



**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: August 7, 2007

RE: PC 07-16 A Conditional Use Permit application for applicant Govinda Rajan M. Arehalli and Varalakshmi Govinda Rajan of Circle "C" Lodge, requesting a 7,658 sq. ft. expansion to allow 13 additional units to the existing 12 unit motel on 2.83 acres, located at 6340 El Rey Avenue. The project is located on the west side of El Rey Avenue, north of Twentynine Palms Highway APN #0618-012-30 Section 30, T1N, R9E, Zone CT.

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

Attachments	
1.	Conditions of Approval
2.	Resolution 07-14
3.	Application
4.	Locator Map
5.	Site Plan
6.	Elevations

BACKGROUND: The applicant requests approval of a Conditional Use Permit to construct a 13 room, 7,658 square foot, motel expansion on 2.83 acres. Research of County Assessor's records indicates that the existing use, a motel, was established in 1955. A Land Use Permit was not required at that time. Present zoning for the property is Tourist Commercial (CT). The proposed expanded use is allowed in the CT land use district, subject to approval of a Conditional Use Permit by the Planning Commission.

The project is located north of Twentynine Palms Hwy (Hwy 62), on the west side of El Rey Avenue, south of Nicholson Drive, on APN# 618-012-30.

CEQA Environmental Review

Pursuant to Section 15303 of the CEQA Guidelines, Class 3 consists of construction and location of limited numbers of new, small facilities or structures. The numbers of structures described in this section are the maximum allowable on any legal parcel. In urbanized areas, the exemption applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use, if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

Surrounding Land Use, General Plan and Zoning Designations

	Land Use	General Plan	Zone
Site	Motel	CT	CT
North	Residential	RS-4	RS-4
East	Residential	RS-4	RS-4
South	Vacant	RS-4	RS-4
West	Vacant	RS-4	RS-4

General Plan

The project, which would assist in tourism development, is consistent with the General Plan

Mission Statement. The CT district is intended to create, preserve and enhance areas for businesses, which provide for the needs of recreational or resort uses. This limited intensity commercial district provides a location for commercial establishments that meet the needs of those who reside in or are transient residents of a resort or recreational area as well as day visitors to the area. With a design in compliance with the Desert Southwest Design Guidelines, underground construction of the additional 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 CT zone allows motel and visitor serving uses with a Conditional Use Permit. Eighteen additional parking spaces are required, 18 additional parking spaces are provided. With the Conditions of Approval, the project is consistent with the CT zone.

Site Characteristics

The project site increases in elevation as it moves north from Twentynine Palms Highway. The site is partially developed and disturbed and contains typical desert vegetation.

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

- 1. The site is an existing motel constructed and operated as a motel since 1955, located on El Rey Avenue 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 2.83 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 CT land use designation.
- 5. The proposed project, as conditioned, does not conflict with and is consistent with Mission Statement, 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.

Traffic and Circulation

The project will add 18 motel rooms and does not require a traffic impact analysis.

Sign Program

No new signs are proposed with this application

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.

Approval Process

The Planning Commission is the approval Authority for the Conditional Use Permit.

CITY OF TWENTYNINE PALMS
CONDITIONS OF APPROVAL
PC 07-16

Applicant: Govinda Rajan M. Arehalli and Varalakshmi Govinda Rajan

Project: Circle "C" Lodge 13 Room expansion

Location: West of El Rey Avenue, North of Hwy 62, Section 30, T1N, R9E, Zone CT

APN# 0618-012-30

Approved: August 7, 2007

Expire: July 16, 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 Approval Authority on August 7, 2007, to permit a 13-room expansion of the existing motel 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 be landscaped and 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 the 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.

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. Dimensions shown for parcel boundary shall be corrected on site plan before a building permit is issued.
- E2. There shall be no improvements outside the parcel boundary to the south.
- E3. The project shall comply with all applicable City ordinances and resolutions.
- E4. 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.
- E5. 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

- E6. 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.
- E7. 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 pad 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.
- E8. 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

- E9. 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.
- E10. A grading permit shall be obtained from the City Engineer prior to any grading or other work done on the site.
- E11. 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 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.

