



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: July 18, 2006
RE: PC 06-01/ Tentative Tract Map 18000 - An application by Jay Corbin on behalf of Frank Curtin to subdivide 22 acres into 81 numbered lots and three lettered lots for future development of 81 single-family residences. The project is located on a vacant and previously unimproved site, east of Mesquite Springs Road, south of Old Dale Road and north of Sullivan Road, Zone RS-4, T1N, R8E, APN # 617-011-01, -02, -04, -12 and -13.

RECOMMENDATION: Conduct the Public Hearing, consider public comment, adopt the Mitigated Negative Declaration, and De Minimis Impact Finding and approve Tentative Tract Map No. 18000, subject to the attached Conditions of Approval.

BACKGROUND: The site is zoned RS-4. The proposed density of 3.64 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 06-01 |
| 3. | Major Subdivision Application |
| 4. | Locator Map |
| 5. | Mitigated Negative Declaration |
| 6. | Correspondence |
| 7. | Tentative Tract Map #18000 |

State requirements for enhanced sewage treatment restrict the use of individual septic systems and now require that a secondary treatment system be provided.

Pursuant to General Plan requirements, the applicant has designed the project to include a combination 8' wide meandering sidewalk and bikepath on Sullivan Road.

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
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
City Attorney

City Engineer
Twentynine Palms Fire Department
County Environmental Health Division
County Flood Control District
County Recorder
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
US Fish and Wildlife Service

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	Single family and vacant	RS-4	RS-4
South	Vacant	RS-1	RS-1
West	Vacant	RS-4	RS-4

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 Donnell Hill, north to south. 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 is expected to generate approximately 756 trips per day, including 59 Am peak hour trips and 80 PM peak hour trips. In order for the street system to continue to operate at a Level of Service "C" during peak hours, existing roadways adjacent to the project site will be required to be improved, including the following improvements:

- Sullivan Road (40' half street, Collector street);
- Interior streets, (60' street, Local street);
- Street signs and stop signs at project site access;
- Lane striping;
- Street lighting; and
- Class I Bikepath on Sullivan Road.

All streets will be constructed to City Standards and will include paving, curb, gutter, sidewalks, and intersection improvements. In addition, the proposed street system is designed to enhance pedestrian connectivity by reinforcing the traditional grid circulation system, with stub-out streets for future connection points to parcels to the north, west and east.

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 Morongo Basin Transit Authority.

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), San Bernardino County Environmental Health Services, and the Twentynine Palms Water District, prior to approval of the Final Map. Management and operation of that system will be the responsibility of the Home Owners Association (HOA).

Drainage

A preliminary drainage study has been prepared for the project. The study suggests that all storm flows be directed to one of three 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.

Biological Resources

Superior Desert Biological Services conducted a Habitat Assessment on July 28, 2005, utilizing survey methods approved by the United States Fish and Wildlife Service (USFWS) at 10-foot intervals. The study noted that several cactus species in addition to the creosote-ambrosia series were present on the site, including: Creosote bush (*Larrea tridentate*), White bursage (*Ambrosia dumosa*), Teddy bear cholla (*Optunia bigelovii*), Mormon tea (*Ephedra nevadensis*), Pencil cholla

(*Optunia ramoissima*), Turtleback (*Psathyrotes ramoissima*) and Beavertail cactus (*Optunia basilaris*). No sensitive or listed plant species were observed on site.

The USFWS, California Department of Fish and Game (CDFG), and California Native Plant Society (CNPS) each maintain lists of plant and/or animal species that are considered to be rare, threatened, or endangered. Examples of some rare species reported from the Twentynine Palms area include Alverson's foxtail cactus, LeConte's thrasher, loggerhead shrike, etc. Three wildlife species, including Desert iguana (*Dispsosaurus dorsalis*), Black tailed jack rabbit (*Lepus californicus*) and Antelope ground squirrel (*Ammospermophilus leucurus*) were observed on site. No sensitive or listed wildlife species, including desert tortoise, were observed on site.

