



**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 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 development of a 55,055 square foot 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. In 2005, an amendment to the project increasing the size to 63,503 square feet was approved. The amendment would reduce the building area by 4,527 square feet to 58,976 square feet. The amendment would eliminate modular buildings and replace these with buildings constructed on site.

- | Attachments |
|-----------------------------|
| ○ Resolution |
| ○ Conditions of Approval |
| ○ Amended Jan 18, 2005 |
| ○ Amended Feb 15, 2005 |
| ○ Staff Reports and Minutes |
| ▪ Oct, 21, 2003 |
| ▪ Jan. 16, 2005 |
| ▪ Feb 15, 2005 |
| ○ Correspondence |
| ○ Aerial Photo |
| ○ Site Plan |

The applicant intends to request deferral of public improvements from the City Manager, the approval authority for such requests, pursuant to Development Code Chapter 19.85.

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 phasing plan requested as part of the CUP Amendment is summarized below. In addition to the approval and amendment, one year 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 stick-built structures, constructed on 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 existing 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: March 6, 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 affirm their August 15, 2006 approval of the project, subject to the attached Conditions of Approval.

BACKGROUND: This case is continued from the February 20, 2007 meeting. On August 15, 2006, the Planning Commission approved the project with Conditions. 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. In the following period, the applicant has not provided any additional information.

- | 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 halon gas fire suppression system. The Fire Chief has agreed that the use of such a suppression system would meet the needs of the Fire Department, and 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.

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 (ROW) 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 ROW 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).

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 residents urging denial, because the applicant did not pursue co-location opportunities 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:

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|--|--|
| San Bernardino County Clerk | City Engineer |
| Twentynine Palms Water District | Twentynine Palms Fire Department |
| County Sheriff’s Department | County Environmental Health Division |
| County Department of Solid Waste Mgmt. | County Flood Control District |
| County Assessor’s Office | County Recorder |
| San Bernardino Associated Governments | Morongo Unified School District |
| Southern California Edison Company | Southern California Gas Co. |
| Verizon | Time Warner |
| BurTech | Morongo Basin Transit Authority |
| Morongo Basin Ambulance | Mojave Air Quality Management District |
| Division of Mines and Geology | Joshua Tree National Park |
| MCA GCC (Two offices) | Caltrans |
| County Surveyors Office | |

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.

Traffic and Circulation

The project will not result in the development of new residences or significant building area, therefore, 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, which are 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 Planning Commission required that the applicant dedicate an additional 10' of right of way along the Twentynine Palms Highway (SR 62) to meet future street improvement requirements for a 120' Expressway (60' half street). However, the City Engineer did not recommend, and the Planning Commission did not require that the applicant make street improvements as a condition of approval.

Alternatives

The Planning Commission has a range of options on the appeal:

1. No Action – The approval stands.
2. Deny the appeal - The approval stands.
3. Approve the appeal.
4. Approve elements of the appeal.

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



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To: Planning Commission
From: Community Development Director
Date: March 6, 2007
RE: PC 05-22 – A continued public hearing on an application by Richard Eisendrath for approval of Tentative Tract Map 17406, the subdivision of 80 acres into 32 lots for future development of 32 single-family residences. The project is located on a vacant and previously unimproved site, southwest of Easy Street and Sunnyslope Drive, on APN # 614-281-03, -07, -09, and -10, Zone RS-E, T1N, R9E, Section 26.

RECOMMENDATION: Conduct the Public Hearing, consider public comment, adopt the Mitigated Negative Declaration, adopt the resolution, and approve Tentative Tract Map No. 17406, subject to the attached Conditions of Approval.

BACKGROUND: Public hearings were conducted and continued on May 2, 2006 and September 5, 2006. The applicant requested that the project be rescheduled for a public hearing at this meeting.

The applicant proposes a 32-lot subdivision in the Single Family Residential Estate (RS-E) land use district, which allows one dwelling unit per 2.5 acres. The project density is the maximum density 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 subdivision improvement plans in accordance with the Conditions of Approval. These improvement plans are reviewed by appropriate departments and agencies, including the Fire Department, Regional Water Quality Control Board, Water District, Edison, Gas Company, Verizon, Time Warner, Burrtec, 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 then begin development and/or sale of the individual lots.

- | Attachments |
|-----------------------------------|
| 1. Conditions of Approval |
| 2. Resolution |
| 3. Major Subdivision Application |
| 4. Locator Map |
| 5. Mitigated Negative Declaration |
| 6. Correspondence |
| 7. Tentative Tract Map #17406 |

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 Development Code.

Project Routing/Notification

The project was routed to the following agencies and departments for review:

San Bernardino County Clerk
 Twentynine Palms Water District
 County Sheriff's Department
 County Department of Solid Waste Mgmt.
 County Assessor's Office
 San Bernardino Associated Governments
 Southern California Edison Company
 Verizon
 Waste Management
 Morongo Basin Ambulance
 Regional Water Quality Control Board
 California Department of Fish & Game
 MCAGCC (Two offices)
 County Surveyors Office

City Engineer
 Twentynine Palms Fire Department
 County Environmental Health Division
 County Flood Control District
 County Recorder
 Morongo Unified School District
 Southern California Gas Co.
 Adelphia
 Morongo Basin Transit Authority
 Air Quality Management District
 Division of Mines and Geology
 Joshua Tree National Park
 State Clearinghouse
 US Fish and Wildlife Service

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

Surrounding Land Use, General Plan and Zoning Designations

	Land Use	General Plan	Zone
Site	Vacant	RS-E	RS-E
North	Vacant	RS-E	RS-E
East	Vacant	RS-E	RS-E
South	Single family and vacant	RS-E	RS-E
West	Vacant	RL-5	RL-5

General Plan

The RS-E land use district allows a maximum of one dwelling unit per two and a half (2.5) gross acres. The project is the maximum density allowed by the General Plan. As designed the project is consistent with the General Plan Land Use Element.

