



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: February 20, 2007
RE: PC 05-108 – An Ordinance of the City of Twentynine Palms Amending Municipal Code, Chapter 5.01, Business Licenses, Revising Procedures for Denial, Suspension and Revocation of a Business License, and Establishing an Appeal Procedure for Such Actions and a Resolution of the City Council, Acknowledging, Consenting to and Approving of the Morongo Basin Transit Authority's Amendment of an Ordinance Regulating the Provision of Taxicab Services Within the City of Twentynine Palms.

RECOMMENDATION: That the Planning Commission conduct the public hearing, consider public comment, adopt the Categorical Exemption and vote to recommend that the City Council amend the Ordinance and adopt the Resolution.

Attachments
<ul style="list-style-type: none">• Ordinance• Resolution

BACKGROUND: The Morongo Basin Transit Authority (MBTA), a joint powers authority of the City of Twentynine Palms, the Town of Yucca Valley and San Bernardino County provides transit service and regulates taxicabs in the City of Twentynine Palms and Morongo Basin.

The MBTA has requested that the City amend the Municipal Code to establish a procedure for the denial, suspension and revocation of business licenses and appeal of such actions, to provide additional administrative tools for the regulation of taxicabs.

Under the amendment Ordinance, the City Manager would have the authority to:

- Refuse to grant a Business License if the business and/or applicant is not authorized by local, state or federal law, or if the business license application is determine to be incomplete or fraudulent; and
- Suspend or revoke a Business License if the business or applicant poses an imminent danger to the public health safety and welfare.

The appeal process is initiated by a licensee simply by filing a written notice of appeal with the City Clerk within ten days of the action.

Summary: The Planning Commission may take any of the following actions:

1. Recommend that the City Council amend the Ordinance and adopt the resolution.
2. Recommend that the City Council take no action.
3. Continue the item to a future date to allow additional consideration of the issues.



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To: Planning Commission
From: Community Development Director
Date: February 20, 2007
RE: PC 03-40 - An application by Sayaji U Ba Khin Vipassana Association of Southern California dba as the Southern California Vipassana Center for an amendment to the Conditional Use Permit, to amend the phasing plan, reduce the overall building area from 63,503 square feet to 58,976 square feet and increase the project open space from 67% to 84%, located at the southwest corner of the Twentynine Palms Highway (Hwy 62) and Mantonya Road, RL-2.5, T1N, R8E, Section 32, APN 0613-071-03, -10 and -11.

RECOMMENDATION: Conduct the Public Hearing and approve the Amendment to the Conditional Use Permit, subject to the original Conditions of Approval.

BACKGROUND: On October 21, 2003, the Planning Commission approved a CUP for the applicant Sayaji U Ba Khin Vispassana Foundation, for development of a meditation center. The approval included standard conditions of approval, including requirements for offsite improvements such as curb & gutter, sidewalks, street improvements and a bus shelter. The applicant subsequently received approval of a deferral of public improvements from the City Manager who is the approval authority for such requests pursuant to Development Code Chapter 19.85.

- | Attachments |
|------------------------------|
| o Resolution |
| o Conditions of Approval |
| o Amended Jan 18, 2005 |
| o Amended Feb 15, 2005 |
| o Staff report Oct, 21, 2003 |
| o Staff repot Jan. 16, 2005 |
| o Staff report Feb 15, 2005 |
| o Correspondence |
| o Aerial Photo |

The applicant has revised the plan and seeks an amendment to the approval. The conditions of approval, which were approved on October 21, 2003 and amended on February 15, 2005, would remain in effect.

The approval was amended to modify the phasing plan by the Planning Commission in 2005. The phasing plan approved as part of the CUP Amendment is summarized below. In addition to the approval and amendment, time extensions for the project were granted in 2005, and 2006.

Land Use, General Plan and Zoning

	Use	General Plan	Zone
Site	Single residence (SFR)	RL 2.5	RL 2.5
North	Vacant, SFR	RL 2.5	RL 2.5
South	SFR	RL 5	RL 5
East	Vacant, SFR	RL 2.5	RL 2.5
West	Vacant, SFR	RL 2.5	RL 2.5

Project Summary

An existing single family residence will serve as the basis for the first phase of the project. All new structures are intended to be modular structures, constructed off-site and trucked to the site. The following table summarizes the proposed development plan.

