



**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: January 15, 2008
RE: PC 07-73 An application by Frank Thomas (Frank's Pontiac Parts) for a Conditional Use Permit for a vehicle dismantling business and sales and storage of vehicles for an existing auto parts business, located at 75992 Baseline Road, Zone IC, APN 0624-221-05, Section 35, TIN, R9E.

RECOMMENDATION: Conduct the Public Hearing, consider public comment, find the project Categorical Exempt pursuant to CEQA, adopt Resolution 07-19 and approve the project, subject to the attached Conditions of Approval.

- | Attachments | |
|-------------|------------------------|
| 1. | Conditions of Approval |
| 2. | Resolution 07-19 |
| 3. | Application |
| 4. | Locator Map |
| 5. | Site Plan |

BACKGROUND: This item is continued from the Planning Commission meeting of December 18, 2007. The applicant, Frank Thomas of Frank's Pontiac Parts requests approval of a Conditional Use Permit for a vehicle dismantling business, and sales and outdoor storage of vehicles for an existing auto parts business. The buildings include a proposed 500 sq. ft. office trailer, 2,560 sq. ft. existing storage building, 576 sq. ft. existing storage building, and a 322 sq. ft. existing storage building. Additionally, the applicant is seeking Planning Commission approval of an office trailer, which is more than ten years old. In addition to the office trailer, the applicant proposes the addition of two 320 sq. ft. cargo containers, and two 160 sq. ft. cargo containers to supplement the existing storage. Outdoor storage for the vehicle dismantling business is proposed for the southern portion of the parcel (5 acres) as indicated on the site plan. The applicant does not plan to use the northern portion (3.28 acres) of the 8.28 acre parcel at this time. An Amendment to the Conditional Use Permit will be required for future development of the northern portion of the parcel.

Zoning for the property is Community Industrial (IC). The proposed use, auto dismantling and vehicle sales and storage, is allowed in the IC land use district, subject to approval of a Conditional Use Permit.

CEQA Environmental Review

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

City Manager
City Engineer
Twentynine Palms Fire Department
San Bernardino Co. EHS
Morongo Unified School District
Southern California Gas Co.
Time Warner Cable
Morongo Basin Transit Authority
Regional Water Quality Control Board
California Department of Fish and Game

Community Development Director
Twentynine Palms Water District
San Bernardino County Sheriff
San Bernardino Co. Flood Control
Southern California Edison Company
Verizon
Burrtec
Mojave Desert AQMD
Division of Mines and Geology
Joshua Tree National Park

I. & L. NREA, MCAGCC
US Fish and Wildlife Service
Morongo Basin Ambulance

I & L, FMD, MCAGCC
29 Palms Band of Mission Indians
San Bernardino, Env. Management Div.

Input has been provided from the Twenty-Nine Palms Band of Mission Indians and the City Engineer. A "No comment" response was received from the Tribe. The City Engineer's comments are incorporated into the Conditions of Approval for the project.

Section 21084 of the Public Resources Code established a list of classes of projects which have been determined by the State of California not to have a significant effect on the environment and which are, therefore, exempt from the provisions of CEQA.

Pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, the project, which consists of the restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood is categorically exempt from further environmental review under state law.

Pursuant to Section 15332 of the CEQA Guideline, which consists of projects characterized as in-fill development meeting the following conditions, the project may be considered categorically exempt under state law:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

Surrounding Land Use, General Plan and Zoning Designations

	Land Use	General Plan	Zone
Site	Industrial Commercial	IC	IC
North	Vacant	IC	IC
East	Vacant/ Industrial Commercial	IC	IC
South	Vacant/ Industrial Commercial	IC	IC
West	Vacant/Industrial Commercial	IC	IC

General Plan Community Industrial (IC)

The intent of the Community Industrial district is to accommodate existing industrial uses and allow for new industrial uses. Commercial uses may also be permitted as a means of enhancing and augmenting industrial development. As designed the project is consistent with the General Plan Land Use Element.

Zoning

The IC zone is the only zoning district that allows the proposed auto dismantling use. Approval of the proposed use requires a Conditional Use Permit.

Parking

Parking standards require one (1) parking space per 200 square foot of Gross Floor Area (GFA) for the retail area, one (1) parking space for each 1000 sq. ft. of warehouse area, and one

handicap accessible space. Eight spaces are required. The site plan depicts nine (9) parking spaces.

