TOWN OF YUCCA VALLEY

PLANNING COMMISSION MEETING
SPECIAL MEETING

The Mission of the Town of Yucca Valley is to provide a government that is responsive to the needs and concerns of its diverse citizenry and ensures a safe and secure environment while maintaining the highest quality of life

TUESDAY
DECEMBER 02, 2014
6:00 p.m.

YUCCA VALLEY COMMUNITY CENTER, YUCCA ROOM
57090 - 29 PALMS HIGHWAY
YUCCA VALLEY, CALIFORNIA 92284

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PLANNING COMMISSION MEMBERS

Vickie Bridenstine, Vice Chairman
Jeff Drozd, Commissioner
Warren Lavender, Commissioner
Steve Whitten, Commissioner

AGENDA

MEETING OF THE
TOWN OF YUCCA VALLEY PLANNING COMMISSION
6:00 P.M., TUESDAY, DECEMBER 02, 2014

The Town of Yucca Valley complies with the Americans with Disabilities Act of 1990. If you require special assistance to attend or participate in this meeting, please call the Town Clerk's office at (760) 369-7209 at least 48 hours prior to the meeting.

If you wish to comment on any subject on the agenda, or any subject not on the agenda during public comments, please fill out a card and give it to the Planning Commission secretary. The Chair will recognize you at the appropriate time. Comment time is limited to 3 minutes

CALL TO ORDER:

ROLL CALL: Vickie Bridenstine, Vice Chairman
Jeff Drozd, Commissioner
Warren Lavender, Commissioner
Steve Whitten, Commissioner

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Action: Moved by_____ 2nd by _____ Roll Call Vote _____

PUBLIC COMMENTS

In order to assist in the orderly and timely conduct of the meeting, the Planning Commission takes this time to consider your comments on items of concern, which are not on the agenda. When you are called to speak, please state your name and community of residence. Please limit your comments to three minutes or less. Inappropriate behavior, which disrupts or otherwise impedes the orderly conduct of the meeting, will result in forfeiture of your public comment privileges. The Planning Commission is prohibited by State law from taking action or discussing items not included on the printed agenda.

DEPARTMENT REPORT

1. CONDITIONAL USE PERMIT, CUP 06-07 ESSIG REQUEST FOR EXTENSION

RECOMMENDATION: That the Planning Commission approves the request for a three year extension on the project, expiring on December 04, 2017.

Action: Moved by _____ 2nd by _____ Roll Call Vote _____

2. LANDSCAPE PLAN, LP 01-14 AND NATIVE PLANT PLAN APPLICATION, NPP 82-14, SAGE ESTATES FOR TRACT MAP 17862

RECOMMENDATION: That the Planning Commission receive the presentation on the Native Plant Plan application and Landscaping Plan for Tract Map 17862

Action: Moved by _____ 2nd by _____ Roll Call Vote _____

CONSENT AGENDA: All items listed on the consent calendar are considered to be routine matters or are considered formal documents covering previous Planning Commission instruction. The items listed on the consent calendar may be enacted by one motion and a second. There will be no separate discussion of the consent calendar items unless a member of the Planning Commission or Town Staff requests discussion on specific consent calendar items at the beginning of the meeting. Public requests to comment on consent calendar items should be filed with the Planning Commission Secretary before the consent calendar is called

1. **MINUTES**
   A request that the Planning Commission approves as submitted the minutes of the meeting held on October 14, 2014.

Action: Moved by _____ 2nd by _____ Roll Call Vote _____

STAFF REPORTS AND COMMENTS:

FUTURE AGENDA ITEMS:

COMMISSIONER REPORTS AND REQUESTS:

Commissioner Drozd
Commissioner Lavender
Commissioner Whitten
Vice Chairman Bridenstine

ANNOUNCEMENTS:
The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, December 23, 2014.

ADJOURN

PLANNING COMMISSION STAFF REPORT

To: Honorable Chairman & Commissioners
From: Diane Olsen, Planning Technician
Date: November 24, 2014
For Commission Meeting: December 02, 2014

Subject: Extension of Time for Conditional Use Permit, CUP 06-07 Essig
5889.75 square foot commercial building
The project is located on the south side of Yucca Trail, approximately 100' west of Barberry Avenue and is identified as APN 587-102-10

Prior Commission Review: The Planning Commission reviewed and approved this project at their meeting of December 04, 2007. On November 10, 2009 the Planning Commission approved a four year extension for the project, expiring on December 04, 2013.

Recommendation: That the Planning Commission approves the Extension of Time request for 3 years, expiring December 04, 2017.

Executive Summary: The original approval was for the construction of a 4207 square foot commercial building located on an approximately 14,000 square foot lot. While the original staff report identified that the building was 4,207 square feet, the plans submitted at that time were for a 5889.75 square foot building, including outside patios, storage areas and stairways..

The project is located on the south side of Yucca Trail, approximately 100' west of Barberry Avenue and is identified as APN 587-102-10. The property has a zoning designation of Office Commercial (C-O) and a General Plan Land Use designation of Mixed Use (MU). Pursuant to Development Code Section 9.63.110 staff is recommending a three year extension.

Order of Procedure:

Request Staff Report
Request Public Comment
Commission Discussion/Questions of Staff
Motion/Second
Discussion on Motion
Call the Question (Roll Call Vote)

Discussion: The original project was approved by the Planning Commission at their meeting of December 04, 2007. At that meeting the project was approved for two years, expiring on December 04, 2009. On December 10, 2009, the Planning Commission approved a four year extension for the project, expiring on December 04, 2013. The

X Department Report ___ Ordinance Action ___ Resolution Action ___ Public Hearing
___ Consent ___ Minute Action ___ Receive and File ___ Study Session

notification that was sent to the applicant indicated that the expiration of the extension was December 04, 2014. Therefore the applicant has only recently requested an extension. Because the original approval was for two years, an additional year was approved with the first extension request. Development Code Section 9.63.110, Extension of Time allows for a three year extension of the project.

The Conditions of Approval have been updated to conform to the current format, but no additional infrastructure improvements are being required. Condition P2 has been modified to reflect the changes made to the Utility Undergrounding Ordinance.

PROJECT SYNOPSIS:	**SITE COVERAGE**	
PROJECT AREA	14,625 sq ft	
BUILDING AREA	Office	3793.5 sq ft
	Storage	1188.5 sq ft
	Stairs	224.75 sq ft
	Patio	683 sq ft
	Total	**5889.75 sq ft**
PHASED CONSTRUCTION:	No	
FLOOD ZONE	Map 8860 zone X, areas determined to be outside the 0.2% annual chance floodplain	
ALQUIST PRIOLO ZONE	No	
OFF-SITE IMPROVEMENTS REQ.	Yes, Yucca Trail	
ASSESSMENT DISTRICTS REQ.	Yes	
RIGHT-OF-WAY DEDICATION REQ.	Yes, Yucca Trail	
UTILITY UNDERGROUNDING:	All new service lines shall be underground in conformance to Ordinance No. 233, or as amended by the Town Council	
AIRPORT INFLUENCE AREA:	Located inside the Airport Influence area.	
TRAILS & BIKE LANE MASTER PLAN	Future Class II Bike Lane.	

PUBLIC FACILITY MASTER PLAN	No facilities on or adjacent to the project.
PARKS AND RECREATION MASTER PLAN	No public facilities are identified for this site.
MASTER PLAN OF DRAINAGE:	No facilities on or adjacent to the project,
EROSION AND SEDIMENT CONTROL PLAN REQUIRED	Yes
STREET LIGHTS:	Yes
SPECIFIC PLAN/ PLANNED DEVELOPMENT AREA:	No
FUTURE PLANNING COMMISSION ACTION REQURIED	No
FUTURE TOWN COUNCIL ACTION REQURIED	No, unless appealed

Staff is recommending that the extension request be approved and the new expiration date will be December 04, 2017.

Alternatives: None recommended

Fiscal impact: N/A

Attachments:

1. Applicant's request
2. 2009 extension request notice of action
3. Planning Commission Staff Report and Minutes from December 04, 2007
4. Planning Commission minutes from November 10, 2009
5. Development Code Section 9.63.110
6. Engineering Standards Drawings # 104, #220 and #300
7. AQMD Rule 402 and 403

TOWN OF YUCCA VALLEY
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT, CUP 06-07 ESSIG

This approval is for Conditional Use Permit, CUP 06-07, an approval to construct a 5889.75 square foot, two story retail building. The property is located on the south side of Yucca Trail, east of Barberry Ave and is identified as APN: 587-102-10.

GENERAL CONDITIONS

G1. The applicant shall agree to defend, indemnify and hold harmless the Town of Yucca Valley, its agents, officers and employees, at his sole expense, against any action, claim or proceedings brought against the Town or its agents, officers or employees, to attack, set aside, void, or annul this approval or because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The applicant shall reimburse the Town, its agents, officers, or employees for any court costs, and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition. The Town shall promptly notify the applicant of any claim, action or proceedings arising from the Town's approval of this project, and the Town shall cooperate in the defense.

G2. This Conditional Use Permit shall become null and void if construction has not commenced within three (3) years of the Town of Yucca Valley date of approval. Extensions of time may be granted by the Planning Commission, in conformance with the Town of Yucca Valley Development Code. The applicant is responsible for the initiation of an extension request.

Approval Date:	**December 04, 2007**
Expiration Date:	**December 04, 2009**
First Extension Expiration:	**December 04, 2013**
Second Extension Expiration:	**December 04, 2017**

G3. The applicant shall ascertain and comply with requirements of all State, County, Town and local agencies as are applicable to the project. These include, but are not limited to, County of San Bernardino Environmental Health Services, County of San Bernardino Transportation/Flood Control, County of San Bernardino Fire Department, Yucca Valley Building and Safety, Caltrans, High Desert Water District, Airport Land Use Commission, California Regional Water Quality Control Board, Colorado River Region, the Federal Emergency Management Agency, MDAQMD-Mojave Desert Air Quality Management District, Community Development, Engineering, and all other Town Departments.

G4. All conditions are continuing conditions. Failure of the applicant to comply with any or all of said conditions at any time may result in the revocation of any construction permits for the project.

G5. No on-site or off-site work shall commence without obtaining the appropriate permits for the work required by the Town and the appropriate utilities. The approved permits shall be readily available on the job site for inspection by Town personnel.

G6. The applicant shall pay all fees charged by the Town as required for application processing, plan checking, construction and/or inspections. The fee amounts shall be those which are applicable and in effect at the time work is undertaken and accomplished. Fees for entitlement prior to construction permits are based on estimated costs for similar projects. Additional fees may be incurred, depending upon the specific project. If additional fees for services are incurred, they must be paid prior to any further processing, consideration, or approval(s).

G7. All improvements shall be inspected by the Town as appropriate. Any work completed without proper inspection may be subject to removal and replacement under proper inspection.

G8. All refuse shall be removed from the premises in conformance with Yucca Valley Town Code 33.083.

G9. During construction, the Applicant shall be responsible to sweep public paved roads adjacent to the project as necessary and as requested by the Town to eliminate any site related dirt and debris within the roadways. During business activities, the applicant shall keep the public right-of-way adjacent to the property in a clean and sanitary condition.

G10. No staging of construction equipment or parking of worker's vehicles shall be allowed within the public right-of-way of streets or other public improvements that have been accepted into the Town's maintained system

G11. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB 1414. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the applicant shall retain a qualified licensed land surveyor or civil engineer to reset those monuments per Town Standards and file the necessary information with the County Recorder's office as required by law (AB 1414).

G12. Each phase of the project shall function independently of all other phases. All improvements shall be completed for each phase to ensure that each phase functions separate from the remainder of the project, and shall include, but not be limited to, street improvements, drainage and retention/detention facilities, water delivery systems, fire suppressions systems, post construction erosion and

sediment control systems, all utilities necessary to serve the project, and those improvements deemed necessary by the Town. All phasing plans shall be illustrated on rough and precise grading plans, erosion and sediment control plans, all plan required for obtaining native plant plan approval, and on any other plan as deemed necessary by the Town.

G13 At least one sign per fronting street shall be posted on the site and must contain the following information: the grading permit number, the project name, map number (if appropriate), the authorized dust controller phone number(s) and the Town's phone number. The signs must be obtained and installed by the developer using the sample format to be provided. The signs must be present at the pre-construction meeting or the grading permit will not be issued. The developer must keep the contact name and phone number active and current at all times. Failure of the contact system may be considered grounds for revocation of the permit.

G14. At the time of permit issuance the applicant shall be responsible for the payment of fees associated with electronic file storage of documents

G15. The Applicant shall reimburse the Town for the Town's costs incurred in monitoring the developer's compliance with the Conditions of Approval including, but not limited to, inspections and review of developer's operations and activities for compliance with all applicable dust and noise operations. This condition of approval is supplemental and in addition to normal building permit and public improvement permits that may be required pursuant to the Yucca Valley Municipal Code.

G16. Prior to the issuance of a Certificate of Occupancy for any habitable structure in each phase of the project, all improvements shall be constructed, final inspection performed, punch-list items completed, and all installations approved by the appropriate agency.

G17. After final plan check by the Town, original mylars (4 mil) shall be submitted to the Town for signature by the Town Engineer. All original mylars submitted for Town Engineer's signature must contain the design engineer's wet signature and stamp and all other required signatures.

G18. For any import or export of material, the Project proponent shall provide the following for review by the Town Engineer: the route of travel, number of trucks, daily schedule, and length of time required. No hauling of material shall begin without the Town Engineer's approval.

G19. Prior to any work being performed within the public right-of-way, the Project proponent shall provide the name, address, telephone, facsimile number, and e-mail address of the Contractor to perform the work. A description of the location, purpose, method of construction, and surface and subsurface area of the

proposed work shall be supplied. A plat showing the proposed location and dimensions of the excavation and the facilities to be installed, maintained, or repaired in connection with the excavation, shall be provided and such other details as may be required by the Town Engineer.

G20. The site shall be developed in accordance with the approved plans on file with the Town of Yucca Valley, in accordance with the Conditions of Approval approved for the project, and in accordance with the General Plan and Development Code. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Town.

G21. Prior to issuance of building permits, all site plans, grading plans, landscape and irrigation plans, drainage/flood control plans, public improvement plans, erosion and sediment control plans, shall be coordinated for consistency with this approval.

G22. The Town may allow phased construction of the project provided that the improvements necessary to adequately serve or mitigate the impacts of each phase of development are completed prior to the issuance of a Certificate of Occupancy for that phase.

G23. The applicant or the applicant's successor-in-interest shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust.

G24. If archaeological, paleontological or historical resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person with appropriate expertise shall be consulted by the applicant regarding mitigation measures to preserve or record the find. Recommendations by the consultant shall be implemented as deemed necessary and feasible by the Town before work commences in the affected area. 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 a Native American, the California Native American Heritage Commission shall be notified and appropriate measures provided by State law shall be implemented.

