



**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: March 18, 2008
RE: PC 06-87- Approval of a two year time extension for Tentative Tract Map 18193 (Ada Hatch, Martha H. Reich and Elizabeth H. Meyer), subdividing 80 acres into 286 lots, south-east corner of Amboy Road and Mesquite Springs Road, Zone RS-4, APN # 0621-031-21, -22, and -23.

RECOMMENDATION: Receive and file.

BACKGROUND: This item was continued from the February 19, 2008 meeting. 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 their 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: March 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: March 18, 2007
RE: PC 03-40 – Approval of a one year time extension for the Southern California Vipassana Center for a 58,976 square feet retreat center at 68561 Twentynine Palms Highway (Hwy 62), RL-2.5, T1N, R8E, Section 32, APN 0613-071-03, -10 and -11.

RECOMMENDATION: Approve a one-year time extension.

BACKGROUND: The Planning Commission approved an amendment to the Conditional Use Permit on March 6 2007. The applicant filed a request for a time extension prior to the expiration of the Conditional Use Permit on February 11, 2008.

SUMMARY: On October 21, 2003, the Planning Commission approved a CUP for the development of a 55,055 square foot meditation center. The approval included standard conditions of approval, including requirements for offsite improvements such as curb & gutter, sidewalks, street improvements and a bus shelter.

Attachments

- Vicinity Map
- Correspondence

In 2005, an amendment to the project increasing the size to 63,503 square feet was approved.

In 2007, an amendment to the conditional use permit was approved which reduced the overall size of the project to 58,976 square feet.

In addition to the approval and amendment, one year time extensions for the project were granted in 2005, and 2006.

Time extensions are governed by Section 19.30.100 of the Development Code. Extensions of time may be granted only if it is found that there have been no significant changes in the General Plan, Development Code, or character of the area in which the project is located, that would cause the project to become nonconforming, and that the granting of the extension will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Staff is confident that all of these findings can be met.



**CITY OF TWENTYNINE PALMS
STAFF REPORT**

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plantech@ci.twentynine-palms.ca.us

To: Planning Commission
From: Community Development Technician
Date: March 18, 2008

RE: PC 07-105 - An application by Matt Good for a Conditional Use Permit to complete the 9,100 sq. ft. expansion (Fellowship Hall) of the Palms Baptist Church, located at 5285 Adobe Road (PC 02-47, a church), Zone CS, APNs 0621-201-01, 02, and 25, Section 21, T1N, R9E.

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.

- | |
|---------------------------|
| Attachments |
| 1. Conditions of Approval |
| 2. Resolution |
| 3. Application |
| 4. Locator Map |
| 5. PC 02-47 materials |

BACKGROUND: Zoning for the property is Service Commercial (CS). The proposed use, a church, is allowed in the CS land use district with approval of a Conditional Use Permit (CUP). The Planning Commission originally approved the project on November 5, 2002. The CUP and building permit expired before the project was completed. The applicant seeks to complete the project. Portions of the project, including the 9,100 sq. ft. structure, parking lot, curb, gutter, and sidewalk have been completed. The Planning Commission is the Approval Authority.

CEQA Environmental Review

Pursuant to the California Environmental Quality Act 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	CS	CS
North	Vacant/Residential	CS	CS
East	Vacant	CS	CS
South	Residential	RS-3	RS-3
West	Residential	RM	RM

General Plan

The CS 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 CS 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.

Expiration of CUP and Project Phasing

The master site plan submitted in 2002 identified six structures, two existing and four proposed. Of the four proposed structures, building #3, a 9,100 sq. ft. structure (the fellowship hall), has been built as the first phase of the expansion. Building #4, a 5,500 sq. ft. educational building, building #5, a 12,000 sq. ft. worship center, and building #6, a 5,500 sq. ft. educational building represent subsequent phases, which are not included in this application. Proposal of buildings #4, #5, and #6 will require an amendment to this CUP at an unknown future date and is likely to include additional road dedications and parking.

Conditional Use Permits 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.

The 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.

Site Characteristics and History

A CUP was approved at the subject site for a church expansion on November 5, 2002. The last Building and Safety progress inspection occurred on April 13, 2006 and expired in October of 2006. The Conditional Use Permit expired one year later on April 14, 2007.

Most of the project has been completed, but a correction notice was issued as part of a field investigation conducted on August 31, 2007. Six items were cited on the correction notice:

1. Provide an anti-siphon device on all exterior hose bibs.
2. Provide GFI outlets at sink (ADA)
3. Provide padding at lavatory plumbing
4. Check height of paper towel dispenser
5. Provide returns for handrails
6. Provide Fire Department sign-off for alarm and fire sprinkler system

Building permits expire 180 days after they are issued or a progress inspection is conducted within the 180 day period. The last progress inspection occurred on April 13, 2006. The applicant must obtain a Conditional Use Permit and an active building permit to complete the corrections cited by the Building Inspector in the August 31, 2007 field investigation.

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

Immediate access to the site will be from Adobe Road. This project is not expected to generate significant traffic. The General Plan Circulation Element requires 52' of dedicated half-street right of way for Adobe Road, an Arterial roadway. Street improvements have been installed adjacent to site, on Adobe Road. Road dedications are currently being processed for the project.