Structure/Use	Sq. Ft. Area By Use	Parking Required
Warehouse: 2,560 s.f. storage bldg. 576 s.f. existing storage bldg. 322 s.f. existing storage bldg. 640 s.f. proposed storage	4,418 s.f./ 1 per 1,000	5
Retail/Office Trailer	500 s.f./ 1 per 200	3
Handicap Space / included in total count	1 per 25 regular parking spaces	1

As designed, the project exceeds parking requirements. However, the parking area is currently unpaved. As a condition of approval, the applicant will be required to pave the parking area.

Site Characteristics

The subject site drops in elevation as it moves north. The site contains typical desert vegetation. The project area has been previously used for industrial purposes as depicted in the attached historical aerial photograph dated 1964.

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 site is located on Baseline Road 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 project area of the subject site (southern portion) is approximately 5 acres and is therefore adequate in size to accommodate the proposed use.
- C. The shape of the parcel is typical, and allows for orderly development such as the proposed use.
- D. With the recommended conditions, the proposed project will meet the objectives of the General Plan and IC land use designation.
- E. The proposed project, as conditioned, does not conflict with and inconsistent with the goals and objectives of the Twentynine Palms General Plan.
- F. The proposed use is a heavy industrial use, consistent with businesses in the vicinity.

Traffic and Circulation

Because the project will not result in the development of significant new commercial buildings, a traffic impact analysis was not prepared for this project. The project will generate minimal additional traffic. The applicant will be required to dedicate right of way and construct street improvements along Baseline Road (identified as Tapia Avenue on the site plan). All streets abutting the development shall be improved a minimum half-width of 28 feet with curb, gutter and sidewalk on the development side.

Transit Service

The Morongo Basin Transit Authority has had an opportunity to review the project and, as of the writing of this report has not commented on the project. Generally, the MBTA recommends that applicants provide a bus shelter with bench and trash receptacle, with the specific location will be determined at a later date.

Approval Process

The Planning Commission is the 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 IC General Plan land use designation, the development is consistent with the General Plan Land Use Plan.

CITY OF TWENTYNINE PALMS
CONDITIONS OF APPROVAL
PC 07-73

Applicant: Frank Thomas, Frank's Pontiac Parts
Project: Vehicle Dismantling Facility and Vehicle Sales and Storage
Location: 75992 Baseline Road
APN 0624-221-05
Approved: January 15, 2008
Expire: January 14, 2009

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 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 January 15, 2008, to permit a vehicle dismantling facility and vehicle sales and storage 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. Alteration and improvement to the north half of APN 0624-221-05 will require approval of an Amendment to the Conditional Use Permit.
- P3. The Applicant shall ascertain and comply with requirements of all State, County and Local agencies as are applicable to the project proposal.
- P4. The property owner shall keep the property neat, clean, and in good physical condition including open spaces, sidewalks, lighting, driveways, parking areas, and landscaping.
- P5. 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.

The applicant shall provide a copy of the manufactures cut sheets for all proposed light fixtures, prior to building permit issuance.

- P6. 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.
- P7. All construction and improvements shall comply with *Encroachments into Yards or Setbacks* standards established in the Development Code for the underlying land use district.
- P8. 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.
- P9. A copy of the final grading plan shall be submitted to the Building and Safety Division for review and approval by the Community Development Director.
 - A. All on-site cut and fill slopes shall conform to the Uniform Building Code and Development Code (Chapter 19.64) relating to maximum slope, height and setbacks. Slopes shall be limited to a maximum slope ratio of 3 to 1 and a maximum vertical height of thirty (30) feet.
 - B. Slopes shall be contour graded to blend with existing natural contours.
 - C. All slopes over five (5) feet in vertical height and all fill slopes over three (3) feet in vertical height and steeper than 3:1, shall incorporate erosion control.
 - D. Minimize elevation differences between adjacent parcels and project.
 - E. Fill-slopes shall not be permitted to be located on the perimeter of the project.
- P10. The applicant shall submit landscape plans consistent with Go Native Landscape Design Guidelines, for review and approval by the Community Development Director, prior to issuance of building permits.
- P11. The parking lot shall be designed and paved in accordance with Development Code Section 19.82 *Off-street Parking and Loading Regulations*.
- P12. An Amendment to the Conditional Use Permit shall be required for future development of the northern 3.28 acre portion of the site as depicted on the approved site plan.