Street Improvements

- E12. Existing improvements and landscaping inside street right of way shall be removed and/or relocated with no cost to the City.
- E13. A 30' foot half-width street dedication along El Rey Avenue shall be dedicated to the City of Twentynine Palms prior to Grading Permit Issuance.
- E14. Improvement plans shall be based upon a centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries.
- E15. 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.
- E16. Street improvements including curb, gutter and sidewalks shall be constructed adjacent to the curb along all City rights-of-way, in accordance with City Street Standards (El Rey Ave.).
- E17. 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.
- E18. Any developer fees including but not limited to traffic impact fees shall be paid by the developer as per City enactment.
- E19. All required offsite improvements shall be constructed and approved prior to occupancy unless deferred pursuant to Development code Chapter 19.85, Public Improvements, Delaying or Deferring

Utilities

- E20. 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.
- E21. All proposed construction of utilities adjacent to and including above ground electrical lines 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

 Date

PLANNING COMMISSION
RESOLUTION NO. 07-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, RECOMMENDING APPROVAL OF PC 07-16, A CONDITIONAL USE PERMIT FOR APPLICANT GOVINDA RAJAN M. AREHALLI AND VARALAKSHMI GOVINDA RAJAN OF CIRCLE "C" LODGE, REQUESTING AN EXPANSION TO ALLOW 13 ADDITIONAL UNITS TO THE EXISTING 12 UNIT MOTEL ON 2.83 ACRES. THE PROJECT IS LOCATED ON THE WEST SIDE OF EL REY AVENUE, NORTH OF TWENTYNINE PALMS HIGHWAY APN 0618-012-30 SECTION 30, T1N, R9E, ZONE CT.

WHEREAS, on February 20, 2007 an application was received from Govinda Rajan M. Arehalli and Varalakshmi Govinda Rajan of Circle "C" Lodge for approval of a Conditional Use Permit for an expansion to an existing motel in the CT zone ; and

WHEREAS, revisions to the project were received and the application was deemed complete on June 18, 2007; and

WHEREAS, the facility was constructed and has been operated as a motel since 1955; and

WHEREAS, the land use designation (zoning) for the subject property is Tourist Commercial (CT); 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 15303 of the CEQA Guidelines, Class 3 exemption, the project is 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 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 2.83 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, a public hearing was held by the Planning Commission on August 7, 2007; and

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

- A. The site is located on El Rey Avenue and is currently used as a motel 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 2.83 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 CT 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.

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

APPROVED AND ADOPTED THIS 7th DAY OF August, 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**

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(760) 367-6799, Fax (760) 367-5400
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To: Planning Commission
From: Community Development Technician
Date: August 7, 2006

RE: PC 07-52 – An application by Laura Bishop of Corinthian Design Group on behalf of Janice A. Picket of A. & J. Ranch for a Conditional Use Permit for a horse boarding facility to allow boarding for up to 30 horses. The proposed project will be located at 4671 Mesquite Springs Road. A single-family residence, mobile home, twenty-one (21) horse stalls, two rectangular riding arenas, one round pen, one rectangular riding arena and a hay barn are currently located on the parcel. APN 0620-032 23, T1N, R9E, Section 17, Zone RS-2.

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

BACKGROUND: The applicant seeks approval for the existing facility that consists of a single-family residence, mobile home, twenty-one (21) horse stalls, two rectangular riding arenas, one round pen, one rectangular riding arena and a hay barn.

Attachments	
1.	Conditions of Approval
2.	Resolution 07-15
3.	Application
4.	Locator Map
5.	Ordinance #100
6.	Site Plan

Present zoning for the property is Single Family Residential (RS-2). The proposed use is allowed in the RS-2 land use district, subject to approval of a Conditional Use Permit. No additional habitable structures are proposed.

Project Routing

The project was routed to the following agencies for comment. Responses were received from County of San Bernardino, Public Works and City Engineering and where applicable have been incorporated into the Conditions of Approval.

Richard Pedersen, City Engineer
Fred Fogel, Building Official
Bobby Matz, Public Works
Mike Wright, Twentynine Palms Water District
Jim Thompson, 29 Palms Fire Department
Joseph Sullivan, MUSD
Charles Springer, CRWQCB

Installations and Logistics, FMD
Installations and Logistics, NREA
San Bernardino County, Solid Waste
Karin Messaros, JTNP
Leonard Villas, Waste Management
Joe Meer, MBTA
29 Palms Band of Mission Indians

CEQA Environmental Review

Pursuant to the California Environmental Quality Act, Section 15303, — New Construction or Conversion of Small Structures, this project qualifies for a Categorical Exemption under State law. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the

conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. This project is exempt from further review under state law.