No special-status species were observed or are expected to be impacted by site development. The biological study's determination that tortoises were not present on the site does not authorize the Proponent to incidentally take tortoises. Mitigation measures imposed on this project require a biological monitor be present at the initial phases of construction to determine if any desert tortoise or special status species are present at that time. A clearance letter from the biologist shall be provided to the Community Development Director, prior to issuance of permits to work on-site. If Desert Tortoise or other sensitive or threatened species are observed on site, the applicant shall be required to secure an incidental take permit from the USFWS and CDFG to avoid violating State and Federal endangered species acts.

With the implementation of the aforementioned mitigation measure, the project will have a less than significant impact to native vegetation or sensitive habitat will result from project approval.

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 should 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. 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 284 new residents (4.0 residents per household) to the community. National standards require 10 acres of park development for each 1000 residents. Using this standard, approximately 2.84 acres of parks would be required for this project. Existing park and recreation facilities are heavily used. The applicant proposes to utilize a portion of the retention basin as a neighborhood pocket park. This facility will 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 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
CONDITIONS OF APPROVAL
PC 06-10

Applicant: Jay Corbin on behalf of Frank Curtin

Project Description: Subdivide 22 acres into 81 lots

Location/Parcel Number(s) APN: 617-011-01, -02, -04, -12 and -13.

Tentative Tract Map No. 18000

Approved: July 18, 2006

Expire: July 17, 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, pocket 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 basin, on-site sewage treatment facility construction, pocket park 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.
- 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 parkways, 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 paving, 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 (760) 366-2986].
- P20. 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.
- P21. The applicant shall construct a storm drainage retention basin as a multiple use neighborhood park and project amenity. The park design shall be reviewed 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 borrow site with a current permit from the CTP Building and Safety Department or another responsible agency.

Engineering

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

Sullivan Road adjacent to the property shall be improved to the City's half-width Collector Street standards. (32' pavement half-width)
- E6. Road dedications shall be provided as follows:

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

**CITY OF TWENTYNINE PALMS
NOTICE OF PUBLIC HEARING
NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION**

PC 06-01

NOTICE IS HEREBY GIVEN that the Twentynine Palms Planning Commission acting as the Approval Authority, will hold a Public Hearing at 6:00 p.m. on Tuesday, July 18, 2006, at City Hall in the City Council Chambers, 6136 Adobe Road, Twentynine Palms, California. The purpose of the hearing is to consider the following matter:

An application, by Frank Curtin for Tentative Tract Map 18000, the subdivision of 22.± acres into 81 lots, located north of Sullivan Road, east of Mesquite Springs Road in TP1N, R9E, Section 32, , APNs 617-011-01, 0617-011-02, 0617-011-04 0617-011-12 and 0617-011-13, RS-4.

Pursuant to the California Environmental Quality Act (CEQA), an Initial Study has been prepared for the project, and a Mitigated Negative Declaration may be adopted at this meeting.

ALL INTERESTED AND/OR AFFECTED PARTIES are invited to submit written comments in favor of or in opposition to this matter prior to the time of the hearing, or be heard in support of or opposition to the proposed project, at the time of hearing. For information please contact Alex Meyerhoff, Community Development Director at (760) 367-6799.

Charlene L. Sherwood, City Clerk

The following should not be included in the published public notice:

Publish: Desert Trail
July 6, 2006

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 06-01, AN APPLICATION BY JAY CORBIN ON BEHALF OF FRANK CURTIN FOR APPROVAL OF TENTATIVE TRACT MAP 18000 TO SUBDIVIDE 22 ACRES INTO 81 LOTS AND THREE LETTERED LOTS FOR THE FUTURE DEVELOPMENT OF SINGLE FAMILY RESIDENCES, EAST OF MESQUITE SPRINGS ROAD, SOUTH OF OLD DALE ROAD AND NORTH OF SULLIVAN ROAD, ZONE RS-4, T1N, R8E, APN # 617-011-01, -02, -04, -12 and -13.

WHEREAS, on January 3, 2006 an application was received from Jay Corbin on Behalf of Frank Curtin for approval of Tentative Tract Map 18000, the subdivision of approximately 22 acres into 81 lots for future development of single-family residences; and

WHEREAS, the application was deemed incomplete on February 1, 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 January 23, 2005, the project was routed to public agencies for public comment; and

WHEREAS, on May 4, 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 July 18, 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. 18000, subject to the attached Conditions of Approval.