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

- E.4 Prior to issuance of a grading permit, a final drainage plan with street layouts shall be submitted for review and approval by the City Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider retaining onsite drainage flows from a 100-year design storm.
- E5. Prior to the submittal of any improvement plans or issuance of a grading permit, the Developer/representative shall submit to the City Engineer, detailed drainage studies indicating how potential grading in conjunction with the drainage conveyance systems, will allow building pads to be safe from inundation from rainfall run off, which may be expected from all storms up to, and including, the theoretical 100 year storm.
- E6. In addition to the drainage requirement stated herein, other "onsite" or "offsite" improvement may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to the Engineering Department.

Grading

- E7. Prior to the issuance of a grading permit, the developer's engineer shall submit a comprehensive grading plan in conformance with California Building Code and the requirements of the City.
- E8. A grading permit shall be obtained from the City Engineer prior to any grading or other work done on the site.
- E9. A preliminary soils report and a current preliminary title report shall be submitted to the Engineering Department concurrently with the grading plan. The soils report shall include 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.

- E10. Soil percolation testing for the subsurface disposal system shall meet the requirements of the San Bernardino Environmental Health Services, California Regional Water Quality Control Board and the City.

Street Improvements

- E11. Street improvement plans shall be submitted to the City Engineer for review and approval.
- E12. Baseline Road (north-south section) adjacent to the property shall be improved to the City's half-width industrial street standard with a standard knuckle.
- E13. All streets abutting the development shall be improved a minimum half-width of 28 feet with curb, gutter and sidewalk on the development side.
- 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. Sidewalks shall be constructed adjacent to the curb and gutter along all City streets, in accordance with City Street Standards (Baseline Road).
- 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. Any required street striping shall be thermoplastic as approved by the City Engineer.
- 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 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 four (4) inches. Posted numbers shall contrast with their background and be visible and legible from the street.

F5. Prior to commencement of construction, an approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. The following are the minimum requirements for the proposed development:

A: SYSTEM STANDARDS

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

B: DISTRIBUTION SYSTEM

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

C: FIRE HYDRANTS

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

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

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

**CITY OF TWENTYNINE PALMS
PLANNING COMMISSION
RESOLUTION NO. 07-19**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 07-73, AN APPLICATION BY FRANK THOMAS (FRANK'S PONTIAC PARTS), FOR A CONDITIONAL USE PERMIT FOR A VEHICLE DISMANTLING BUSINESS AND SALES AND OUTDOOR STORAGE OF VEHICLES FOR AN EXISTING AUTO PARTS BUSINESS, LOCATED AT 75992 BASELINE ROAD, IC ZONE, APN 0624-221-05, SECTION 35, TIN, R9E.

WHEREAS, on August 29, 2007 an application was received from Frank Thomas for approval of a Conditional Use Permit to allow rehabilitation of the existing facility, additional accessory storage structures, and sales and open storage for vehicles for a vehicle dismantling facility in the IC Zone; and

WHEREAS, the land use designation (zoning) for the subject property is Community Industrial (IC); and

WHEREAS, the proposed project is a vehicle dismantling and sales and outdoor storage yard and retail sales office for an auto parts business; 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 15301 of the CEQA Guidelines, Class 1 which consists of the restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, the project is Categorically Exempt from further environmental review under state law; and

WHEREAS, Pursuant to Section 15332 of the CEQA (Class 32) which consists of projects characterized as in-fill development meeting the following conditions the project is exempt from further environmental review:

- A. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- B. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- C. The project site has no value as habitat for endangered, rare or threatened species.
- D. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- E. The site can be adequately served by all required utilities and public services.

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

WHEREAS, the proposed development occurs within city limits on a project site; 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 December 18, 2007 and January 15, 2008; and

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

- A. The proposed site is located adjacent to Baseline Road in the Community Industrial (IC) Zone 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 previously developed area of the project site is approximately 5 acres and is therefore adequate in size to accommodate the proposed use.
- C. The shape of the parcel is typical, and allows for orderly development such as the proposed use.
- D. With the recommended conditions, the proposed project will meet the objectives of the General Plan and IC 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 proposed use is a heavy industrial use, consistent with businesses in the vicinity.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms adopts the Categorical Exemption, adopts Resolution 07-19, and approves the Conditional Use Permit, subject to the attached Conditions of Approval.

