



**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 Director  
**Date:** November 7, 2006  
**RE:** PC 06-122 - An application by Jerry Murdock of Ultrasigns, on behalf of the Navy Federal Credit Union, for a Variance to Section 19.84.100 (Sign Ordinance) of the Development Code, to allow a monument sign to exceed the maximum height of eight feet (8'0) and the maximum sign area of 75 square feet, for a 12' tall, 126 square foot sign. The project is located at the southwest corner of Adobe Road and Amboy Road, 4920 Adobe Road, Zone CG, Section 20, APN # 0621-051-08.

**RECOMMENDATION:** Conduct the Public Hearing, find that the application does not meet the requirements for a Variance and deny the Variance.

**BACKGROUND:**

The project was continued from the October 17, 2006 meeting of the Planning Commission at the request of the applicant.

On September 27, 2006, the applicant submitted an application for a Variance to allow a 12' high monument sign, where a maximum allowed monument sign height of 8' is permitted. The sign area is 126 sq. ft.; a maximum sign area of 65 square feet is permitted.

The applicant seeks a variance of four feet (50%), to the maximum allowed sign height of 8' permitted in the CG zone.

- | Attachments    |
|----------------|
| • Resolution   |
| • Application  |
| • Vicinity Map |
| • Elevations   |
| • Site plan    |
| • Photos       |

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

	Land Use	General Plan	Zone
Site	CG	CG.	CG
North	CG	CG	CG
East	CS	CS	CS
South	CS	CS	CS
West	Vacant	CS	CS

**Analysis**

The maximum allowable Sign Area for a Monument Sign for an individual business is 75 square feet. The maximum allowable Sign Area for a Monument Sign in a Business Complex is 100 square feet. The maximum cumulative Sign Area for all Monument Signs in a Business Complex is 200 square feet.

To be deemed a Business Complex, the applicant(s) must submit a Sign Application to the Planning Director for such designation. The Planning Director shall refer all such applications to the Planning Commission who shall grant the Business Complex designation, for purposes of signage, to any applicant(s) meeting all of the following criteria:

1. The application is from three or more business entities;
2. Each business is a separate business with a separate entrance; and
3. The businesses are located on either one parcel of at least 1.5 acres or on contiguous adjoining parcels with a combined area of at least 1.5 acres.

The project site has a single business; and at 1.2 acres, is significantly smaller in size than the minimum 1.5 acres site required to be considered a Business Complex. Since the project meets none of these criteria, the maximum sign area of 75 square foot applies.

As proposed the 126 square foot, twelve foot tall monument sign would not be consistent with the Development Code.

### **Variance**

The Planning Commission is authorized to approve, conditionally approve, or deny requests for Variances. It is staff's recommendation to deny the Variance request because the following findings cannot be made:

- 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.

The State of California Government Code, Article 3, Section 65906 specifies:

- Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
- Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

- A variance shall not be granted for a parcel of property, which authorizes a use or activity, which is not otherwise expressly authorized by the zone regulation governing the parcel or property.

**Recommended Findings**

Staff recommends that the Planning Commission adopt the following findings:

- A. There are no special circumstances applicable to the property, including size, shape, area, topography or intended use of the property whereby the strict application of the sign code would deprive the property of privileges enjoyed by other properties in the vicinity; and
- B. The variance is not necessary for prevention and enjoyment of a substantial property right enjoyed by other property in the vicinity and under identical zoning classification; and
- C. Granting of this Variance will establish the precedent for new large signage, far in excess of what is permitted by the Development Code, and therefore would be materially detrimental to the public health, safety, or welfare, or injurious to property or improvements; and
- D. Because similar signs have not been approved in recently, granting of this Variance would constitute a special privilege inconsistent with the limitations placed upon other properties in the vicinity and under identical zoning classification; and
- E. Granting the Variance would allow a large, oversized use not allowed in the zone; and
- F. Approval of the sign would establish a precedent for sign pollution, therefore granting the Variance would be inconsistent with goals and objectives of the City of Twentynine Palms General Plan; and
- G. Existing signage for this project includes large building signage facing Adobe Road and another large building mounted sign facing Amboy Road, and a large monument sign, which provide excellent visibility of this project; and
- H. The location of the use is at a key intersection with high visibility from two high volume thoroughfares; and
- I. Granting the Variance would be contrary to the objectives of the sign code; and
- J. Granting the Variance would initiate a new round of sign wars among the businesses in the community.