APPROVED AND ADOPTED THIS 18th DAY OF July, 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: July 18, 2006
RE: PC 06-15 - An application by Spectrum Engineering on behalf of Los Angeles SMSA Limited Partnership for approval of a Conditional Use Permit for a telecommunication facility in the RL-2.5 zone, a Variance to the maximum allowed height of 35' to allow a 52.5' tall telecommunication tower and site plan approval. The project is located on the site of an existing Edison electrical substation, at the northeast corner of Twentynine Palms Highway (SR 62) and Dorth Place, RL-2.5 zone, T1N, R8E, Section 30, APN # 0613-121-25.

RECOMMENDATION: Conduct the Public Hearing, consider public comment, adopt the Mitigated Negative Declaration, and De Minimis Impact Finding, adopt the resolution and approve the project, subject to the attached Conditions of Approval.

BACKGROUND: The project includes construction of an un-manned 52.5' tall telecommunications facility and 11'-6" x 16' equipment cabinet at the above referenced location.

- | Attachments | |
|-------------|--------------------------------|
| 1. | Conditions of Approval |
| 2. | Resolution |
| 3. | Application |
| 4. | Locator Map |
| 5. | Mitigated Negative Declaration |
| 6. | Correspondence |
| 7. | Site Plan |

Present zoning for the property is Rural Living (RL-2.5). The proposed use is allowed in the RL-2.5 land use district, subject to approval of a Conditional Use Permit. No habitable structures are proposed.

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
San Bernardino Associated Governments
Southern California Edison Company
Verizon
Waste Management
Morongo Basin Ambulance
Division of Mines and Geology
MCAGCC (Two offices)
County Surveyors Office

City Engineer
Twentynine Palms Fire Department
County Environmental Health Division
County Flood Control District
County Recorder
Morongo Unified School District
Southern California Gas Co.
Adelphia
Morongo Basin Transit Authority
Mojave Air Quality Management District
Joshua Tree National Park
Caltrans

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	SCE sub-station	RL-2.5	RL-2.5
North	Vacant	RL-2.5	RL-2.5
East	Single family and vacant	RL-2.5	RL-2.5
South	Vacant	RL-2.5	RL-2.5
West	Vacant	RL-2.5	RL-2.5

General Plan

The RL-2.5 land use district allows utilities and infrastructure. As designed the project is consistent with the General Plan Land Use Element.

Zoning

The project exceeds RL-2.5 zone standards for height. The zone allows non-commercial antennas up to 52' in height. At 11'-6", the equipment cabinet is within the allowable building height for the zone. With approval of the Conditional Use Permit and Variance, the project is consistent with the Zoning Ordinance.

Site Characteristics

The subject site slopes as it moves north from the highway, south to north. The site includes an Edison electrical sub-station, contains typical desert vegetation and has been used by off-road vehicles.

Comment was received from the City Engineer in response to staff's routing of the project. The City Engineer is recommending that street improvements not be required as a condition of this development. The City Attorney has previously advised the Planning Commission and Council to do a case-by-case analysis of potential impacts in determining what public improvements are required for development proposals. This is especially true on a large parcel where the road improvements would be excessive in relation to the proposed impacts. Traffic generated by the use will be minimal. Therefore, the City Engineer is recommending that road dedication be required, but that street improvements not be required as a condition of approval.

Development Code Chapter 19.58

Development of the proposed facility is subject to the requirements contained in Chapter 19.58, that establishes regulation of wireless telecommunications facilities in the City.

Section 19.58.030 establishes general requirements for telecommunications facilities. Subsection 19.58.030 (A) states that the structure height shall be as established in the Land Use District regulations of the Development Code for the underlying land use district. The land use designation (zoning) for the subject property is Rural Living (RL-2.5). The height limitation for the RL-2.5 district is 35 feet. Non-commercial antennas in the RL-2.5 zone are allowed at 52' tall.

