



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: October 3, 2006
RE: PC 05-98 - An application by Sunwest Development for a Conditional Use Permit to develop 40 multi-family apartment units on the western 5 acres of a 10.1 acre parcel, located east of Adobe Road, south of Mesa Drive and north of Raymond Drive, Zone RM/RS-2, APN# 0621-251-51, T1N, R9E, Section 16.

Recommendation: That the Planning Commission conduct the public hearing, consider public comment, adopt the Mitigated Negative Declaration and De Minimis impact finding pursuant to CEQA, adopt the resolution, and approve Conditional Use Permit, subject to conditions of approval.

BACKGROUND: Applicant Sunwest Development Inc., proposes development of 40 multi-family units (four seven unit buildings and two six unit buildings) on the currently vacant parcel. The site is a ten acre parcel with split zoning. The eastern half of the parcel, upon which no development is proposed at this time is zoned RS-2 (Single-Family Residential). The project is proposed for the western most five acres which are zoned RM (Multi-Family Residential).

Pursuant to Table 19.09(A) of the Development Code, Multi-family Residential projects greater than 10 dwelling units are allowed in the RM zone with the approval of a Conditional Use Permit. The Planning Commission is the Approval Authority.

Per Section 19.30.090 (A) of the Development Code, a Conditional Use Permit remains valid if a building permit is issued within one (1) year from the date the approval was granted. Section 19.30.100 of the Code also allows for staff approval of time extensions of up to two years and additional extensions as approved by the Planning Commission.

All offsite improvements (curb, gutter, sidewalk, etc.) will be required to be constructed with the first phase. Therefore, the applicant will have the right to build subsequent phases at any future date if the first phase is developed in a timely manner as prescribed in the above referenced sections of the Code.

- | Attachments |
|--|
| <ul style="list-style-type: none">• Conditions• Resolution• Application• Locator Map• Mitigated Negative Declaration and DeMinimis Impact Finding• Correspondence |

Project Routing

After receiving the application, staff routed it to the following agencies for review and comment:

San Bernardino County Clerk	City Engineer
Twentynine Palms Water District	Twentynine Palms Fire Department
San Bernardino County Sheriff's Department	San Bernardino County Environmental Health Division
County Department of Solid Waste Management	San Bernardino County Flood Control District
San Bernardino County Assessor's Office	San Bernardino County Recorder
San Bernardino Associated Governments	Morongo Unified School District
Southern California Edison Company	Southern California Gas Co.
Verizon	Time Warner Cable
Burrtec	Morongo Basin Transit Authority
Morongo Basin Ambulance	Mojave Desert Air Quality Management District (AQMD)
Regional Water Quality Control Board	Division of Mines and Geology
California Department of Fish and Game	Joshua Tree National Park
State Clearinghouse	County Surveyor's Office
MCAGCC	US Fish and Wildlife Service
City Attorney	29 Palms Band of Mission Indians
State Clearinghouse	

General Plan

Section VI (B) of the General Plan Land Use Plan establishes the purpose of the RM land use district as follows:

These territories are intended to serve the housing needs of non-long term residents or residents not needing or desiring a single family, detached household situation. However, diverse residential development may occur; this may include single family units, duplexes, apartment complexes, and mobile home parks. This designation is most suitable for planned communities, affordable and senior housing, where smaller units are appropriate.

This section also establishes policies and standards applicable to the RM district. Staff has not identified any conflicts with the General Plan policies and standards. Therefore, the multi-family development is consistent with the General Plan.

RM Zoning/Development Code Standards

Chapter 19.09 establishes the Development Code standards and requirements for development in the RM land use district and will be applicable to the site if the project is approved. Section 19.09.010 establishes the purpose of the RM district:

This district is intended to create, preserve and enhance neighborhoods where two or more dwelling units on the same lot are predominant. The district provides an additional range of housing types to meet the varying needs of different individuals and families within the City. The higher density residential area may either be part of a predominately one-family neighborhood or an independent neighborhood, normally close to public and private transportation facilities and commercial districts or other employment and service areas.

Table 19.09(A) in Section 19.09.020 establishes Permitted and Conditional Uses. One of the "conditional uses" is multi-family dwelling projects of more than ten (10) dwelling units. Accordingly, the applicant has submitted an application for the multi-family development.

Per Chapter 19.09 of the Development Code (and the General Plan Land Use Plan, discussed above) the allowable density for a multi-family development is eight (8) units per gross acre. The subject site is 5 acres so the proposed 40 unit development does not exceed the allowable density standard.