Parking

Pursuant to Development Code 19.82 Off-Street Parking and Loading Regulations, (Table 19.82-A) required parking for churches is one (1) parking space for each three (3) fixed seats or one (1) space for each 40 square feet of principal assembly area. Per the applicant, the church has 2,870 sq. ft. of principal assembly area. Using the 2,870 sq. ft. assembly area, the project requires 69 regular parking spaces and two handicap accessible spaces. Parking at the site consists of 90 paved parking spaces, including 7 handicap accessible spaces. The parking provided exceeds the requirement.

Drainage

No street or drainage improvements will be required for this project.

Transit Service

The Morongo Basin Transit Authority was contacted and has not commented on the project.

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.

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 CS General Plan land use designation, approval of the project is consistent with the General Plan Land Use Plan.

CITY OF TWENTYNINE PALMS
CONDITIONS OF APPROVAL
PC 07-105

Applicant: Matt Good, Palms Baptist Church

Project: Conditional Use Permit, Church Fellowship Hall Expansion

Location: 5285 Adobe Road

APN: 0621-201-01, 02 and 25

Approved: March 18, 2008

Expire: March 17, 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 March 18, 2008, to permit the Conditional Use Permit for a church expansion. 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.

- P5. All signs shall be constructed/placed as approved by the City and shall be in compliance with Development Code Chapter 19.84 *Signs*.
- 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 comply with Development Code Chapter 19.82 Off Street Parking and Loading for Churches.
- P8. The Applicant shall ascertain and comply with requirements of all State, County and Local agencies in effect at the time of building permit issuance.
- P9. An amendment to the Conditional Use Permit shall be required for future project phases.
- P10. The Applicant shall subscribe to trash collection service with the City's authorized hauler [(760) 367-9168]. A minimum service level of weekly pickup will be required.
- P11. Trash enclosure(s) shall comply with standards established in Section 19.80.020 of the Development Code.
- P11. Parking shall be designed and provided for the duration of the use in accordance with Development Code Chapter 19.82, *Off-street Parking and Loading Regulations*, as follows:
- A. 69 standard parking spaces shall be provided on site.
 - B. Two handicap accessible parking spaces shall be provided in accordance with the Americans With Disabilities Act and Title 24 of the California Code of Regulations.
- P12. The applicant shall submit a landscape plan, which is consistent with the "Go Native landscape design guidelines. Landscaping shall not interfere with sight distances at vehicular access points.
- P13. Maximum lot coverage (impervious surface) shall not exceed eighty percent (80%) of the total project area.
- P14. All construction and improvements shall comply with *Encroachments into Yards or Setbacks* standards established in the Development Code for the underlying land use district. Minimum setbacks are:
- | | |
|----------------|---------|
| Front: | 15 feet |
| Street side: | 15 feet |
| Interior side: | 10 feet |
| Rear: | 10 feet |

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

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

No conditions have been placed on this phase of the project. Additional phases shall be reviewed under separate application.

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. 08-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 07-105, APPROVING AN APPLICATION BY MATT GOOD (PALMS BAPTIST CHURCH) FOR A CONDITIONAL USE PERMIT FOR A CHURCH EXPANSION IN THE CS ZONE, 5285 Adobe Road, APN 0621-201-01, 02 and 25.

WHEREAS, on November 5, 2002 a Site Plan Review was approved by the Planning Commission for a church expansion in the CS zone; and

WHEREAS, on April 14, 2007 the Site Plan Review and Building Permits expired; and

WHEREAS, on October 14, 2003, Chapter 19.10 of the Development Code (Commercial Land Use Standards) was adopted and required a Conditional Use Permits for churches; and

WHEREAS, on December 6, 2007, an application was received for approval of a Conditional Use Permit for a church expansion in the CS zone; and

WHEREAS, on January 2, 2008, the application was deemed complete; and

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

WHEREAS, a church is a conditionally permitted use (Table 19.10c) in the CS 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 March 18, 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 to Section 15301 of the CEQA Guidelines, the project is Categorical Exempt from further environmental review; and
- C. The CS 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 18th DAY OF March, 2008.

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Rebecca Rinke, Chair

ATTEST:

I hereby certify that the foregoing is a true copy of Resolution No. 08-06 duly adopted by the Planning Commission of the City of Twentynine Palms in a meeting held on the 18th day of March, 2008, in Twentynine Palms, California.
Dated this 19th day of March, 2008.

Jacqueline Palmer, Deputy City Clerk



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

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

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

Project Title: Palms Baptist Church, Fellowship Hall Expansion

Project Location : 5285 Adobe Road

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

Description of nature, purpose and beneficiaries of Project: A Conditional Use Permit for the completion of the existing project for the Fellowship Hall expansion at Palms Baptist Church, located at 5285 Adobe Road (PC 02-47, a church), Zone CS, APNs 0621-201-01, 02, and 25, Section 21, T1N, R9E.

Public Agency approving Project: Twentynine Palms Planning Commission

Name of Person Carrying Out Project: Matt Good

Exempt Status: Categorical Type/Sec. 15301 and Sec 15332

Reason(s) Project is Exempt: Pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, the project, the rehabilitation of an existing facility, is categorically exempt from further environmental review under state law.

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

Signature

Date

Community Development Director
Title