Building Phasing Schedule		
Bldg	Building Type	Area (Sq Ft.)
1A	Multipurpose Bldg	5,794
1B	Assembly Hall #3	1,400
1C	Residence Unit (Private Baths)	1,400
1D	Residence Unit (Shared Baths)	1,423
1E	Residence Unit (Private Baths)	1,400
1F	Residence Unit (Private Baths)	1,400
1G	Residence Unit (Shared Baths)	1,423
1H	Residence Unit (Private Baths)	1,400
2	Residence Unit (Shared Baths)	1,423
2	Residence Unit (Shared Baths)	1,423
3	Residence Unit (Private Baths)	1,400
3	Residence Unit (Private Baths)	1,400
4	Assembly Hall #1	6,196
4	Toilet Block (Female)	280
4	Toilet Block (Male)	280
5	Assistant Teachers Residence (Female)	1,064
6	Assistant Teachers Residence (Male)	1,064
7A	Residence Unit (Shared Baths)	1,423
7B	Residence Unit (Shared Baths)	1,423
8	Administrative Building (M)	1,064
9	Main Laundry and Storage	1,064
10	Garage and Maintenance	800
11A	Servers Residence (F)	1,264
11B	Servers Residence (M)	1,264
12	Interview Room	660
13A	Residence Unit (Private Baths)	1,400
13B	Residence Unit (Private Baths)	1,400
14A	Residence Unit (Private Baths)	1,400
14B	Residence Unit (Private Baths)	1,400
15A	Foreign Language Hall (F)	660
15B	Foreign Language Hall (M)	660
16A	Sub-Laundry/ Storage (F)	277
16B	Sub-Laundry/ Storage (M)	277
16C	Managers Residence (F)	277
16D	Managers Residence (M)	277
17A	Assistant Teachers residence	1,064
17B	Assembly Hall #2	4,900
18	Administrative Building (F)	1,064
19	Staff residence	1,264
Total Proposed Building Area		55,452
Existing Building Area		5,324
Proposed Gross Building Area		58,976
Approved Building Area		65,503
Reduced Building Area		6,527

Phasing of Public Improvements

The phasing plan approved as an amendment to the CUP in 2005 is summarized as follows:

Phase One

The existing structures have been converted for use as a meditation facility and the improvements specified in Condition #38 through and including Condition #43 are deferred provided that total occupancy is not greater than 24 persons. For occupancy of 24 persons or more in Phase One, Phase Two improvements are required.

Phase Two

Phase Two includes placement of nine modular structures. Prior to occupancy of any of the new structures, the applicant is required to develop approximately 500' of SR 62 frontage and approximately 300' of Mantonya Road frontage. This includes curb & gutter, street improvements, and the bus turnout. Sidewalks are deferred at this time.

Phase Three

Phase Three includes completion of the meditation center. Required improvements include construction of Mantonya Road along the project site, construction of Sullivan Road from Mantonya Road to the westerly Sullivan Road driveway and completion of the SR 62 and Mantonya sidewalk that were previously deferred. At the completion of these improvements, the applicant will have constructed roads with curb & gutter in all impacted areas and will have constructed sidewalks along the improved portion of SR 62 and a portion of Mantonya Road.

Phase Four

The sidewalk along the southerly portion of Mantonya Road right-of-way will be deferred until construction is required for adjacent properties. This means that no sidewalk is required now south of the southerly Mantonya driveway, but if a subdivision or other development is proposed on adjacent property, and that project requires a sidewalk along Mantonya, then the meditation center will be required to develop sidewalk along the remaining portion of Mantonya.

Summary

The applicant seeks a second amendment of the Conditional Use Permit, to voluntarily reduce the size, scale and scope of the project. The following table summarizes the requested changes to the project, by comparing the approved project with the proposed Amendments to the project.

	Approved Project	Proposed	Change
Site Area	6,695,172 sq. ft.	6,695,172 sq. ft.	None
Project Area	2,171,070 sq. ft.	1,070,415 sq. ft.	1,100,655 (-50%)
Building Square Footage	63,503 sq. ft.	58,976 sq. ft.	4,527 (-7%)
Site Coverage	202,408 sq.ft.	168,719 sq. ft.	33,698 (-16%)
Paved Driveway Area	37,840 sq. ft.	29,384 sq. ft.	8,456 (-22%)
Paved Parking Area	30,544	12,400	18,144 (-59%)
Gravel Surface Road	70,521	n.a.	Eliminated
Compacted Native Soil Road	n.a.	69,959	New
Open Space	4,524,102	6,624,747	2,100,645 (46%)
Drainage Area	Same	Same	None
Total Permeable Area	6,563,285	6,594,412	31,127 (>1%)
Total Impermeable Area	131,887 sq. ft.	100,760 sq. ft.	31,127 (-23%)

If the Planning Commission is satisfied with the proposal, staff recommends approval subject to the original Conditions of Approval.

