



**CITY OF TWENTYNINE PALMS
STAFF REPORT**
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To: Planning Commission
From: Community Development Director
Date: November 21, 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, adopt the Mitigated Negative Declaration and De Minimis Impact Finding, adopt the resolution and approve Tentative Tract Map No. 17648, subject to the attached Conditions of Approval.

BACKGROUND: The project was continued from the Planning Commission meeting of November 7, 2006.

- | Attachments |
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| 1. Conditions of Approval |
| 2. Resolution |
| 3. Major Subdivision Application |
| 4. Locator Map |
| 5. Mitigated Negative Declaration |
| 6. Correspondence |
| 7. Tentative Tract Map #17648 |

The site is zoned RS-3. The proposed density of 2.5 dwelling units per acre is less than the maximum density of 3.0 dwelling units per acre allowed by the General Plan.

Pursuant to Chapter 19.98 of the Development Code (Subdivision regulations), a Tentative Tract Map is subject to approval by the Planning Commission. Once approved by the Planning Commission, the applicant prepares the final subdivision map and civil 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, Time Warner Cable, 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 Waste and Recycling Services
 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
 Twentynine 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-3	RS-3
North	Single Family Residential	RS-3	RS-3
East	Vacant, Tentative Tract Map approved for 177 single family residences	RS-3	RS-3
South	Multiple Family Residential	RM	RM
West	Single Family Residential	RS-3	RS-3

General Plan

The RS-3 land use district allows a maximum of three dwelling units per acre for single family housing. As designed the project is consistent with the General Plan Land Use Element.

Zoning

The RS-3 zone requires a minimum lot size of 12,000 square feet. The minimum lot dimensions require a 70 foot width and 100 foot depth, minimum required corner lot dimensions are 80 feet in width and 100 feet in depth. The project has been conditioned to comply with all applicable setbacks. The project meets all minimum requirements of the Zoning Ordinance and thus is consistent with the Zoning Ordinance.

Site Characteristics

The subject site slopes between five-percent and fifteen-percent from the corner of Two Mile Road and Aztec Avenue, southwest to northeast. The site contains typical desert vegetation that will be completely removed during grading operations. The site contains the following four

easements:

- An easement granted to California Water and Telephone Company and California Electric Power Company for public utilities, recorded July 15, 1958.
- An easement granted to San Bernardino County for drainage, flowage and water conservation, recorded August 1, 1960.
- An easement granted to California Power Company for public utilities, recorded April 12, 1961.

A San Bernardino County Flood Control District and utility easement transverses the site and will require removal in order to develop the property as proposed. Easements for road and utility purposes will be dedicated to the City. The SBCFCD easement contains a wash that conveys storm water from the intersection of Homestead Road and Aztec Avenue across the property.

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. If the developer chooses to construct in phases, the developer is required to design all offsite improvements and infrastructure (curb & gutter, sidewalks, streets, sewage treatment) during Phase I, prior to City Council approval of the Final Map. If the City Council finds that the improvements meet the requirements of the City and the Map Act, approval is given and the developer may commence sale and development of the lots for that phase.

Traffic and Circulation

Because the project will result in the development of more than 50 new residences, a traffic impact analysis was prepared for this project. The project is expected to generate approximately 820 trips per day, including 65 AM peak hour trips and 85 PM peak hour trips. The traffic report is detailed in the attached Mitigated Negative Declaration. The report found that project trips would not have a significant impact on traffic operations and that area intersections will continue to operate at a Level of Service (LOS) C or better. In accordance with the City's Traffic Study Policy, a focused study on access points shall be required prior to approval of the Final Map.

In accordance with the provisions of the Zoning Ordinance and the General Plan Circulation Element, all internal street and applicable right-of-ways will be improved to City standards. Two Mile Road is an Arterial requiring a 104 foot right-of-way. Aztec Road and Desert Knoll Avenue are Collectors requiring an 80 foot right-of-way. All Arterials and Collectors will include curb and gutter and sidewalks. Streets internal to the subdivision are Local Streets requiring a 60 foot right-of-way. Local Streets will include curb, gutter and sidewalks. The project has been conditioned to include a Class I Bikeway on the northern portion of Two Mile Road in accordance with the provisions of the General Plan's Circulation Plan.

The proposed subdivision includes decorative, perimeter walls along the back and/or side yards of lots abutting Two Mile Road, Aztec Avenue and Desert Knoll Avenue. The project has been conditioned to include a "no access clause" for these perimeter walls, stating that vehicular and/or pedestrian entrances from Two Mile Road, Aztec Avenue and Desert Knoll Avenue are prohibited.

Transit Service

The Morongo Basin Transit Authority has reviewed the project and recommends that the

applicant provide a bus shelter with bench and trash receptacle. The specific location will be determined at a later date, in conjunction with the MBTA. The project is served by Route 3B.

Sewage Disposal

The California Regional Water Quality Control Board (CRWQCB) and County Department of Environmental Health have reviewed this project and determined that, with the construction of a sewage treatment system, the proposed discharge of sewage effluent from the project will not pose a threat to ground water quality. As a condition of approval, the applicant will be required to design and receive approval for an on-site sewage treatment facility from the California Regional Water Quality Control Board (CRWQCB), San Bernardino County Environmental Health Services, and the Twentynine Palms Water District, prior to approval of the Final Map. Management and operation of that system will be the responsibility of the Home Owners Association (HOA).

Drainage

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

All storm water run-off will be conveyed over streets. The 10-year storm event will be contained below the curb line and 100-year storm event will be contained within the street right-of-way. The retention basin, located on the northeast corner of the project site, is 0.82 acres in size and is estimated to contain 2,700 cubic yards.