Upon review of state law and the development code, Staff is unable to make the required findings. No special circumstances exist regarding the property and approval of this Variance application would result in the granting of a special privilege, inconsistent with the zoning ordinance.

**CEQA**

Pursuant to Section 15303 of the California Environmental Quality Act (CEQA) guidelines, New Construction of Small Structures, this project if approved, would be categorically exempt from further review.

**Public Notice**

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 Variance.

**Approval Authority**

Because the Variance requested is under 50% of the allowable height, 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 the findings cannot be made, deny the request.

Staff believes these required Findings cannot be made and recommends denial of the Variance. The Planning Commission could direct staff to prepare Conditions of Approval if findings can be made to approve the Variance request.



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**To:** Planning Commission  
**From:** Community Development Director  
**Date:** November 7, 2006  
**RE:** PC 05-92 - An application by Greg Bolinger of JGD Development for a conditional use permit for the development of a 11.33 acre self-storage and RV storage, including an on-site manager's residence, self-serve car wash area, propane fuel, and assorted self-serve vending machines. The remaining 62.30 acres are for future, unspecified development. The project is located on a vacant and unimproved site, along the east side of Adobe Road, south of the MGAGCC and west of Condor Road, Zone CG, APN # 622-301-16, 662-301-04.

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

**BACKGROUND:** The site is zoned GC. The proposed land use is allowed with a conditional Use Permit.

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

State requirements for enhanced sewage treatment restrict the use of individual septic systems and now require that a secondary treatment system be provided. On recent approvals, these facilities have been co-located.

Pursuant to Chapter 19.10 of the Zoning Ordinance, the proposed development is a conditional use, subject to approval by the Planning Commission. Once approved by the Planning Commission, the applicant prepares plans in accordance with the Conditions of Approval and may begin development.

**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

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

Regional Water Quality Control Board  
California Department of Fish & Game  
MCAGCC (Two offices)  
County Surveyors Office  
City Attorney

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	CG	CG
North	Military Base	M	M
East	Vacant	CG	CG
South	Vacant	CG	CG
West	Vacant	P	P

#### General Plan

The General Commercial (CG) land use district allows a mini-warehouse (self-storage) and vehicle parking, subject to a Conditional Approval. The proposed project is consistent with the General Plan Land Use Element.

#### Zoning

The project complies with CG zone standards; including minimum lot area, lot dimensions and building height. Thus, the project is consistent with the Zoning Ordinance.

#### Site Characteristics

The subject site is mostly flat. 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 applicant is developing 11.33 acres and is leaving 62.30 acres for future development. If/when the applicant and/or property owner decides to develop the other 62.30 acres, a new Land Entitlement Application shall be submitted and the appropriate environmental document shall be prepared.

#### Traffic and Circulation

Because the project will not result in the development of more than 50 new residences, a traffic impact analysis was not prepared for this project. The project is not expected to generate enough traffic to degrade the Level of Service. However, existing roadways adjacent to the project site will be required to be improved, including the following improvements:

- Adobe Road (52' half street, Arterial street);

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

#### Transit Service

The Morongo Basin Transit Authority has reviewed the project and no bus shelter is required.

## **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, as part of the Conditions of Approval. Management and operation of that system will be the responsibility of the developer and/or property owner.

## **Drainage**

A preliminary drainage study has been prepared for the project. The study suggests that all storm flows be directed to on-site 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**

Ed LaRue and Sharon Dougherty of CMBC and subcontractors William Donnan surveyed the site for tortoises and other plant and animal species on August 19, 2004. As per U. S. Fish and Wildlife Service (USFWS) protocol (1992), the site was surveyed at 30-foot intervals; in this case, oriented in an east-west direction. Sixty-three (63) transects were surveyed.

