



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

To: Planning Commission
From: Community Development Director
Date: April 17, 2007
RE: PC 07-17 - An application by John Lohr on behalf of the Desert Congregational Church for approval of an Amendment to the Conditional Use Permit (PC 01-08) to permit a 2,900 square foot increase in the size of the approved sanctuary, from 2,100 square feet to 5,000 square feet. The project is located at 5688 Sunrise Road (northwest corner of Two Mile Road and Sunrise Road), RS-E Zone, T1N, R8E, Section 23, APN 0612-201-31.

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

BACKGROUND:

Zoning for the property is Single Family Residential - Estate (RS-E). The proposed use, a Church, is allowed in the RS-E land use district, subject to approval of a Conditional Use Permit.

Attachments

1. Conditions of Approval
2. Resolution 07-09
3. Vicinity Map
4. City Council staff report (October 9, 2001)
5. City Council Minutes (October 9, 2001)

The project, an amendment to a Conditional Use Permit, (PC 01-08) includes the construction of a 5,000 square foot sanctuary. In 2001, the City of Twentynine Palms approved a Conditional Use Permit for a 2,874 square foot Fellowship Hall, with kitchen, office, class rooms and restrooms and a 2,100 Sanctuary. It was approved with the Fellowship Hall to be constructed in the first phase and the Sanctuary be constructed in the second phase. The Development Code allows for phasing in a Conditional Use Permit, and that such permits do not expire, once the first phase has been completed.

Following approval of the project in 2001, the applicant appealed the Conditions of Approval. The subject of the appeal included:

- Hold Harmless provision;
- Drainage requirements;
- Grading requirements
- Construction of of-site improvements; and
- Relocation of utilities.

Ultimately, the City Council upheld the appeal and modified the Planning Commission's Action, and eliminated the requirement to construct sidewalk on Sunrise Road. The City Council Staff Report and related Minutes from the October 9, 2001 public hearing on the appeal are attached.

CEQA Environmental Review

Pursuant to the California Environmental Quality Act (CEQA), a Negative Declaration was adopted for this project in 2001. Based upon review of the previous environmental documents completed for the project, the amendment to this Conditional Use Permit qualifies for a Class 1 (Section 15301) exemption for building additions less than 10,000 square feet in area.

Surrounding Land Use, General Plan and Zoning Designations

	Land Use	General Plan	Zone
Site	Church	RS-E	RS-E
North	Vacant	RS-E	RS-E
East	Vacant	RS-1	RS-1
South	Residential	RS-E	RS-E
West	Vacant	RS-E	RS-E

General Plan

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

Zoning

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

Site Characteristics

The subject site slopes slightly from south to north. The site is currently occupied by a 2,874 sq. ft. church building and paved parking spaces.

Conditional Use Permit 19.30

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

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

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

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

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

The applicant is proposing a 5,000 sq. ft. Sanctuary with 149 paved parking spaces, including 5 accessible parking spaces.

Conditions of Approval

The project conditions, dated October 9, 2001, are attached. The conditions require street improvements along both Two Mile Road and Sunrise Road. The City Council modified the Planning Commission conditions, and eliminated the sidewalk on Sunrise Road. It is now customary that, curbs, gutters and sidewalks are required on all projects. The Planning Commission may wish to consider this fact in reviewing this project.

Traffic and Circulation

The project will be served from Sunrise Road. Because this project is expected to generate traffic, the City will request that the applicant improve the streets adjacent to the site with curb, gutter, sidewalk, connecting pavement, and landscaping.

Parking

Pursuant to Development Code 19.82 Off-Street Parking and Loading Regulations, (Table 19.82-A) the requirement for church parking is 1 parking space for each 3 fixed seats. If there is no fixed seating, the requirement is 1 space for each 40 sq. ft. of principal assembly area. Given that fixed seats are not proposed at this time, a total of 125 parking spaces would be required. The applicant proposes 144 regular parking spaces and five handicapped parking spaces meeting ADA standards. Therefore, the proposed parking exceeds this code requirement.