The requirement for street dedications and improvements is found in Section 19.09.060. Per this section, dedication of additional right-of-way and construction of required street improvements in accordance with the General Plan Circulation Element is required (including curb and gutter, sidewalks, concrete driveway approaches, drainage structures, paving, back-filling and preparation of the road surface to rough grade, and the placement of paving, and other necessary improvements) before building permits are issued for the construction of the multi-family units. The site is at the corner of Adobe Road and Mesa Road. Adobe Road is designated as an Arterial roadway and Mesa Road is designated as a Collector roadway.

The applicant proposes development of the two adjacent streets per the City's standards; Adobe Road along the westerly edge of the site and Mesa Road along the northerly boundary of the site.

Section 19.09.070 specifies that all on-site and of-site utilities serving new projects of more than four (4) dwelling units are to be underground.

Parking

Chapter 19.82 establishes the parking requirement for multi-family projects. Per this Chapter, each unit is to have one covered and one regular parking space. For this project, the requirement is 80 spaces, of which 40 must be covered. The site plan depicts 89 parking spaces, of which 80 are covered. Three of the spaces are designated as carpool parking and are distributed throughout the site of easy access/use. This proposed quantity exceeds the minimum requirements.

Per the Americans with Disabilities Act (ADA) and Title 24 of the California Code of Regulations, the project will be required to comply with the requirements to provide disabled accessible parking. Two such spaces are proposed.

Per standards established in Table 19.82-A (item C on page 82-5 of the Development Code):

One recreational vehicle (RV) storage space must be provided for each twenty (20) dwelling units or for each twenty (20) guest rooms, or fraction thereof, located on a lot or building site. Projects of ten (10) or fewer dwelling units or guest rooms are exempt from this requirement. Such spaces shall be not less than ten feet by twenty feet (10' x 20') in size. At least one of the RV spaces shall be not less than ten feet by thirty feet (10' x 30') in size.

This standard results a requirement for two RV parking spaces, one being 10' x 20' and the other at least 10' x 30' in size. The applicant has not proposed RV parking per this requirement. Because the proposal includes parking in excess of the minimum requirement, and because the applicant proposes carpool parking, staff recommends approval of the parking plan as proposed. If the Planning Commission approves the parking plan as proposed, the Commission would be finding that the additional parking and carpool parking provide benefits exceeding the minimum requirements established in the Code. Alternatively, the applicant can be required to reconfigure the parking, deleting some of the excess parking to provide the RV parking.

Staff's recommendation is to approve the parking as proposed. Per the draft Conditions of Approval, the applicant may provide either the carpool spaces or the RV parking as specified in the Code. If the Commission does not agree with this approach, the attached draft Conditions of Approval should be modified accordingly.

Conditions of Approval

Draft Conditions of Approval are provided for the Commission's consideration. The draft Conditions address issues discussed above.

Findings for Approval

Sections 19.30.060 of the Development Code establishes required Findings for approval of a Conditional Use Permit. Per the section, the Planning Commission is required to make the following findings to approve the change of zoning:

- 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.

Staff has developed the following Findings of Approval for the Planning Commission's adoption:

- A. Because of the proximity of the site, in relation to existing residential development, the City finds that the proposed design and location of the project is consistent with the intent of the goals and policies of the General Plan and Development Code; and
- B. The City finds that the proposal meets or exceeds standards established in the Development Code with regard to parking, public improvements, lighting and design, and approval will therefore result in an appropriate and desirable development; and
- C. The parcel can accommodate development of multi-family units as proposed and meet the maximum impervious coverage requirement of the City and is therefore suitable in size and shape for potential development; and
- D. The applicant proposes development of adequate parking facilities, as set forth in the Development Code, and in excess of City requirements and development of street improvements adjacent to the site in compliance with standards established by the General Plan and therefore will result in a safe, well-designed facility; and
- E. Review and approval of Building Permits for proposed development will include requirements for development of street improvements adjacent to the site in compliance with standards established by the General Plan and Development Code; and

- F. Approval of the Conditional Use Permit is consistent with all elements of the General Plan and is not inconsistent with any goal or policy established by any element of the General Plan and will therefore result in development that can be safely integrated into the existing and planned development of the vicinity; and
- G. That the proposed design and location of the project 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
- H. That the project site is adequate in size and shape to accommodate the project and integrate it with the existing and planned uses in the vicinity.

Environmental Clearance

The project is subject to the California Environmental Quality Act (CEQA). Accordingly, staff prepared an Initial Study to assess the potential environmental affects of the project. Based on staff's analysis, significant environmental effects will not result from project approval. Therefore, a Mitigated Negative Declaration is proposed.