G25. All street dedications shall be irrevocably offered to the public and shall continue in force until the Town accepts or abandons such offers. All dedications shall be free of all encumbrances as approved by the Town Engineer.

G26. The street design and circulation pattern of this project shall be coordinated with adjoining developments.

G27. The final conditions of approval issued by the approving authority shall be photographically or electronically placed on bond (blue/black line) paper and included in the Grading and Street Improvement plan sets on 24" x 36" bond (blue/ black line) paper and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field and during construction. Plan check fees shall not be charged for sheets containing the Conditions of Approval.

G28. Prior to issuance of a certificate of occupancy, the applicant shall submit all improvement plans on compact disks in digital format acceptable to the Town Engineer.

G29. Violations of any condition or restriction or prohibition set forth in these conditions, including all approved construction plans, public and private, for this project and subject to the Town's overall project approval and these conditions of approval, shall subject the owner, applicant, developer or contractor(s) to the remedies as noted in the Municipal Code. In addition, the Town Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

PLANNING CONDITIONS

P1. The development of the property shall be in conformance with FEMA and the Town's Floodplain Management Ordinance requirements. Adequate provision shall be made to intercept and conduct the existing tributary drainage flows around or through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to modifying existing facilities or by securing a drainage easement.

P2. Utility undergrounding shall be in conformance with Ordinance 233, or as amended by Town Council.

P3. All exterior lighting shall comply with the Ordinance 90, Outdoor Lighting and shall be illustrated on all construction plans.

P4. A final plan identifying all protected plants as well as a Native Plant Relocation Plan with any area proposed to be disturbed in accordance with the Town's Native Plant Protection Ordinance shall be submitted for approval prior to issuance of any construction permits, including grading and utility installations, for the project. **The applicant shall make every effort to relocate the native plants back onsite. The adoption of native plants shall be consistent with the Native Plant regulations in effect at the time of grading permits. The final native plant plan shall be reviewed and approved by the Planning**

Commission prior to the issuance of any construction permits for the project site.

P5. Prior to the issuance of any permits the applicant/owner shall provide three (3) copies of a landscape and irrigation plan showing the size, type and location of all plant and irrigation systems. Said irrigation system shall incorporate a permanent automatic irrigation system, and all landscaping and irrigation systems shall be maintained in good condition at all times. All ground within proposed landscape planter areas shall be provided with approved ground cover. This shall include but not be limited to drought-tolerant plant materials or colored desert rock. The Landscape Plan shall be approved by Hi-Desert Water District. The Landscape and Irrigation review requires a separate application.

P6. No signs are approved with this Conditional Use Permit. Sign applications shall be made separately for all signage on the property, and all signage shall comply with Ordinance 156, Sign Regulations.

P7. Parking space #13 and the loading zone, as shown on the approved site plan, shall be modified to eliminate the conflict between parking spaces 12 and 13. The design shall be reviewed and approved prior to the issuance of grading permits.

P8. The drive aisle shall be 26 feet in width. The design shall be reviewed and approved prior to the issuance of grading permits.

ENGINEERING CONDITIONS

E1. **Dedicate, or show there exists, sufficient right of way for a "4"-Lane "100 foot" street on Yucca Trail per Town of Yucca Valley standard #104.**

E2. **Construct curb and gutter "40" feet from centerline on Yucca Trail per Town of Yucca Valley Standard Drawing #104. Any existing pavement on Yucca Trail shall be removed and replaced to centerline. Construct a six (6) foot wide sidewalk along Yucca Trail per Town of Yucca Valley standard #220.**

E3. **A 100 foot transition from the widened portion to the existing street width shall be provided on the west end. The design shall include concrete curb and gutter, concrete sidewalk, landscape, street lighting, drainage improvements, wheel chair ramps, sewer and other required infrastructure. The Applicant's Engineer shall design the pavement section based upon the Soils Engineer's recommendation for the widening of Yucca Trail adjacent to the property.**

E4. **The Soils Engineer shall analyze the pavement section adjacent to the project to determine if reconstruction or overlay is appropriate for this segment. The Engineer shall design the section approved by the Town. At a minimum, the Engineer shall design the grinding of the existing pavement outside the widened section by 0.15 feet and replace with an asphalt concrete leveling course and overlay. The Applicant shall install the 0.15 foot overlay across the entire improved section as the last pavement lift to provide a seamless interface between the new pavement and existing pavement.**

E5. **The Applicant's contractor shall construct ultimate 50 feet (half street) of Yucca Trail adjacent to his property from the east property line to the west property line plus the transition to the existing pavement. The widened pavement shall be constructed to the structural section recommended by the Soils Engineer and approved by the Town. The half street improvement shall comply with the recommendation of the Soils Engineer. At a minimum, grind the existing asphalt concrete half street by 0.15 feet to affect a travel-safe geometric section and cross-fall and replace with an asphalt concrete leveling course and overlay. The last pavement lift of 0.15 feet shall be included with the construction of the full half width asphalt concrete pavement overlay to obtain a seamless interface.**

E6. **Install the under sidewalk drain for the retention basin outflow.**

E7. **The Applicant shall install street lights on the property's frontage spaced as close to 200 feet from existing street light(s) as required by Town Standard Drawing #300 and the approved plans.**

E9. Prior to the issuance of a Grading Permit, a Grading Plan prepared by a recognized professional Civil Engineer shall be submitted, and the corresponding fees shall be paid to the Town prior to any grading activity. The rough and precise Grading Plans shall be reviewed and approved by the Town Engineer prior to issuance of grading permits. The applicant/owner is responsible for all fees incurred by the Town. Prior to Certificate of Occupancy, the Engineer-of-Record shall survey and certify that the site grading was completed in substantial conformance with the approved Grading Plans.

E10. **All manufactured slopes over the height of 3 feet shall be irrigated and landscaped immediately following grading. Prior to issuance of a grading permit for any portion of the site, the applicant/owner shall submit, for review and approval, an irrigation and landscaping plan or other appropriate treatment for all slope areas.**

E11. The rough grading shall be certified by a civil engineer that it was completed in substantial conformance with the approved rough Grading Plans. Prior to the issuance of any building permits the project Engineer shall certify the finished lot was graded in conformance to approved plans.

E12. The Engineer-of-Record or other civil engineer shall survey and provide pad certification for the site prior to issuance of building permits.

E13. Prior to the issuance of Permits, the Applicant shall comply with the recommendations of a site-specific Geotechnical and Soils Report which shall be reviewed and subject to Town approval. The report shall include recommendations for any onsite and offsite grading, foundations, compaction, structures, drainage, and existence of fault zones. It shall include recommendations for retention basins, slope stability and erosion control. The soils engineering report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, when necessary and opinions and recommendation covering the adequacy of sites for development. The report shall identify if the site contains any areas susceptible to landslide risk, liquefaction potential and/or subsidence potential on the project site. The report shall identify and include the location of major geologic features, topography and drainage, distribution and general nature of rock and soils, a reasonable evaluation and prediction of the performance of any proposed cut or fill in relation to geological conditions, and the capability of soils and substrata to support structures.

E15. All recommended approved measures identified in the Soils Report shall be incorporated into the project design.

E16. A retention basin **and/or underground storage system** shall be constructed and functional prior to the issuance of certificate of occupancy for the any structure within the project. The applicant shall provide on-site retention for the incrementally larger flows caused by development of the site, pursuant to a final drainage report, subject to review and approval by the Town Engineer.

E17. A **final** drainage report, prepared by a registered Civil Engineer, shall be prepared to determine the flows exiting the site under current undeveloped conditions compared to the incrementally larger flows due to the development of the site. The retention basin size will be determined, per County of San Bernardino Flood Control methodology, such that incremental 100 year 24-hour storm volume, plus 10%, is retained on-site.

E18. In lieu of an engineered drainage report the retention basin and/or underground storage system shall be sized to retain 550 cubic feet of storm water for each 1,000 square feet, and increments thereof, of impervious area proposed (structures, driveways, parking areas, etc.).

E19. Basin(s) shall be designed to fully dissipate storm waters within a 48 hour period.

E20. A pre-filtration system shall be installed for all drain lines connected to any underground storage system to collect sediment and hydrocarbon material prior to discharge into the underground system.

E21 Any grading or drainage onto private off-site or adjacent property shall require a written permission to grade and/or a permission to drain letter from the affected property owner.

E22. In conjunction with precise grading certification, all retention/detention basins shall be certified by a civil engineer that they have been constructed in substantial conformance with the approved plans, and shall be certified that they have the required capacity and will operate in accordance with the approved drainage reports for the project.

E23. In conjunction with precise grading certification, all drainage systems, both public and private, shall be certified by a civil engineer that they have been constructed in substantial conformance with the approved plans, and shall be certified that they have the required capacity and will operate in accordance with the approved drainage reports for the project.

E24. No on-site or off-site work shall commence without obtaining the appropriate permits for the work involved from the Town. The approved permits shall be readily available on the job-site for inspection by the Town personnel.

E25. All grading activities shall minimize dust through compliance with MDAQMD Rules 402 and 403.

E26. Prior to issuance of a grading permit, a Fugitive Dust and Erosion and Sediment Control Plan shall be submitted and approved by the Town Engineer. The Fugitive Dust and Erosion and Sediment Control Plan shall illustrate all proposed phasing for construction of the project.

E27. Prior to any work being performed in the public right-of-way, fees shall be paid and an encroachment permit shall be obtained from the Town. The Applicant shall apply for an encroachment permit from the Town for utility trenching, utility connection, or any other encroachment onto public right-of-way. The Applicant shall be responsible for the associated costs and arrangements with each public utility.

E28. The Applicant shall restore any pavement cuts required for installation or extension of utilities for his project within the public right-of-way. In all cases where cuts are allowed, the Applicant is required to patch the cuts to Town standards and the approval of the Town Engineer. The patching shall include a grinding of the pavement to a width 4 feet beyond the edge of the trench on each side, or as determined by the Town Engineer, and replacement with a full-depth asphalt concrete recommended by the Soils Engineer.

E29. In conjunction with the rough grading plan submittal, street plans prepared by a recognized professional Civil Engineer shall be submitted, and the corresponding

fees shall be paid to the Town. The final street plans shall be reviewed and approved by the Town Engineer. The applicant/owner is responsible for all fees incurred by the Town. Prior to Certificate of Occupancy, the Engineer-of-Record shall survey and certify that the site grading was completed in substantial conformance with the approved Grading Plans.

E30. The Applicant shall accept and properly dispose of all off-site drainage flowing onto or through the site.

E31. The Applicant shall construct the replacement of any identified damaged curb and gutter, sidewalk, drive approach, asphalt concrete pavement, meter boxes, and other infrastructure that may be required by the Town Engineer or another Agency.

E32. The Applicant shall install all water and sewer systems required to serve the project. All water and sewer systems shall be completed to the requirements of the Hi Desert Water District.

E33. The Applicant shall observe the construction of this project to make certain that no damage or potential for damage occurs to adjacent roadway, existing improvements, adjacent property and other infrastructure. The applicant shall be responsible for the repair of any damage occurring to offsite infrastructure and/or property damage as determined by the Town Engineer. The applicant shall repair any such damage prior to certificate of occupancy. If the damage is such that it is not repairable within a reasonable amount of time as determined by the Town Engineer, the applicant may petition the Town Engineer for additional conditions that may allow him the time, amount of surety and other requirements to repair the damage.

E34. The Applicant shall be responsible for all improvements constructed within the public right-of-way as required by the conditions of approval. The improvements shall be constructed to the standards and requirements as determined and approved by the Town Engineer. Any improvements not considered to be to the required standards shall be replaced by the Applicant. The Applicant shall be required to maintain and repair those improvements prior to and after acceptance by the Town Council for the length of time required by the applicable conditions, standards and ordinances.

E35. All improvement plans shall be designed by a Registered Civil Engineer.

E36. Any area which remains undeveloped for a period of more than 30 days shall be stabilized using either chemical stabilizers or a desert wildflower mix hydroseed on the affected portion of the site.

E37. Prior to the issuance of any grading permit to disturb, expose or stockpile an aggregate of more than one acre of land, an erosion and sediment control plan for the project shall be submitted to and approved by the Town Engineer.

E38. The Applicant shall be responsible for inspection, modification, and proper maintenance of the erosion control devices as necessary. If the Applicant fails

or refuses to properly maintain the erosion control devices, the Town official may cause emergency maintenance work to be done in order to protect potentially impacted property. The cost shall be paid by the applicant and shall include all costs related to the emergency maintenance including initial mobilization and performance of the work in addition to applicable administrative costs.

E39. If construction of erosion control systems outside of the project boundaries is necessary, permission to construct such systems from the owner of such off-site property is required. Plans for the off-site system shall be included with the on-site plans submitted to the Town Engineer. The plans for the off-site erosion control system shall include permission to grade and maintain the erosion control system from all affected property owners and letters of clearance and/or permits from all appropriate governmental entities.

E40. The Applicant shall submit a post construction erosion and sediment control plan which identifies and illustrates all necessary improvements to prevent the movement and or loss of any soil and sediment materials from the project site, including all individual lots for construction of habitable structures, all slope banks, and all areas of the site capable of resulting in the deposit of soils and sediments with the street or storm drain system. The post construction erosion and sediment improvements shall be certified by a civil engineer that they were constructed in substantial conformance with the approved plans and specifications.

E41. The septic system shall be maintained so as not to create a public nuisance and shall be serviced by a DEHS permitted pumper. Soil testing for the subsurface disposal system shall meet the requirements of the Department of Environmental Health Services. Applicant shall submit a minimum of three (3) copies of percolation reports for the project site and an appropriate fee to DEHS for review and approval, a copy of the cover sheet with an approval stamp to Building and Safety Division at the time of building permit application, and two (2) copies of the approved percolation report to the Building and Safety Division at the time of construction plan check. The location of the septic system shall be shown on the project grading plans. **It shall be the developer's responsibility to ensure that the location of the septic system and any proposed underground stormwater collection system meet applicable codes related to separation distances.**

E42. The project shall make provisions for connection to the future Hi Desert Water District sewer system improvements.

E42. It is understood that the **Conditional Use Permit** plans correctly shows all existing easements, traveled ways and drainage courses, and that their omission

may require the Conditional Use Permit plans to be resubmitted for further consideration.

E43. Private drainage easements for cross-lot drainage shall be dedicated and delineated on the final map.

E44. A construction area traffic control plan, including temporary and final permanent striping, shall be designed by a registered Civil Engineer or Traffic Engineer for review and approval by the Town Engineer for any street construction, closure, detour or other disruption to traffic circulation.

E45. All street closures must be approved by Town Council action.

E46. The following shall information regarding the presence of the Marine Corps Air Ground Combat Center (MGAGCC) shall be recorded on the title of each property contained within the boundaries of the Conditional Use Permit.