The common plant and animal species identified on-site are influenced by multiple factors such as elevation, topography, soil substrates, etc. Elevation on the subject property is approximately 1,785 feet to 1,819 feet. The plant community is best described as a mix of allscale series and creosote bush-white brusage series. The dominate shrub species in the first of these communities is allscale (*Atriplex ploycarpa*), while creosote bush (*Larrea tridentata*) and burrobush (*Ambrosia dumosa*) are dominate in the latter. Other common shrubs include white rhatany (*Krameria grayii*), bush peppergrass (*Lepidium fremontii*), desert senna (*Senna armata*), four-wing altbush (*Atriplex canescens*), and big galleta grass (*Plueraphis rigida*). Numerous cacti species were also found on-site beavertail cactus (*Opuntia basilaris*), pencil cholla (*O. ramossisima*), cottontop cactus (*Echinocactus ploycephalus*), and silver cholla (*Optunia echinocarpa*). Annual plants include brittle spineflower (*Corizante brevicornu*), rigid spineflower (*C. rigida*), brown-eyed primrose (*Camissonia claviformis*), desert sunflower (*Garaea canescens*), desert dandelion (*Malacothix glabrata*), plantain (*Plantago ovata*), and sand peppergrass (*Lepidium lasiocarpum*), among others. Bush seepweed (*Suaedea moquinii*) is present in some of the low-lying areas and washes.

Mesquite hummocks and stabilized dunes are present on the western half of parcel 16, and on parcel 13. Honey mesquite (*Prosopis glandulosa*) is the dominant perennial plant in these areas. A few tamarisk (*Tamarisk ramosissima*), a non-native, invasive plant, were found on the stabilized dunes near the western edge of parcel 13.

During the survey a total of 5 reptile, 19 bird, and 8 mammal species were detected on the site. The reptiles included side-blotched lizard, desert iguana, zebra-tailed lizard, and western whiptail. Birds include horned lark, verdin, Gambel's quail, greater roadrunner, Say's phoebe, western kingbird, and lesser nighthawk. Several migrants were observed including double-crested cormorant, barn swallow, and violet-green swallow. Mammals included antelope ground squirrel (*Ammospermophilus leucurus*), round-tailed ground squirrel (*Spermophilus tereticaudus*), and kangaroo rat (*Dipodomys* sp.), black-tailed hare (*Lepus californicus*) and

Audubon cottontail (*Sylvilagus audubonii*), coyote, bobcat, black-tailed hare, and kit fox.

The study found that no desert tortoises were found on site during the survey. However about 20 fragments of a desert tortoise carcass, likely more than four years old, was found by LaRue during zone-of-influence transects at about 2,400 feet to the west of the site. A loggerhead shrike, which has been identified by the U.S. Fish and Wildlife Services as a Bird of Conservation Concern in the Mojave and Sonoran Deserts region, was observed during zone-of-influence surveys. Double-crested cormorant is a California Species of Special Concern, but the bird observed during site surveys is likely a migrant and would not breed in the vicinity. A project on the subject properties would not be expected to have any effect on the species.

The site is heavily impacted by many human uses. The site is also used by off road vehicles.

The project site is not located in the Mesquite Dunes and Bosque (PR-BH) zone.

Furthermore, no special status species, including any plant or animal species considered to be rare, threatened or endangered, were observed or are expected to be impacted by project development. Wildlife resources will not be affected by project approval. No endangered, threatened, or rare plants or animals or their habitats will be immediately affected by project approval. No impact to native vegetation or sensitive habitat will result from project approval.