De Minimis Impact Finding

Separate from the CEQA requirement, Section 711.2 of the California Department of Fish and Game Code requires that the applicant pay a mitigation fee to the Department if project approval will result in an adverse affect on wildlife resources. However, if a finding can be made that project approval will not result in an adverse affect on wildlife resources, the fee is not required. Because the project will not disturb any wildlife habitat, staff believes the finding can be made. This finding should be cited in the motion to approve the Negative Declaration if/when such motion is made.

Approval Authority

Pursuant to Section 19.03.040 of the Development Code, the Planning Commission is the Approval Authority for this project.

Motion for Approval

If the Planning Commission would like to recommend approval of the Mitigated Negative Declaration, De Minimis Impact finding, and the Conditional Use Permit, the following motion could be made:

I move that the Planning Commission recommend Council adoption of the Mitigated Negative Declaration with a finding of De Minimis environmental impact and Conditional Use Permit subject to the Conditions of Approval.

CITY OF TWENTYNINE PALMS
CONDITIONS OF APPROVAL
PC 05-98

Applicant Name: Sunwest Development Inc.
Project Description: Adobe Road Project (40 multi-family units)
Location/Parcel Number(s): APN# 0621-251-51
Approved: October 3, 2005

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 Approval Authority on October 3, 2006, to permit the construction/use of 40 multi-family units. All development of the site shall be in substantial conformance with the adopted site plan and building design 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. The Applicant shall subscribe to trash collection service with the City's authorized hauler [(760) 367-9168].
- P5. A minimum of four trash enclosure(s) shall be constructed and maintained on the property. The enclosures shall comply with standards established in Section 19.80.020 of the Development Code.
- P6. All outdoor lighting shall conform to Development Code Chapter 19.70, *Lighting Standards*, and shall be designed to not glare or reflect onto neighboring properties or public rights-of-way. Outdoor lighting shall be shielded and limited to that required for security and safety purposes.

- P7. 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.
- P8. Prior to issuance of building permits, the Applicant shall pay school development fees to the Morongo Unified School District that may be in effect at the time of building permit issuance.
- P9. Parking shall be designed and provided for the duration of the use in accordance with Development Code Chapter 19.82, *Off-street Parking and Loading Regulations*, as follows:
- A. A minimum of 80 parking spaces shall be provided on site, 40 of the spaces shall be covered.
 - B. A minimum of three (3) handicap accessible parking spaces shall be provided in accordance with the Americans With Disabilities Act and Title 24 of the California Code of Regulations.
 - C. The applicant shall provide either three carpool parking spaces at all times or two RV parking spaces. If RV parking is provided, one RV space shall be minimum 10' x 20' and the other minimum 10' x 30' in size.
- P10. Landscaping shall not interfere with sight distances at vehicular access points.
- P11. Maximum lot coverage (impervious surface) shall not exceed sixty percent (60%) of the total project area.
- P12. All construction and improvements shall comply with *Encroachments into Yards or Setbacks* standards established in the Development Code for the underlying land use district. Minimum setbacks are:
- | | |
|----------------|---------|
| Front: | 25 feet |
| Street side: | 15 feet |
| Interior side: | 10 feet |
| Rear: | 15 feet |
- P13. Soil testing (percolation report) for the septic system shall meet the requirements of Department of Environmental Health Services (DEHS) [(909) 387-4666]. The Applicant shall submit test results and required fee to DEHS. Copies of all correspondence with DEHS regarding this Condition shall be provided to the City of Twentynine Palms Community Development Department.
- P14. Prior to construction, the Applicant shall provide written clearance from the Colorado River Regional Water Quality Control Board [(760) 776-8940] and a copy of such clearance forwarded to DEHS.
- P15. Landscape plans for the streetscape, recreational areas/retention basins and retention basins shall be submitted for review and approval prior to issuance of building permits.

