



**CITY OF TWENTYNINE PALMS
STAFF REPORT**
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Twentynine Palms, CA 92277
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Commdev@ci.twentynine-palms.ca.us

To: Planning Commission
From: Community Development Director
Date: November 6, 2007
RE: PC 07-05 - An application by Steve Enochs of Sunwest Development, LLC, for approval of Tentative Tract Map No 18219, the subdivision of approximately 21.86 gross acres into a one lot, 174 unit condominium unit project. The project is located on a vacant and unimproved site at the southeast corner of Split Rock Avenue and El Paseo Drive, Zone RM, APN 618-162-07 & 618-211-24, Section 29.

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

BACKGROUND: The site is zoned RM. The proposed subdivision and future land use, a gated condominium development with privately owned and maintained driveways, are allowed by the General Plan and Development Code.

- | Attachments |
|------------------------------------|
| 1. Conditions of Approval |
| 2. Resolution |
| 3. Tentative Tract Map Application |
| 4. Locator Map |
| 5. Mitigated Negative Declaration |
| 6. Tentative Tract Map 18219 |
| 7. Correspondence |

State requirements for enhanced sewage treatment restrict the use of individual septic systems and now require that a secondary waste water treatment system be provided. Pursuant to General Plan requirements, the applicant has designed the project to include the required right-of-way, curb, gutter and sidewalks on the perimeter of the project. The project is designed with privately owned and maintained internal driveways. No sidewalks are proposed throughout the interior of the project.

Pursuant to Chapter 19.08 of the Zoning Ordinance, the proposed subdivision is an allowed use, subject to approval by the Planning Commission. Once approved by the City Council, the applicant prepares plans in accordance with the Conditions of Approval and may begin development.

CEQA Environmental Review

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

- San Bernardino County Clerk
- Twentynine Palms Water District
- County Sheriff's Department
- County Department of Solid Waste Mgmt.
- County Assessor's Office
- San Bernardino Associated Governments
- Southern California Edison Company
- Verizon
- Burrtec

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

Morongo Basin Ambulance
 Regional Water Quality Control Board
 California Department of Fish & Game
 MCARS-2C (Two offices)
 County Surveyors Office
 City Attorney

Mojave Air Quality Management District
 Division of Mines and Geology
 Joshua Tree National Park
 State Clearinghouse
 US Fish and Wildlife Service
 Adjacent property owners (Notice only)

Input from these agencies has been reviewed and, where appropriate, incorporated into the Conditions of Approval for the project. Based on the findings of the Initial Study, a Mitigated Negative Declaration is recommended.

Surrounding Land Use, General Plan and Zoning Designations

	Land Use	General Plan	Zone
Site	Vacant	RM	RM
North	Single Family Residential	RS-4	RS-4
East	Single Family Residential	RS-4	RS-4
South	Vacant and Multi-Family residential	RM, RS – 4	RM, RS – 4
West	Vacant and School	RS-4, P	RS-4, P

General Plan

The site is designated RM (Multi Family Residential) by the General Plan. These areas are intended to serve the housing needs of non-long term residents or residents not needing or desiring a single family, detached household situation. However, diverse residential development may occur; this may include single family units, duplexes, apartment complexes, and mobile home parks. This designation is most suitable for planned communities, affordable and senior housing, where smaller units are appropriate.

The following RM policies and standards shall apply to this project:

- The density of any proposed development is to be not more than eight units per (gross) acre. However a twenty-five percent (25%) density bonus may be granted for development of affordable housing pursuant to Section 65915 of the California Government Code.
- Unit design will strive for individual privacy for each unit.
- As a means of minimizing wind and water erosion, grading and removal of native vegetation on parcels one acre or larger shall be limited to pad areas for structures, necessary driveways, and uses permitted in the RM Land Use District. In cases where native vegetation is removed, landscaping reflecting a desert theme, utilizing drought resistant plants, is highly recommended. Desert landscaping may be complemented by rock and other architectural features related to the Desert Southwest design (e.g. wagon wheels, statues, dry fountains, etc.)
- Safe recreational areas for both adults and children shall be provided onsite on any proposed multi-family project exceeding ten dwelling units.
- Lighting for safety and security will be provided.
- All projects will be designed to create safe and open walkways and driveways utilized for ingress and egress.