Surrounding Land Use, General Plan and Zoning Designations

	Land Use	General Plan	Zone
Site	Single Family Residence Horse Boarding Facility	RS-2	RS-2
North	Vacant	RS-2	RS-2
East	Vacant	RL-1	RL-1
South	Vacant	RS-2	RS-2
West	Vacant	RL-2.5 County	RL-2.5 County

General Plan

The General Plan establishes objectives to provide flexibility in development standards which can accommodate neighborhood variations within the City and recognizes historic land uses therefore the project is consistent with the General Plan.

Zoning

Upon incorporation in 1987, the San Bernardino County standards for development, including horse keeping, were adopted by the City Council. These standards are still in place today. The San Bernardino County (SBCC) Land Use Districts Code for Single Residential (RS) property, Section TP3.0630 (b) (2) specifies horse raising is allowed only when the parcel of land is 1 acre or greater in area.

SBCC Development Code, Land Use Classification, Section 83.0250 (c) (2) restricts horses on residentially zoned property to one horse per quarter acre, for a maximum of six (6) horses, regardless of the acreage.

Pursuant to City Municipal Code 8.16.010 (1), not more than four (4) horses per acre (one horse per quarter acre), with “no upward limit”, can be kept on residential property if the property is designated an “Equestrian Area” by a resolution of the City Council. In considering this Equestrian Area the Planning Commission and City Council shall hold a properly noticed public hearing. The procedure for the Equestrian Area shall be the same as that for a Special Use Permit (equivalent to the City’s Conditional Use Permit); however, if the petition for the Equestrian Area is signed by at least five contiguous property owners, no application fee will be required.

If the applicant is intending to have an excess of ten (10) horses, a Site Development Plan shall also be required prior to the establishment of the additional horses

The Planning Commission is currently studying the establishment of an Equestrian Area which could include this parcel. However, Conditional Use Permits for boarding facilities are not limited to “Equestrian Areas”. Such a facility would not be permitted in a designated “Non-Equestrian Area”.

Site Characteristics

The site is currently occupied with a single-family residence, a mobile home, twenty-one (21) horse stalls (each 24’ x 24’), two rectangular riding arenas, one round pen, one rectangular riding arena and a hay barn are currently located on the parcel. The east half of the parcel contains typical desert vegetation.

Conditional Use Permit

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

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

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

- A. The proposed use is allowed in the RS-2 zone with approval of a Conditional Use Permit and will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- B. The subject site is approximately 9.8 acres and is therefore adequate in size to accommodate the proposed use.
- C. The shape of the parcel is adequate in size to allow 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 RS-2 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, and would serve to promote resort and recreation uses within the community.

Traffic and Circulation

The project would permit an established equestrian facility. 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 commercial traffic that will include horse transportation carriers that enter and exit the site. When fully operational, the facility will receive regular visits from the horse owners (up to a 30 horse capacity), mostly on weekend days, however the facility operates from dawn to dusk. The project will be served from Mesquite Springs Road.

Transit Service

The Morongo Basin Transit Authority (MBTA) has had an opportunity to review the project and, as of the writing of this report has not commented on the project. MBTA generally requires that applicants contribute to the cost of the construction of a bus shelter and turnout.

Approval Process

The Planning Commission is the Approval Authority for the Conditional Use Permit. In taking action to approve, the Commission must find that the proposed project is consistent with the General Plan. Because the subject property has the RS-2 General Plan land use designation, approval of the horse boarding facility is consistent with the General Plan Land Use Plan.

CITY OF TWENTYNINE PALMS
CONDITIONS OF APPROVAL
PC 07-52

Applicant: Laura Bishop of Corinthian Design Group for Janice A. Picket of A. & J. Ranch
Project: Horse Boarding Facility (up to 30 stalls)
Location: 4671 Mesquite Springs Road
APN: 0620-032-23
Approved: August 7, 2007
Expire: August 6, 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 Approval Authority on August 7, 2007, to approve an existing 30-stall horse boarding facility at the above referenced location. The project 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, driveways, parking areas, and landscaping.
- P4. No outdoor lighting shall be installed for this project.
- P5. Prior to any 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. This project shall conform to Ordinance #100 – Horse Keeping.

