TOWN OF YUCCA VALLEY

PLANNING COMMISSION 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
MARCH 11, 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

Tim Humphreville, Chairman
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, MARCH 11, 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
Tim Humphreville, Chairman
Warren Lavender, Commissioner
Steve Whitten, Commissioner

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Action: Move by_____ 2nd by_____ Voice 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.

PUBLIC HEARINGS

1. CONDITIONAL USE PERMIT, CUP 02-04 AMENDMENT #1
PANDA EXPRESS-TACO BELL
TENTATIVE PARCEL MAP, TPM 19525
ENVIRONMENTAL ASSESSMENT, EA 04-13
EIR STATE CLEARINGHOUSE #2004071127

Proposal to subdivide approximately 26 acres of commercially zoned property into three parcels of 0.84 acre, 0.75 acre and 23.88 acres and to construct a 2,230 square foot Panda Express and a 2,423 square foot Taco Bell. A total of 51 onsite parking spaces are proposed with drive aisles. The property is located at the south east corner of SR 62 and Avalon Avenue and is also described as Assessor Parcel Number 601-201-37.

The review and approval of the Yucca Valley Retail Specific Plan included a project Environmental Impact Report (EIR), State Clearinghouse #2004071127. The EIR evaluated future projects within the boundaries of the Yucca Valley Retail Specific Plan. The proposed project was evaluated to determine if additional CEQA documentation needed to be prepared. The proposed project will not have any effects not considered within the scope of the program EIR. The project is consistent with project EIR and will not create any additional impacts not previously considered. No additional environmental review is required.

RECOMMENDATION:

ENVIRONMENTAL ASSESSMENT, EA 04-13

That the Planning Commission finds the project exempt from further environmental review in that the review and approval of the Yucca Valley Retail Specific Plan included a program Environmental Impact Report (EIR), State Clearinghouse #2004071127. The EIR evaluated future projects within the boundaries of the Yucca Valley Retail Specific Plan. The proposed project was evaluated to determine if additional CEQA documentation needed to be prepared. The proposed project will not have any effects not considered within the scope of the program EIR. The project is consistent with program EIR and will not create any additional impacts not previously considered. No additional environmental review is required.

CONDITIONAL USE PERMIT, CUP 02-04 AMENDMENT #1:

That the Planning Commission approves Conditional Use Permit, CUP 02-04 Amendment #1, based upon the findings and the Conditions of Approval.

TENTATIVE PARCEL MAP, TPM 19525

That the Planning Commission approves Tentative Parcel Map, TPM 19525 based upon the findings and the Conditions of Approval.

Action: Moved by _____ 2nd by _____ Voice Vote _____

2. DEVELOPMENT CODE UPDATE ARTICLE 3

Proposed amendment to Title 9, Yucca Valley Development Code adding Article 3, Chapter 9.30 thru Chapter 9.46, General Development Standards, providing standards for Dedications and Infrastructure Improvements, Landscaping, Parking, Performance Standards, Property Maintenance, Sign Regulations, Soil Erosion and Dust Control, Temporary Special Events, Temporary Uses, Surface Mining and Land Reclamation, Trip Reduction, Accessory Energy Systems, Wireless Communication Facilities, and Cemeteries and repealing Municipal Code Sections 41.151 thru 41.1569 and Development Code Sections 84.0701 thru 84.0740, 87.0201 thru 87.220, 87.0401 thru 87.0405, 87.0505, 87.0601 thru 87.0645, 87.0710 thru 87.07190, 87.0901 thru 87.0940, 88.0805 thru 88.0810, 810.0101 thru810.0135, 810.0201 thru 810.0275, and 9.75.010 thru 9.75.130.

RECOMMENDATION:

That the Planning Commission opens the public hearing, receives public comment, provides direction to staff and continues the public hearing to the March 25, 2014 Planning Commission meeting to allow staff to make final changes for Commission consideration.

Action: Moved by _____ 2nd by _____ Voice Vote _____

DEPARTMENT REPORTS:

3. HOME OCCUPATION PERMIT REGULATIONS

RECOMMENDATION:

That the Planning Commission discusses Home Occupation Permit Regulations and provides direction to staff.

Action: Moved by _____ 2nd by _____ Voice 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. 2013 GENERAL PLAN ANNUAL REPORT

Government Code Section 65400 mandates that all cities and counties submit to their legislative bodies an annual report on the status of the General Plan and progress on its implementation. The report must then be filed with the State's Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD). This annual review addresses the January 1, 2013 through December 31, 2013 time period.

2. **MINUTES**
A request that the Planning Commission approve as submitted the minutes of the meetings held on October 08, 2013, November 12, 2013 and February 11, 2014.

RECOMMENDATION:

That the Planning Commission adopts the Consent Agenda items 1 through 2.

Action: Moved by _____ 2nd by _____ Voice Vote _____

STAFF REPORTS AND COMMENTS:

FUTURE AGENDA ITEMS:

COMMISSIONER REPORTS AND REQUESTS:

Commissioner Drozd
Commissioner Lavender
Commissioner Whitten
Vice Chairman Bridenstine
Chairman Humphreville

ANNOUNCEMENTS:
The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, March 25, 2014

ADJOURN

Planning Commission: March 11, 2014

TOWN OF YUCCA VALLEY
COMMUNITY DEVELOPMENT DEPARTMENT
CURRENT PLANNING DIVISION STAFF REPORT
PANDA EXPRESS-TACO BELL

Case: CONDITIONAL USE PERMIT, CUP 02-04 AMENDMENT #1
TENTATIVE PARCEL MAP, TPM 19525
PANDA EXPRESS-TACO BELL
EIR STATE CLEARINGHOUSE # 2004071127

Request: PROPOSAL TO SUBDIVIDE APPROXIMATELY 26 ACRES OF COMMERCIALLY ZONED PROPERTY INTO THREE PARCELS OF 0.84 ACRE, 0.75 ACRE AND 23.88 ACRES AND TO CONSTRUCT A 2,230 SQUARE FOOT PANDA EXPRESS AND A 2,423 SQUARE FOOT TACO BELL.

Applicant for CUP:
CFT DEVELOPMENTS, LLC
1683 WALNUT GROVE AVE
ROSEMEAD, CA 91770

Representative:
GARY WANG AND ASSOCIATES
1255 CORPORATE DR, SUITE 8
MONTEREY PARK, IRVINE, CA 92612

Applicant for TPM:
WAL-MART STORES, INC
201 S.E. 10TH STREET
BENTONVILLE, AR 72716-0550

Representative
NASLAND ENGINEERING
4740 RUFFNER STREET
SAN DIEGO, CA 92111

Property Owner:
WAL-MART STORES, INC
201 S.E. 10TH STREET
BENTONVILLE, AR 72716-0550

Division Approvals:
Engineering _____ Building & Safety _____ Public Works_____

Location: THE PROJECT IS LOCATED AT THE SOUTHEAST CORNER OF 29 PALMS HWY AND AVALON AVE, AND IS FURTHER IDENTIFIED AS APN: 601-201-37.

Existing General Plan Land Use Designation:

THE SITE IS DESIGNATED COMMERCIAL (C)

Existing Zoning Designation:

THE SITE IS DESIGNATED GENERAL COMMERCIAL (C-G), YUCCA VALLEY RETAIL SPECIFIC PLAN, S-01-04

Surrounding General Plan Land Use Designations:

NORTH: COMMERCIAL AND MED HIGH DENSITY RESIDENTIAL (MHDR) 8.1-14
SOUTH: COMMERCIAL (C)
WEST: COMMERCIAL (C)
EAST: COMMERCIAL (C)

Surrounding Zoning Designations:

NORTH: GENERAL COMMERCIAL AND RESIDENTIAL SINGLE FAMILY, 5 UNITS PER ACRE, (RS-5)
SOUTH: GENERAL COMMERCIAL (C-G), YUCCA VALLEY RETAIL SPECIFIC PLAN, S-01-04 AND INDUSTRIAL
WEST: GENERAL COMMERCIAL (C-G),
EAST: GENERAL COMMERCIAL (C-G), HOME DEPOT RETAIL CENTER SPECIFIC PLAN, S 01-05

Surrounding Land Use:

NORTH: RESIDENTIAL DWELLINGS AND VACANT LAND
SOUTH: SUPER WAL-MART, VACANT LAND
WEST: AVALON URGENT CARE
EAST: HOME DEPOT

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

THE REVIEW AND APPROVAL OF THE YUCCA VALLEY RETAIL SPECIFIC PLAN INCLUDED A PROGRAM ENVIRONMENTAL IMPACT REPORT (EIR), STATE CLEARINGHOUSE #2004071127. THE EIR EVALUATED FUTURE PROJECTS WITHIN THE BOUNDARIES OF THE YUCCA VALLEY RETAIL SPECIFIC PLAN. THE PROPOSED PROJECT WAS EVALUATED TO DETERMINE IF ADDITIONAL CEQA DOCUMENTATION NEEDED TO BE PREPARED. THE PROPOSED PROJECT WILL NOT HAVE ANY EFFECTS NOT CONSIDERED WITHIN THE SCOPE OF THE PROGRAM EIR. THE PROJECT IS CONSISTENT WITH PROGRAM EIR AND WILL NOT CREATE ANY

ADDITIONAL IMPACTS NOT PREVIOUSLY CONSIDERED. NO ADDITIONAL ENVIRONMENTAL REVIEW IS REQUIRED.

OUTSIDE AGENCIES COMMENTS RECEIVED

SAN BERNARDINO COUNTY FIRE:
A letter was provided dated February 19, 2014 with attached conditions of approval.

SAN BERNARDINO COUNTY DEPT OF PUBLIC HEALTH:
A letter was provided dated February 12, 2014 indicating that plans for food establishments shall be reviewed and approved by DEHS.

MOHAVE DESERT AIR QUALITY MANAGEMENT DISTRICT:
A letter was provided dated February 06, 2014 indicating that MDAQMD has no comments on the project.

SAN BERNARDINO COUNTY FLOOD CONTROL
An e-mail was received on February 06, 2014 stating that the project does not impact any Flood Control Facility.

UNITED STATES POSTAL SERVICE
An e-mail was received on February 06, 2014 requesting that the applicant contact USPS for mailbox placement.

HI DESERT WATER DISTRICT
A letter was sent to the applicant dated October 03, 2013 indicating willingness to provide water service.

COPIES OF ALL LETTERS ARE INCLUDED IN THE PACKET.

RECOMMENDATIONS:

ENVIRONMENTAL ASSESSMENT, EA 04-13

That the Planning Commission finds the project exempt from further environmental review in that the review and approval of the Yucca Valley Retail Specific Plan included a program Environmental Impact Report (EIR), State Clearinghouse #2004071127. The EIR evaluated future projects within the boundaries of the Yucca Valley Retail Specific Plan. The proposed project was evaluated to determine if additional CEQA documentation needed to be prepared. The proposed project will not have any effects not considered within the scope of the program EIR. The project is consistent with program EIR and will not create any additional impacts not previously considered. No additional environmental review is required.

CONDITIONAL USE PERMIT, CUP 02-04 AMENDMENT #1:

That the Planning Commission approves Conditional Use Permit, CUP 02-04 Amendment #1, based upon the findings and the Conditions of Approval.

TENTATIVE PARCEL MAP, TPM 19525

That the Planning Commission approves Tentative Parcel Map, TPM 19525 based upon the findings and the Conditions of Approval.

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 Application filing and processing information may be obtained from the Planning Division of the Community Development Department. Per Section 83.030145 of the Development Code, minor modifications may be approved by the Planning Division if it is determined that the changes would not affect the findings prescribed in Section 83.030140 of the Development Code, Required Findings, and that the subject of the proposed changes were not items of public controversy during the review and approval of the original permit, including modifications to phasing schedules for the project.