Drainage

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

Transit Service

The Morongo Basin Transit Authority has had an opportunity to review the project and, as of the writing of this report has not commented on the project. Currently transit service is provided within three-quarters of a mile to the east of the project site, on Two Mile Road between Daisy Avenue and Lupine Avenue.

Approval Process

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

CITY OF TWENTYNINE PALMS
PLANNING COMMISSION
RESOLUTION NO. 07-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 07-17, AN APPLICATION BY DESERT CONGREGATIONAL CHURCH FOR APPROVAL OF A CONDITIONAL USE PERMIT AMENDMENT TO PERMIT A 2900 SQUARE FOOT INCREASE IN THE SIZE OF THE SANCTUARY, FROM 2,100 SQUARE FEET TO 5,000 SQUARE FEET. THE PROJECT IS LOCATED AT 5688 SUNRISE ROAD, RS-E ZONE, T1N, R8E SECTION 23, APN # 0612-201-31.

WHEREAS, on May 15, 2001, a Conditional Use Permit was previously approved by the Planning Commission for a Church, in the RS-E zone, at 5688 Sunrise Road; and

WHEREAS, the applicant appealed the Conditions of Approval; and

WHEREAS, the City Council upheld the Planning Commission's approval and modified conditions on October 9, 2001; and

WHEREAS, the applicant subsequently constructed the first phase of the Church including, Fellowship Hall, office, meeting rooms, class rooms and kitchen; and

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

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

WHEREAS, the land use designation (zoning) for the subject property is Single Family Residential -Estate (RS-E); and

WHEREAS, a church is a conditionally permitted use (Table 19.08c) in the RS-E zone; and

WHEREAS, the proposed project represents a 2,900 square foot increase to an approved but un-constructed 2,100 square foot Sanctuary; and

WHEREAS, the applicant now seeks approval of a 5,000 Sanctuary; and

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

WHEREAS, Pursuant to the California Environmental Quality Act (CEQA), the project qualifies for a Class 1 exemption for additions to existing structures that would not exceed 10,000 square feet; and

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

WHEREAS, a Public Hearing was held by the Planning Commission on April 17, 2007; and

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

- A. The project meets the standards established in the Development Code; and
- B. Is exempt from the requirements of the California Environmental Quality Act (CEQA); and
- C. The RS-E zone allows a Church in the zone and denial of this application would deprive the property of privileges enjoyed by other properties in the vicinity under identical zoning classification; and
- D. The subject site is approximately 6.43 acres and is therefore adequate in size to accommodate the proposed use. The shape of the parcel is typical, and allows for orderly development such as the proposed use; and
- E. That granting of the Conditional Use Permit Amendment would not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning classification in which the property is located; and
- F. That granting the Conditional Use Permit Amendment would not allow a use or activity which is prohibited by the zoning regulation governing the parcel; and
- G. That granting the Conditional Use Permit Amendment is consistent with the City of Twentynine Palms General Plan and Development Code; and
- H. The proposed use will not generate excessive noise, vibration, traffic or other disturbance and will therefore not have a substantial adverse effect on abutting property or uses located or potentially developed in residential areas; and
- I. Routing of the proposal to the County Clerk of San Bernardino has afforded an opportunity for review and comment by the County; and
- J. With the recommended conditions, the proposed project will meet the objectives of the General Plan and RS-E land use designation; and
- K. The proposed project, as conditioned, does not conflict with and is consistent with the goals and objectives of the Twentynine Palms General Plan.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms finds that the project qualifies for a California Environmental Quality Act Class I exemption, and approves the amendment to the Conditional Use Permit, subject to approval of the Conditional Use Permit Amendment.

