

CITY OF TWENTYNINE PALMS
PLANNING COMMISSION
RESOLUTION NO. 08-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, RECOMMENDING APPROVAL OF PC 08-78 A CONDITIONAL USE PERMIT AMENDMENT BY APPLICANT ROCKY MOORE FOR THE MODIFICATION TO THE PARKING REQUIREMENTS OF PC 04-09 AND A REQUEST TO TERMINATE A PARKING AGREEMENT REQUIRED AS A CONDITION OF APPROVAL BY PC 04-09.

WHEREAS, on March 2, 1998, the applicant submitted an application for approval of a Site Development Plan to permit a restaurant; and

WHEREAS, on March 31, 1998, a Site Development Plan was approved permitting the establishment of a restaurant at the site; and

WHEREAS, as part of the approval of the Site Development Plan the project was conditioned to provide 32 parking spaces at APNs 0617-111-03 and 0617-111-04 as a result of the intensification of use; and

WHEREAS, on February 12, 2004, the applicant submitted an application for approval of a Conditional Use Permit Amendment to permit a fitness center and to amend the parking requirements of an approved restaurant (PC 98-10); and

WHEREAS, on May 4, 2004, the Conditional Use Permit Amendment was approved permitting the establishment of a fitness center and amending the parking requirements of an approved restaurant (PC 98-10); and

WHEREAS, on May 4, 2004, the applicant and property owners of APNs 0617-105-10, and 0617-111-03, -04, and -15 entered into a Parking Agreement as required by the Conditional Use Permit Amendment (PC 04-09) conditions of approval; and

WHEREAS, on December 31, 2004 the existing use, a restaurant on APN 0617-111-15 terminated; and

WHEREAS, on October 17, 2008, the applicant submitted an application for approval of a Conditional Use Permit Amendment to amend the parking requirements originally conditioned for under PC 04-09 and to terminate a Parking Agreement required as part of the conditions of approval of PC 04-09; and

WHEREAS, pursuant to Chapter 19.82.030 (Exemptions) of the City's Development Code, any building or structure existing on November 23, 1987 is exempt from the provisions of this chapter, unless it is altered in any of the following ways:

- A. Increases the floor area by more than two hundred (200) square feet;
- B. Changes the use to one requiring a greater number of parking spaces pursuant to this Chapter; and/or

C. Increases the number of dwelling units or guest rooms.

WHEREAS, on December 2, 2008, the uses currently on the project site more closely represent the type of uses that were in place at the time of the City's incorporation; and

WHEREAS, the Conditional Use Permit Amendment does not seek approval of a specific use or construction of any structures on the site, but rather seeks only to amend the project's parking requirements; and

WHEREAS, Pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, the project, the permitting, and use of an existing facility involving negligible or no expansion of use, is categorically exempt from further environmental review under state law; and

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

WHEREAS, a public hearing was held by the Planning Commission on December 2, 2008; and

WHEREAS, the Planning Commission, acting as the Reviewing Authority for the Conditional Use Permit Amendment made 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; and,
- D. That with the removal of the restaurant use (PC 98-10) the uses currently at the project site more closely represent the type of uses that were in place at the time of City's incorporation and may be allowed under the 19.82.030 exemption.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms adopts this resolution, finds the project Categorical Exempt pursuant to CEQA, and recommends that the City Council approve the Conditional Use Permit Amendment, which seeks to amend the parking requirements for PC 04-09 by eliminating conditions of approval P2 and P8 and recommends that the City Council terminate the "Parking Agreement."

APPROVED AND ADOPTED THIS 16TH DAY OF DECEMBER 2008.

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

Rebecca Rinkes, Chairman

ATTEST:

Jaqueline Palmer, Deputy 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 _____, _____.

Jaqueline Palmer, Deputy City Clerk



**CITY OF TWENTYNINE PALMS
PLANNING COMMISSION STAFF REPORT**

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(760) 367-6799 – Fax (760) 367-5400
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To: Planning Commission
From: Interim Community Development Director
Date: December 16, 2008

RE: PC 08-77 (Amendment to the Circulation Element of the General Plan)

RECOMMENDATION

Conduct the Public Hearing, consider public comment, adopt Resolution 08-21, and recommend that the City Council adopt the Negative Declaration, adopt a De Minimis Finding, and adopt the proposed Amendment to the Circulation Element of the General Plan.

PROJECT DESCRIPTION

The City of Twentynine Palms Engineering Department is proposing to amend the Circulation Element of the General Plan, which applies to the entire area encompassed by the municipal boundaries of the City of Twentynine Palms. This amendment includes updating the City's roadway system, amending the existing bicycle system, and amending the City's street cross sections.

- | Attachments |
|--|
| <ul style="list-style-type: none"> ▪ Appendix A (Project Description) ▪ Resolution 08-21 ▪ Negative Declaration ▪ Amended Circulation Plan ▪ Roadway System Map ▪ Bicycle System Map ▪ Street Cross Sections Exhibit ▪ Project Materials |

Refer to the Amended Circulation Plan, Appendix A (Project Description), Exhibit A (Roadway System Map), Exhibit H (Bicycle System Map), and Exhibit D (General Plan Roadway Cross Sections) for specific changes.

BACKGROUND

Since 2006, the City's Engineering Department has been working on an update to the Circulation Element of the City's General Plan. The City's Circulation Element was last amended on May 25, 2004. The proposed amendment has been presented to the Planning Commission through a series of workshops in the past, the most recent being on October 7, 2008. Input received at the Planning Commission study sessions and the Planning Commission Circulation Taskforce meetings have been taken into account and incorporated into the proposed amendment.

CEQA Environmental Review

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

City Manager	Time Warner Cable
City Attorney	Twentynine Palms Chamber of Commerce
City Engineer	California Highway Patrol
City Clerk	Morongo Basin Transit Authority
Twentynine Palms Department of Public Works	San Bernardino Associated Governments

Twentynine Palms Community Services Director	California Division of Mines and Geology
Twentynine Palms Water District	CalTrans – District 8
Twentynine Palms Fire Department	Mojave Desert AQMD
San Bernardino Co. Sheriff's Department	Colorado River Basin RWQCB – Region 7
San Bernardino County Clerk	California Department of Fish and Game – Region 6
San Bernardino Co. Flood Control District	US Fish and Wildlife Service
San Bernardino Co. Dept. of Solid Waste Management	Joshua Tree National Park
Burrtec	G4, NREA, MCAGCC
Morongo Unified School District	G4, PWD, MCAGCC
Southern California Edison Company	California State Clearinghouse
Southern California Gas Co.	City Residents (Newspaper Advertisement)
Verizon	29 Palms Band of Mission Indians

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

General Plan/Zoning Designations Citywide

Single Family Residential (RS)	General Commercial (CG)	Service Commercial (CS)
Multi-Family Residential (RM)	Tourist Commercial (CT)	Community Industrial (IC)
Rural Living (RL)	Office Commercial (CO)	Public (P)
Open Space Residential (OSR)	Neighborhood Commercial (CN)	Military (M)

General Plan

California requires all cities and counties to adopt a general plan for the physical development of the City, and requires that certain elements be addressed within the plan. Circulation is an element that is required to be addressed within a City's General Plan. The proposed amendment will further enhance the City's Circulation Element, as it will guide the development of a comprehensive roadway system including recreational facilities such as the proposed bicycle system. The proposed roadway system, bicycle system, and street cross sections better reflect projected City growth.

The proposed amendment to the Circulation Element is consistent with all other elements of the City of Twentynine Palms' General Plan.

Site Characteristics

Twentynine Palms is located within the Morongo Basin of the High Desert region of the Mojave Desert. Joshua Tree National Park abuts the southern border of the City. More than 1.25 million people per year visit Joshua Tree National Park. Approximately 90% of vehicles entering Joshua Tree National Park do so through paved roads, 70% of which utilize either the Joshua Tree or Twentynine Palms entrances.

The Marine Corps Air Ground Combat Center is located immediately north of the City. Four square miles of the base are located within the City of Twentynine Palms, consisting of all of the base's housing units and day-to-day recreational facilities.

The City is traversed by Highway 62, which provides connection to the Interstate 10 Freeway. The City of Twentynine Palms is sparsely developed with no existing citywide sewer system. Water service is provided to residents by the Twentynine Palms Water District. Two primary

earthquake faults are located within the City, according to the California Department of Conservation.

Proposed Amendment to the Circulation Element

The project is a General Plan Amendment to the Circulation Element revising Section V, Street Classification System and Section XIV, Bicycle Circulation.