Section 19.58.030 (B) establishes separation requirements to ensure that telecommunications facilities do not conflict with existing or planned residential uses. The requirement is that proposed telecommunications facilities be at least 200 percent of the height of the facility from an adjacent residential property line; for a 52.5' tower, the separation requirement is 105'. The

proposed tower is located 132' from the property line. The subsection also requires a minimum 300' separation from any residence. Precise dimensions are not provided but from the site plan it appears that the development is approximately 300 feet from the property lines.

Subsection 19.58.030 (C) sets forth standards to minimize negative visual impact. Subsection 19.58.030 (C) (1) requires that facilities either be co-located or camouflaged and that they blend, "...with the surrounding existing natural and manmade environment in such a manner so as to be effectively unnoticeable...." The project is collocated with an existing electrical substation and thus meets the requirement for co-location.

Subsection 19.58.030 (C)(6) requires that equipment shelters be constructed to look like a structure or facility typically found in the area. The Planning Commission will have to make a determination on the design and its appropriateness in the RL-2.5 land use district.

Outside lighting is indicated in the proposal. Per Section 19.58.030 (C)(8), outside lighting is prohibited unless required by the FAA or the Uniform Building Code. Staff has included a condition that requires that the lighting be shielded in conformance with the City's night sky regulations.

Conditional Use Permit

Pursuant to Section 19.30.050 of the Development Code, the Planning Commission is required to make the following findings prior to approval of a CUP. The required findings are:

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

If the required findings cannot be made, the application should be denied. Staff has prepared the following findings of approval for consideration:

- A. The proposed tower is co-located with an existing Edison electrical substation. Therefore, the design matched existing utility infrastructure in the vicinity. The site is located approximately 302 feet from the nearest traveled roadway and will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- B. The subject site is approximately 9.24 acres and is therefore adequate in size to accommodate the proposed use.
- C. The shape of the parcel is typical, and allows for orderly development such as the proposed use.
- D. With the recommended conditions, the proposed project will meet the objectives of the General Plan and RL-2.5 land use designation.

- E. The proposed project, as conditioned, does not conflict with and is consistent with the goals and objectives of the Twentynine Palms General Plan.

Variance

Pursuant to Section 19.34.050 of the Development Code, prior to approving a Variance, the Planning Commission shall make the following findings:

- A. That, because of special circumstances applicable to the property, (size, shape, topography, location or surroundings) or the intended use of the property, the strict application of the Development Code deprives the property of privileges enjoyed by other properties in the vicinity under identical zoning classification; and
- B. That granting the Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zoning classification; and
- C. That granting the Variance will not be materially detrimental to the public health, safety, or welfare, or injurious to property or improvements; and
- D. That granting of the Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning classification in which the property is located; and
- E. That granting the Variance does not allow a use or activity which is prohibited by the zoning regulation governing the parcel; and
- F. That granting the Variance will not be inconsistent with the City of Twentynine Palms General Plan.

If the required findings cannot be made, the application should be denied. Staff has prepared the following findings of approval for consideration:

- A. The RL-2.5 zone allows non-commercial telecommunication antennas up to 52' feet in height. The proposed tower is co-located with an existing Edison electrical substation. Therefore, the design matched existing utility infrastructure in the vicinity. The site is located approximately 302 feet from the nearest traveled roadway and will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. Denial of this application would deprive the property of privileges enjoyed by other properties in the vicinity under identical zoning classification.
- B. The subject site is approximately 9.24 acres and is therefore adequate in size to accommodate the proposed use. Non-commercial telecommunication antennas of the height proposed are currently permitted for non-commercial users with a Minor Use Permit. The shape of the parcel is typical, and allows for orderly development such as the proposed use.
- C. The project will provide for additional telecommunication infrastructure in the community, which will enhance the public health, safety and welfare.
- D. That granting of the Variance would not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning classification in which the property is located.

- E. That granting the Variance would not allow a use or activity which is prohibited by the zoning regulation governing the parcel.
- F. That granting the Variance is consistent with the City of Twentynine Palms General Plan and Development Code.
- G. The proposed use will not generate excessive noise, vibration, traffic or other disturbance and will therefore not have a substantial adverse effect on abutting property or uses located or potentially developed in an industrial area.
- H. Routing of the proposal to the County Clerk of San Bernardino has afforded an opportunity for review and comment by the County.
- I. With the recommended conditions, the proposed project will meet the objectives of the General Plan and RL-2.5 land use designation.
- J. The proposed project, as conditioned, does not conflict with and is consistent with the goals and objectives of the Twentynine Palms General Plan.