APPROVED AND ADOPTED THIS 15th DAY OF JANUARY, 2008

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. 19, 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



Notice of Exemption
City of Twentynine Palms
Community Development Department
6136 Adobe Road
Twentynine Palms, CA 92277
(760) 367-6799 ! Fax (760) 367-4890

To: County of San Bernardino Clerk of the Board of Supervisors
385 North Arrowhead Avenue 2nd Floor
San Bernardino, CA 92415-0130

Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Project Title: PC 07-73
Frank Thomas
Frank's Pontiac Parts

Project Location : 75992 Baseline Road, Zone IC, APN 0624-221-05, Section 35, TIN, R9E.

Project Location (city and county): Twentynine Palms, San Bernardino County

Description of nature, purpose and beneficiaries of Project: PC 07-73 An application by Frank Thomas (Frank's Pontiac Parts) for a Conditional Use Permit for a vehicle dismantling business and sales and storage of vehicles for an existing auto parts business, located at 75992 Baseline Road, Zone IC, APN 0624-221-05, Section 35, TIN, R9E.

Public Agency approving Project: Twentynine Palms Planning Commission

Name of Person Carrying Out Project: Frank Thomas

Exempt Status (check one):

- Ministerial (Sec. 15073)
- Declared Emergency [Sec. 15071 (a)]
- Emergency Project [Sec. 15071 (b) and (c)]
- Categorical Type/Sec. 15301 and Sec 15332

Reason(s) Project is Exempt: Rehabilitation of an existing facility; and project is under 5 acres.

For information, contact Alex Meyerhoff, Community Development Director,
City of Twentynine Palms. (760) 367-6799

Signature Date Community Development Director
Title



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

To: Planning Commission
From: Community Development Director
Date: January 15, 2008
RE: PC 07-13 – An application by Sam Yuan for approval of Tentative Tract Map 18415, a proposal to subdivide 10± acres into a one lot subdivision with approximately 73 detached single family condominium units and park site, located at the southeast corner of the intersection of Sun Valley Drive and Aztec Avenue, RM zone, APN 623-131-09, T1N, R9E, Section 28.

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: This project was continued from the Planning Commission meeting of December 18, 2007. The site is zoned RM (Multi Family Residential). The proposed subdivision and future land use, a condominium development with publicly owned and maintained streets, are allowed by the General Plan and Development Code.

- | Attachments |
|------------------------------------|
| 1. Resolution 07-20 |
| 2. Conditions of Approval |
| 3. Tentative Tract Map Application |
| 4. Locator Map |
| 5. Mitigated Negative Declaration |
| 6. Tentative Tract Map 18415 |
| 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. The project includes an on-site storm water retention basin designed to handle storm flows and reduce existing flood water impacts to downstream properties. The project also includes an on-site sewage treatment facility.

Pursuant to Chapter 19.09 of the Zoning Ordinance, the proposed subdivision is an allowed use, subject to approval by the Planning Commission. Once approval is granted by the Planning Commission, the applicant prepares plans in accordance with the Conditions of Approval, the applicant submits the Final Map for review by the City Council. The map is reviewed by the City Council for conformity with the conditions. If approved by the City Council, the applicant 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.

City Engineer
Twentynine Palms Fire Department
County Environmental Health Division
County Flood Control District

County Assessor's Office
 San Bernardino Associated Governments
 Southern California Edison Company
 Verizon
 Burrtec
 Morongo Basin Ambulance
 Regional Water Quality Control Board
 California Department of Fish & Game
 MCAGCC (Two offices)
 County Surveyors Office
 City Attorney

County Recorder
 Morongo Unified School District
 Southern California Gas Co.
 Time Warner Cable
 Morongo Basin Transit Authority
 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	Multi Family Res, (801 Housing)	RM	RM
East	Single Family Residential	RS-4	RS-4
South	Vacant	RM	RM
West	Vacant	RM	RM

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 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 shall be 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.

Site Characteristics

The subject site ranges in elevation from 1,929 to 1,975 above seal level. The site slopes from the highpoint at the southwest corner of the site as it moves east, in a shallow slope that it appears to be nearly 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 ten acres into a single lot for future development with 73 condominium units. 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 2025 conditions with the project, the study area intersections are projected to operate at levels of service "D" or better during the peak

hours, with improvements. Existing roadways adjacent to the project site will be required to be improved, including the following off-site improvements:

- A second eastbound left turn lane is required at the intersection of Twentynine Palms Highway (SR 62) and Adobe Road.