The proposed amendment is based on the following factors: a) a Traffic Study prepared by Urban Crossroads in 2006, which analyzed the City's traffic model, b) existing general plan land use designations, which determine future growth, and c) physical constraints that could impede or further the construction of the roadway system.

The proposed changes to Section V, Street Classification System, includes the revision of Exhibit D Right-of-way Standards, eliminating the 66-foot right-of-way Local Industrial Street, 60-foot right-of-way Local Street, and 50-foot right-of-way Local Rural Street from the Circulation Element as General Plan Roads. Local roads will still be required in order to provide access; however, they will be improved per the City's Road Standards. The amendment also includes a modified Expressway street section requiring 124 feet of right-of-way to accommodate the construction of a multi-use trail along the west side of Adobe Road, the inclusion of a Secondary street section requiring 80 feet of right-of-way, the inclusion of a Local Commercial/Industrial street section requiring 66 feet of right-of-way, and a revision to the Collector street section, reducing the required right-of-way from 80 feet to 66 feet. Refer to Exhibit D (General Plan Roadway Cross Sections) for specific changes.

Additional changes to Section V, Street Classification System, include consolidating exhibits containing roadway locations into one (1) exhibit containing the proposed locations of all classifications of roadways. The consolidation also includes the removal of textual specification for the location of roadways. Refer to Appendix A (Project Description) and Exhibit A (Roadway System Map) for specific changes.

Revisions are proposed for Section XIV, Bicycle Circulation. The proposed revisions include relocating existing routes and increasing the overall bicycle routes by one and three-quarter miles. The amendment proposes the inclusion of a 12-foot wide multi-use trail (Class I Bikeway) to be constructed within the right-of-way; therefore, an additional 12 feet of right-of-way dedication will be required along the streets where trails are shown on the Bicycle System Map. Refer to Appendix A (Project Description) and Exhibit H (Bicycle System Map) for specific changes.

The incorporation of the proposed changes to the Circulation Element will further enhance the City's roadway system as the proposed changes have taken into account all currently known variables that could help the development of the City's circulation.

Findings

Pursuant to the City's Development Code, the Planning Commission is required to make findings of approval prior to approving the project. Staff has prepared the following findings of approval for consideration:

- A. The proposed amendment to the Circulation Element does not conflict with and is consistent with the goals, policies, and all other elements of the Twentynine Palms' General Plan.
- B. The proposed amendment to the Circulation Element will further enhance the City's roadway system and bicycle system.

- C. An Initial Study has been prepared by the City of Twentynine Palms for the proposed amendment to the Circulation Element, so as to evaluate the potential for adverse environmental impacts; and, there is no evidence that the proposed project will have a potential adverse effect on wildlife resources.

Approval Process

The Planning Commission is the Reviewing Authority for the amendment to the Circulation Element. If the Planning Commission takes action to recommend adoption of the project to the City Council, then the Commission must find the project consistent with the City's General Plan, adopt the Negative Declaration, adopt a De Minimis Finding, and adopt Resolution 08-21.

APPENDIX A

Amendment to the Twentynine Palms General Plan Circulation Element

Amended Roadway System:

Delete Designation (default to Local (60 feet))

- Bagley Drive between Two Mile Road and Split Rock Avenue (total distance 1.0 miles)
- Buena Vista Drive between Adobe Road and Split Rock Avenue (total distance 0.5 miles)
- Bullion Avenue between Old Dale Road and Twentynine Palms Hwy (total distance 0.25 miles)
- Cactus Drive between Bullion Avenue and Adobe Road (total distance 0.5 miles)
- El Rey Avenue between Hatch Road and Twentynine Palms Hwy (total distance 0.25 miles)
- Homestead Road between Adobe Road and Bullion Avenue (total distance 0.25 miles)
- Joe Davis Drive between Roundup Road and Wilshire Avenue (total distance 0.5 miles)
- Joshua Drive between Split Road Avenue and Adobe Road (total distance 0.25 miles)
- Manana Drive from Adobe Road to Aztec Avenue (total distance 0.25 miles)
- Morongo Road between Amboy Road and Samarkand Road (total distance 0.5 miles)
- Old Dale Road between Bullion Avenue and Adobe Road (total distance 0.5 miles)
- Pinto Mountain Road between Valle Vista Drive and Amboy Road (total distance 2.0 miles)
- Tamarisk Avenue between Bagley Avenue and Old Dale Road (total distance 0.75 miles)
- Wilshire Avenue between Twentynine Palms Hwy and Joe Davis Drive (total distance 0.75 miles)

Total street redesignated to 60-foot right-of-way (local) is 8.25 linear miles.

Downgrade Designation

- From 120 foot right-of-way (Expressway) to 80 foot right-of-way (Secondary):
 - Lear Avenue between Amboy Road and Twentynine Palms Hwy from 120 foot right-of-way (Expressway) to 80 foot right-of-way (Secondary) (total distance 2.0 miles)

Total street redesignated from 120-foot right-of-way (Expressway) to 80-foot right-of-way (Secondary) is 2.0 linear miles.

- From 104 foot right-of-way (Arterial) to 80 foot right-of-way (Secondary):
 - Alpine Avenue between Two Mile Road and El Paseo Drive from 104 foot right-of-way (Arterial) to 80 foot right-of-way (Secondary) (total distance 0.5 miles)
 - Condor Road from Rarick Way to the Combat Center Gate from 104 foot right-of-way (Arterial) to 80 foot right-of-way (Secondary) (total distance 0.5 miles)
 - Morongo Road between Samarkand Road and Two mile Road from 104 foot right-of-way (Arterial) to 80 foot right-of-way (Secondary) (total distance 0.5 miles)
 - Two Mile Road between Lear Avenue and Canyon Road from 104 foot right-of-way (Arterial) to 80 foot right-of-way (Secondary) (total distance 1.5 miles)

- Utah Trail between Joshua Tree Park Gate and Twentynine Palms Hwy from 104 foot right-of-way (Arterial) to 80 foot right-of-way (Secondary) (total distance 4.5 miles)
- Valle Vista between Utah Trail and Bagdad Highway from 104 foot right-of-way (Arterial) to 80 foot right-of-way (Secondary) (total distance 1.0 miles)

Total street redesignated from 104-foot right-of-way (Arterial) to 80-foot right-of-way (Secondary) is 8.5 linear miles.

- From 104 foot right-of-way (Arterial) to 66 foot right-of-way (Collector):
 - Morongo Road between Indian Trail to Combat Center Gate from 104 foot right-of-way (Arterial) to 66 foot right-of-way (Collector) (total distance 3.0 miles)
 - Valle Vista Road between Morongo Road and Mesquite Springs Road and from Bagdad Highway to Bullion Mountain Road from 104 foot right-of-way (Arterial) to 66 foot right-of-way (Collector) (total distance 2.0 miles)

Total street redesignated from 104-foot right-of-way (Arterial) to 66-foot right-of-way (Collector) is 5.0 linear miles

- From 80 foot right-of-way (Collector per existing General Plan) to 66 foot right-of-way (Collector as shown in the amended General Plan):
 - Bagdad Highway between Valle Vista Drive and Mesa Road from 80 foot right-of-way (Collector) to 66 foot right-of-way (Collector) (total distance 1.5 miles)
 - Baseline Road between Utah Trail and Mojave Road from 80 foot right-of-way (Collector) to 66 foot right-of-way (Collector) (total distance 2.5 miles)
 - Bullion Mountain Road between Valle Vista Drive and Amboy Road and between Sullivan Road and Baseline Road from 80 foot right-of-way (Collector) to 66 foot right-of-way (Collector) (total distance 2.5 miles)
 - Canyon Road between Two Mile Road and Joshua Tree Park from 80 foot right-of-way (Collector) to 66 foot right-of-way (Collector) (total distance 2.5 miles)
 - El Paseo Drive between Sunrise Road and Morongo Road from 80 foot right-of-way (Collector) to 66 foot right-of-way (Collector) (total distance 1.0 miles)
 - Encelia Avenue between Two Mile Road and Amboy Road from 80 foot right-of-way (Collector) to 66 foot right-of-way (Collector) (total distance 1.0 miles)
 - Godwin Road between Amboy Road and Twentynine Palms Hwy from 80 foot right-of-way (Collector) to 66 foot right-of-way (Collector) (total distance 2.0 miles)
 - Gorgonio Drive between Adobe Road and Utah Trail from 80 foot right-of-way (Collector) to 66 foot right-of-way (Collector) (total distance 1.0 miles)
 - Indian Cove Road between Twentynine Palms Hwy and Joshua Tree Park from 80 foot right-of-way (Collector) to 66 foot right-of-way (Collector) (total distance 2.5 miles)
 - Joe Davis Drive between Desert Knoll Avenue and Roundup Road from 80 foot right-of-way (Collector) to 66 foot right-of-way (Collector) (total distance 1.0 miles)
 - Lupine Avenue between Samarkand Drive and Twentynine Palms Hwy from 80 foot right-of-way (Collector) to 66 foot right-of-way (Collector) (total distance 1.5 miles)
 - Pinto Mountain Road between Amboy Road and Twentynine Palms Hwy from 80 foot right-of-way (Collector) to 66 foot right-of-way (Collector) (total distance 2.0 miles)
 - Samarkand Drive between Encelia Avenue and Morongo Road from 80 foot right-of-way (Collector) to 66 foot right-of-way (Collector) (total distance 0.5 miles)
 - Split Rock Avenue between El Paseo Drive and Foothill Drive from 80 foot right-of-way (Collector) to 66 foot right-of-way (Collector) (total distance 1.0 miles)