Traffic and Circulation

Because the project will not result in the development of any new residences, a traffic impact analysis was not prepared for this project. The project will generate minimal traffic during construction, which is expected to be less than ten vehicles per day. When fully operational, the project will receive regular maintenance visits, not expected to exceed two trips per week. The project will be served from Dorth Place. Because this project is not expected to generate regular traffic, the City will request that the applicant dedicate an additional 10' of right of way along the Twentynine Palms Highway (SR 62) to meet the requirement for a 120' Expressway (60' half street). Street improvements to the Highway or Dorth Place will not be required at this time.

Transit Service

The Morongo Basin Transit Authority has had an opportunity to review the project and, as of the writing of this report has not commented on the project. However, in general, the MBTA recommends that applicants provide a bus shelter with bench and trash receptacle, with the specific location will be determined at a later date.

Approval Process

The Planning Commission is the Approval Authority for the Conditional Use Permit and Variance. In taking action to approve, the Commission must find that the proposed project is consistent with the General Plan. Because the subject property has the RL-2.5 General Plan land use designation, development of a telecommunication facility is consistent with the General Plan Land Use Plan.

CITY OF TWENTYNINE PALMS

CONDITIONS OF APPROVAL

PC 06-15

Applicant: Spectrum Engineering/Los Angeles SMSA Limited Partnership

Project: 52.5' Telecommunication facility

Location: Northeast corner of SR 62 and Dorth Place

APN: 0613-121-25

Approved: July 18, 2006

Expire: July 17, 2007

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

Planning Division

Per Section 19.30.090 (A) of the Development Code, Conditional Use Permits shall expire one (1) year from the date the approval was granted, unless prior to the expiration date:

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

Per Section 19.30.090 (B), an approved Conditional Use Permit shall expire if the use has been commenced and then is discontinued for a period of one (1) year or more.

Planning Conditions

- P1. Conditional approval is granted by the Planning Commission acting as Approval Authority on July 18, 2006, to permit the construction/use of 52.5' unmanned telecommunications facility and 11'-6" x 16' equipment cabinet at the above referenced location. All development of the site shall be in substantial conformance with the adopted site plan and shall comply with all Conditions of Approval.
- P2. The Applicant shall ascertain and comply with requirements of all State, County and Local agencies as are applicable to the project proposal.
- P3. The property owner shall keep the property neat, clean, and in good physical condition including open spaces, sidewalks, lighting, driveways, parking areas, and landscaping.
- P4. All outdoor lighting shall conform to Development Code Chapter 19.70, *Lighting Standards*, and shall be designed to not glare or reflect onto neighboring properties or public rights-of-way. Outdoor lighting shall be shielded and limited to that required for security and safety purposes.

- P5. Prior to construction, the applicant shall submit three sets of plans to the City's Building Official and secure a Building Permit in conformance with the Uniform Building Code.
- P6. All construction and improvements shall comply with *Encroachments into Yards or Setbacks* standards established in the Development Code for the underlying land use district.
- P7. 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.
- P8. 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.
- P9. The Mitigation Measures from the Initial Study shall be incorporated herein, as conditions of approval, by reference.
- P10. 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 (760) 366-2986].

General Conditions

- G1. All Conditions are continuing Conditions. Failure of the Applicant and/or operator to comply with any of the said Conditions at any time may result in the revocation of the Conditional Use Permit and/or citation for code violation.

- G2. The applicant and applicant's successors in interest shall be responsible for payment of all applicable fees, including reimbursement for all City expense in ensuring compliance with the Conditions of Approval.

Building and Safety

- B1. Grading and drainage plans are to be submitted to, and approved by, the Building Official prior to permit issuance.
- B2. 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.