- Applicants for multi-family projects shall demonstrate, through traffic studies or other suitable evidence, that the anticipated vehicular traffic can be accommodated by the existing and proposed roadway system.
- Concrete curb, gutter, and sidewalks are required along rights-of-way for all new projects in all RM zones.
- Bus benches and shelters shall be designed into the large scale projects when service is available or planned.
- Home occupations may be permitted in the RM district only when the use will not interfere or impact the residential integrity of the district.
- The use of solar energy is encouraged; actively, for the heating of water and passively, by designing window exposure and eaves overhang, to allow warming or shading, thereby conserving other energy sources.
- All new projects will install underground utilities.
- Off-street parking shall be required as specified in the Development Code.

The applicant has not requested a density bonus as part of this project. With the proposed conditions of approval, and including the recommended Mitigation Measures, the proposed project is consistent with the General Plan Land Use Element.

Zoning

The site is zoned RM (Multi-Family Residential). Pursuant to Section 19.09 of the Development Code, the intent of the RM Zone is to create, preserve and enhance neighborhoods where two or more dwelling units on the same lot are predominant. The district provides an additional range of housing types to meet the varying needs of different individuals and families within the City. The higher density residential area may either be part of a predominately one-family neighborhood or an independent neighborhood, normally close to public and private transportation facilities and commercial districts or other employment and service areas.

The proposed project is a condominium subdivision on a single lot. As proposed, the project complies with RM zone standards; including minimum lot area, lot dimensions and building height.

Pursuant to Section 19.09.09 of the Development Code, the following relevant development standards are relevant to this project:

1. The home and accessory structures shall be subject to all provisions of the Development Code applicable to residential structures.
2. The home shall have a minimum width of twenty (20) feet excluding garages, porches, patios, eaves, cabanas, and popouts.
3. The siding material shall consist of stucco, wood, brick, stone, or decorative concrete block. Synthetic siding material and textures may be used when determined by the Planning Division to be compatible with the neighborhood.
4. The exterior covering material shall extend to surrounding grade.

5. The roofing material shall be tile, rock, shingles, or materials customarily used on residential structures in the neighborhood.
6. The roof shall have a pitch not less than two (2) inches of vertical rise for each twelve (12) inches of horizontal run.
7. The roof shall have sloping lines with a minimum twenty-four (24) inch eaves overhang, measured from the vertical side of the home. The Planning Director may approve an alternate design, if the Planning Director finds that the alternate design is architecturally compatible with homes in the vicinity or that the alternate design is compatible with the Desert Southwest Design Guidelines adopted by the City.
8. The minimum parking requirement for a single-family residence shall be a two-car garage. The minimum parking requirement for a multi-family structure, where permitted, shall be one covered space and one open space per dwelling unit; covered parking shall be either a carport with solid roof covering or a garage.

As designed the project is consistent with these requirements and the provisions of the RM zone.

Subdivision Ordinance

Pursuant to Section 19.94.090 of the Development Code (Community Apartment, Condominium, Townhouse and Stock Cooperative Projects), the requirements of the Subdivision Map Act and this Chapter applies to all Community Apartment, Condominium, Townhouse, Stock Cooperative and similar projects, except those excluded by the Subdivision Map Act and Section 19.94.100. Applications for the above projects are to be processed according to the requirements of the Development Code. Review of the project indicates that it is consistent with the requirements of the Subdivision Map Act and Subdivision Ordinance.

As proposed, this project creates a single lot for condominium purposes. Buyers receive fractional ownership in the common area improvements and exclusive use of what is termed an "airspace" condominium. In an "airspace" condominium, the owner has exclusive use of the airspace between the walls of their unit.

Proposed Units

The applicant intends to offer four unit types as part of this project. The units, which are all proposed to be two stories, will be constructed as stick built construction, with stucco exteriors and tile roofs, range in size from 1,436 to 1,837 square feet in size.

Site Characteristics

The subject site ranges in elevation from 2,019 to 2,045 feet above seal level. The site slopes from the highpoint at the intersection of El Paseo and Split Rock as it moves south and east, in such a shallow slope that it appears to be mostly flat. The site contains typical desert vegetation and has been used by off-road vehicles.

Phasing

The applicant has not proposed phasing the project. However, the applicant is subdividing approximately 21.86 acres into 174 lots for future development. The applicant may choose to submit a phasing plan at a later date, however, project infrastructure including retention areas and sewage treatment systems shall be required in the first phase of development.

Traffic and Circulation

Because the project will result in the development of more than 50 new residences, a traffic impact analysis was prepared for this project. For 2030 conditions with the project, the study area intersections are projected to operate at levels of service "C" or better during the peak hours, with improvements. Existing roadways adjacent to the project site will be required to be improved, including the following improvements:

- Split Rock Avenue and El Paseo Drive (40' half street, Collector);
- Stop sign control at all project driveways;
- Sight distance at the project access roadways shall be reviewed with respect to Caltrans sight standards;
- Traffic signing/ striping shall be implemented in conjunction with detailed construction plans for the site;
- The project shall be required to contribute to the mitigation of regional traffic impacts through the air share payment of regional traffic improvements (estimated at \$87,136); and
- The project shall accommodate transit service.