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

Stormwater Management

The project site is located in Flood Zone X (Areas determined to be outside the 500 year flood plain) per the FEMA Flood Insurance Rate Map (FIRM) Panel 06071C8195F. The site has no impervious cover under existing conditions. The project will add approximately 4.95 acres of impervious cover to the site. The project includes a retention basin designed to accommodate the 100 year storm flow. Preliminary basin size has been determined to be 917 CY (cubic yards). Project hydrology has been reviewed and project assumptions have been confirmed by the City Engineer. Final basin and dry well size will be determined in final engineering and submitted for review by the City as part of the Final Map recordation process.

Emergency Access

The project includes two points of paved access, one to Aztec Avenue and the other to Desert Knoll Avenue.

Transit Service

The Morongo Basin Transit Authority has reviewed the project. Transit service is provided approximately 200 feet north of the project site on both Aztec Avenue and Desert Knoll Avenue, 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 the San Bernardino County Department of Environmental Health Services 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 an on-site retention basin, which is proposed to be located at the north east corner of the site. 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 Phase One Biological Assessment and focused Desert Tortoise and Burrowing Owl Presence/Absence Field Survey were conducted for the project site by Envira in 2006. A protocol US Fish and Wildlife Service presence or absence survey for the Desert Tortoise and a protocol survey for Burrowing Owl was prepared by biologist Philippe Vergne on July 20 and 21, 2006.

No Desert Tortoise or Burrowing Owl individuals, sign or occupied burrows were observed within the property or zone of incidence. The study found 21 plant species on site. One reptile species (Side Blotched Lizard), four bird species (California Horned Lark, American Crow, Common Raven and Loggerhead Shrike) and three mammal species (Coyote, San Diego Black-Tailed Jackrabbit, and Antelope Ground Squirrel) were found to be present on site.

After thorough investigation of the site and surroundings, the biologist concluded that wildlife movement near and around the site has been restricted by the development of housing and road construction. Habitat fragmentation has already occurred in the area surrounding the project site.

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 updated report.

Parking

Section 19.09.090 of the Development Code (RM Zone) states that the minimum parking requirement for a single family residence is a two car garage. The project exceeds this standard. As proposed, each unit will have a two-car garage and two driveway parking spaces in front of the garage. In addition, 13 guest parking spaces are proposed at the park amenity.

Internal Circulation

As designed, the project's circulation features streets designed to the City's local street standards.

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 on-site retention areas, which are located separate from the proposed sewage treatment facility and park and recreation amenities.

Recreation Amenities

The project has the potential to add 292 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 2.9 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 37,000 square feet (0.84 acres), and includes two grass fields, two half court basketball courts, tot lot with swings and climbing apparatus and picnic tables, public art display and minimal landscaping.

The Planning Commission has previously conditioned subdivisions to utilize a portion of retention basins as neighborhood pocket parks. In this project, recreation amenities are located in an area away from the sewage treatment facility. 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 ten 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. 07-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 07-13, AN APPLICATION BY SAN YUAN FOR APPROVAL OF TENTATIVE TRACT MAP 18415, THE SUBDIVISION OF 10 GROSS ACRES INTO ONE CONDOMINIUM LOT FOR FUTURE DEVELOPMENT OF 73 DETACHED SINGLE-FAMILY RESIDENTIAL UNITS. THE PROJECT IS LOCATED ON A VACANT AND UNIMPROVED SITE, AT THE SOUTHEAST CORNER OF SUN VALLEY DRIVE AND AZTEC AVENUE, ZONE RM, APN 0623-131-09, T1N, R9E, SECTION 28.

WHEREAS, on February 9, 2007 an application was received from Sam Yuan for approval of Tentative Tract Map 18415, the subdivision of 10 acres into on condominium lot for development of 73 detached single family residential units for future development of for sale housing product ; and

WHEREAS, the application was deemed incomplete on March 7, 2007; and

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

WHEREAS, on November 29, 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 December 18, 2007 and January 15, 2008; 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 15TH DAY OF JANUARY, 2008

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

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 07-13/ TTM 18415

Applicant: Sunwest Development

Project: Subdivide 10 acres into one condominium lot with 73 units

Location/Parcel Number(s) APN: 0623-131-09

Approved: January 15, 2008

Expire: January 14, 2011

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. 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].
- P14. 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.
- P15. Park improvement plan shall be prepared by the applicant. The design shall be review by the Park Task Force and Planning Commission prior to approval of the Final Map. 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 park facility shall be operated and maintained by the HOA for use by the project residents and shall be open to the community.
- P16. 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).
- P17. 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.
- P18. Unit design will strive for individual privacy for each unit.