P16. Pursuant to Americans with Disability

Engineering Conditions

- E1. Easements, as required for roadways, drainage facilities, utilities, etc., shall be submitted and recorded as directed by the City Engineer. No structures shall be placed on any part of the easements except those directly related to the purposes of said easements.
- E2. A grading permit shall be obtained from the City Engineer prior to any grading or other work done on the site. Prior to the issuance of a grading permit, the applicant's engineer shall submit a comprehensive grading plan in conformance with the Uniform Building Code (UBC) and the requirements of the City. A preliminary soils report and a current preliminary title report shall be submitted to the Engineering Division concurrently with the grading plan.
- E3. Prior to issuance of a grading permit, a final drainage plan with street layouts shall be submitted for review and approval by the City Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider retaining onsite drainage flows from a 100-year design storm.
- E4. An Encroachment Permit separate from the Grading Permit shall be obtained from the City of Twentynine Palms Public Works Department prior to any construction occurring within the public right-of-way. Contact the Planning Division at City Hall [(760) 367-6799] for a permit application.
- E5. Final street improvement plans and profiles shall indicate the location of any existing utility facility which would affect construction.
- E6. The following streets shall be improved with the dedicated right-of-way along the project boundaries in conformance with the City's General Plan and adopted standards:
 - A. Adobe Road Avenue
ROW Width 60 feet from centerline
Pavement width 40 feet from centerline
 - B. Mesa Drive
ROW Width 40 feet from centerline
Pavement width 32 feet from centerline
- E7. Sidewalks shall be constructed along all public rights of way in accordance with City Standards. A ten foot (10') wide, combination meandering bikepath and sidewalk shall be constructed along Adobe Road. A five foot (5') wide sidewalk shall be constructed along Mesa Road.
- E8. A Class I bikeway shall be constructed along Adobe Road per standards established in the City's General Plan. This facility may be constructed in combination with the

sidewalk.

- E9. Improvement plans for offsite improvements (street improvements, sidewalks, curb and gutter) shall be based upon a centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries.
- E10. All required offsite improvements shall be constructed and approved prior to occupancy unless deferred pursuant to Development Code Chapter 19.85, *Public Improvements, Delaying or Deferring*.
- E11. The minimum structural section of all streets shall be four (4) inches of asphalt concrete over compacted native soil. A soils report containing a design structural section based on an "R" value (soils resistance) and a traffic index determined by the City Engineer, shall be submitted prior to the approval of street improvement plans.
- E12. Existing utilities shall be shown on the improvement plans and protected or relocated as necessary without cost to the City.
- E13. All utilities onsite and in the public right-of-way shall be placed underground in accordance with requirements established in Development Code Section 19.09.070.

Fire Department Conditions

- F1. The Applicant shall comply with all Conditions and requirements of the Twentynine Palms Fire Department. Written verification from the Fire Department shall be provided by the Applicant prior to issuance of any Building Permit.
- F2. All construction and activities shall comply with applicable sections of the 1988 edition of the Uniform Fire Code and all other state, county, and city ordinances, rules and regulations regarding fire protection.
- F3. The project shall have two (2) points of vehicular access for fire and other emergency vehicles and equipment. The unobstructed width of a fire apparatus access road, to include access gates, shall be not less than twenty (20) feet.
- F4. All flammable vegetation shall be cleared a minimum distance of thirty (30) feet, or to the property line, from any flammable building materials or finished structures.
- F5. Smoke detectors are required in all sleeping quarters in accordance with the Uniform Building Code.

General Conditions

- G1. In compliance with San Bernardino County Ordinance #2684, adopted by reference by the City of Twentynine Palms, the Applicant agrees to defend at his sole expense any action brought against the City, its agents, officers, or employees, because of the issuance of such approval. The Applicant shall reimburse the City, its agents, officers, or employees, for any court costs and attorney's fee which the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such

action but such participation shall not relieve the Applicant of his obligations under this Condition.

- G2. All Conditions are continuing Conditions. Failure of the Applicant and/or operator to comply with any of the said Conditions at any time may result in the revocation of the Conditional Use Permit and/or citation for code violation.
- G3. Within ten days of approval, the applicant shall submit to the Community Development Department a signed copy of the Conditions of Approval, verifying that he/she understands each Condition and agrees to adhere to each of the Conditions of Approval.
- G4. The applicant and applicant's successors in interest shall be responsible for payment of all applicable fees, including reimbursement for all City expense in ensuring compliance with the Conditions of Approval.

Applicant Signature

Date

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 05-98, AN APPLICATION BY SUNWEST DEVELOPMENT FOR APPROVAL OF A CONDITIONAL USE PERMIT TO DEVELOP A 40 UNIT MULTI-FAMILY PROJECT, LOCATED EAST OF ADOBE ROAD, SOUTH OF MESA DRIVE AND NORTH OR RAYMOND DRIVE, ZONE RM/R2, APN# 0621-251-51, T1N, R9E, SECTION 16.