Zoning

The lot sizes proposed comply with the minimum 2.5 acres lot sizes for the zone. The project also complies with minimum lot dimensions. The proposed density, lot sizes and lot dimensions meet the requirements for the RS-E zone. Therefore, the project is consistent with the Zoning Ordinance.

Site Characteristics

The subject site slopes from northeast to southwest. The site contains typical desert vegetation and has been used by off-road vehicles.

Phasing

The applicant has not proposed phasing of this project. However, the Subdivision Map Act and the City's subdivision regulations allow phasing. The tentative map for a phased development can be approved with one action. Then, the developer is required to design all offsite improvements (curb & gutter, sidewalks, streets) related to a particular phase, prior to City Council approval of that phase of the Final Map. If the City Council finds that the improvements meet the requirements of the City and the Map Act, Final Map approval is given and the developer may commence sale and development of the lots for that phase.

Environmental Assessment

Based on the findings of the Initial Study, a Mitigated Negative Declaration has been prepared. A biological study prepared as part of this project found desert tortoises present on site. The applicant will be required to secure "Incidental Take" permits from the US Fish and Wildlife Service and California Department of Fish and Game.

Traffic and Circulation

Because the project will result in the development of less than 50 new residences, a traffic impact analysis has not been prepared for this project. However, the project may generate approximately 320 trips per day. In order for the street system to continue to operate at a Level of Service "C" during peak hours, existing roadways adjacent to the project site will be required to be improved, including the following improvements:

- El Paseo, Canyon Road, and Easy Street (40' half street, Collector street);
- Sunnyslope, Desert Flower, "A" Street and "B" Street, (50' street, Rural Local street);
- Curb, gutter and sidewalks on all Collector streets;
- Provide street signs and stop signs at project site access and intersections;
- ADA ramps; and
- Traffic signing and striping; and
- Bike paths on all Collector streets.

Additionally streets will be constructed to City Standards and will include curb, gutter, sidewalks where appropriate, pavement and intersection improvements.

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.

Sewage Disposal

The California Regional Water Quality Control Board (CRWQCB) has reviewed this project and determined that the proposed discharge of sewage effluent from the project does not pose a threat to ground water quality. As a condition of approval, the applicant will be required to design and receive approval for a septic system from the California Regional Water Quality Control Board (CRWQCB) and San Bernardino County Environmental Health Services, prior to approval of the Final Map.

Drainage

A preliminary drainage study has been prepared for the project. The study suggests that all storm flows be directed to the streets. 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. Because of the large lot sizes, and the ability of the large lots to contain storm flows, the City Engineer is likely to allow the streets to be the primary conveyor of storm water flows.

Biological Resources

A biological study of the project site was prepared by Circle Mountain Biological Consultants. The site is classified as Mojave Desert creosote-white bursage. The study, conducted in accordance with protocol established by the US Fish and Wildlife Service (USFWS) for the threatened desert tortoise, found evidence of desert tortoise and concluded that desert tortoise are present on the site. In addition, three special status species, Prairie falcon, Coopers hawk and Loggerhead shrike were also observed on site.

Because tortoises were observed on site, the applicant shall be required to secure "incidental take" permits from the United States Fish and Wildlife Service (Section 10(a)(1)(b)) and California Department of Fish and Game (10a) prior to initiation of any on-site work. The biological report notes that in every incidental take permit issued to date, the project proponent has been required to purchase compensation land in conservation areas. Given the area of the project, the biologist suggested that the compensation ratio is expected to be 1:1. Recent experience in granting of such permits indicates that permit issuance may be expected to take up to 3 years.

Approval Process

The Planning Commission is the Approval Authority for the Tentative Tract 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-E 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, and 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
DRAFT CONDITIONS OF APPROVAL
PC 05-22/TTM 17406
Applicant Name: Richard Eisendrath
Project Description: 32 Lot Subdivision on 80 acres
Location/Parcel Number(s) APN 614-281-03, -07, -09 and, -10
Tentative Tract Map No. 17406
Approved: March 6, 2007
Expire: March 5, 2010

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, street maintenance, landscaped areas, storm drain retention basins, pocket park 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 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.

- 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.
- P3. Concurrently with the applicant's submittal of the CC&Rs, the applicant shall submit to the City a deposit to pay for all costs associated with plan check and with City Attorney review of the project CC&Rs, disclosure statement, and any other applicable documents (minimum deposit shall be \$5,000.) Any unused deposit shall be returned to the applicant.
- P4. The final map shall show all common areas and systems to be maintained by the Association, including, but not limited to, any onsite sewage treatment facility.
- P5. Prior to final tract map approval, the owner or designee shall pay all applicable fees, including, but not limited to, park acquisition and 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 following agencies shall provide written verification to the Planning Division that all required exactions and dedications have been provided and that all pertinent conditions of approval and applicable regulations have been met:

Twentynine Palms Fire Department
Twentynine Palms Water District
City of Twentynine Palms Public Works Department
City of Twentynine Palms Engineering Division

California Regional Water Quality Control Board
California Department of Real Estate

- P9. The applicant shall defend, at its sole expense (with attorneys approved by the City), and indemnify the City against any claim, action, or proceeding brought by any third party against the City, its agents, officers or employees resulting from or relating to this approval. The applicant shall reimburse the City, its agents, officers or employees for any judgment, court costs and attorney's fees which the City, its agents, officers or employees may be required to pay as a result of such claim, action, or proceeding. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.
- P10. Subdivision phasing shall be as shown on the approved Tentative Tract 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 Estate (RS-E) development standards for front, side and rear yard-building setbacks as follows:
- | | |
|----------------|-----------------|
| Front: | 25 feet minimum |
| Street side: | 25 feet minimum |
| Interior side: | 15 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 2.5 gross acres. All lots shall have a minimum depth of 200 feet and a minimum width of 150 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.
 - G. Only the home site, garage and driveway may be cleared, grubbed and graded.