The biological study concludes that tortoises are absent from the subject property, and that there is no potential for immigration onto the site from adjacent areas. Given this finding, CMBC recommends that the results of this survey remain in effect in perpetuity. USFWS protocol allows negative survey findings to be valid for the period of only one year, after which time a new survey would be required. In the case of this site, there is so little likelihood of immigration that there should be no need for additional surveys. The USFWS and/or CDFG would likely need to consider this recommendation before it is followed. No other sensitive species are likely to be adversely affected by site development.

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.

The biological study's determination that tortoises are absent from the site does not authorize the Proponent to incidentally take tortoises. Should a wild tortoise be observed on the subject property at the time of construction, it would still be necessary to secure incidental take permits from the USFWS and CDFG to avoid violating State and federal endangered species acts.

### **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, approximately ten percent of the site (11.33 acres) 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 4 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 1,742 square feet 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, as part of the Conditions of Approval. The facility would be maintained by the property owner for use by the project residents and would be open to the community.

### **Approval Process**

The Planning Commission is the Approval Authority for the Land Use Entitlement – Conditional Use Permit. In taking action to approve, the Commission must find that the proposed land use, together with the provisions for its design and improvements, is consistent with the General Plan. Because the subject property has the CG General Plan land use designation, development of the self-storage and RV parking is consistent with the General Plan Land Use Plan.

CITY OF TWENTYNINE PALMS  
CONDITIONS OF APPROVAL  
PC 05-92

Applicant: JDG Development/Greg Bolinger

Project Description: Conditional Use Permit for 11.33 acres mini-storage

Location/Parcel Number(s) APN: 622-301-16 and 662-301-04.

Approved: November 7, 2006

Expire: November 6, 2008

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

Planning Division

- P1. The final site plan shall show all common areas and systems to be maintained by the Association, including, but not limited to, any onsite sewage treatment facility.
- P5. 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. 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

- P7. 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.
- P8. 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.
- P9. The project shall conform to the Commercial General (CG) development standards for front, side and rear yard-building setbacks as follows:
- |                |                 |
|----------------|-----------------|
| Front:         | 15 feet minimum |
| Street side:   | 15 feet minimum |
| Interior side: | 10 feet minimum |

Rear: 10 feet minimum

- P10. All lots shall have a minimum 15,000 square feet. All lots shall have a minimum depth of 150 feet and a minimum width of 100 feet.
- P11. 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.
- P12. 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.
- P13. The project shall incorporate curb, gutter, and sidewalks; which shall be shown on Engineered improvement plans, subject to approval by the City Engineer.
- P14. The Mitigation Measures from the Initial Study shall be incorporated herein, as Conditions of Approval, by reference.
- P15. The applicant shall submit to the Community Development Department written verification from Time Warner Cable that the development complies with requirements their franchise agreement with the City [contact Plant Manager, (760) 365-5076, 7500 Kickapoo Trail, Yucca Valley, CA 92284].
- P16. The applicant shall provide a bus stop, including a pull-out and shelter. The bus stop shall include a covered bus shelter, bench and trash receptacle. Bus stop locations and specifications shall be coordinated with Morongo Basin Transit Authority (MBTA), [contact MBTA (760) 366-2986].
- P17. 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.
- P18. The applicant shall construct a storm drainage retention basin as a multiple use

neighborhood park and project amenity. The park design shall be review by the Park Task Force and Planning Commission. 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. 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.

- P19. A decorative block wall shall be required.
- P20. The applicant shall submit a detailed landscape and irrigation plan with the building plans. The plan shall be approved by the Community Development Director prior to issuance of building permits.

### **Building and Safety**

- B1. An engineered grading report, including soils engineering and engineering geology, shall be filed with, and approved by, the Building Official prior to recordation of final map or issuance of permits for grading in excess of 50 cubic yards.
- B2. Grading and drainage plans are to be submitted to, and approved by, the Building Official prior to permit issuance.
- B3. The applicant/developer shall submit plans and obtain building permits for all structures and walls. No work is to be done prior to approvals and permit issuance.
- B4. A pre-construction permit and inspection are required prior to any land disturbing activity to verify requirements for erosion control, flood hazard, native plant protection and desert tortoise habitat.
- B5. Erosion control plans shall be submitted to, and approved by, the City Engineer and/or Building Official prior to issuance of permits.
- B6. All cross-lot drainage requires easements and may require improvements at the time of development.
- B7. Prior to any construction activity, the applicant shall check with the State of California Water Quality Control Board to determine if a general construction activity storm water permit is required.
- B8. Imported fill dirt shall be obtained from a burrow site with a current permit from the CTP Building and Safety Department or another responsible agency.