Biological Resources

Eilar Associates conducted a Biological Resources Assessment and Desert Tortoise Survey on May 12, 2006 at 30-foot intervals. The study found *Larrea tridentate* (Creosote Bush) to be the dominant floral species throughout the site, as is typical of the Mojave Carsitas soil series. Other common floral species include *Bebbia juncea* (Sweet Bush), *Cylindropuntia ramosissima* (Silver Cholla), *Eriogonum inflatum* (Desert Trumpet) and *Phacelia cicutaria* (Caterpillar Scorpionweed). The *Camissonia boothii* (Booth's Evening Primrose) was found in abundance during the survey and is a California Native Plant Society List 2 species. List 2 species are rare, threatened or endangered in California but are common in other areas outside of California. Booth's Evening Primrose is not a Federally or State protected species.

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 rare or threatened species that could be supported by the area include *Toxostomna lecontei* (LeConte's Thrasher), *Athene cunicularia hypugea* (Burrowing Owl) and *Chaetodipus fallax pallidus* (Pallid San Diego Pocket Mouse). Common fauna observed were *Sylvilagus audubonii* (Desert Cottontail), *Amphispiza bilineata* (Black-throated Sparrow) and *Dipsosaurus dorsalis* (Desert Iguana). *Polioptila melanura* (Black-tailed Gnatcatcher) was observed and is a State Species of Special Concern, however it is not a Federally or State protected species.

The focused study for both Burrowing Owls and Desert Tortoises found neither species in the project area. The study determined that there is a low possibility for occurrence of either species. The biological study's determination that tortoises were not present on the site does not authorize the Proponent to incidentally take tortoises. 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.

The desert wash located in the northern portion of the site can be habitat to a wide variety of species and are important for seed scarification, alluvial nutrient buildups, providing loose soils for burrowing and providing corridors for dispersion. The applicant shall be conditioned to contact the CDFG to report the disturbance and removal of the desert wash, as recommended by the biological survey.

With the implementation of mitigation measures, the project will have a less than significant impact on biological resources.

Parks

The project has the potential to add 308 new residents (4.0 residents per household) to the community. The General Plan suggests four acres of park development for each 1,000 residents. Using this standard, approximately 1.232 acres of parks would be required for this project. Existing park and recreation facilities are heavily used and any addition of new residents will impact these facilities. The project has been conditioned to design the on-site retention basin as a passive park of approximately 0.76 acres. Although this is less the amount indicated in the general Plan, staff finds it a sufficient amount to meet the needs of community residents.

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-3 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**

Case: PC 06-83
Tentative Tract Map No: 17648
Applicant: Joe and Jeff Sporkin, Remus Investments, Inc.
Project Description: Subdivide 31 acres into 77 lots
Location/Parcel Number(s) APN: 621-222-01
Approved: November 21, 2006
Expires: November 20, 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-

submission to the Department of Real Estate.

- F. A statement indicating that the City is deemed to be an express third party beneficiary of the CC&Rs and has the right, but not the obligation, to enforce any of the provisions of the CC&Rs.
 - G. Fire prevention and defense provisions including a fire lane map, provisions that prohibit parking in fire lanes, and a method of enforcement. Also, a method for keeping fire protection access easements unobstructed shall be included. The approval of the Twentynine Palms Fire Department shall be required for any modifications such as control gates, or parking changes.
- P2. The CC&Rs and bylaws of the Association shall be approved by the California Department of Real Estate prior to acceptance of final tract map. The CC&Rs shall be recorded against the tract. This may require re-submittal to the Department of Real Estate.
 - P3. 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). The 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-3) 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: 20 feet minimum

Two story structures or second stories shall be setback a minimum of 20 feet from the side and rear property lines.

- P13. All lots shall have a minimum 12,000 square feet. All lots shall have a minimum depth of 100 feet and a minimum width of 70 feet. Corner lots shall have a minimum depth of 100 feet and a minimum width of 80 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 project complies with their requirements and their franchise agreement with the City [contact Plant Manager, (760) 365-5076, 7500 Kickapoo Trail, Yucca Valley, CA 92284].
- P19. 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 prior to approval of the Final Map. The neighborhood park shall be designed, constructed, improved and maintained by the applicant as a passive park. Park improvement plans shall be reviewed by the Park Task Force and Planning Commission prior to approval of the Final Map by the City Council. The storm drainage facility shall be operated and maintained by the HOA for use by the project residents and shall be open to the community.
- P20. A decorative block wall shall be required at on the north, east and south perimeters of the retention basin.
- P21. A decorative block wall shall be required on the rear and side property lines that abut streets on lots 1, 16 and 18 through 46, subject to Community Development Director review and approval.
- P22. A perimeter wall shall be constructed on the rear property lines of lots 1 through 16, subject to Community Development review and approval.
- P23. Any damage to off-site walls on properties to the north of the project area shall be financially remedied by adequate compensation to the owner of said damaged wall or walls.

- P24. The Final Map shall include a “no access clause/easement” along properties with rear and/or side lot lines abutting the right-of-ways associated with Two Mile Road, Aztec Avenue, Desert Knoll Avenue. Such clause will prohibit vehicular and/or pedestrian access to these right-of-ways and is subject to the review and approval of the City Engineer.

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.
- B9. The applicant shall file a Notice of Intent with the California State Regional Water Quality Control Board to gain coverage under the General Permit for Discharges Associated with Construction Activities. Copies of the NOI and the Storm Water Pollution Protection Plan (SWPPP) required as part of the General Permit shall be submitted to the City's Building Official.
- B10. Addresses shall be assigned by the City's Building Official.