I. GENERAL INFORMATION

PROJECT DESCRIPTION. The applicant is requesting approval to subdivide approximately 26 acres of commercially zoned property into three parcels of 0.84 acre, 0.75 acre and 23.88 acres and to construct a 2,230 square foot panda express and a 2,423 square foot taco bell. A total of 51 onsite parking spaces are proposed with drive aisles. All new utilities will be constructed below grade, and sewage disposal is proposed by connecting the buildings to an adjacent future public sewer system when available. The proposed buildings will be connected to the existing Wal-Mart sewage treatment facility until public sewers are available. Surrounding land uses include a mix of commercial and residential. Access to the site is internal from the existing Super Wal-Mart parking lot

LOCATION: The project is located on the southeast corner of 29 Palms Hwy and Avalon Ave and is further identified SPN: 601-201-37

PROJECT SYNOPSIS:	SITE COVERAGE
PROPERTY	26.26 acres
PROJECT AREA	1.59 acres
BUILDING AREA	Approximate 2,230 square foot fast food restaurant Approximate 2,423 square foot fast food restaurant
PHASED CONSTRUCTION:	No
FLOOD ZONE	Map 8120 zone X, areas determined to be outside the 0.2% annual chance floodplain.
ALQUIST PRIOLO ZONE	Yes
OFF-SITE IMPROVEMENTS REQ.	No, the improvements were completed with the construction of the Super Wal-Mart and Home Depot projects.
ASSESSMENT DISTRICTS REQ.	Yes, annexation into currently existing infrastructure maintenance districts

RIGHT-OF-WAY DEDICATION REQ.	No
UTILITY UNDERGROUNDING:	All new service lines shall be underground in conformance to Ordinance No. 169, or as amended by the Town Council.
AIRPORT INFLUENCE AREA:	Located outside the Airport Influence area.
TRAILS & BIKE LANE MASTER PLAN	Bike Lane along Avalon Ave.
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:	No
SPECIFIC PLAN/ PLANNED DEVELOPMENT AREA:	Yes, Yucca Valley Retail Specific Plan, S-01-04
FUTURE PLANNING COMMISSION ACTION REQURIED	None
FUTURE TOWN COUNCIL ACTION REQURIED	None for the Conditional Use Permit Yes, for the Final Parcel Map and Assessment District annexation

II. PROJECT ANALYSIS

ADJACENT LAND USES: The site is bounded by 29 Palms Hwy on the north and Avalon Ave to the west. Across SR 62 to the north is a residential neighborhood and limited commercial properties. To the west of the site is an urgent care facility. To the east is the Home Depot and future Marshalls and Petco. Super Wal-Mart and Industrially zoned property are located to the south of the project site.

Surrounding General Plan Land Use designations are Commercial and Industrial to the south of the project site. Properties are designated Medium High Density Residential 8.1-14 units to the acre and Commercial to the north. Properties to the east and west are designated Commercial.

Surrounding Zoning designations are General Commercial (C-G) to the east, west and General Commercial and Industrial to the south. The properties to the north are zoned Residential Single Family, 5 units per acre (RS-5) and General Commercial. Commercial development was anticipated and planned for on this project site with adoption of the General Plan, and the development meets and satisfies the goals, policies and implementation strategies of the General Plan. General retail and service oriented commercial uses are anticipated in these areas, and the proposed use identified for the project is consistent with the desired development pattern within the Town.

SITE CHARACTERISTICS, GRADING, SETBACKS: The site was rough graded with the construction of the Super Wal-Mart project.

Based upon review of the submitted Preliminary Grading Plan, staff finds the proposed site grading consistent with generally accepted engineered grading practices and achieves compliance with required standards, as well as achieving site grading compatibility with surrounding properties to the degree possible, based upon existing grades, access and required standards.

Setback Area:	**Required**	**Proposed**
Panda Express		
SR 62, Side:	10'	32'
West, Front:	15'	168'
South, Side:	10'	58'+/-
East, Rear:	10'	17'
Taco Bell		
Avalon, Front	15'	27'
West, Side	10'	65'
South, Side	10'	19'
East, Rear	10'	120'

The Development Code provides for maximum 60% of the lot to be covered with building area. As proposed, the site is developed at approximately 7.5% lot coverage.

PHASING: There is no phasing proposed for the development of the project.

ROADWAY IMPROVEMENTS: The proposed project is bounded by Twentynine Palms Highway on the north and Avalon Ave to the west. No off-site improvements are

required, as the improvements were constructed as part of the Super Wal-Mart and Home Depot projects.

ASSESSMENT DISTRICTS: The approval of the project includes the requirement to annex into the existing maintenance assessment district(s) for the Super Wal-Mart for the purpose of maintaining such public improvements as pavement, drainage facilities, curb and gutter, sidewalk, landscaping, lighting, and other public improvements and public safety assessment district.

CIRCULATION & PARKING: On site circulation as proposed includes two points of ingress/egress, and on-site circulation meeting Town and Fire Department standards. Internal circulation provides access to required parking areas.

The project contains the necessary on-site improvements as well as overall parking design and layout. The project is conditioned to record reciprocal access and parking agreements as necessary to ensure long term shared parking when the adjacent parcels have been developed.

The project contains two fast food restaurants and as such, parking is established at 1 space per 50 square feet of seating area, resulting in a minimum standard of 15 parking spaces being required for each restaurant, for a total of 30 required spaces. Twenty-two spaces are provided for the Panda Express and twenty-nine spaces are provided for Taco Bell, for a total of 51 parking spaces, including 4 ADA designated parking spaces.

FLOOD CONTROL/DRAINAGE: The project is proposing to direct all on-site retention and drainage into the retention basin constructed for the Super Wal-Mart. This is consistent with the original project approval.

UTILITIES: Utilities are roughed in on the project site and were installed with the construction of the Super Wal-Mart building.

Each utility provider charges connection and service fees which are designed to include the need for additional facilities as growth occurs. The project applicant will be required to go through each utility company permitting processes.

Electrical services are provided by Southern California Edison. Natural gas services are provided to by The Gas Company. The Hi-Desert Water District (HDWD) serves water within the Town of Yucca Valley. Solid waste services are provided by Burrtec Inc. The Town of Yucca Valley requires mandatory solid waste services and the project will be served by Burrtec.

LANDSCAPING: A conceptual landscape plan was provided with the application submittal. A total of thirteen (13) Joshua Trees and 25, 24" box trees are being

incorporated into the project landscaping, in addition to small trees, shrubs and ancillary landscape improvements. Overall, the project landscaping plan exceeds the quality of common commercial landscaping designs and concepts presented.

A final plan is required to be reviewed and approved by both the Town and Hi-Desert Water District.

ENVIRONMENTAL CONSIDERATIONS: The review and approval of the Yucca Valley Retail Specific Plan included a program Environmental Impact Report (EIR), State Clearinghouse #2004071127. The EIR evaluated future projects within the boundaries of the Yucca Valley Retail Specific Plan. The proposed project was evaluated to determine if additional CEQA documentation needed to be prepared. The proposed project will not have any effects not considered within the scope of the program EIR. The project is consistent with program EIR and will not create any additional impacts not previously considered. No additional environmental review is required.

GENERAL PLAN CONSIDERATION: The project is designated Commercial (C). This designation is intended to support and encourage the development of retail and service uses, including small commercial centers and personal service businesses. This designation anticipates and encourages a wide range of retail sales, business uses and personal services oriented to the automobile customer. The proposed project is consistent with the designations in which it occurs.

The General Plan supports this project through the following policies:

COMMERCIAL

POLICY LU 1-15
Maintain Yucca Valley's position as the economic hub of the Morongo Basin. Support a broad range of commercial retail, service, office, business park, research and development, light industrial, and industrial uses to provide employment opportunities and contribute to the Town's economic sustainability.

POLICY LU 1-20
Focus commercial development along SR-62 to take advantage of infrastructure improvements.

CONCLUSION: Based upon the facts on the record, the project is consistent with the General Plan, the Development Code, the Yucca Valley Retail Specific Plan and the Town's master plans. Commercial based development was anticipated and planned for on this project site with adoption of the General Plan, and the development meets and satisfies the goals, policies and implementation strategies of the General Plan. The project, as designed, meets all requirements of the Development Code and the Yucca Valley Retail Specific Plan and no variances or deviations from adopted standards are required for approval.

CONDITIONAL USE PERMIT FINDINGS:

1. **That the location, size, design, density and intensity of the proposed development is consistent with the General Plan, the purpose of the land use district in which the site is located, and the development policies and standards of the Town;**

   The site is bounded by 29 Palms Hwy on the north, Avalon Ave to the west, and commercial projects to the south and east. Across SR 62 to the north is a single family residential neighborhood and limited commercial properties. Surrounding General Plan designations are Commercial (C) and Industrial to the south, Commercial to the west and east and Commercial and Medium High Density Residential 8.1-14 to the north. Zoning designations are General Commercial (C-G) and Industrial to the south, and General Commercial to the east and west. To the north of the project site is designated as General Commercial and Single Family Residential, 5 dwelling units per acre. Commercial based development was anticipated and planned for on this project site with adoption of the General Plan, and the development meets and satisfies the goals, policies and implementation strategies of the General Plan. General retail and service oriented commercial uses are anticipated in these areas, and the proposed uses identified in CUP 02-04 Amendment #1 are consistent with the desired development pattern within the Town. The project is developed below the maximum lot coverage of 60%, and all set-backs for the General Commercial District are met, as outlined in this Staff Report.

2. **That the location, size, design and architectural design features of the proposed structures and improvements are compatible with the site's natural landform, surrounding sites, structures and streetscapes;**

   The site is bounded by 29 Palms Hwy on the north, Avalon Ave to the west, and commercial projects to the south and east. Across SR 62 to the north is a single family residential neighborhood and limited commercial properties. Surrounding General Plan designations are Commercial (C) and Industrial to the south, Commercial to the west and east and Commercial and Medium High Density Residential 8.1-14 to the north. Zoning designations are General Commercial (C-G) and Industrial to the south, and General Commercial to the east and west. To the north of the project site is designated as General Commercial and Single Family Residential, 5 dwelling units per acre.

   Commercial based development was anticipated and planned for on this project site with adoption of the General Plan, and the development meets and satisfies the goals, policies and implementation strategies of the General Plan. General retail and service oriented commercial uses are anticipated in these areas, and

the proposed uses identified in CUP 02-04 Amendment #1 are consistent with the desired development pattern within the Town.

3. **That the proposed development produces compatible transitions in the scale, bulk, coverage, density and character of the development between adjacent land uses;**

The site is bounded by 29 Palms Hwy on the north, Avalon Ave to the west, and commercial projects to the south and east. Across SR 62 to the north is a single family residential neighborhood and limited commercial properties. Surrounding General Plan designations are Commercial (C) and Industrial to the south, Commercial to the west and east and Commercial and Medium High Density Residential 8.1-14 to the north. Zoning designations are General Commercial (C-G) and Industrial to the south, and General Commercial to the east and west. To the north of the project site is designated as General Commercial and Single Family Residential, 5 dwelling units per acre.

Commercial based development was anticipated and planned for on this project site with adoption of the General Plan, and the development meets and satisfies the goals, policies and implementation strategies of the General Plan. General retail and service oriented commercial uses are anticipated in these areas, and the proposed uses identified in CUP 02-04 Amendment #1 are consistent with the desired development pattern within the Town.

The project is developed below the maximum lot coverage of 60%, and all set-backs for the General Commercial District are met, as outlined in this Staff Report. The site is adjacent to 29 Palms Hwy on the north and is surrounded by existing commercial development on the south and west, with residential development across 29 Palms Hwy to the north.

4. **That the building site and architectural design is accomplished in an energy efficient manner;**

The site is being developed consistent with adopted set back and building height standards, allowing opportunities to maximize energy efficiency and conservation measures in construction and building operations.

5. **That the materials, textures and details of the proposed construction, to the extent feasible, are compatible with the adjacent and neighboring structures;**

The construction materials, colors, textures, height and bulk are consistent with the Development Code standards and requirements and are consistent with

surrounding development patterns. Wood frame with stucco construction with desert compatible colors are proposed.

6. **That the development proposal does not unnecessarily block views from other buildings or from public ways, or visually dominate its surroundings with respect to mass and scale to an extent unnecessary and inappropriate to the use;**

   The structures have a maximum building height at the tallest point of 22'. This building height is consistent with the commercial development pattern along SR 62 and as such, does not unnecessarily block views from public ways and is similar in mass and scale to the local built environment.