### **Engineering**

- E1. Prior to issuance of a grading permit, a final drainage plan with street layouts shall be submitted for review and approval by the City Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider retaining onsite drainage flows from a 100 year design storm.
- E2. Street improvement plans shall be submitted to the City Engineer for review and approval.

- E3. All streets shall be improved to City standards with curb, gutter, sidewalk and street pavement.
- E4. All streets abutting the development shall be improved a minimum half-street width of 26 feet with curb, gutter, sidewalk and connecting pavement on the development side.
- E5. 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:
- Adobe Road - ROW Half-Width 52', pavement width 40'
  - North Street - ROW Half Width 40' (30' half-width plus 10' north of centerline), Pavement width 26' half-width)
  - Condor Road- ROW half-width 40', Pavement half-width 32'
- E6. During the grading of the roads, soils testing of the road subgrades by a qualified soils engineering firm shall be performed to determine appropriate structural road section and R value. Minimum asphalt concrete thickness for all streets shall be 0.33 feet (4 inches).
- E7. All required improvements shall be bonded in accordance with City Development Code unless constructed and approved.
- E8. An encroachment permit shall be obtained from the City prior to performing any work in any public right of way.
- E9. Final improvement plans and profiles shall indicate the location of any existing utility, which would affect construction and shall provide for its relocation at no cost to the City.
- E10. A final grading plan shall be submitted to the City Engineer prior to issuance of a grading permit for review and approval. A grading permit shall not be issued until street improvement plans have been submitted to the City Engineer for review and substantial completion of the street plans has been attained as determined by the City Engineer.
- E11. Street lights shall be required and shall conform to City's standards, subject to staff review.
- E12. The applicant shall present evidence to the City Engineer that he has made a reasonable effort to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
- E13. All utility lines shall be relocated or placed underground in accordance with the requirements of the City.
- E14. The developer shall make a good faith effort to acquire the required off-site property interests, and if he or she should fail to do so, the developer shall 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 development. Security for a portion of these costs shall be in the form of a cash deposit in the amount given in an appraisal report obtained by the developer, at the developer's cost. The appraiser shall have been approved by the City prior to commencement of the appraisal.

Additional security may be required as recommended by the City Engineer and City Attorney.

- E15. Any required street striping shall be thermoplastic as approved by the City Engineer.
- E16. Soil percolation testing for the subsurface disposal system shall meet the requirements of the San Bernardino Environmental Health Services and the City.
- E17. Easements, as required for roadway slopes, drainage facilities, utilities, etc., shall be submitted and recorded as directed by the City Engineer. No structures shall be placed on any part of the easements except those directly related to the purposes of said easements.
- E18. A sidewalk shall be constructed along Adobe Road, as approved by the City Engineer.
- E19. Any developer fees including but not limited to traffic impact fees shall be paid by the developer as per City enactment.
- E20. 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 six 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.
- E21. Right-of-way and improvements (including offsite) to transition traffic and drainage flows from proposed to existing shall be required as necessary as approved by the City Engineer.
- E22. Final street improvement plans and profiles shall indicate the location of any existing utility facility that would affect construction.
- E23. 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.
- E24. 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 California Building Code 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.
- E25. 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.
- E26. 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.

- E27. Sidewalks shall be constructed adjacent to City Standards.
- E28. 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.
- E29. If the project is constructed in phases, the streets adjacent to the site phase shall be constructed in accordance with the approved street plans satisfactory to the City Engineer, prior to occupancy.
- E30. 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.
- E31. Existing utilities shall be shown on the improvement plans and protected or relocated as necessary without cost to the City.
- E32. This project shall comply with all provisions of the Alquist Priolo Special Studies Zone Act.

