

**SPECIAL MEETING OF THE
ANIMAL CARE JPA
THURSDAY, DECEMBER 8, 2011, 9:00 A.M.
YUCCA VALLEY COMMUNITY CENTER MESQUITE ROOM**

ROLL CALL: Directors Cronin, Hagerman, Huntington, Chair Derry

PLEDGE OF ALLEGIANCE

DIRECTORS REPORTS/UPDATES

DISCUSSION ITEMS

1. Yucca Valley Replacement Animal Shelter
(Conditional Use Permit CUP-05-11, Environmental Assessment EA-03-11)

Staff Report

**Recommendation: Authorization to submit Application to the Town of
Yucca Valley Planning Commission for Public Hearing on Conditional Use
Permit CUP 05-11 / Environmental Assessment EA 03-11.**

Action: Move _____ 2nd _____ Voice Vote _____.

FUTURE AGENDA ITEMS

- A. Adopt Reimbursement Strategies
- B. Establish In-Kind Contributions Policy

PUBLIC COMMENTS

ADJOURNMENT

ANIMAL CARE JPA STAFF REPORT

To: JPA Board Members
From: Mark Nuaimi, Town Manager
Date: December 5, 2011
For JPA Meeting: December 8, 2011

Subject: Yucca Valley Replacement Animal Shelter
(Conditional Use Permit CUP 05-11, Environmental Assessment EA-03-11)

Prior JPA Review: None

Recommendation:

**Authorization to submit Application to the Town of Yucca Valley
Planning Commission for Public Hearing on Conditional Use Permit
CUP 05-11 / Environmental Assessment EA 03-11**

Order of Procedure:

- Request Staff Report
- Request Public Comment
- JPA Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Voice Vote)

Discussion:

The draft of the Initial Study / Mitigated Negative Declaration environmental document was completed and released for the required 30-day public review period. Town staff is bringing this project to a Public Hearing of the Planning Commission on December 13th, 2011 for:

- 1) Approval of the Mitigated Negative Declaration and Mitigation Monitoring Program for Environmental Assessment, EA 03-11; and
- 2) Approval of the Conditional Use Permit, CUP 05-11 based on the findings contained within the staff report and the recommended Conditions of Approval

Description of Project: The Animal Control Joint Powers Authority (JPA) proposes to develop a replacement animal shelter on a five acre parcel located directly to the south of the existing Yucca Valley Animal Shelter. The replacement Animal Shelter will serve both the incorporated areas of the Town of Yucca Valley, as well as, the unincorporated areas of the County of San Bernardino.

At the time the environmental assessment was completed, the facility included three, new single story buildings: approximately 8,838 total square feet of enclosed building area, along with approximately 5,400 square feet of covered animal pens.

Since that time, the size of the buildings has been reduced as part of the value engineering activities. Thus the environmental assessment provides a worst case impact for this replacement shelter and the mitigation measures identified are more than sufficient to continue to justify a Mitigated Negative Declaration finding by the Planning Commission.

Based upon the IS/MND analysis, the following mitigation measures are warranted:

Aesthetics:

- A-1** The removal of approximately 52 Joshua Trees will be mitigated through the relocation on site of approximately 43 of the Joshua Trees and the additional planting of new landscaping appropriate for the desert region around the building and parking lots.

- A-2** Limiting development of the site to a portion of the northern side while maintaining approximately 57% of the site in its natural state will significantly limit the degradation of the site's visual quality and character. The southern portion of the site, including an intermittent stream and a rocky outcropping will remain untouched by development. Additionally, any new structures on the site shall be limited to single story construction thereby minimizing the overall visual impact on the existing visual character of the site,

- A-3** Any lighting installed on the site shall be designed and installed to minimize adverse fugitive light and/or glare impacts to the adjacent residential properties. Additionally, all lighting on the site will be designed in a way consistent with the requirements of Ordinance 90, Outdoor Lighting, Section 87.0920 of the Town of Yucca Valley Development Code.

Air Quality:

- AQ-1** All construction contracts will include provisions for a comprehensive dust control plan and be consistent with MDAQMD requirements, including, but limited to Rules 402 and 403. Dust control efforts will include watering dirt surfaces twice daily and removing construction-site mud that has been deposited on roadways during construction.

- AQ-2** Limit traffic speeds on unpaved roads on and adjacent to project to 15 mph during construction.

- AQ-3** Install sandbags or other erosion control measures to prevent silt runoff on public roadways.

Biological Resources:

- BR-1** Joshua trees, and any other protected species of plants, affected by the development will be relocated to the southern portion of the site in accordance with state and local regulations and Chapter of Ordinance No. 140 (Desert Native Plant Protection) of the Town of Yucca Valley Development Code, which is intended to

preserve native plants unique to Yucca Valley, outlines the regulations and guidelines for the management of plant resources in the Town). A removal permit shall be required for the removal of any native plant or tree, as regulated in Section 89.0107. of Ordinance 140 of the Development Code. In addition, site development will include the planting of trees and other appropriate vegetation as part of re-landscaping of the site.