Engineering

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

- E3. All streets shall be improved to City standards with curb, gutter, sidewalk and street pavement. Minimum residential width of streets shall be 36 feet curb to curb.
- E4. Streets adjacent to the property shall be improved as follows:
- The 40-ft wide half-width along Aztec Avenue and Desert Knoll Avenue adjacent to the property, including curb and gutter and sidewalks.
- The 52-ft wide half-width road along Two Mile Road adjacent to the property, including curb, gutter, sidewalk and bikepath.
- E5. Road dedications shall be provided as follows:
- A 40-ft wide half-width road dedication along Aztec Avenue and Desert Knoll Avenue adjacent to the property shall be granted to the City of Twentynine Palms prior to Final Map Approval.
- A 52-ft wide half-width road dedication along Two Mile Road adjacent to the property shall be granted to the City of Twentynine Palms prior to Final Map Approval.
- A 60-ft wide full-width road dedication along the entirety of 'A' Street, 'B' Street, 'C' Street, 'D' Street, 'E' Street and 'F' Street shall be granted to the City of Twentynine Palms prior to Final Map Approval.
- E6. During the grading of the roads, soils testing of the road subgrades by a qualified soils engineering firm shall be performed to determine appropriate structural road section and R value. Minimum asphalt concrete thickness for all streets shall be 0.33 feet (4 inches).
- E7. All required improvements shall be bonded in accordance with City Development Code unless constructed and approved prior to approval and recordation on the Final Map.
- E8. An easement granted to California Water and Telephone Company and California Electric Power Company for public utilities, recorded July 15, 1958, shall be removed.
- E9. An easement granted to San Bernardino County for drainage, flowage and water conservation, recorded August 1, 1960, shall be removed.
- E10. An easement granted to California Power Company for public utilities, recorded April 12, 1961, shall be removed.
- E11. An encroachment permit shall be obtained from the City prior to performing any work in any public right of way.
- E12. Prior to approval of the Final Map, the applicant shall submit a traffic study focusing on access points in accordance with the provisions of the City's Traffic Study Policy, for review and approval by the City Engineer
- E13. 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.
- E14. All utilities shall be constructed underground in accordance with City standards.

- E15. 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.
- E16. Street lights shall be required and shall conform to City's standards, subject to staff review.
- E17. All road names shall be approved by the City and such approval shall be coordinated through the City Engineer.
- E18. 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.
- E19. Utility lines shall be placed underground in accordance with the requirements of the City.
- E20. 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.
- E21. Any required street striping shall be thermoplastic as approved by the City Engineer.
- E22. Soil percolation testing for the subsurface disposal system shall meet the requirements of the San Bernardino Environmental Health Services and the City.
- 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 combination sidewalk and Class I Bikeway shall be constructed along Two Mile Road, as approved by the City Engineer.
- E25. In the event the City duly establishes any City-wide developer impact fees, including, but not limited to, traffic impact fees, such fees shall be paid by the developer prior to issuance of building permits. The amount of any fees paid by the developer pursuant to the traffic study prepared for this project, and any costs incurred by the developer for public improvements that are intended to be funded by the City's traffic impact fee, shall be credited against such traffic impact fees.
- E26. All mitigations measures as outlined in the traffic study for this project shall be required as approved by the City Engineer.

- E27. 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.
- E28. 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.
- E29. The Final Map shall include one lettered lot representing the retention basin and 77 numbered lots. Streets and associated right-of-ways shall not be indicted as or considered lettered or numbered lots.

Fire Department

- F1. Prior to any construction, the owner shall contact the Twentynine Palms Fire Department for verification of current fire protection requirements.
- F2. All construction and activities shall comply with applicable sections of the 1988 edition of the Uniform Fire Code and all other state, county, and city ordinances, rules and regulations regarding fire protection.
- F3. The development, and each phase thereof, shall have two (2) points of paved vehicular access for emergency vehicles and equipment and for routes of escape that will safely handle evacuation.
 - A. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. The required width shall not be obstructed in any manner, including parking of vehicles.
 - B. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.
 - C. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus.
- F4. All flammable vegetation shall be cleared a minimum distance of 30 feet, or to the property line, from any flammable building materials or finished structures.
- F5. Each chimney used in conjunction with any fireplace or heating appliances in which solid or liquid fuels are used shall have, and be maintained with an approved spark arrester as identified by the Uniform Fire Code.
- F6. Street addresses shall be posted with numbers a minimum height of three (3) inches. Posted numbers shall contrast with their background and be visible and legible from the street. Developer shall furnish the fire department with a list and map of all of the street names and addresses within the project.

F7. Prior to commencement of construction, an approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. The following are the minimum requirements for the proposed development:

A: SYSTEM STANDARDS

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

B: DISTRIBUTION SYSTEM

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

C: FIRE HYDRANTS

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

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

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

Applicant/Developer

Date



**CITY OF TWENTYNINE PALMS
STAFF REPORT**
6136 Adobe Road
Twentynine Palms, CA 92277
(760) 367-6799, Fax (760) 367-5400
commdev@ci.twentynine-palms.ca.us

To: Planning Commission
From: Community Development Director
Date: November 21, 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, and a Variance for parking, 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, find the project Exempt pursuant to CEQA, adopt the resolution and approve the project, subject to the attached Conditions of Approval.

BACKGROUND: The public hearing is continued from the Planning Commissions November 7, 2006 meeting. The project includes construction of a freestanding 17,631 square foot Rite Aid retail store and drive-through pharmacy on 1.87 acres.

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

Present zoning for the property is General Commercial (CG). The proposed use, a drive through pharmacy, is allowed in the CG land use district, subject to approval of a Conditional Use Permit.

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:

- | | |
|--------------------------------------|--------------------------------------|
| City Engineer | Time Warner Cable |
| Twentynine Palms Water District | Burrtec |
| County Sheriff's Department | Morongo Basin Transit Authority |
| Twentynine Palms Fire Department | Regional Water Quality Control Board |
| County Environmental Health Division | Joshua Tree National Park |
| Morongo Unified School District | MCAGCC (Two offices) |
| Southern California Edison Company | Southern California Gas Co. |
| Verizon | Caltrans |

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

Section 21084 of the Public Resources Code established a list of classes of projects which have been determined by the State of California not to have a significant effect on the environment and which are, therefore, exempt from the provisions of CEQA.