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

Street Improvements

- E8. A 52' foot half-width street dedication along Mesquite Springs Road shall be dedicated to the City of Twentynine Palms prior to Grading Permit Issuance.
- E9. Improvement plans shall be based upon a centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries.
- 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. Street improvements including curb, gutter and sidewalks shall be constructed adjacent to the curb along all City rights-of-way, in accordance with City Street Standards (Mesquite Springs Road).
- E 12. A northbound deceleration lane on east side of Mesquite Springs Road shall be provided.
- E13. 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.
- E14. Any developer fees including but not limited to traffic impact fees shall be paid by the developer as per City enactment.

- E15. All required offsite improvements shall be constructed and approved prior to occupancy unless deferred pursuant to Development code Chapter 19.85, Public Improvements, Delaying or Deferring

Utilities

- E16. 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.
- E17. All proposed construction of utilities adjacent to and including above ground electrical lines onsite shall be underground.

Fire Department

- F1. Prior to any construction, the owner shall contact the Twentynine Palms Fire Department for verification of current fire protection requirements.
- F2. All construction and activities shall comply with applicable sections of the 1988 edition of the Uniform Fire Code and all other state, county, and city ordinances, rules and regulations regarding fire protection.
- F3. All flammable vegetation shall be cleared a minimum distance of 30 feet, or to the property line, from any flammable building materials or finished structures.
- F4. Street addresses shall be posted with numbers a minimum height of three (3) inches. Posted numbers shall contrast with their background and be visible and legible from the street. Developer shall furnish the fire department with a list and map of all of the street names and addresses within the project.
- F5. Prior to commencement of construction, an approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. The following are the minimum requirements for the proposed development:

A: SYSTEM STANDARDS

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

B: DISTRIBUTION SYSTEM

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

C: FIRE HYDRANTS

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

Street Valve: 6-Inch Gate

- F6. The developer shall furnish the fire department with a copy of the water system improvement plans. A letter from the water purveyor stating what fire flow can be met shall be required.

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

Applicant/Developer

Date

CITY OF TWENTYNINE PALMS
PLANNING COMMISSION
RESOLUTION NO. 07-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 07-52, - AN APPLICATION BY LAURA BISHOP OF CORINTHIAN DESIGN GROUP ON BEHALF OF JANICE A. PICKET OF A. & J. RANCH FOR A CONDITIONAL USE PERMIT FOR A HORSE BOARDING FACILITY TO ALLOW BOARDING FOR UP TO 30 HORSES. APN 0620-032 23, T1N, R9E, SECTION 17, ZONE RS-2.

WHEREAS, on June 11, 2007, an application was received from Laura Bishop of Corinthian Design Group on behalf of Janice A. Pickett of A. & J. Ranch, for approval of a Conditional Use Permit to approve an existing horse boarding facility in the RS-2 zone; and

WHEREAS, on January 28, 1992, the City of Twentynine Palms adopted Ordinance #100 amending the San Bernardino County Code Section TP3.0630 and establishing general requirements for the keeping and boarding of horses; and

WHEREAS, the land use designation (zoning) for the subject property is Single Family Residential (RS-2); and

WHEREAS, horses are permitted on lots one acre or larger, and

WHEREAS, the number of horses exceeding six require approval of Conditional Use Permit; and

WHEREAS, with the proposed Conditions of Approval, the proposed project is consistent with the General Plan and Development Code; and

WHEREAS, Pursuant to the California Environmental Quality Act, Section 15303, — New Construction or Conversion of Small Structures, this project qualifies for a Categorical Exemption under State law; and

WHEREAS, a 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 August 7, 2007; and

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

- A. The proposed use is allowed in the RS-2 zone with approval of a Conditional Use Permit and will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- B. The subject site is approximately 9.8 acres and is therefore adequate in size to accommodate the proposed use.
- C. The shape of the parcel is adequate in size to allow 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 RS-2 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.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms finds the project Categorically Exempt from CEQA, adopts this resolution, and approves the Conditional Use Permit (PC 07-52), subject to the attached Conditions of Approval.

APPROVED AND ADOPTED THIS 7th DAY OF August, 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**

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: August 7, 2007

RE: PC 07-28 An application by Laura Bishop of Hannah Consulting on behalf of T-Mobile, for a Conditional Use Permit for wireless facility to include a 52.5' high monopalm wireless telecommunications facility and six 7' high equipment cabinets. The proposed project will be located at 4671 Mesquite Springs Road. Zone RS-2, APN 0620-032 23, T1N, R9E, Section 17.