7. **That the amount, location, and design of open space and landscaping conforms to the requirements of the Development Code, enhances the visual appeal and is compatible with the design and functions of the structure(s), site and surrounding area;**

   The proposed landscape plans indicate that thirteen native plants and twenty-five 24' box trees will be incorporated into the landscaping along with additional shrubs and ground cover. The project will be landscaped along 29 Palms Hwy and Avalon Ave with additional landscaping at the end of each parking aisle. There are also proposed landscaped areas to the north of the Taco Bell and buffering the drive-thru lanes of each building. This is consistent with Development Code requirements and compatible with surrounding development patterns.

8. **That quality in architectural design is maintained in order to enhance the visual environment of the Town and to protect the economic value of existing structures;**

   The proposed structures are wood framed with stucco, with pop-outs, articulation, and colors consistent with the Specific Plan area as well as the SR 62 Commercial Corridor.

9. **That there are existing public facilities, services, and utilities available at the appropriate levels and/or that new or expanded facilities, services and utilities shall be required to be installed at the appropriate time to serve the project as they are needed;**

   Utilities are roughed in on the project site and were installed with the construction of the Super Wal-Mart building.

Each utility provider charges connection and service fees which are designed to include the need for additional facilities as growth occurs. The project applicant will be required to pay these fees as applicable.

Electrical services are provided by Southern California Edison. Natural gas services are provided to by The Gas Company. The Hi-Desert Water District (HDWD, District) serves the Town of Yucca Valley. Solid waste services are provided by Burrtec Inc. The Town of Yucca Valley requires mandatory solid waste services and the project will be served by Burrtec.

10. That access to the site and circulation on and off-site is required to be safe and convenient for pedestrians, bicyclists, equestrians and motorists;

On site circulation as proposed includes two points of ingress/egress, and on-site circulation meeting Town and Fire Department standards. Internal circulation provides access to required parking.

The project contains the necessary on-site improvements as well as overall parking design and layout. The project is conditioned to record reciprocal access and parking agreements as necessary to ensure long term shared parking when the adjacent parcels have been developed.

Parking is established at 1 space per 50 square feet of seating area, resulting in a minimum standard of 30 parking spaces being required. A total of 51 parking spaces are provided, including 4 ADA designated parking spaces.

11. That traffic generated from the proposed project has been sufficiently addressed and mitigated and will not adversely impact the capacity and physical character of surrounding streets;

The review and approval of the Yucca Valley Retail Specific Plan included a program Environmental Impact Report (EIR). The EIR evaluated future projects within the boundaries of the Yucca Valley Retail Specific Plan. The proposed project was evaluated to determine if additional CEQA documentation needed to be prepared. The proposed project will not have any effects not considered within the scope of the program EIR. The project is consistent with program EIR and will not create any additional impacts not previously considered. No additional environmental review is required.

No negative impacts created by the project have been identified, including traffic impacts.

Additionally, the project is conditioned to pay Public Facility Development Impact fees in accordance with current Town Council policy, including Street and Traffic Impact Fees. The project is also conditioned to annex into the existing Super Wal-Mart maintenance districts that generate the necessary revenue to maintain the infrastructure constructed by the project.

12. That traffic improvements and/or mitigation measures have been applied or required in a manner adequate to maintain a Level of Service C or better on arterial roads, where applicable, and are consistent with the Circulation Element of the Town General Plan;

The review and approval of the Yucca Valley Retail Specific Plan included a program Environmental Impact Report (EIR). The EIR evaluated future projects within the boundaries of the Yucca Valley Retail Specific Plan. The proposed project was evaluated to determine if additional CEQA documentation needed to be prepared. The proposed project will not have any effects not considered within the scope of the program EIR. The project is consistent with program EIR and will not create any additional impacts not previously considered. No additional environmental review is required.

No negative impacts created by the project have been identified, including traffic impacts.

Additionally, the project is conditioned to pay Public Facility Development Impact fees in accordance with current Town Council policy, including Street and Traffic Impact Fees. The project is also conditioned to annex into the existing Super Wal-Mart form maintenance districts that generate the necessary revenue to maintain the infrastructure constructed by the project.

13. That there will not be significant harmful effects upon environmental quality and natural resources including endangered, threatened, rare species, their habitat, including but not limited to plants, fish, insects, animals, birds or reptiles;

The review and approval of the Yucca Valley Retail Specific Plan included a program Environmental Impact Report (EIR). The EIR evaluated future projects within the boundaries of the Yucca Valley Retail Specific Plan. The proposed project was evaluated to determine if additional CEQA documentation needed to be prepared. The proposed project will not have any effects not considered within the scope of the program EIR. The project is consistent with program EIR and will not create any additional impacts not previously considered. No additional environmental review is required.

No negative impacts created by the project have been identified, including biological resources.

14. That there are no other relevant or anticipated negative impacts of the proposed use that cannot be mitigated and reduced to a level of non-significance in conformance with CEQA, the California Environmental Quality Act;

The review and approval of the Yucca Valley Retail Specific Plan included a program Environmental Impact Report (EIR). The EIR evaluated future projects within the boundaries of the Yucca Valley Retail Specific Plan. The proposed project was evaluated to determine if additional CEQA documentation needed to be prepared. The proposed project will not have any effects not considered within the scope of the program EIR. The project is consistent with program EIR and will not create any additional impacts not previously considered. No additional environmental review is required.

There is no substantial change to the project nor is there "new information of substantial importance" pursuant to CEQA guidelines section 15162, necessitating the requirement for a supplemental or subsequent EIR or the preparation of an addendum pursuant to Section 15164.

15. That the impacts which could result from the proposed development, and the proposed location, size, design and operating characteristics of the proposed development, and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety and welfare of the community or be materially injurious to properties or improvements in the vicinity or be contrary to the adopted General Plan; and

The review and approval of the Yucca Valley Retail Specific Plan included a program Environmental Impact Report (EIR). The EIR evaluated future projects within the boundaries of the Yucca Valley Retail Specific Plan. The proposed project was evaluated to determine if additional CEQA documentation needed to be prepared. The proposed project will not have any effects not considered within the scope of the program EIR. The project is consistent with program EIR and will not create any additional impacts not previously considered. No additional environmental review is required.
No negative impacts created by the project have been identified.

16. **That the proposed development will comply with each of the applicable provisions of this code, and applicable Town policies; except approved variances.**

The project, as designed, complies with the standards and requirements set forth in the Yucca Valley Development Code and the adopted General Plan policies, as identified and set forth in this Staff Report.

Attachments:

1. Standard Exhibits
2. Application materials
3. Site Plan & Elevations
4. Agency comments

TOWN OF YUCCA VALLEY
CONDITIONS OF APPROVAL
ENVIRONMENTAL ASSESSMENT, EA 04-13
CONDITIONAL USE PERMIT, CUP 02-04 AMENDMENT #1
TENTATIVE PARCEL MAP, TPM 19525
EIR STATE CLEARINGHOUSE #2004071127
PANDA EXPRESS-TACO BELL

This approval is for Environmental Assessment, EA 04-13, Conditional Use Permit, CUP 02-04 Amendment #1, Tentative Parcel Map, TPM 19525, a request to subdivide 26 acres into three parcels and construct a 2,230 square foot Panda Express and a 2,423 square foot Taco Bell. The project is located on the southeast corner of 29 Palms Hwy and Avalon Ave and is further identified as APN: 601-201-37

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.

CUP 02-04, Amendment #1 Approval Date: March 11, 2014
CUP 02-04 Amendment #1 Expiration Date: March 11, 2017

TPM 19525 Approval Date: March 11, 2014
TPM 19525 Expiration Date: March 11, 2016

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), the Town phone number and the Mojave Desert Air Quality Management District (MDAQMD) 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 issuances 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 constructed 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. In accordance with Ordinance 169, 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; existing service and distribution lines between the street frontage property line and the centerline of the adjacent streets of the property being developed; existing Service and Distribution lines located on

adjacent properties along or within 10 feet of the lot lines of the property being developed; or existing service and distribution lines being relocated as a result of a project.

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

P4. **All mitigation measures identified in the Super Wal-Mart Environmental Impact Report and included in the Mitigation Monitoring Program are included as conditions of approval by this reference.**

P5. 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 Ordinance 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.**

P6. 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 and a current Town fee of $685. **The final Landscape and Irrigation Plan shall be reviewed and approved by the Planning Commission prior to the issuance of any permits.**

P7. Reciprocal parking and access agreements shall be recorded on all lots within the Parcel Map.

ENGINEERING CONDITIONS

E1. Prior to the issuance of a Grading Permit, a precise 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 precise grading plan 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.

E2. **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.**

E3. The Engineer-of-Record or other civil engineer shall survey and provide pad certification for the site prior to issuance of building permits.

E4. 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.

E5. All property corners, lots, easements, street centerlines, and curve radii shall be monumented and horizontally tied to identified control points. A copy of the monumentation survey and centerline tie notes shall be provided to the Town Engineer prior to certificate of occupancy.

E6. All recommended approved measures identified in the Soils Report shall be incorporated into the project design.

E7. 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.

E8. 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.

E9. 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.

E10. 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.

E11. 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.

E12. All grading activities shall minimize dust through compliance with MDAQMD Rules 402 and 403.

E13. 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.

E14. A Notice of Intent to comply with Statewide General Construction Stormwater Permit (Water Quality Order 99-08-DWQ as modified December 2, 2002 or as otherwise updated by the Board) is required for the proposed development via the California Regional Water Quality Control Board (phone no. 760-346-7491). A copy of the executed letter issuing a Waste Discharge Identification number shall be provided to the Town prior to issuance of a grading permit. The Applicant shall comply with NPDES requirements as applicable. The Applicant shall install devices on his property to keep erodible material, rocks, and gravel on the site. To eliminate any site related dirt and debris within the roadways, the Applicant shall be responsible to sweep public paved roads adjacent to the project as necessary and as requested by the Town Staff.

E15. 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.

E16. 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.

E17. The Applicant shall accept and properly dispose of all off-site drainage flowing onto or through the site.

E18. 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.

E19. 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.

E20. 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.

E21. 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.

E22. All improvement plans shall be designed by a Registered Civil Engineer.

E23. 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.

E24. 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 deducted from the erosion control security posted for the project and shall include all costs related to the emergency maintenance including initial mobilization and performance of the work in addition to applicable administrative costs.

E25. 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.

E26. 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.

E27. 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.

E28. Private drainage easements for cross-lot drainage shall be dedicated and delineated on the final map.

E29. 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.

E30. All street closures must be approved by Town Council action.

E31. 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".

E32. 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 the Town Engineer's signature must contain the design engineer's wet signature and stamp and all other required signatures.

E33. 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.

E34. 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.

E35. Prior to final parcel map approval, the applicant shall enter into a subdivision improvement agreement with the Town of Yucca Valley. In addition to the subdivision improvement agreement, the applicant shall submit bonds including but not limited to, 100% faithful performance bond, 50% labor and materials bond, 25% guaranty/ warranty bond, monument bond and grading bond.

E36. The engineer-of-record shall prepare bond estimates for public improvements required for the project. The estimates shall be prepared on estimating forms provided by the Town. The bond estimate shall be reviewed and approved by the Town Engineer.

E37. Drainage easements, when required, shall be shown on the final map and noted as follows: "Drainage Easement – no buildings, obstructions or encroachments by land fills are allowed".

E38. It is understood that the tentative map correctly shows all existing easements, traveled ways and drainage courses, and that their omission may require the tentative map to be resubmitted for further consideration.

E39. If improvements associated with this project are not initiated within the approval time period of the subdivision improvement agreement, the Town Engineer may require that plans be modified to reflect current codes and standards in effect at the time of request for an extension of time for the improvement agreement or issuance of a permit.

E40. Private drainage easements for cross-lot drainage shall be dedicated and delineated on the final map.

E41. With submittal of grading plans, street improvement plans, storm drain and retention/detention basin plans, and erosion and sediment control plans, the Applicant shall cause to be formed, **or shall be annexed into an existing**, 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, **or annexation**, by submitting a landowner petition and consent form (provided by the Town) and deposit necessary fees concurrent with the 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 the subdivision of land, or prior to issuance of any certificate of occupancy where there is no subdivision of land.