Pursuant to Section 15332 of the CEQA Guidelines, Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section, which are exempt from further review under state law.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

This section of CEQA Exemptions is intended to promote infill development within urbanized areas. The class consists of environmentally benign in-fill projects which are consistent with local general plan and zoning requirements. This class is not intended to be applied to projects which would result in any significant traffic, noise, air quality, or water quality effects. Based upon this information, staff recommends that the Planning Commission direct to staff file a Notice of Exemption for the project.

Surrounding Land Use, General Plan and Zoning Designations

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

General Plan

The CG land use district allows retail and pharmacy uses. As designed the project is consistent with the General Plan Land Use Element.

Zoning

The CG zone allows drive-through pharmacy and retail uses with a Conditional Use Permit.

The site plan is deficient in parking. Eighty-eight spaces are required. A total of 81 parking spaces and 8 drive-through stacking spaces are provided on site. This equals a total of 89 vehicle spaces. However, the code allows granting of parking credit for drive-through stacking at a rate of one credited parking space per four stacking spaces. Therefore, the project includes a total of 83 allowable parking spaces.

Staff is confident that by relocating the trash area to the east setback, an additional seven parking spaces could be provided, for a total of 89 spaces. However, the parking standard, which requires one (1) parking space per 200 square foot of Gross Floor Area (GFA), is very conservative. Staff has analyzed other similar uses and determined that similar drive-through pharmacies rarely utilize greater than 75% of their available parking.

The applicant has provided an alternative parking analysis which breaks the building into a retail and warehouse component. Using this methodology, the applicant notes that the code would require 80 spaces, with 15,562 sq.ft. of retail requiring 78 spaces and 1,710 sq ft. of warehouse area requiring two additional spaces. Using this calculation, staff is comfortable recommending approval of a Variance to the strict application of the parking code.

As designed and with approval of the Variance for parking, the project is consistent with the Development Code.

Site Characteristics

The subject site slopes as it moves north towards the highway, south to north. The site contains typical desert vegetation and has been used by off-road vehicles.

Conditional Use Permit

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

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

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

- A. The site is located on the Twentynine Palms Highway and will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- B. The subject site is approximately 1.87 acres and is therefore adequate in size to accommodate the proposed use.
- C. The shape of the parcel is typical, and allows for orderly development such as the proposed use.
- D. With the recommended conditions, the proposed project will meet the objectives of the General Plan and CG land use designation.
- E. The proposed project, as conditioned, does not conflict with and is consistent with the goals and objectives of the Twentynine Palms General Plan.

Variance

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

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

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

- A. The CG zone allows commercial facilities. The proposed project is located on a state highway, will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. Denial of this application would deprive the property of privileges enjoyed by other properties in the vicinity under identical zoning classification.
- B. The subject site is approximately 1.87 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.
- C. The project will provide for additional retail and medical services within in the community, which will enhance the public health, safety and welfare.
- D. That granting of the Variance would not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning classification in which the property is located.
- E. That granting the Variance would not allow a use or activity which is prohibited by the zoning regulation governing the parcel.
- F. That granting the Variance is consistent with the City of Twentynine Palms General Plan and Development Code.
- G. The proposed use will not generate excessive noise, vibration, traffic or other disturbance and will therefore not have a substantial adverse effect on abutting property or uses located or potentially developed in an industrial area.
- H. Routing of the proposal to the County Clerk of San Bernardino has afforded an opportunity for review and comment by the County.

- I. With the recommended conditions, the proposed project will meet the objectives of the General Plan and CG land use designation.
- J. The proposed project, as conditioned, does not conflict with and is consistent with the goals and objectives of the Twentynine Palms General Plan.

Traffic and Circulation

Because the project will not result in the development of any new residences, a traffic impact analysis was not prepared for this project. The project will generate minimal new traffic during construction, which is expected to be less than ten vehicles per day. The applicant will be required to dedicate right of way and construct street improvements along the Twentynine Palms Highway (SR 62), Eucalyptus Avenue, Estrella Avenue and Cactus Road.

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. Generally, the MBTA recommends that applicants provide a bus shelter with bench and trash receptacle, with the specific location will be determined at a later date.

Approval Process

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

CITY OF TWENTYNINE PALMS
CONDITIONS OF APPROVAL
PC 06-119

Applicant: WD Partners

Project: 17,621 square foot Rite Aid

Location: Southeast corner of SR 62 and Eucalyptus Avenue

APN# 0616-072-01, -02, -03, -04, -05 and -06

Approved: November 21, 2006

Expire: November 20, 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 November 7, 2006, to permit a drive through pharmacy at the above referenced location. All development of the site shall be in substantial conformance with the adopted site plan and shall comply with all Conditions of Approval.
- P2. The Applicant shall ascertain and comply with requirements of all State, County and Local agencies as are applicable to the project proposal.
- P3. The property owner shall keep the property neat, clean, and in good physical condition including open spaces, sidewalks, lighting, driveways, parking areas, and landscaping.
- P4. All outdoor lighting shall conform to Development Code Chapter 19.70, *Lighting Standards*, and shall be designed to not glare or reflect onto neighboring properties or public rights-of-way. Outdoor lighting shall be shielded and limited to that required for security and safety purposes.
- P5. Prior to construction, the applicant shall submit three sets of plans to the City's Building Official and secure a Building Permit in conformance with the Uniform Building Code.