- P19. 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.)
- P20. Safe recreational areas for both adults and children shall be provided onsite on any proposed multi-family project exceeding ten dwelling units.
- P21. Lighting for safety and security will be provided, and shall comply with the standards established for night sky protection.
- P22. All projects will be designed to create safe and open walkways and driveways utilized for ingress and egress.
- P23. 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.
- P24. Home occupations may be permitted in the RM district only when the use will not interfere or impact the residential integrity of the district.
- P25. 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.
- P26. All new projects will install underground utilities.
- P27. All project infrastructure including, streets, retention areas, sewage treatment systems and recreation amenities shall be required in the first phase of development.
- P28. The following mitigation measures are incorporated as conditions of approval.

MITIGATION MEASURES:

1. Proper clearing of any existing vegetation, associated root systems, and debris will be very important. All surfaces to receive compacted fill should be cleared of roots, vegetation, debris, and other unsuitable materials and the materials removed from the site. Soil that is disturbed because of the removal of surface vegetation and debris shall be replaced as controlled compacted fill under the direction of a Soil Engineer.
2. In order to provide firm and uniform bearing conditions, and to limit potential cut/fill transition related to differential settlements, over excavation and recompaction throughout the building and foundation areas shall occur. The building areas should be over excavated to a depth of at least 2 feet below existing grade, or 2 feet below the bottom of the footings, which ever is deeper. The exposed surface should be moisture conditioned and compacted so that a minimum of 90 percent relative compaction is attained. Fill material may then be placed as recommended in Mitigation Measure 4 below.
3. Other areas to receive compacted fill should be brought to near optimum moisture content and compacted to a minimum of 90 percent relative compaction.
4. Fill materials consisting of on-site soil or approved imported granular soil, should be spread in thin lifts, and compacted in near optimum moisture content to a minimum of 90 percent relative compaction. Imported material shall have an Expansion Index not exceeding 20. The contractor shall notify the Soil Engineer at least 48 hours in advance of importing soil to provide sufficient time for the evaluation of proposed import materials.
5. All surfaces to receive asphalt concrete paving or concrete slabs-on-grade shall be underlain by a minimum compacted fill thickness of 12 inches.

6. During grading, tests and observations shall be performed by a Soil Engineer to verify that the grading is being performed in accordance with the project specifications. Field tests shall be performed with acceptable ASTM test methods. The minimum acceptable degree of compaction shall be 90 percent of the maximum dry density as obtained by the ASTM D1557-91 test method. Where tests indicate insufficient density, an additional compactive effort shall be applied until retests indicate satisfactory compaction.
7. Applicant shall follow the recommendations of the Geotechnical Investigation of the site prepared by Sladden Engineering. (Report Date September 28, 2006)
8. Appropriate grading of pads to direct runoff away from structures on the site.
9. Under the proposed conditions, on-site runoff will be ultimately conveyed by the backbone storm drain system within the developed portion of the development.
10. Onsite runoff shall be contained in the retention basin, sized for a 100 year event.
11. Improvement of streets adjacent to the project site, including Desert Knoll Avenue (40' Collector half-street section) and Aztec Avenue (40' Collector half-section) will be required.
12. Traffic Impact mitigation measures per the approved Traffic Impact Report shall be constructed or shall be paid with in-lieu fees by the developer.
13. Provide a stop sign control at both project site driveways at Desert Knoll, Aztec Avenue and all private street intersections.
14. Traffic calming devices shall be utilized for the straight internal driveway/street extending from Aztec Avenue to Desert Knoll Avenue.
15. Conformance with clear sight triangles shall be required.
16. Traffic signing / striping shall be implemented in conjunction with detailed construction plans for the project site.
17. Construction of Class I bikeway on Desert Knoll and Aztec Avenue adjacent to the project.
18. Construction of bus-turn-out and bus shelter to the MBTA standards at a location to be determined in conjunction with Morongo Basin Transit Authority.
19. 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.
20. The developer shall pay school impact mitigation fees as required by State law and the City Planning Department.