All streets will be constructed to City Standards and will include curb, gutter, sidewalks, bike paths, connecting pavement and intersection improvements.

Emergency Access

Due to the size of the project, large number of units proposed and close proximity of two driveways on El Paseo Drive, staff recommends that the final map be designed to provide a secondary emergency access to Split Rock Avenue.

Transit Service

The Morongo Basin Transit Authority has reviewed the project. Transit service is provided to the site on line # 3B. MBTA requests that the applicant provide transit improvements including bus turnout, shelter, trash receptacle and solar lighting at a location to be determined.

Sewage Disposal

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

Drainage

A preliminary drainage study has been prepared for the project. The study suggests that all storm flows be directed to on-site retention basins. Prior to issuance of a grading permit, the applicant will prepare the final drainage plan, which will receive and conduct offsite and onsite tributary drainage flows through the site in a manner, which will not adversely affect adjacent or downstream properties.

Biological Resources

A focused Desert Tortoise Survey and General Biological Inventory was conducted for the project site by Circle Mountain Biological Consultants in June 2006. Fifty three plant species were identified on site. The site is dominated by Mojavean creosote bush scrub. The site was found to be relatively degraded due to persisting human uses and is mostly surrounded by

residential development. Many of the plant species found on site are either not native to California or a native weed species associated with degraded habitats. In addition 3 reptile, 14 bird and 6 mammal species were identified on site on in adjacent areas.

No tortoise signs were found on site on in adjacent areas. Desert tortoise is presumed to absent from the site and adjacent areas. Of 18 focused tortoise surveys conducted in the general area between 1991 and 2006, the project biologist found that the nearest evidence of desert tortoise was 1.5 miles southwest, where two older tortoise scat were found on a 13 acre site and 1.5 miles southeast, where 27 scat and 2 burrows were found on a 40 acre site. Given the level of observed disturbance and relative isolation from occupied tortoise habitat to the south the biologist was not surprised to find tortoise absent from this site. Burrowing owl is also considered to be absent from the subject property

Furthermore, no special status species, including any plant or animal species considered to be rare, threatened or endangered, were observed or are expected to be impacted by project development. Wildlife resources will not be affected by project approval. No endangered, threatened, or rare plants or animals or their habitats will be immediately affected by project approval.

Biological studies are valid for a period of one year. Therefore, prior to initiating any site work, the applicant shall be required to have the biologist re-study the site and provide an update to the report.

Parking

Section 19.09.090 of the Development Code (RM Zone) states that the minimum parking requirement for a single family residence shall b a two car garage. The project exceeds this standard. As proposed, each unit has a two car garage, and an additional 39 guest parking spaces are proposed. In addition, most of the units have a minimum 20 wide driveway in front of the garage to accommodate additional off-street parking.

Internal Circulation

As designed, the project's circulation features 32' wide driveways without sidewalks. Table 19.82-D of the Development Code provides required driveway and aisle widths. The code allows two-way driveway and access aisle widths of 25 feet for all uses other than single family dwelling and duplexes.

The City Engineer has drafted a condition requiring that the internal circulation be designed to the City's street standards, which would require 36' of paving between curbs on internal streets. This standard would allow parking on both sides of the streets. The applicant contends that the project's internal circulation is conveyed by a series of driveways, which are to privately owner, operated and maintained. The applicant is aware of the Planning Commission's previously stated preference that all streets serve all users, and that, in general, sidewalks should be utilized to facilitate pedestrian circulation throughout the interiors of all projects.

Storm Water Retention

The City Engineer has previously noted that in order to manage storm water retention and on-site drainage, approximately five to ten percent of a project site should be devoted to on-site storm water retention purposes. For this project, the applicant intends to utilize off-site retention areas. In recent cases, the Planning Commission has required that the applicant create a multiple-use park and retention facility, which could be utilized for park and recreation purposes, for the majority of the year when storm water retention is not required.

Because of the proximity to the regional flood control facility, with the approval of the San

Bernardino County Flood Control Department, the project could be designed to drain directly to the wash located 400 feet to the south of the project. Final storm water retention design will be required as part of the Final Map submittal.

Recreation Amenities

The project has the potential to add 696 new residents (4.0 residents per household) to the community. National standards require 10 acres of park development for each 1000 residents. Using this standard, approximately 6.9 acres of parks would be required for this project. Existing park and recreation facilities are heavily used.