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

- | Attachments | |
|-------------|------------------------|
| 1. | Conditions of Approval |
| 2. | Resolution 07-16 |
| 3. | Application |
| 4. | Locator Map |
| 5. | Site Plan |

BACKGROUND: The project includes construction of an un-manned telecommunications facility that consists of six 3'deep x 5' wide x 7' high equipment cabinets and a 52.5' tall monopalm at the above referenced location. A single-family residence, mobile home, twenty-one (21) horse stalls, two rectangular riding arenas, one round pen, one rectangular riding arena and a hay barn are currently located on the parcel.

Present zoning for the property is Single Family Residential 2 units per acre (RS-2). The proposed use is allowed in the RS-2 land use district, subject to approval of a Conditional Use Permit. No habitable structures are proposed.

Project Routing

The project was routed to the following agencies for comment. As of the writing of this report no comments were received.

Richard Pedersen, City Engineer
Fred Fogel, Building Official
Bobby Matz, Public Works
Mike Wright, Twentynine Palms Water District
Jim Thompson, 29 Palms Fire Department
Joseph Sullivan, MUSD
Charles Springer, CRWQCB

Installations and Logistics, FMD
Installations and Logistics, NREA
San Bernardino County, Solid Waste
Karin Messaros, JTNP
Leonard Villas, Waste Management
Joe Meer, MBTA
29 Palms Band of Mission Indians

CEQA Environmental Review

Pursuant to the California Environmental Quality Act, Section 15303, — New Construction or Conversion of Small Structures, this project qualifies for a Categorical Exemption under State law. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications

are made in the exterior of the structure. This project is exempt from further review under state law.

Surrounding Land Use, General Plan and Zoning Designations

	Land Use	General Plan	Zone
Site	Single Family Residence – Horse Boarding Facility	RS-2	RS-2
North	Vacant	RS-2	RS-2
East	Vacant	RL-1	RL-1
South	Vacant	RS-2	RS-2
West	Vacant	RL-2.5 County	RL-2.5 County

General Plan

The RS-2 land use district allows utilities and infrastructure with the approval of a Conditional Use Permit. As designed the project is consistent with the General Plan Land Use Element.

Zoning

The project is consistent with RS-2 zone standards for height. Uses in the zone include, but are not limited to, radio and television stations or towers, satellite receiving stations, microwave relay towers, and similar facilities up to 52’ 6” in height. The monopalm at 52’ 6” in height, and the six equipment cabinets at 7’ tall are within the allowable height standards for the zone. With approval of the Conditional Use Permit, the project is consistent with the Zoning Ordinance.

Site Characteristics

The site is currently occupied with a single-family residence, a mobile home, twenty-one (21) horse stalls (each 24’ x 24’), two rectangular riding arenas, one round pen, one rectangular riding arena and a hay barn. The east half of the parcel contains typical desert vegetation.

Telecommunications Facilities

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 Single Family Residential 2 units per acre (RS-2). The height limitation for the RS-2 district is 35 feet. Structures such as chimneys, cupolas, flagpoles, steeples, and *communications towers* may exceed height limits up to fifty (50) percent for a total allowable height of 52’ 6”.

Section 19.58.030 (B) establishes separation requirements to ensure that telecommunications facilities do not conflict with existing or planned residential uses. Telecommunications facilities are to be at least 200 percent of the height of the facility away from an adjacent residential property line. For a 52.5’ tower, the separation requirement is 105’. The proposed tower is located 105’ from the north property line and 200’ from the south property line, and is located 600± feet from the east and west property lines. There is also a requirement for a minimum 300’ separation from any residence. A 300 feet separation from the home is proposed. As proposed the separation requirements of the Development Code.

Subsection 19.58.030 (C) sets forth standards to minimize negative visual impacts. Subsection 19.58.030 (C) (1) requires that facilities either be co-located or camouflaged and that they blend, “...with the surrounding existing natural and manmade environment in such a manner so as to be effectively unnoticeable....” The project is designed as a palm tree. Subsection

19.58.030 (C)(6) requires that equipment shelters be constructed to look like a structure or facility typically found in the area. The Planning Commission will have to make a determination on the design and its appropriateness in the RS-2 land use district.