Engineering

- E1. A grading permit shall be obtained from the City Engineer prior to any grading or other work done on the site. Prior to the issuance of a grading permit, the applicant's engineer shall submit a comprehensive grading plan in conformance with the Uniform Building Code (UBC) and the requirements of the City. A preliminary soils report and a current preliminary title report shall be submitted to the Engineering Division concurrently with the grading plan.
- E2. Road dedications shall be provided as follows:
- A 60-ft wide (Expressway) half-width road dedication along Twentynine Palms Highway (SR 62) adjacent to the property shall be granted to the City of Twentynine Palms prior to issuance of building permits.
- A 30-ft wide (Local street) half-width road dedication along Dorth Place adjacent to the property shall be granted to the City of Twentynine Palms prior to Final Map Approval.
- E3. An encroachment permit shall be obtained from the City prior to performing any work in any public right of way.
- E4. 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 Engine
- E5. Utility lines shall be placed underground in accordance with the requirements of the City.

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. 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.

F4. 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.

F5. 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

F6. 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
NOTICE OF PUBLIC HEARING
NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

PC 06-15

NOTICE IS HEREBY GIVEN that the Twentynine Palms Planning Commission acting as the Approval Authority, will hold a Public Hearing at 6:00 p.m. on Tuesday, July 18, 2006, at City Hall in the City Council Chambers, 6136 Adobe Road, Twentynine Palms, California. The purpose of the hearing is to consider the following matter:

PC 06-15 – An application by Spectrum Engineering on behalf of Los Angeles SMSA Limited Partnerships for approval of a Conditional Use Permit, to allow construction of a Verizon Wireless telecommunications facility in the RL 2.5 zone and a Variance to allow a 52'6" tall tower when the maximum height allowed in the RL2.5 zone is 35'. The project site is located at the northeast corner of Hwy. 62 and Dorth Place (APN 613-121-25-0000).

Pursuant to the California Environmental Quality Act (CEQA), an Initial Study has been prepared for the project, and a Mitigated Negative Declaration may be adopted at this meeting.

ALL INTERESTED AND/OR AFFECTED PARTIES are invited to submit written comments in favor of or in opposition to this matter prior to the time of the hearing, or be heard in support of or opposition to the proposed project, at the time of the hearing. For information please contact Alex Meyerhoff, Community Development Director at (760) 367-6799.

Charlene L. Sherwood, City Clerk

Publish:
Desert Trail
July 6, 2006

CITY OF TWENTYNINE PALMS
PLANNING COMMISSION
RESOLUTION NO. 06-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 06-15, AN APPLICATION BY SPECTRUM ENGINEERING ON BEHALF OF LOS ANGELES SMSA LIMITED PARTNERSHIP, FOR APPROVAL OF A CONDITIONAL USE PERMIT TO PERMIT A TELECOMMUNICATION FACILITY IN THE RL-2.5 ZONE AND A VARIANCE TO ALLOW A 52.5' TALL TELECOMMUNICATION TOWER IN THE RL-2.5 ZONE, AT THE NORTHEAST CORNER OF THE INTERSECTION OF THE TWENTYNINE PALMS HIGHWAY (SR 62) AND DORTH PLACE, ZONE RL-2.5, T1N, R8E, SECTION 30, APN # APN: 0613-121-25

WHEREAS, on January 19, 2006 an application was received from Spectrum Engineering for approval of a Conditional Use Permit to construct a telecommunication facility in the RL-2.5 zone and a Variance to allow a 52.5' tall tower; and

WHEREAS, Section 19.58.030 establishes general requirements for telecommunications facilities. Subsection 19.58.030 (A) states that the structure height shall be as established in the Land Use District regulations of the Development Code for the underlying land use district. The land use designation (zoning) for the subject property is Rural Living (RL-2.5). The height limitation for the RL-2.5 district is 35 feet. Non-commercial antennas in the RL-2.5 zone are allowed at 52' tall; 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 July 18, 2006; and

WHEREAS, with respect to the Conditional Use Permit application the Planning Commission finds the following:

- A. The proposed tower is co-located with an existing Edison electrical substation. Therefore, the design matched existing utility infrastructure in the vicinity. The site is located approximately 302 feet from the nearest traveled roadway and will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- B. The subject site is approximately 9.24 acres and is therefore adequate in size to accommodate the proposed use.