E42. The proposed restaurants shall connect to the existing sewer and water stub-outs provided by the Wal-Mart development.

E43. Storm waters shall be routed to the existing storm water retention basin.

E44. Areas for construction stockpiling, equipment storage and maintenance shall be submitted to the Town Engineer for review and approval with each phase of the project.

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.

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

F3. 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.

F4. Please see attached letter from San Bernardino County Fire Dept. for additional conditions.

Mojave Desert Air Quality Management District Condition

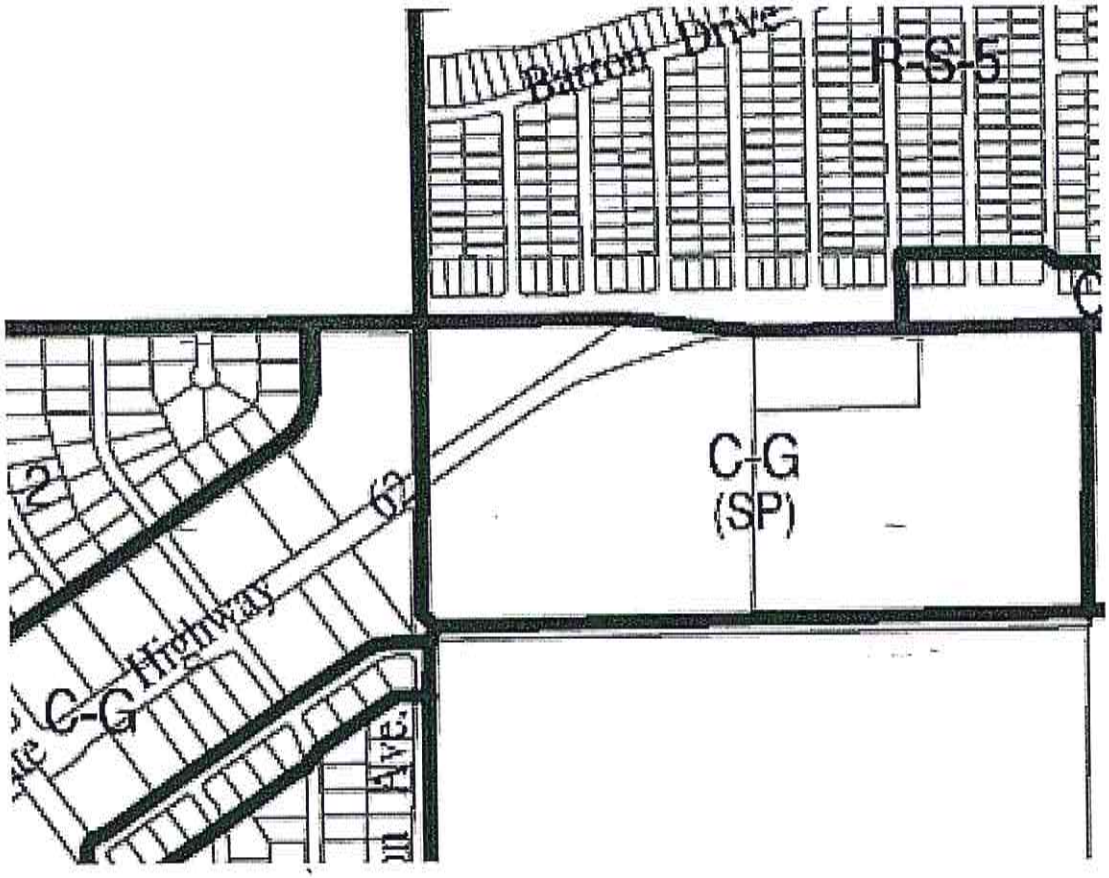
M1. A "Notification of Demolition/Renovation" application must be completed and submitted to the District pursuant to Health and Safety Code Section 19827.5 for the demolition of any load bearing wall or foundation.

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 _____

TOWN OF YUCCA VALLEY

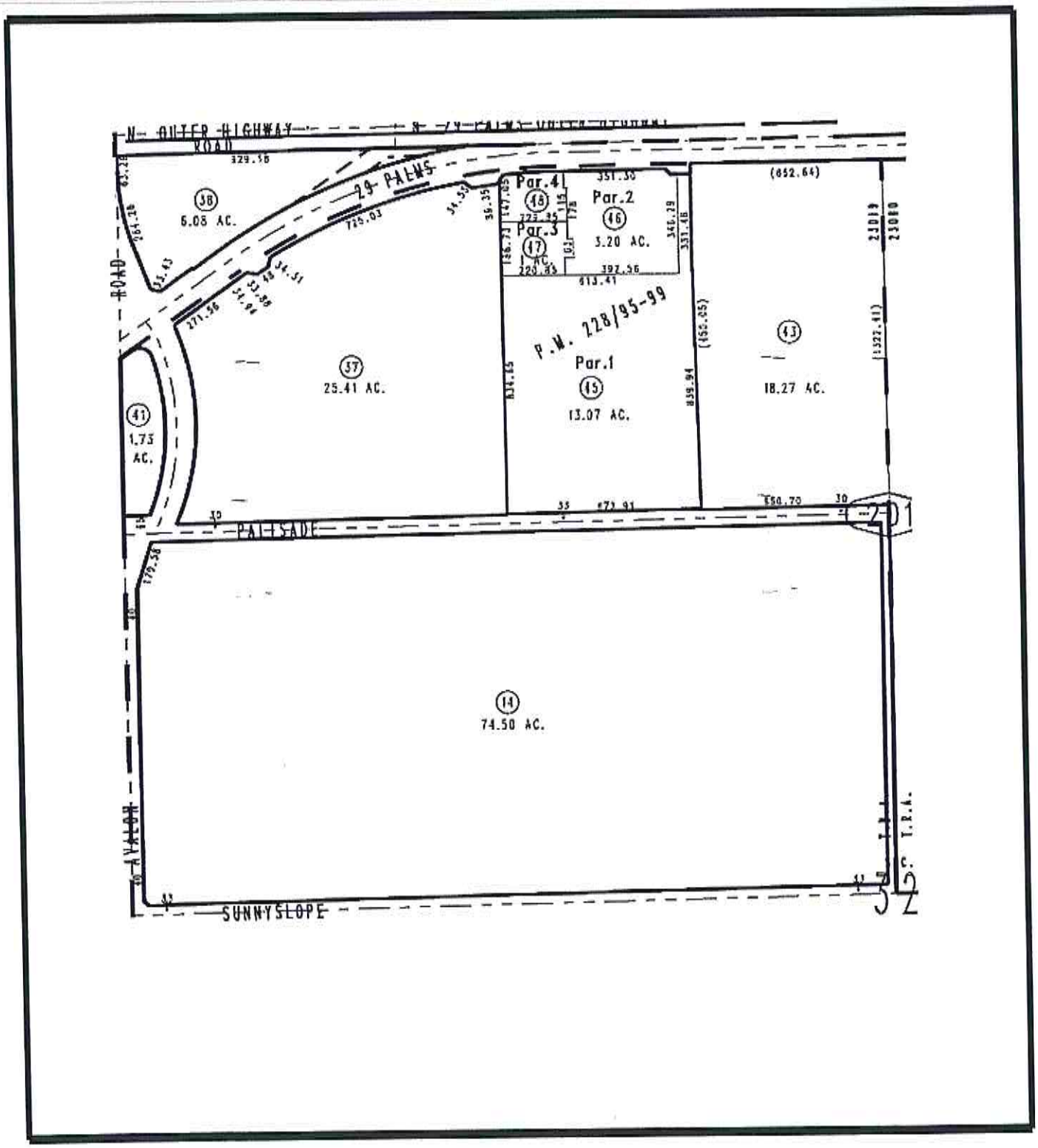
PROJECT: CONDITIONAL USE PERMIT, CUP 02-04 AMENDMENT #1
TENTATIVE PARCEL MAP, TPM 19525 PANDA EXPRESS-TACO BELL



ZONING MAP

TOWN OF YUCCA VALLEY

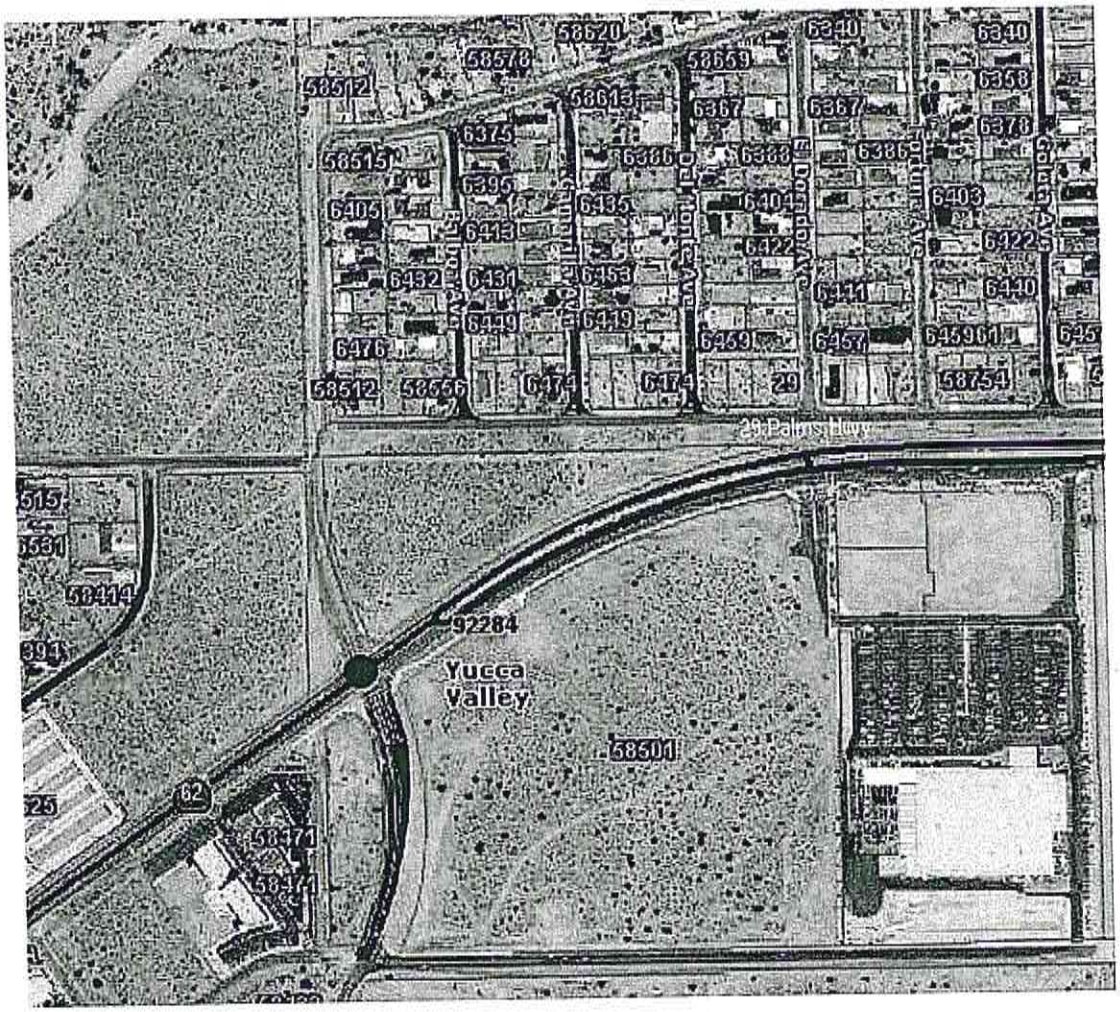
PROJECT: CONDITIONAL USE PERMIT, CUP 02-04 AMENDMENT #1
TENTATIVE PARCEL MAP, TPM 19525 PANDA EXPRESS-TACO BELL