WHEREAS, on November 17, 2005 an application was received from Sunwest Development for approval of a Conditional Use Permit for the development of 40 multiple family units; and

WHEREAS, the application was deemed complete on July 18, 2006; and

WHEREAS, pursuant to Chapter 19.30 of the Development Code, a conditional use permit is subject to approval by the Planning Commission; and

WHEREAS, on July 18, 2006, 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 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 October 3, 2006; and

WHEREAS, the Planning Commission finds the following:

- C. Because of the proximity of the site, in relation to existing residential development, the City finds that the proposed design and location of the project is consistent with the intent of the goals and policies of the General Plan and Development Code; and
- D. The City finds that the proposal meets or exceeds standards established in the Development Code with regard to parking, public improvements, lighting and design, and approval will therefore result in an appropriate and desirable development; and

- C. The parcel can accommodate development of multi-family units as proposed and meet the maximum impervious coverage requirement of the City and is therefore suitable in size and shape for potential development; and
- I. The applicant proposes development of adequate parking facilities, as set forth in the Development Code, and in excess of City requirements and development of street improvements adjacent to the site in compliance with standards established by the General Plan and therefore will result in a safe, well-designed facility; and
- J. Review and approval of Building Permits for proposed development will include requirements for development of street improvements adjacent to the site in compliance with standards established by the General Plan and Development Code; and
- K. Approval of the Conditional Use Permit is consistent with all elements of the General Plan and is not inconsistent with any goal or policy established by any element of the General Plan and will therefore result in development that can be safely integrated into the existing and planned development of the vicinity; and
- L. That the proposed design and location of the project 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
- M. That the project site is adequate in size and shape to accommodate the project 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 the Mitigated Negative Declaration, and De Minimis Impact Finding pursuant to the California Environmental Quality Act (CEQA) and approves PC 05-98, subject to the attached Conditions of Approval.

APPROVED AND ADOPTED THIS 3rd DAY OF October, 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
plantech@ci.twentynine-palms.ca.us

To: Planning Commission
From: Community Development Technician
Date: October 3, 2006
RE: PC 06-28 - An application by Frederick Noel on behalf of True Vine Fellowship for approval of a Conditional Use Permit Amendment for an office facility addition to a previously approved church in the General Commercial (CG) zone. The project is located near the southwest corner of Twentynine Palms Highway (SR 62) and Encelia Avenue, T1N, R8E, CG Zone, Section 36, APN 0615-041-10.

RECOMMENDATION: Conduct the Public Hearing, consider public comment, approve the CEQA exemption, adopt the resolution and approve the project, subject to the attached Conditions of Approval.

BACKGROUND: The project includes construction of a 312 sq. ft. office addition.

Zoning for the property is General Commercial (CG). The proposed use is allowed in the CG land use district, subject to approval of a Conditional Use Permit Amendment.

CEQA Environmental Review

Pursuant to the California Environmental Quality Act (CEQA) 15301(e), the project qualifies for a Class 1 exemption for additions to existing structures that would not result in an increase of 50 percent of floor area.

Surrounding Land Use, General Plan and Zoning Designations

	Land Use	General Plan	Zone
Site	Church	CG	CG
North	Vacant	CG	CG
East	Vacant	CG	CG
South	Residential	RS-4	RS-4
West	Vacant	CG	CG

General Plan

The CG land use district allows churches with the approval of a Conditional Use Permit. The project is consistent with the General Plan Land Use Element.

Zoning

The CG zone allows churches subject to the approval of a Conditional Use Permit. With approval of the Conditional Use Permit Amendment, the project is consistent with the Zoning Ordinance.

Site Characteristics

The subject site slopes slightly from west to east. The site is currently occupied by a 1200 sq. ft.

- | |
|---|
| <p>Attachments</p> <ol style="list-style-type: none"> 1. Conditions of Approval 2. Resolution 06-11 3. Application 4. Locator Map 5. Site Plan 6. Previous Conditions of Approval |
|---|

church building and 10 paved parking spaces.

No comments were received in response to routing of a request for public agency comment of the project. The City Attorney has previously advised the Planning Commission and City Council to do a case-by-case analysis of potential impacts in determining what public improvements are required for development proposals. Therefore, staff is recommending that road dedication and street improvements be required as a condition of approval.

Conditional Use Permit 19.30

Development of the proposed addition to the facility is subject to the requirements contained in Chapter 19.30.130, establishing requirements for additions to previously approved Conditional Use Permits.

Section 19.30. of the Development Code establishes general requirements for Conditional Use Permits in Subsection 19.30.130 as follows:

A CUP previously approved by the City may be modified with a CUP Amendment. To request a modification, the permittee shall submit a CUP Amendment application and CUP Amendment fee pursuant to a fee schedule adopted by the City Council. Modifications to CUPs previously approved by the City may be approved by the Community Development Director, if the modification:

- A. Does not increase the area of the use by 500 sq. ft. or more; and
- B. Meets all standards established in the Development Code; and
- C. Is exempt from the requirements of the California Environmental Quality Act (CEQA).

Modifications to CUPs previously approved by the City which exceed the limitations contained in this section (A-C above), shall be processed in the same manner as a new CUP application.