H. Native vegetation must remain in place.

- P15. Prior to recordation of Final Map, three sets of detailed landscaping and irrigation plans for the 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 that the subdivision complies with requirements of Time Warner or their successor and their franchise agreement with the City [contact Plant Manager, (760) 365-5076, 7500 Kickapoo Trail, Yucca Valley, CA 92284].
- P19. To serve the MBTA, the applicant shall provide a bus stop, including a pull-out and shelter. The bus stop shall include a bench and trash receptacle. Bus stop locations and specifications shall be coordinated with Morongo Basin Transit Authority (MBTA), [contact MBTA General Manager Joe Meer (760) 366-2986].
- P20. The applicant shall be required to provide payment of all appropriate City fees in effect at the time, prior to permit issuance.
- P21. Prior to issuance of grading permits, the applicant shall secure "incidental take" permits from the United States Fish and Wildlife Service (Section 10(a)(1)(b)) and California Department of Fish and Game (10a). The applicant shall provide evidence of such permits to the Community Development Director prior to initiation of any on-site work. In every "incidental take" permit issued to date, project proponents have been required to purchase compensation land in conservation areas. As part of that "incidental take" permit, the project proponent may be required to purchase compensation land in conservation areas at a ratio anticipated at 1:1. Issuance of such permits can be expected to may take between 18 and 24 months.

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 Regional 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. On parcels of one (1) acre or greater in size, land may only be cleared of natural vegetation in order to provide for the installation of building pads, driveways, landscaping, agriculture or other use allowed in the underlying zone. Such clearing may only occur after issuance of a building permit, where required, or a grading permit, issued by the City's Building Official in conformance with the Building Code. The purpose of this regulation is to reduce disturbances to fragile desert soils as much as practical and reduce the amount of fugitive dust that can for long periods of time adversely affect residents on the subject parcel and those residents and land uses downwind of the subject parcel.

Engineering

- E1. Prior to issuance of a grading permit, a final drainage plan with street layouts shall be submitted for review and approval by the City Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider retaining onsite drainage flows from a 100 year design storm.
- E2. Street improvement plans shall be submitted to the City Engineer for review and approval.
- E3. All streets shall be improved to City standards with curb, gutter, sidewalk and street pavement. Minimum residential width of streets shall be 36 feet curb to curb.
- E4. All streets abutting the development shall be improved a minimum half-street width of 26 feet with curb, gutter and sidewalk on the development side.
- E5. Streets adjacent to the property shall be improved as follows:
 - "A" street adjacent to the property shall be improved to the City's full width Local Rural Road standards with either A.C. curbs or an inverted paved shoulder 36' wide from Canyon Road to Desert Flower Ave.
 - "A" and "B" street adjacent to the property shall be improved to the City's half width Local Rural Road standards with either A.C. curbs or an inverted paved shoulder 26' wide from Easy Street to Desert Flower Ave.
 - EI Paseo Drive adjacent to the property shall be improved to the City's Collector Street standards from Easy Street to Desert Flower Avenue. (64' pavement width)

Desert Flower Avenue adjacent to the property shall be improved to the City's Local Street standards from El Paseo Drive to "A" Street. (36' pavement width)

Canyon Road adjacent to the property shall be improved to the City's half-width Collector Street standards. (32' wide half-width pavement)

Sunnyslope Drive adjacent to the property shall be improved to the City's half-width Local Rural Road standards. (26' wide half-width pavement)

Easy Street adjacent to the property shall be improved to the City's half-width Collector Street standards. (32' wide half-width pavement)

Canyon Road and Easy Street from the property to Hwy 62 or Two Mile Road shall be improved to the City's half-width Paved Access road standards. (26' wide pavement)

El Paseo Drive adjacent to the property shall be improved to the City's half-width Collector Street standards from Desert Flower Avenue to Canyon Road. (32' wide half-width pavement)

Desert Flower Avenue adjacent to the property shall be improved to the City's half-width Local Street standards from "A" Street to Sunnyslope Drive. (32' wide half-width pavement)

E6. Road dedications shall be provided as follows:

A 30-ft wide half-width road dedication along Desert Flower Avenue adjacent to the property and 60-ft full width within the property shall be granted to the City of Twentynine Palms prior to Final Map Approval.

A 40-ft wide half-width road dedication along El Paseo Drive adjacent to the property and 80-ft full width within the property shall be granted to the City of Twentynine Palms prior to Final Map Approval.

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

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

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

A 40-ft wide half-width road dedication along "A" and "B" adjacent to the property and 50-ft full width within the property shall be granted to the City of Twentynine Palms prior to Final Map Approval.

To provide legal access, a 26-ft wide road dedication along Canyon Road and Easy Street from the property to Hwy 62 or Two Mile Road shall be granted to the City of Twentynine Palms prior to Final Map Approval.

E7. During the grading of the roads, soils testing of the road subgrades by a qualified soils engineering firm shall be performed to determine appropriate structural road section and R value. Minimum asphalt concrete thickness for all streets shall be 0.33 feet (4 inches).