- P6. All construction and improvements shall comply with *Encroachments into Yards or Setbacks* standards established in the Development Code for the underlying land use district.
- P7. The applicant shall defend, at its sole expense (with attorneys approved by the City), and indemnify the City against any claim, action, or proceeding brought by any third party against the City, its agents, officers or employees resulting from or relating to this approval. The applicant shall reimburse the City, its agents, officers or employees for any judgment, court costs and attorney's fees which the City, its agents, officers or employees may be required to pay as a result of such claim, action, or proceeding. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.
- P8. A copy of the final grading plan shall be submitted to the Building and Safety Division for review and approval by the Community Development Director.
- A. All on-site cut and fill slopes shall conform to the Uniform Building Code and Development Code (Chapter 19.64) relating to maximum slope, height and setbacks. Slopes shall be limited to a maximum slope ratio of 3 to 1 and a maximum vertical height of thirty (30) feet.
 - B. Slopes shall be contour graded to blend with existing natural contours.
 - C. 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.
 - D. Minimize elevation differences between adjacent parcels and project.
 - E. Fill-slopes shall not be permitted to be located on the perimeter of the project.
- P9. The applicant shall submit landscape plans consistent with Go Native Landscape Design Guidelines, for review and approval by the Community Development Director, prior to issuance of building permits.

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. The project shall comply with all applicable City ordinances and resolutions.
- E2. All road easements required shall be offered for dedication to the public and shall continue in force until the City accepts or abandons such offers. All dedications shall be free from all encumbrances.
- E3. Easements, when required for roadway slopes, drainage facilities, landscaping, 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.

Drainage

- E4. 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.
- E5. Prior to the submittal of any improvement plans or issuance of a grading permit, the Developer/representative shall submit to the City Engineer, detailed drainage studies indicating how potential grading in conjunction with the drainage conveyance systems, will allow building pads to be safe from inundation from rainfall run off, which may be expected from all storms up to, and including, the theoretical 100 year storm.
- E6. In addition to the drainage requirement stated herein, other "onsite" or "offsite" improvement may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to the Engineering Department.

Grading

- E7. Prior to the issuance of a grading permit, the developer's engineer shall submit a comprehensive grading plan in conformance with California Building Code and the requirements of the City.
- E8. A grading permit shall be obtained from the City Engineer prior to any grading or other work done on the site.
- E9. A preliminary soils report and a current preliminary title report shall be submitted to the Engineering Department concurrently with the grading plan. The soils report shall include a geologists report and address the geology, stability of the site as well as the grading requirements. The Soil Engineer shall state the "R" value (soils resistance) for the site, based upon a "TI" value set by the City Engineer.

Improvements

- E10. A 30' foot half width street dedication along Eucalyptus Avenue shall be dedicated to the City of Twentynine Palms prior to Grading Permit Issuance.

- E11. A 30' foot half width street dedication along Cactus Road shall be dedicated to the City of Twentynine Palms prior to Grading Permit Issuance.
- E12. A 30' foot half width street dedication along Estrella Avenue shall be dedicated to the City of Twentynine Palms prior to Grading Permit Issuance.
- E13. A 52' foot half width street dedication along State Route 62 shall be dedicated to Caltrans prior to Grading Permit Issuance.
- E14. All streets abutting the development shall be improved a minimum half-width of 28 feet with curb and gutter on the development side.
- E15. Estrella Avenue, Cactus Avenue and Eucalyptus Avenue shall be constructed to the City's half width Local Road Standards adjacent to the development.
- E16. State Route Road shall be constructed to the City's half width Major Arterial Standards adjacent to the development.
- E17. Improvement plans shall be based upon a centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries.
- E18. The minimum structural section of all public streets shall be four (4) inches of asphalt concrete over compacted native soil. A soils report containing a design structural section based on a traffic index assigned by the City Engineer shall be submitted prior to the approval of street improvement plans.
- E19. Sidewalks shall be constructed adjacent to the project to City Standards.
- E20. An encroachment permit separate from the grading onsite permit shall be obtained from the City of Twentynine Palms (760-367-6799) prior to any construction occurring within the public right-of-way.
- E21. Right-of-way and improvements (including offsite) to transition traffic and drainage flows from proposed to existing shall be required as necessary.
- E22. Any developer fees including but not limited to traffic impact fees shall be paid by the developer as per City enactment.

Utilities

- E23. 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.
- E24. All proposed construction of utilities adjacent to and onsite shall be underground.

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-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 06-119, AN APPLICATION BY HAMID KERAYECHIAN OF WD PARTNERS FOR APPROVAL OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 17,631 SQUARE FOOT RETAIL STORE AND DRIVE THROUGH PHARMACY ON 1.87 ACRES, AND APPROVAL OF A VARIANCE FOR PARKING, LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF THE TWENTYNINE PALMS HIGHWAY (SR 62) AND EUCALYPTUS AVENUE, ZONE CG, T1N, R9E, SECTION 3, APN # APN: 0616-072-01, -02, -03, -04, -05 and -06.

WHEREAS, on September 13, 2006 an application was received from WD Partners for approval of a Conditional Use Permit to construct a drive through pharmacy and retail store in the CG zone and a Variance ; and

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

WHEREAS, the proposed project is a retail commercial building with drive through pharmacy structure; 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 Section 15332 of the CEQA Guidelines, Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section, which are exempt from further review under state law; and

WHEREAS, the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; and

WHEREAS, the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; and

WHEREAS, the project site has no value as habitat for endangered, rare or threatened species; and

WHEREAS, approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and

WHEREAS, the site can be adequately served by all required utilities and public services; and

WHEREAS, Pursuant to Section 15332 of the California Environmental Quality Act (CEQA) Guidelines, the project was deemed to meet the criteria of a "In-Fill" projects, and is exempt from further environmental review under state law; and

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

WHEREAS, public hearings were held by the Planning Commission on November 7 and 21, 2006; and

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

- A. The proposed site is located adjacent to the Twentynine Palms Highway and will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- B. The subject site is approximately 1.87 acres and is therefore adequate in size to accommodate the proposed use.
- C. The shape of the parcel is typical, and allows for orderly development such as the proposed use.
- D. With the recommended conditions, the proposed project will meet the objectives of the General Plan and CG land use designation.
- E. The proposed project, as conditioned, does not conflict with and is consistent with the goals and objectives of the Twentynine Palms General Plan.