Findings for Approval

Pursuant to Section 19.30.130 (Amendments) of the Development Code, a Conditional Use Permit previously approved by the City may be modified with a CUP Amendment. To request a modification, the permittee shall submit a CUP Amendment application and CUP Amendment fee pursuant to a fee schedule adopted by the City Council. Modifications to CUPs previously approved by the City may be approved by the Community Development Director, if the modification:

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

Based upon an analysis of the facts of this project, the amendment may be approved at the staff level. However, in order to keep the Planning Commission and public apprised of current and future development activity, staff has referred this item to the Planning Commission.

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. These same findings are required for approval of a CUP amendment:

- A. That the proposed use is 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 use will not be detrimental to the public health, safety, or welfare, or materially injurious to 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 recommends the following findings of approval for consideration:

- A. Per the City's General Plan and Development Code, the proposed use can be allowed in the Rural Living land use district; it is therefore 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 use will not generate excessive noise, vibration or glare and impacts are expected to be minimal and will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity; and
- C. That the proposed site is 155 acres, lot coverage is less than 5%, the site is therefore adequate in size and shape to accommodate the use and integrate it with the existing and planned uses in the vicinity; and

- D. Opportunity for review and comment has been provided to all affected or potentially affected agencies and City departments and their requirements, if any, are incorporated into the Conditions of Approval for this project; and
- E. The draft Conditions of Approval ensure compliance with the requirements of the City of Twentynine Palms in relation to access, circulation, fire protection, building construction, and compatibility with surrounding land uses; and
- F. With the recommended Mitigation Measures and Mitigation Monitoring Program, the proposed project will meet the requirements of the Endangered Species Act; and
- G. Access to handicapped citizens will be provided with the applicant's compliance to the Americans With Disabilities Act.

General Plan Consistency

As indicated within the findings of this staff report, the proposed project is consistent with the Twentynine Palms General Plan. With the proposed Conditions of Approval and Mitigation Monitoring Program, no inconsistencies with the Twentynine Palms General Plan nor conflicts with surrounding land use pattern or developments have been identified during review.

Environmental Review

Approval of the CUP was subject to the California Environmental Quality Act (CEQA). Accordingly, staff prepared an Initial Study to assess the potential environmental affects of the project. Based on staff's analysis, significant environmental effects would have resulted from project approval unless mitigation measures were implemented. To avoid significant environmental affects, a Mitigated Negative Declaration (MND) was approved by the Planning Commission. To approve the CUP amendment, the Planning Commission must find that the environmental issues were adequately addressed and that significant additional impacts will not result from approval of the CUP amendment.



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To: Planning Commission
From: Community Development Director
Date: February 20, 2007
RE: PC 06-15 - An Appeal by Spectrum Engineering on behalf of Los Angeles SMSA Limited Partnership, of the Planning Commission approval and related conditions of approval, including P9, E-2, E-6, F-5 and F-6, for a Conditional Use Permit for a telecommunication facility in the RL-2.5 zone, and a Variance to the maximum allowed height of 35' to allow a 52.5' tall commercial telecommunication tower in the RL 2.5 zone, and site plan approval. The project is located at an existing Edison substation, at the northeast corner of Twentynine Palms Highway (SR 62) and Dorth Place, RL-2.5 zone, T1N, R8E, Section 30, APN 0613-121-25.

RECOMMENDATION: Conduct the Public Hearing, consider public comment, and uphold the Planning Commission approval subject to the attached Conditions of Approval.

BACKGROUND: The Planning Commission approved the project with Conditions on August 15, 2006. The applicant subsequently appealed several of the standard conditions included in the Planning Commission's approval. On October 24, 2006, the City Council conducted a public hearing on the appeal. Following the hearing, the City Council decided to send the case back to the Planning Commission, without ruling on the appeal.

- | Attachments |
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| <ul style="list-style-type: none">• Conditions of Approval• Resolution• Appeal• Planning Commission Staff report• Planning Commission minutes• Application• Locator Map• Aerial Photo• Mitigated Negative Declaration• Correspondence |

Subsequent to that meeting, the applicant has suggested an alternative fire suppression system, a halon gas fire suppression system, which the Fire Department has indicated would satisfy the intent of Condition F5 and F6. With that, Conditions P9, E2 and E6 remain the subject of the appeal.

The applicant is appealing the following conditions:

P9. The Mitigation Measures from the Initial Study shall be incorporated herein, as conditions of approval, by reference.

E2. Road dedications shall be provided as follows:

A 60-ft wide (Expressway) half-width road dedication along Twentynine Palms Highway (SR 62) adjacent to the property shall be granted to the City of Twentynine Palms prior to issuance of building permits.