The project includes a small recreation area, approximately 10,800 square feet, or one quarter acre in area, and includes the following recreation amenities: pool, spa, clubhouse and basketball half-court. This area may be too small for the number of residents likely to reside in the project.

The Planning Commission has previously conditioned subdivisions to utilize a portion of retention basins as neighborhood pocket parks. However, this project proposes relocating storm water retention areas off-site, and as such, the large, contiguous open space normally required for such an area, would not benefit residents of the project.

Given that quality of life and the fact that high quality recreation opportunities are important issues in the community, staff has reviewed the project and found that the applicant may have missed an important opportunity to provide outstanding recreation amenities in the project.

The core of the project, which contains units #118 through #132, is approximately 160' feet wide by 440' in length. The area is approximately 1.6 acres in size. Although not conditioned as such, the elimination of these 15 units (8.6 % of the total units) could facilitate the location and construction of a more adequately sized recreation area, with an approximately 1.85 acre centrally located mini-park recreation facility, which could then be constructed as part of this project.

Such facilities may be improved by the applicant as an active or passive park. The park could serve as an important neighborhood and community amenity. Park improvement plans will be reviewed by the Park Task Force and Planning Commission, as part of the Conditions of Approval. The facility would be maintained by the property owner for use by the project residents and would be open to the community.

Walls

Section VI.E of the General Plan Land Use Element (Residential Land Uses) requires that "Perimeter walls constructed for residential neighborhoods shall be decorative and non-monotonous. Design elements may include variations in design, pattern and color, pilasters, offsets, arches, decorative treatment or wrought iron. Walls may consist of a variety of screening methods and common areas shall be visually accessible. Monotonous solid brick or concrete block walls shall be prohibited. All gated projects and all projects exceeding ten dwelling units shall provide a lighted directory at the entrance(s)."

Approval Process

The Planning Commission is the Approval Authority for the Tentative Tract Map. In taking action to approve, the Planning Commission must find that the proposed Tentative Tract Map, together with the provisions for its design and improvements, is consistent with the General Plan. Because the subject property has the RM General Plan land use designation, the subdivision of

approximately 21.88 acres is consistent with the General Plan Land Use Plan.

No Tentative Map shall be approved unless the Planning Commission or other Approval Authority makes all of the following findings:

1. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and any applicable Specific Plan. The proposed subdivision or land use is compatible with the objectives, policies, general land uses and programs specified in the General Plan and any applicable Specific Plan.
2. The Planning Commission has considered the effects of its action upon the housing needs of the region and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources.
3. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.
4. The Planning Commission shall determine that adequate septic facilities are, or can be, installed for the development of the subdivision, or that a sewer system sufficient to provide for the development of the subdivision can be provided. In either case, the Planning Commission must determine whether the discharge of waste from the proposed subdivision would result in or add to a violation of the requirements as set forth in Section 13000 *et. seq.*, of the California Water Code, in which case the Planning Commission may disapprove the subdivision.

CITY OF TWENTYNINE PALMS
PLANNING COMMISSION
RESOLUTION NO. 07-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 07-05, AN APPLICATION BY STEVE ENOCHS OF SUNWEST DEVELOPMENT, LLC, FOR APPROVAL OF TENTATIVE TRACT MAP 18219, THE SUBDIVISION OF 21.86 GROSS ACRES INTO 174 SINGLE-FAMILY RESIDENTIAL LOTS FOR FUTURE DEVELOPMENT. THE PROJECT IS LOCATED ON A VACANT AND UNIMPROVED SITE, AT THE SOUTHEAST CORNER OF EL PASEO DRIVE AND SPLIT ROCK AVENUE, ZONE PM, APN 618-162-07 & 618-211-24, SECTION 29.

WHEREAS, on January 23, 2007 an application was received from Steve Enochs of Sunwest Development, LLC for approval of Tentative Tract Map 18219, the subdivision of 22.86 acres into 174 single family residential lots for future development; and

WHEREAS, the application was deemed incomplete on February 2, 2007; and

WHEREAS, the project was routed to public agencies for public comment; and

WHEREAS, on July 28, 2007, the application was deemed complete; and

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

WHEREAS, Pursuant to the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration, with No Effect Determination and related finding was prepared and the project was routed to public agencies and departments for public review and comment; and

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

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

WHEREAS, the Planning Commission, acting as the Approval Authority, made all of the following findings:

1. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and any applicable Specific Plan. The proposed subdivision or land use is compatible with the objectives, policies, general land uses and programs specified in the General Plan and any applicable Specific Plan.
2. The Planning Commission has considered the effects of its action upon the housing needs of the region and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources.
3. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.
4. The Planning Commission shall determine that adequate septic facilities are, or can be, installed for the development of the subdivision, or that a sewer system sufficient to provide for the development of the subdivision can be provided. In either case, the Planning Commission must determine whether the discharge of waste from the proposed subdivision would result in or add to a violation of the requirements as set forth in Section 13000 *et. seq.*, of the California Water Code, in which case the Planning Commission may disapprove the subdivision.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms recommends that the City Council adopts the Mitigated Negative Declaration, and No Impact Determination pursuant to the California Environmental Quality Act (CEQA) and approves the Tentative Tract Map, subject to the attached Conditions of Approval.

APPROVED AND ADOPTED THIS 6TH DAY OF NOVEMBER, 2007

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: 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

CONDITIONS OF APPROVAL

PC 07-05/ TTM 18219

Applicant: Sunwest Development

Project: Subdivide 21.88 acres into 174 lots

Location/Parcel Number(s) APN: 618-162-07 & 618-211-24

Approved: November 6, 2007

Expire: November 5, 2010

The following Standard Conditions of Approval shall be applicable to all developments in the City. Additionally, site specific Conditions will be applicable as necessary to protect the public health, safety and welfare.

Planning

- P1. Prior to final tract map approval, the applicant shall submit for review to the Planning Division, and shall obtain the approval of the Planning Division and City Attorney for, Covenants, Conditions and Restrictions (CC&R's) which shall provide for, or include, all of the following:
- A. Creation of a homeowner's association ("Association") for the purpose of providing for the perpetual maintenance responsibility of areas including, but not limited to, all common areas, including irrigation systems, landscaped areas, storm drain retention basins, pocket park design, construction and maintenance, other systems, as approved by the City Engineer, walls, street lights, pedestrian walkways, any onsite sewage treatment facilities, as required by the San Bernardino County Department of Environmental Health Services, Water and Waste Management Division and the California Regional Water Quality Control Board. In addition, the CC&Rs shall indicate all other areas to be owned and maintained by the Association and that maintenance of all private drainage facilities shall be in conformance with City standards and policies.
 - B. A requirement that within 15 days after the establishment of the Association, the declarant in the CC&Rs shall furnish the Board or Officers of the Association a copy of the approved Land Use Entitlement, a copy of the approved site and fencing plan, copies of all approved landscaping plans, a complete set of construction plans, and approved plans indicating the locations and characteristics of all major project components, utilities, and related data.
 - C. The Association shall submit to the Planning Division, for distribution to the City, the Twentynine Palms Fire Department and Water District, and shall re-submit annually, a list of all current Officers of the Association.
 - D. A statement indicating that proposed amendments to the CC&Rs shall be submitted for review to the Planning Division, and shall be approved by the City Attorney and the Planning Division prior to the amendments being valid. This may require re-submittal to the Department of Real Estate.
 - E. A statement indicating that the City is deemed to be an express third party beneficiary of the CC&Rs and has the right, but not the obligation, to enforce any of the provisions of the CC&Rs.
 - F. Fire prevention and defense provisions including a fire lane map, provisions that prohibit parking in fire lanes, and a method of enforcement. Also, a method for keeping fire protection access easements unobstructed shall be included. The approval of the Twentynine Palms Fire Department shall be required for any modifications such as control gates, or parking changes.
- P2. The CC&Rs shall be recorded against the property.
- P3. The applicant shall reimburse the City for all costs associated with plan check; review of CC&R's, disclosure statements, and any other materials; and processing of the project, including, without

limitation, all administrative costs, consultant fees, legal fees and engineering fees. Upon approval of the Conditional Use Permit, the applicant shall submit to the City a deposit to be applied towards the payment of all such costs in an amount to be determined by the Community Development Director (minimum deposit shall be \$5,000.) City shall send periodic bills to the applicant reflecting the costs it has incurred, and shall deduct such amounts from the deposit. In the event the deposit is depleted, the applicant shall replenish it by making additional deposits as needed in amounts determined by the Community Development Director. Any unused portion of the deposit shall be returned to the applicant after recordation of the final map.