ASSESSORS PARCEL MAP

TOWN OF YUCCA VALLEY

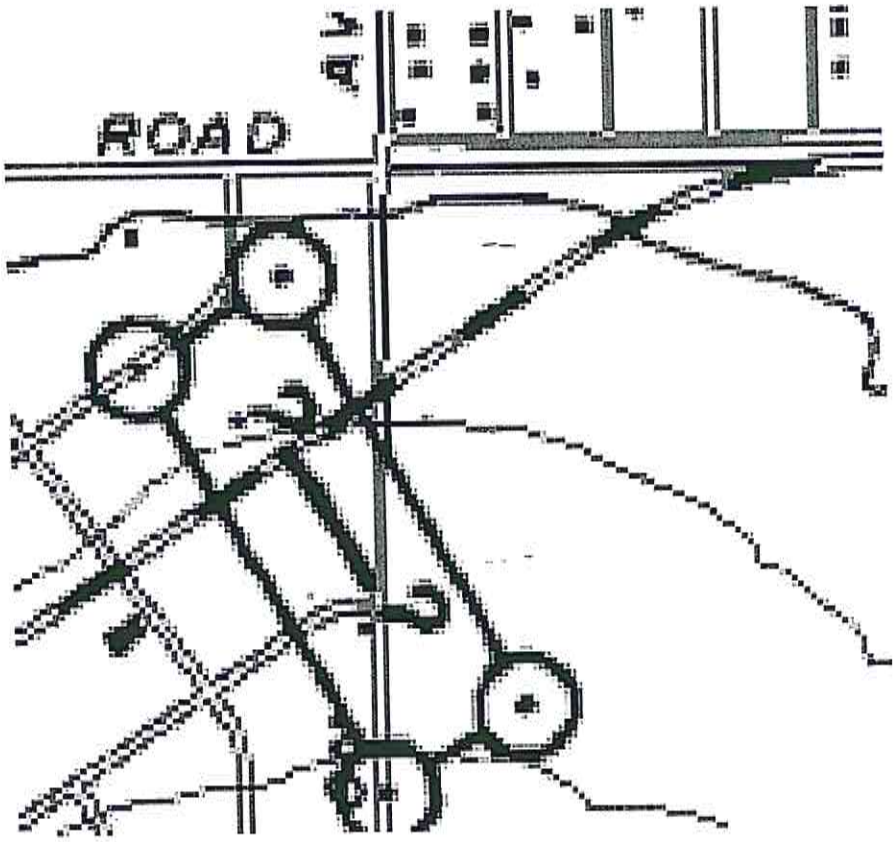
PROJECT: CONDITIONAL USE PERMIT, CUP 02-04 AMENDMENT #1
TENTATIVE PARCEL MAP, TPM 19525 PANDA EXPRESS-TACO BELL



AERIAL PHOTO

TOWN OF YUCCA VALLEY

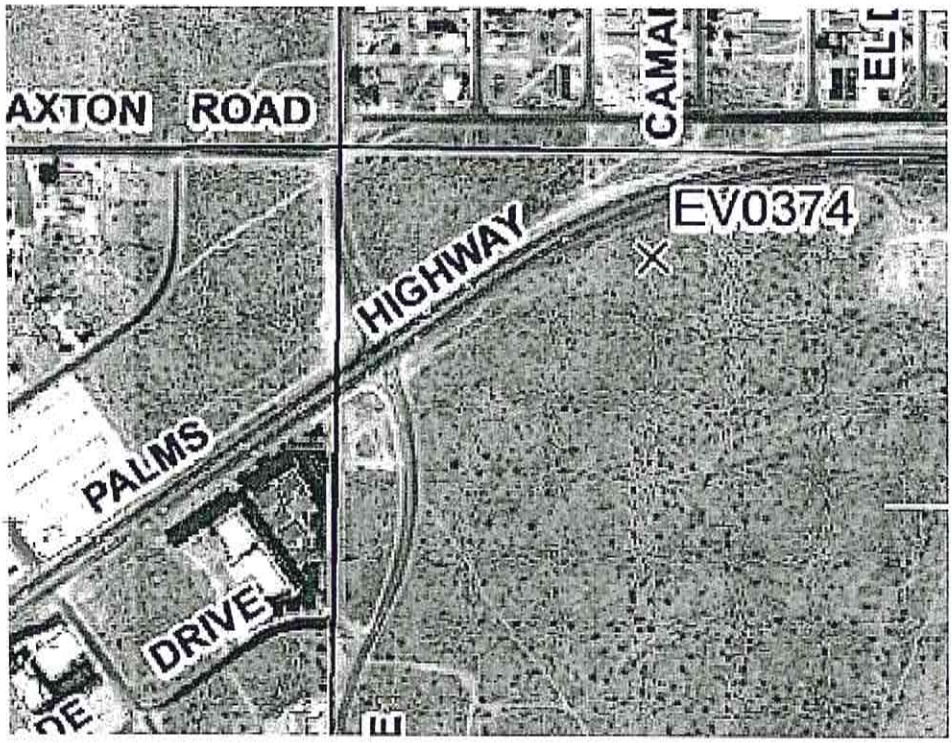
PROJECT: CONDITIONAL USE PERMIT, CUP 02-04 AMENDMENT #1
TENTATIVE PARCEL MAP, TPM 19525 PANDA EXPRESS-TACO BELL



ALQUIST PRIOLO MAP

TOWN OF YUCCA VALLEY

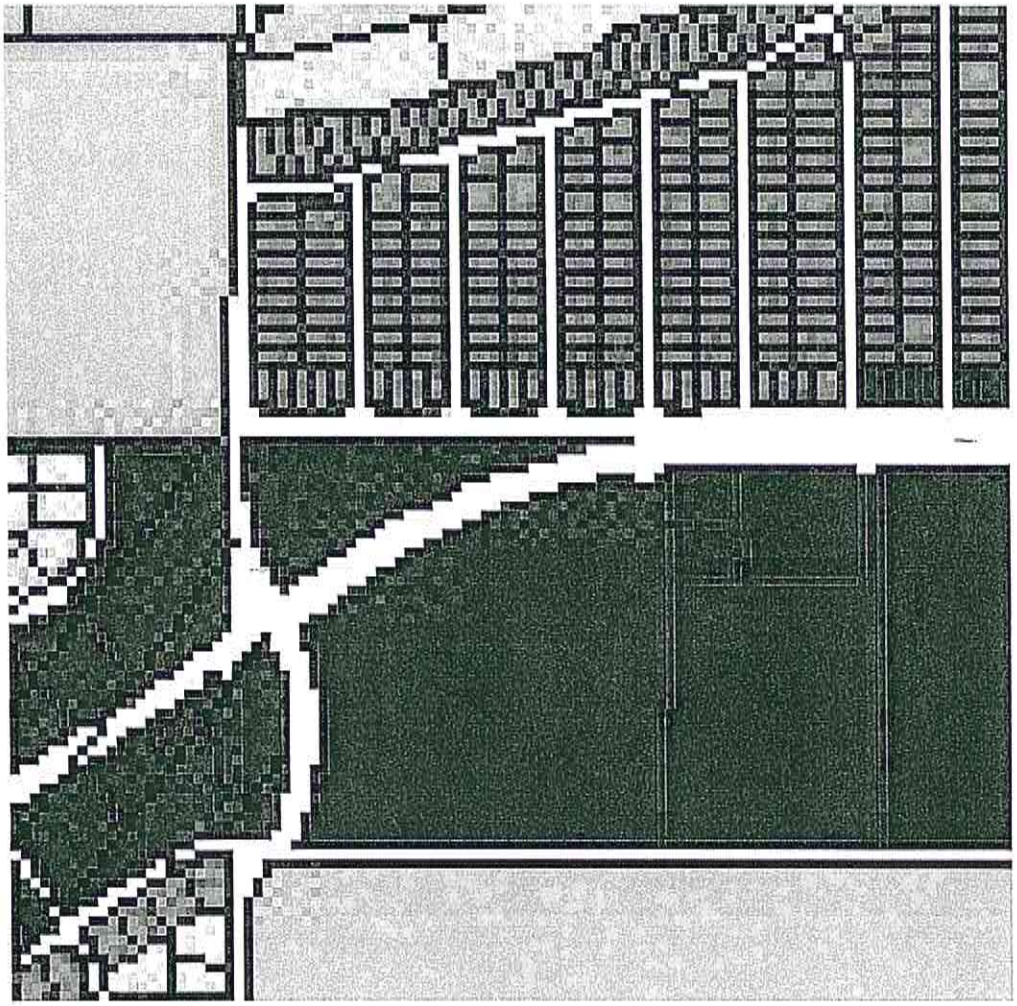
PROJECT: CONDITIONAL USE PERMIT, CUP 02-04 AMENDMENT #1
TENTATIVE PARCEL MAP, TPM 19525 PANDA EXPRESS-TACO BELL



FEMA FLOOD MAP

TOWN OF YUCCA VALLEY

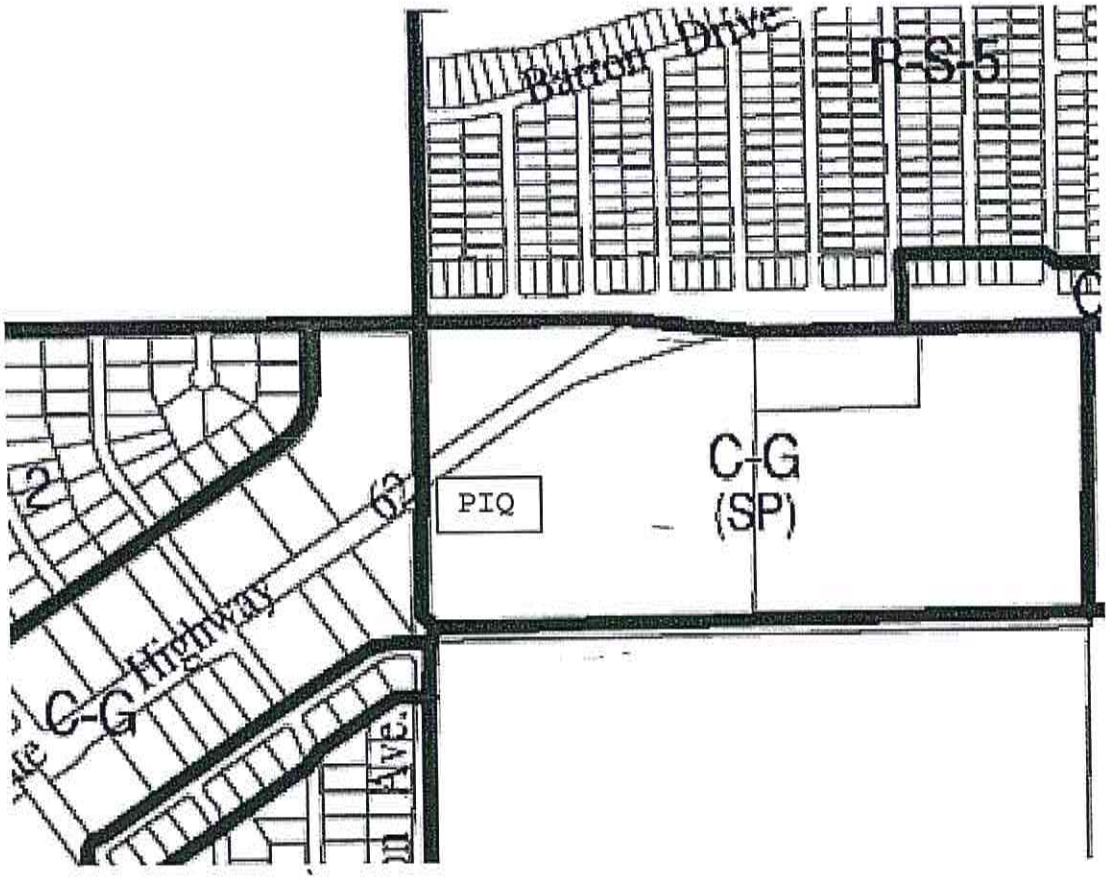
PROJECT: CONDITIONAL USE PERMIT, CUP 02-04 AMENDMENT #1
TENTATIVE PARCEL MAP, TPM 19525 PANDA EXPRESS-TACO BELL