- E8. All required improvements shall be bonded in accordance with City Development Code unless constructed and approved prior to approval and recordation on the Final Map.
- E9. An encroachment permit shall be obtained from the City prior to performing any work in any public right of way.
- E10. Final improvement plans and profiles shall indicate the location of any existing utility which would affect construction and shall provide for its relocation at no cost to the City.
- E11. A final grading plan shall be submitted to the City Engineer prior to issuance of a grading permit for review and approval. A grading permit shall not be issued until street improvement plans have been submitted to the City Engineer for review and substantial completion of the street plans has been attained as determined by the City Engineer.
- E12. Street lights shall be required and shall conform to City's standards.
- E13. All road names shall be approved by the City and such approval shall be coordinated through the City Engineer.
- E14. Prior to City acceptance of the Final Map, Subdivider shall present evidence to the City Engineer that he has made a reasonable effort to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
- E15. Utility lines shall be placed underground in accordance with the requirements of the City.
- E16. The developer shall make a good faith effort to acquire the required off-site property interests, and if he or she should fail to do so, the developer shall at least 120 days prior to submittal of the final map for approval, enter into an agreement to complete the improvements pursuant to Government Code Section 66462 at such time as the City acquires the property interests required for the improvements. Such agreement shall provide for payment by the developer of all costs incurred by City to acquire the off-site property interests required in connection with the subdivision. Security for a portion of these costs shall be in the form of a cash deposit in the amount given in an appraisal report obtained by the developer, at the developer's cost. The appraiser shall have been approved by the City prior to commencement of the appraisal. Additional security may be required as recommended by the City Engineer and City Attorney. The "Good Faith Effort" shall include:
 - A. The applicant shall submit current appraisals of the property, conducted by an MAI certified appraiser, completed with the preceding six months.
 - B. The applicant shall also make a "reasonable" written offer to the owner of the property in question to purchase entitlements in a form acceptable to the City Attorney (which may include title, easements, irrevocable offers of dedication to the City combined with construction easements in favor of the developer, or other satisfactory entitlements) sufficient to construct Right-of-Way. To be "reasonable" an offer must be made at the appraised value or higher. Evidence of the offer shall be provided to the City.
 - C. The applicant shall provide evidence, meeting the satisfaction of the city Engineer, that the offer was rejected by the owner of the property in question, or that no response has been received within 60 days after the date of the offer.

- E17. Any required street striping shall be thermoplastic as approved by the City Engineer.
- E18. Soil percolation testing for the subsurface disposal system shall meet the requirements of the San Bernardino Environmental Health Services and the City.
- E19. Easements, as required for roadway slopes, drainage facilities, utilities, etc., shall be submitted and recorded as directed by the City Engineer. No structures shall be placed on any part of the easements except those directly related to the purposes of said easements.
- E20. In the event the City duly establishes any City-wide development impact fees, including but not limited to, traffic impact fees, such fees shall be paid by the developer prior to the issuance of building permits. The amount of any fees paid by the developer pursuant to the traffic study, and any costs incurred by the developer for public improvements that are funded by the City's traffic impact fee, shall be credited against such impact fees.
- E21. Right-of-way and improvements (including offsite) to transition traffic and drainage flows from proposed to existing shall be required as necessary as approved by the City Engineer.
- E22. An on-site storm retention basin shall be required to handle site-generated storm water run-off.
- E23. A licensed California paving contractor shall install all street improvements.
- E24. Developer shall provide two points of paved access, paved to the City's Access Road standards from the nearest City Maintained Street to project as approved by City Engineer.

Fire Department

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

- F4. All flammable vegetation shall be cleared a minimum distance of 30 feet, or to the property line, from any flammable building materials or finished structures.
- F5. Each chimney used in conjunction with any fireplace or heating appliances in which solid or liquid fuels are used shall have, and be maintained with an approved spark arrester as identified by the Uniform Fire Code.
- F6. Street addresses shall be posted with numbers a minimum height of three (3) inches. Posted numbers shall contrast with their background and be visible and legible from the street. Developer shall furnish the fire department with a list and map of all of the street names and addresses within the project.
- F7. Prior to commencement of construction, an approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. The following are the minimum requirements for the proposed development:

A: SYSTEM STANDARDS

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

B: DISTRIBUTION SYSTEM

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

C: FIRE HYDRANTS

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

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

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

 Applicant/Developer

 Date



**CITY OF TWENTYNINE PALMS
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: March 6, 2007
RE: PC 06-32 – An application by CNM Holdings 1 LTD. for approval of a Conditional Use Permit to construct an 80 room, 44,000 square foot, two story hotel on five acres, with food and alcohol service. The approval also includes issuance of a Letter of Public Convenience and Necessity for the provision of alcoholic beverages as part of the hotel operations. The project is designed with access from Encelia Avenue. The project is located on a vacant, unimproved and heavily graded site, located north of the Twentynine Palms Hwy (Hwy 62), east of Encelia Avenue, south of Gorgonio Drive, Zone CG, APN# 615-222-17, T1N, R8E, Section 26.

RECOMMENDATION: Conduct the Public Hearing, consider public comment, find the project Exempt pursuant to CEQA, adopt the resolution, and approve the project, and recommend that the City Council approve the Letter of Public Convenience and Necessity for the sale of alcoholic beverages subject to the attached Conditions of Approval.

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

BACKGROUND: An applicant requests approval of a Conditional Use Permit to construct an 80 room, 44,000 square foot, two story hotel on five acres. The project also includes food and alcohol service. The project is designed with access from Encelia Avenue. Amenities include a business center, breakfast room and swimming pool area.

