



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

To: Planning Commission
From: Community Development Director
Date: February 19, 2008
RE: PC 06-87- An application by Jay Corbin on behalf of Ada Hatch, Martha H. Reich and Elizabeth H. Meyer for a time extension for Tentative Tract Map 18193, subdividing 80 acres into 286 numbered lots for single-family residences. The project is located at the south-east corner of the intersection of Amboy Road and Mesquite Springs Road, Zone RS-4, APN # 0621-031-21, -22, and -23.

RECOMMENDATION: Receive and file.

BACKGROUND: On October 3, 2006, the Planning Commission approved TM 18193, for the subdivision of 80 acres into 286 lots for future development is single family residences.

Attachments

1. Correspondence
2. Vicinity Map
3. Aerial Photo
4. Tentative Tract Map #18193

The project is located on any unimproved site, north of Samarkand Drive, south of Amboy Road, east of Mesquite Springs Road, and west of Lazy Joe Avenue. The site is zoned RS-4. The proposed density of 3.575 dwelling units per acre is less than the maximum density of 4.0 dwelling units per acre allowed by the General Plan.

In the attached correspondence the applicant outlines the justification for a five year time extension.

Section 19.94.100 of the Development Code provides for time extensions of tentative tract maps to be approved by the Community Development Director.

Pursuant to the Development Code, a tentative tract map has a life of three years. Section 19.98.010(K)(4) (Subdivision Regulations) provides that map extensions shall not exceed an aggregate of five (5) years beyond the original expiration date.

Staff has reviewed the request for a time extension, and the project files, the related staff reports and environmental documents and determined that the conditions under which the project was approved remain the same. The proposed project is consistent with the General Plan, the Development Code and the Subdivision Map Act.

Section 66452.6(e) of the Public Resource Code (Subdivision Map Act) states that the time at which a map expires may be extended for a period or periods not exceeding a total of five years.

The map expires on October 2, 2009. Staff has approved a time extension of this tentative tract map, for a period of two years, through October 2, 2011

CITY OF TWENTYNINE PALMS
CONDITIONS OF APPROVAL
PC 06-87

Applicant: Jay Corbin on behalf of Ada Hatch, Martha H. Reich and Elizabeth H. Meyer

Project Description: Subdivide 80 acres into 286 lots

Location/Parcel Number(s) APN: # 0621-031-21, -22, and -23

Tentative Tract Map No. 18193

Approved: October 3, 2006

Time Extension Granted: February 18, 2008

New Expiration Date: October 2, 2011

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

Planning Division

- P1. Prior to final tract map approval, the applicant shall submit for review to the Planning Division, and shall obtain the approval of the Planning Division and City Attorney for, Covenants, Conditions and Restrictions (CC&R's) which shall provide for, or include, all of the following:
- A. Creation of a homeowner's association ("Association") for the purpose of providing for the perpetual maintenance responsibility of areas including, but not limited to, all common areas, including irrigation systems, 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 reasonable method of allocating to the home/lot buyers the costs incurred by the Association to perform the maintenance and other obligations set forth in the CC&Rs.
 - C. A requirement that within 15 days after the establishment of the Association, the declarant in the CC&Rs shall furnish the Board or Officers of the Association a copy of the approved map, a copy of the approved site and fencing plan, copies of all approved landscaping plans, a complete set of construction plans for the map, and approved plans indicating the locations and characteristics of all major project components, utilities, and related data.
 - D. A requirement that following recordation of the final map, the Association shall submit to the Planning Division, for distribution to the City, the Twentynine Palms Fire Department and Water District, and shall re-submit annually, a list of all current Officers of the Association.
 - E. A statement indicating that proposed amendments to the CC&Rs shall be submitted for review to the Planning Division, and shall be approved by the City Attorney and the Planning Division prior to the amendments being valid. This may require re-

submittal to the Department of Real Estate.

- F. A statement indicating that the City is deemed to be an express third party beneficiary of the CC&Rs and has the right, but not the obligation, to enforce any of the provisions of the CC&Rs.
 - G. Fire prevention and defense provisions including a fire lane map, provisions that prohibit parking in fire lanes, and a method of enforcement. Also, a method for keeping fire protection access easements unobstructed shall be included. The approval of the Twentynine Palms Fire Department shall be required for any modifications such as control gates, or parking changes.
- P2. The CC&Rs and bylaws of the Association shall be submitted to the California Department of Real Estate prior to acceptance of final tract map. The CC&Rs shall be recorded against the tract. This may require re-submittal to the Department of Real Estate.
 - 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 tentative map, 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 map shall show all common areas and systems to be maintained by the Association, including, but not limited to, any onsite sewage treatment facility.
 - P5. Prior to final tract map approval, the owner or designee shall pay all applicable fees, including, but not limited to, on site stormwater 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. A clear and comprehensive disclosure document shall be provided to each prospective home/lot buyer that presents the responsibilities, liabilities and costs of maintenance and liability of all common areas as detailed within the CC&Rs, as well as the method(s) of the Association's enforcement of the CC&Rs. Acknowledgement of receipt of this disclosure document, on forms provided by the Community Development Department of the City of Twentynine Palms, and signed by the prospective buyer, shall be retained by the Association, or corporation, and a copy of said form shall be provided to the City of Twentynine prior to occupancy of any home built upon the lot purchased.
 - P7. This tentative subdivision shall comply with the provisions of the State Subdivision Map Act and the City Development Code. This tentative approval shall expire three (3) years from the date of approval by the Planning Commission/City Council. An application for a time extension may be submitted in accordance with the Subdivision Map Act and Chapter 19.98 of the Development Code, 30 days prior to the expiration date. The Tentative Tract Map becomes effective 10 days from the date of the decision unless an

appeal is filed in compliance with Chapter 19.46 of the City's Development Code.

- P8. Prior to approval of the Final Map, the 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

- P9. 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.

- P10. Subdivision phasing shall be allowed per the Subdivision Map Act. Phasing of specific improvements shall be determined prior to approval of the Final Map.

- P11. Within ten days of approval, the applicant shall submit to the Planning Division a signed copy of the Conditions of Approval, verifying that he/she understands each Condition and agrees to adhere to each of the Conditions of Approval.

- P12. The project shall conform to the Single Family Residential (RS-4) 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

Two story structures or second stories shall be setback a minimum of 20 feet from the side and rear property lines.

- P13. All lots shall be a minimum of 7,200 square feet in area. All lots shall have a minimum depth of 100 feet and a minimum width of 60 feet. Corner lots shall have a minimum width of 70 feet.

- P14. A copy of the final grading plan shall be submitted to the Building and Safety Division for review and approval by the Community Development Director.

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

- B. Slopes shall be contour graded to blend with existing natural contours.
 - C. Slopes shall be a part of the downhill lot when within or between individual lots.
 - D. All slopes over five (5) feet in vertical height and all fill slopes over three (3) feet in vertical height and steeper than 3:1, shall incorporate erosion control.
 - E. Minimize elevation differences between off-site residences and proposed pads.
 - F. Fill-slopes shall not be permitted to be located on the perimeter of the project.
- P15. Prior to recordation of Final Map, 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.
- P16. The project shall incorporate curb, gutter, sidewalks, and bikeways, which shall be shown on Engineered improvement plans, subject to approval by the City Engineer.
- P17. The Mitigation Measures from the Initial Study shall be incorporated herein, as conditions of approval, by reference.
- P18. Prior to Final Map approval, the applicant shall submit to the Community Development Department written verification from Time Warner Cable that the subdivision 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].
- P19. To serve the MBTA, the applicant shall provide a bus stop, including a pull-out and shelter. The bus stop shall include a bench and trash receptacle. Bus stop locations and specifications shall be coordinated with Morongo Basin Transit Authority (MBTA), [contact MBTA (760) 366-2986].
- P20. 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.
- P21. The applicant shall construct a storm drainage retention basin as a multiple use neighborhood park and project amenity. The park design and improvement plans shall be reviewed 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. The storm drainage facility shall be operated and maintained by the HOA for use by the project residents and shall be open to the community.
- P22. A decorative block wall shall be along the rear lot lines of lots 1-64, adjacent to Amboy Road, Mesquite Springs Road and Samarkand Drive.
- P23. Park improvements shall be constructed in first phase.