- C. The shape of the parcel is typical, and allows for orderly development such as the proposed use.
- D. With the recommended conditions, the proposed project will meet the objectives of the General Plan and RL-2.5 land use designation.
- E. The proposed project, as conditioned, does not conflict with and is consistent with the goals and objectives of the Twentynine Palms General Plan.

WHEREAS, with respect to the Variance application the Planning Commission finds the following:

- A. The RL-2.5 zone allows non-commercial telecommunication antennas up to 52' feet in height. The proposed tower is co-located with an existing Edison electrical substation. Therefore, the design matched existing utility infrastructure in the vicinity. The site is located approximately 302 feet from the nearest traveled roadway and will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. Denial of this application would deprive the property of privileges enjoyed by other properties in the vicinity under identical zoning classification.
- B. The subject site is approximately 9.24 acres and is therefore adequate in size to accommodate the proposed use. Non-commercial telecommunication antennas of the height proposed are currently permitted for non-commercial users with a Minor Use Permit. The shape of the parcel is typical, and allows for orderly development such as the proposed use.
- C. The project will provide for additional telecommunication infrastructure in the community, which will enhance the public health, safety and welfare.
- D. That granting of the Variance would not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning classification in which the property is located.
- E. That granting the Variance would not allow a use or activity which is prohibited by the zoning regulation governing the parcel.
- F. That granting the Variance is consistent with the City of Twentynine Palms General Plan and Development Code.
- G. The proposed use will not generate excessive noise, vibration, traffic or other disturbance and will therefore not have a substantial adverse effect on abutting property or uses located or potentially developed in an industrial area.
- H. Routing of the proposal to the County Clerk of San Bernardino has afforded an opportunity for review and comment by the County.
- I. With the recommended conditions, the proposed project will meet the objectives of the General Plan and RL-2.5 land use designation.
- J. The proposed project, as conditioned, does not conflict with and is consistent with the goals and objectives of the Twentynine Palms General Plan.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms adopts the Mitigated Negative Declaration, adopts this resolution, and approves the Conditional Use Permit and Variance applications (PC 06-15), subject to the attached Conditions of Approval.

APPROVED AND ADOPTED THIS 18th DAY OF July, 2006

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: 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
plantech@ci.twentynine-palms.ca.us

To: Planning Commission
From: Community Development Technician
Date: July 18, 2006
RE: PC 06-86 - An application by Sam and Maggie Jones for a Conditional Use Permit to allow a 98% expansion of a legal non-conforming single family residence with 5' side yard setbacks and a 1,970 sq. ft. patio and a 438 sq. ft. room addition, at 74979 Saddlehorn Road, Zone RS-2, T1N, R9E, Section 15, APN # 0622-014-13.

RECOMMENDATION: Conduct the Public Hearing adopt the Resolution and approve the Conditional Use Permit.

BACKGROUND: On June 23, 2006, the applicant submitted an application requesting a Conditional Use Permit for modification to their residential structure (with non-conforming side yard setbacks) exceeding the 25% allowance (Development Code Chapter 19.76.040) for the construction of a 1,970 sq. ft. patio addition and a 438 sq. ft. room addition.

- | Attachments |
|---|
| <ul style="list-style-type: none"> • Application • Resolution PC 06-05 • Site plan • Assessors Parcel Map • Vicinity Map |

Pursuant to Section 19.86.040 (E) of the Development Code, the requirement for a Conditional Use Permit applies to nonconforming residential uses under the following circumstances:

1. The uses are being expanded or modified by more than twenty-five percent (25%) of the floor space or ground area existing at the time such use became a nonconforming use, and
2. The expansion or modification meets all other code requirement.

The development pattern for this neighborhood, as originally permitted under San Bernardino County, is of half-acre lots with larger homes. The residence in question presently has a 5' setback on both side yards with 1917 sq. ft. of living area, 427 sq. ft. of garage and 119 sq. ft of covered patio. Approval of this application would allow a 98% increase in structure footprint.

Surrounding Land Use, General Plan and Zoning Designations

	Land Use	General Plan
Site	RS-2	RS-2
North	RS-2	RS-2
East	RS-2	RS-2
South	RS-2	RS-2
West	RS-2	RS-2

The land use, an existing single-family residence, is consistent with the General Plan and Zoning Ordinance. The project, construction of a new 438 square foot room addition and 1970 square foot patio addition can be constructed in a manner consistent with the Development Code and California Building Code.