GENERAL PLAN LAND USE MAP

TOWN OF YUCCA VALLEY

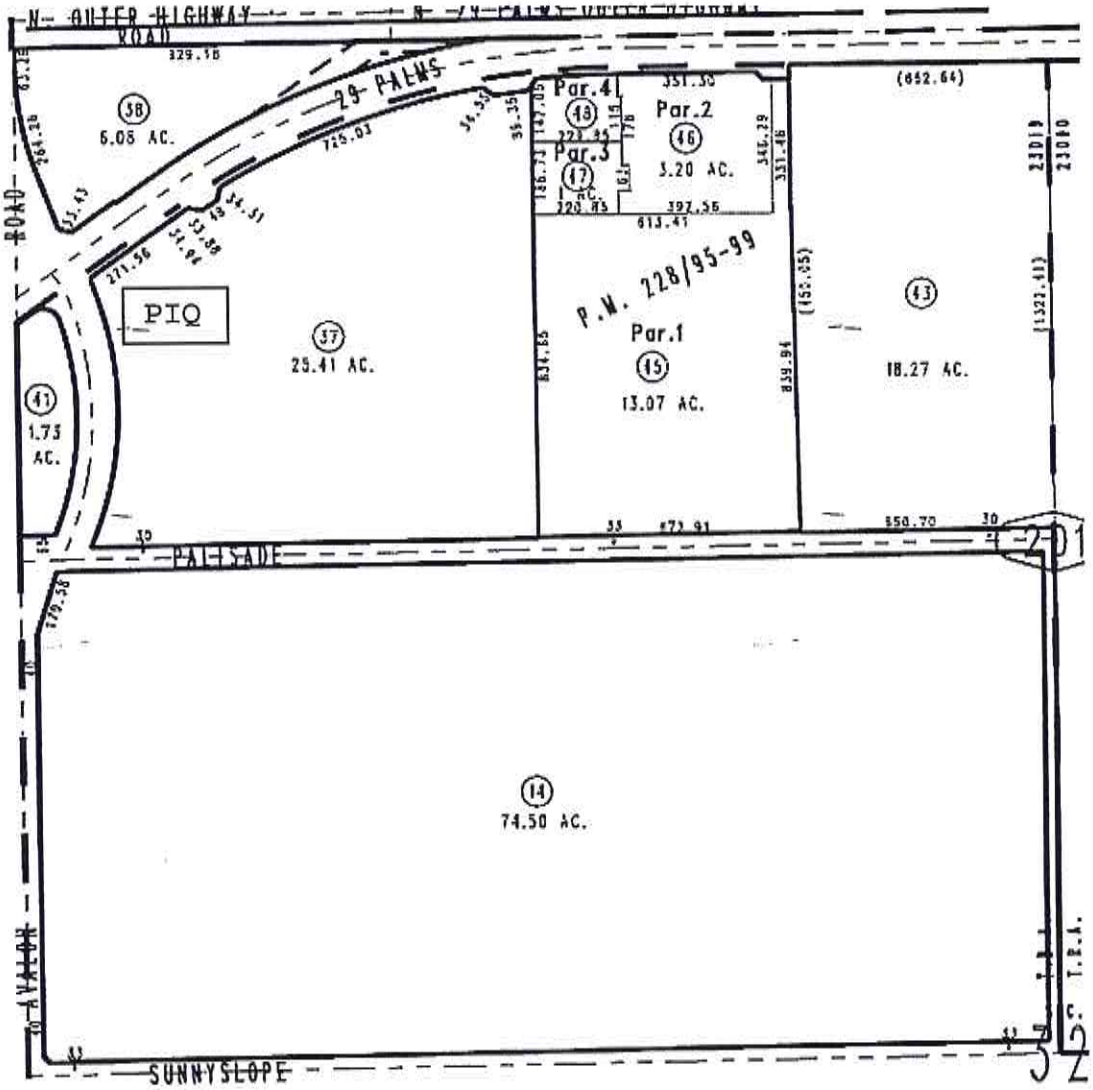
PROJECT: CONDITIONAL USE PERMIT, CUP 02-04 AMENDMENT #1
TENTATIVE PARCEL MAP, TPM 19525 PANDA EXPRESS-TACO BELL



ZONING MAP

TOWN OF YUCCA VALLEY

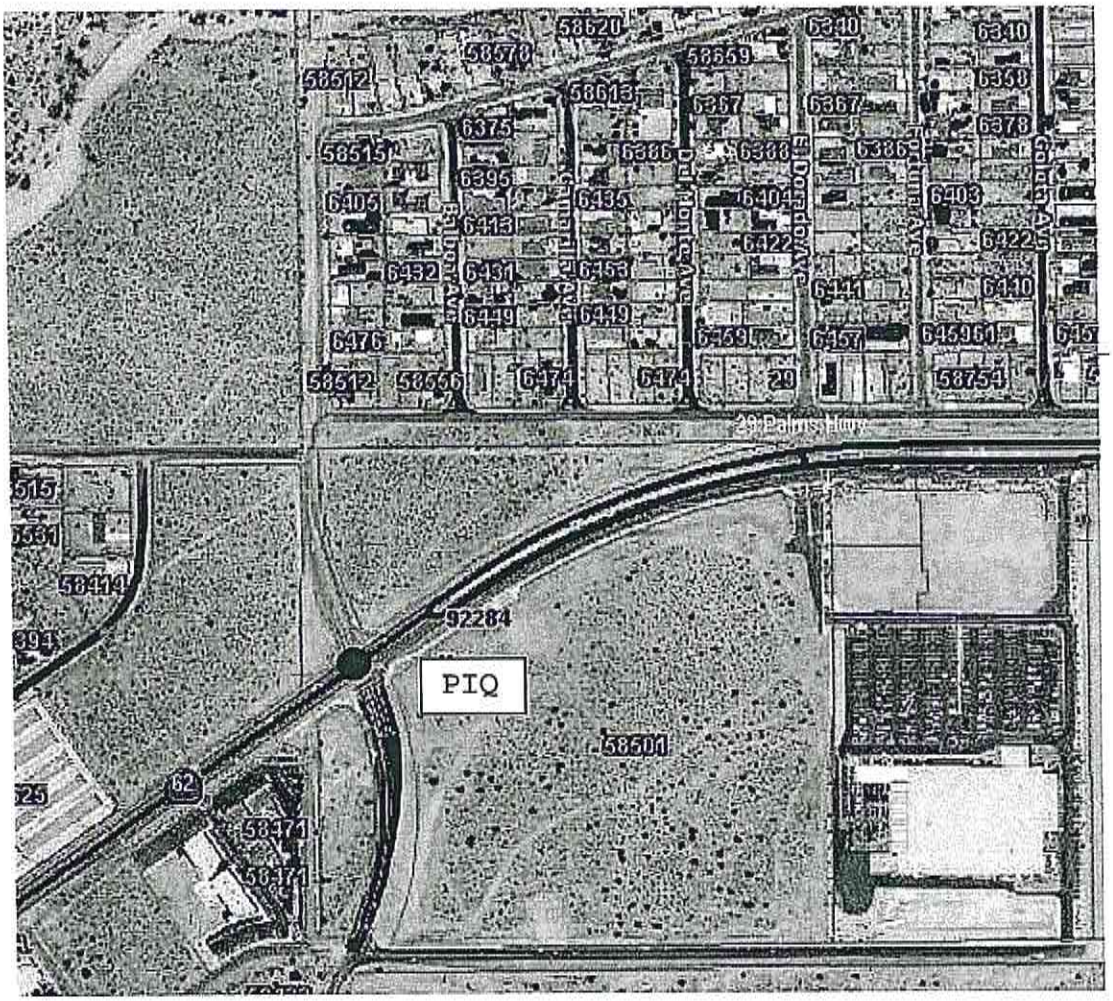
PROJECT: CONDITIONAL USE PERMIT, CUP 02-04 AMENDMENT #1
TENTATIVE PARCEL MAP, TPM 19525 PANDA EXPRESS-TACO BELL



ASSESSORS PARCEL MAP

TOWN OF YUCCA VALLEY

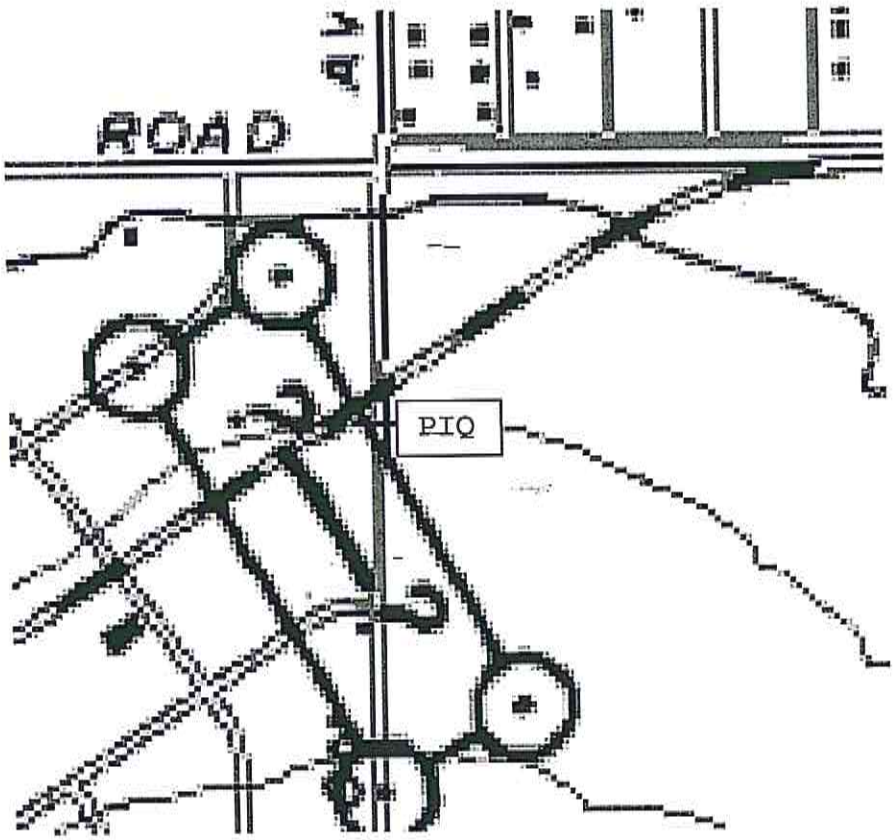
PROJECT: CONDITIONAL USE PERMIT, CUP 02-04 AMENDMENT #1
TENTATIVE PARCEL MAP, TPM 19525 PANDA EXPRESS-TACO BELL



AERIAL PHOTO

TOWN OF YUCCA VALLEY

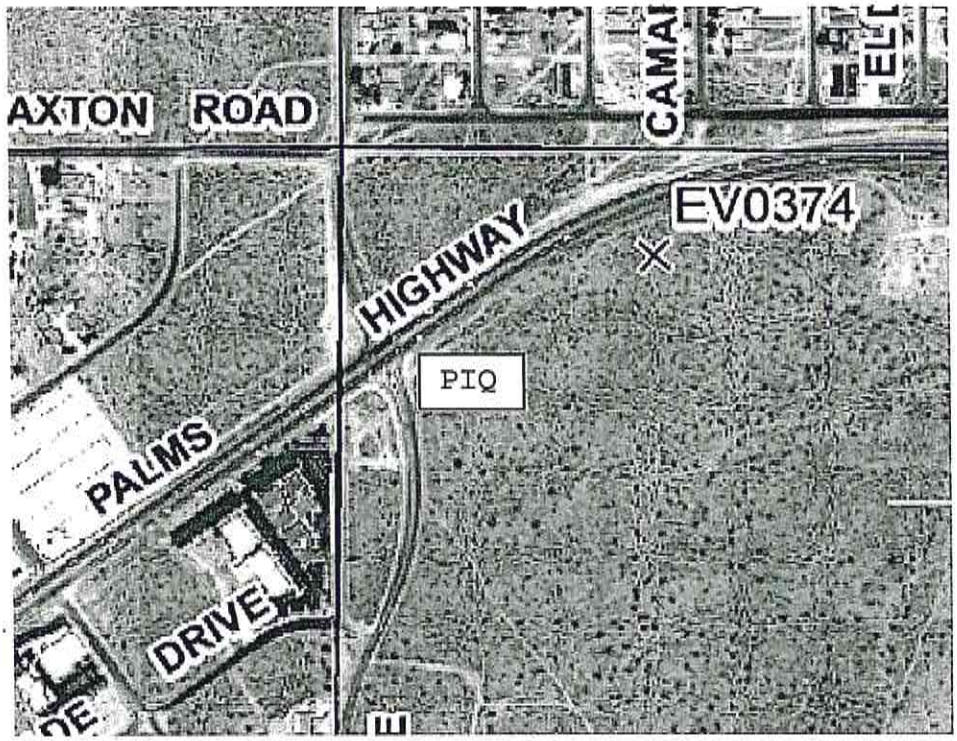
PROJECT: CONDITIONAL USE PERMIT, CUP 02-04 AMENDMENT #1
TENTATIVE PARCEL MAP, TPM 19525 PANDA EXPRESS-TACO BELL