P24. Low level pedestrian lighting shall be required.

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 burrow 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. Grading operations ~~may not begin prior to approval of the Final Map~~ shall be tied to project phasing.
- E2. Street improvement plans shall be submitted to the City Engineer for review and approval.
- E3. All streets shall be improved to City standards with curb, gutter, sidewalk and street pavement. Minimum residential width of streets shall be 36 feet curb to curb.
- E4. All streets abutting the development shall be improved a minimum half-street width of 26 feet with curb, gutter and sidewalk on the development side.
- E5. Streets adjacent to the property shall be improved as follows:

Amboy Road (64' half-street, Expressway)

Mesquite Springs Road (52' half-street, Arterial)
Samarkand Drive (40' half street, Collector)
Lazy Joe (30' half street, Local)

E6. Road dedications shall be provided as follows:

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

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

A 64-ft wide half-width road dedication along Amboy Road adjacent to the property shall be granted to the City of Twentynine Palms prior to Final Map Approval.

A 30-ft wide half-width road dedication along Lazy Joe adjacent to the property shall be granted to the City of Twentynine Palms prior to Final Map Approval.

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

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

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

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

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

E12. Street lights if required shall conform to City's standards, subject to staff review.

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

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

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

E16. The developer shall make a good faith effort to acquire the required off-site property interests, and if he or she should fail to do so, the developer shall at least 120 days prior to submittal of the final map for approval, enter into an agreement to complete the improvements pursuant to Government Code Section 66462 at such time as the City acquires the property interests required for the improvements. Such agreement shall provide for payment by the developer of all costs incurred by City to acquire the off-site

property interests required in connection with the subdivision. Security for a portion of these costs shall be in the form of a cash deposit in the amount given in an appraisal report obtained by the developer, at the developer's cost. The appraiser shall have been approved by the City prior to commencement of the appraisal. Additional security may be required as recommended by the City Engineer and City Attorney.

- E17. Any required street striping shall be thermoplastic as approved by the City Engineer.
- E18. Soil percolation testing for the subsurface disposal system shall meet the requirements of the San Bernardino Environmental Health Services and the City.
- E19. Easements, as required for roadway slopes, drainage facilities, utilities, etc., shall be submitted and recorded as directed by the City Engineer. No structures shall be placed on any part of the easements except those directly related to the purposes of said easements.
- E20. A combination sidewalk and Class I bike path shall be constructed along Mesquite Springs Road, as approved by the City Engineer.
- ~~E21. Any developer fees including but not limited to traffic impact fees shall be paid by the developer as per City enactment. The developer shall be eligible to receive credit for fees paid and improvement costs against any future impact fees.~~
- E22. All mitigations measures as outlined in the traffic study for this project shall be required as approved by the City Engineer.
- E23. Where feasible, retention/detention basins shall be designed as dual use facilities. Retention/detention basins greater than 1 acre in size shall not be greater than 8 feet in depth (unless otherwise approved by the Planning Commission). The sides of any retention/detention basins shall be 4:1 or flatter slopes. The retention basins shall include two stage- interceptor type dry wells to help facilitate the rapid removal of storm water and nuisance water. Limited impervious surfaces may be allowed in the basin.
- E24. Right-of-way and improvements (including offsite) to transition traffic and drainage flows from proposed to existing shall be required as necessary as approved by the City Engineer.
- E25. The applicant will be required to provide a sewage treatment facility. If accommodation for such a facility can not be made off-site, the sewage treatment facility shall be provided on site, and include lots #1-3 and 90-92 or as otherwise necessary, for this facility.

Fire Department

- F1. Prior to any construction, the owner shall contact the Twentynine Palms Fire Department for verification of current fire protection requirements.
- F2. All construction and activities shall comply with applicable sections of the 1988 edition of the Uniform Fire Code and all other state, county, and city ordinances, rules and regulations regarding fire protection.
- F3. The development, and each phase thereof, shall have two (2) points of paved vehicular access for emergency vehicles and equipment and for routes of escape that will safely

handle evacuation.

- A. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. The required width shall not be obstructed in any manner, including parking of vehicles.
 - B. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.
 - C. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus.
- F4. All flammable vegetation shall be cleared a minimum distance of 30 feet, or to the property line, from any flammable building materials or finished structures.
- F5. Each chimney used in conjunction with any fireplace or heating appliances in which solid or liquid fuels are used shall have, and be maintained with an approved spark arrester as identified by the Uniform Fire Code.
- F6. Street addresses shall be posted with numbers a minimum height of three (3) inches. Posted numbers shall contrast with their background and be visible and legible from the street. Developer shall furnish the fire department with a list and map of all of the street names and addresses within the project.
- F7. Prior to commencement of construction, an approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. The following are the minimum requirements for the proposed development:
- A: SYSTEM STANDARDS
 - Fire Flow: 1500 GPM @ 20 PSI Residual Pressure
 - Duration: 2 Hours
 - Hydrant Spacing: 660 Feet
 - B: DISTRIBUTION SYSTEM
 - Mains: 6-Inch Minimum
 - Laterals: 6-Inch Minimum
 - Riser: 6-Inch Minimum
 - C: FIRE HYDRANTS
 - Number: To be determined
 - Type: 6-Inch, with one (1) two and one half (2 ½) inch outlet and one (1) four (4) inch outlet with National Standard Threads.
 - Street Valve: 6-Inch Gate
- F8. The developer shall furnish the fire department with a copy of the water system improvement plans. A letter from the water purveyor stating what fire flow can be met shall be required.

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

Applicant/Developer

Date



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

To: Planning Commission
From: Community Development Director
Date: February 19, 2007
RE: PC 07-72 – An application by Evergreen Real Estate Development on behalf of Walgreens, for a proposed 14,820 sq. ft. retail store on 1.19 acres, at 73365 Twentynine Palms Highway. The application includes a General Plan Amendment and Zone Change from RM-SP#4 to CG, an Amendment to Specific Plan #4, a Conditional Use Permit for a drive-through, a Variance for parking and lot coverage, and a Right of Way Vacation for the 20' wide alley between Oasis Avenue and Pine Avenue, Zone CG and RM-SP#4, T1N, R9E, Section 32, APN 0617-107-07 through -15.

RECOMMENDATION: Conduct the Public Hearing, consider public comment, adopt the Negative Declaration, adopt the resolution and recommend that the City Council approve the project, subject to the attached Conditions.

BACKGROUND: The project includes construction of a 14,820 square foot Walgreens retail store and drive-through pharmacy on 1.19 acres.

Present zoning for the property is General Commercial (CG) and RM-SP #4 (Multi-Family Residential, Specific Plan #4). The project includes a General Plan Amendment and Change of Zone, which include a Specific Plan Amendment for a portion of the site, from RM-SP#4 to CG, a Conditional Use Permit for a drive through pharmacy in the CG land use district, a variance for parking and lot coverage and a Vacation of Right of Way for an existing unimproved alley.

- | Attachments | |
|-------------|--------------------------|
| 1. | Conditions of Approval |
| 2. | Resolution |
| 3. | Application |
| 4. | Negative Declaration |
| 5. | Locator Map |
| 6. | Correspondence |
| 7. | Site Plan |
| 8. | General Plan Exhibit |
| 9. | Specific Plan #4 Exhibit |
| 10. | Vacation Exhibit |

Site Characteristics

The site contains an obsolete commercial building in the northwest portion of the site, which was formerly used as Plaza Furniture, and a duplex at the south west corner of the site. Both of the buildings are proposed to be demolished as part of this project. The Plaza Furniture building is the site of the city's first mural. The site also has limited scattered vegetation.