Outside lighting is not indicated in the proposal. Per Section 19.58.030 (C)(8), outside lighting is prohibited unless required by the FAA or the Uniform Building Code.

Conditional Use Permit

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

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

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

- A. The proposed use is camouflaged, and will blend with the surrounding existing natural and manmade environment in such a manner so as to be effectively non-offensive in the vicinity. The site is located approximately 300 feet from the nearest traveled roadway and adjacent single family residence and will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- B. The subject site is approximately 9.8 acres and is therefore adequate in size to accommodate the proposed use.
- C. The shape of the parcel is adequate in size to allow 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 RS-2 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. The project enhances public safety in the community through the expansion of telecommunications infrastructure.

Traffic and Circulation

Because the project will not result in increased traffic, a traffic impact analysis was not prepared for this project. The project will generate minimal traffic during construction, which is expected to

be less than ten vehicles per day. When fully operational, the project will receive regular maintenance visits, not expected to exceed two trips per week. The project will be served from Mesquite Springs Road.

Transit Service

The Morongo Basin Transit Authority (MBTA) has had an opportunity to review the project and, as of the writing of this report has not commented on the project. MBTA generally requires that applicants contribute to the cost of the construction of a bus shelter and turnout. MBTA B.

Before occupancy shall be granted for any such building or improvement, the Building Official shall determine the following:

1. That all of the required dedications have been provided.
2. That all of the required street improvements have either been installed or that a cash deposit, surety bond or other form of surety acceptable to the City Council in an amount equal to the estimated cost of the street improvements has been posted with the City to assure the installation of said street improvements. In lieu of requiring the installation of curbs, gutters and sidewalks, a Street Improvement Impact Fee may be required and assessed in accordance with Section 19.85.040, at the discretion of the City Engineer.

C. In all districts, the following street improvements shall apply to Expressways, Arterials, and Collector Streets:

1. Concrete curbs and gutters shall be installed.
2. Sidewalks, per City standards, shall be installed.

Street Improvements

On recent projects, the Planning Commission has not required the construction of street improvements with the approval of communication facilities (the Planning Commission may wish to request the dedication of Right of Way.)

Pursuant to Section 19.08.060, B and C,(Street Dedications and Improvements)

B. Before occupancy shall be granted for any such building or improvement, the Building Official shall determine the following:

1. That all of the required dedications have been provided.
2. That all of the required street improvements have either been installed or that a cash deposit, surety bond or other form of surety acceptable to the City Council in an amount equal to the estimated cost of the street improvements has been posted with the City to assure the installation of said street improvements. In lieu of requiring the installation of curbs, gutters and sidewalks, a Street Improvement Impact Fee may be required and assessed in accordance with Section 19.85.040, at the discretion of the City Engineer.

C. In all districts, the following street improvements shall apply to Expressways, Arterials, and Collector Streets:

1. Concrete curbs and gutters shall be installed.

2. Sidewalks, per City standards, shall be installed.

Staff recommends that the applicant be required to:

- A. Dedicate appropriate right-of-way on Mesquite Springs Road; and
- B. Construct the street improvements, including curb, gutter, sidewalk and connecting pavement.

Approval Process

The Planning Commission is the Approval Authority for the Conditional Use Permit. In taking action to approve, the Commission must find that the proposed project is consistent with the General Plan. Because the subject property has the RS-2 General Plan land use designation, development of a telecommunication facility is consistent with the General Plan Land Use Plan.

CITY OF TWENTYNINE PALMS
CONDITIONS OF APPROVAL
PC 07-28

Applicant: Omnipoint Communications / Laura Bishop Representing T-Mobile
Project: 52.5' Telecommunication facility
Location: 4671 Mesquite Springs Road
APN: 0620-032-23
Approved: August 7, 2007
Expire: August 6, 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 Approval Authority on August 7, 2007, to permit the construction/use of 52.5' unmanned telecommunications facility and six 7' tall equipment cabinets 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, driveways, parking areas, and landscaping.
- P4. No outdoor lighting shall be installed for this project.
- 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. This project shall conform to Development Chapter 19.58 – Telecommunications Facilities.
- P9. To serve the MBTA, the applicant shall provide a bus stop, including a pullout and shelter. The bus stop shall include a bench and trash receptacle. Bus stop locations and specifications shall be coordinated with Morongo Basin Transit Authority (MBTA), [contact MBTA (760) 366-2986].