CEQA

Pursuant to Section 15303 of the California Environmental Quality Act (CEQA) Guidelines, the project, which consists of the construction of a minor addition to an existing structure, is Categorically Exempt from further environmental review under state law.

Conditional Use Permit

In approving a Conditional Use Permit, the Development Code (Section 19.30.060) requires the Planning Commission to make the following findings:

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

The Planning Commission may cite the above facts pertaining to the project's consistency with the General Plan and Zoning as Findings in approving this Conditional Use Permit. Staff believes these required Findings can be made and recommends approval of the Conditional Use Permit.

Public Notification

As required by law, owners of property within 300 feet of the subject site have been notified of this proposal. Staff has received no comment regarding the requested Conditional Use Permit.

Approval Authority

The Planning Commission is the Approval Authority for this project. Therefore, the Planning Commission must determine if the required Findings can be made, and if so, approve the request.

CITY OF TWENTYNINE PALMS

**NOTICE OF PUBLIC HEARING
NOTICE OF EXEMPTION**

PC 06-86

NOTICE IS HEREBY GIVEN that the Twentynine Palms Planning Commission acting as the Approval Authority, will hold a Public Hearing at 6:00 p.m. on Tuesday, July 18, 2006, at City Hall in the City Council Chambers, 6136 Adobe Road, Twentynine Palms, California. The purpose of the hearing is to consider the following matter:

PC 06-86 - An application by Sam and Maggie Jones for a Conditional Use Permit to allow a 98% expansion of a legal non-conforming single family residence with 5' side yard setbacks and a 1,970 sq. ft. patio and a 438 sq. ft. room addition, at 74979 Saddlehorn Road, Zone RS-2, T1N, R9E, Section 15, APN # 0622-014-13.

Pursuant to Section 15303 of the California Environmental Quality Act (CEQA) Guideline, the project, which consists of the modification of a small structure, is Categorically Exempt from further environmental review under state law.

ALL INTERESTED AND/OR AFFECTED PARTIES are invited to submit written comments in favor of or in opposition to this matter prior to the time of the hearing, or be heard in support of or opposition to the proposed project, at the time of the hearing. For information please contact Alex Meyerhoff, Community Development Director at (760) 367-6799.

Charlene L. Sherwood, City Clerk

Publish:
Desert Trail
July 6, 2006

CITY OF TWENTYNINE PALMS
PLANNING COMMISSION
RESOLUTION NO. PC 06-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 06-86 – AN APPLICATION BY SAM AND MAGGIE JONES FOR A CONDITIONAL USE PERMIT TO ALLOW A 98% ADDITION TO A LEGAL, NON-CONFORMING STRUCTURE WITH A OF FIVE FEET SIDE YARD SETBACK, WHEN A 10' SETBACK IS REQUIRED, AT 74979 SADDLEHORN ROAD, ZONE RS-2, T1N, R9E, SECTION 15, APN # 0622-041-13.

WHEREAS, on June 23, 2006, an application was received from Sam and Maggie Jones for approval of a Conditional Use Permit allowing construction of an addition to a legal, non-conforming structure; and

WHEREAS, Pursuant to Section 19.86.040 (E) of the Development Code, the applicant seeks approval of a 98% expansion of a legal nonconforming use where 5' side yard setbacks exist in the RS-2 zone; and

WHEREAS, the land use, an existing single-family residence, is consistent with the General Plan and Zoning Ordinance; and

WHEREAS, the development pattern for the Sunmore Estates neighborhood, as developed under the County, includes dwelling units with five-foot side yard setbacks for both side yards; and

WHEREAS, Pursuant to Section 15303 of the California Environmental Quality Act (CEQA) Guidelines, the project, a minor addition to an existing structure, is Categorically Exempt from further environmental review under state law; 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 June 6, 2006; and

WHEREAS, the Planning Commission finds:

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms adopts a Categorical Exemption pursuant to the California Environmental Quality Act (CEQA) and approves the Conditional Use Permit.

APPROVED AND ADOPTED THIS 18th DAY OF July, 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