Surrounding Land Use, General Plan and Zoning Designations

	Land Use	General Plan	Zone
Site	Commercial/Residential	CG, RM-SP#4	CG, RM-SP#4
North	Commercial	CG	CG
East	Commercial	CG	CG
South	Residential	RM-SP#4	RM-SP#4
West	Commercial	CG	CG

CEQA Environmental Review

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

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

Input from these agencies has been reviewed, attached as Correspondence and, where appropriate, incorporated into the Conditions of Approval for the project. Based on the findings of the Initial Study, a Negative Declaration is recommended. No mitigation measures are proposed for this project.

General Plan Amendment

The project site contains nine parcels and a 20' wide alley running between Pine Avenue and Oasis Avenue. The five parcels located north of the alley, APNs 0617-102-09, 10, 11, 12 and 13, are designated as CG. The CG land use district allows retail, pharmacy and drive-through land uses.

The four parcels located south of the alley, APNs 0617-102-07, -08, -14 and -15, are designated as RM-Specific Plan#4. The designation is designed for multi-family residential. The applicant has applied for a General Plan Amendment to change the designation of these four parcels to CG. With the proposed Amendment, the project is consistent with the General Plan Land Use Element.

In analyzing the proposed amendment, staff has reviewed the supply of available RM (multi-family residential) designated lands and determined that an adequate supply of unimproved RM (multi family residential) designated land is available for future development within the city. Presently, 957 acres, or approximately 2.7% of the City is designated RM. Also, the proposed amendment would rectify problems associated with the associated parcels, including inadequate parcel width, depth and area, given current market trends.

Prior to approving a General Plan amendment, the Planning Commission must make the following findings. Staff supports these findings.

- A. That the amendment is consistent with the intent of the goals and policies of the General Plan as a whole, and is not inconsistent with any element thereof; and
- B. That the amendment prescribes reasonable controls and standards for affected land uses to ensure compatibility and integrity of those uses with other established uses; and
- C. That the amendment provides reasonable property development rights while protecting environmentally sensitive land uses and species; and
- D. That the amendment provides for the protection of the general health, safety, or welfare of the community.

Change of Zone and Specific Plan

The site has split zoning, five parcels located north of the alley, APNs 0617-102-09, 10, 11, 12 and 13, are designated as CG, while four parcels located south of the alley, APNs 0617-102-07, -08, -14 and -15, are designated as RM-SP#4. This Specific Plan allows Multi Family Residential uses, but not commercial uses.

The applicant has applied for an Amendment to the Specific Plan to eliminate these parcels from Specific Plan #4, and for a Change of Zone to change the zoning of these four parcels from RM-SP#4 to CG. The CG zone allows retail and the drive-through pharmacy with a Conditional Use Permit. With the proposed Zone Change, the project is consistent with the Development Code.

Pursuant to Section 19.24.100 of the Development Code, a Specific Plan may be amended in the manner in which it was approved. Prior to amending a Specific Plan, the Planning Commission must make the following findings:

- A. That the Specific Plan is consistent with the intent of the goals and policies of the General Plan as a whole, and is not inconsistent with any element thereof; and
- B. That the Specific Plan prescribes reasonable controls and standards for affected land uses to ensure compatibility and integrity of those uses with other established uses; and
- C. That the Specific Plan provides reasonable property development rights while protecting environmentally sensitive land uses and species; and
- D. That the Specific Plan provides for the protection of the health, safety, or general welfare of the community.

Prior to approving a Zone Change, the Planning Commission must make the following findings:

- A. The Zone Change is consistent with the intent of the goals and policies of the General Plan; and
- B. The Zone Change prescribes reasonable controls and standards to ensure compatibility with other established uses; and
- C. The Zone Change provides reasonable property development rights while protecting environmentally sensitive land uses and species; and
- D. The Zone Change ensures protection of the general health, safety, and welfare of the community.

Staff supports these findings.

Right of Way Vacation

The project site includes a 20' wide alley running between Pine Avenue and Oasis Avenue. The City Engineer has reviewed the proposed project and has concluded that alley is unnecessary and that the right of way can be vacated to the adjoining property owner.

Pursuant to Section 66477.5 of the Public Resource Code, in order to approve the vacation, the Planning Commission must find that the vacation is consistent with the General Plan and that the purpose for which the property was originally dedicated no longer exists, or the property or any portion thereof is not needed for public utilities. Staff supports these findings.

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 the Twentynine Palms Highway and will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- B. The subject site is approximately 1.19 acres and is therefore adequate in size to accommodate the proposed use.
- C. The shape of the parcel is typical, and allows for orderly development such as the proposed use.
- D. With the recommended conditions, the proposed project will meet the objectives of the General Plan and CG land use designation.
- E. The proposed project, as conditioned, does not conflict with and is consistent with the goals and objectives of the Twentynine Palms General Plan.
- F. There are similar drive-through establishments in the vicinity, which have been recently approved by the City under identical zoning classifications.

Variance

The application, an urban infill project located in the downtown, includes two variances.

Parking

The site plan is deficient in parking. Seventy-four parking spaces are required. A total of 57 parking spaces and 8 drive-through stacking spaces are provided on site. This equals a total of 65 vehicle spaces. However, the code allows granting of parking credit for drive-through stacking at a rate of one credited parking space per four stacking spaces. Therefore, the project includes a total of 59 allowable parking spaces.

The parking standard, which requires one (1) parking space per 200 square foot of Gross Floor Area (GFA), is very conservative. Staff has analyzed other similar uses and determined that similar drive-through pharmacies rarely utilize greater than 75% of their available parking. Staff has also observed three similar sized Walgreen's in desert communities and found that during peak PM hours, no more than 25 parking spaces were used.

Many of the parcels in the vicinity and under identical zoning classification were constructed with no parking and without paved parking. The applicant has attempted to closely approximate the requirement of the development standards with regards to parking. Because other properties were developed in such a manner, denial of this variance application may be interpreted as denial of a special privilege granted to other properties in the vicinity, under identical zoning classification.

The applicant has provided an alternative parking analysis which breaks the building into a 9,247 square foot retail and 5,573 square foot warehouse component. Using this methodology, the applicant notes that the code would require a total of 53 spaces, with 9,247 sq.ft. of retail requiring 47 spaces (1 space per 200 sq.ft.) and 5,573 sq ft. of warehouse area requiring 6 space (1 per 1,000 sq.ft.). Using this analysis, staff is comfortable recommending approval of a Variance to the strict application of the parking code.

Lot coverage

The CG zone allows a maximum 80% lot coverage. The applicant proposes 81% lot coverage. The project location is an in-fill redevelopment site. The site is severely constrained by existing roadway improvements on the north, east and west side street frontages, and existing multi-family development to the south. One approach to site design would be to scale the size of the building back to meet all code requirements. However, existing parcels in the vicinity and under identical zoning classification were constructed under rules which allowed zero lot line development, with nearly 100% lot coverage. This applicant has attempted to adhere to the setback requirements for the zone, and in the process has designed a project which does not meet the lot coverage standards. Because other properties were developed in such a manner which exceeds allowable lot coverage, denial of this variance application may be interpreted as denial of a special privilege granted to other properties in the vicinity, under identical zoning classification.