- Sullivan Road between Elk Drive and the western City Limits and between Utah Trail and Wilshire Avenue from 80 foot right-of-way (Collector) to 66 foot right-of-way (Collector) (total distance 4.0 miles)
- Sunnyslope Drive between Encelia Avenue and Larrea Avenue from 80 foot right-of-way (Collector) to 66 foot right-of-way (Collector) (total distance 1.0 miles)

Total street redesignated from 80-foot right-of-way (Collector) to 66-foot right-of-way (Collector) is 27.5 linear miles.

Upgrade Designation

- From 120 foot right-of-way (Expressway) to 128 foot right-of-way (Bypass Expressway):
 - Amboy Road between Morongo Road and Adobe road from 120 foot right-of-way (Expressway) to 128 foot right-of-way (Bypass Expressway) (total distance 2.0 miles)

Total street redesignated from 120-foot right-of-way (Expressway) to 128-foot right-of-way (Bypass Expressway) is 2.0 linear miles.

- From 104 foot right-of-way (Arterial) to 120 foot right-of-way (Expressway):
 - Adobe Road between Two Mile Road and the MCAGCC Main Gate from 104 foot right-of-way (Arterial) to 120 foot right-of-way (Expressway) (total distance 4.0 miles)
 - Condor road between Valle Vista Road and Rarick Way from 104 foot right-of-way (Arterial) to 120 foot right-of-way (Expressway) (total distance 0.5 miles)
 - Twentynine Palms Hwy between Lear Avenue and Larrea Avenue from 104 foot right-of-way (Arterial) to 120 foot right-of-way (Expressway) (total distance 3.5 miles)
 - Utah Trail between Twentynine Palms Hwy and Valle Vista Drive from 104 foot right-of-way (Arterial) to 120 foot right-of-way (Expressway) (total distance 4.0 mile)
 - Valle Vista Drive between Condor Road and Utah Trail from 104 foot right-of-way (Arterial) to 120 foot right-of-way (Expressway) (total distance 0.5 miles)

Total street redesignated from 104-foot right-of-way (Arterial) to 120-foot right-of-way (Expressway) is 12.5 linear miles.

- From 60 foot right-of-way (Local) to 80 foot right-of-way (Secondary):
 - Mojave Road between Amboy Road and Baseline Road from 60 foot right-of-way (Local) to 80 foot right-of-way (Secondary) (total distance 3.0 miles)
 - Sullivan Road between Hatch Road and Desert Knoll Avenue from 60 foot right-of-way (Local) to 80 foot right-of-way (Secondary) (total distance 0.5 miles)
 - Two Mile Road between Amboy Road and Lear Road from 60 foot right-of-way (Local) to 80 foot right-of-way (Secondary) (total distance 1.0 miles)
 - Utah Trail between Valle Vista Drive and the northerly City limits from 60 foot right-of-way (Local) to 80 foot right-of-way (Secondary) (total distance 1.0 miles)

Total street redesignated from 60-foot right-of-way (Local) to 80-foot right-of-way (Secondary) is 5.5 linear miles.

- From 60 foot right-of-way (Local) to 66 foot right-of-way (Collector):
 - Amboy Road (Existing) between Pine Springs Avenue and Mantonya Road from 60 foot right-of-way (Local) to 66 foot right-of-way (Collector) (total distance 1.0 miles)
 - Bagdad Highway between Amboy Road and Samarkand Drive from 60 foot right-of-way (Local) to 66 foot right-of-way (Collector) (total distance 0.5 miles)

- Broad Street between Twentynine Palms Hwy and Joe Davis Drive from 60 foot right-of-way (Local) to 66 foot right-of-way (Collector) (total distance 1.0 miles)
- Bullion Avenue between Two Mile Road and Valle Vista Road from 60 foot right-of-way (Local) to 66 foot right-of-way (Collector) (total distance 3.0 miles)
- Canyon Road between Two Mile Road and Amboy Road from 60 foot right-of-way (Local) to 66 foot right-of-way (Collector) (total distance 1.0 miles)
- Canyon Road between Indian Trail and the northern City limits from 60 foot right-of-way (Local) to 66 foot right-of-way (Collector) (total distance 2.0 miles)
- Desert Knoll Avenue between Twentynine Palms Hwy and National Park Drive from 60 foot right-of-way (Local) to 66 foot right-of-way (Collector) (total distance 0.5 miles)
- Desert Quail Drive between Twentynine Palms Hwy and Amboy Road from 60 foot right-of-way (Local) to 66 foot right-of-way (Collector) (total distance 2.0 miles)
- Dorth Place between Whitmoore Road and Sullivan Road from 60 foot right-of-way (Local) to 66 foot right-of-way (Collector) (total distance 1.0 miles)
- Easy Street between Twentynine Palms Hwy and Amboy Road from 60 foot right-of-way (Local) to 66 foot right-of-way (Collector) (total distance 2.0 miles)
- El Paseo Drive between Adobe Road and Sherman Hoyt Avenue and between Bullion Mountain Road and Mojave Road from 60 foot right-of-way (Local) to 66 foot right-of-way (Collector) (total distance 2.5 miles)
- El Paseo Drive between Sunrise Road and Lear Avenue from 60 foot right-of-way (Local) to 66 foot right-of-way (Collector) (total distance 2.5 miles)
- Encelia Avenue between Two Mile Road and Twentynine Palms Highway from 60 foot right-of-way (Local) to 66 foot right-of-way (Collector) (total distance 1.0 miles)
- Falderman Avenue between Indian Trail and Valle Vista from 60 foot right-of-way (Local) to 66 foot right-of-way (Collector) (total distance 0.5 miles)
- Falderman Avenue between Sullivan Drive and Raymond Drive from 60 foot right-of-way (Local) to 66 foot right-of-way (Collector) (total distance 3.0 miles)
- Indian Trail between Utah Trail and Falderman Avenue from 66 foot right-of-way (Local) to 66 foot right-of-way (Collector) (total distance 2.5 miles)
- Joe Davis Drive between Broad Street and Bullion Mountain Road from 60 foot right-of-way (Local) to 66 foot right-of-way (Collector) (total distance 0.75 miles)
- La Buena Tierra Avenue between Larrea Avenue and Amboy Road from 60 foot right-of-way (Local) to 66 foot right-of-way (Collector) (total distance 1.5 miles)
- Mantonya Road between Sullivan Road and Amboy Road from 60 foot right-of-way (Local) to 66 foot right-of-way (Collector) (total distance 2.5 miles)
- Mesa Drive between Mesquite Springs Road and Adobe Road and between Utah Trail and Bullion Mountain Road from 60 foot right-of-way (Local) to 66 foot right-of-way (Collector) (total distance 3.0 miles)
- Mesquite Springs Road between Valle Vista Drive and the northern City limits from 60 foot right-of-way (Local) to 66 foot right-of-way (Collector) (total distance 1.0 miles)
- Mojave Road between Amboy Road and Valle Vista Road from 60 foot right-of-way (Local) to 66 foot right-of-way (Collector) (total distance 2.0 miles)
- Monte Vista Street between Valle Vista Drive and Indian Trail and between Amboy Road and Joe Davis Drive from 60 foot right-of-way (Local) to 66 foot right-of-way (Collector) (total distance 1.5 miles)
- Raymond Drive between Mojave Road and Bullion Mountain Road, between Utah Trail and Bagdad Highway, and between Adobe Road and Mesquite Springs Road from 60 foot right-of-way (Local) to 66 foot right-of-way (Collector) (total distance 3.0 miles)