BR-2 To avoid impacts to migratory and nongame birds, their occupied nests, and their eggs, any trees should not be removed between February and September 1. If trees are to be removed between February and September 1, qualified Biologist shall survey the trees to be removed to determine if there are active nests. If active nests are found, an appropriate no disturbance buffer will be established to avoid disturbance until after the breeding season or after a wildlife biologist determines the young have fledged. If no active nests are found, no additional mitigation is required.

BR-3 A preconstruction survey for burrowing owls shall be conducted by a qualified biologist 30 days prior to the start of construction of the project site. If no burrowing owls are detected, no further mitigation is required. If active burrowing owls are detected then the protocol established by the California Department of Fish and Game shall be followed.

BR-4 A preconstruction survey for desert tortoise shall be conducted by a qualified biologist 30 days prior to the start of construction of the project site. If no desert tortoise is detected, no further mitigation is required. If desert tortoise are detected then the protocol established by the California Department of Fish and Game shall be followed.

BR-5 All site development and construction activities shall maintain a minimum 30 foot buffer zone from any point of the existing bank of the intermittent stream. No construction or land disturbance activity shall occur within this buffer zone.

Cultural Resources:

CUL-1 In the event that cultural and/or paleontological resources are discovered during demolition and construction activities, construction shall be halted in the work area until a professional archaeologist and/or paleontologist has been retained and has the opportunity to investigate the resource and assess its significance. Any such resource uncovered during the course of project-related grading or construction shall be recorded and/or removed per standard archaeological or paleontological practices and/or applicable City and/or state regulations. If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains might be those of Native Americans, the California Native American Heritage Commission shall be notified and appropriate measures provided by State law shall be implemented.

Geology & Soils:

GS-1 All project structures will meet applicable standards of the CBC, Structural

Engineers Association of California, and recommendations from the geotechnical investigation report for the site.

GS-2 No structures intended for human occupancy (as defined by CCR, Section 3601) shall be located within the “structure setback zone” as defined in the Fault Evaluation Report, Geotechnical Map– Plate 1 dated 07/2011 by Leighton Consulting, Inc.

GS-3 The project shall be designed incorporating mitigating measures for site remediation for earthwork and foundation design as defined in Geotechnical Investigation Report by Leighton Consulting, Inc. dated July 13, 2011.

Global Climate Control:

GCC-1 The project shall minimize waste through construction practices and design features. At least 50% of construction generated waste will be recycled/reused.

GCC-2 The project shall incorporate at least 10 percent locally produced and/or manufactured building materials used for the project.

GCC-3 The project shall meet or exceed California Building Code’s most recent Title 24 energy standards including: installing energy efficient lighting, installing light-colored “cool” roofing system, installing energy-efficient heating and cooling systems, increasing the R-Value of the insulation to ensure heat transfer and thermal bridging is minimized, limiting air leakage through structure, installing high-efficiency window assemblies.

Hazards & Hazardous Material:

HAZ-1 Project structures will meet applicable standards of the CBC, Structural Engineers Association of California, Town of Yucca Valley Building Code, and will comply with all municipal codes for new construction including the 2010 California Fire Code and Town amendments and building construction standards and SBCFD general requirements.

HAZ-2 Recommendations set forth in the Fault Evaluation Report and Geotechnical Exploration Reports provided by Leighton Consulting, Inc. for the Animal Shelter project shall be incorporated into the design and construction phases of development.

HAZ-3 In the event malodorous or discolored soils, liquids, containers, or other materials known or suspected to contain hazardous materials and/or contaminants are encountered during project grading and/or construction, earthmoving activities in the vicinity of said material shall be halted until the extent and nature of the suspect material is determined by qualified personnel and in consultation with appropriate Town staff. The removal and/or disposal of any such contaminants shall be in accordance with all applicable local, State, and Federal standards to the degree that adequate public health and safety standards are maintained, to the satisfaction of the Town.

Hydrology:

HYD-1 Prior to the first issuance of a grading permit by the Town, the project proponent shall file a Notice of Intent (NOI) with the Colorado River Regional Water Quality Control Board to be covered under the State National Pollutant Discharge Elimination System (NPDES) General Construction Permit for discharge of stormwater associated with demolition and construction activities.