As designed and with approval of the Variance for parking and lot coverage, the project is consistent with the Development Code. Pursuant to Section 19.34.050 of the Development Code, prior to approving a Variance, the Planning Commission shall make the following findings:

- A. That, because of special circumstances applicable to the property, (size, shape, topography, location or surroundings) or the intended use of the property, the strict application of the Development Code deprives the property of privileges enjoyed by other properties in the vicinity under identical zoning classification; and
- B. That granting the Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zoning classification; and
- C. That granting the Variance will not be materially detrimental to the public health, safety, or welfare, or injurious to property or improvements; and
- D. That granting of the Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning classification in which the property is located; and
- E. That granting the Variance does not allow a use or activity which is prohibited by the zoning regulation governing the parcel; and
- F. That granting the Variance will not be inconsistent with the City of Twentynine Palms General Plan.

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

- A. The CG zone allows commercial facilities. The proposed project is located on a state highway, will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. Denial of this application would deprive the property of privileges enjoyed by other properties in the vicinity under identical zoning classification.
- B. The subject site is approximately 1.19 acres and is therefore adequate in size to accommodate the proposed use. The shape of the parcel is typical, and granting of the variance would allow for orderly development such as the proposed use.
- C. The project will provide for additional retail and medical services within in the community, which will enhance the public health, safety and welfare.
- D. That granting of the Variance would not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning classification in which the property is located.
- E. That granting the Variance would not allow a use or activity which is prohibited by the zoning regulation governing the parcel.
- F. That granting the Variance is consistent with the City of Twentynine Palms General Plan and Development Code.
- G. The proposed use will not generate excessive noise, vibration, traffic or other disturbance and will therefore not have a substantial adverse effect on abutting property or uses located or potentially developed in an industrial area.
- H. Routing of the proposal to the County Clerk of San Bernardino has afforded an opportunity for review and comment by the County.
- I. The proposed project, as conditioned, does not conflict with and is consistent with the goals and objectives of the Twentynine Palms General Plan.
- J. The variance does not represent the grant of a special privilege; properties in the vicinity located in the downtown on the state highway and under identical zoning designation enjoy similar privileges, with no dedicated parking spaces and close to 100% lot coverage.

Cultural Resources and Public Arts

The project site is the location of the Bill Keys Mural, the City's first mural. There is sensitivity within the community to both the mural program and the arts. The mural program was inaugurated to spur economic development and real property investment in the City. To the credit of the program, it is beginning to be successful in meeting that original intent. This project presents the applicant with an opportunity to work with the community to provide for the replacement of the mural. Staff recommends that the applicant provide one wall for the replacement of the mural and contribute towards the expense of replacing the mural within the context of the downtown.

Traffic and Circulation

A traffic impact analysis was prepared by Kimley Horn and Associates. The project will generate approximately 1,307 new daily trips, with 39 trips in the AM peak hour and 65 trips during the PM peak hours. The applicant will be required to dedicate right of way and construct street improvements along the Twentynine Palms Highway (SR 62), Pine Avenue, and Oasis Avenue. The study concluded that existing, unsignalized intersections do not warrant signalization under project conditions.

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.

Sign Program

The proposed sign program exceeds the code allowance in both the number of signs and size of the allowed signs. The sign program includes four primary signs, three building mounted signs and one monument sign. Three primary signs are allowed, including the monument sign. Two of the primary signs are larger than allowed; the proposal includes two signs that are 80.32 square feet each, while the maximum allowed sign area is 75 square feet. Staff's recommendation is to apply the sign code, require the deletion of one primary sign and require that the proposed primary signs they do not exceed the maximum sign area of 75 square feet.

Approval Process

The Planning Commission is the Review Authority and the City Council is the Approval Authority for the Project. In taking action to recommend approval, the Planning Commission must find that the proposed project is consistent with the General Plan.

CITY OF TWENTYNINE PALMS
DRAFT CONDITIONS OF APPROVAL
PC 07-72

Applicant: Evergreen Devco for Walgreens
Project: 14,820 square foot Walgreens
Location: 73365 Twentynine Palms Highway
APN# APN 0617-107-07 through -15.

Approved: February 19, 2008

Expire: February 18, 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 (1) year from the date the approval was granted, unless prior to the expiration date:

1. A Building Permit is issued and remains active for any approved phase of the project; or
2. A Certificate of Occupancy is issued for the use or structure; or
3. The site is occupied in accordance with the approved use. (A use permit for a public utility installation may be valid for a longer period if specified by the Approval Authority or City Council.)
4. The site is occupied in accordance with an approved phase as part of a phased development.

Per Section 19.30.090 (B), an approved Conditional Use Permit shall expire if the use has been commenced and then is discontinued for a period of one (1) year or more.

Planning Conditions

- P1. Conditional approval is granted by the City Council acting as Approval Authority on February 19, 2008, to permit a drive through pharmacy at the above referenced location. All development of the site shall be in substantial conformance with the adopted site plan and shall comply with all Conditions of Approval.
- P2. The Applicant shall ascertain and comply with requirements of all State, County and Local agencies as are applicable to the project proposal.
- P3. The property owner shall keep the property neat, clean, and in good physical condition including open spaces, sidewalks, lighting, driveways, parking areas, and landscaping.
- P4. All outdoor lighting shall conform to Development Code Chapter 19.70, *Lighting Standards*, and shall be designed to not glare or reflect onto neighboring properties or public rights-of-way. Outdoor lighting shall be shielded and limited to that required for security and safety purposes.
- P5. Prior to construction, the applicant shall submit three sets of plans to the City's Building Official and secure a Building Permit in conformance with the Uniform Building Code.

- P6. All construction and improvements shall comply with *Encroachments into Yards or Setbacks* standards established in the Development Code for the underlying land use district.
- P7. The applicant shall defend, at its sole expense (with attorneys approved by the City), and indemnify the City against any claim, action, or proceeding brought by any third party against the City, its agents, officers or employees resulting from or relating to this approval. The applicant shall reimburse the City, its agents, officers or employees for any judgment, court costs and attorney's fees which the City, its agents, officers or employees may be required to pay as a result of such claim, action, or proceeding. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.
- P8. A copy of the final grading plan shall be submitted to the Building and Safety Division for review and approval by the Community Development Director.
- P9. The applicant shall submit revised landscape plans consistent with Go Native Landscape Design Guidelines, for review and approval by the Community Development Director, prior to issuance of building permits.
- P10. The sign program is approved with back lit signage. The monument sign shall have a maximum one foot tall base.
- P11. The applicant shall include a shade structure at the drive through.
- P12. The applicant shall deliver one building wall primed and adequately prepared and ready for the application of a replacement mural and contribute financial resources towards the replacement of the mural.
- P13. The applicant shall provide bicycle parking.
- P14. The applicant shall submit a light plan in compliance with the night sky ordinance, with zero light trespass, prior to the issuance of building permits.
- P15. A 6' high decorative block wall shall separate the project from adjacent residentially zoned properties.
- P16. All onsite buildings and structures, including the non-conforming pole sign, shall be demolished and removed.
- P17. The applicant shall provide a bus shelter and turnout, located in conjunction with the MBTA.
- P18. All mechanical equipment shall be screened from public rights-of-way and parking lots as an integral part of the building design through the use of parapets, screen walls, equipment wells, or similar design features, a minimum of six inches above the tallest piece of mechanical equipment.
- P19. All utilities serving new projects shall install underground utilities both onsite and in the public right-of-way.

General Conditions

- G1. All Conditions are continuing Conditions. Failure of the Applicant and/or operator to comply with any of the said Conditions at any time may result in the revocation of the Conditional Use Permit and/or citation for code violation.
- G2. The applicant and applicant's successors in interest shall be responsible for payment of all applicable fees, including reimbursement for all City expense in ensuring compliance with the Conditions of Approval.

Building and Safety

- B1. Grading and drainage plans are to be submitted to, and approved by, the Building Official prior to permit issuance.
- B2. The applicant/developer shall submit plans and obtain building permits for all structures and walls. No work is to be done prior to approvals and permit issuance.