The applicant is proposing a 312 sq. ft. office addition with 12 additional parking spaces. Included on the plan is a 648 sq. ft. future addition and a 1,754 sq. ft. future sanctuary addition with 22 additional parking spaces. This application addresses only the 312 sq. ft. office addition. The proposed future additions are not addressed with this application.

Traffic and Circulation

The project will be served from Encelia Avenue and the Outer Highway along Twentynine Palms Highway (SR62). Because this project is expected to generate regular traffic, the City will request that the applicant improve the Outer Highway adjacent to the site with curb, gutter, sidewalk, connecting pavement, and landscaping.

Parking

Pursuant to Development Code 19.82 Off-Street Parking and Loading Regulations, (Table 19.82-A) the requirement for church parking is 1 parking space for each 3 fixed seats. If there is no fixed seating, the requirement is 1 space for each 40 sq. ft. of principal assembly area.

The project will have approximately 800 sq. ft. of general assembly area. A total of 19 regular parking spaces and 2 handicap accessible spaces are required. The applicant proposes 21 regular parking spaces and two handicapped parking spaces meeting California ADA standards. Therefore, the proposed parking exceeds the code requirement.

Lot Coverage

Allowed impervious surface for the CG zone is 80%. The existing structure, parking lot, proposed 312 sq. ft. addition and 13 additional parking spaces will bring the lot coverage to 43%.

Drainage

The project site slopes slightly from west to east. Street improvements will be required for this project. Design and improvement of the parking area shall direct onsite storm water run-off into the landscape areas.

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, there is currently a bus shelter within one-quarter mile to the east of the project site, located on Encelia Avenue abutting the Stater Bros. Shopping Center.

Approval Process

The Planning Commission is the Approval Authority for the Conditional Use Permit. In taking action to approve the CUP, the Commission must find that the proposed project is consistent with the General Plan. Because the subject property has the CG General Plan land use designation, development of the proposed addition is consistent with the General Plan Land Use Plan.

CITY OF TWENTYNINE PALMS
CONDITIONS OF APPROVAL
PC 06-28

Applicant: Frederick Noel / True Vine Fellowship

Project: Conditional Use Permit Amendment

Location: West of the southwest corner of SR 62 and Encelia Avenue

APN: 0615-041-10

Approved: October 3, 2006

Expire: October 2, 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 October 3, 2006, to permit the construction of a 312 sq. ft. church office addition, with 13 additional parking spaces. 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 including landscape 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.

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. All streets abutting the development shall be improved a minimum half-width of 28 feet with curb, gutter, sidewalk and connecting pavement on development side.
- E3. The Outer Highway 62 South shall be constructed to the City's half-width Local street standard (30' half-street) including curb, gutter, sidewalk and connecting pavement.
- E4. Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing shall be required as necessary.
- E5. An encroachment permit shall be obtained from the City prior to performing any work in any public right of way.
- E6. 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.
- E7. Utility lines shall be placed underground in accordance with the requirements of the City.
- E8. Final site design shall include retention areas in landscape areas. If necessary, dry wells may be required to accommodate storm-water from 100 year storms.

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
PLANNING COMMISSION
RESOLUTION NO. 06-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 06-28, AN APPLICATION BY FREDERICK NOEL ON BEHALF OF TRUE VINE FELLOWSHIP FOR APPROVAL OF A CONDITIONAL USE PERMIT AMENDMENT FOR AN OFFICE FACILITY ADDITION TO A PREVIOUSLY APPROVED CHURCH IN THE CG ZONE. THE PROJECT IS LOCATED NEAR THE SOUTHWEST CORNER OF TWENTYNINE PALMS HIGHWAY (SR 62) AND ENCELIA AVENUE, T1N, R8E, SECTION 36, APN # 0615-041-10.

WHEREAS, on May 16, 2001, a Conditional Use Permit was previously approved by the Planning Commission for a Church at 71669 Twentynine Palms Highway; and

WHEREAS, on February 21, 2006 an application was received from Frederick Noel on behalf of True Vine Fellowship for approval of a Conditional Use Permit Amendment for an office facility addition to a previously approved Church in the CG zone; and

WHEREAS, on March 3, 2006, the application was deemed incomplete; and

WHEREAS, on September 7, 2006, after modification to the site plan and submittal of additional materials, the application was deemed complete; and

WHEREAS, Section 19.30 of the Development Code establishes general requirements for Conditional Use Permits. Subsection 19.30.130, a CUP previously approved by the City may be modified with a Conditional Use Permit Amendment; and