- Samarkand Drive between Lear Avenue and Encelia Avenue, between Morongo Road and Roundup Road, and between Bagdad Highway and Mojave Road from 60 foot right-of-way (Local) to 66 foot right-of-way (Collector) (total distance 9.5 miles)
- Sherman Hoyt Avenue between Sullivan Road and Joe Davis Drive, between Samarkand Drive and Amboy Road, and between Raymond Drive and Valle Vista Drive from 60 foot right
- Shoshone Valley Drive between Twentynine Palms Hwy and Amboy Road from 60 foot right-of-way (Local) to 66 foot right-of-way (Collector) (total distance 2.0 miles)
- Sullivan Road between Utah Trail and Mojave Road from 60 foot right-of-way (Local) to 66 foot right-of-way (Collector) (total distance 3.0 miles)
- Two Mile Road between Monte Vista Street and Mojave Road from 60 foot right-of-way (Local) to 66 foot right-of-way (Collector) (total distance 1.5 miles)
- Valle Vista between Bullion Mountain Road and Godwin Road from 60 foot right-of-way (Local) to 66 foot right-of-way (Collector) (total distance 3.0 miles)
- Valle Vista Drive between Lear Avenue and Morongo Road from 60 foot right-of-way (Local) to 66 foot right-of-way (Collector) (total distance 3.0 miles)
- Whitmoore Road between Mantonya Road and the western City limits from 60 foot right-of-way (Local) to 66 foot right-of-way (Collector) (total distance 1.5 miles)
- Wilshire Avenue between Baseline Road and Twilight Drive from 60 foot right-of-way (Local) to 6 foot right-of-way (Collector) (total distance 0.5 miles)

Total street redesignated from 60-foot right-of-way (Local) to 66-foot right-of-way (Collector) is 68.5 linear miles.

Amended Bicycle System:

Removed from System

- Mesquite Springs Road between Valle Vista Road and Amboy Road (total distance 3.0 miles)
- Mesquite Springs Road between Twentynine Palms Hwy and Sullivan Road (total distance 0.5 miles)
- Valle Vista Road between Mesquite Springs Road and Adobe Road (total distance 1.0 miles)

Total distance removed from bicycle system is 3.5 miles.

Added to System

- Adobe Road between Valle Vista Road and Two Mile Road (total distance 3.0 miles)
- Hatch Road between Twentynine Palms Hwy and Sullivan Road (total distance 1.0 miles)
- Larrea Avenue between Two Mile Road and Twentynine Palms Hwy total distance 1.25 miles)
- Two Mile Road between Mesquite Springs Road and Larrea Avenue

Total distance added to bicycle system is 5.25 miles.

CITY OF TWENTYNINE PALMS
PLANNING COMMISSION
RESOLUTION NO. 08-21

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, ADOPTING PC 08-77 (AMENDMENT TO THE CIRCULATION ELEMENT OF THE GENERAL PLAN), THE CITY OF TWENTYNINE PALMS ENGINEERING DEPARTMENT IS PROPOSING TO AMEND THE CIRCULATION ELEMENT OF THE GENERAL PLAN, WHICH APPLIES TO THE ENTIRE AREA ENCOMPASSED BY THE MUNICIPAL BOUNDARIES OF THE CITY OF TWENTYNINE PALMS. THIS AMENDMENT INCLUDES UPDATING THE CITY'S ROADWAY SYSTEM, AMENDING THE EXISTING BICYCLE SYSTEM, AND AMENDING THE CITY'S STREET CROSS SECTIONS.

WHEREAS, in 2006, the City of Twentynine Palms commissioned a Traffic Study that analyzed the City's Circulation Roadway System; and

WHEREAS, the Amendment to the Circulation Element will guide the development of a comprehensive roadway system including recreational facilities; and

WHEREAS, the public at large has been given an opportunity to provide input at various public workshops; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), a Negative Declaration was prepared and the project was routed to public agencies and departments for public review and comment; and

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

WHEREAS, a public hearing was held by the Planning Commission on December 16, 2008; and

WHEREAS, the Planning Commission, acting as the Reviewing Authority for the Amendment to the Circulation Element, made the following findings:

- A. The proposed amendment to the Circulation Element does not conflict with and is consistent with the goals, policies, and all other elements of the Twentynine Palms' General Plan.
- B. The proposed amendment to the Circulation Element will further enhance the City's roadway system and bicycle system.
- C. An Initial Study has been prepared by the City of Twentynine Palms for the proposed amendment to the Circulation Element, so as to evaluate the potential for adverse environmental impacts; and, there is no evidence that the proposed project will have a potential adverse effect on wildlife resources.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms adopts this resolution, the Negative Declaration pursuant to the California Environmental Quality Act (CEQA), a De Minimis Finding, and recommends that the City Council adopt the proposed Amendment to the Circulation Element.

APPROVED AND ADOPTED THIS 16TH DAY OF DECEMBER, 2008

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

Rebecca Rinkes, Chairman

ATTEST:

Jaqueline Palmer, Deputy 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 _____, _____.

Jaqueline Palmer, Deputy City Clerk



**CITY OF TWENTYNINE PALMS
PLANNING COMMISSION 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: Interim Community Development Director
Date: December 16, 2008

RE: PC 08-11 (General Plan Amendment/Zone Change and Tentative Tract Map No. 18701)

RECOMMENDATION

Conduct the Public Hearing, consider public comment, adopt Resolution 08-22, and recommend that the City Council adopt the Mitigated Negative Declaration, adopt the General Plan Amendment and Zone Change, and approve Tentative Tract Map No. 18701, subject to the attached Conditions of Approval.

Attachments

- Resolution 08-22
- Conditions of Approval
- Mitigated Negative Declaration
- Tentative Tract Map No. 18701
- Landscape Plan for TTM 18701
- Project Materials

PROJECT DESCRIPTION

Applicant Adobe Springs, LLC proposes a General Plan Amendment and Zone Change on five (5) acres from Rural Living – 2.5-acre minimum (RL-2.5) to Single-Family Residential – 4 dwelling units per acre (RS-4). Tentative Tract Map No. 18701 proposes to subdivide a 34.95-acre project site into 79 Single-Family Residential Lots with a minimum lot size of 7,200 sq. ft., a 8.4-acre Commercial Lot to be developed in the future, 3.4 acres of Recreational Facilities including a clubhouse, pool, spa, tot-lot, basketball court, and paseos, a 0.9-acre Retention Basin, and a 0.8-acre Waste Water Treatment Facility. The project is proposed as a gated private residential community with private streets and amenities that will be maintained by the project's Home Owner's Association (HOA).

The project site is located easterly of Adobe Road and northerly of Mesa Drive. The project site's current General Plan land use and zoning designations are CG (General Commercial), RS-4 (Single-Family Residential – four dwelling units per acre), and RL-2.5 (Rural Living – 2.5-acre minimum). The project's Assessor's Parcel Numbers (APNs) are 0621-261-34 and 0621-271-16 and the site is located in Section 9, Township 1 North, Range 9 East.

BACKGROUND

The original development proposal included 37,000 sq. ft. of commercial development along Adobe Road, 54 multi-family residential units just east of the proposed commercial development, and 69 single-family residential units on the eastern portion of the site. The original proposal was being process as a Planned Unit Development (PUD). The PUD ordinance, which the City was processing, was not approved by the City Council; as such, the applicant opted to redesign the development proposal to meet the City's existing land use planning and zoning framework.

The current proposal does not include the originally planned commercial or multi-family residential components. The current development proposal only includes 79 single-family residential units with supporting recreational and infrastructure facilities. The current development proposal will be developed on 26.55 acres. The remaining 8.4 acres will be set

aside for future commercial development.

A more detailed discussion regarding the proposed General Plan Amendment and Zone Change is provided in the “General Plan/Zoning” section below.

Pursuant to the City’s Development Code, once approval of Tentative Tract Map No. 18701 is granted and the applicant complies with the project’s Conditions of Approval, the applicant can submit the Final Map for approval to the City Council. The Tentative Map is reviewed by the City Council for conformity and compliance with the Conditions of Approval. If approved by the City Council, and written verification for the final map is received from the Twentynine Palms Fire Department, Twentynine Palms Water District, City of Twentynine Palms Public Works Division, City of Twentynine Palms Engineering Department, California Regional Water Quality Control Board, California Department of Real Estate, and applicable utility providers, the applicant may record the Final Map and begin development.