APPROVED AND ADOPTED THIS 17th DAY OF APRIL, 2007

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Dan 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**

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(760) 367-6799, Fax (760) 367-5400
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To: Planning Commission
From: Community Development Technician
Date: March 20, 2007
RE: PC 07-06 – An application by Konrad Prager for a Conditional Use Permit to construct a 2,200 square foot addition to the Indian Cove Market for a convenience store and letter of Public Convenience and Necessity for an Off-Sale General Permit for the sale of alcoholic beverages at 69131 Twentynine Palms Highway, CN Zone, on APN# 0614-101-04 and 05, T1N, R8E, Section 33.

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

- | Attachments | |
|-------------|------------------------|
| 1. | Resolution 07-08 |
| 2. | Conditions of Approval |
| 3. | Application |
| 4. | Locator Map |
| 5. | Correspondence |
| 6. | Site Plan |

BACKGROUND: Konrad Prager is requesting approval of a Conditional Use Permit for the modification/addition to the existing Indian Cove Market of 2,200 sq. ft. and a letter of Public Convenience and Necessity for an Off-Sale General Permit for the sale of alcoholic beverages at 69131 Twentynine Palms Hwy. The site was previously used a convenience store with a Type 20 Off-Sale Beer and Wine license which was active from July 6, 1964 terminating June 9, 1999. Zoning for the property is Neighborhood Commercial (CN). The proposed use, a convenience store, is allowed in the CN land use district, subject to approval of a Conditional Use Permit.

CEQA Environmental Review

Pursuant to the California Environmental Quality Act (CEQA), the project was routed to the following agencies and departments for public review and comment:

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

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 15303 of the California Environmental Quality Act (CEQA) Guideline, the project, which consists of the modification of an existing small structure, is Categorically Exempt from further environmental review under state law.

This section of CEQA Exemptions is intended to allow the development of a store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 sq. ft. in floor area. 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	Commercial	CN	CN
North	Vacant	CN	CN
East	Vacant	CN	CN
South	Apartments	RS-4	RS-4
West	Vacant	CN	CN

General Plan

Uses allowed in the Neighborhood Commercial (CN) land use district provide convenience items or services. Typical uses include convenience stores. As designed the project is consistent with the General Plan Land Use Element.

Zoning

The CN zone allows convenience stores including alcoholic beverage sales with City Council approval of a Conditional Use Permit.

The number of required parking stalls is 11, one of which is a handicap assessable space. The site plan indicates 13 parking stalls (12 regular stalls and one handicap stall). Therefore, the project is consistent with the Development Code parking requirements.

Site Characteristics

The subject site slopes as it moves north towards the highway, south to north. The site has been cleared of desert vegetation and has previously been used as a convenience store/gas station. A permit was issued by the County of San Bernardino Hazardous Materials Division for removal of underground storage tanks. The gas tanks were removed from the site in May of 1998.

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 recommendation for approval of a CUP. The required findings are:

- A. That the proposed design and location of the conditional use and the conditions under which it will be operated are in accordance with the purpose of this

Development Code, the zoning regulations applicable to the site, the City of Twentynine Palms General Plan, and other applicable development policies and standards of the City; and

- B. That the proposed design and location of the conditional use and the conditions under which it will be operated will not be detrimental to the public health, safety, or welfare, or materially injurious to uses, properties or improvements in the vicinity; and
- C. That the proposed site is adequate in size and shape to accommodate the use and integrate it with the existing and planned uses in the vicinity.

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

- A. The site is located on the Twentynine Palms Highway, is conveniently located in proximity to the Indian Cove neighborhood, 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 0.41 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 CN 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.

Traffic and Circulation

Because the project will not result in the development of any new residences, a traffic impact analysis was not prepared for this project. The project will generate minimal new traffic during construction, which is expected to be less than ten vehicles per day. The applicant will be required to dedicate right of way and construct street improvements along the project boundaries at Twentynine Palms Outer Highway (SR 62) as a condition of approval. Caltrans may require additional improvements, no comment has been received at the time this report was prepared.

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. In taking action to recommend approval, the Commission must find that the proposed project is consistent with the General Plan. Because the subject property has the CN General Plan land use designation, development of a convenience store is consistent with the General Plan Land Use Plan.