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:

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

Desert Knoll 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 (30-ft half-width plus 10-ft) road dedication along Aztec Avenue 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 Desert Knoll 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. Traffic mitigation measures per the required Traffic Impact Report shall be constructed or shall be paid with in-lieu fees prior to issuance of grading permits.
- E19. Any required street striping shall be thermoplastic as approved by the City Engineer.
- E20. Soil percolation testing for the subsurface disposal system shall meet the requirements of the San Bernardino Environmental Health Services, California Regional Water Quality Control Board and the City.
- E21. 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.
- 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. The developer shall construct two points of paved access from the project to the nearest paved city maintained roadway as approved by the City Engineer.
- E24. All existing roadways affected or damaged by development of the subdivision shall be repaired and restored to their previous condition. Photos and maps showing the location shall be submitted prior to construction.

- E25. All interior private streets shall be constructed to City standards with a minimum of 36' width, curb to curb. All dead end streets shall be designed to include the standard Cul-de-sac (STD #120).
- E26. The storm water retention basin and wastewater treatment plant shall be separate and shall conform to San Bernardino Environmental Health Services, Regional Water Quality Control Board and the City.
- E27. Any developer fees including but not limited to traffic impact fees shall be paid by the developer as per City enactment.
- E28. 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 four 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.
- E29. A second eastbound left turn lane is required at the intersection of Twentynine Palms Highway (SR 62) and Adobe Road.
- E30. All block walls shall be treated with an anti-graffiti coating.

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



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

To: Planning Commission
From: Community Development Director
Date: January 15, 2008
RE: PC 07-109 - An application from Lori Parker of Pioneer Feed for a grading and stockpile permit, to permit the stockpiling of 50,000 cubic yards of earth on 1.67 acres, at 75850 Baseline Road, APN 0624-221-13, Section 35, T1N, R9E.

RECOMMENDATION: Conduct the Public Hearing, adopt Resolution 08-01, and approve the Temporary Use Permit, subject to compliance with City standards for grading and stockpiling.

- | |
|--|
| <p align="center">Attachments</p> <ol style="list-style-type: none"> 1. Conditions of Approval 2. Resolution 08-01 3. Parcel Map 4. Aerial Photo 5. Site Plan |
|--|

BACKGROUND: Pursuant to Section 19.32 (Temporary Use Permits) of the Twentynine Palms Development Code, and Appendix 33 (Grading and Excavation) of the Uniform Building Code, the City of Twentynine Palms may approve a Temporary Use Permit to allow the permitting of the grading and stockpiling operation.

Surrounding Land Use, General Plan and Zoning Designations

	Use	General Plan	Zoning
Site	Vacant	CI (Community Industrial)	CI (Community Industrial)
North	Residential	CI (Community Industrial)	CI (Community Industrial)
South	Industrial	CI (Community Industrial)	CI (Community Industrial)
East	Industrial	CI (Community Industrial)	CI (Community Industrial)
West	Vacant	CI (Community Industrial)	CI (Community Industrial)

The project, a temporary stockpile (storage) of 50,000 cubic yards of earth on 1.67 acres (220' by 330'), is consistent with the General Plan and Zoning Ordinance. The remainder of the 9.71 acre site will remain undisturbed. The project, stockpiling of earth, can be conducted in a manner consistent with the City Codes and Ordinances and the California Building Codes.

CEQA

Section 21084 of the Public Resources Code established a list of classes of projects which have been determined by the State of California not to have a significant effect on the environment and which are, therefore, exempt from the provisions of CEQA.

Pursuant to Section 15332 of the CEQA Guidelines, Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section, which are exempt from further review under state law.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

This section of CEQA Exemptions is intended to promote infill development within urbanized areas. The class consists of environmentally benign in-fill projects which are consistent with local general plan and zoning requirements. This class is not intended to be applied to projects which would result in any significant traffic, noise, air quality, or water quality effects. Based upon this information, staff recommends that the Planning Commission direct staff to file a Notice of Exemption for the project.

Temporary Use Permit

Pursuant to Section 19.32 of the Development Code, the Planning Commission is authorized to approve, conditionally approve, or deny applications for Temporary Use Permits for stockpiling.