A 30-ft wide (Local street) half-width road dedication along Dorth Place adjacent to the property shall be granted to the City of Twentynine Palms prior to Final Map Approval.

- E6. The applicant shall pave all driveways and parking areas.
- 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.

Summary

Pursuant to the California Environmental Quality Act, Condition P-6 (Mitigation) must be included, or the City Council must overturn the Planning Commission approval and deny the project.

Because the project generates minimal vehicle trips (traffic) once constructed and also provides important communication infrastructure, the City Engineer did not condition the project to provide for street improvements along the Twentynine Palms Highway (SR 62). However, Condition E-2 requires the applicant to dedicate right of way for future road widening along the entire 9 acre site.

Because the project site contains an electrical substation, it is very unlikely that the property owner, Edison, will construct street improvements in the future. The City Engineer, in preparing the project conditions, maintains the position that the City should not miss an opportunity to secure right of way for future road widening.

Pursuant to Section 19.07.060 of the Development Code (Street Dedications and Improvements):

Before building permits are issued for the construction of a structure or improvement which would result in an increase or change in vehicular traffic, the dedication of additional right-of-way and construction of required street improvements in accordance with the General Plan Circulation Element shall be required. "Street improvements" include any or all of curb and gutter, sidewalks, concrete driveway approaches, drainage structures, paving, back-filling and preparation of the road surface to rough grade, and the placement of paving, and other necessary improvements.

Therefore, the City Engineer could have required street improvements on Hwy 62. The Planning Commission and City Council did not want to add this requirement to the conditions of approval.

Condition E-6, which requires the paving of all on-site driveways and parking areas, is required by Section 19.82.060 of the Development Code (Parking).

F-5 and F-6 are standard conditions from the Fire Department, which are required on every project.

The applicant is, as of the writing of this report:

- Unable to secure additional right of way along State Hwy 62 from Edison; and
- Unwilling to agree to make the required improvements as outlined in the conditions.

The City has received correspondence from community members recommending denial of the project, because the applicant has not pursued co-location of the project to other antennae farms in the community. These exist on Copper Mountain, Donnell Hill and on Adobe Road.

In response, the applicant states that they have investigated all of the available co-location sites and have ruled these other possible locations out for technical reasons.

Project Description

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

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

Environmental Review

Pursuant to the California Environmental Quality Act (CEQA), and based on the findings of the Initial Study, a Mitigated Negative Declaration was adopted by the Planning Commission. 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

City Engineer
Twentynine Palms Fire Department
County Environmental Health Division
County Flood Control District
County Recorder
Morongo Unified School District
Southern California Gas Co.

Verizon
 BurTech
 Morongo Basin Ambulance
 Division of Mines and Geology
 MCAGCC (Two offices)
 County Surveyors Office

Time Warner
 Morongo Basin Transit Authority
 Mojave Air Quality Management District
 Joshua Tree National Park
 Caltrans

Surrounding Land Use, General Plan and Zoning Designations

	Land Use	General Plan	Zone
Site	SCE sub-station	RL-2.5	RL-2.5
North	Vacant	RL-2.5	RL-2.5
East	Single family and vacant	RL-2.5	RL-2.5
South	Vacant	RL-2.5	RL-2.5
West	Vacant	RL-2.5	RL-2.5

General Plan

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

Zoning

The project exceeds RL-2.5 zone standards for height. The RL 2.5 zone allows non-commercial antennas up to 52' in height. The project is a commercial antenna. At 11'-6", the equipment cabinet is within the allowable building height for the zone. A Conditional Use Permit and Variance were approved for the project.

Site Characteristics

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

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

Development Code Chapter 19.58

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

Section 19.58.030 establishes general requirements for telecommunications facilities. Subsection 19.58.030 (A) states that the structure height shall be as established in the Land Use District regulations of the Development Code for the underlying land use district. The land use designation (zoning) for the subject property is Rural Living (RL-2.5). The height limitation for the RL-2.5 district is 35 feet. Non-commercial antennas in the RL-2.5 zone are allowed at 52.5' tall.

Section 19.58.030 (B) establishes separation requirements to ensure that telecommunications facilities do not conflict with existing or planned residential uses. The requirement is that proposed telecommunications facilities be at least 200 percent of the height of the facility from an adjacent residential property line; for a 52.5' tower, the separation requirement is 105'. The proposed tower is located 132' from the property line. The subsection also requires a minimum 300' separation from any residence. The development is 320 feet from the property lines of the adjoining single family residence and 630 feet from the residence.