CITY OF TWENTYNINE PALMS
PLANNING COMMISSION
RESOLUTION NO. 07-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF PC 07-06, AN APPLICATION BY KONRAD PRAGER (INDIAN COVE MARKET) A CONDITIONAL USE PERMIT TO CONSTRUCT A 2,200 SQUARE FOOT MODIFICATION TO AN EXISTING RETAIL CONVENIENCE STORE ON A 0.41 ACRE SITE AND A LETTER OF PUBLIC CONVENIENCE AND NECESSITY, LOCATED AT 69131 TWENTYNINE PALMS HIGHWAY (SR 62), ZONE CN, T1N, R8E, SECTION 33, APN 0614-101-04 & 05.

WHEREAS, on February 9, 2007 an application was received from Konrad Prager of Indian Cove Market, for approval of a Conditional Use Permit to construct a 2,200 sq. ft. modification to a convenience store in the CN zone; and

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

WHEREAS, the proposed project is a retail convenience store including the sale of alcoholic beverages; 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 3 allows the development of a store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 sq. ft. in floor area and therefore is Categorically Exempt from further environmental review under state law; and

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

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

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

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

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

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

WHEREAS, public hearings were held by the Planning Commission on March 20, 2007 and by the City Council on March 27, 2007; and

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

- A. The proposed site is located adjacent to the Twentynine Palms Highway and the Indian Cove neighborhood 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 0.41 acres and is therefore adequate in size to accommodate the proposed use.
- C. The shape of the parcel is typical, and allows for orderly development such as the proposed use.
- D. With the recommended conditions, the proposed project will meet the objectives of the General Plan and CG land use designation.
- E. The proposed project, as conditioned, does not conflict with and is consistent with the goals and objectives of the Twentynine Palms General Plan.

WHEREAS, the proposal is for the sale of alcoholic beverages and a Letter of Public Convenience and Necessity; and

WHEREAS, following the public hearing, the Planning Commission, vote to recommend that the City Council approve the project.

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

APPROVED AND ADOPTED THIS 20th 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 _____, 2007.

Charlene L. Sherwood, City Clerk

CITY OF TWENTYNINE PALMS
DRAFT CONDITIONS OF APPROVAL

PC 07-06

Applicant Name: Konrad Prager
Post Office Box 398
Morongo Valley, CA 92256

Project Description: Upgrade and addition to existing building to add approximately 2200 sq. ft. for a retail market with off-sale general liquor license.

Location: 69131 Twentynine Palms Hwy.

Parcel Number: 0614-101-04 and 05

Approved: March 20, 2007

Expires: March 19, 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 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 City Council acting as Approval Authority on March 27, 2007, to permit the construction/use of a convenience store and Letter of Public Convenience and Necessity for an off-sale general liquor license. 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. The Applicant shall subscribe to trash collection service with the City's authorized hauler [(760) 367-9168]. A minimum service level of once weekly, will be required.
- P5. Trash enclosure(s) shall comply with standards established in Section 19.80.020 of the Development Code.
- P6. All outdoor lighting shall conform to Development Code Chapter 19.70, *Lighting Standards*, and shall be designed to not glare or reflect onto neighboring properties or public rights-of-way. Outdoor lighting shall be shielded and limited to that required for security and safety purposes.
- P7. The building design shall be Desert Southwest, in conformance with the City's Design Guidelines, per drawing and detail provided on the site plan. The approved design theme shall be retained for the duration of the approved use unless a revised design is approved by the Planning Commission as a Conditional Use Permit Amendment.
- P8. 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.
- P9. Prior to issuance of building permits, the Applicant shall pay school development fees to the Morongo Unified School District that may be in effect at the time of building permit issuance.
- P10. Commercial signs shall be in compliance with Development Code Chapter 19.84 *Signs*.
- P11. Parking shall be designed and provided for the duration of the use in accordance with Development Code Chapter 19.82, *Off-street Parking and Loading Regulations*, as follows:
- A. Ten (10) standard parking spaces shall be provided on site.
 - B. One (1) handicap accessible parking space shall be provided in accordance with the Americans With Disabilities Act and Title 24 of the California Code of Regulations.
- P12. Landscaping shall not interfere with sight distances at vehicular access points.
- P13. Maximum lot coverage (impervious surface) shall not exceed seventy-five percent (75%) of the total project area.
- P14. All construction and improvements shall comply with *Encroachments into Yards or Setbacks* standards established in the Development Code for the underlying land use district. Minimum setbacks are:

Front:	25 feet
Street side:	15 feet
Interior side:	10 feet
Rear:	10 feet

- P15. Soil testing (percolation report) for the septic system shall meet the requirements of Department of Environmental Health Services (DEHS) [(909) 387-4666]. The Applicant shall submit test results and required fee to DEHS. Copies of all correspondence with DEHS regarding this Condition shall be provided to the City of Twentynine Palms Community Development Department.
- P16. Prior to construction, the Applicant shall provide written clearance from the Colorado River Regional Water Quality Control Board [(760) 776-8940] and a copy of such clearance forwarded to DEHS.
- P17. Comply with Section 19.10.040 Design Standards.

Engineering Conditions

General

- E1. The project shall comply with all applicable City ordinances and resolutions.

Drainage

- E2. 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.
- E3. 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.
- E4. 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

- E5. 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.
- E6. A grading permit shall be obtained from the City Engineer prior to any grading or other work done on the site.

Improvements

- E7. All streets abutting the development shall be improved a minimum half-width of 28 feet with curb and gutter and sidewalk on the development side.
- E8. Outer Highway 62, shall be constructed to the City's half-width Commercial Road Standards adjacent to the development as approved by the City Engineer and Caltrans.
- E9. The alley shall be constructed to the City's alley standards from adjacent to the development.
- E10. 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.
- E11. 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.
- E12. The developer shall pay any developer fees, including but not limited to traffic impact fees, as per City enactment.

Utilities

- E13. Final improvement plans and profiles shall indicate the location of any existing utility which would affect construction and shall provide for its relocation at no cost to the City.
- E14. All proposed construction of utilities adjacent to and onsite shall be underground.

Fire Department Conditions

- F1. The Applicant shall comply with all Conditions and requirements of the Twentynine Palms Fire Department. Written verification from the Fire Department shall be provided by the Applicant prior to issuance of any Building Permit.
- F2. All construction and activities shall comply with applicable sections of the 1988 edition of the Uniform Fire Code and all other state, county, and city ordinances, rules and regulations regarding fire protection.
- F3. The project shall have two (2) points of vehicular access for fire and other emergency vehicles and equipment. The unobstructed width of a fire apparatus access road, to include access gates, shall be not less than twenty (20) feet. A turn-around shall be required at the end of each roadway that is one hundred and fifty (150) feet or more in length and shall be approved by the fire department.

- F4. All flammable vegetation shall be cleared a minimum distance of thirty (30') feet, or to the property line, from any flammable building materials or finished structures.
- F5. Automatic extinguishing systems are required for commercial style kitchens and require fire department approval.
- F6. Smoke detectors are required in all sleeping quarters in accordance with the Uniform Building Code.
- F7. Fire extinguishers (type and quantity to be specified by the fire department) will be required prior to any use of the facility.
- F8. 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:	2000 GPM @ 20 PSI Residual Pressure
Duration:	2 Hours
Hydrant Spacing:	330 Feet
 - B. DISTRIBUTION SYSTEM

Mains:	6-Inch Minimum
Laterals:	6-Inch Minimum
Riser:	6-Inch Minimum
 - C. FIRE HYDRANTS

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
- F9. The developer shall furnish the fire department with a copy of the water system improvement plans where fire protection water systems are required. A letter from the water purveyor stating what fire flow can be met shall be required.
- F10. A Knox-Box shall be placed on the building with keys providing access into the building.
- F11. The street address shall be posted with numbers that are three (3) inches or greater in size. Posted numbers shall contrast with their background and be clearly visible and legible from the street.

