEHALF OF HD SUBDIVISION FOR APPROVAL OF TENTATIVE TRACT MAP 17855, THE SUBDIVISION OF 4.3 ACRES INTO 13 SINGLE FAMILY LOTS FOR FUTURE DEVELOPMENT OF SINGLE FAMILY RESIDENCES, EAST OF COPPER MOUNTAIN ROAD, WEST OF IVANPAH AVENUE AND, NORTH OF ALTA LOMA DRIVE, ZONE RS-4, T1N, R8E, SECTION 33, APN # 0614-031-11.

WHEREAS, on October 12, 2005 an application was received from HD Subdivision for approval of Tentative Tract Map 17855, the subdivision of approximately 3.3 acres into 13 lots for future development of single-family residences; and

WHEREAS, the application was deemed incomplete on November 4, 2005; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, the project was routed to public agencies for public comment; and

WHEREAS, with the proposed conditions of approval, the proposed project design is consistent with the General Plan and Development Code; and

WHEREAS, Pursuant to the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration, with De Minimis Impact finding was prepared and the project was routed to public agencies and departments for public review and comment; and

WHEREAS, public hearing notice was published in a newspaper of record and notice was mailed to all property owners located within 300 feet of the project site; and

WHEREAS, a public hearing was held by the Planning Commission on May 16, 2006; and

WHEREAS, the Planning Commission finds the following:

1. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and Development Code. The proposed subdivision or land use is compatible with the objectives, policies, general land uses and programs specified in the General Plan and Development Code.
2. The Planning Commission has considered the effects of its action upon the housing needs of the region and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources.
3. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.
4. The Planning Commission shall determine that adequate septic facilities are, or can be, installed for the development of the subdivision, or that a sewer system sufficient to provide for the development of the subdivision can be provided.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms adopts the Mitigated Negative Declaration, and De Minimis Impact Finding pursuant to the California Environmental Quality Act (CEQA) and approves Tentative Tract Map No. 17855, subject to the attached Conditions of Approval.

APPROVED AND ADOPTED THIS 16th DAY OF May, 2006

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

\_\_\_\_\_

Irving Stone, Chairman

ATTEST:

Charlene L. Sherwood, City Clerk

I hereby certify that the foregoing is a true copy of Resolution No. \_\_\_\_\_ duly adopted by the Planning Commission of the City of Twentynine Palms in a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in Twentynine Palms, California.  
 Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
 Charlene L. Sherwood, City Clerk