"The Marine Corps Air Ground Combat Center is located in the Morongo Basin. To prepare Marines for future conflicts, the MGAGCC carries out realistic training with military munitions, both day and night. As a result, Military aircraft fly over the area, and military vehicles drive on and off the base every day. This property is located directly under two aircraft flying routes and is located approximately 13 miles from the installation boundary. Consequently, you should expect to hear military training, see low-flying military aircraft, and encounter other experiences associated with the important mission of the MCAGCC".

E47. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patters with respect to tributary drainage area and outlet points. Unless otherwise approved by the Town Engineer, lot lines shall be located at the top of slopes.

E48. Improvement plans shall be based upon a centerline profile, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the Town Engineer.

E49. The applicant shall cause to be formed or shall not protest the formation of a maintenance district(s) for landscape, lighting, streets, drainage facilities or other infrastructure as required by the Town.

E50. The applicant shall agree to the terms of and record a non-opposition agreement to the future formation of a public safety assessment district on the property.

BUILDING AND SAFETY CONDITIONS

B1. Prior to the delivery of combustible materials, the following items shall be accepted as complete:

a. The water system is functional from the source of water past the lots on which permits are being requested (i.e. All services are installed, valves are functional and accessible, etc.); and

b. Fire hydrants are accepted by the County Fire Department and the Hi Desert Water District. The fire hydrants associated with each phase shall be functioning prior to issuance of building permits.

B2. The applicant shall submit three sets of plans to the Building and Safety Dept. for plan check and approval.

B3. At the time of building plan check submittal, the applicant shall provide approval from the San Bernardino County Fire Dept.

B4. Prior to final inspection, all required improvements shall be constructed and finalized and accepted by the appropriate agency prior to the issuance of a Certificate of Occupancy.

B5. The applicant shall pay Development Impact Fees in place at the time of issuance of building permits.

Fire Conditions

F1. Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.

F2. Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. .

F3. The Applicant shall be responsible for all fees required by San Bernardino County Fire Department.

F4. If required by San Bernardino County Fire Department, the development shall have a minimum of two points of vehicular access. These are for fire/emergency equipment access and evacuation routes.

F5. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.

F6. Not less than 2 complete sets of Building Plans shall be submitted to the Fire Department for review and approval.

F7. An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12% grade and have a minimum of forty five (45) foot radius for all turns. In FS1, FS2 or FS3 Fire Safety Overlay District areas, there are additional requirements.

F8. The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the job-site.

F9. Fire sprinklers may be required by San Bernardino County Fire Department.

Mojave Desert Air Quality Management District Condition

M1. A "Notification of Demolition/Renovation" application must be completed and submitted to the District pursuant to Health and Safety Code Section 19827.5 for the demolition of any load bearing wall or foundation.

I HEREBY CERTIFY THAT THE APPROVED CONDITIONS OF APPROVAL WILL BE SATISFIED PRIOR TO OR AT THE TIMEFRAMES SPECIFIED AS SHOWN ABOVE. I UNDERSTAND THAT FAILURE TO SATISFY ANY ONE OF THESE CONDITIONS WILL PROHIBIT THE ISSUANCE OF ANY PERMIT OR ANY FINAL MAP APPROVAL.

Applicant's Signature_____ Date _____

8 October 2014

Yucca Valley Planning Commission
58928 Business Center Drive
Yucca Valley, CA 92284

Dear Sir:

I am requesting another extension for my CONDITIONAL USER PERMIT CUP 06-07 – Yucca Valley Paint.

I have invested a large sum of money to prepare the property for construction and will finally be able to utilize it by being able to start building in the next few months.

It will be very much appreciated if I can get an answer in the next week or two about receiving another extension so I can plan accordingly to your decision.

I appreciate your consideration regarding this situation.

I have enclosed a check for $1,000 and the last communication I received from you on this matter.

Sincerely Yours,

Jean Essig

Jean Essig
P.O. Box 543
Yucca Valley, CA 92286
760-902-3788

December 4, 2009

Ms. Jean Essig
P. O. Box 543
Yucca Valley, CA 92284

RE: CONDITIONAL USER PERMIT CUP 06-07 – Yucca Valley Paint

Dear Ms. Essig;

At the meeting on November 10, 2009, the Planning Commission granted an extension of time until December 4, 2014 for the above referenced Conditional Use Permit. After the Planning Commission action and Town review of the accounting records for the above listed project it was determined the project has a credit balance in the amount of $1,840.31.

A detailed re-cap of all charges made to the project account is attached along with a check in the amount of $1,840.31.

Please let me know if you have any questions regarding this refund.

Best regards,

Jeannie Lindberg
Administrative Assistant III

The Town of Yucca Valley
COMMUNITY DEVELOPMENT/PUBLIC WORKS DEPARTMENT
58928 Business Center Dr.
Yucca Valley, California 92284

Planning
(760) 369-6575
Public Works
(760) 369-6579
Building and Safety
(760) 365-0099
Code Compliance
(760) 369-6575
Engineering
(760) 369-6575
Animal Control
(760) 369-7207
FAX (760) 228-0084

Planning Commission: December 4, 2007

TOWN OF YUCCA VALLEY
COMMUNITY DEVELOPMENT DEPARTMENT
CURRENT PLANNING DIVISION
STAFF REPORT

Case: CONDITIONAL USE PERMIT, CUP 06-07

Request: A REQUEST TO CONSTRUCT A TWO STORY RETAIL BUILDING TOTALLING 4,207 SQUARE FEET ON A 14,625 SQUARE FOOT LOT LOCATED ON THE SOUTH SIDE OF YUCCA TRAIL, ONE LOT WEST OF BARBERRY AVENUE. THE TOWN HAS DETERMINED THIS PROJECT IS EXEMPT FROM CEQA UNDER SECTION 15332, INFILL DEVELOPMENT.

Applicant: JEAN ESSIG
P. O. BOX 543
YUCCA VALLEY, CA 92286

Property Owner: JEAN ESSIG
P. O. BOX 543
YUCCA VALLEY, CA 92286

Representative: JAY CORBIN
6640 VIA ALLEGRA
29 PALMS, CA 92277

Location: THE SOUTH SIDE OF YUCCA TRAIL, APPROXIMATELY 100 FEET WEST OF BARBERRY AVENUE: ASSESSORS PARCEL NUMBER 587-102-10

Surrounding Land Use:

NORTH:	EXISTING COMMERCIAL DEVELOPMENT
SOUTH:	EXISTING RESIDENTIAL DEVELOPMENT
WEST:	VACANT
EAST:	EXISTING COMMERCIAL DEVELOPMENT

Surrounding General Plan Land Use Designations:

NORTH:	COMMERCIAL OFFICE
SOUTH:	SINGLE FAMILY RESIDENTIAL, 2 UNITS PER ACRE
WEST:	COMEMRCIAL OFFICE
EAST:	COMMERCIAL OFFICE

Existing General Land Use Designations:

COMMERCIAL OFFICE

Division Approvals:
Engineering _____ Building & Safety _____ Public Works_____

Surrounding Zoning Designations:

NORTH:	COMMERCIAL OFFICE
SOUTH:	SINGLE FAMILY RESIDENTIAL, 2 UNITS PER ACRE
WEST:	COMEMRCIAL OFFICE
EAST:	COMMERCIAL OFFICE

Existing Zoning Designations:

COMMERCIAL OFFICE

Public Notification:

PURSUANT TO SECTION 83.010330, LEGAL NOTICE IS REQUIRED TO BE GIVEN TO ALL PROPERTY OWNERS WITHIN A THREE (300) HUNDRED FOOT RADIUS OF THE EXTERIOR BOUNDARIES OF THE SUBJECT SITE. AS REQUIRED, THIS PROJECT NOTICE WAS MAILED TO ALL PROPERTY OWNERS WITHIN A 300 FOOT RADIUS OF THE PROJECT SITE ON NOVEMBER 21, 2007 AND PUBLISHED ON NOVEMBER 21, 2007. PROPERTY OWNERS WITHIN 300 FEET WERE NOTIFIED. THERE HAS BEEN NO RESPONSE TO THE PUBLIC NOTICE FROM THE PROPERTY OWNERS AT THE WRITING OF THIS STAFF REPORT.

RECOMMENDATIONS:

CONDITIONAL USE PERMIT 06-07: That the Planning Commission approve Conditional Use Permit 04-07 based on the findings contained within the staff report and the recommended Conditions of Approval.

PROJECT MANAGER: NICOLE SAUVIAT CRISTE

REVIEWED BY: TOM BEST

Appeal Information:
Actions by the Planning Commission, including any finding that a negative declaration be adopted, may be appealed to the Town Council within 10 calendar days. Appeal filing and processing information may be obtained from the Planning Section of the Community Development Department.

I. GENERAL INFORMATION

PROJECT DESCRIPTION: The proposed project consists of a 4,207 square foot retail commercial building to house a paint store, on a 14,625 square foot lot. The building will be two story, and will include retail commercial and storage on the ground floor, and office and storage areas on the second floor.

LOCATION: The project is located on the south side of Yucca Trail, approximately 100 feet west of Barberry Avenue.

PROJECT SYNOPSIS:	SITE COVERAGE
PROJECT AREA	14,625 square feet
FLOOD ZONE	Zone B
ALQUIST PRIOLO ZONE	No
OFF-SITE IMPROVEMENTS REQ.	Yes, Yucca Trail
RIGHT-OF-WAY DEDICATION REQ.	Yes, Yucca Trail

II. PROJECT ANALYSIS

GENERAL PLAN CONSIDERATION: The proposed project is located in the Commercial Office land use designation. The use proposed, requiring a Conditional Use Permit, is consistent with the intent of the General Plan to provide a wide variety of office and retail uses in this designation. The use is consistent with the General Plan designation.

ENVIRONMENTAL CONSIDERATIONS: The project was reviewed under the California Environmental Quality Act (CEQA). The Town determined that the project is exempt from CEQA under Section 15332, Infill Development.

ADJACENT LAND USES: The project site is located in a part of Town which is mostly developed. Lands to the north and east are existing commercial development, while lands to the south are residential. Lands to the west are vacant.

SITE CHARACTERISTICS: The site is generally flat, and slopes from the south to the north.

BUILDING ELEVATIONS: A southwest architectural style is proposed. Please see the discussion below.

OFF-SITE IMPROVEMENTS: The applicant will be required to improve Yucca Trail to its ultimate half width.

MAINTENANCE ASSESSMENT DISTRICTS: The approval of the project includes the requirement to form maintenance assessment district(s) for the purpose of maintaining such public improvements as pavement, drainage facilities, curb and gutter, sidewalk, landscaping, lighting, and other public improvements. In the case of this project, the maintenance district would include the following: Yucca Trail, sidewalk, curb and gutter, drainage, landscaping, and other public improvements.

DISCUSSION: The proposed project includes a retail store, storage and office space of 4,207 square feet (mis-labeled on the site plan as "office" on the ground floor). The project will abut an existing two story commercial structure to the east, and will provide parking on the western portion of the site. Entry to the site will be from Yucca Trail. The Development Code allows for retail commercial land uses in the Commercial Office zone, with approval of a Conditional Use Permit. The proposed project occurs in an area which is currently a mix of retail and professional office uses. The area is likely to continue in this development pattern. The proposed project, therefore, is compatible with the land uses surrounding it.

The architecture proposed will result in a southwestern architectural style, with a smaller second story and deck area, and wood beam accents. The architecture has been developed on all sides, with the exception of the east side, which will abut the adjacent two story building.

The parking required for a retail store is one space for each 250 square feet of space. The project requires 17 parking spaces, and 17 have been provided. The site plan shows parking spaces 12 and 13 perpendicular to each other, with insufficient backing space should both be occupied. Since the site plan also shows a loading zone in this area, a condition of approval has

been included which requires that the loading zone and parking space 13 be reversed, to provide separation and backing area for these spaces.

The drive aisle is proposed to be 23.8 feet in width. As the Commission is aware, the Fire Department will require 26 feet to gain access to the building. In order to achieve the width, parking spaces 14, 15, 16 and 17 have been conditioned to be sized for compact spaces, and the handicapped access parking space relocated, to allow for the driveway width. There is sufficient space available in the area of parking spaces 6 and 7 to accommodate the parking space, and keep it in close proximity to the entry.

The proposed project site will drain to a retention basin on the northeastern corner of the site, which will be integrated into the project landscaping. Landscaping proposed in consistent with the requirements for drought tolerance, and includes landscape islands within the parking lot.

CONDITIONAL USE PERMIT FINDINGS:

1. The site for the proposed commercial retail building is adequate in size and shape to accommodate the proposed use and all yards, open spaces, setbacks, walls and fences, parking areas, landscaping and other features pertaining to the application.

2. The site for the proposed use has adequate access, insofar as access is provided on Yucca Trail.

3. The proposed use will not have a substantial adverse effect on abutting property or the permitted use thereof, insofar as it is compatible with the land uses occurring in the area.

4. The proposed use is consistent with the goals, policies, standards and maps of the General Plan, insofar as the proposed land use is consistent with the Commercial Office land use designation, as defined in the General Plan.

5. The conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare.

Attachments:

1. Standard Exhibits
2. Application materials

3. Site Plan and Elevations

CONDITIONS OF APPROVAL
Conditional Use Permit 06-07

1. This approval is for Conditional Use Permit 06-07, an application to allow the construction of a 4,207 square foot building on a 14,625 square foot site. The property is identified as Assessor Parcel Numbers 587-102-10.

2. The applicant/owner shall agree to defend at his sole expense any action brought against the Town, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The applicant shall reimburse the Town, its agents, officers, or employees for any court costs, and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition.

3. This Conditional Use Permit application shall become null and void if construction has not been commenced within two (2) years of the Town of Yucca Valley date of approval. Extensions of time may be granted by the Planning Commission and/or Town Council. The applicant is responsible for the initiation of an extension request.

   Approval Date: December 4, 2007
   Expiration Date: December 4, 2009

4. The applicant/owner shall ascertain and comply with requirements of all State, County, Town and local agencies as are applicable to the project area. These include, but are not limited to, Environmental Health Services, Transportation/Flood Control, Fire Warden, Building and Safety, State Fire Marshal, Caltrans, High Desert Water District, Airport Land Use Commission, California Regional Water Quality Control Board, the Federal Emergency Management Agency, MDAQMD-Mojave Desert Air Quality Management District, Community Development, Engineering, and all other Town Departments.

5. All conditions are continuing conditions. Failure of the applicant and/or operator to comply with any or all of said conditions at any time shall result in the revocation of the permit granted to use the property.

6. After final plan check by the Town, original mylars (4 mil) shall be submitted to the Town for signature by the Town Engineer. All original mylars submitted for Town Engineer's signature must contain the design engineer's wet signature and stamp and all other required signatures.