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

- A. The site is located approximately adjacent to the Twentynine Palms Highway and will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. Denial of this application would deprive the property of privileges enjoyed by other properties in the vicinity under identical zoning classification.
- B. The subject site is approximately 1.87 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.
- C. The project will provide for additional retail and medical services in the community, which will enhance the public health, safety and welfare.
- D. That granting of the Variance would not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning classification in which the property is located.
- E. That granting the Variance would not allow a use or activity which is prohibited by the zoning regulation governing the parcel.
- F. That granting the Variance is consistent with the City of Twentynine Palms General Plan and Development Code.
- G. The proposed use will not generate excessive noise, vibration, traffic or other disturbance and will therefore not have a substantial adverse effect on abutting property or uses located or potentially developed in an industrial area.
- H. Routing of the proposal to the San Bernardino County has afforded an opportunity for review and comment by the County.

- I. With the recommended conditions, the proposed project will meet the objectives of the General Plan and CG land use designation.
- J. The proposed project, as conditioned, does not conflict with and is consistent with the goals and objectives of the Twentynine Palms General Plan.
- K. Adequate parking is provided on site to meet the parking needs of the project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms adopts the Categorical Exemption, adopts this resolution, and approves the Conditional Use Permit and Variance applications, subject to the attached Conditions of Approval.

APPROVED AND ADOPTED THIS 21st DAY OF November, 2006

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Irving Stone, Chairman

ATTEST:

Charlene L. Sherwood, City Clerk

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

Charlene L. Sherwood, City Clerk



**CITY OF TWENTYNINE PALMS
STAFF REPORT**

6136 Adobe Road
Twentynine Palms, CA 92277
(760) 367-6799, Fax (760) 367-5400
plantech@ci.twentynine-palms.ca.us

To: Planning Commission
From: Community Development Director
Date: November 21, 2006
RE: PC 06-125 - An application by Spectrum Construction for Site Plan Review of a 9,400 sq. ft. retail commercial building on a 0.85 acre site, located on the southeast corner of Adobe Road and Joshua Drive, APN# 0623-016-01, -02, -03, -24, 25, 26 and 27, Section 28, T1N, R9E, Zone CG.

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

BACKGROUND: The project is for the construction of 9,400 sq. ft., single story retail building. Zoning for the property is General Commercial (CG). The proposed use is allowed in the CG land use district, subject to review and approval of the Site Plan.

- | Attachments |
|--------------------------|
| • Conditions of Approval |
| • Resolution |
| • Application |
| • Locator Map |
| • Site Plan |

CEQA Environmental Review

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

- | | |
|---|--|
| City Engineer | Twentynine Palms Water District |
| Twentynine Palms Fire Department | San Bernardino County Sheriff's Department |
| San Bernardino Co. Env. Health Division | Morongo Unified School District |
| Southern California Edison Company | Southern California Gas Co. |
| Verizon | Time Warner Cable |
| BurrTec | Morongo Basin Transit Authority |
| Regional Water Quality Control Board | Joshua Tree National Park |
| MCA GCC | |

As of the writing of this staff report, comment has been received from County Environmental Health Services directing the applicant to work with the Regional Water Quality Control Board regarding sewage disposal. This is a standard requirement on all projects. These comments will be incorporated into the Conditions of Approval for the project.

Surrounding Land Use, General Plan and Zoning Designations

	Land Use	General Plan	Zone
Site	Vacant	CG	CG
North	Retail	CG	CG
East	Single Family	CO	CO
South	Retail	CG	CG
West	Retail	CG	CG

General Plan

The CG land use district allows general retail uses as a permitted use. As designed the project is consistent with the General Plan Land Use Element.

Zoning

The project is consistent with the Zoning Ordinance.

Site Characteristics

The subject site is flat, has an existing billboard, and is presently used as an unpaved parking lot. The site contains little remaining desert vegetation.

Development Code Chapter 19.10

Development of the proposed project is subject to the requirements contained in Chapter 19.10 Commercial Districts, which establishes regulation for commercial development.

Site Plan Review

Pursuant to Section 19.28.060 of the Development Code, the Planning Commission is required to review all new construction of commercial, industrial, or institutional projects exceeding 2,500 square feet of floor area. The following findings are required prior to approval:

- A. The proposal meets the standards of the Development Code, and will result in an appropriate and desirable development; and
- B. The proposal's design and appearance are aesthetically and architecturally pleasing while enhancing the character of the surrounding neighborhood; and
- C. The site is suitable in size, shape, and topography for the proposed development; and
- D. The site improvements are appropriate and will result in a safe, well-designed facility; and
- E. Approval of the project is consistent with the General Plan.

Conditions of Approval

In approving an application for a Site Plan Review the Planning Commission may impose reasonable and appropriate conditions in order to achieve the purposes of this Code and to justify making necessary findings. Conditions may include, but shall not be limited to:

- A. Requirements for special building setbacks, open spaces, buffers, fences, walls and screening.
- B. Requirements for installation and maintenance of landscaping, and erosion control measures.
- C. Requirements for street and other infrastructure improvements and related dedications.
- D. Regulation of vehicular ingress, egress, and traffic circulation.
- E. Regulation of hours of operation or other characteristics of operation.
- F. Requirements for increased security.
- G. Requirements for periodic review.

- H. Requirements for special building design and features to enhance the visual impact and integrate the use into the community.
- I. Other conditions as may be deemed necessary to make the findings required by this Chapter.

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

- A. The proposal meets the standards of the Development Code, and will result in an appropriate and desirable development; and
- B. The proposal's design and appearance are aesthetically and architecturally pleasing while enhancing the character of the surrounding neighborhood; and
- C. The site is suitable in size, shape, and topography for the proposed development; and
- D. The site improvements are appropriate and will result in a safe, well-designed facility; and
- E. Approval of the project is consistent with the General Plan.