Engineering

General

- E1. The project shall comply with all applicable City ordinances and resolutions.
- E2. All road easements required shall be offered for dedication to the public and shall continue in force until the City accepts or abandons such offers. All dedications shall be free from all encumbrances.
- E3. Easements, when required for roadway slopes, drainage facilities, landscaping, utilities, etc., shall be submitted and recorded as directed by the City Engineer. No structures shall be placed on any part of the easements except those directly related to the purposes of said easements.

Drainage

- E4. Prior to issuance of a grading permit, a final drainage plan with street layouts shall be submitted for review and approval by the City Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider retaining onsite drainage flows from a 100-year design storm.
- E5. Prior to the submittal of any improvement plans or issuance of a grading permit, the Developer/representative shall submit to the City Engineer, detailed drainage studies indicating how potential grading in conjunction with the drainage conveyance systems, will allow building pads to be safe from inundation from rainfall run off, which may be expected from all storms up to, and including, the theoretical 100 year storm.
- E6. In addition to the drainage requirement stated herein, other "onsite" or "offsite" improvement may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to the Engineering Department.

Grading

- E7. Prior to the issuance of a grading permit, the developer's engineer shall submit a comprehensive grading plan in conformance with California Building Code and the requirements of the City.

- E8. A grading permit shall be obtained from the City Engineer prior to any grading or other work done on the site.
- E9. A preliminary soils report and a current preliminary title report shall be submitted to the Engineering Department concurrently with the grading plan. The soils report shall include a geologists report and address the geology, stability of the site as well as the grading requirements. The Soil Engineer shall state the "R" value (soils resistance) for the site, based upon a "TI" value set by the City Engineer.

Improvements

- E10. A 30' foot half width street dedication along Pine Avenue shall be dedicated to the City of Twentynine Palms prior to Grading Permit Issuance.
- E11. A 30' foot half width street dedication along Oasis Avenue shall be dedicated to the City of Twentynine Palms prior to Grading Permit Issuance.
- E12. A 52' foot half width street dedication along State Route 62 shall be dedicated to Caltrans prior to Grading Permit Issuance.
- E13. All streets abutting the development shall be improved a minimum half-width of 28 feet with curb and gutter on the development side.
- E14. Pine Avenue and Oasis Avenue shall be constructed to the City's half width Local Road Standards adjacent to the development.
- E15. State Route 62 shall be constructed to the City's half width Major Arterial Standards adjacent to the development.
- E16. Improvement plans shall be based upon a centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries.
- E17. The minimum structural section of all public streets shall be four (4) inches of asphalt concrete over compacted native soil. A soils report containing a design structural section based on a traffic index assigned by the City Engineer shall be submitted prior to the approval of street improvement plans.
- E18. Sidewalks shall be constructed to City Standards.
- E19. An encroachment permit separate from the onsite grading permit shall be obtained from the City of Twentynine Palms (760-367-6799) prior to any construction occurring within the public right-of-way.
- E20. Right-of-way and improvements (including offsite) to transition traffic and drainage flows from proposed to existing shall be required as necessary.
- E21. Any developer fees including but not limited to traffic impact fees shall be paid by the developer as per City enactment.
- E22. Applicant shall apply for and obtain a Vacation of Right-Of-Way for the alley adjacent to project prior to grading permit issuance.

- E23. The first driveway on Pine Avenue nearest to State Route 62 is not in compliance with the driveway spacing, standard #130 and shall be removed. The purpose of spacing is to allow for storage for left turn movements regardless if the driveway does not allow left turn entrance.

Utilities

- E24. 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.
- E25. 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. Developer shall furnish the fire department with a list and map and street names and address for the project.
- F5. Prior to commencement of construction, an approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. The following are the minimum requirements for the proposed development:

A: SYSTEM STANDARDS

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

B: DISTRIBUTION SYSTEM

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

C: FIRE HYDRANTS

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

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

shall be required.

F7. The applicant shall install a Knox Box.

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

Applicant/Developer

Date

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF PC 07-72, AN APPLICATION BY EVERGREEN DEVELOPMENT, FOR A GENERAL PLAN AMENDMENT, CHANGE OF ZONE, SPECIFIC PLAN AMENDMENT, CONDITIONAL USE PERMIT, VARIANCE AND RIGHT OF WAY VACATION TO CONSTRUCT A WALGREENS STORE WITH DRIVE THROUGH, AT 73365 TWENTYNINE PALMS HIGHWAY, ZONE CG AND RM-SP#4, T1N, R9E, SECTION 32, APN 0617-107-07 THROUGH -15.

WHEREAS, on August 27, 2007 an application was received from Evergreen Development for approval of a General Plan Amendment, Change of Zone, Specific Plan Amendment, Conditional Use Permit, Variance and Right of Way Vacation to construct a drive through pharmacy and retail store in the CG and RM-SP#4 zone ; and

WHEREAS, the application was deemed incomplete on September 13, 2007; and

WHEREAS, the application was deemed complete on January 4, 2008; and

WHEREAS, the land use designation (zoning) for the subject property is General Commercial (CG) and Specific Plan #4 (RM-SP#4); and

WHEREAS, the proposed project is a retail commercial building with drive through pharmacy structure; and

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

WHEREAS, Pursuant to the CEQA Guidelines, a Negative Declaration was prepared for the project and route to responsible agencies; and

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

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

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

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

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

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

WHEREAS, a public hearing was held by the Planning Commission on February 19, 2007; and

WHEREAS, with respect to the General Plan Amendment application, the Planning Commission finds the following:

- A. That the amendment is consistent with the intent of the goals and policies of the General Plan as a whole, and is not inconsistent with any element thereof; and
- B. That the amendment prescribes reasonable controls and standards for affected land uses to ensure compatibility and integrity of those uses with other established uses; and
- C. That the amendment provides reasonable property development rights while protecting environmentally sensitive land uses and species; and
- D. That the amendment provides for the protection of the general health, safety, or welfare of the community.

WHEREAS, with respect to the Change of Zone application, the Planning Commission finds the following:

- A. The Zone Change is consistent with the intent of the goals and policies of the General Plan; and
- B. The Zone Change prescribes reasonable controls and standards to ensure compatibility with other established uses; and
- C. The Zone Change provides reasonable property development rights while protecting environmentally sensitive land uses and species; and
- D. The Zone Change ensures protection of the general health, safety, and welfare of the community.

WHEREAS, with respect to the Specific Plan Amendment application, the Planning Commission finds the following:

- A. That the Specific Plan Amendment is consistent with the intent of the goals and policies of the General Plan as a whole, and is not inconsistent with any element thereof; and
- B. That the Specific Plan Amendment prescribes reasonable controls and standards for affected land uses to ensure compatibility and integrity of those uses with other established uses; and
- C. That the Specific Plan Amendment provides reasonable property development rights while protecting environmentally sensitive land uses and species; and
- D. That the Specific Plan Amendment provides for the protection of the health, safety, or general welfare of the community.

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

- A. The site is located on the Twentynine Palms Highway and will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

- B. The subject site is approximately 1.19 acres and with the approval of the proposed entitlements 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 and with the approval of the proposed entitlements, the proposed project will meet the objectives of the General Plan and CG land use designation.
- E. The proposed project, as conditioned, does not conflict with and is consistent with the goals and objectives of the Twentynine Palms General Plan.
- F. There are similar drive-through establishments in the vicinity, which have been recently approved by the City under identical zoning classifications.