7. An exterior lighting plan, in conformance with Town Outdoor Lighting Ordinance, and including a photometric plan, shall be submitted to the Town for approval within 30 days of the approval of this Conditional Use Permit.

8. The applicant shall pay all fees charged by the Town as required for processing, plan checking, construction and/or electrical inspection. The fee amounts shall be those which are applicable and in effect at the time the work is undertaken and accomplished.

9. All improvements shall be inspected by the Town's Building and Safety Division, as appropriate. Any work completed without proper inspection may be subject to removal and replacement under proper inspection.

10. Site shall be kept clean at all times. Scrap materials shall be consolidated, and a container must be provided to contain trash that can be carried away by wind.

11. At the time of permit issuance the applicant shall be responsible for the payment of fees associated with electronic file storage of documents.

12. The applicant shall pay Development Impact Fees in place at the time of issuance of building permits.

13. A plan identifying all protected plants under the California Food and Agriculture Code as well as a Joshua Tree Relocation Plan with any area proposed to be disturbed in accordance with the Town's Native Plant Protection Ordinance shall be submitted for approval prior to issuance of grading permits for the project. A minimum 60 day adoption period before land disturbance in accordance with the grading plan may commence.

14. Prior to the delivery of combustible materials, the following items shall be accepted as complete:

    a) The water system is functional from the source of water past the lots on which permits are being requested (i.e. All services are installed, valves are functional and accessible, etc.); and

    b) Fire hydrants are accepted by the Fire Marshal and the Department of Public Works.

15. No signs are approved with this Conditional Use Permit. Sign application(s) shall be made separately for all signage on the property, and all signage, whether on or off-premise, shall comply with Ordinance No. 156.

16. An irrigation system shall be installed in the landscaping area, with an electric timer.

17. A final landscaping and irrigation plan shall be submitted to the Town for review and approval. All landscaping improvements shall be installed in conjunction with improvement of the parking area.

18. In conjunction with the preparation of street improvement plans, the applicant shall cause to be formed or shall not protest the formation of a maintenance district(s) for landscape, lighting, streets, drainage facilities or other infrastructure as required by the Town. The applicant shall initiate the maintenance and benefit assessment district(s)formation by submitting a landowner petition and consent form (provided by the Town of Yucca Valley) and deposit necessary fees concurrent with application for street and grading plan review and approval and said maintenance and benefit assessment district(s) shall be established concurrent with the approval of the final map in the case of subdivision of land, or prior to issuance of any certificate of occupancy where there is no subdivision of land.

19. The applicant shall form a public safety assessment district, subject to Town Council adoption of a fiscal impact model. If construction is completed prior to adoption of the model, the applicant shall record a non-opposition agreement to the future formation of a public safety assessment district on the property.

20. **Parking space #13 and the loading zone, as shown in the approved site plan, shall be reversed so as to provide a backing area for parking spaces 12 and 13.**

21. **Parking spaces 14, 15, 16 and 17 shall be compact parking spaces. In addition, the handicapped parking space shall be relocated to the west side of the drive aisle. This condition of approval shall allow the driveway to the structure to be 26 feet in width, to allow for Fire Department standards.**

22. **Yucca Trail is a 4-lane divided arterial highway (100 feet right-of-way) on the Town's Circulation Element. The applicant shall dedicate to the Town of Yucca Valley the required ultimate half width street right-of-way conforming to Yucca Valley Standard Drawing #104. Unless a parcel map is filed, the right-of-way dedications shall be submitted as follows: (1) a legal description (metes and bounds) describing the property dedication signed and stamped by a qualified civil engineer or land surveyor and labeled "Exhibit A"; (2) an 8.5" by 11" plat showing the dedicated area and labeled "Exhibit B"; and (3) a copy of the current title report or property deed of the owner's property.**

23. **Provide the curb line profile design at its ultimate location on the south side of Yucca Trail between Barberry Avenue and Sage Avenue.**

24. The Contractor shall be responsible to sweep public paved roads and parkways adjacent to the project as necessary and as requested by the Town staff to eliminate construction related dirt and debris within the roadways.

25. No staging of construction equipment or parking of worker's vehicles shall be allowed within the public right-of-way.

26. Utility undergrounding shall be required for all new Service and Distribution lines that provide direct service to the property being developed; existing Service and Distribution lines that are located within the boundaries being developed that provide direct service; existing Service and Distribution lines between the street frontage property line and the centerline of the adjacent streets of the property being developed that provide direct service; existing Service and Distribution lines located along or within 10 feet of the lot lines of the property being developed that provide direct service; or existing Service and Distribution lines being relocated as a result of a project.

PRIOR TO ISSUANCE OF GRADING PERMIT

27. Prior to issuance of a Grading Permit, the Grading and Improvement Plan shall comply with the recommendations of a site-specific Geotechnical and Soils Report which shall be reviewed and subject to Town approval. The report shall include recommendations for onsite and offsite grading, trench backfill foundations, compaction, structures, drainage, and existence of fault zones. Recommendations for onsite and offsite pavement structural section design, pavement mix design, trench pavement backfill, and any requirement for base material beneath the concrete improvements shall be included.

28. All recommended approved measures identified in the Soils Report shall be incorporated into the project design.

29. Prior to the issuance of a Grading Permit, a Grading Plan prepared by a state licensed Engineer shall be submitted by the Applicant for Town review and approval. Show all easements crossing the property. The prepared Grading Plan shall conform to the approved site plan. The final Grading Plan shall be reviewed and approved by the Town prior to issuance of Grading Permits. No grading on the property may begin without an approved Grading Plan and Grading Permit. The Applicant/Owner is responsible for all fees incurred by the Town for review and inspection.

30. **Prior to the issuance of a Grading Permit, the Applicant's Engineer shall provide a preliminary improvements plan for Yucca Trail from Sage Avenue to the eastern extent of the property boundary, showing the existing right-of-way and improvements layered on the ultimate right-of-way.**

31. Any off-site stockpile/borrow location shall require the approval of the Town. Any stockpile in excess of 200 cubic yards shall require a Grading Plan and permit.

32. For any import or export of material, the Applicant's Contractor shall provide for review by the Town the route of travel, number of trucks, daily schedule, and length of time required. No hauling of material shall begin without the Town Engineer's approval.

33. All grading activities shall minimize dust through compliance with AQMD Rule 403.

34. Water spraying or other approved methods shall be used during any grading operations to control fugitive dust. A Dust Mitigation Plan shall be submitted to the Town prior to issuance of Grading Permits for the project. Dust control shall be in conformance with MDAQMD requirements. Graded, undeveloped and other open area shall be treated with a dust polymer as approved by the Town.

35. The Applicant shall comply with NPDES requirements as applicable. Erosion control devices shall be included on the Grading Plan and installed and maintained by the Contractor to the satisfaction of the Town. Prior to rough grading, erosion control devices shall be installed at all perimeter openings and slopes. No sediments are to leave the job site. BMP information and location of erosion control devices shall be provided as part of the Grading Plan subject to approval by the Town.

36. **The final Drainage Report shall include the property's tributary area, amount of property run-off and location of drainage "pick-up" points. The project shall detain the required incremental increase in runoff generated by the improvements. Provide a complete, clear, and accurate overall drainage map of the project. Reference the tributary areas in the report and show the Q's resulting from those areas on the drainage map. Include the 25 year Q, the 100 year Q, the on-site and off-site drainage patterns, both the existing and the proposed. For the retention basin, calculate and show the bottom elevation, water surface elevation, and freeboard.**

37. The development of the property shall be in conformance with FEMA and the Town's Floodplain Management Ordinance requirements. The Applicant shall review the FIRM map for this location and determine if any floodway impacts to the property are to be mitigated. Adequate provision shall be made to intercept and conduct the existing tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties at the time the site is developed.

38. The Applicant shall establish a mechanism to maintain the retention basin and keep it free from brush and other debris. It shall be cleaned and scraped on a regularly scheduled maintenance program.

39. The Applicant shall accept and properly dispose of all offsite drainage flowing onto or through the site.

40. No cross lot drainage shall be permitted without an approved private drainage easement.

41. Any grading or drainage onto private off-site or adjacent property shall require a written permission to grade and/or a permission to drain letter from the affected Property Owner.

42. No on-site or off-site work shall commence without obtaining the appropriate permits for the work required by the Town and the appropriate utilities. The approved permits shall be readily available on the job site for inspection by Town personnel.

43. Prior to any work being performed within the public right-of-way, the Applicant shall pay the required fees and obtain an encroachment permit from the Department of Community Development. The Applicant shall apply for an encroachment permit from the Town for utility trenching, utility connection, or any other encroachment onto public right-of-way. The Applicant shall be responsible for the associated costs and arrangements with each public utility.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

44. The Applicant shall retain a qualified Civil Engineer to design and prepare construction plans and specifications for the improvements to Yucca Trail, Valley Vista, street lighting, and drainage improvements that comply with Town ordinances and standard drawings. The plans shall include a signature block for the Town Engineer's approval.

45. **The Applicant's Engineer shall design the curb line profile at its ultimate location on the south side of Yucca Trail between Barberry Avenue and Sage Avenue. The approved profile shall be used to design the widening of Yucca Trail to its ultimate half-width adjacent to the property from the east property line to the west property line conforming to Town Standard Drawing #104. A 100 foot transition from the widened portion to the existing street width shall be provided on the west end. The design shall include concrete curb and gutter, concrete sidewalk, landscape, street lighting, drainage improvements, wheel chair ramps, sewer and other required infrastructure. The Applicant's Engineer shall design the pavement section based upon the Soils Engineer's recommendation for the widening of Yucca Trail adjacent to the property. The Soils Engineer shall analyze the pavement section adjacent to the project to determine if reconstruction or overlay is appropriate for this segment. The Engineer shall design the section approved by the Town. At a minimum, the Engineer shall design the grinding of the existing pavement outside the widened section by 0.15 feet and replace with an asphalt concrete leveling course and overlay. The Applicant shall install the 0.15 foot overlay across the entire improved**

section as the last pavement lift to provide a seamless interface between the new pavement and existing pavement.

46. **Design the under sidewalk drain for the retention basin outlet conforming to Yucca Valley Standard Drawing #405.**

47. **The Applicant shall design street lights on the property's frontage as required by Town Standard Drawing #301. The Applicant shall locate the street lights on the plans for review and approval of the Town.**

48. The Applicant's Engineer shall design a striping plan for Yucca Trail.

49. The Engineer-of-Record shall survey and certify that the site grading was completed in substantial conformance with the approved Grading Plans.

50. Prior to any work being performed within the public right-of-way, the Applicant shall obtain an encroachment permit from the Department of Community Development. The Applicant shall apply for an encroachment permit from the Town for utility trenching, utility connection, or any other encroachment onto public right-of-way. The Applicant shall be responsible for the associated costs and arrangements with each public utility. The approved permits shall be readily available on the job-site for inspection by the Town personnel.

51. A traffic control plan for Yucca Trail construction designed and stamped by a Traffic Engineer shall be required and submitted for approval by the Town Engineer.

52. The Applicant shall pay a "fair share" in-lieu fee for the design and construction of the southern half of a raised median in Yucca Trail, for the extent of the property frontage.

53. All required improvements shall be constructed and finalized and accepted by the appropriate agency prior to the issuance of a Certificate of Occupancy.

54. The Applicant shall retain the services of a recognized soils engineering firm to analyze the soils and base materials within Yucca Trail to provide recommendations for the trenching requirements, asphalt pavement structural section (AC/Base and full depth), pavement mix design, overlay design, and requirements for any base material beneath the concrete improvements. The Soils Engineer's report, including a narrative with project recommendations, backup material, and sealed by the Civil Engineer in responsible charge, shall be submitted to the Town for review with the submittal of the Engineered Grading Plan. The Applicant's Contractor shall not begin work on the street improvements prior to the Town's approval of the report. The Applicant shall construct the following:

a) **The Applicant's contractor shall construct ultimate 50 feet (half street) of Yucca Trail adjacent to his property from the east property line to the west property line plus the transition to the existing pavement. The widened pavement shall be constructed to the structural section recommended by the Soils Engineer and approved by the Town. The half street improvement shall comply with the recommendation of the Soils Engineer. At a minimum, grind the existing asphalt concrete half street by 0.15 feet to affect a travel-safe geometric section and cross-fall and replace with an asphalt concrete leveling course and overlay. The last pavement lift of 0.15 feet shall be included with the construction of the full half width asphalt concrete pavement overlay to obtain a seamless interface.**

b) **Install the under sidewalk drain for the retention basin outflow.**

c) **The Applicant shall install street lights on the property's frontage spaced as close to 200 feet from existing street light(s) as required by Town Standard Drawing #301 and the approved plans.**

54. The Applicant shall install all water and sewer systems required to serve the project.

55. The Applicant shall restore any pavement cuts required for installation or extension of utilities for his project within the public right-of-way. In all cases where cuts are allowed, the Applicant is required to patch the cuts to Town standards and the approval of the Town. The patching shall include grinding the pavement to a depth of 0.10 deep to a width four feet beyond the edge of the trench on each side, or as determined by the Town, and replacement with a full-depth asphalt concrete as recommended by the Soils Engineer.

56. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB 1414. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the Applicant shall retain a qualified licensed land surveyor or Civil Engineer to reset those monuments per Town Standards and file the necessary information with the County Recorder's office as required by law (AB 1414).

57. Prior to any work being performed within the public right-of-way the Applicant shall provide the name, address, telephone, facsimile number, and e-mail address of the Contractor to perform the work. A description of the location, purpose, method of construction, and surface and subsurface area of the proposed work. A plat showing the proposed location and dimensions of the excavation and the facilities to be installed, maintained, or repaired in connection with the excavation, and such other details as may be required by the Town.

58. The Engineer shall show sight lines from the access driveways as may be impacted by the project's signs for review by the Town Traffic Engineer.

59. The Applicant and his Contractor(s) shall observe the construction of this project to make certain that no damage or potential for damage occurs to adjacent roadway, existing improvements, adjacent property and other infrastructure. The Applicant shall be responsible for the repair of any damage occurring to offsite infrastructure and/or property damage as determined by the Town Engineer. The Applicant shall repair any such damage prior to certificate of occupancy. If the damage is such that it is not repairable within a reasonable amount of time as determined by the Town Engineer, the Applicant may petition the Town Engineer for additional conditions that may allow him the time, amount of surety and other requirements to repair the damage.

60. The Applicant and his Contractor(s) shall be responsible for all improvements that he has constructed within the public right-of-way as required by the conditions of approval. The improvements shall be constructed to the standards and requirements as determined and approved by the Town Engineer. Any improvements not considered to be to the required standards shall be replaced by the Applicant. The Applicant shall be required to maintain and repair those improvements until acceptance by the Town Council.