Traffic and Circulation

A pre-application meeting was held and comment was received from the City Engineer. The City Engineer has recommended that street improvements be required as a condition of this development. Street improvements to the City's Arterial (52') standard along Adobe Road are required. Street improvements are also required on Joshua Drive and Ocotillo Avenue. Because the project will result in a small in-fill development at an existing intersection, a traffic impact analysis was not required for this project. With the required improvements, including sidewalks, public roads will be adequate for this project.

Transit Service

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

Approval Process

The Planning Commission is the Approval Authority for the Site Plan Review. In taking action to approve, the Commission must find that the proposed project is consistent with the General Plan, adopt the Exemption, adopt the resolution and approve the project, subject to the attached Conditions of Approval.

CITY OF TWENTYNINE PALMS
CONDITIONS OF APPROVAL
PC 06-125

Applicant: Spectrum Construction
Project: 9,400 square foot retail building on 0.85 acres
Location: SEC Adobe Road and Joshua Drive
APN: 0623-016-01, -02, -03, -24, -25, -26 and -27
Approved: November 21, 2006
Expire: November 20, 2008

The following Standard Conditions of Approval shall be applicable to all Site Plan Reviews. Additionally, site specific conditions will be applicable as necessary to protect the public health, safety and welfare.

Planning Division

Per Section 19.28.070 (A) of the Development Code, Site Plan Review shall expire two (2) years 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 19.28.090 (B), an approved Site Plan Review shall expire if the use has been commenced and then is discontinued for a period of one (1) years or more.

Planning Conditions

- P1. Conditional approval is granted by the Planning Commission acting as Approval Authority on November 21, 2006, to permit the construction/use of a 9,400 sq. ft. retail building. All development of the site shall be in substantial conformance with the adopted site plan and shall comply with all Conditions of Approval.
- P2. The Applicant shall ascertain and comply with requirements of all State, County and Local agencies as are applicable to the project proposal.
- P3. The property owner shall keep the property neat, clean, and in good physical condition including open spaces, sidewalks, lighting, driveways, parking areas, and landscaping.
- P4. All outdoor lighting shall conform to Development Code Chapter 19.70, *Lighting Standards*, and shall be designed to not glare or reflect onto neighboring properties or public rights-of-way. Outdoor lighting shall be shielded and limited to that required for security and safety purposes.
- P5. Prior to construction, the applicant shall submit three sets of plans to the City's Building Official and secure a Building Permit in conformance with the Uniform Building Code.

- P6. All construction and improvements shall comply with *Encroachments into Yards or Setbacks* standards established in the Development Code for the underlying land use district.
- P7. The applicant shall defend, at its sole expense (with attorneys approved by the City), and indemnify the City against any claim, action, or proceeding brought by any third party against the City, its agents, officers or employees resulting from or relating to this approval. The applicant shall reimburse the City, its agents, officers or employees for any judgment, court costs and attorney's fees which the City, its agents, officers or employees may be required to pay as a result of such claim, action, or proceeding. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.
- P8. 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].
- P9. Landscape plans shall be submitted prior to issuance of a building permit.
- P10. The Billboard shall be removed prior to issuance of the Certificate of Occupancy.

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 Site Plan Review 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 Division Conditions of Approval

- 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.
- B3. A pre-construction meeting, site inspection and grading permit are required prior to any land disturbing activity to verify requirements for erosion control, flood hazard, native plant protection and desert tortoise habitat.
- B4. Erosion control plans shall be submitted to, and approved by, the City Engineer and/or Building Official prior to issuance of permits.
- B5. All cross-lot drainage requires easements and may require improvements at the time of development.
- B6. Prior to any permit issuance, the applicant shall check with the Water Quality Control Board to determine if a general construction activity storm water permit is required.

Engineering

General

- E1. The project shall comply with all applicable City ordinances and resolutions.
- E2. All road easements required shall be offered for dedication to the public and shall continue in force until the City accepts or abandons such offers. All dedications shall be free from all encumbrances.
- E3. Easements, when required for roadway slopes, drainage facilities, landscaping, 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.

Drainage

- E4. 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.
- E5. Prior to the submittal of any improvement plans or issuance of a grading permit, the Developer/representative shall submit to the City Engineer, detailed drainage studies indicating how potential grading in conjunction with the drainage conveyance systems, will allow building pads to be safe from inundation from rainfall run off, which may be expected from all storms up to, and including, the theoretical 100 year storm.
- E6. In addition to the drainage requirement stated herein, other "onsite" or "offsite" improvement may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to the Engineering Department.

Grading

- E7. Prior to the issuance of a grading permit, the developer's engineer shall submit a comprehensive grading plan in conformance with California Uniform Building Code and the requirements of the City.
- E8. A grading permit shall be obtained from the City Engineer prior to any grading or other work done on the site.
- E9. A preliminary soils report and a current preliminary title report shall be submitted to the Engineering Department concurrently with the grading plan. The soils report shall include a geologists report and address the geology, stability of the site as well as the grading requirements. The Soil Engineer shall state the "R" value (soils resistance) for the site, based upon a "TI" value set by the City Engineer.

Improvements

- E10. A 30' foot half width street dedication along Joshua Drive shall be dedicated to the City of Twentynine Palms prior to Grading Permit issuance.
- E11. A 30' foot half width street dedication along Ocotillo Avenue shall be dedicated to the City of Twentynine Palms prior to Grading Permit issuance.
- E12. A 52' foot half width street dedication along Adobe Road shall be dedicated to the City of Twentynine Palms prior to Grading Permit issuance.
- E13. All streets abutting the development shall be improved a minimum half-width of 28 feet with curb and gutter on the development side.
- E14. Ocotillo Avenue shall be constructed to the City's half width Local Road Standards adjacent to the development.
- E15. Joshua Drive shall be constructed to the City's half width Local Road Standards adjacent to the development.
- E16. Improvement plans shall be based upon a centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries.
- E17. The minimum structural section of all public streets shall be four (4) inches of asphalt concrete over compacted native soil. A soils report containing a design structural section based on a traffic index assigned by the City Engineer shall be submitted prior to the approval of street improvement plans.
- E18. Sidewalks shall be constructed to City Standards.
- E19. An encroachment permit separate from the grading onsite permit shall be obtained from the City of Twentynine Palms (760-367-6799) prior to any construction occurring within the public right-of-way.
- E20. Right-of-way and improvements (including offsite) to transition traffic and drainage flows from proposed to existing shall be required as necessary.
- E21. Any developer fees including but not limited to traffic impact fees shall be paid by the developer as per City enactment.