WHEREAS, Pursuant to Section 66477.5 of the Public Resource Code, the Planning Commission finds that the right of way vacation of the 20' alley between Oasis Avenue and Pine Avenue is consistent with the General Plan and that the purpose for which the property was originally dedicated no longer exists, or the property or any portion thereof is not needed for public utilities; and

WHEREAS, with respect to the Variance application the Planning Commission finds the following:

- A. The CG zone allows commercial facilities. The proposed project is located on a state highway, will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. Denial of this application would deprive the property of privileges enjoyed by other properties in the vicinity under identical zoning classification.
- B. The subject site is approximately 1.19 acres and with the approval of the proposed entitlements is therefore adequate in size to accommodate the proposed use. The shape of the parcel is typical, and allows for orderly development such as the proposed use.
- C. The project will provide for additional retail and medical services within in the community, which will enhance the public health, safety and welfare.
- D. That granting of the Variance would not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning classification in which the property is located.
- E. That granting the Variance would not allow a use or activity which is prohibited by the zoning regulation governing the parcel.
- F. That granting the Variance is consistent with the City of Twentynine Palms General Plan and Development Code.
- G. The proposed use will not generate excessive noise, vibration, traffic or other disturbance and will therefore not have a substantial adverse effect on abutting property or uses located or potentially developed in an industrial area.

- H. Routing of the proposal to the County Clerk of San Bernardino has afforded an opportunity for review and comment by the County.
- I. With the recommended conditions and with the approval of the proposed entitlements, the proposed project will meet the objectives of the General Plan and CG land use designation.
- J. The proposed project, as conditioned, does not conflict with and is consistent with the goals and objectives of the Twentynine Palms General Plan.
- K. The variance does not represent the grant of a special privilege; properties in the vicinity located in the downtown on the state highway and under identical zoning designation enjoy similar privileges, with no dedicated parking spaces and close to 100% lot coverage.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms adopts this resolution and recommends that the City Council adopts the Negative Declaration, approves the General Plan Amendment, Change of Zone and Specific Plan Amendment, Conditional Use Permit, Right of Way Vacation and Variance applications, subject to the attached Conditions of Approval.

APPROVED AND ADOPTED THIS 19th DAY OF February 2008.

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Rebecca Rinkes, Chair

ATTEST:

Charlene L. Sherwood, City Clerk

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

Charlene L. Sherwood, City Clerk



**CITY OF TWENTYNINE PALMS
STAFF REPORT**

6136 Adobe Road
Twentynine Palms, CA 92277
(760) 367-6799, Fax (760) 367-5400
plantech@ci.twentynine-palms.ca.us

To: Planning Commission
From: Community Development Technician
Date: February 19, 2007
RE: PC 07-112 – An application by Kathy Markoudakis of Carehaven Board and Care is seeking approval of a Conditional Use Permit to permit a 15 person board and care (congregate care) facility located at 73173 Sullivan Road, on 2.21 acres RS-1 Zone, on APN 0616-231-16, T1N, R9E, Section 32.

RECOMMENDATION: Conduct the Public Hearing, consider public comment, find the project Exempt pursuant to CEQA, adopt the resolution and recommend that the City Council approve the project.

BACKGROUND: Kathy Markoudakis is requesting approval of a Conditional Use Permit for a 15 person board and care (congregate care) facility at 73173 Sullivan Road. The site was previously approved as a board and care facility in 1995. Carehaven Board and Care, an assisted living facility with 15 residents, ceased operations prior to October 2006.

Attachments	
1.	Resolution 08-
2.	Conditions of Approval
3.	Application
4.	Locator Map
5.	Site Plan
6.	Correspondance
7.	PC 95-03 materials

CEQA Environmental Review

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) Guideline, Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, and is Categorically Exempt from further environmental review under state law.

Surrounding Land Use, General Plan and Zoning Designations

	Land Use	General Plan	Zone
Site	Board and Care	RS-1	RS-1
North	Residential	RS-4	RS-4
East	Vacant	RS-1	RS-1
South	Vacant	RS-1	RS-1
West	Residential	RS-1	RS-1

General Plan

The RS category is depicted by the letters “RS” on the Land Use map. When followed by a suffix number, that represents the maximum dwelling units permitted per gross acre for that territory.

Bed and board facilities serving 7 or more persons may be allowed with a Conditional Use Permit (CUP). Such uses shall not conflict with the residential character of this district. Institutional uses, such as schools, churches, and day care facilities are to be designed to integrate into the neighborhood in which they are located, so as to maintain the integrity of the neighborhood. Proper setbacks and screening of features such as mechanical equipment, trash enclosures, etc., are required.

Zoning

The RS-1 district is intended to create, preserve and enhance neighborhoods in a quiet neighborhood setting where permanent; one household, residential uses are predominant. The detached dwellings and yards of RS areas allow for maximum privacy where desired, and opportunities for outdoor living and activities. Residential Care facilities for 7 or more persons are an allowed use with approval of a Conditional Use Permit.

Site Characteristics

The subject site is developed with an existing board and care facility. The site slopes as it moves north towards Sullivan Road, south to north. The northern half of the site has been cleared of desert vegetation and has previously been used as a board and care facility. The southern half of the site is undisturbed native vegetation.

Conditional Use Permit

This site was approved in 1995 for 15 person a board and care facility (PC 95-03). Pursuant to Chapter 19.30.090, (Expiration) of the Development Code, an approved Conditional Use Permit expires if the use has been commenced and then is discontinued for a period of one (1) year or more. The CUP expired for this property.

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

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

- C. That the proposed site is adequate in size and shape to accommodate the use and integrate it with the existing and planned uses in the vicinity.

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

- A. The site is located on Sullivan Road, a Collector roadway, and will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- B. The subject site is approximately 2.21 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 RS-1 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 site has previously been utilized as a congregate care facility and did not injure the public health, safety and welfare.

Approval Process

The Planning Commission is the Approval Authority for the Conditional Use Permit. In taking action to approve the CUP, the Commission must find that the proposed project is consistent with the General Plan. Because the subject property has the RS-1 General Plan land use designation, the project with approval of the CUP is consistent with the General Plan Land Use Plan.

CITY OF TWENTYNINE PALMS
PLANNING COMMISSION
RESOLUTION NO. 07-112

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 07-112, AN APPLICATION BY KATHY MARKOUDAKIS OF CAREHAVEN BOARD AND CARE FOR APPROVAL OF A CONDITIONAL USE PERMIT TO PERMIT A 15 PERSON BOARD AND CARE FACILITY AT AN EXISTING STRUCTURE LOCATED AT 73173 SULLIVAN ROAD, ON 2.21 ACRES RS-1 ZONE, ON APN 0616-231-16, T1N, R9E, SECTION 32.

WHEREAS, on February 21, 1995 the Planning Commission approved a Special Use Permit for the development of a 15 bed, board and care facility for applicant Virgil Havener (PC95-03); and

WHEREAS, on October 28, 2006 the board and care facility ceased doing business; and

WHEREAS, a Conditional Use Permit expires if the use has been commenced and then is discontinued for a period of one (1) year or more.

WHEREAS, on December 20, 2007 an application Kathy Markoudakis of Carehaven board and care for approval of a conditional use permit to permit a 15 person board and care facility at an existing structure located at 73173 Sullivan Road; and

WHEREAS, the land use designation (zoning) for the subject property is Single Family Residential 1 unit per acre (RS-1); and

WHEREAS, the proposed project is residential board and care (congregate care) facility; 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 California Environmental Quality Act (CEQA) Guideline, Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, and is Categorically Exempt from further environmental review under state law; and

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

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

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

WHEREAS, the site is an existing facility and is 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 were held by the Planning Commission on February 19, 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 Sullivan Road and therefore will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- B. The subject site is approximately 2.21 acres and is therefore adequate in size to accommodate the proposed use.
- C. The shape of the parcel is typical, and allows for orderly development such as the proposed use.
- D. With the recommended conditions, the proposed project will meet the objectives of the General Plan and CG land use designation.
- E. The proposed project, as conditioned, does not conflict with and is consistent with the goals and objectives of the Twentynine Palms General Plan.
- F. The site has previously been utilized as a congregate care facility and did not injure the public health, safety and welfare.