CEQA Environmental Review

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

- | | |
|--|---|
| City Manager | Morongo Unified School District |
| City Attorney | Southern California Edison Company |
| City Engineer | Southern California Gas Co. |
| City Clerk | Verizon |
| Twentynine Palms Department of Public Works | Time Warner Cable |
| Twentynine Palms Community Services Director | Morongo Basin Transit Authority |
| Twentynine Palms Water District | San Bernardino Associated Governments |
| Twentynine Palms Fire Department | California Division of Mines and Geology |
| San Bernardino Co. Sheriff’s Department | CalTrans – District 8 |
| San Bernardino Co. Surveyor’s Office | Mojave Desert AQMD |
| San Bernardino Co. Flood Control District | Colorado River Basin RWQCB – Region 7 |
| San Bernardino Co. Environmental Health Division | California Department of Fish and Game – Region 6 |
| San Bernardino Co. Dept. of Solid Waste Management | US Fish and Wildlife Service |
| Burrtec | G4, NREA, MCAGCC |
| | G4, PWD, MCAGCC |
| | Native Tribes |
| | Adjacent Property Owners (Notice Only) |

Revisions to the project have decreased the scope and intensity of development. The Initial Study circulated for agency comment depicted a greater developed area and a more intense development proposal. The original Initial Study has been amended to reflect the changes in project scope.

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

Surrounding Land Use, General Plan, and Zoning Designations

	Land Use	General Plan
Site	Vacant	CG, RS-4, and RL-2.5
North	Vacant	CG, RS-4, and RL-2.5
East	Vacant	RL-2.5
South	Vacant	RM and RS-2

West	Commercial and Vacant	CG
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General Plan/Zoning

The project site is composed of two (2) parcels, APN 0621-261-34, which is 29.95 acres, and APN 0621-271-16, which is five (5) acres, with a total project area of 34.95 acres.

The General Plan Land Use designation and zoning classification for APN 0621-261-34 is CG (General Commercial) and RS-4 (Single-Family Residential – four dwelling units per acre). The proposed project is consistent with the existing land use and zoning designations of this parcel. The commercially designated/zoned property will remain vacant with development anticipated in the future. Single-Family residential lots with a minimum lot size of 7,200 sq. ft. are proposed within the RS-4 designated/zoned portion of this parcel.

The General Plan Land Use designation and zoning classification for APN 0621-271-16 is RL-2.5 (Rural Living – 2.5-acre minimum). As designed, the proposed project is not consistent with the current land use and zoning designation of this parcel. As such, the applicant proposes a General Plan Amendment (GPA) and Zone Change for the five (5) acre parcel. The proposed GPA/Zone Change is to change the parcel’s existing land use designation/zoning classification from RL-2.5 to RS-4. With the adoption of the GPA/Zone Change, the proposed project would be consistent with the City’s General Plan and Development Code.

Currently, only two (2) dwelling units could be constructed in the RL-2.5 designated/zoned parcel (APN 0621-271-16). The project proposes a total of 10 dwelling units to be developed within this area. Given the parcel’s characteristics and lay out, it would not be feasible for the logical development of two (2) lots that could meet the RL-2.5 development standards. Furthermore, the RS-4 designated/zoned parcel is 19.93 acres, which could permit the development of 80 dwelling units; however, by constructing all units with this parcel and not spreading the units throughout the project site it would hinder the project from providing the same amount of recreational amenities that it currently proposes. As such, in terms of overall density, currently a total of 82 dwelling units could be developed in the project site if the land use designations/zoning classifications are not changed; however, only a total of 79 dwelling units are currently proposed with a total of 3.4 acres of recreational amenities. Without the GPA/Zone Change, the 7,200 sq. ft. minimum lots could not be developed within the RL-2.5 designated/zoned parcel, as these lots would not meet the City’s Development Code standards. Therefore, adoption of the GPA/Zone Change is required in order to develop the smaller lots on the currently RL-2.5 designated/zoned parcel.

In regards to impacts on adjacent parcels, Mesa Road will serve as a buffer between the proposed project and the parcels to the south. The project has also incorporated design features that will eliminate any potential impacts on the properties to the east as a result of project implementation. As designed, all lots proposed along the easterly boundary of the project site are larger than the proposed interior lots; these lots are at a minimum 9,100 sq. ft. These lots provide a larger lot depth that the other lots; the depth of these lots is at a minimum 130 feet. A 25-foot setback has been required along the rear of these lots as well to ensure that noise or any other impact is mitigated accordingly. Furthermore, there is a physical grade differences between the project site and the parcels to the east that will further decrease the likeliness that the properties to the east will be significantly impacted by the proposed project.

With the adoption of the proposed General Plan Amendment and Zone Change, the project will be consistent with the City’s General Plan and Development Code.

Site Characteristics

The project site is vacant with no structures. The surrounding parcels southerly, northerly, and easterly of the project site are vacant. Westerly of Adobe Road commercial and residential

uses exist. The site is mildly sloped terrain (0.5% to 2%) with sheet flows to the northeast. Low-lying desert scrub sparsely covers the site, with a few isolated trees set back from the Adobe Road right of way. Existing rights of way include Adobe Road bounding the property to the west and Mesa Drive bounding the property to the south. Adobe Road is paved while Mesa Drive is dirt. The project is north of the developed portion of the town in a relatively undeveloped area. A 40-unit apartment complex has been approved for development on the parcel directly south of the project site.

Phasing

The applicant is subdividing 34.95 acres and does not propose phasing at this time. The project proposes the development of 79 single-family residential lots, (minimum 7,200 sq. ft.), an 8.4 acre commercial lot for future development, 3.4 acres of recreational facilities, an 0.9 acre retention basin, and a 0.8 acre Waste Water Treatment Facility. Project infrastructure shall be required with approval of the Tentative Tract Map. Development of the commercial area will require approval of a Conditional Use Permit (CUP) at the time a project is proposed. Improvements along Adobe Road will be required as part of the development of the commercially zoned parcel (Lot 82) through the CUP entitlement process.

Traffic and Circulation

Because the project will result in the development of more than 50 new residences, pursuant to the City's Traffic Study Policy adopted by the City Council on February 22, 2005, a traffic impact analysis was prepared for this project by Weston Pringle & Associates (2007). Per the Traffic Analysis, at present, all six-study intersections are currently operating at acceptable Levels of Service (LOS D or better) during both the AM and PM peak hours. With project traffic added to existing volumes, all of the study intersections will continue to operate at acceptable Levels of Service during both the AM and PM peak hours (a summary of the Traffic Analysis is provided on page 13 of the Initial Study [attached]).

Under Cumulative (Year 2025) conditions without the project, the study intersection of Adobe Road and SR-62 would operate at an unacceptable Level of Service (LOS) during the PM peak hour. The remaining intersections would operate at acceptable Levels of Service during both the AM and PM peak hours. At the study intersection of Twentynine Palms Highway/Adobe Road a second eastbound turn lane is required to obtain acceptable intersection operations under Cumulative (Year 2025) conditions without the project.

Under Cumulative (Year 2025) conditions with the project and the recommended improvements (required under Cumulative conditions without the project) in place, the study intersection of Adobe Road and Mesa Drive would operate at an unacceptable Level of Service during PM peak hour. All of the remaining study intersections would operate at acceptable Levels of Service during both the AM and PM peak hours.

Signal warrants were not met at the un-signalized study intersection of Adobe Road and Mesa Drive under Cumulative (Year 2025) conditions with the project due to the fact that the minimum threshold on the minor street was not met. Furthermore, the originally proposed commercial and multi-family components of the project, which were included as part of the analysis of the project's traffic study, are no longer part of the project; as such, the total trip counts and peak hour counts have significantly decrease as a result of this. The current development proposal is only for the future construction of 79 single-family residential dwelling units with supporting recreational amenities. Therefore, the development of the proposed project would not significantly impact Cumulative (Year 2025) level of service conditions with the project due to the project's redesign. Future development could deteriorate the level of service conditions in the Cumulative (Year 2025) scenario; however, all new development proposed is analyzed to ensure that any impacts caused as a result of the new development are mitigated accordingly.

Internal Circulation

Pursuant to Development Code Chapter 19.08.060, *Street Dedications and Improvements*, in RS-4 zones, installation of curb and gutter and sidewalk on Local Streets is required. The project is a private gated residential community that proposes private streets. The interior streets designed meet the City's Engineer criteria, which includes the incorporation of curb and gutter features within the private roads including sidewalks within private easements. All project interior streets will be maintained by the project's Home Owner's Association (HOA) as conditioned in the attached Conditions of Approval (COA).

Project and Emergency Access

The project includes two points of paved access off Adobe Road, one at Mesa Drive built to the City's new collector street standard (Local Commercial/Industrial) and the other northerly of Mesa Drive labeled as "Street A" on the Tentative Tract Map, built to the City's new collector street standard (Local Commercial/Industrial).