- P4. The final site plan shall show all common areas and systems to be maintained by the Association, including, but not limited to, any onsite sewage treatment facility.
- P5. The owner or designee shall pay all applicable fees, including, but not limited to, on-site and/or off-site storm water retention basin, on-site sewage treatment facility construction, pocket park development, water and sewer connection, drainage, and grading, and shall reimburse the City for all City expense in ensuring compliance with the Conditions of Approval.
- P6. The applicant shall provide written verification from the following agencies to the Planning Division that all required exactions and dedications have been provided and that all pertinent conditions of approval and applicable regulations have been met:

Twentynine Palms Fire Department
Twentynine Palms Water District
City of Twentynine Palms Public Works Department
City of Twentynine Palms Engineering Division
California Regional Water Quality Control Board

- P7. The applicant shall defend, at its sole expense (with attorneys selected and/or approved by the City), and indemnify the City against any claim, action, or proceeding brought by any third party against the City, its agents, officers or employees which in any way result from or relate to this approval. The applicant shall reimburse the City, its agents, officers or employees for any judgment, court costs and attorney's fees which the City, its agents, officers or employees may be required to pay as a result of such claim, action, or proceeding. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.
- P8. Within ten days of approval, the applicant shall submit to the Planning Division a signed copy of the Conditions of Approval, verifying that he/she understands each Condition and agrees to adhere to each of the Conditions of Approval.
- P9. The project shall conform to the RM zone development standards for front, side and rear yard-building setbacks as follows:
 - Front: 25 feet minimum
 - Street side: 15 feet minimum
 - Interior side: 10 feet minimum
 - Rear: 15 feet minimum
- P10. All lots shall have a minimum 10,000 square feet. All lots shall have a minimum of 80 feet of frontage. Maximum lot coverage, impermeable surface, is 60%. A minimum of forty percent (40%) of the site must have permeable surfaces. The applicant shall demonstrate this as part of the final map submittal.
- P11. 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 and City Engineer.

- A. All on-site cut and fill slopes shall conform to the Uniform Building Code and Development Code (Chapter 19.64) relating to maximum slope, height and setbacks. Slopes shall be limited to a maximum slope ratio of 3 to 1 and a maximum vertical height of thirty (30) feet.

- B. Slopes shall be contour graded to blend with existing natural contours.
 - C. Slopes shall be a part of the downhill lot when within or between individual lots.
 - D. All slopes over five (5) feet in vertical height and all fill slopes over three (3) feet in vertical height and steeper than 3:1, shall incorporate erosion control.
 - E. Minimize elevation differences between off-site residences and proposed pads.
 - F. Fill-slopes shall not be permitted to be located on the perimeter of the project.
- P12. Three sets of detailed wall and landscaping and irrigation plans for the parkways, retention basins, and front yard typical drawings shall be prepared by a qualified licensed landscape professional, shall be submitted to the Community Development Department for review and approval. The landscape and irrigation plans shall be prepared in compliance with the City Development Code and the "Go Native" landscape design guidelines.
- P13. Deleted.
- P14. Deleted.
- P15. The applicant shall submit to the Community Development Department written verification from Time Warner Cable that the development complies with requirements of Time Warner Cable or their successor and their franchise agreement with the City [contact Plant Manager, (760) 365-5076, 7500 Kickapoo Trail, Yucca Valley, CA 92284].
- P16. Deleted.
- P17. Prior to issuance of grading permits, the applicant shall conduct a clearance biological study. The study shall be prepared by a trained biologist. The applicant shall provide the biological clearance report for review and approval by the Community Development Director prior to issuance of the grading permit.
- P18. The applicant shall construct a storm drainage retention basin as a multiple use neighborhood park and project amenity. The park design shall be review by the Park Task Force and Planning Commission. The neighborhood park shall be designed, constructed, improved and maintained by the applicant as a passive park. Park improvement plans shall be reviewed by the Park Task Force and Planning Commission. The storm drainage facility shall be operated and maintained by the HOA for use by the project residents and shall be open to the community.
- P19. A decorative block wall shall be required around the perimeter of the project. A decorative block wall or fence shall be required along the side and rear lot lines. The wall shall be landscaped, shall have movement to minimize the monolithic nature of the wall. The wall shall also be treated with anti-graffitti coating to facilitate removal of vandalism. Perimeter walls constructed for residential neighborhoods shall be decorative and non-monotonous. Design elements may include variations in design, pattern and color, pilasters, offsets, arches, decorative treatment or wrought iron. Walls may consist of a variety of screening methods and common areas shall be visually accessible. Monotonous solid brick or concrete block walls shall be prohibited. All gated projects and all projects exceeding ten dwelling units shall provide a lighted directory at the entrance(s).
- P20. The density of any proposed development is to be not more than eight units per (gross) acre. However a twenty-five percent (25%) density bonus may be granted for development of affordable housing pursuant to Section 65915 of the California Government Code.
- P21. Unit design will strive for individual privacy for each unit.
- P22. As a means of minimizing wind and water erosion, grading and removal of native vegetation on

parcels one acre or larger shall be limited to pad areas for structures, necessary driveways, and uses permitted in the RM Land Use District. In cases where native vegetation is removed, landscaping reflecting a desert theme, utilizing drought resistant plants, is highly recommended. Desert landscaping may be complemented by rock and other architectural features related to the Desert Southwest design (e.g. wagon wheels, statues, dry fountains, etc.)