Findings

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

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

Public Notification

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

Approval Authority

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

CITY OF TWENTYNINE PALMS

CONDITIONS OF APPROVAL

PC 07-109

Applicant Name: Lori Parker

Project Description: Temporary Use Permit to Stockpile 50,000 Cubic Yards of Earth

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

Approved: January 15, 2008

Expires: January 14, 2009

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

Planning Division

- P1. 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.
- P2. Stockpiling activities shall be undertaken per the approved site plan.
- P3. Within ten days of approval, the applicant shall submit to the Planning Division a signed copy of the Conditions of Approval, verifying that he/she understands each Condition and agreeing to adhere to each of the Conditions of Approval.
- P4. The project shall conform to the CI (Community Industrial) Zone 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: 10 feet minimum
- P5. A copy of the final grading plan shall be submitted to the Building and Safety Division for review and approval.
 - A. All on-site cut and fill slopes shall be limited to a maximum slope ratio of 2 to 1 and a maximum vertical height of thirty (30) feet. Setbacks from top and bottom of slopes shall be a minimum of one-half the slope height.
 - B. Slopes shall provide erosion control.
- P6. Hours of operation shall be limited to 7am to 4pm.
- P7. The project shall include walls, fences, and lighting necessary to reduce possible detrimental effects to surrounding properties and to protect the public health, safety, and welfare of the City.
- P8. The applicant shall provide for the issuance of a cash performance bond deposited with the City to defray the City's costs of cleaning up the property in the event the Permittee fails to do so.

- P9. The applicant shall provide an Additional Insured Endorsement of public liability insurance, naming the City of Twentynine Palms as an additional named insured, and which includes coverage for the effective dates of the Permit with a minimum limit of liability of one million dollars (\$1,000,000) per claim or occurrence.

Building and Safety Division

- B1. An engineered grading report, including soils engineering and engineering geology, shall be filed with, and approved by, the Building Official prior to issuance of permits for grading in excess of 1,000 cubic yards.
- B2. Grading and drainage plans are to be submitted to, and approved by, the Building Official prior to permit issuance.
- B3. The applicant/developer shall submit plans and obtain building permits for all structures and walls. No work is to be done prior to approvals and permit issuance.
- B4. A pre-construction permit and inspection are required prior to any land disturbing activity to verify requirements for erosion control, flood hazard, native plant protection and desert tortoise habitat.
- B5. Erosion control plans shall be submitted to, and approved by, the City Engineer and/or Building Official prior to issuance of permits.
- B6. All cross-lot drainage requires easements and may require improvements at the time of development.
- B7. Prior to any construction activity, the applicant shall check with the State of California Water Resources Control Board to determine if a general construction activity storm water permit is required.
- B8. All grading and stockpiling operations shall be subject to Appendix 33 of the California Building Code.

Engineering Division

- E1. All existing roadways affected or damaged by this Temporary Use Permit shall be required and restored to their previous condition. Photos and maps showing the project location shall be submitted prior to construction.

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. 08-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 07-109 AN APPLICATION BY LORI PARKER FOR A TEMPORARY USE PERMIT IN THE CI (COMMUNITY INDUSTRIAL) ZONE, TO ALLOW STOCKPILING OF 50,000 CUBIC YARDS OF EARTH AT 75850 BASELINE ROAD, CI ZONE, APN 0624-221-13 T1N, R9E, SECTION 35.

WHEREAS, on December 20, 2008, an application was received from Lori Parker for approval of a Temporary Use Permit for stockpiling of 50,000 cubic yards of earth; and

WHEREAS, pursuant to Section 19.32.050 of the Development Code, the applicant seeks a Temporary Use Permit for stockpiling of earth in the CI (Community Industrial) zone; and

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

WHEREAS, the land use, stockpiling of earth, is consistent with the General Plan and Zoning Ordinance; and

WHEREAS, Pursuant to Section 21084 of the Public Resources Code established a list of classes of projects which have been determined by the State of California not to have a significant effect on the environment and which are, therefore, exempt from the provisions of CEQA; and

WHEREAS, Pursuant to Section 15332 of the CEQA Guidelines, Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section, which are exempt from further review under state law, and include the following findings:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

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

WHEREAS, public hearing notice was published in a newspaper of record and the notice was

also 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 January 15, 2008; and

WHEREAS, the Planning Commission finds that:

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms hereby approves a Temporary Use Permit (PC #07-109) to stockpile 50,000 cubic yards of earth on site, subject to the attached conditions.

APPROVED AND ADOPTED THIS 15th DAY OF January, 2008

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

Chairman

ATTEST:

Charlene L. Sherwood, City Clerk

I hereby certify that the foregoing is a true copy of Resolution No. 08-01 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