WHEREAS, following the public hearing, the Planning Commission, voted to approve the project.

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

APPROVED AND ADOPTED THIS 19th DAY OF February, 2008

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Rebecca Rinkes, 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 _____, 2008.

Charlene L. Sherwood, City Clerk

CITY OF TWENTYNINE PALMS
DRAFT CONDITIONS OF APPROVAL

PC: 07-112
Applicant Name: Kathy Markoudakis
Carehaven Board and Care
73173 Sullivan Road
Twentynine Palms, CA 92277
Project Description: A Conditional Use Permit for a 2.21± acre site for Carehaven Board and Care, a fulltime 15 person board and congregate care facility.
Location: 73173 Sullivan Road,
Section 32, T1N, R9E
Parcel Number: APN 0616-231-16
Approved: February 19, 2008
Expires: February 18, 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 of the Development Code, Conditional Use Permits shall expire one (1) year from the date the approval was granted, unless prior to the expiration date:

1. A Building Permit is issued and remains active for any approved phase of the project; or
2. A Certificate of Occupancy is issued for the use or structure; or
3. The site is occupied in accordance with the approved use. (A use permit for a public utility installation may be valid for a longer period if specified by the Approval Authority or City Council.)
4. The site is occupied in accordance with an approved phase as part of a phased development.

Per Section 19.30.090 (B), an approved Conditional Use Permit shall expire if the use has been commenced and then is discontinued for a period of one (1) year or more.

Planning Conditions

- P1. Conditional approval is granted by the Planning Commission acting as Approval Authority on February 19, 2008, to permit the use of a 15 bed board and congregate care facility. All development of the site shall be in substantial conformance with the adopted site plan and shall comply with all Conditions of Approval.
- P2. The Applicant shall ascertain and comply with requirements of all State, County and Local agencies as are applicable to the project proposal.
- P3. The property owner shall keep the property neat, clean, and in good physical condition including open spaces, sidewalks, lighting, driveways, parking areas, and landscaping.
- P4. The Applicant shall subscribe to trash collection service with the City's authorized hauler [(760) 367-9168]. A minimum service level of once weekly, will be required.
- P5. Trash enclosure(s) shall comply with standards established in Section 19.80.020 of the Development Code.
- P6. All outdoor lighting shall conform to Development Code Chapter 19.70, *Lighting Standards*, and shall be designed to not glare or reflect onto neighboring properties or public rights-of-way. Outdoor lighting shall be shielded and limited to that required for security and safety purposes.
- P7. Commercial signs shall be in compliance with Development Code Chapter 19.84 *Signs*.
- P8. Parking shall be designed and provided for the duration of the use in accordance with Development Code Chapter 19.82, *Off-street Parking and Loading Regulations*, as follows:
- A. Nine (9) standard parking spaces shall be provided on site.
 - B. One (1) handicap accessible parking space shall be provided in accordance with the Americans With Disabilities Act and Title 24 of the California Code of Regulations.
- P9. Landscaping shall not interfere with sight distances at vehicular access points.
- P10. Maximum lot coverage (impervious surface) shall not exceed seventy-five percent (20%) of the total project area.
- P11. All improvements shall comply with *Encroachments into Yards or Setbacks* standards established in the Development Code for the underlying land use district. Minimum setbacks are:
- | | |
|--------------|---------|
| Front: | 25 feet |
| Street side: | 15 feet |

Interior side: 10 feet
Rear: 10 feet

Fire Department Conditions

- F1. The Applicant shall comply with all Conditions and requirements of the Twentynine Palms Fire Department. Written verification from the Fire Department shall be provided by the Applicant prior to issuance of any Building Permit.
- F2. The project shall have two (2) points of vehicular access for fire and other emergency vehicles and equipment. The unobstructed width of a fire apparatus access road, to include access gates, shall be not less than twenty (20) feet. A turn-around shall be required at the end of each roadway that is one hundred and fifty (150) feet or more in length and shall be approved by the fire department.
- F3. All flammable vegetation shall be cleared a minimum distance of thirty (30') feet, or to the property line, from any flammable building materials or finished structures.
- F4. Smoke detectors are required in all sleeping quarters in accordance with the Uniform Building Code.
- F5. Fire extinguishers (type and quantity to be specified by the fire department) will be required prior to any use of the facility.
- F6. Prior to commencement of use, an approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. The following are the minimum requirements for the proposed development:
- A. SYSTEM STANDARDS
- | | |
|------------------|-------------------------------------|
| Fire Flow: | 2000 GPM @ 20 PSI Residual Pressure |
| Duration: | 2 Hours |
| Hydrant Spacing: | 330 Feet |
- B. DISTRIBUTION SYSTEM
- | | |
|-----------|----------------|
| Mains: | 6-Inch Minimum |
| Laterals: | 6-Inch Minimum |
| Riser: | 6-Inch Minimum |
- C. FIRE HYDRANTS
- | | |
|---------------|--|
| Type: | 6-Inch, with one (1) two and one half (2 ½) inch outlet and one (1) four (4) inch outlet with National Standard Threads. |
| Street Valve: | 6-Inch Gate |
- F7. The applicant shall furnish the fire department with a copy of the water system improvement plans where fire protection water systems are

required. A letter from the water purveyor stating what fire flow can be met shall be required.

- F8. A Knox-Box shall be placed on the building with keys providing access into the building.
- F9. The street address shall be posted with numbers that are four (4) inches or greater in size. Posted numbers shall contrast with their background and be clearly visible and legible from the street.

General Conditions

- G1. In compliance with San Bernardino County Ordinance #2684, adopted by reference by the City of Twentynine Palms, the Applicant agrees to defend at his sole expense any action brought against the City, its agents, officers, or employees, because of the issuance of such approval. The Applicant shall reimburse the City, its agents, officers, or employees, for any court costs and attorney's fee which the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve the Applicant of his obligations under this Condition.
- G2. All Conditions are continuing Conditions. Failure of the Applicant and/or operator to comply with any of the said Conditions at any time may result in the revocation of the Conditional Use Permit and/or citation for code violation.
- G3. 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.
- G4. Within ten days of approval, the applicant shall submit to the Community Development Department a signed copy of the Conditions of Approval, verifying that he/she understands each Condition and agrees to adhere to each of the Conditions of Approval.

Applicant Signature

Date



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

To: Planning Commission
From: Community Development Director
Date: February 19, 2008
RE: PC 07-113 - An application by Titus R. Burns (Truth Tabernacle) for approval of a Conditional Use Permit for a church at 73493 Twentynine Palms Hwy., General Commercial (CG) zone T1N, R9E, Section 32, APN 0617-111-14.

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

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

BACKGROUND: Zoning for the property is General Commercial (CG). The proposed use is allowed in the CG district, subject to approval of a Conditional Use Permit. No changes or additions to the existing building are proposed.

CEQA Environmental Review

Pursuant to the California Environmental Quality Act (CEQA Guidelines Section 15301(e)), the project qualifies for a Class 1 Categorical Exemption for existing structures that would not result in an increase in floor area.

Surrounding Land Use, General Plan and Zoning Designations

	Land Use	General Plan	Zone
Site	Church	CG	CG
North	Vacant	CG	CG
East	Commercial	CG	CG
South	Parking	CO	CO
West	Commercial	CG	CG

General Plan

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

Zoning

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

Site Characteristics

The subject site is a non-conforming, in-line building. Street improvements have previously been installed adjacent to site, on the Twentynine Palms Highway. There is a 40' dedicated half street right of way adjacent to the site on the highway. The General Plan requires 52' of dedicated half street right of way. An additional 12' of right of way is required along Twentynine Palms

Highway. No street improvements are required.