Transit Service

The Morongo Basin Transit Authority (MBTA) has reviewed the project. MBTA requests a bus shelter, to include a bench, trash receptacle, and solar lighting to accommodate the projected ridership increases that will be created by this development. A tentative location for the bus shelter has been identified at the northeast corner of Adobe Road and Mesa Drive, approximately 100 feet north of Mesa Drive (the bus shelter to be constructed on the east side of Adobe Road). The ultimate location of the bus shelter is to be coordinated with the Morongo Basin Transit Authority before final map approval.

Geologic Hazards

Based on the Geotechnical Investigation prepared by Sladden Engineering dated August 2, 2007, pertaining to the site, the Pisgah-Bullion Mountain-Mesquite Lake Fault (less than 2.0 kilometers or 1.2 miles to the east of the site) would probably generate the most severe site ground motions and an anticipated maximum moment magnitude (Mw) of 7.1.

Some risk of structural damage due to ground shaking should be expected at the site, the risk can be reduced through strict adherence to seismic design codes. Remedial grading within the proposed building areas will include over excavation and re-compaction of the primary foundation bearing soil to provide a uniform mat of compacted soil beneath the building foundations. To address geologic concerns, mitigation measures are incorporated into the Conditions of Approval.

Stormwater Management

The Preliminary Drainage Study, prepared by TerraCivil Consultants (2008), evaluated potential runoff effects of the proposed project for development of the entire site and addressed the methodology used to analyze existing and proposed conditions based on County of San Bernardino Hydrology and Design Manual.

All storm water run-off will be carried via typical street sections. The computed 10-year storm event is contained below the top of curb and the computed 100-year storm event is contained within the street right-of-way. There is a proposed retention basin and dry well system at the northeast corner of the site. The basin has been designed to mitigate the entire 100-year storm event. Preliminary basin size has been determined to be 917 cubic yards. Final basin size and dry well design will be determined in final engineering.

Waste Discharge Requirements

The California Regional Water Quality Control Board (CRWQCB) and the San Bernardino County Department of Environmental Health Services (EHS) have reviewed this project. The CRWQCB requires the applicant to file a report of waste discharge for the project and to obtain

the necessary storm water and waste discharge permits. These requirements have been incorporated into the Conditions of Approval.

Biological Resources

Biologist Philippe Vergne of ENVIRA performed a protocol U.S. Fish and Wildlife Service (FWS) presence or absence survey for the Desert Tortoise over the entire 34.95-acre project site. Survey transects were conducted at recommended distances (30 feet) on site and within the Zone of Influence, on May 14 and 15, 2007.

No Desert Tortoise individuals, or sign of Desert Tortoise, were detected during the protocol Desert Tortoise field survey on the subject property. Sign of Desert Tortoise (Burrow-3 condition, Scat-5 condition), were detected in the zone of influence transect survey (1200 foot transect). Therefore, there is a potential that Desert Tortoise are present or use habitat adjacent to the project site.

Based on the field findings, the project is located in a Category three Desert Tortoise habitat, however due to traffic and human activity on site is doubtful that the project footprint site is used by Desert Tortoise, but the project may inadvertently impact tortoises as a result of animals wandering on site during construction. Consultation with U. S, Fish and Wildlife Service and California Department of Fish and Game will be required. At a minimum Desert Tortoise proof fencing should be installed, or a qualified Desert Tortoise monitor should be employed during ground disturbing activities. Mitigation measures for preservation of Desert Tortoise and its habitat are incorporated in the Conditions of Approval.

Cultural Resources

On July 3, 2008, the Native American Heritage Commission was contacted for comment on the project. The Morongo Band of Mission Indians responded on November 4, 2008 with a letter that offered comment on the project. As a condition of approval, the applicant will be required to halt ground disturbing activities and notify the Twenty-Nine Palms Band of Mission Indians and the Native American Heritage Commission of any cultural resources discovered and comply with Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5 to provide for provisions for accidentally discovered archeological resources during construction.

Findings

Pursuant to the City's Development Code, the Planning Commission is required to make the following findings prior to approving the project. The required findings are:

1. That the amendment/zone change 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,
2. That the amendment/zone change prescribes reasonable controls and standards for affected land uses to ensure compatibility and integrity of those uses with other established uses; and,
3. That the amendment/zone change provides reasonable property development rights while protecting environmentally sensitive land uses and species; and,
4. That the amendment/zone change provides for the protection of the general health, safety, or welfare of the community; and,
5. That the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and any applicable Specific Plan. The proposed subdivision or land use is compatible with the objectives, policies, general land uses and programs specified in the General Plan and any applicable Specific Plan; and,

6. That the Planning Commission has considered the effects of its action upon the housing needs of the region and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources; and,
7. That the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision; and,
8. That the Planning Commission determines that adequate septic facilities are, or can be, installed for the development of the subdivision, or that a sewer system sufficient to provide for the development of the subdivision can be provided. In either case, the Planning Commission must determine whether the discharge of waste from the proposed subdivision would result in or add to a violation of the requirements as set forth in Section 13000 *et. seq.*, of the California Water Code, in which case the Planning Commission may disapprove the subdivision.

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

- A. The proposed General Plan Amendment/Zone Change 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. The proposed General Plan Amendment/Zone Change prescribes reasonable controls and standards for affected land uses to ensure compatibility and integrity of those uses with other established uses; and,
- C. The proposed General Plan Amendment/Zone Change provides reasonable property development rights while protecting environmentally sensitive land uses and species; and,
- D. The proposed General Plan Amendment/Zone Change provides for the protection of the general health, safety, or welfare of the community; and,
- E. The proposed Tentative Map, with approval of the General Plan Amendment/Zone Change, does not conflict with and is consistent with the goals and objectives of the Twentynine Palms General Plan; and,
- F. With approval of the General Plan Amendment/Zone Change, the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan. The proposed subdivision or land use is compatible with the objectives, policies, general land uses and programs specified in the General Plan; and,
- G. The proposed Tentative Map, as conditioned, meets all the requirements of the City's Development Code, including the General Commercial (CG) and Single-Family Residential – four dwelling units per acre (RS-4) zoning classifications; and,
- H. The site is located easterly of Adobe Road and northerly of Mesa Drive and will therefore not be detrimental to the public health, safety, or welfare; and,
- I. The project as designed and conditioned will not be detrimental to the public's health, safety, and welfare; and,
- J. The shape of the parcels are typical, and allows for orderly development such as the

proposed use; and,

- K. The subject site is 34.95 acres and is therefore adequate in size to accommodate the proposed use; and,
- L. The Planning Commission has considered the effects of its action upon the housing needs of the region and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources; and,
- M. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision; and,
- N. The Planning Commission determines that adequate septic facilities are, or can be, installed for the development of the proposed subdivision.

Approval Authority

Pursuant to City's Development Code, where a single project requires approval of multiple permits, all such permits shall be filed and reviewed concurrently. Processing and environmental review should be done concurrently and the final decision on the project shall be made by the highest Approval Authority of all the required permits. For example, the Approval Authority for a project requiring a General Plan Amendment/Zone Change and a Tentative Tract Map shall be the City Council.

Approval Process

The Planning Commission is the Review Authority for the proposed General Plan Amendment/Zone Change and Tentative Tract Map. If the Planning Commission takes action to recommend approval of the project, the Commission must find the project consistent with the General Plan and Development Code, adopt Resolution 08-22, and recommend that the City Council adopt the Mitigated Negative Declaration, adopt the proposed General Plan Amendment and Zone Change, and approve Tentative Tract Map No. 18701, subject to the attached Conditions of Approval.

CITY OF TWENTYNINE PALMS
PLANNING COMMISSION
RESOLUTION NO. 08-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, RECOMMENDING APPROVAL OF PC 08-11 (GENERAL PLAN AMENDMENT/ZONE CHANGE AND TENTATIVE TRACT MAP NO. 18701), APPLICANT ADOBE SPRINGS, LLC PROPOSES A GENERAL PLAN AMENDMENT AND ZONE CHANGE ON FIVE (5) ACRES FROM RURAL LIVING – 2.5-ACRE MINIMUM (RL-2.5) TO SINGLE-FAMILY RESIDENTIAL – 4 DWELLING UNITS PER ACRE (RS-4). TENTATIVE TRACT MAP NO. 18701 PROPOSES TO SUBDIVIDE A 34.95-ACRE PROJECT SITE INTO 79 SINGLE-FAMILY RESIDENTIAL LOTS WITH A MINIMUM LOT SIZE OF 7,200 SQ. FT., A 8.4-ACRE COMMERCIAL LOT TO BE DEVELOPED IN THE FUTURE, 3.4 ACRES OF RECREATIONAL FACILITIES INCLUDING A CLUBHOUSE, POOL, SPA, TOT-LOT, BASKETBALL COURT, AND PASEOS, A 0.9-ACRE RETENTION BASIN, AND A 0.8-ACRE WASTE WATER TREATMENT FACILITY. THE PROJECT SITE IS LOCATED EASTERLY OF ADOBE ROAD AND NORTHERLY OF MESA DRIVE. CG, RS-4, AND RL-2.5 ZONES, APNS 0621-261-34 AND 0621-271-16, SECTION 9, T1N, R9E.