61. The septic system shall be maintained so as not to create a public nuisance and shall be serviced by a DEHS permitted pumper. Soil testing for the subsurface disposal system shall meet the requirements of the Department of Environmental Health Services. Applicant shall submit a minimum of three (3) copies of percolation reports for the project site and an appropriate fee to DEHS for review and approval, a copy of the cover sheet with an approval stamp to Building and Safety Division at the time of building permit application, and two (2) copies of the approved percolation report to the Building Safety Division at the time of construction plan check.

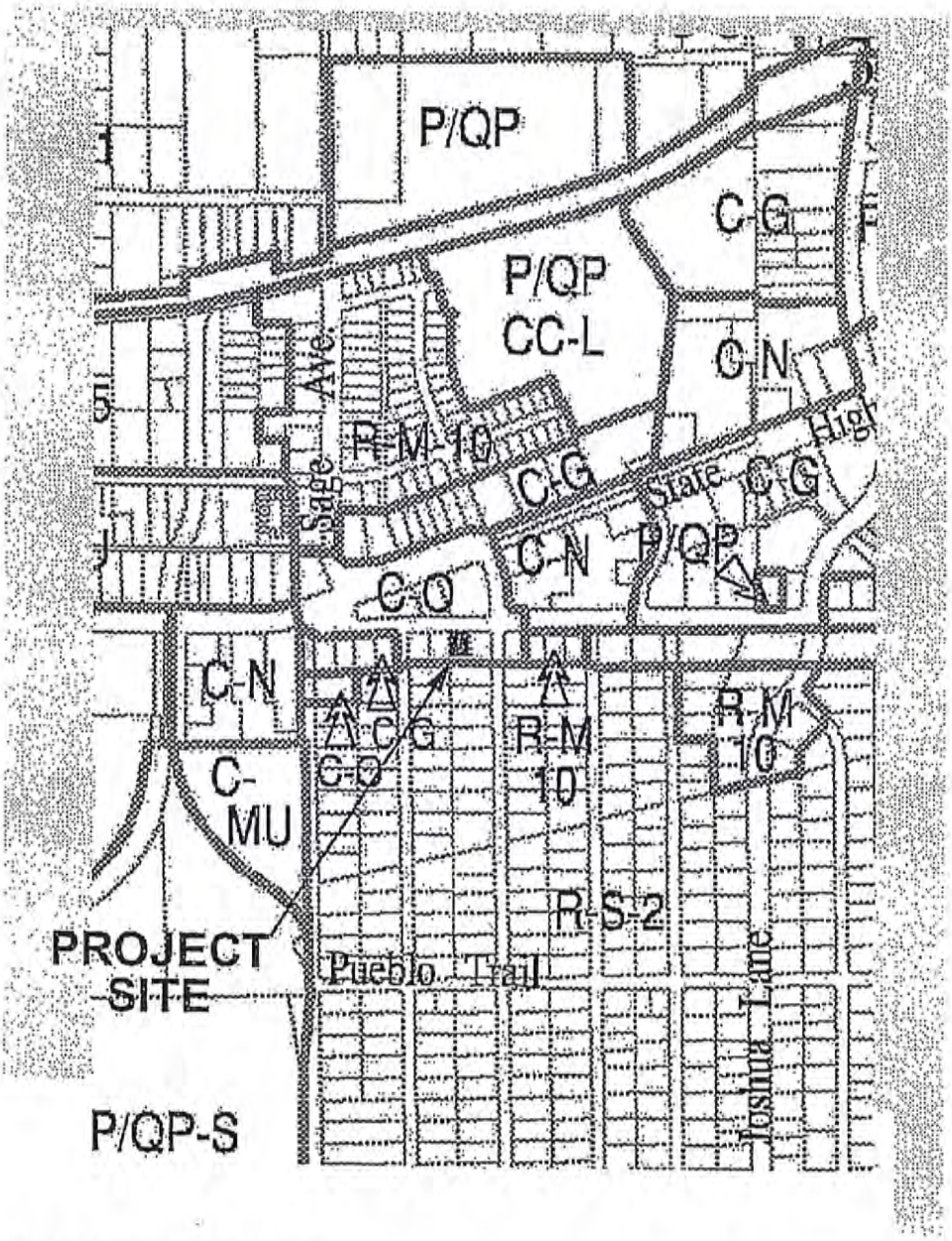
62. All exterior lighting shall comply with the Outdoor Lighting Ordinance and shall be illustrated on all construction plans.

I HEREBY CERTIFY THAT THE APPROVED CONDITIONS OF APPROVAL WILL BE SATISFIED PRIOR TO OR AT THE TIMEFRAMES SPECIFIED AS SHOWN ABOVE. I UNDERSTAND THAT FAILURE TO SATISFY ANY ONE OF THESE CONDITIONS WILL PROHIBIT THE ISSUANCE OF ANY PERMIT OR ANY FINAL MAP APPROVAL

Applicant's Signature _____ Date _____

TOWN OF YUCCA VALLEY

PROJECT NO.: CUP 06-07 Essig

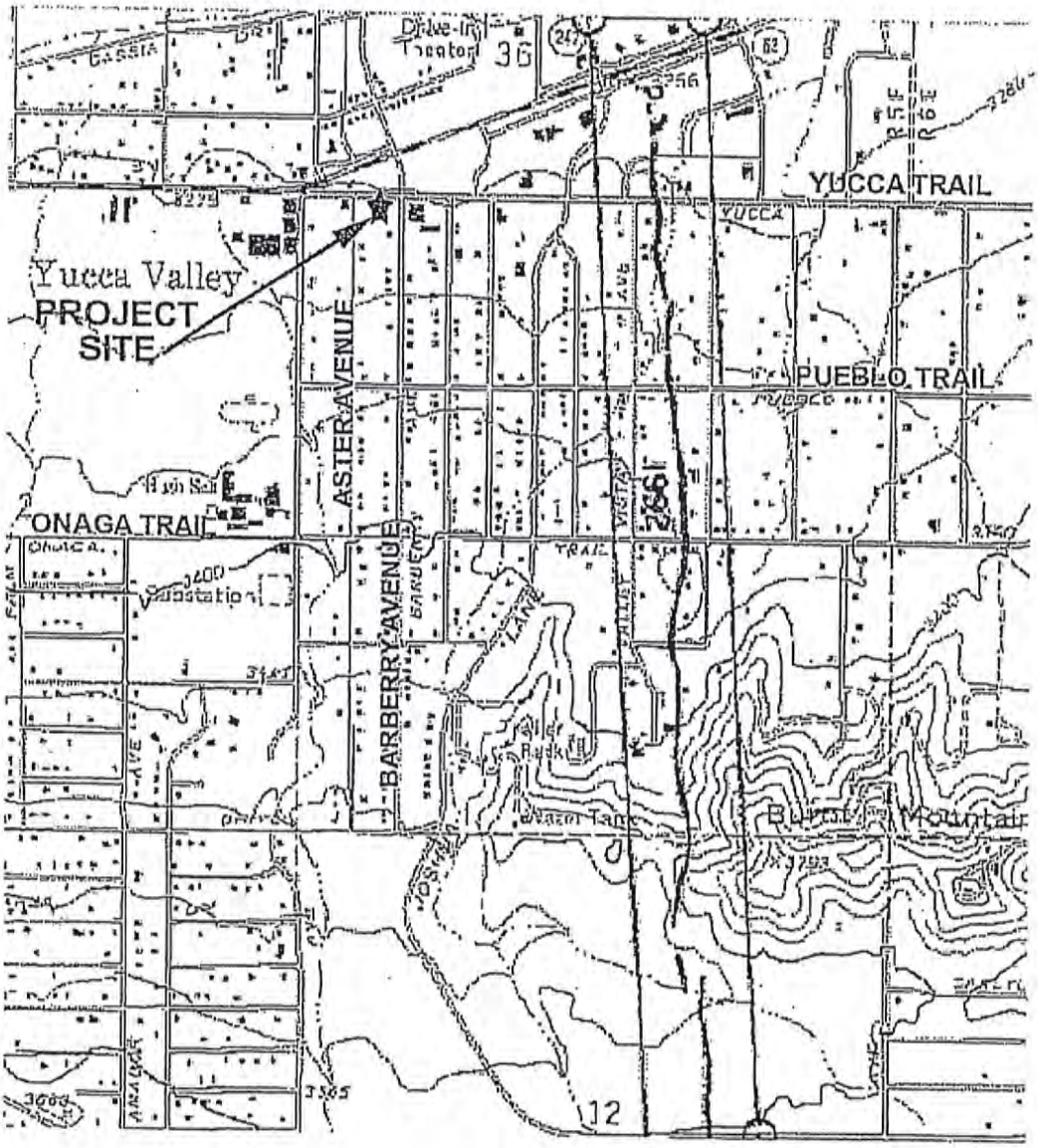


Source: OFFICAL ZONING DISTRICT MAP
Town of Yucca Valley
Adopted by Town Council: March 6, 1997
Revised September 22, 2005 Per Resolution No.