- P23. Safe recreational areas for both adults and children shall be provided onsite on any proposed multi-family project exceeding ten dwelling units.
- P24. Lighting for safety and security will be provided, and shall comply with the standards established for night sky protection.
- P25. All projects will be designed to create safe and open walkways and driveways utilized for ingress and egress.
- P26. Applicants for multi-family projects shall demonstrate, through traffic studies or other suitable evidence, that the anticipated vehicular traffic can be accommodated by the existing and proposed roadway system.
- P27. Deleted.
- P28. Deleted.
- P29. Home occupations may be permitted in the RM district only when the use will not interfere or impact the residential integrity of the district.
- P30. The use of solar energy is encouraged; actively, for the heating of water and passively, by designing window exposure and eaves overhang, to allow warming or shading, thereby conserving other energy sources.
- P31. All new projects will install underground utilities.
- P32. Deleted.
- P33. Deleted.
- P34. The following mitigation measures are incorporated as conditions of approval.

MITIGATION MEASURES:

1. Improvement of streets adjacent to the project site, including, El Paseo Drive (40' Collector half-street section) and Split Rock Avenue (40' Collector half-section) will be required.
2. Payment of Traffic Impact fees by the applicant in the amount of \$87,136 shall be made prior to permit issuance, per the traffic study prepared by Urban Crossroads dated May 30, 2006.
3. Provide a stop sign control at both project site driveways with Split Rock Avenue.
4. Conformance with clear sight triangles shall be required.
5. Traffic signing / striping shall be implemented in conjunction with detailed construction plans for the project site.
6. Construction of Class I bikeway on El Paseo Drive and Split Rock Avenue adjacent to the project.
7. Construction of bus-turn-out and bus shelter to the MBTA standards on El Paseo Drive.
8. Transit improvements shall include a bus shelter, to include a bench, trash receptacle, and solar lighting to accommodate the project ridership increases that will be created by the development and be coordinated through Morongo Basin Transit Authority.

9. No evidence of desert tortoise occurs on site, however, if a tortoise is found on site at the time of construction, all activities likely to affect the animal(s) shall cease and the City shall be contacted to determine appropriate steps.
10. The developer shall pay school impact mitigation fees as required by State law and the City Planning Department. Schools will not be impacted by project approval.
11. The applicant shall construct a recreation area to include a pool, clubhouse, picnic area, half-court basketball court, and hot tub.

Building and Safety

- B1. An engineered grading report, including soils engineering and engineering geology, shall be filed with, and approved by, the Building Official prior to recordation of final map or issuance of permits for grading in excess of 50 cubic yards.
- B2. Grading and drainage plans are to be submitted to, and approved by, the Building Official prior to permit issuance.
- B3. The applicant/developer shall submit plans and obtain building permits for all structures and walls. No work is to be done prior to approvals and permit issuance.
- B4. A pre-construction permit and inspection are required prior to any land disturbing activity to verify requirements for erosion control, flood hazard, native plant protection and desert tortoise habitat.
- B5. Erosion control plans shall be submitted to, and approved by, the City Engineer and/or Building Official prior to issuance of permits.
- B6. All cross-lot drainage requires easements and may require improvements at the time of development.
- B7. Prior to any construction activity, the applicant shall check with the State of California Water Quality Control Board to determine if a general construction activity storm water permit is required.
- B8. Imported fill dirt shall be obtained from a borrow site with a current permit from the CTP Building and Safety Department or another responsible agency.

Engineering

- E1. Prior to issuance of a grading permit, a final drainage plan with street layouts shall be submitted for review and approval by the City Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider retaining onsite drainage flows from a 100 year design storm.
- E2. Street improvement plans shall be submitted to the City Engineer for review and approval.
- E3. All streets shall be improved to City standards with curb, gutter, sidewalk and street pavement. Minimum residential width of streets shall be 36 feet curb to curb.
- E4. All streets abutting the development shall be improved a minimum half-street width of 26 feet with curb, gutter, sidewalk and bike path on the development side.
- E5. Streets adjacent to the property shall be improved as follows:

El Paseo Dr. adjacent to the property shall be improved to the City's half-width Collector street standards.