The project is located on a vacant, unimproved and heavily graded site, located north of Twentynine Palms Hwy (Hwy 62), east of Encelia Avenue, south of Gorgonio Drive, on APN# 615-222-17. The site is zoned Commercial General (CG), which allows hotels with 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
Twentynine Palms Water District
County Sheriff's Department
Twentynine Palms Fire Department
County Environmental Health Division
Morongo Unified School District
Southern California Edison Company
Verizon

Time Warner Cable
Burrtec
Morongo Basin Transit Authority
Regional Water Quality Control Board
Joshua Tree National Park
MCAGCC (Two offices)
Southern California Gas Co.
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	CG	CG
West	Commercial	CG, RS-4	CG, RS-4

General Plan

The project, which would assist in tourism development, is consistent with the General Plan Mission Statement. The CG land use district is intended to serve as the City’s primary commercial area. With a design in compliance with the Desert Southwest Design Guidelines, underground construction of the electrical utilities, landscaping amenities, curb, gutter and sidewalk infrastructure improvements and parking lot screening, the project is consistent with the General Plan Land Use Element.

Zoning

The CG zone allows hotel and visitor serving uses with a Conditional Use Permit. Ninety-three parking spaces are required, 94 are provided. With the Conditions of Approval, the project is consistent with the CG zone.

Site Characteristics

The project site increases in elevation as it moves north from the Twentynine Palms Highway. The site is heavily disturbed, 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:

- 1. The site is located on Twentynine Palms Highway (Hwy 62) and will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- 2. The subject site is approximately 5 acres and is therefore adequate in size to accommodate the proposed use.
- 3. The shape of the parcel is typical, and allows for orderly development such as the proposed use.
- 4. With the recommended conditions, the proposed project will meet the objectives of the General Plan and CG land use designation.
- 5. The proposed project, as conditioned, does not conflict with and is consistent with the goals and objectives of the Twentynine Palms General Plan.
- 6. Approval of the project would not allow a use or activity which is prohibited by the zoning regulation governing the parcel.
- 7. That granting the Conditional Use Permit is consistent with the City of Twentynine Palms General Plan and Development Code.
- 8. 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.
- 9. Routing of the proposal to the County Clerk of San Bernardino has afforded an opportunity for review and comment by the County.
- 10. The project will result in circulation improvements in the community.

Traffic and Circulation

A traffic impact analysis was prepared for this project. The project will generate 730 daily trip ends, including 55 AM peak hour trips and 45 PM peak hour trips. The study intersection, Hwy 62 at Encelia, would continue to operate at acceptable levels during both the AM and PM peak periods. The applicant will be required to dedicate right of way and construct street turning lane improvements along Twentynine Palms Highway (SR 62), and construct Encelia Avenue, between Hwy 62 and Morongo Road. The study found that, based upon the traffic generated from the project, that a Traffic Signal would not be required.

Sign Program

The applicant has submitted a sign program which is not in compliance with the sign code. A maximum of 200 square feet of signage is permitted for the project. The pylon sign (FIS Pylon 200) can not be approved under the existing sign ordinance. The maximum sign height for a monument sign is 8'. The maximum area for an accessory sign is 3 square feet. One monument sign, with a maximum of 75 square feet is allowed. The maximum allowable sign area for a wall sign is 75 square feet. The sign program shall be redesigned to meet these requirements. In order to promote high quality sign design, staff recommends that the Planning Commission require the use of back lit, or halo illumination signage.

Biological Issues

A Focused Desert Tortoise Survey and General Biological Inventory was prepared for the project. No evidence of Desert Tortoise was found as part of this study. Vegetation has been mechanically removed from the site and extreme off-highway vehicle use is likely to impact the remaining vegetation. In addition, no tortoise sign was found on the seven sites surveyed to the north and east. The study concludes that desert tortoise is absent from the site and adjacent areas. Similarly, no evidence of Western Burrowing Owl was observed during the study.

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 Review Authority and the City Council is the approval Authority for the Conditional Use Permit and Letter of Public Convenience and Necessity.

CITY OF TWENTYNINE PALMS
CONDITIONS OF APPROVAL
PC 06-32

Applicant: by CNM Holdings 1 LTD.
Project: 80 Room Marriot Fairfield Inn
Location: West of Encelia Avenue, North of Hwy 62
APN# 615-222-17
Approved: March 6, 2007
Expire: March 5, 2008

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 Review Authority on March 6, 2007, 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. Minimize lighting.
- 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.
- P10. Parking lots shall be screened from view from the public right of way.
- P11. The pylon sign (FIS Pylon 200) is not approved. A maximum of 200 square feet of signage is permitted. The maximum sign height for a monument sign is 8'. The maximum area for an accessory sign is 3 square feet. One monument sign, with a maximum of 75 square feet is allowed. The maximum allowable sign area for a wall sign is 75 square feet. The sign program shall be redesigned to meet these requirements. In order to promote high quality sign design, the use of back lit, or halo illumination signage, shall be required.

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

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 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 40' foot half-width street dedication along Encelia Avenue shall be dedicated to the City of Twentynine Palms prior to Grading Permit Issuance.
- E11. A 52' foot half-width street dedication along State Route 62 shall be dedicated to Caltrans prior to Grading Permit Issuance.
- E12. All streets abutting the development shall be improved a minimum half-width of 32 feet with curb and gutter on the development side.
- E13. Encelia Avenue, shall be constructed to the City's half width Collector Road Standards adjacent to the development, from State Route 62 to the north side of the proposed project.
- E14. Encelia Avenue shall be constructed to the City's access road standards from the north side of the proposed project to Gorogonio Avenue.
- E15. State Route 62 shall be constructed to the City's half-width Major Arterial Standards adjacent the property as shown on the site plan "typical section".
- 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. A right turn lane shall be constructed on State Route 62 for westbound to northbound traffic at Encelia Avenue.
- 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.
- F7. The applicant shall install a Knox Box.