EXISTING ZONING AND GENERAL PLAN LAND USE MAP

TOWN OF YUCCA VALLEY

PROJECT NO.: CUP 06-07 Essig

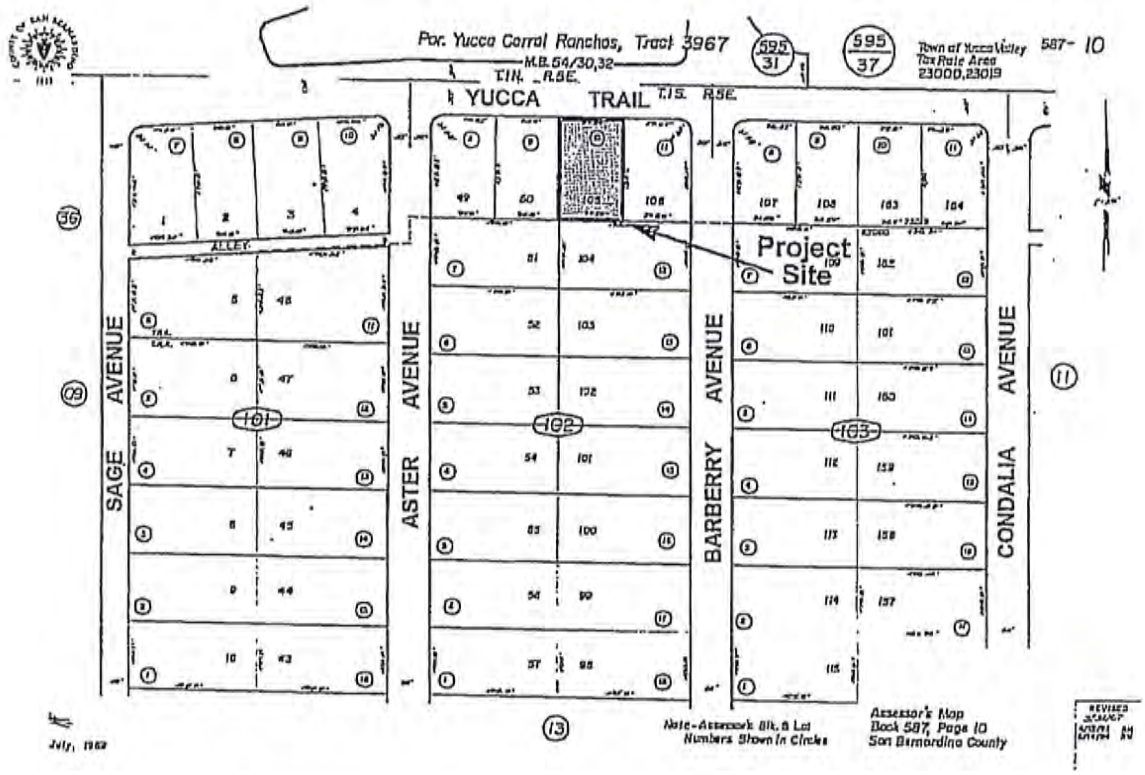


Source: USGS 7.5 Minute Quad Map
Yucca Valley South CA 1993

USGS TOPOGRAPHY MAP

TOWN OF YUCCA VALLEY

PROJECT NO.: CUP 06-07 Essig

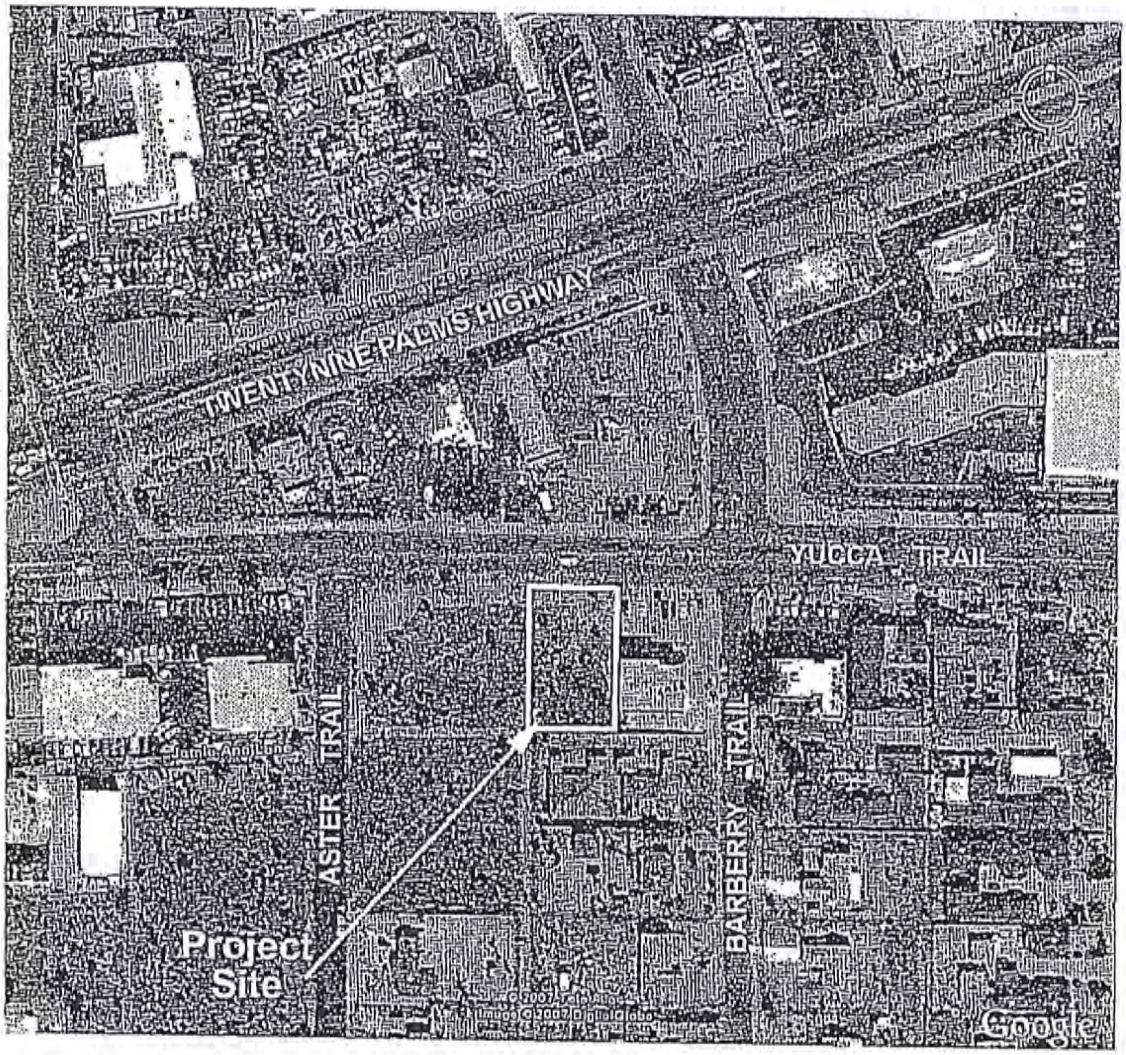


Source: Assessor's Map
Book 587, Page 10
San Bernardino County

ASSESSOR'S PARCEL MAP

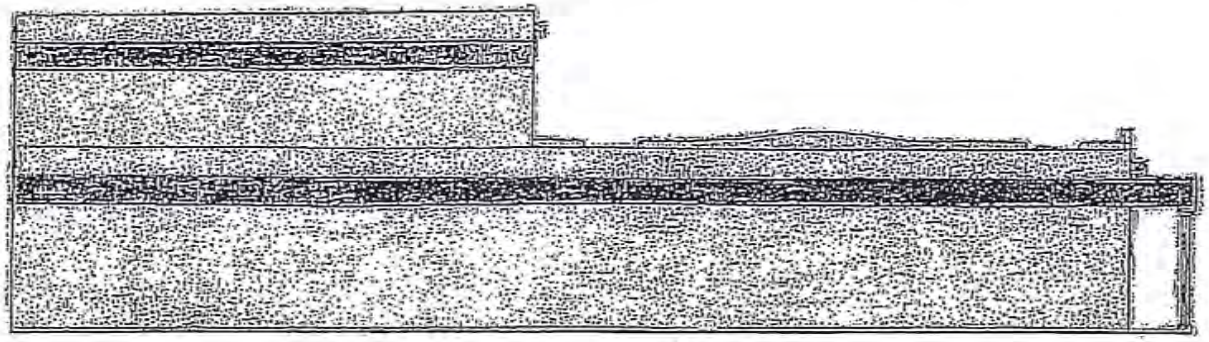
TOWN OF YUCCA VALLEY

PROJECT NO.: CUP 06-07 Essig

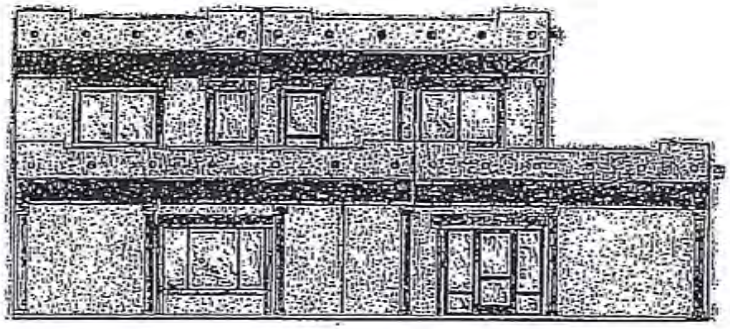


Source: DigitalGlobe 2007 Google

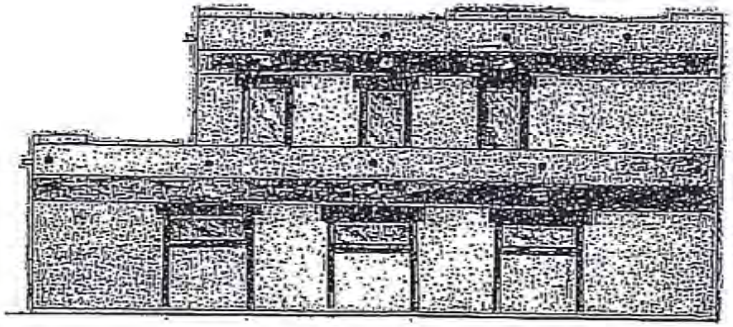
AERIAL



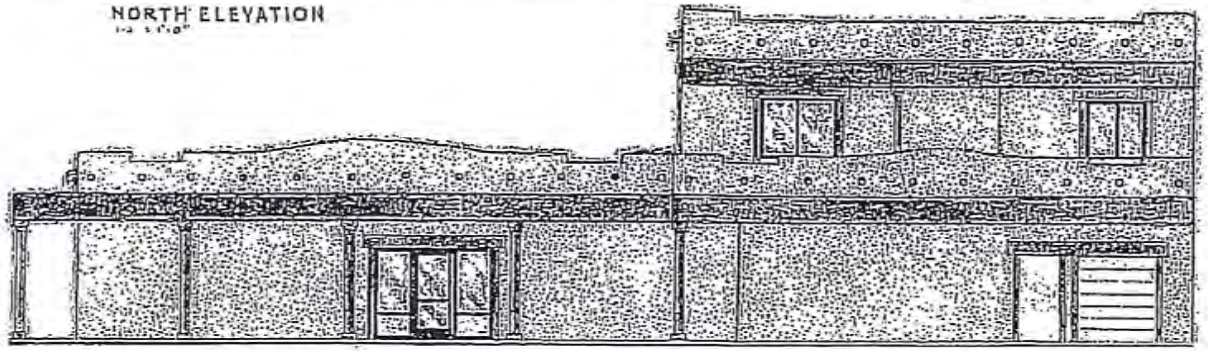
EAST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION

ROBERT BURMAN ARCHITECT AIA

YUCCA VALLEY PAINT STORE

Date: 07/13/07
By:
Fee: 4485.00
Case No: CUP-06-07
EA No: EA 16-07

CONDITIONAL USE PERMIT

(Please Print Legibly)

Applicant Jean Essig Phone 365-4278
Address PO Box 543 City Yucca Valley State CA Zip 92286
E-mail Address Fax
Project Name (if any): Yucca Valley Paint Store

Contact Person/Representative Jay Corbin Phone 567-9411
Address 6640 Via Allegra City 29 Palms State CA Zip 92277
E-mail Address Jcorbin@corbinplanning.com Fax

Property Owner Same Phone
Address City State Zip
E-Mail Address Fax

Assessor Parcel Number(s) ~~0584~~ 587-102-10 Existing Land Use Vacant
Property Dimensions 97.5 x 150 General Plan Designation CG
Structure Square Footage 5206 SF Existing Zoning CG
Location: (Example: Address & Street or SW corner of Elk & Onaga or 300 ft N of Paxton on W side of Airway)
South of Yucca Trail, West of Barbierry

Proposed Project Description: Precisely describe the proposed project for which approval is being sought and the application is being submitted. Use additional sheets and attach to application if necessary.

Retail Store - two stories
1st Floor 3106, 2nd Floor 1101 SF on 14,625 SF lot

Owner's Signature Date

NOTE: THE INFORMATION I HAVE PROVIDED IS TRUE AND OPEN AS PUBLIC INFORMATION. THE PLANNING APPLICATION DOES NOT GUARANTEE APPROVAL OR CONSTITUTE A BUILDING PERMIT APPLICATION. ADDITIONAL FEES MAY BE REQUIRED DEPENDING ON ANY ADDITIONAL ADMINISTRATIVE COSTS.

Applicant's Signature Jean Essig Date 7/13/07

Town of Yucca Valley
Community Development/Public Works Department
58928 Business Center Dr., Yucca Valley, CA 92284
760 369-6575 Fax 760 228-0084

Date: 7-13-07
By: Robert
Fee:
EA No: 1607
Project No: CUP-06-07

ENVIRONMENTAL ASSESSMENT APPLICATION

Pursuant to the California Environmental Quality Act (CEQA), the project applicant is to complete this application for review by the Town. Formal processing of the project application will not begin until this Environmental Application is accepted as complete. Please call the Community Development Department at (760) 369-6575 if you have any questions.

(Please Print Legibly)

Applicant Jean Essig Phone 760-365-4278
Address P.O. Box 543 City Yucca Valley State CA Zip 92286
E-mail Address _____ Fax _____
Project Name (if any): Yucca Valley Paint Store

Contact Person/Representative Jay Corbin Phone 760-567-9411
Address 6640 Via Allegra City 29 Palms State CA Zip 92277
E-mail Address Jcorbin@corbinplanning.com Fax _____

Property Owner Applicant Phone _____
Address _____ City _____ State ____ Zip _____
E-Mail Address _____ Fax _____

Assessor Parcel Number(s) ~~0584~~ 0587-102-10 Existing Land Use Vacant
Property Dimensions 97.5 x 150 General Plan Designation CG
Structure Square Footage 5206 sf Existing Zoning CG

Location: (Example: Address & Street or SW corner of Elk & Onaga or 300 ft N of Paxton on W side of Airway)
South of Yucca Trail, west of Barbery

Proposed Project Description: Precisely describe the proposed project for which approval is being sought and the application is being submitted. Use additional sheets and attach to application if necessary.

retail store - two stories

Owner's Signature _____ Date _____

NOTE: THE INFORMATION I HAVE PROVIDED IS TRUE AND OPEN AS PUBLIC INFORMATION. THE PLANNING APPLICATION DOES NOT GUARANTEE APPROVAL OR CONSTITUTE A BUILDING PERMIT APPLICATION. ADDITIONAL FEES MAY BE REQUIRED DEPENDING ON ANY ADDITIONAL ADMINISTRATIVE COSTS.

Applicant's Signature For Jean Essig Date 7/13/07

Town of Yucca Valley
Community Development/Public Works Department
58928 Business Center Dr
Yucca Valley, CA 92284
760 369-6575 Fax 760 228-0084

Corbin Planning
6640 Via Allegra
Twentynine Palms, CA 92277
Cell (760) 567-9411

corbinplanning.com

July 14, 2007

Town of Yucca Valley
Community Development Department
58928 Business Center Drive
Yucca Valley, CA 92284

Attn: Planning Division

RE: Conditional Use Permit (CUP)
APN 0584-102-10
Yucca Valley Paint Store

Dear Planning Division:

On behalf of Thomas Humphreville, builder, and Jean Essig property owner, and in compliance with the submittal requirements for a Conditional Use Permit application, I am providing this letter of project description and justification.

The applicant seeks to develop the now vacant property, constructing a commercial facility in the General Commercial (CG) zone. The applicant intends to operate a retail paint store at the new facility. The site is located along the south side of Yucca Trail between Barberry Avenue and Aster Avenue. The parcel is approximately 97.5' wide by 150' deep.

In compliance with Section 87.0610 of the Town's parking regulations, the applicant proposes to provide 17 parking stalls. Of these, one is handicap accessible per the requirements of the Americans with Disabilities Act (ADA).

Generous landscaping is proposed surrounding the retention basin near the northeast portion of the property, along the north and west sides of the structures, and on four islands in the parking area.

A trash enclosure will be constructed to meet town standards.

We request the Planning Commission's approval of the proposed CUP based on the following findings:

1. The site for the proposed use is adequate in size and shape to accommodate the proposed use. All yards, open spaces, setbacks, walls, fences, parking areas, loading areas, and landscaping are in compliance with zoning and development code requirements.
2. The site has adequate access to Yucca Trail, and the site is designed to allow future access to the property to the west.
3. The proposed retail facility will not have a substantial adverse effect on abutting property because the use will not generate excessive noise, vibration, traffic or other disturbances. The property is located within the General Commercial zone.
4. The proposed use is consistent with the goals, objectives and standards of the Town of Yucca Valley General Plan and Zoning/Development Code, because the proposed use requires a CUP and meets the intent of the General Plan and will comply with the requirements and conditions set forth in the Town of Yucca Valley Development Code.

If additional information is required, please contact me at (760) 567-9411.

Sincerely,

Jay Corbin
Planning Consultant

cc: Jean Essig property owner
Thomas Humphreville, builder,

ENVIRONMENTAL SETTING

1. Property boundaries, dimensions and area (also attach an 8 1/2" x 11" site plan):
   97.5 X 150

2. Existing site zoning: CG

3. Existing General Plan designation: CG

4. Precisely describe the existing use and condition of the site:
   Vacant, typical veg.

5. Zoning of adjacent parcel:

   North CG South RES East CG West CG

6. Existing General Plan designation of adjacent parcels:

   North CG South RES East CG West CG

7. Precisely describe existing uses adjacent to the site:
   E = Office S = Residential N = Commercial W = Vacant

8. Describe the plant cover found on the site, including the number and type of all protected plants:
   Typical Coverage - 8 joshua trees to be replanted on site

Note: Explain any "yes" or "maybe" responses to questions below. If the information and responses are insufficient or not complete, the application may be determined incomplete and returned to the applicant.

Yes	Maybe	No	
☐	☐	☑	9. Is the Site on filled or slopes of 10% or more or in a canyon? (A geological and/or soils Investigation report is required with this application.)
☐	☐	☑	10. Has the site been surveyed for historical, paleontological or archaeological resources? (If yes, a copy of the survey report is to accompany this application.)
☐	☐	☑	11. Is the site within a resource area as identified on the archaeological and historical resource General Plan map?
☐	☐	☑	12. Does the site contain any unique natural, ecological, or scenic resources?
☐	☐	☑	13. Do any drainage swales or channels border or cross the site?
☐	☐	☑	14. Has a traffic study been prepared? (If yes, a copy of the study is to accompany this application.)
☐	☐	☑	15. Is the site in a flood plain? (See appropriate Federal Insurance Rate Map)

PROJECT DESCRIPTION

Complete the items below as they pertain to your project. Attach a copy of any plans submitted as part of the project application and any other supplemental information that will assist in the review of the proposed project pursuant to CEQA.

1. **Commercial, Industrial, or Institutional Projects:**

   A. Specific type of use proposed: Retail Store

   B. Gross square footage by each type of use: 5206 SF

   C. Gross square footage and number of floors of each building: 1st floor 3106
   2nd floor 1101

   D. Estimate of employment by shift: 1-2

   E. Planned outdoor activities: Loading/unloading

2. **Percentage of project site covered by:**

   69 % Paving, 21 % Building, 10 % Landscaping, ____ % Parking

3. **Maximum height of structures** _____ ft. _____ in.

4. **Amount and type of off street parking proposed:** all on site

5. **How will drainage be accommodated?** Retention basin on NE Corner

6. **Off-site construction (public or private) required to support this project:** Improvement of Yucca Trail adjacent to site

7. **Preliminary grading plans estimate** 1000 **cubic yards of cut and** 1280 **cubic yards of fill**

8. **Description of project phasing if applicable:** N/A

9. **Permits or public agency approvals required for this project:** CUP

10. **Is this project part of a larger project previously reviewed by the Town? If yes, identify the review process and associated project title(s)** No

11. During construction, will the project: (Explain any "yes" or "maybe" responses to questions below – attach extra pages if necessary.)