ALQUIST PRIOLO MAP

TOWN OF YUCCA VALLEY

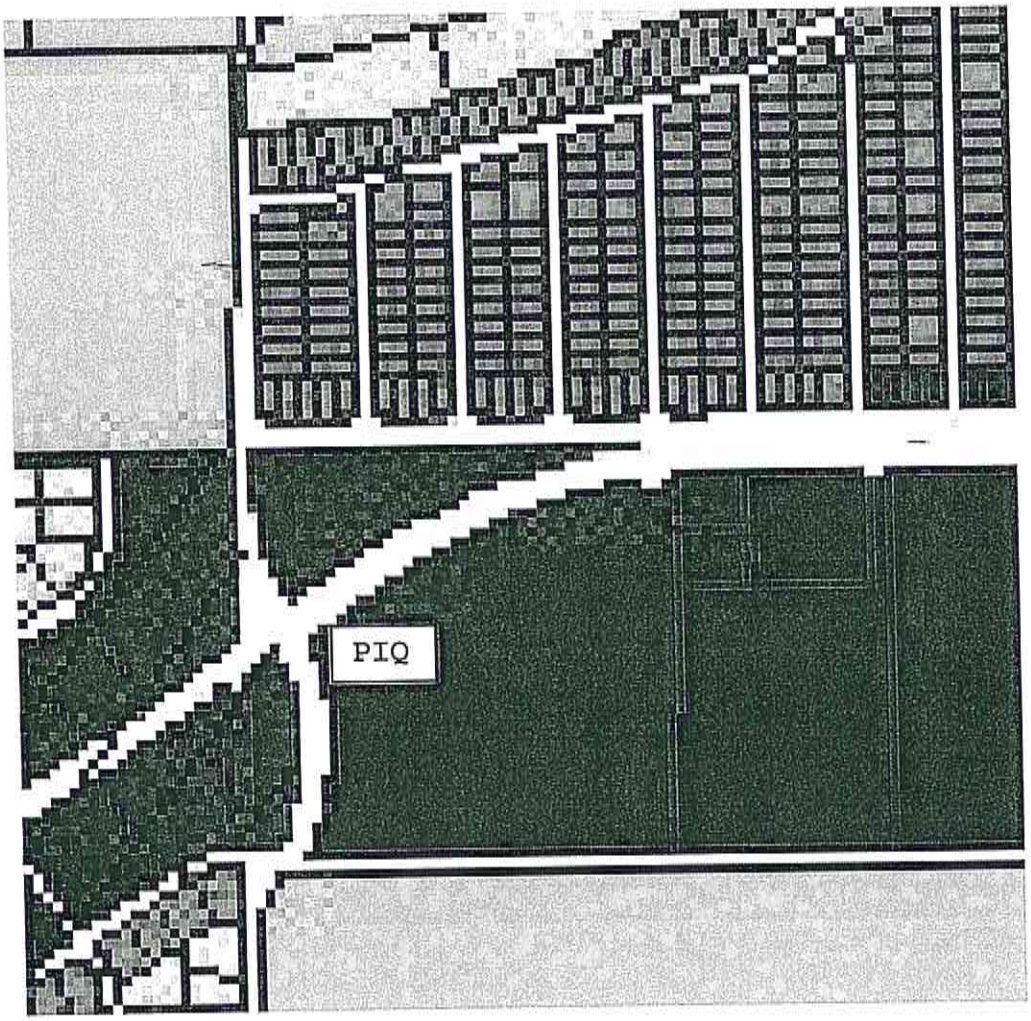
PROJECT: CONDITIONAL USE PERMIT, CUP 02-04 AMENDMENT #1
TENTATIVE PARCEL MAP, TPM 19525 PANDA EXPRESS-TACO BELL



FEMA FLOOD MAP

TOWN OF YUCCA VALLEY

PROJECT: CONDITIONAL USE PERMIT, CUP 02-04 AMENDMENT #1
TENTATIVE PARCEL MAP, TPM 19525 PANDA EXPRESS-TACO BELL



GENERAL PLAN LAND USE MAP

DEPARTMENT OF TRANSPORTATION
DISTRICT 8
PLANNING (MS 725)
464 WEST FOURTH STREET, 6th FLOOR
SAN BERNARDINO, CA 92401-1400
PHONE (909) 383-4557
FAX (909) 383-5936
TTY 711
www.dot.ca.gov/dist8

Flex your power!
Be energy efficient!

February 25, 2014

Mr. Diane Olsen
Town of Yucca Valley
58928 Business Center Dr.
Yucca Valley, CA 92284

Proposed Panda Express & Taco Bell, CUP 02-04

Dear Ms. Olsen:

The California Department of Transportation reviewed the Conditional Use Permit Application submitted by the Town of Yucca Valley. We don't have any comments on the proposed permit for the Panda Express-Taco Bell facilities.

Thank you for providing us the opportunity to offer our comments to this project. If you have any questions regarding this letter, please contact me at (909)-383-4557 or Bob Ortiz at (909) 806-3954 for assistance.

Sincerely,

DANIEL KOPULSKY
Office Chief
Community Planning/Local Development Review

RECEIVED
MAR 04 2014

SAN BERNARDINO COUNTY
FIRE DEPARTMENT

OFFICE OF THE FIRE MARSHAL
COMMUNITY SAFETY DIVISION
15900 Smoke Tree Street, 1st Floor , STE 131
Hesperia, CA. 92345
(760) 995-8190 - Fax (760) 995-8205

COUNTY OF SAN BERNARDINO
PUBLIC AND SUPPORT
SERVICES GROUP

MARK A. HARTWIG
Fire Chief

DATE: February 19, 2014

EXPIRATION: February 2015

CFT DEVELOPMENTS, LLC
1683 WALNUT GROVE AVE
ROSEMEAD, CA 91770-3711

PERMIT NUMBER:	**F201400174**
PROJECT NUMBER:	**CUP 02-04**
LOCATION:	**SOUTHEAST CORNER OF 29 PALMS HWY AND AVALON AVE**
PROJECT TYPE:	**CUP**
OCCUPANCY TYPE:	
APN:	**0601-201-37-0000**
PROPOSAL:	**PROPOSAL TO CONSTRUCT A 2,230 SQ FT PANDA EXPRESS AND A 2,423 SQ FT TACO BELL. A TOTAL OF 52 ONSITE PARKING SPACES ARE PROPOSED WITH DRIVE AISLES. SURROUNDING LAND USES INCLUDE A MIX OF COMMERCIAL AND RESIDENTIAL. ACCESS TO THE SITE IS PROPOSED FROM SR 62 AND AVALON AVE.**
PLANNER:	**DIANE OLSON**

Dear Applicant:

With respect to the conditions of approval regarding the above referenced project, the San Bernardino County Fire Department requires the following fire protection measures to be provided in accordance with applicable local ordinances, codes, and/or recognized fire protection standards.

The ***Fire Conditions Attachment*** of this document sets forth the *FIRE CONDITIONS* and *STANDARDS* which are applied to this project.

FIRE CONDITIONS: **All FIRE CONDITIONS FOR THIS PROJECT ARE ATTACHED**

Sincerely,

12-157

Curtis Markloff, Fire Prevention Specialist
San Bernardino County Fire Department
South Desert Division Community Safety Division
Duty, Honor, Community

FIRE CONDITIONS ATTACHMENT

DATE: 02-19-2014
PROJECT: CUP 02-04
PERMIT NUMBER: F201400174
LOCATION: SOUTHEAST CORNER OF 29 PALMS HWY AND AVA
PARCEL: 0601-201-37-0000

CONDITIONS

Cond: EXPNOTE
Construction permits, including Fire Condition Letters, shall automatically expire and become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occured with 180 days of any previous inspection. After a construction permit or Fire Condition Letter, becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend the Fire Condition Letter or Permit may be made in writing PRIOR TO the expiration date justifying the reason that the Fire Condition Letter should be extended.

Cond: F01
Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein ("Fire Department"). 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. [F01]

Cond: CON0027214
Additional Requirements. In addition to the Fire requirements stated herein, other on site and off site improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office. [F01A]

Cond: F03
Inspection by Fire Department. Permission to occupy or use the building (Certification of Occupancy or Shell Release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for "fire final". [F03]

Cond: F05
Water System. 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. The required fire flow shall be determined by using Appendix IIIA of the Uniform Fire Code. [F05]

Cond: F05B
Fire Flow Test. Your submittal did not include a flow test report to establish whether the public water supply is capable of meeting your project fire flow demand. You will be required to either produce a current flow test report from your water purveyor demonstrating that the fire flow demand

FIRE CONDITIONS ATTACHMENT

DATE:	02-19-2014
PROJECT:	CUP 02-04
PERMIT NUMBER:	F201400174
LOCATION:	SOUTHEAST CORNER OF 29 PALMS HWY AND AVA
PARCEL:	0601-201-37-0000

is satisfied or you must install an approved fire sprinkler system. This requirement shall be completed prior to combination inspection by Building and Safety. [F05B]

Cond: CON0027213
Building Plans. No less than three (3) complete sets of Building Plans shall be submitted to the Fire Department for review and approval. [F42]

Cond: F44
Combustible Protection. Prior to combustibles, being placed on the project site an approved paved road with curb and gutter and fire hydrants with an acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy. [F44]

Cond: CON0027119
Access. The development shall have a minimum of 2 points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. Standard 902.2.1

Single Story Road Access Width:

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.

Multi-Story Road Access Width:

Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height. [F41]

Cond: F54
Water System Commercial. A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. All fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel-ways) and no more than three hundred [300) feet from any portion of a structure. [F54]

Cond: F65
Hood And Duct Suppression. An automatic hood and duct fire extinguishing system is required. A Fire Department approved designer/installer shall submit three (3) sets of detailed plans (minimum 1/8" scale) with manufactures' specification sheets to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. [F65]

Cond: F80

FIRE CONDITIONS ATTACHMENT

DATE:	02-19-2014
PROJECT:	CUP 02-04
PERMIT NUMBER:	F201400174
LOCATION:	SOUTHEAST CORNER OF 29 PALMS HWY AND AVA
PARCEL:	0601-201-37-0000

Hydrant Marking. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road. Standard 901.4.3. [F80]

Cond: F82
Commercial Addressing. Commercial and industrial developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum six (6) inches in height and with a three quarter (3/4) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. Standard 901.4.4 [F82]

Cond: F85
Key Box. An approved Fire Department key box is required. The key box shall be provided with a tamper switch and shall be monitored by a Fire Department approved central monitoring service. In commercial, industrial and mu1ti-family complexes, all swing gates shall have an approved fire department Knox Lock. Standard 902.4 [F85]

Cond: F88
Fire Extinguishers. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. [F88]

Cond: F93
Fire Lanes. The applicant shall submit a fire lane plan to the Fire Department for review and approval. Fire lane curbs shall be painted red. The "No Parking, Fire Lane" signs shall be installed on public/private roads in accordance with the approved plan. Standard 901.4 [F93]

DEPARTMENT OF PUBLIC HEALTH

Division of Environmental Health Services: (800) 442-2283
- 385 North Arrowhead Avenue – San Bernardino, CA 92415-0160
- 8575 Haven Avenue, Suite 130 – Rancho Cucamonga, CA 91730-9105
- 15900 Smoke Tree, Suite 131 – Hesperia, CA 92345
- San Bernardino County Vector Control Program
  2355 East 5th Street – San Bernardino, CA 92410-5201

COUNTY OF SAN BERNARDINO

TRUDY RAYMUNDO
Public Health Director

MAXWELL OHIKHUARE, M.D.
Health Officer

CORWIN PORTER, MPH, R.E.H.S
Division Chief, Environmental Health Services

February 12, 2014

Diane Olsen
Town of Yucca Valley
Planning Department
58928 Business Center Drive
Yucca Valley, CA 92284

Dear Ms. Olsen,

Environmental Health Services would like to submit the following comments in regards to the CUP application, CUP 02-04 Amendment #1 Panda Express Taco Bell on APN 0601-201-37.