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

Street Improvements

- E8. A 52' foot half-width street dedication along Mesquite Springs Road shall be dedicated to the City of Twentynine Palms prior to Grading Permit Issuance.
- E9. Improvement plans shall be based upon a centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries.
- 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. Street improvements including curb, gutter and sidewalks shall be constructed adjacent to the curb along all City rights-of-way, in accordance with City Street Standards (Mesquite Springs Road).
- E12. A commercial driveway approach shall be provided.
- E13, 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.
- E14. The developer as per City enactment shall pay any developer fees including but not

limited to traffic impact fees.

- E15. All required offsite improvements shall be constructed and approved prior to occupancy unless deferred pursuant to Development code Chapter 19.85, Public Improvements, Delaying or Deferring

Utilities

- E16. 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.
- E17. All proposed construction of utilities adjacent to and including above ground electrical lines onsite shall be underground.

Fire Department

- F1. Prior to any construction, the owner shall contact the Twentynine Palms Fire Department for verification of current fire protection requirements.
- F2. All construction and activities shall comply with applicable sections of the 1988 edition of the Uniform Fire Code and all other state, county, and city ordinances, rules and regulations regarding fire protection.
- F3. All flammable vegetation shall be cleared a minimum distance of 30 feet, or to the property line, from any flammable building materials or finished structures.
- F4. Street addresses shall be posted with numbers a minimum height of three (3) inches. Posted numbers shall contrast with their background and be visible and legible from the street. Developer shall furnish the fire department with a list and map of all of the street names and addresses within the project.
- F5. Prior to commencement of construction, an approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. The following are the minimum requirements for the proposed development:

A: SYSTEM STANDARDS

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

B: DISTRIBUTION SYSTEM

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

C: FIRE HYDRANTS

Number: To be determined
Type: 6-Inch, with one (1) two and one half (2 ½) inch outlet and one (1) four (4) inch

outlet with National Standard Threads.
Street Valve: 6-Inch Gate

- F6. The developer shall furnish the fire department with a copy of the water system improvement plans. A letter from the water purveyor stating what fire flow can be met shall be required.

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

Applicant/Developer

Date

CITY OF TWENTYNINE PALMS
PLANNING COMMISSION
RESOLUTION NO. 07-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 07-28, AN APPLICATION BY HANNAH CONSULTING, INC. ON BEHALF OF OMNIPOINT COMMUNITATIONS REPRESENTING T-MOBILE, FOR APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW A 52.5' TALL TELECOMMUNICATION TOWER AT 4671 MESQUITE SPIRNGS ROAD, APN 0620-032 23, T1N, R9E, SECTION 17, ZONE RS-2.

WHEREAS, on March 30, 2007 an application was received from Hannah Consulting for approval of a Conditional Use Permit to construct a telecommunication facility in the RS-2 zone to allow a 52.5' tall tower; and

WHEREAS, Section 19.58.030 establishes general requirements for telecommunications facilities. Subsection 19.58.030 (A) states that the structure height is allowed pursuant to the Development Code for the underlying land use district; and

WHEREAS, the land use designation (zoning) for the subject property is Single Family Residential (RS-2) and the maximum building height allowed in the RS-2 district is 35 feet; and

WHEREAS, non-commercial antennas are a Permitted Use (Table 19.08A) in the RS-2 zone and are allowed up to 52' 6" in height in the zone; and

WHEREAS, the proposed project is a commercial communication structure; and

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

WHEREAS, Pursuant to the California Environmental Quality Act, Section 15303, — New Construction or Conversion of Small Structures, this project qualifies for a Categorical Exemption under State law; and

WHEREAS, a 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 August 7, 2007; and

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

- A. The proposed use is camouflaged, and will blend with the surrounding existing natural and manmade environment in such a manner so as to be effectively non-offensive in the vicinity. The site is located approximately 300 feet from the nearest single family residence and traveled roadway and will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- B. The subject site is approximately 9.8 acres and is therefore adequate in size to accommodate the proposed use.
- C. The shape of the parcel is adequate in size to allow 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 RS-2 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. The project enhances public safety in the community through the expansion of telecommunications infrastructure.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms finds the project Categorically Exempt from CEQA, adopts this resolution, and approves the Conditional Use Permit (PC 07-28), subject to the attached Conditions of Approval.

APPROVED AND ADOPTED THIS 7th DAY OF August, 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