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
PC 06-32

Date

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, RECOMMENDING APPROVAL OF PC 06-32, AN APPLICATION BY CNM HOLDINGS 1 LTD FOR APPROVAL OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 40 ROOM, 44,000 SQUARE FOOT MARRIOTT FAIRFIELD INN ON 5 ACRES, AND FOR APPROVAL OF A LETTER OF PUBLIC CONVENIENCE AND NECESSITY FOR THE PROVISION AND SALE OF ALCOHOLIC BEVERAGES, LOCATED NORTHEAST OF THE INTERSECTION OF THE TWENTYNINE PALMS HIGHWAY (SR 62) AND ENCELIA AVENUE, ZONE CG, T1N, R8E, SECTION 26, APN # 615-222-17.

WHEREAS, on March 3, 2006 an application was received from CNM Holdings 1 LTD for approval of a Conditional Use Permit to construct a hotel and issue a letter of Convenience and Necessity of alcoholic beverages in the CG zone ; and

WHEREAS, revisions to the project were received and the application was deemed complete on January 26, 2007; and

WHEREAS, the land use designation (zoning) for the subject property is General Commercial (CG); 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 project is consistent with the General Plan Mission Statement objective of facilitating new tourism related development within the community; 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, a public hearings was held by the Planning Commission on March 6, 2007; and

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

- A. The site is located on the Twentynine Palms Highway (Hwy 62) 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 5 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.
- F. Approval of the project would not allow a use or activity which is prohibited by the zoning regulation governing the parcel.
- G. That granting the Conditional Use Permit is consistent with the City of Twentynine Palms General Plan and Development Code.
- H. The proposed use will not generate excessive noise, vibration, traffic or other disturbance and will therefore not have a substantial adverse effect on abutting property or uses located or potentially developed in an industrial area.
- I. Routing of the proposal to the County Clerk of San Bernardino has afforded an opportunity for review and comment by the County.
- J. The project will result in circulation improvements in the community.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms recommends adoption of the Categorical Exemption, adoption of this resolution, and approval of the Conditional Use Permit and recommends City Council approval of a Letter of Public Convenience and Necessity by the City Council, subject to the attached Conditions of Approval.

APPROVED AND ADOPTED THIS 6th DAY OF March, 2007.

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Daniel Mintz, Chairman

ATTEST:

Charlene L. Sherwood, City Clerk

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

Charlene L. Sherwood, City Clerk



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

To: Planning Commission
From: Community Development Technician
Date: March 6, 2007
RE: PC 07-14 An application by Michael Polizzo representing Sunwest Development for a Temporary Use Permit in the RS-3 zone, to allow for the construction of a temporary model home/sales complex for the proposed subdivision, Tentative Tract Map #17168 (PC 04-37), RS-3 zone, APN 0621-231-11, T1N, R9E, Section 21.

- | Attachments |
|---|
| <ul style="list-style-type: none"> • Application • Approved Conditions of Approval • Resolution • Site Plan |

RECOMMENDATION: Conduct the Public Hearing, adopt the Resolution, and approve the Temporary Use Permit, subject to compliance with City standards for new construction.

BACKGROUND: Construction of Single Family Residential dwelling units is the primary use allowed in the RS-3 land use district. The applicant seeks approval of a temporary model home/sales complex, pursuant to Section 19.32.050 of the Development Code. Tentative Tract Map 17168 was approved on September 6, 2005. The project includes the subdivision of 88± acres into 177 lots, for future development of single family residences.

Surrounding Land Use, General Plan and Zoning Designations

	Land Use	General Plan
Site	RS-3	RS-3
North	Public, RS-3	Public, RS-3
East	RS-4, Public	RS-4, Public
South /Southwest	RM, RS-	RS-3 and RM
West	RS-3	RS-3

The land use, a temporary model home and sales office, which following the sale of all the residences, will revert to single family residences, is consistent with the General Plan and Zoning Ordinance. The project, construction of a new model home and sales complex can be constructed in a manner consistent with the Development Code.

CEQA

Pursuant to the California Environmental Quality Act (CEQA), a Negative Declaration was previously adopted on September 6, 2005 for this project (PC 04-37), and therefore no further environmental review is required.

Temporary Use Permit

The Planning Commission is authorized to approve, conditionally approve, or deny applications for Temporary Use Permits for the following temporary uses or activities:

- A. Temporary model home/sales office for the sale or lease of residential property or vacant

lots that meet the following minimum requirements:

1. The model home/sales office shall be located in the subdivision or development for which the property is being offered.
2. A minimum of four (4) paved parking spaces shall be provided.
3. A cash performance bond shall be provided, in an amount appropriate to guarantee removal and/or conversion of the sales office and attendant facilities.
4. Other conditions that the Planning Commission deems necessary to ensure that the sales office will not constitute a nuisance or be objectionable to the residential uses in the neighborhood.

Findings

Prior to approving a Temporary Use Permit the Planning Commission shall make the following findings:

- A. The operation will not jeopardize, endanger, or otherwise constitute a risk to public health, safety, or welfare; and
- B. The proposed site will accommodate the temporary use without being materially detrimental to the use and enjoyment of other properties in the vicinity; and
- C. The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the traffic that the temporary use will or could reasonably be expected to generate; and
- D. Adequate temporary parking will be available either on-site or at an acceptable alternate location.