HYD-2 Prior to the first issuance of a grading permit by the Town, the project applicant shall submit to and receive approval from the Town of Yucca Valley a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall include a surface water control plan and erosion control plan citing specific measures to control onsite and off-site erosion during the entire grading and construction period. In addition, the SWPPP shall emphasize structural and nonstructural best management practices (BMPs) to control sediment and non-visible discharges from the site. Some of the BMPs to be implemented may include (but shall not be limited to) the following:

- Sediment discharges from the site may be controlled by the following: necessary), and other discharge control devices. The construction and condition of the BMPs would be periodically inspected during construction, and repairs would be made when necessary as required by the SWPPP.
- All materials that have the potential to contribute non-visible pollutants to stormwater must not be placed in drainage ways and must be contained, elevated, and placed in temporary storage containment areas.
- All loose piles of soil, silt, clay, sand, debris, and other earthen material shall be protected in a reasonable manner to eliminate any discharge from the site. Stockpiles would be surrounded by silt fences and covered with plastic tarps.
- The SWPPP would include inspection forms for routine monitoring of the site during the construction phase to ensure NPDES compliance.
- Additional BMPs and erosion control measures would be documented in the SWPPP and utilized if necessary.
- The SWPPP would be kept on site for the entire duration of project construction and will also be available to the local RWQCB for inspection at any time.

HYD-3 The Construction Contractor shall be responsible for performing and documenting the application of BMPs identified in the SWPPP. Weekly inspections shall be performed on sediment control measures called for in the SWPPP. Monthly reports shall be maintained by the Contractor and available for Town inspection. In addition, the Contractor would also be required to maintain an inspection log and have the log on site available for review by the Town of Yucca Valley and the representatives of the Regional Water Quality Control Board.

HYD-4 The following is a selection of BMP's which should be utilized in order of preference:

- 1) BMP's that promote storm water infiltration.
- 2) BMP's that store and beneficially use storm water runoff.
- 3) BMP's that utilize the runoff for other water conservation uses including but not limited to:
 - a) BMP's that incorporate vegetation to promote pollutant removal and runoff volume reduction and to integrate multiple uses; and
 - b) BMP's that percolate runoff through engineered soil and allow it to discharge downstream slowly.

HYD-5 The following source control and BMP measures should be applied as applicable to the project site:

- 1) The incorporation of vegetated swales and landscaped buffer strips throughout the site.
- 2) Development and implementation of a street sweeping and catch basin cleaning program.
- 3) Use of native and/or non-invasive vegetation in landscaped areas.
- 4) Development and implementation of an Integrated Pest Management (IPM) Program for common area landscaping in multifamily residential areas.
- 5) Development and implementation of an educational program that provides information to residents on water quality issues including:
 - a) The use of chemicals (including household type) that should be limited to the property, with no discharge of specified wastes via hosing or other direct discharge to gutters, catch basins, and storm drains;
 - b) The proper handling of material such as fertilizers, pesticides, cleaning solutions, paint products, automotive products, and swimming pool chemicals; and
 - c) The environmental and legal impacts of illegal dumping of harmful substances into storm drains and sewers.

HYD-6 Applicable Town codes and BMPs specified in the CASQA Handbook will be implemented for grading and erosion control. Other measures, such as siltation fences and filtering dewatering discharges through sediment traps, will be used as necessary to prevent sediment runoff. Areas of ground disturbance will be landscaped as soon as possible to reduce soil loss and sediment runoff.

HYD-7 Project design will include measures for preventing flood damage to structures. Grading Plan, Drainage Plan, and Storm Drain Plan will reflect designs to prevent flood damage to structures.

HYD-8 Project development and any construction activity must maintain a buffer zone of 30' minimum from the existing intermittent stream bed. A 50' wide, 3' deep managed flood plain will be sustained at the location of the existing intermittent stream.

HYD-9 The retention basin will be designed to hold the development's incremental increase plus 10% minimum

Noise:

N-1 Construction stockpiling, equipment storage and maintenance shall occur at the western boundary of the site, near the intersection of Golden Bee and Church Street.

N-2 All grading equipment shall be muffled and properly maintained throughout construction of the project.

N-3 Grading and construction activities shall be limited to those hours prescribed in the Municipal Code.

Utilities & Service Systems:

USS-1A A stormwater detention basin will be constructed as part of the project. No new runoff will occur as a result of the proposed project.

The IS/MND has been circulated for public comment for 30 days. Staff has continued to work on updated site plans and building layouts / elevations as part of the value engineering efforts.

Update site plans / elevations will be presented to the JPA board on December 8th. The JPA board is not being asked to approve these elevations at this time. Given that two members of the JPA board are Town Council members, staff recommends that the JPA board simply authorize application to be made to the Town Planning Commission with no final approval until such time that the Town Planning process be completed.

Alternatives: None

Fiscal impact: None

Attachments: None

(A complete Planning Commission Application will be made available electronically prior to the JPA meeting on December 8th)