WHEREAS, on February 5, 2008, an application was received from Adobe Springs, LLC for approval of Tentative Tract Map No. 18701, the subdivision of 34.95 acres; and

WHEREAS, the application was deemed incomplete on March 3, 2008; and

WHEREAS, the project was routed to public agencies for public comment on October 21, 2008; and

WHEREAS, with the adoption of the proposed General Plan Amendment and Zone Change, the proposed Conditions of Approval, including the proposed Mitigation Measures, the proposed project is consistent with the City's General Plan and Development Code; and

WHEREAS, Pursuant to the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration was prepared and the project was routed to public agencies and departments for public review and comment on June 16, 2008; and

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

WHEREAS, a public hearing was held by the Planning Commission on December 16, 2008; and

WHEREAS, the Planning Commission, acting as the Review Authority for the General Plan Amendment/Zone Change and Tentative Tract Map, made all of the following findings:

- A. The proposed General Plan Amendment/Zone Change 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. The proposed General Plan Amendment/Zone Change prescribes reasonable controls and standards for affected land uses to ensure compatibility and integrity of those uses with other established uses; and,
- C. The proposed General Plan Amendment/Zone Change provides reasonable property development rights while protecting environmentally sensitive land uses

and species; and,

- D. The proposed General Plan Amendment/Zone Change provides for the protection of the general health, safety, or welfare of the community; and,
- E. The proposed Tentative Map, with approval of the General Plan Amendment/Zone Change, does not conflict with and is consistent with the goals and objectives of the Twentynine Palms General Plan; and,
- F. With approval of the General Plan Amendment/Zone Change, the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan. The proposed subdivision or land use is compatible with the objectives, policies, general land uses and programs specified in the General Plan; and,
- G. The proposed Tentative Map, as conditioned, meets all the requirements of the City's Development Code, including the General Commercial (CG) and Single-Family Residential – four dwelling units per acre (RS-4) zoning classifications; and,
- H. The site is located easterly of Adobe Road and northerly of Mesa Drive and will therefore not be detrimental to the public health, safety, or welfare; and,
- I. The project as designed and conditioned will not be detrimental to the public's health, safety, and welfare; and,
- J. The shape of the parcels are typical, and allows for orderly development such as the proposed use; and,
- K. The subject site is 34.95 acres and is therefore adequate in size to accommodate the proposed use; and,
- L. The Planning Commission has considered the effects of its action upon the housing needs of the region and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources; and,
- M. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision; and,
- N. The Planning Commission determines that adequate septic facilities are, or can be, installed for the development of the proposed subdivision.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms adopts Resolution 08-22, and recommends that the City Council adopt the Mitigated Negative Declaration, adopt the General Plan Amendment and Zone Change, and approve Tentative Tract Map No. 18701, subject to the attached Conditions of Approval.

APPROVED AND ADOPTED THIS 16TH DAY OF DECEMBER, 2008

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

Rebecca Rinkes, Chairman

ATTEST:

Jaqueline Palmer, Deputy 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 _____, _____.

Jaqueline Palmer, Deputy City Clerk

Date: December 16, 2008
CITY OF TWENTYNINE PALMS

Project Number: PC 08-11

Applicant Name: Adobe Springs, LLC
Post Office Box 3685
Redondo Beach, CA 90277
(310) 372-1999 x 1106

Project Description: PC 08-11 Applicant Adobe Springs, LLC proposes a General Plan Amendment and Zone Change on five (5) acres from Rural Living – 2.5-acre minimum (RL-2.5) to Single-Family Residential – 4 dwelling units per acre (RS-4). Tentative Tract Map No. 18701 proposes to subdivide a 34.95-acre project site into 79 Single-Family Residential Lots with a minimum lot size of 7,200 sq. ft., a 8.4-acre Commercial Lot to be developed in the future, 3.4 acres of Recreational Facilities including a clubhouse, pool, spa, tot-lot, basketball court, and paseos, a 0.9-acre Retention Basin, and a 0.8-acre Waste Water Treatment Facility.

Location: The project site is located easterly of Adobe Road and northerly of Mesa Drive. CG, RS-4, and RL-2.5 Zones, APNs 0621-261-34 and 0621-271-16, Section 9, T1N, R9E.

Tentative Tract Map No.: 18701

Approval Date: December 16, 2008
Expiration Date: December 15, 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 Conditions of Approval

- P1. Prior to final tract/parcel 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, irrigation systems, landscaped areas, storm drain retention basins, systems, and ponds, as approved by the City Engineer, walls, gates, street lights, driveways, pedestrian walkways, parking areas, trash areas, stacking areas, structures, 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, private accesses, and private drainage facilities. 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 Final 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 the units, 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 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.
 - 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 approved by the California Department of Real Estate prior to acceptance of Final Tract Map. The CC&Rs shall be recorded against the Final Tract Map.
- P3. Concurrently with the applicant's submittal of the CC&Rs, the applicant shall submit to the City a deposit to pay for all costs associated with plan check and with City Attorney review of the project CC&Rs, disclosure statement, and any other applicable documents (minimum deposit shall be \$5,000.) Any unused deposit shall be returned to the applicant.
- P4. The final map shall show all common areas and systems to be maintained by the HOA, including, but not limited to, any onsite sewage treatment facility, and drainage areas.
- P5. Prior to final tract/parcel map approval, the owner or designee shall pay all applicable fees, including, but not limited to, park acquisition and development, water and sewer connection, drainage, grading, and street improvement 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 the-maintenance and liability of all private streets and 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. The subdivision shall comply with the provisions of the California Subdivision Map Act and the City's 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 following agencies shall provide written verification 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 Division
City of Twentynine Palms Engineering Division
California Regional Water Quality Control Board
California Department of Real Estate

P9. 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.

P10. Subdivision phasing shall be approved by the City Engineer and Community Development Director. If phasing is proposed, all project phases shall be served by primary and secondary access at all time. All infrastructure and recreational facilities shall be constructed within the first phase of development.

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 agreeing to adhere to each of the Conditions of Approval.

P12. The project shall conform to the 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 from the side property lines.

- P13. All lots shall have a minimum net area of 7,200 sq. ft. All lots shall have a minimum depth of 100 feet and a minimum width of 60 feet, except corner lots, which shall have a minimum depth of 100 feet, and 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.
- A. All on-site cut and fill slopes shall be limited to a maximum slope ratio of 2 to 1 and a maximum vertical height of thirty (30) feet. Setbacks from top and bottom of slopes shall be a minimum of one-half the slope height.
 - B. Slopes shall 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. Slopes shall provide erosion control as per condition P14.
- P15. Prior to recordation of the Final Map, three sets of detailed landscaping and irrigation plans for the retention basin, waste water treatment facility, recreational facilities, entry monument and landscape lots, paseos, private street parkways, and public street parkways shall be prepared by a qualified licensed landscape professional, shall be submitted to the Planning Division for review and approval. The landscape and irrigation plans shall be prepared in compliance with all applicable sections of the City's Development Code and shall be substantially in conformance with the approved Conceptual Landscape Plan dated 12/11/08.
- P16. Prior to recordation of the Final Map, the applicant shall submit wall plans to the Planning Division for review and approval. The Wall Plan shall be substantially in conformance with the approved Wall Plan dated 12/11/08. Walls shall be treated with an anti-graffiti coating where appropriate.
- P17. 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 the requirements of Time Warner Cable and their franchise agreement with the City [contact Len DuPuis, Plant Manager, (760) 365-5076, 7500 Kickapoo Trail, Yucca Valley, CA 92284].
- P18. The applicant or applicant's successors shall provide a bus stop to include a bus shelter. The bus stop is to include a bench and trash receptacle and solar lighting to accommodate the projected ridership increases that will be created with this development. A tentative location for the bus shelter has been identified at the northeast corner of Adobe Road and Mesa Drive, approximately 100 feet north of Mesa Drive (the bus shelter to be constructed on the east side of Adobe Road). Ultimate bus stop location and specifications shall be coordinated with the Morongo Basin Transit Authority (MBTA), prior to Grading Permit issuance. Contact MBTA General Manager Joe Meer (760) 366-2986.
- P19. The project shall comply with the most recent FEMA regulations available at the time of grading/improvement.
- P20. Prior to Grading Permit issuance, the applicant shall submit field surveys to the United

States Department of the Interior Fish and Wildlife Service (US Fish and Wildlife) in Excel spreadsheets that include UTM coordinates, using the protocols located on the United States Department of Interior Wildlife Service's Ventura Fish and Wildlife Office's website

(http://www.fws.gov/ventura/sppinfo/protocols/deserttortoise_nonfedsurveyprotocol.pdf)

to determine if desert tortoise are present. The surveys shall be performed by qualified personnel prior to implementing ground-disturbing activities.