Yes	Maybe	No		
☐	☐	☑	A.	Emit dust, ash, smoke, fumes or odors?
☐	☐	☑	B.	Alter existing drainage patterns?
☐	☐	☑	C.	Create a substantial demand for energy or water?
☐	☐	☑	D.	Discharge water of poor quality?
☐	☐	☑	E.	Increase noise levels on site or for adjoining areas?
☐	☐	☑	F.	Generate abnormally large amounts of solid waste or litter?
☐	☐	☑	G.	Use, produce, store, or dispose of potentially hazardous materials such as toxic or radioactive substances, flammable or explosives?
☐	☐	☑	H.	Require unusually high demands for such services as police, fire, sewer, schools, water, public recreation, etc.
☐	☐	☑	I.	Displace any residential occupants?

Certification

I hereby certify that the information furnished above, and in the attached exhibits, is true and correct to the best of my knowledge and belief.

Signature: _____ Date: 7/13/07

TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
DECEMBER 4, 2007

Chair McKoy called the regular meeting of the Yucca Valley Planning Commission to order at 7:00 p.m.

Commissioners present: Chair Dennis McKoy, Commissioners George Huntington, Steve Willman, Shannon Goodpaster and Robert Lombardo

Chairman McKoy led the Pledge of Allegiance.

APPROVAL OF AGENDA:

Mr. Willman moved that the Agenda be approved, which motion was seconded by Mr. Goodpaster and passed unanimously by voice.

PUBLIC COMMENTS:

None

PUBLIC HEARINGS:

1. CONDITIONAL USE PERMIT, CUP 04-07 - BALLINGER

A request to construct a two story office building of 3,000 square feet on a 0.30 acre lot located at the southeast corner of Yucca Trail and Valley Vista south and is identified as Assessors Parcel Number 587-282-33.

Contract Planner Nicole Criste stated staff received a written request from the applicant, copies of which are preserved in the project and meeting files, to continue the hearing to the meeting of December 18, 2007.

Mr. Lombardo moved that the item be continued to the Planning Commission meeting of December 18, 2007; which motion was seconded by Mr. Mr. Willman and passed unanimously by voice vote.

2. CONDITIONAL USE PERMIT, CUP 06-07 ESSIG

A request to construct a 5,000 square foot retail store on a 14,625 square foot lot located on the south side of Yucca Trail, one lot west of Barberry Avenue, identified as APN # 587-102-10.

With reference to the complete printed staff report, copies of which are preserved in the project and meeting files and are contained in the meeting packet, Contract Planner Nicole Criste presented the project discussion to the meeting. The project is an in-fill lot in an area of mixed professional and retail uses. The proposed architecture is consistent with the Towns design

guidelines in a south west style and palate. 17 parking spaces are proposed which is pursuant to code. A Condition of Approval ("COA") is included to reconfigure parking spaces 12 & 13 to provide adequate backing area. The width of the driveway aisle does not meet the 26 foot Fire Dept. requirement. The applicant requests that COA #21 be modified to state: The drive aisle shall be 26 feet in width. The design shall be reviewed and approved by staff prior to the issuance of grading permits. The project is exempt from CEQA as in-fill development. The project is consistent with the General Plan, meets the requirements of the zone in which it is located and the findings for approval can be made.

Mr. Goodpaster questioned COA #23 and was informed it is to insure that the vertical alignment of all adjacent lots will meet the curb of this project. He asked how much of Yucca Trail will be improved. Ms. Criste replied the section in front of the project.

Mr. Willman asked if parking space 13 could be moved next to the proposed trash enclosure. Ms. Criste replied COA #20 could be modified to state: Parking space #13 and the loading zone, as shown in the approved site plan, shall be modified to eliminate the conflict between parking spaces 12 and 13. The design shall be reviewed and approved by staff prior to the issuance of grading permits.

Mr. McKoy asked if the second floor of the building will require any special reinforcement for storage. Ms. Criste replied the building plans will have to show "loads" for approval and the Fire Department will have jurisdiction over the type of materials that can be stored.

Mr. McKoy opened the public hearing.

Applicant representative Jay Corbin of Twentynine Palms stated they are happy with the proposed COA but they do request the change to COA #21 as mentioned. They also agree with the suggestion regarding parking space 13. He complimented Town staff on the good job they have done processing the project and being creative.

Mr. Willman asked how much of the east elevation of the building will be blocked from sight by the adjacent building. Mr. Corbin replied only the single story part of the building.

Mr. McKoy closed the public hearing.

Mr. Lombardo moved that the Planning Commission approve Conditional Use Permit CUP 06-07 based upon the findings contained within the staff report and the Conditions of Approval with the following amendments:

> COA #20 be modified to state: Parking space #13 and the loading zone, as shown in the approved site plan, shall be modified to eliminate the conflict between parking spaces 12 and 13. The design shall be reviewed and approved by staff prior to the issuance of grading permits.
>
> COA #21 be modified to state: The drive aisle shall be 26 feet in width. The design shall be reviewed and approved by staff prior to the issuance of grading permits.

The motion was seconded by Mr. Willman and passed unanimously by voice vote.

2. CONDITIONAL USE PERMIT CUP 04-07 – BALLINGER – EXTENSION OF TIME

A proposal to construct a 3,000 square foot, two story office building on a .30 acre lot located at the southeast corner of Yucca Trail and Valley Vista South and is identified as APN 587-282-33.

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Associate Planner Robert Kirschmann presented the project discussion to the meeting. The Planning Commission reviewed and approved this project at their meeting of January 15, 2008 for a period of 2 years. Staff requests that the project be extended until January 15, 2014.

There being no discussion, Mr. McKoy moved that the extension of time as requested by staff be approved. The motion was seconded by Ms. Sturges and passed unanimously by voice vote of the Commissioners present.

3. CONDITIONAL USE PERMIT CUP 06-07 – ESSIG - EXTENSION OF TIME

A proposal to construct a 4,207 square foot, two story retail building on a 14,625 square foot lot located on the south side of Yucca Trail one lot east of Barberry Ave and identified as APN 587-102-10.

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Associate Planner Robert Kirschmann presented the project discussion to the meeting. The Planning Commission reviewed and approved this project at their meeting of December 4, 2007 for a period of two years. Staff recommends approval of an extension until December 4, 2013.

There being no discussion, Ms. Sturges moved that the extension of time as requested by staff be approved. The motion was seconded by Ms. Rowe and passed unanimously by voice vote of the Commissioners present.

CONSENT AGENDA: MINUTES – None

STAFF REPORTS AND COMMENTS:

Deputy Town Manager Shane Stueckle reported grading permits have been issued for the Arco AM/PM at Balsa and SR62. Construction will probably move forward as soon as a contractor has been selected. The owner also indicates through the architect that construction plans for the Sonic Burger will be submitted soon. The Rite-Aid project at Warren Vista and SR62 is in second plan check for both grading and building plans. A Pre-Application has been received for an 80 unit senior only affordable housing project located immediately north of the Von's store on approximately 5 acres.

Ms. Rowe asked if that project is within the Airport District. Mr. Stueckle replied it is outside of the easement area so no height restrictions are anticipated.

9.63.110 – Extension of Time

The Commission may grant a time extension not to exceed three (3) years. Applications shall be made on a form to be provided by the Planning Division. Prior to the granting of an extension, the Planning Division shall review the previously approved project to ensure it is consistent with all current provisions of the General Plan, Development Code and other Town Ordinances and that the findings for approval of a Conditional Use Permit in compliance with Section 9.63.080, *Required Findings*, can be made. Based upon this review, additional Conditions of Approval may be imposed upon the project by the review authority when the Extension of Time is approved.

The Commission may grant additional extensions of time provided that the project is consistent with the General Plan, Development Code, Master Plans and Specific Plans.

9.63.120 – CUP Amendment

Refer to Article 5, Chapter 9.83 Permit Amendments.

9.63.130 – CUP Revocation

Refer to Article 5, Chapter 9.84 Permit Revocations.

9.63.140 – Development of Property Before Final Decision

A building permit shall not be issued for, and no person shall commence to use, any structure until that structure and its accompanying development has received a Conditional Use Permit in compliance with the provisions of this Chapter. In addition, no other permits shall be issued for any use or structure requiring a Conditional Use Permit unless and until the Conditional Use Permit has been approved.

9.63.150 – Alteration to Nonconforming Use

A. **Procedure:** **Administrative Review**
Reviewing Authority: Director

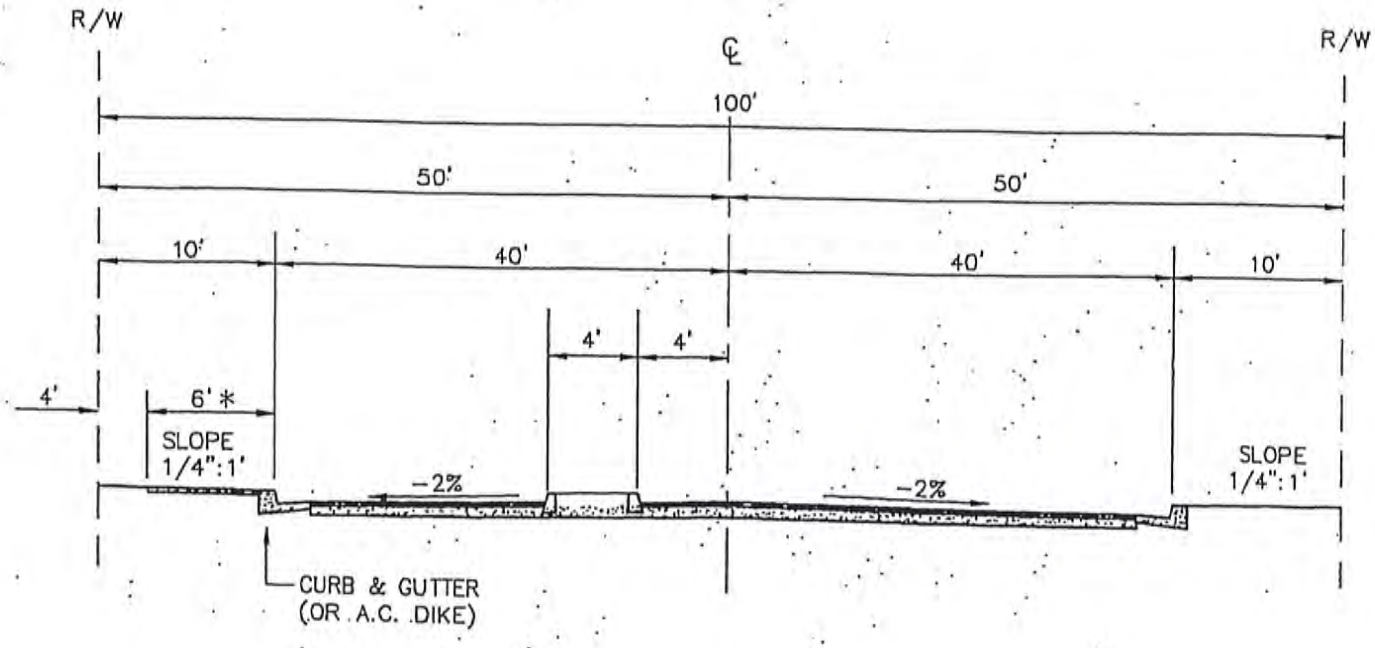
The Director shall review and act upon requests to alter nonconforming uses.

B. An existing nonconforming use may be altered to accommodate a new structure or accessory use, except where it is an existing nonconforming use of land with no structure thereon.

C. **Findings.** Before any modification in a nonconforming use may be granted, it shall be found that all of the following conditions shall exist in reference to the alteration being considered:

1. The remaining normal life of the existing nonconforming use shall be determined pursuant to provisions specified in this Code prior to consideration of the proposed alteration if in a residential district.

2. The proposed alteration shall not prolong the normal life of the existing nonconforming use.



TYPICAL SECTION

NOTES:

1. STRUCTURAL SECTION OF ROADWAY SHALL BE DETERMINED FROM SOIL TESTS AND SO INDICATED ON CONSTRUCTION PLANS.
2. CONSTRUCTION OUTSIDE R/W LINE SHALL REQUIRE SLOPE EASEMENTS.

* OPTIONAL

REGISTERED PROFESSIONAL ENGINEER
ROBERT K. HOLT
No.27943
EXPIRES
03-31-98
CIVIL
STATE OF CALIFORNIA

APPROVED: _____ DATE _____

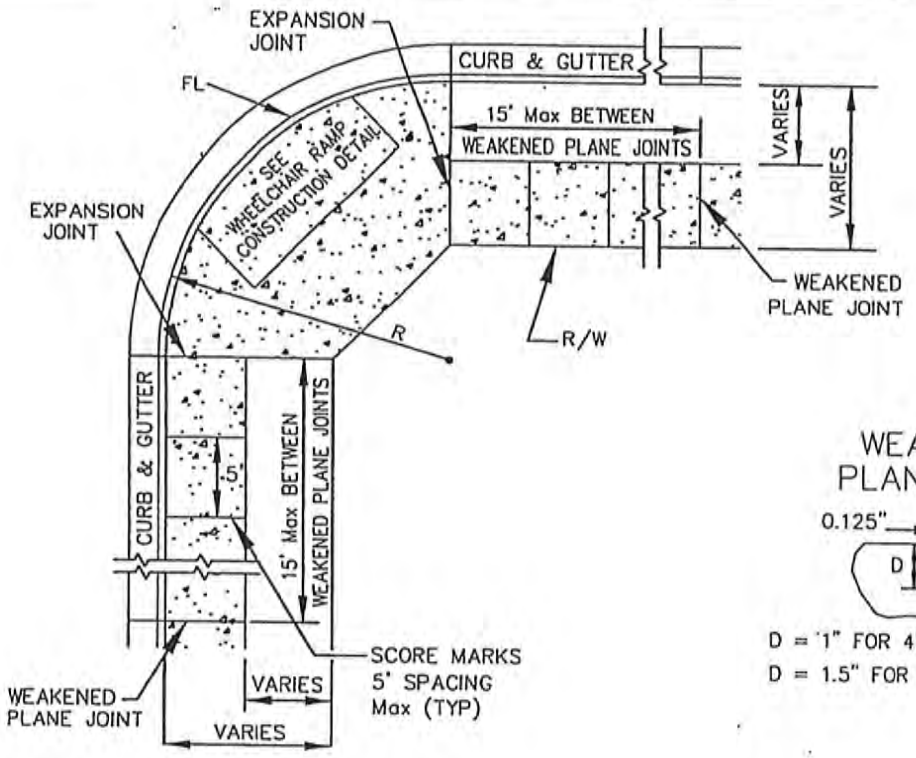
APPROVED: TOWN ENGINEER Robert K. Holt R.C.E. 27943