Public Notification

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

Approval Authority

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

CITY OF TWENTYNINE PALMS
CONDITIONS OF APPROVAL

PC 04-37

Applicant Name: Sunwest 29, LLC

Project Description: 177 Lot Subdivision

Location/Parcel Number: 0621-231-10 & 11

Tentative Tract Map No.: 17168

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/parcel 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, systems, and ponds, as approved by the City Engineer, walls, gates, street lights, pedestrian walkways, parking areas, trash areas, 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 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.
- 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.

P3. Concurrently with the applicant's submittal of the CC&Rs, the applicant shall submit to the City a deposit to pay for all costs associated with plan check and with City Attorney review of the project CC&Rs, disclosure statement, and any other applicable documents (minimum deposit shall be \$5,000.) Any unused deposit shall be returned to the applicant.

P4. The final map shall show all common areas and systems to be maintained by the HOA, including, but not limited to, any onsite sewage treatment facility.

P5. Prior to final tract/parcel map approval, the owner or designee shall pay all applicable fees, including, but not limited to, park acquisition and 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 following agencies shall provide written verification 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 Division
City of Twentynine Palms Engineering Division
California Regional Water Quality Control Board
California Department of Real Estate

P9. The applicant shall defend, at its sole expense (with attorneys approved by the City), and indemnify the City against any claim, action, or proceeding brought by any third party against the City, its agents, officers or employees resulting from or relating to this approval. The applicant shall reimburse the City, its agents, officers or employees for any judgment, court costs and attorney's fees which the City, its agents, officers or employees may be required to pay as a result of such claim, action, or proceeding. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.

P10. Subdivision phasing shall be as shown on the approved Tentative Tract 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 agreeing to adhere to each of the Conditions of Approval.

P12. The project shall conform to the Single Family Residential 3 units per acre 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 from the side and rear property lines.

P13. All lots shall have a minimum area of 12,000 square feet. All lots shall have a minimum depth of 100 feet and a minimum width of 70 feet, except corner lots which 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.

- A. All on-site cut and fill slopes shall be limited to a maximum slope ratio of 2 to 1 and a maximum vertical height of thirty (30) feet. Setbacks from top and bottom of slopes shall be a minimum of one-half the slope height.
- 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. Slopes shall provide erosion control as per condition P14.

P15. Prior to recordation of Final Map, three sets of detailed landscaping and irrigation plans for the retention basin and parkways, prepared by a qualified licensed landscape professional, shall be submitted to the Planning Division for review and approval. The landscape and irrigation plans shall be prepared in compliance with all applicable sections of the City Development Code.

*P16. The project shall incorporate sidewalks, which shall be shown on Engineered improvement plans, subject to approval by the City Engineer.

**P17. A minimum 6' high block wall shall be constructed along the project boundary and shall be maintained by the Homeowner's Association and be constructed per plans, prepared by a licensed landscape architect or licensed engineer, presented to and approved by the Planning Commission. Prior to recordation of the Final Map, the developer/applicant shall submit detailed plans showing the proposed wall, which shall be subject to final approval by the Community Development Director.

P18. A pedestrian sidewalk access from subdivision to Utah Trail shall be provided between lots 167 and 168.

***P19. Perimeter walls shall provide an openness accomplished through use of partial wrought iron fences or equivalent. Walls may consist of a variety of screening methods so long as residential areas are visually accessible. Continuous solid brick or concrete block walls, except along major transportation corridors, shall be prohibited.

P20. Prior to Final Map approval, the applicant shall submit to the Community Development Department written verification from Adelphia Communications that the subdivision complies with requirements of Adelphia Communications and their franchise agreement with the City [contact Plant Manager, (760) 365-5076, 7500 Kickapoo Trail, Yucca Valley, CA 92284].

P21. The applicant or applicant's successors shall provide a bus stop on Desert Knoll Ave. to include a bus pull out and a bus shelter. A bus stop to include a bench and trash receptacle along Samarkand Dr. shall also be required. Bus stop locations and specifications shall be coordinated with Morongo Basin Transit Authority (MBTA), [contact MBTA General Manager Michael Tree (760) 366-2986].

Building and Safety Division Conditions of Approval

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 1,000 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 Resources Control Board to determine if a general construction activity storm water permit is required.

Engineering Division Conditions of Approval

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

E2. Street improvement plans shall be submitted to the City Engineer for review and approval.

E3. All streets shall be improved to City standards with curb, gutter, sidewalk and street pavement. Minimum residential width of streets shall be 36 feet curb to curb.

*E4. All streets abutting the development shall be improved a minimum half-street width of 26 feet with curb, gutter and sidewalk on the development side. Not including Luckie Avenue and Aztec Avenue, which shall be abandoned as per condition E-23.

E5. Streets adjacent to the property shall be improved as follows:

Desert Knoll Avenue adjacent to the property shall be improved to the City's half-width Collector street standards.

Two Mile Road adjacent to the property shall be improved to the City's half-width Arterial street standards.

Utah Trail adjacent to the property shall be improved to the City's half-width Arterial street standards.

Samarkand Drive through the property and adjacent to the property shall be improved to the City's full-width and half width Collector Street Standards.

E6. Road dedications shall be provided as follows:

A 40-ft wide half-width road dedication along Desert Knoll 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 80-ft wide full width road dedication and 40-ft wide half width road dedication along Samarkand Drive shall be granted to the City of Twentynine Palms prior to Final Map Approval

A 52-ft wide half-width road dedication along Utah Trail adjacent to the property shall be granted to the City of Twentynine Palms prior to Final Map Approval.

E7. During the grading of the roads, soils testing of the road subgrades by a qualified soils engineering firm shall be performed to determine appropriate structural road section and R value. Minimum asphalt concrete thickness for all streets shall be 0.33 feet (4 inches).

E8. All required improvements shall be bonded in accordance with City Development Code unless constructed and approved prior to approval and recordation on the Final Map.