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

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

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

Conditional Use Permit

Pursuant to Section 19.30.050 of the Development Code, the Planning Commission made the following findings as part of the approval of the Conditional Use Permit:

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

Variance

Pursuant to Section 19.34.050 of the Development Code, the Planning Commission made the following findings in approving the Variance:

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

Traffic and Circulation

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

CITY OF TWENTYNINE PALMS

CONDITIONS OF APPROVAL

PC 06-15

Applicant: Spectrum Engineering/Los Angeles SMSA Limited Partnership

Project: 52.5' Telecommunication facility

Location: Northeast corner of SR 62 and Dorth Place

APN: 0613-121-25

Approved: August 15, 2006

Expire: August 14, 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 August 15, 2006, to permit the construction/use of 52.5' unmanned telecommunications facility and 11'-6" x 16' equipment cabinet at the above referenced location. All development of the site shall be in substantial conformance with the adopted site plan and shall comply with all Conditions of Approval.
- P2. The Applicant shall ascertain and comply with requirements of all State, County and Local agencies as are applicable to the project proposal.
- P3. The property owner shall keep the property neat, clean, and in good physical condition including open spaces, sidewalks, lighting, driveways, parking areas, and landscaping.
- P4. All outdoor lighting shall conform to Development Code Chapter 19.70, *Lighting Standards*, and shall be designed to not glare or reflect onto neighboring properties or public rights-of-way. Outdoor lighting shall be shielded and limited to that required for security and safety purposes.

- P5. Prior to construction, the applicant shall submit three sets of plans to the City's Building Official and secure a Building Permit in conformance with the Uniform Building Code.
- P6. All construction and improvements shall comply with *Encroachments into Yards or Setbacks* standards established in the Development Code for the underlying land use district.
- P7. The applicant shall defend, at its sole expense (with attorneys approved by the City), and indemnify the City against any claim, action, or proceeding brought by any third party against the City, its agents, officers or employees resulting from or relating to this approval. The applicant shall reimburse the City, its agents, officers or employees for any judgment, court costs and attorney's fees which the City, its agents, officers or employees may be required to pay as a result of such claim, action, or proceeding. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.
- P8. A copy of the final grading plan shall be submitted to the Building and Safety Division for review and approval by the Community Development Director.
- A. All on-site cut and fill slopes shall conform to the Uniform Building Code and Development Code (Chapter 19.64) relating to maximum slope, height and setbacks. Slopes shall be limited to a maximum slope ratio of 3 to 1 and a maximum vertical height of thirty (30) feet.
- B. Slopes shall be contour graded to blend with existing natural contours.
- C. 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 Mitigation Measures from the Initial Study shall be incorporated herein, as conditions of approval, by reference.
- P10. Pursuant to Section 19.58.030(c) of the Municipal Code, the applicant shall minimize the negative visual impact of the structure through the use of a stealth palm tree.

General Conditions

- G1. All Conditions are continuing Conditions. Failure of the Applicant and/or operator to comply with any of the said Conditions at any time may result in the revocation of the Conditional Use Permit and/or citation for code violation.
- G2. The applicant and applicant's successors in interest shall be responsible for payment of all applicable fees, including reimbursement for all City expense in ensuring compliance with the Conditions of Approval.

Building and Safety

- B1. Grading and drainage plans are to be submitted to, and approved by, the Building Official prior to permit issuance.
- B2. The applicant/developer shall submit plans and obtain building permits for all structures and walls. No work is to be done prior to approvals and permit issuance.

Engineering

- E1. A grading permit shall be obtained from the City Engineer prior to any grading or other work done on the site. Prior to the issuance of a grading permit, the applicant's engineer shall submit a comprehensive grading plan in conformance with the Uniform Building Code (UBC) and the requirements of the City. A preliminary soils report and a current preliminary title report shall be submitted to the Engineering Division concurrently with the grading plan.
- E2. Road dedications shall be provided as follows:
 - A 60-ft wide (Expressway) half-width road dedication along Twentynine Palms Highway (SR 62) adjacent to the property shall be granted to the City of Twentynine Palms prior to issuance of building permits.
 - A 30-ft wide (Local street) half-width road dedication along Dorth Place adjacent to the property shall be granted to the City of Twentynine Palms prior to Final Map Approval.
- E3. An encroachment permit shall be obtained from the City prior to performing any work in any public right of way.
- E4. A final grading plan shall be submitted to the City Engineer prior to issuance of a grading permit for review and approval. A grading permit shall not be issued until street improvement plans have been submitted to the City Engineer for review and substantial completion of the street plans has been attained as determined by the City Engine
- E5. Utility lines shall be placed underground in accordance with the requirements of the City.
- E6. The applicant shall pave all driveways and parking areas.

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.

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