- P21. Prior to Grading Permit issuance, the applicant shall coordinate with the United States Department of the Interior Fish and Wildlife Service if the surveyor locates a desert tortoise or recent sign to determine if the applicant can implement measures to avoid take prior to initiating any ground disturbing activities. If avoidance measures cannot be identified, the applicant shall work with US Fish and Wildlife to obtain the required incidental take permit prior to initiating any ground disturbing activities.
- P22. Prior to Grading Permit issuance, the applicant shall contact the California Department of Fish and Game to determine if any of the proposed projects require permitting under the California Endangered Species Act.
- P23. Drainage easements shown on the TENTATIVE MAP shall not be obstructed with solid walls or feces.
- P24. The applicant shall halt ground-disturbing activities and notify the Twenty-Nine Palms Band of Mission Indians and the Native American Heritage Commission of any cultural resources discovered and complies with Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5 to provide for provisions for accidentally discovered archeological resources during construction.
- P25. Pursuant to Section 13260 of the Porter-Cologne Water Quality Control Act, the applicant is required to file a report of waste discharge for the project, which may include fees. For assistance with waste discharge reports access the following internet address: (<http://www.waterboards.ca.gov/rwqcb7/permit-assistance-WDR.html>).
- P26. The applicant shall obtain the necessary storm water and waste discharge permits from the California Regional Water Quality Control Board and San Bernardino County Environmental Health Services. (<http://www.waterboards.ca.gov/stormwtr/construction.html>).
- P27. The Applicant shall subscribe to trash collection service with the City's authorized hauler [(760) 367-9168] during all phases of construction.
- P28. After the approval of the TENTATIVE MAP and prior to the expiration of said map, the land divider shall cause the real property included within the TENTATIVE MAP, or any part thereof, to be surveyed and a FINAL MAP thereof prepared in accordance with the City's requirements.
- P29. The FINAL MAP shall be prepared by a licensed land surveyor or registered civil engineer.
- P30. The City Engineer shall review the FINAL MAP and ensure compliance with the following:
- A. All parcels on the FINAL MAP shall be in substantial conformance with the approved TENTATIVE MAP relative to size and configuration.

- B. All parcels on the FINAL MAP shall have a minimum lot size of 7,200 sq. ft.
 - C. All lot sizes and dimensions on the FINAL MAP shall be in conformance with the development standards of the CG and RS-4 zones.
- P31. The applicant shall be responsible for all applicable fees to be paid to the Morongo Unified School District at the time of building permit issuance.
- P32. Soil percolation testing for the subsurface disposal system shall meet the requirements of the San Bernardino County Environmental Health Services and the City.
- P33. Driveways shall meet the minimum standard width of 16' established in Development Code Chapter 19.82 Off-Street Parking and Loading for single-family residential uses.
- P34. Project grading shall be limited to the areas shown on the APPROVED TENTATIVE MAP, which include streets, pad areas, retention basins, access routes, and drainage areas (for flood control purposes only as deemed appropriate by the City Engineer), and recreational facilities. **No grading of the commercial lot is allowed under this approval.**
- P35. Prior to Final Map approval, floor plans and building elevations for the proposed homes and the clubhouse shall be submitted to the Planning Commission for review and approval. At a minimum, four (4) different floor plans shall be provided including at a minimum two (2) floor plans for the proposed "alley loaded" homes. At a minimum, three (3) distinct architectural styles per floor plan shall be submitted. The elevations shall provide for 360-degree architecture including a premium design for the proposed clubhouse. A "Color and Materials" board shall be submitted along with the proposed elevations.
- P36. Two-story homes shall not be permitted on the lots located along the easterly project boundary, Mesa Drive, and on Lots 12 and 13 as shown on the approved Tentative Map.
- P37. All proposed recreational facilities shall be constructed prior to the issuance of the first building permit.
- P38. The applicant/developer shall comply with all Mitigation Measures established in the adopted Mitigated Negative Declaration for the project.

Building and Safety Division Conditions of Approval

- 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 Resources Control Board to determine if a general construction activity storm water permit is required.
- B8. All contractors and subcontractors shall obtain a City Business License prior to start of work.

Engineering Division Conditions of Approval

- E1. The project shall comply with all applicable City ordinances and resolutions and the current circulation element.
- 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.
- 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.
- E7. The retention 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 the basins shall be 4:1 or flatter slopes. The retention basins for storm water shall include two stage-interceptor type dry wells to help facilitate the rapid removal of storm water and nuisance water. Retention

basin areas of percolation for the storm water shall be separate from the basin or land area used to percolate the sewage system.

- E8. Street improvement plans shall be submitted to the City Engineer for review and approval.
- E9. All interior streets shall be improved to the Private Road Standard with curb, gutter, and street pavement. Minimum residential width of streets shall be 36 feet curb to curb. Sidewalks shall be provided within easement as shown on the approved Tentative Map.
- E10. All streets abutting the development shall be improved a minimum half-street width of 28 feet with curb, gutter and sidewalk on the development side. (The construction of Adobe Road shall be deferred until the time the commercial property along Adobe Road is developed)
- E11. Road dedications shall be provided as follows:
- All interior roads shall be private. These roads shall be placed within 40-foot wide access easements.
- A 60' foot half-width street dedication along Adobe Road shall be dedicated to the City of Twentynine Palms prior to final map approval.
- A 40' foot half-width street dedication along Mesa Drive shall be dedicated to the City of Twentynine Palms prior to final map approval.
- A 40' foot half-width street dedication along Street "A" shall be dedicated to the City of Twentynine Palms prior to final map approval.
- E12. Streets adjacent to the property shall be improved as follows:
- Mesa Drive adjacent to the property shall be improved to the City's half-width Collector Street standards from the project boundary to Adobe Road.
- Street "A" adjacent to the property shall be improved to the City's half-width Collector Street standards from the project boundary to Adobe Road with an offset cul-du-sac at the project entrance.
- E13. 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. Minimum asphalt concrete thickness for all streets shall be 0.33 feet (4 inches).
- E14. 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.
- E15. An encroachment permit shall be obtained from the City prior to performing any work in any public right of way.
- E16. Final improvement plans and profiles shall indicate the location of any existing utility which would affect construction and shall provide for its relocation at no cost to the City.

- E17. 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.
- E18. Streetlights shall be required and shall conform to City's standards.
- E19. All street names shall be approved by the City and such approval shall be coordinated through the City Engineer.
- E20. 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.
- E21. Utility lines shall be placed underground in accordance with the requirements of the City.
- E22. 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.
- E23. Any required street striping shall be thermoplastic as approved by the City Engineer.
- E24. Soil percolation testing for the subsurface disposal system shall meet the requirements of the San Bernardino Environmental Health Services, Colorado Water Quality Control Board and the City.
- E25. 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.
- E26. Any developer fees including but not limited to traffic impact fees shall be paid by the developer as per City enactment.
- E27. 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.
- E28. Developer shall provide two points of paved access, paved to the City's Access Road standards from the nearest City maintained street to project as approved by the City Engineer.
- E29. The developer shall form a Home Owner's Association (HOA) to provide for the ongoing maintenance of the retention basin, sewer treatment plant, street lighting, perimeter block walls, and all parkway landscaping adjacent to Mesa Rd within the Tract boundaries. In addition to forming an HOA the developer shall form or annex into an

assessment district as a backup to the HOA to provide for the ongoing maintenance of the retention basin, street lighting, perimeter block walls, and all parkway landscaping within the Tract boundaries. The assessment district will not be put into operation unless the HOA fails to perform the ongoing maintenance.

Fire Department Conditions of Approval

- 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 vehicular access for emergency vehicles and equipment and for routes of escape that will safely handle evacuation.
 - A. Permanent unlimited access to the gated community shall be provided to Law Enforcement and Fire Department, Code Enforcement and/or other emergency personnel.
 - B. 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.
 - C. 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.
 - D. 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. A Knox-Box shall be placed at the project's entry gates off Mesa Drive and "Street A."
- F5. 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.
- F6. 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.
- F7. 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 of all of the street names and addresses within the project.
- F8. 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

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