E9. An encroachment permit shall be obtained from the City prior to performing any work in any public right of way.

E10. Final improvement plans and profiles shall indicate the location of any existing utility which would affect construction and shall provide for its relocation at no cost to the City.

E11. A final grading plan shall be submitted to the City Engineer prior to issuance of a grading permit for review and approval. A grading permit shall not be issued until street improvement plans have been submitted to the City Engineer for review and substantial completion of the street plans has been attained as determined by the City Engineer.

E12. Street lights shall be required and shall conform to City's standards for such.

E13. All road names shall be approved by the City and such approval shall be coordinated through the City Engineer.

E14. Prior to City acceptance of the Final Map, Sub-divider shall present evidence to the City Engineer that he has made a reasonable effort to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.

E15. Utility lines shall be placed underground in accordance with the requirements of the City.

E16. The developer shall make a good faith effort to acquire the required off-site property interests, and if he or she should fail to do so, the developer shall at least 120 days prior to submittal of the final map for approval, enter into an agreement to complete the improvements pursuant to Government Code Section 66462 at such time as the City acquires the property interests required for the improvements. Such agreement shall provide for payment by the developer of all costs incurred by City to acquire the off-site property interests required in connection with the subdivision. Security for a portion of these costs shall be in the form of a cash deposit in the amount given in an appraisal report obtained by the developer, at the developer's cost. The appraiser shall have been approved by the City prior to commencement of the appraisal. Additional security and bonding may be required as recommended by the City Engineer and City Attorney.

E17. Traffic impact mitigation measures per the approved Traffic Impact Report shall be constructed or shall be paid with in-lieu fees by the developer.

E18. Any required street striping shall be thermoplastic as approved by the City Engineer.

E19. Soil percolation testing for the subsurface disposal system shall meet the requirements of the San Bernardino Environmental Health Services, California Regional Water Quality Control Board and the City.

E20. 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.

E21. A Class I bike path shall be constructed along Two Mile Road and Utah Trail adjacent to the project boundaries.

E22. A pedestrian access/sidewalk shall be constructed between tentative lots 168 and 167 to allow pedestrians access from the tract to Utah Trail as approved by the City Engineer.

E23. Developer shall vacate Luckie Avenue and Aztec Avenue adjacent to the school. As approved by the City Engineer and the School District.

E24. Non-Vehicular access rights shall be dedicated to the City of Twentynine Palms on all double frontage lots adjacent to Two Mile Road, Desert Knolls Avenue, Utah Trail, and Luckie Avenue.

E.26. The developer shall construct two points of paved access from the project to the nearest city maintained roadway as approved by the City Engineer.

E27. All existing roadways affected or damaged by development of the subdivision shall be required and restored to their previous condition. Photos and maps showing location shall be submitted prior to construction.

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 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

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

- * If required by the Development Code/General Plan for the proposed location.
- ** Applicable only if proposed by applicant or required by Approval Authority.
- *** Applicable only to gated communities.

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 07-14 AN APPLICATION BY MICHAEL POLIZZO REPRESENTING SUNWEST DEVELOPMENT, FOR A TEMPORARY USE PERMIT IN THE RS-3 ZONE, TO ALLOW CONSTRUCTION OF TWO TEMPORARY MODEL HOMES/SALES OFFICE FOR TENTATIVE TRACT MAP# 17168 (PC 04-37) APN 0621-231-11, T1N, R9E, SECTION 21.

WHEREAS, on February 2, 2007, an application was received from Michael Polizzo for approval of a Temporary Use Permit; and

WHEREAS, pursuant to Section 19.53 of the Development Code, the property has a two dwelling unit entitlement; and

WHEREAS, Building Permits have been obtained for two model homes; and

WHEREAS, pursuant to Section 19.32.050 of the Development Code, the applicant seeks a Temporary Use Permit to operate a temporary model home/sales complex in the RS-3 zone; and

WHEREAS, the model home/sales office shall be located in the subdivision for which the property is being offered; and

WHEREAS, a minimum of (4) paved parking spaces shall be provided; and

WHEREAS, a cash performance bond shall be provided, in an amount appropriate to guarantee removal and/or conversion of the sales office and attendant facilities; and

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

WHEREAS, Pursuant to the California Environmental Quality Act (CEQA) Guidelines, a Negative Declaration was previously adopted for the project (Tentative Tract Map 17168) on September 6, 2005; and

WHEREAS, the project includes the subdivision of 88 acres, into 177 lots, for future development of single family residences

WHEREAS, following the sale of all the residences in the subdivision, the models will revert to single family residences; and

WHEREAS, the project is therefore exempt from further environmental review under state law; and

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

WHEREAS, a public hearing was held by the Planning Commission on March 6, 2007; and

WHEREAS, the Planning Commission finds that:

- A. The operation will not jeopardize, endanger, or otherwise constitute a risk to public health, safety, or welfare; and
- B. The proposed site will accommodate the temporary use without being materially detrimental to the use and enjoyment of other properties in the vicinity; and
- C. The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the traffic that the temporary use will or could reasonably be expected to generate; and
- D. Adequate temporary parking will be available either on-site or at an acceptable alternate location.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms hereby approves a Temporary Use Permit (PC #07-14) to operate a model home and sales complex, subject to conditions.

APPROVED AND ADOPTED THIS 6th DAY OF March, 2007

AYES: COMMISSIONERS: Caplinger, Easter, Rinkes, Stone and Chairman Mintz

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

Dan Mintz, Chairman

ATTEST:

Charlene L. Sherwood, City Clerk

I hereby certify that the foregoing is a true copy of Resolution No. 07-__ 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