REVISION	BY	DATE

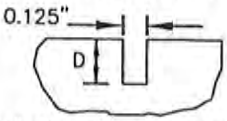
Town of Yucca Valley

ARTERIAL
(4 LANES DIVIDED)

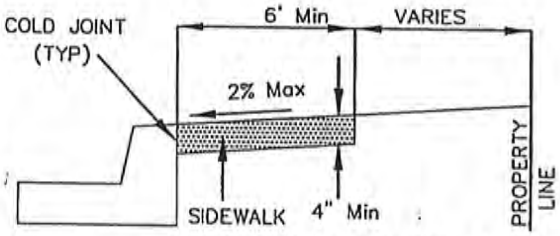
STANDARD DRAWING NO. 104



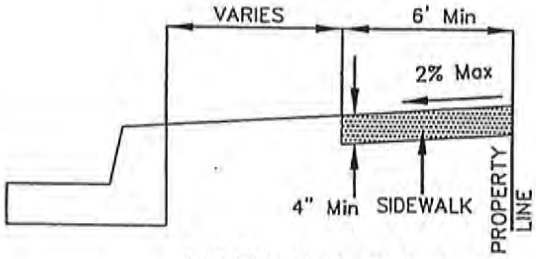
WEAKENED PLANE JOINT



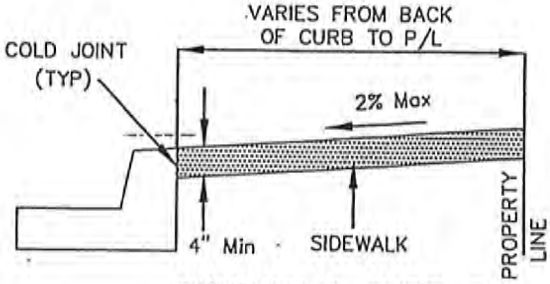
D = 1" FOR 4" THICK CONCRETE
D = 1.5" FOR 6" THICK CONCRETE



SIDEWALK TYPE 1



SIDEWALK TYPE 2



SIDEWALK TYPE 3

GENERAL NOTES:

1. SUBGRADE PREPARATION SHALL BE CONSTRUCTED TRUE TO GRADE AND CROSS SECTION, WITH COMPACTION OF 95% TO A DEPTH OF 1.0-FEET.
2. MINIMUM GRADE FOR CURB AND GUTTER SHALL BE 0.2%. EXCEPTIONS TO THE MINIMUM GRADE SHALL BE APPROVED BY THE TOWN ENGINEER.
3. CONCRETE SURFACE SHALL BE FINISHED TO GRADE AND CROSS SECTION WITH A FLOAT, TROWELED SMOOTH, AND FINISHED WITH A BROOM.
4. EXPANSION JOINT FILLER MATERIAL SHALL CONSIST OF PREFORMED STRIPS OF A DURABLE, RESILIENT COMPOUND.
5. SIDEWALK SCORE MARKS MINIMUM DEPTH OF 0.125".
6. ROLL-TOP CURB & GUTTER ONLY ALLOWED IN INDUSTRIAL ZONES WITH APPROVAL OF THE TOWN ENGINEER.
7. SIDEWALK TO CURB AND GUTTER NOT TO BE POURED AS MONOLITHIC.
8. PROPERTY AT INTERSECTIONS SHALL BE A 20 FOOT BY 20 FOOT CUT OFF FOR WHEELCHAIR RAMPS.
9. SIDEWALK SHALL BE CONSTRUCTED OF CLASS "B" CONCRETE.

R = 25' FOR RESIDENTIAL CURB RETURNS
R = 35' FOR COMMERCIAL/INDUSTRIAL CURB RETURNS

APPROVED BY:

ARTUR DA ROSA
TOWN ENGINEER

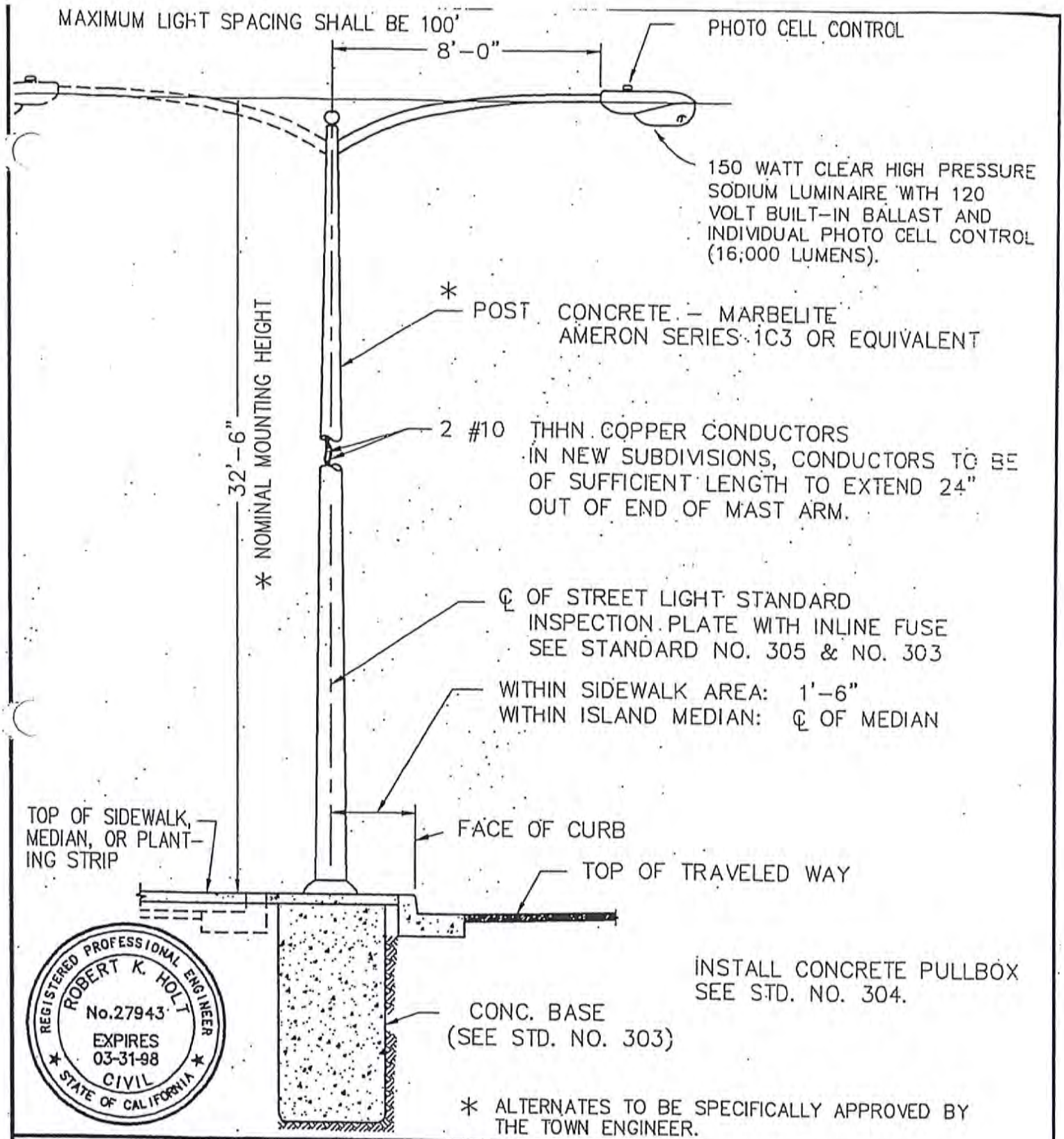
1-26-2009
DATE

STANDARD DRAWING

P.52

SIDEWALK

The Town of YUCCA VALLEY



* ALTERNATES TO BE SPECIFICALLY APPROVED BY THE TOWN ENGINEER.

APPROVED: _____ DATE _____

APPROVED: TOWN ENGINEER Robert K. Holt R.C.E. 27943

REVISION	BY	DATE

Town of Yucca Valley

STREET LIGHT FOR MAJOR AND ARTERIAL STREETS

STANDARD DRAWING NO. 300

(**Adopted:** 05/07/76; **CARB Ex. Ord. G-73:** 02/01/77; **Readopted:** 07/25/77)

RULE 402
Nuisance

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

The provisions of this rule shall not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.

[SIP: Not SIP]

(**Adopted:** 05/07/76; **CARB Ex. Ord. G-73:** 02/01/77; **Readopted:** 07/25/77)

RULE 403
Fugitive Dust

(a) A person shall not cause or allow the emissions of fugitive dust from any transport, handling, construction or storage activity so that the presence of such dust remains visible in the atmosphere beyond the property line of the emission source. (Does not apply to emissions emanating from unpaved roadways open to public travel or farm roads. This exclusion shall not apply to industrial or commercial facilities).

(b) A person shall take every reasonable precaution to minimize fugitive dust emissions from wrecking, excavation, grading, clearing of land and solid waste disposal operations.

(c) A person shall not cause or allow particulate matter to exceed 100 micrograms per cubic meter when determined as the difference between upwind and downwind samples collected on high volume samplers at the property line for a minimum of five hours.

(d) A person shall take every reasonable precaution to prevent visible particulate matter from being deposited upon public roadways as a direct result of their operations. Reasonable precautions shall include, but are not limited to, the removal of particulate matter from equipment prior to movement on paved streets or the prompt removal of any material from paved streets onto which such material has been deposited.

(e) Subsections (a) and (c) shall not be applicable when the wind speed instantaneously exceeds 40 kilometers (25 miles) per hour, or when the average wind speed is greater than 24 kilometers (15 miles) per hour. The average wind speed determination shall be on a 15 minute average at the nearest official air-monitoring station or by wind instrument located at the site being checked.

(f) The provisions of this rule shall not apply to agricultural operations.

[SIP: Approved 9/8/78, 43 FR 40011, 40 CFR 52.220(c)(39)(ii)(B); Approved 6/14/78, 43 FR 25684, 40 CFR 52.220(c)(32)(iv)(A)]

TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
October 14, 2014

Chair Humphreville called the regular meeting of the Yucca Valley Planning Commission to order at 6:00p.m.

Commissioners present were Bridenstine, Drozd, Lavender, Whitten and Chair Humphreville.

The Pledge of Allegiance was led by Chair Humphreville.

Commissioner Bridenstine moved to approve the agenda. Commissioner Whitten seconded, and the motion passed unanimously.

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENTS

None

CLOSE PUBLIC COMMENTS

PUBLIC HEARINGS

1. **DEVELOPMENT CODE AMENDMENT, DCA 05-14**
   ARTICLE 7, DEFINITIONS
   CEQA EXEMPTION, SECTION 15061(b)(3)

Planning Technician Olsen provided the staff report. She provided an overview of the purpose of Article 7 of the Development Code which provides definitions of terms commonly used within the code. Staff recommended that the Planning Commission find the project exept from CEQA under section 15061(b)(3), and that the Planning Commission recommends the approval of Article 7 the Town Council.

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENTS

None

CLOSE PUBLIC COMMENTS

Commissioner Drozd suggested modifying the definition of Clear Sight Triangle to state "at every corner."

Commissioner Bridenstine suggested including a definition of hillside which would establish what percentage of steepness would cause an area to be considered hillside for the purpose of hillside grading. She also suggested including a definition of mass grading, which the Commission had previously discussed.

Commissioner Lavender said that he had found some errors that he would provide to staff. He also pointed out that in the definition of Floor Area Ration, it didn't make sense to include as examples ratios which would allow for buildings twice the size of the lot.

Commissioner Whitten suggested adding the definition of architectural compatibility. He also asked why the definition of medical marijuana dispensary was included given that the town currently prohibits them. He also said that he thought that the definition of building was too broad, and it could apply to structures which should not be treated as buildings such as outdoor storage or greenhouses. He suggested adding language to require that the structure be occupiable.

Chair Humphreville said that the percentages outlined in the hillside grading ordinance should be the definition of hillside. He also said that he didn't have a problem with the definition of building as it was presented in the draft.

MOTION

Chair Humphreville moved that the Planning Commission find the project exempt from CEQA under Section 15061(b)(3), and that the commission recommend that the Town Council approve Article 7 after the clarification of those definition discussed by the Planning Commission. Commissioner Bridenstine seconded, and the motion passed unanimously.

DEPARTMENT REPORT

2. SITE PLAN REVIEW, SPR 02-07 MILLER REQUEST FOR EXTENSION

Project Engineer Alex Qishta provided the staff report. She provided an overview of the item, which was for extension of a Site Plan Review. Staff recommended that the Commission approve the request for a three year extension on the project, expiring on November 06, 2017.

PUBLIC COMMENTS

Art Miller, the applicant, thanked the staff and Commission for reviewing his request for extension. He said that the project took a long time to initially develop, and when it was ready to be built the economy did not support the construction. He also said that he thought the project would benefit the community, and is asking for the three year extension because he would like to see it built.

CLOSE PUBLIC COMMENTS

Commissioner Whitten asked staff for clarification on the location of the project, which staff provided.

Chair Humphreville asked staff to confirm that the project was consistent with the new General Plan. Staff said that it was.

MOTION

Chair Humphreville moved that the Planning Commission approve the extension of Site Plan Review SPR 02-07 Miller for three years, to expire on November 6, 2017. Commissioner Bridenstine seconded, and the motion passes unanimously.

CONSENT AGENDA

1. MINUTES

A request that the Planning Commission approves as submitted the minutes of the meetings held on September 9, 2014.

PUBLIC COMMENTS

None

END PUBLIC COMMENTS

Commissioner Whitten provided a correction to the draft minutes and stated that one public comment had incorrectly been attributed to Susan Simmons.

MOTION

Commissioner Whitten moved that the Commission approve as submitted the minutes of the meetings held on September 23, 2014 with the correction provided by Commissioner Whitten. Commissioner Bridenstine seconded the motion and it passed unanimously.

STAFF REPORTS AND COMMENTS

Staff provided an overview of the status of private land development projects currently active in the town.

Town Manger Yakimow thanked the Commissioners for all of their hard work on the Development Code. He said that staff appreciated the time and effort they put into it. He said that the Development Code would go the Town Council in November.

COMMISSIONER REPORTS AND REQUEST:

Commissioner Drozd thanked everyone for their hard work

Commissioner Whitten thanked staff for their work. He also mentioned that he had seen political signs within the clear site triangle in the Town.

Vice Chairman Bridenstine thanked staff, and encouraged everyone to vote.

ANNOUNCEMENTS:

The next regular meeting of the Planning Commission is scheduled for October 28, 2014 at 6:00pm.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:20.

DRAFT

Respectfully submitted,

Allison Brucker
Secretary

Approved by the Planning Commission on _____, 2014.

DRAFT