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

E6. Road dedications shall be provided as follows:

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

A 40-ft width half-width road dedication along Split Rock Avenue shall be granted to the City of Twentynine Palms prior to Final Map Approval.

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

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

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

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

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

E12. The developer shall form a Home Owner's Association (HOA) to provide for the ongoing maintenance of the retention basin(s), sewer treatment plant, street lighting, perimeter block walls, and all parkway landscaping adjacent to El Paseo Road and Split Rock Avenue within the Tract boundaries. In addition to forming an HOA the developer shall form or annex into an assessment district as a backup to the HOA to provide for the ongoing maintenance of the retention basin(s), street lighting, perimeter block walls, and all parkway landscaping within the Tract boundaries. The assessment district will not be put into operation unless the HOA fails to perform the ongoing maintenance.

E13. Streetlights shall be required and shall conform to City's standards for such.

E14. All road names shall be approved by the City and such approval shall be coordinated through the City Engineer.

E15. Prior to City acceptance of the Final Map, Subdivider shall present evidence to the City Engineer that he has made a reasonable effort to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.

E16. Utility lines shall be placed underground in accordance with the requirements of the City.

E17. The developer shall make a good faith effort to acquire the required off-site property interests, and if he or she should fail to do so, the developer shall at least 120 days prior to submittal of the final map for approval, enter into an agreement to complete the improvements pursuant to Government Code Section 66462 at such time as the City acquires the property interests required for the improvements. Such agreement shall provide for payment by the developer of all costs incurred by City to acquire the off-site property interests required in connection with the subdivision. Security for a portion of these costs shall be in the form of a cash deposit in the amount given in an appraisal report obtained by the developer, at the developer's cost. The appraiser shall have been approved by the City prior to commencement of the appraisal. Additional security may be required as recommended by the City Engineer and City Attorney.

- E18. Any required street striping shall be thermoplastic as approved by the City Engineer.
- E19. Soil percolation testing for the subsurface disposal system shall meet the requirements of the San Bernardino Environmental Health Services and the City.
- E20. Easements, as required for roadway slopes, drainage facilities, utilities, etc., shall be submitted and recorded as directed by the City Engineer. No structures shall be placed on any part of the easements except those directly related to the purposes of said easements.
- E21. A Class I bike path shall be constructed along El Paseo Road and Split Rock Ave. adjacent to the project boundaries.
- E22. Non-Vehicular access rights shall be dedicated to the City of Twentynine Palms on all double frontage lots adjacent to El Paseo Road and Split Rock Avenue.
- E23. Any developer fees including but not limited to traffic impact fees shall be paid by the developer as per City enactment.
- E24. Where feasible, retention/detention basins shall be designed as dual use facilities. Retention/detention basins greater than 1 acre in size shall not be greater than 8 feet in depth (unless otherwise approved by the Planning Commission). The sides of any retention/detention basins shall be 4:1 or flatter slopes. The retention basins for storm water shall include two stage-interceptor type dry wells to help facilitate the rapid removal of storm water and nuisance water. Retention basin areas of percolation for the storm water shall be separate from the basin or land area used to percolate the sewage system.
- E25. The plans and specifications for the sewage disposal system, shall be approved the Regional Water Quality Control Board prior to grading plan issuance.
- E26. Traffic Impact fees in the amount of \$87,136 shall be paid by the applicant prior to building permit issuance, per the traffic study prepared by Urban Crossroads dated May 30, 2006.

Fire Department

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

- F4. All flammable vegetation shall be cleared a minimum distance of 30 feet, or to the property line, from any flammable building materials or finished structures.
- F5. Each chimney used in conjunction with any fireplace or heating appliances in which solid or liquid fuels are used shall have, and be maintained with an approved spark arrester as identified by the Uniform Fire Code.
- F6. Street addresses shall be posted with numbers a minimum height of three (3) inches. Posted numbers shall contrast with their background and be visible and legible from the street. Developer shall furnish the fire department with a list and map of all of the street names and addresses within the project.
- F7. Prior to commencement of construction, an approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. The following are the minimum requirements for the proposed development:
- A: SYSTEM STANDARDS
 Fire Flow: 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
 Number: To be determined
 Type: 6-Inch, with one (1) two and one half (2 ½) inch outlet and one (1) four (4) inch outlet with National Standard Threads.
 Street Valve: 6-Inch Gate
- F8. The developer shall furnish the fire department with a copy of the water system improvement plans. A letter from the water purveyor stating what fire flow can be met shall be required.

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

 Applicant/Developer

 Date