WHEREAS, modifications to a Conditional Use Permit previously approved by the City, shall be processed in the same manner as a new CUP application; and

WHEREAS, the land use designation (zoning) for the subject property is General Commercial (CG); and

WHEREAS, a church is a conditionally permitted use (Table 19.10c) in the CG zone; and

WHEREAS, the proposed project is an office addition; and

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

WHEREAS, Pursuant to the California Environmental Quality Act (CEQA), the project qualifies for a Class 1 exemption for additions to existing structures that would not result in an increase of 50 percent of floor area; 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 October 3, 2006; and

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

- A. The project meets all standards established in the Development Code; and
- B. Is exempt from the requirements of the California Environmental Quality Act (CEQA); and
- C. The CG zone allows a Church in the zone and denial of this application would deprive the property of privileges enjoyed by other properties in the vicinity under identical zoning classification; and
- D. The subject site is approximately 0.55± acres and is therefore adequate in size to accommodate the proposed use. The shape of the parcel is typical, and allows for orderly development such as the proposed use; and
- E. That granting of the Conditional Use Permit Amendment 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; and
- F. That granting the Conditional Use Permit Amendment would not allow a use or activity which is prohibited by the zoning regulation governing the parcel; and
- G. That granting the Conditional Use Permit Amendment is consistent with the City of Twentynine Palms General Plan and Development Code; and
- H. 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 a commercial and residential areas; and
- I. Routing of the proposal to the County Clerk of San Bernardino has afforded an opportunity for review and comment by the County; and
- J. With the recommended conditions, the proposed project will meet the objectives of the General Plan and CG land use designation; and
- K. 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 finds that the project qualifies for a California Environmental Quality Act Class I exemption, and approves the amendment to the Conditional Use Permit, subject to approval of the Conditional Use Permit Amendment.

APPROVED AND ADOPTED THIS 3rd DAY OF October, 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
commdev@ci.twentynine-palms.ca.us

To: Planning Commission
From: Community Development Director
Date: October 3, 2006
RE: PC 06-87/Tentative Tract Map 18193

Jay Corbin (applicant) on behalf of Ada Hatch, Martha H. Reich and Elizabeth H. Meyer (property owners) proposes to subdivide approximately 80 acres into 286 numbered lots and several lettered lots for future development of single-family residences. The project is located on a vacant and previously unimproved site, north of Samarkand Drive, south of Amboy Road, east of Mesquite Springs Road, and west of Lazy Joe Avenue, Zone RS-4, Section, APN # 0621-031-21, -22, and -23.

RECOMMENDATION: Conduct the Public Hearing, consider public comment, adopt the Mitigated Negative Declaration, and De Minimis Impact Finding, adopt the resolution and approve Tentative Tract Map No. 18193, subject to the attached Conditions of Approval.

BACKGROUND: The site is zoned RS-4. The proposed density of 3.575 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 |
| 3. Major Subdivision Application |
| 4. Locator Map |
| 5. Mitigated Negative Declaration |
| 6. Correspondence |
| 7. Tentative Tract Map #18193 |

State requirements for enhanced sewage treatment restrict the use of individual septic systems and now require that a secondary treatment system be provided. On the recent project PC 05-80/TTM 17798 (Tommy Hart, Proactive Properties) these facilities were allowed to be co-located.

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
BurrTec
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.
Time Warner Cable
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
29 Palms Band of Mission Indians

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	Single family residence	RS-2	RS-2
East	Vacant	RS-4	RS-4
South	Vacant	RS-4	RS-4
West	Vacant	RS-2	RS-2

General Plan

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

Zoning

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

Site Characteristics

The subject site slopes from south-west to north-east. Elevation ranges from 1,871 to 1,965 feet above sea level. The site contains typical desert vegetation and has previously 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. A phasing plan may be submitted at a later date for staff review and approval. The developer is required to design all offsite improvements (curb & gutter, sidewalks,

streets) related to a particular phase, and all common area and drainage improvements 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 Traffic impact study is based upon the Congestion Management Plan adopted by the San Bernardino Association of Governments (SANBAG). The project is expected to generate approximately 2,737 trip-ends per day, including 214 AM peak hour trips and 289 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:

- Amboy Road (64' half street, Expressway);
- Mesquite Springs Road (52' half street, Arterial);
- Samarkand Road (40' half street, Collector);
- Lazy Joe (30' half street, Local)
- Interior streets, (60' street, Local street);
- Street signs and stop signs at project site access and interior intersections;
- Lane striping; and
- Meandering Class I Bikepath on Mesquite Springs Road.

All streets will be constructed to City Standards and will include 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 connection points to parcels to the north, west and east.