#### **Fire Department**

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

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

A: SYSTEM STANDARDS

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

B: DISTRIBUTION SYSTEM

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

C: FIRE HYDRANTS

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

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

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

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

\_\_\_\_\_  
 Date

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 05-92, AN APPLICATION BY GREG BOLINGER OF JGD DEVELOPMENT FOR A CONDITIONAL USE PERMIT FOR THE DEVELOPMENT OF AB 11.33 ACRE SELF-STORAGE AND RV STORAGE WHICH INCLUDE, AN ON-SITE MANAGERS RESIDENCE, SELF-SERVE CAR WASH AREA, PROPANE FUEL, AND ASSORTED SELF-SERVE VENDING MACHINES. THE REMAINING 62.30 ACRES ARE FOR FUTURE, UNSPECIFIED DEVELOPMENT. THE PROJECT IS LOCATED ON A VACANT AND UNIMPROVED SITE, ALONG THE EAST SIDE OF ADOBE ROAD, SOUTH OF THE MCAGCC MILITARY BASE AND WEST OF CONDOR ROAD, ZONE CG, APN # 622-301-16, 662-301-04

WHEREAS, on November 10, 2005 an application was received from JGD Development (Greg Bolinger) for approval of A Conditional Use Permit, the development of approximately 11.33 acres for development of self-storage and RV storage; and

WHEREAS, the application was deemed incomplete on December 1, 2005; and

WHEREAS, Pursuant to Chapter 19.10 of the Zoning Ordinance, the proposed development is an allowed use, subject to approval by the Planning Commission. Once approved by the Planning Commission, the applicant prepares plans in accordance with the Conditions of Approval and may begin development; and

WHEREAS, on January 1, 2006, the project was routed to public agencies for public comment; and

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

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

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

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

WHEREAS, a public hearing was held by the Planning Commission on November 7, 2006; and

WHEREAS, the Planning Commission finds that:

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 the Mitigated Negative Declaration, and De Minimis Impact Finding pursuant to the California Environmental Quality Act (CEQA) and approves the Conditional Use Permit, subject to the attached Conditions of Approval.

APPROVED AND ADOPTED THIS 7th DAY OF November, 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**  
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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:** November 7, 2006  
**RE:** PC 06-83 / Tentative Tract Map 17648 - An application by Joe and Jeff Sporkin of Remus Investments for the approval of a Tentative Tract Map to subdivide approximately 31 acres into 77 numbered lots and one lettered lot for the future development of 77 single-family residences. The project is located on a vacant and previously unimproved site, east of Aztec Avenue, west of Desert Knoll Avenue and north of Two Mile Road, Zone RS, Section 21, T1N, R9E, APN # 621-222-01.

**RECOMMENDATION:** Conduct the Public Hearing, consider public comment, and continue the public hearing to November 21, 2006.

**BACKGROUND:** Public hearing notices were mailed to the surrounding property owners, but due to a problem with the newspaper, the hearing notice was not published ten days prior to the hearing date.



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**To:** Planning Commission  
**From:** Community Development Director  
**Date:** November 7, 2006  
**RE:** PC 06-119 – An application by Hamid Kerayechian of WD Partners for a Conditional Use Permit to construct a 17,631 square foot retail store and drive through pharmacy on 1.87 acres, located on the southeast corner of Twentynine Palms Highway and Eucalyptus Avenue, CG Zone, on APN# 0616-072-01, -02, -03, -04, -05 and -06, T1N, R9E, Section 31.

**RECOMMENDATION:** Conduct the Public Hearing, consider public comment, and continue the hearing to November 21, 2006.

**BACKGROUND:** Public hearing notices were mailed to the surrounding property owners, but due to a problem with the newspaper, the hearing notice was not published ten days prior to the hearing date.