General Conditions

- G1. In compliance with San Bernardino County Ordinance #2684, adopted by reference by the City of Twentynine Palms, the Applicant agrees to defend at his sole expense any action brought against the City, its agents, officers, or employees, because of the issuance of such approval. The Applicant shall reimburse the City, its agents, officers, or employees, for any court costs and

attorney's fee which the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve the Applicant of his obligations under this Condition.

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

Applicant Signature

Date



CITY OF TWENTYNINE PALMS
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: April 17, 2007

SUBJECT: PC 06-51 – Scoping meeting for Notice of Preparation of Environmental Impact report for Granite Construction Company, Twentynine Palms Mine Expansion and Reclamation. The project includes a General Plan Amendment and Change of Zoning from RL 2.5 (Rural Living) to CI (Community Industrial, and a 356 acre expansion to the existing 113.5 acre mine site, with an average depth of 100', and with mining activity through 2092. The site is located at 7451 Mojave Road. The expansion area is located south and west of the existing mine site, RL 2.5 Zone, T1S, R10 E Section 6 and T1S, R9E, Section 1, APNs 0591-301-04, 0591-301-05, 0591-341-06, 0591-341-07, -08, and 0592-021-19.

RECOMMENDATION:

Open the scoping session and take testimony.

ORDER OF PROCEDURE:

Staff Report
CEQA Process Overview
Applicant Presentation
Request Public Comment
Questions

Attachments

1. Notice of Preparation
2. Initial Study
3. Land Use Application
4. Project Description
5. Site Plan

BACKGROUND:

Granite Construction has operated a sand and gravel mine in Twentynine Palms since 1987. Approximately 250,000 tones of material are mined annually.

CEQA

This is the first in a series of meetings the Planning Commission will have on this project. No decisions are to be made at this meeting. The intent of the meeting is to introduce the community to the project and to begin to listen to and address their concerns.

An Initial Study has been prepared which identified a number of potentially significant impacts of the project. Potentially significant impact areas include: Aesthetics; Biological Resources, Hazards and Hazardous Materials, Utilities and Service Systems, Cultural Resources, Hydrology and Water Quality, Noise, Air Quality, Geology and Soils, Land Use and Planning, Transportation and Traffic and Mandatory Findings of Significance. These areas include will be addressed in the Environmental Impact report for the project.

Comments provided at the meeting will be included in the Environmental Impact Report. At a later date, a Draft EIR will be presented for review. Following revisions to a draft environmental review, the project will be reviewed by the Planning Commission and City Council.



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To: Planning Commission
From: Community Development Technician
Date: April 6, 2007
RE: PC 07-29 – Interpretation of Development Code Sections 19.07.090(J), (Rural Living Districts), 19.08.090(J), (Single Family Residential Districts), 19.09.090(J), (Multi-family Residential Districts) and 19.14.090(J), (Open Space Residential District) requiring 24” eave overhangs.

RECOMMENDATION: Provide staff with an interpretation of the legislative intent of the code as it pertains to garages and other accessory structures.

BACKGROUND: Sections 19.07.090, 19.08.090, 19.09.090 and 19.14.090 of the Development Code provide Standards for Residential Development. In accordance with these Sections of the Development Code, a minimum 24” eave overhang as, measured from the vertical wall of the home, is required.

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| <p>Attachments</p> <ol style="list-style-type: none">1. Standards for Residential Development<ol style="list-style-type: none">a. Development Code 19.07b. Development Code 19.08c. Development Code 19.09d. Development Code 19.14 |
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Staff has reviewed this code provision and finds that it does not address the requirement for accessory structure eave overhangs (i.e., garages, carports, metal buildings, storage sheds, etc.) and seeks guidance and clarification from the Planning Commission.