Utilities

- E22. 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.
- E23. All proposed construction of utilities adjacent to and onsite shall be underground.

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-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 06-125 AN APPLICATION BY SPECTRUM CONSTRUCTION FOR A SITE PLAN REVIEW FOR A 9,400 SQ. FT. RETAIL BUILDING, ON 0.85 ACRES, LOCATED AT THE SOUTHEAST CORNER OF ADOBE ROAD AND JOSHUA AVENUE, ZONE CG, APN# 0623-016-01, -02, -03, -24, 25, 26 and 27, Section 28, T1N, R9E,

WHEREAS, on September 29, 2006, an application by Spectrum Construction for Site Plan Review for a 9,400 sq. ft. retail building was filed with the City; and

WHEREAS, Pursuant to Section 19.28 of the Development Code, the applicant seeks approval of Site Plan Review for a parcel located in the General Commercial zone; and

WHEREAS, the proposed land use, retail, is consistent with the General Plan and Zoning Ordinance; and

WHEREAS, Pursuant to Section 15303 of the California Environmental Quality Act (CEQA) Guidelines, the project, new construction of a small structure, is Categorically Exempt from further environmental review under state law; and

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

WHEREAS, a public hearing was held by the Planning Commission on November 21, 2006; and

WHEREAS, the Planning Commission finds:

- A. The proposal meets the standards of the Development Code, and will result in an appropriate and desirable development; and
- B. The proposal's design and appearance are aesthetically and architecturally pleasing while enhancing the character of the surrounding neighborhood; and
- C. The site is suitable in size, shape, and topography for the proposed development; and
- D. The site improvements are appropriate and will result in a safe, well-designed facility; and
- E. Approval of the project is consistent with the General Plan.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms adopts a Categorical Exemption pursuant to the California Environmental Quality Act (CEQA) and approves the Site Plan Review, subject to the Conditions of Approval.

APPROVED AND ADOPTED THIS 21st 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 _____, _____.



**CITY OF TWENTYNINE PALMS
STAFF REPORT**
6136 Adobe Road
Twentynine Palms, CA 92277
(760) 367-6799, Fax (760) 367-5400
code@ci.twentynine-palms.ca.us

To: Planning Commission
From: Community Development Director
Date: November 21, 2006
RE: PC 06-85 – An application by the Twentynine Palms Redevelopment Agency for approval of the Redevelopment Agency's Five Year Implementation Plan for the Four Corners Redevelopment Project area, T1N, R9E, Sections 16, 17, 19, 20, 21, 28, 29, 30, 31, 32, and 33.

RECOMMENDATION: Conduct the Public Hearing, consider public comment, find the project Categorical Exempt pursuant to CEQA, adopt the resolution and recommend that the Twentynine Palms Redevelopment Agency approve the Draft Five Year Implementation Plan.

Attachments

- Five Year Implementation Plan
- Public Hearing Notice
- Resolution

BACKGROUND: On November 7, 2006, the Planning Commission conducted a Study Session on this matter.

The Plan contains specific goal and objectives of the agency for the project area and specific programs and expenditures to be made during the next five years as well as an explanation of how these program will eliminate blight within the project area and implement the low- and moderate-income housing requirement.

CEQA ANALYSIS:

Pursuant to Section 15180 of the California Environmental Quality Act (CEQA) Guidelines, the project, which consists of all public and private activities or undertakings pursuant to or in furtherance of the Four Corners Redevelopment Plan, adopted December 28, 1993, constitute a single project, which was approved at the time of adoption of the redevelopment plan by the Redevelopment Agency, and is exempt from further environmental review under state law.

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, REGARDING PC 06-85 – RECOMMENDING THAT THE REDEVELOPMENT AGENCY OF THE CITY OF TWENTYNINE PALMS APPROVE THE FIVE YEAR IMPLEMENTATION PLAN FOR THE FOUR CORNERS REDEVELOPMENT PROJECT AREA, T1N, R9E, SECTIONS 16, 17, 19, 20, 21, 28, 29, 30, 31, 32, and 33.

WHEREAS, the Redevelopment Agency Board adopted the Four Corners Redevelopment Plan on December 28, 1993; and

WHEREAS, conditions of blight continue to exist within the project area; and

WHEREAS, pursuant to Section 33490 of the Health and Safety Code, redevelopment agencies are required to adopt an implementation plan every five years; and

WHEREAS, adoption of the Five Year Implementation Plan does not constitute an approval of any specific program, project or expenditure described in the plan and therefore the Plan is not a project under California Environmental Quality Act (CEQA) requiring environmental documentation; and

WHEREAS, Pursuant to Section 15180 of the California Environmental Quality Act (CEQA) Guidelines, the project, which consists of all public and private activities or undertakings pursuant to or in furtherance of the Four Corners Redevelopment Plan, adopted December 28, 1993, constitute a single project, which was approved at the time of adoption of the redevelopment plan by the Redevelopment Agency, and is exempt from further environmental review under state law; and

WHEREAS, the Planning Commission conducted a study session on the Five Year Plan on November 7, 2006; and

WHEREAS, a public hearing notice was published for three consecutive weeks in a newspaper of record; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on November 21, 2006; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms hereby recommends that the Redevelopment Agency Board adopt the Five Year Implementation Plan.

APPROVED AND ADOPTED THIS 21st 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