The City Attorney has previously advised the Planning Commission and City Council to do a case-by-case analysis of the potential impacts of a project when determining what public improvements are required for development proposals. Therefore, staff is recommending that a 12' right of way dedication be required as a condition of approval.

Days and Hours of Operation

The proposed use does not operate in the same fashion as a typical 9:00 am to 5:00 pm business. The proposed church will initially operate on Wednesday evenings from 6:30 to 9:00pm, and on Sundays from 9:30 am to 11:30 am. As the congregation grows it is anticipated that Sunday hours could be expanded to include evening activities concluding at approximately 9:00 pm.

Conditional Use Permit

Section 19.30.010 of the Development Code establishes procedures for the approval, conditional approval, denial and revocation of Conditional Use Permits. Conditional Use Permits are required for land use classifications typically having unusual site development features or operating characteristics requiring special consideration. Conditions ensure that conditional uses are designed, located, and operated compatibly with uses on adjacent and nearby properties.

Traffic and Circulation

The project will be served from the alley located to the south of the site. The alley runs between Bullion Road and Adobe Road. Immediate access to the site will be from Desert Queen and Tamarisk Avenues. This project is not expected to generate significant traffic.

In its Five Year Implementation Plan, the Redevelopment Agency has budgeted funds for the improvement of additional downtown parking and for the repaving of alleys.

Parking

Pursuant to Development Code 19.82 Off-Street Parking and Loading Regulations, (Table 19.82-A) the code requires parking for churches at a rate of one (1) parking space for each three (3) fixed seats. The church will provide 64 fixed seats, therefore 22 parking spaces are required; one of which must be disabled accessible.

The applicant proposes to utilize two existing public lots located to the south of the site, which have a total of 54 parking spaces. Because the use does not operate during "normal" daytime business hours, staff does not envision a conflict with other businesses in the vicinity regarding the use of a public parking lot. Staff supports the proposed use of the public parking facilities for the project. Staff recommends that the project be reviewed periodically to ensure that the use of shared parking does not negatively impact other businesses in the vicinity.

Drainage

No street or drainage improvements will be required for this project. The site drains to the alley.

Transit Service

The Morongo Basin Transit Authority has not commented on the project. However, there is an existing bus shelter located approximately 300 feet to the west of the project site, located on SR 62 at west of Desert Queen Avenue street.

Property Maintenance Issues

Staff visited the site and found the following property maintenance issues:

1. The wall mounted light fixture facing the alley is not a night sky compliant fixture.
2. Weeds are growing between the foundation and alley paving.

Findings for Approval

Prior to approving a Conditional Use Permit as prescribed by Chapter 19.30 of the Development Code, the Planning Commission shall make the following findings:

- 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.
- D. That the site will be reviewed quarterly or upon complaint for impacts on shared parking.

Approval Process

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

CITY OF TWENTYNINE PALMS
CONDITIONS OF APPROVAL
PC 07-113

Applicant: Titus R. Burns/ Truth Tabernacle

Project: Conditional Use Permit

Location: 73493 Twentynine Palms Hwy.

APN: 0617-111-14

Approved: February 19, 2008

Expire: February 18, 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 (1) year from the date the approval was granted, unless prior to the expiration date:

1. A Building Permit is issued and remains active for any approved phase of the project; or
2. A Certificate of Occupancy is issued for the use or structure; or
3. The site is occupied in accordance with the approved use. (A use permit for a public utility installation may be valid for a longer period if specified by the Approval Authority or City Council.)
4. The site is occupied in accordance with an approved phase as part of a phased development.

Per Section 19.30.090 (B), an approved Conditional Use Permit shall expire if the use has been commenced and then is discontinued for a period of one (1) year or more.

Planning Conditions

- P1. Conditional approval is granted by the Planning Commission, acting as Approval Authority, on February 19, 2008, to permit the Conditional Use Permit for a church. Use of the site shall be in substantial conformance with the City of Twentynine Palms Municipal Code and shall comply with all Conditions of Approval.
- P2. The Applicant shall ascertain and comply with requirements of all State, County and Local agencies as are applicable to the project proposal.
- P3. The property owner shall keep the property neat, clean, and in good physical condition including open spaces, sidewalks, lighting, driveways, parking areas, and landscaping.
- P4. All outdoor lighting shall conform to Development Code Chapter 19.70, *Lighting Standards*, and shall be designed to not glare or reflect onto neighboring properties or public rights-of-way. Outdoor lighting shall be shielded and limited to that required for security and safety purposes. The applicant shall replace the existing wall mounted light located in the alley with an approved night sky compliant fixture.

- P5. All signage and special events shall require permits.
- P6. 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.
- P7. Parking shall be evaluated quarterly over the first year of this permit, to ensure that the shared parking does not negatively impact surrounding properties. Should the project negatively impact neighboring properties, this permit may require modification.
- P8. Remove weeds growing between the building foundation and alley paving.

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. Prior to initiation of tenant improvements, the applicant/developer shall submit plans and obtain building permits for all work. No work is to be done prior to approvals and permit issuance.

Engineering

- E1. The applicant or property owner shall dedicate an additional 12' of right of way adjacent to the project frontage on SR62.

Fire Department

- F1. Prior to any construction, the owner shall contact the Twentynine Palms Fire Department for verification of current fire protection requirements.
- F2. All construction and activities shall comply with applicable sections of the 1988 edition of the Uniform Fire Code and all other state, county, and city ordinances, rules and regulations regarding fire protection.
- F3. All flammable vegetation shall be cleared a minimum distance of 30 feet, or to the property line, from any flammable building materials or finished structures.

F4. Street addresses shall be posted with numbers a minimum height of three (3) inches. Posted numbers shall contrast with their background and be visible and legible from the street. Developer shall furnish the fire department with a list and map of all of the street names and addresses within the project.

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

A: SYSTEM STANDARDS

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

B: DISTRIBUTION SYSTEM

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

C: FIRE HYDRANTS

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

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

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

Applicant/Developer

Date

CITY OF TWENTYNINE PALMS
PLANNING COMMISSION
RESOLUTION NO. 08-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 07-113, APPROVING AN APPLICATION BY TITUS R BURNS (TRUTH TABERNACLE) FOR A CONDITIONAL USE PERMIT FOR A CHURCH IN THE CG ZONE, 73494 TWENTYNINE PALMS HIGHWAY, APN 0617-111-14.

WHEREAS, on December 27, 2007, an application was received for approval of a Conditional Use Permit for a Church in the CG zone; and

WHEREAS, on January 26, 2008, the application was deemed complete; and

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

WHEREAS, a church is a conditionally permitted use (Table 19.10c) in the CG zone; and

WHEREAS, Pursuant to the California Environmental Quality Act (CEQA), the project qualifies for a Class 1 categorical exemption for existing structures; 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 February 19, 2008; and

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

- A. The project meets all standards established in the Development Code; and
- B. Pursuant top Section 15301 of the CEQA Guidelines, the project is Categorically Exempt from further environmental review; and
- C. The CG zone allows a Church in the zone and denial of this application would deprive the property of privileges enjoyed by other properties in the vicinity under identical zoning classification; and
- D. The subject site is adequate in size to accommodate the proposed use. The shape of the parcel is typical, and allows for orderly development such as the proposed use; and
- E. That granting of the Conditional Use Permit would not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning classification in which the property is located; and
- F. That granting the Conditional Use Permit would not allow a use or activity which is prohibited by the zoning regulation governing the parcel; and
- G. That granting the Conditional Use Permit is consistent with the City of Twentynine Palms General Plan and Development Code.

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

APPROVED AND ADOPTED THIS 19th DAY OF February, 2008.

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Rebecca Rinkes, Chair

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 _____, _____.