Transit Service

The Morongo Basin Transit Authority has reviewed the project, and notes that transit does not serve the project but that transit ridership generated by the project may necessitate realignment of the transit system in the future. The agency requests that provisions be made for a future bus shelter in the area 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 applicant's intent is to establish, construct operate and maintain a joint sewage treatment facility in conjunction with development of the adjoining 80 acres to the east of the project site. The City has received correspondence from the adjoining property owner to that effect. Should this arrangement prove un-workable, the applicant will be required to provide an on-site sewage treatment facility. The applicant has identified the area at the north east corner of the project, which would include lots #1-3 and 90-92 for this facility. 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 a 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 Homeowners Association (HOA).

Drainage

A preliminary drainage study has been prepared for the project. The study suggests that all storm flows be directed to a 2.5 acre on-site storm retention basin. 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

Integral Art Ecology conducted a Habitat Assessment on November 9-11, 2005. A presence/absence survey for the desert tortoise was conducted utilizing survey methods approved by the United States Fish and Wildlife Service (USFWS) at 10-meter intervals. The zone of influence was determined to be 700 meters outside of the project. 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*), Tamarisk, (*Tamarix aphylla*), Mediterranean grass (*Schismus arabicus*), Turtleback (*Psathyrotes ramoissima*), Senna (*Senna armata*), Rhatany (*Krameria erecta*), Mesquite (*Prosopis glandulosa*) and Palmers' Phacelia (*Phacelia palmeri*). No sensitive or listed plant species were observed on site and surrounding zone of influence at the time of survey.

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. Five wildlife species, including Gambrels quail (*Callipela gambeli*), House finch (*Carpodacus mexicanus*), Black tailed jack rabbit (*Lepus californicus*), Antelope ground squirrel (*Ammospermophilus leucurus*) and Common raven (*Corvus corax*) were observed on site. No sensitive or listed wildlife species, including desert tortoise or any other listed species, 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 City, 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 this measure, the project will have a less than significant impact upon native vegetation and sensitive habitat.

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.

Park

Existing park and recreation facilities are heavily used. The applicant proposes to utilize a portion of the retention basin as a neighborhood 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 and be available for use by 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 06-87

Applicant: Jay Corbin on behalf of Ada Hatch, Martha H. Reich and Elizabeth H. Meyer

Project Description: Subdivide 80 acres into 286 lots

Location/Parcel Number(s) APN: # 0621-031-21, -22, and -23

Tentative Tract Map No. 18193

Approved: October 3, 2006

Expire: October 2, 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 submitted to 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. The applicant shall reimburse the City for all costs associated with plan check; review of CC&R's, disclosure statements, and any other materials; and processing of the project, including, without limitation, all administrative costs, consultant fees, legal fees and engineering fees. Upon approval of the tentative map, the applicant shall submit to the City a deposit to be applied towards the payment of all such costs in an amount to be determined by the Community Development Director (minimum deposit shall be \$5,000.) City shall send periodic bills to the applicant reflecting the costs it has incurred, and shall deduct such amounts from the deposit. In the event the deposit is depleted, the applicant shall replenish it by making additional deposits as needed in amounts determined by the Community Development Director. Any unused portion of the deposit shall be returned to the applicant after recordation of the final map.
- 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

- P9. The applicant shall defend, at its sole expense (with attorneys selected and/or 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 which in any way result from or relate 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 determined 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 be a minimum of 7,200 square feet in area. 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 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 Time Warner Cable that the subdivision complies with requirements of Time Warner Cable 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 and improvement plans 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. 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.
- P22. A decorative block wall shall be along the rear lot lines of lots 1-64, adjacent to Amboy Road, Mesquite Springs Road and Samarkand Drive.

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. Grading operations may not begin prior to approval of the Final Map.
- 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:
 - Amboy Road (64' half-street, Expressway)
 - Mesquite Springs Road (52' half-street, Arterial)
 - Samarkand Drive (40' half street, Collector)
 - Lazy Joe (30' half street, Local)

E6. Road dedications shall be provided as follows:

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

A 64-ft wide half-width road dedication along Amboy 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 Lazy Joe 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 if required shall conform to City's standards, subject to staff review.
- 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. A combination sidewalk and Class I bike path shall be constructed along Mesquite Springs 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. The developer shall be eligible to receive credit for fees paid and improvement costs against any future impact fees.
- 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. Limited impervious surfaces may be allowed in the basin.
- 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. The applicant will be required to provide a sewage treatment facility. If accommodation for such a facility can not be made off-site, the sewage treatment facility shall be provided on site, and include lots #1-3 and 90-92 or as otherwise necessary, for this facility.

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