1. Plans for food establishments shall be reviewed and approved by DEHS.

For information, call DEHS/Plan Check at: 1-800-442-2283.

Please contact me if you have any questions.

Jessica Ballesteros, REHS
County of San Bernardino, Department of Public Health
Community Environmental Health Services
385 North Arrowhead Avenue, Second Floor
San Bernardino, CA 92415-0160
Phone (800) 442-2283
Fax (909) 387- 4323
jessica.ballesteros@dph.sbcounty.gov

GREGORY C. DEVEREAUX
Chief Executive Officer

Board of Supervisors
ROBERT A. LOVINGOOD.....First District
JANICE RUTHERFORD, CHAIR.....Second District
JOSIE GONZALES, Fifth District
JAMES RAMOS, Third District
GARY C. OVITT, Fourth District

Mojave Desert Air Quality Management District
14306 Park Avenue, Victorville, CA 92392-2310
760.245.1661 • fax 760.245.2699
Visit our web site: http://www.mdaqmd.ca.gov
Eldon Heaston, Executive Director

February 6, 2014

Ms. Diane Olsen, Planning Technician
Town of Yucca Valley
58928 Business Center Drive
Yucca Valley, CA 92284

Project: CUP 02-04, Amendment #1 (Panda Express – Taco Bell)

Dear Ms. Olsen:

The Mojave Desert Air Quality Management District (District) has received the Request for Comments for Conditional Use Permit 02-04, Amendment #1. This is a proposal to subdivide approximately 26 acres of commercially zoned property into three parcels and to construct a 2,230 square foot Panda Express and a 2,423 square foot Taco Bell. The project is located on the southeast corner of Twentynine Palms Highway and Avalon Avenue.

The MDAQMD has reviewed the project and, based on the information available to us at this time, we have no comments.

Thank you for the opportunity to review this planning document. If you have any questions regarding this letter, please contact me at (760) 245-1661, extension 6726, or Tracy Walters at extension 6122.

Sincerely,

Alan J. De Salvio
Supervising Air Quality Engineer

AJD/tw YV CUP 02-04 Panda Express-Taco Bell

Diane Olsen

From: Mendoza, Richard <rmendoza@dpw.sbcounty.gov>
Sent: Thursday, February 06, 2014 12:58 PM
To: Diane Olsen
Cc: Ali, Mohammad
Subject: RE: Town of Yucca Valley CUP application

Diane,

The Flood Control has no comments at this time. The drainage is being routed to an on-site basin and therefore does not impact any Flood Control Facility.

Thank you,

Richard Mendoza
Engineering Technician III
Department of Public Works
Flood Operations Support Division
(909) 387-8008

"Our job is to create a county in which those who reside and invest can prosper and achieve well-being."

From: Ali, Mohammad
Sent: Wednesday, February 05, 2014 5:33 PM
To: Mendoza, Richard
Subject: FW: Town of Yucca Valley CUP application

Please review, discuss and then respond to the Town. Thx

From: Diane Olsen [mailto:dolsen@YUCCA-VALLEY.ORG]
Sent: Wednesday, February 05, 2014 4:20 PM
Subject: Town of Yucca Valley CUP application

The Town of Yucca Valley is currently reviewing a Conditional Use Permit application and a Parcel Map application for the subdivision of approximately 26 acres into three lots and for the construction of two fast food restaurants. The property is located on the southeast corner of 29 Palms Hwy and Avalon Ave.

Attached for your review are the application materials and the site plan. Please take the time to review the attached documents and provide any comments that you may have. . Please contact me at dolsen@yucca-valley.org or 760-369-6575 x317, if you have any questions or require any additional information.

Thank you,
Diane Olsen
Planning Technician
760-369-6575 x317

Diane Olsen

From: Rhoades, Matt - Rancho Mirage, CA <Matthew.W.Rhoades@usps.gov>
Sent: Thursday, February 06, 2014 3:49 PM
To: Diane Olsen
Subject: Conditional Use Permit - Panda Express/Taco Bell

Good afternoon. I just recieved the Committee Meeting and Request for Comments.

Prior to begining construction please contact local Post Office at 760-365-0725 to schedule appointment for mailbox placement if not already approved.

Thank you,

Matt Rhoades
Officer-In-Charge
Yucca Valley, CA 92284
760-365-0725

HI-DESERT WATER DISTRICT

October 3, 2013

Michelle Soliman
1255 Corporate Center Drive, Suite #8
Monterey Park, CA. 91754

Legal Description: 601-201-37

This letter indicates the District's preliminary willingness to provide water service to the above referenced parcel subject to the terms, conditions, limitations and restrictions set forth by the District at the time that water service is requested.

Water service availability is additionally subject to the following:

- Current Board and administrative policies relating to the issuance and installation of new water services.
- Hi-Desert Water District Rules and Regulations as may be amended or revised from time to time.

Please be advised, this letter is valid for one year, from the date of issuance.

Please also be advised that the California Regional Water Quality Control Board - Colorado River Basin Region passed Resolution No. R7-2011-0004, prohibiting the discharge of wastewater from new or existing individual disposal systems within the District. This Resolution was based on scientific peer-reviewed data indicating that septic tank discharge was the primary source of nitrates in groundwater, which may cause methemoglobinemia (more commonly known as blue baby syndrome) in infants six months or younger. The District is currently developing a wastewater treatment plant and sewer system to collect, transmit, and treat wastewater to not only help current and future customers of the District to comply with this prohibition, but to also preserve and protect the groundwater within the District from any further contamination. The development of the wastewater treatment plant and sewer system has involved a significant expenditure of District resources and funds. For that reason, water service pursuant to this will serve will be conditioned on your connection to the District's wastewater treatment plant and sewer system and paying the requisite fees for such connection. The wastewater treatment plant and sewer system is being constructed in phases to service various areas within the District.

If you have any questions or concerns, please feel free to contact me at (760)365-7412.

Sincerely,

Mark C. Ban
Assistant General Manager

55439 29 Palms Hwy., Yucca Valley, CA 92284-2503 / 760.365.8333 / [illegible] 760.365.0599 / www.hdwd.com / email: info@hdwd.com

Conditional Use Permit Application

Date Received 09/25/13
By D OLSEN
Fee 2985.00
Case # CUP. 02-04 AMEND #1
EA # EA. 05-13

General Information

APPLICANT CFT Developments, LLC Phone 626-372-8122 Fax 626-403-8527
Mailing Address 1683 Walnut Grove Ave Email Charlie.Shen@pandarg.com
City Rosemead State CA Zip 91770-3711
REPRESENTATIVE Gary Wang & Associates Phone 626-288-6898 Fax 626-768-7101
Mailing Address 1255 Corporate Center Drive Suite 8 Email michelle@garywang.com
City Monterey Park State CA ZIP 91754
PROPERTY OWNER CFT Developments, LLC Phone 626-372-8122 Fax 626-403-8527
Mailing Address 1683 Walnut Grove Ave Email Charlie.Shen@pandarg.com
City Rosemead State CA Zip 91770-3711

Project Information

Project Address _____ Assessor Parcel Number(s) _____
Project Location Highway 62 & Avalon Avenue
Project Description: 2 Fast food restaurant ground up buildings and site development.

Please attach any additional information that is pertinent to the application.

Town of Yucca Valley
Community Development Department
Planning Division
58928 Business Center Dr
Yucca Valley, CA 92284
760 369-6575 Fax 760 228-0084
www.yucca-valley.org

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: Commercial

   B. Gross square footage by each type of use: 4,653 Gross SF of Commercial

   C. Gross square footage and number of floors of each building: 2,230 SF (Commercial - Panda Express) and 2,423 SF (Commercial - Taco Bell)

   D. Estimate of employment by shift: TBD

   E. Planned outdoor activities: Outdoor dining area

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

   40 % Paving, 7 % Building, 40 % Landscaping, 13 % Parking

3. **Maximum height of structures** 22 ft. 1 in.

4. **Amount and type of off street parking proposed:** 52 standard parking (9'x19') stalls

5. **How will drainage be accommodated?** On-site drainage will not alter existing drainage pattern. swale will be provided to collect storm water runoff and will be draining towards catch basins. These catch basins are to be connected to existing storm drain pipe system.

6. **Off-site construction (public or private) required to support this project:** Electrical, gas, water utilities

7. **Preliminary grading plans estimate** N/A **cubic yards of cut and** N/A **cubic yards of fill**

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

9. **Permits or public agency approvals required for this project:** Planning, Health, Building, Fire, Hi-Desert Water District.

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)**

    Yes, amendment to the approved Conditional Use Permit 02-04

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.

CFT DEVELOPMENTS, LLC

Signature: BY: _____ Date: 9/18/13

CHARLIE SHEN,
ITS: MANAGER

APPROVED AS TO FORM
By _____

Owner/Applicant Authorization

Applicant/Representative: I/We have reviewed this completed application and the attached material. The information included with this application is true and correct to the best of my/our knowledge. I/We further understand that the Town may not approve the application as submitted, and may set conditions of approval. Further, I/We understand that all documents, maps, reports, etc., submitted with this application are deemed to be public records. This application does not guarantee approval or constitute a building permit application. Additional fees may be required depending on additional administrative costs.

CF TDEVELOPMENTS, LLC

Signed: By: [signature]
Its: Manager

Date: 9/18/13

Property Owner: I/We certify that I/We are presently the legal owner(s) of the above described property (If the undersigned is different from the legal property owner, a letter of authorization must accompany the form). Further, I/We acknowledge the filing of this application and certify that all of the above information is true and accurate. I/We understand that I/We are responsible for ensuring compliance with conditions of approval. I/We hereby authorize the Town of Yucca Valley and or/its designated agent(s) to enter onto the subject property to confirm the location of existing conditions and proposed improvements including compliance with applicable Town Code Requirements. Further, I/We understand that all documents, maps, reports, etc., submitted with this application are deemed to be public records. This application does not guarantee approval or constitute a building permit application. Additional fees may be required depending on additional administrative costs. I am hereby authorizing

CHARLIE SHEN

to act as my agent and is further authorized to sign any and all documents on my behalf.

CF TDEVELOPMENTS, LLC

Signed: By: [signature]
Its: Manager

Dated: 9/18/13

APPROVED AS TO FORM
BY [signature]

SURROUNDING PROPERTY OWNERS LIST CERTIFICATION
(To be submitted with application)

I, Susan Cake, certify that on 9.14.13 the attached property owners list was prepared by Same pursuant to the requirements of the Town of Yucca Valley. Said list is a complete compilation of the owner(s), applicant(s) and representative of the subject property and all owners of surrounding properties within a radius of 300 feet from all exterior boundaries of the subject property and is based on the latest equalized assessment rolls of the San Bernardino County Assessor's Office dated Sept. 2013. I further certify that the information filed is true and correct to the best of my knowledge; I understand that incorrect and erroneous information may be grounds for rejection or denial of the development application.

Signed: Susan Cake

Print Name: Susan Cake Date: 9-14-13

Agreement to Pay All Development Application Fees

In accordance with Town Council Resolution 04-38 the Town collects certain fees based on the actual cost of providing service. The application deposit for this project (as indicated below) may not cover the total cost of processing this application. I/We are aware that if the account has 25% or less remaining prior to completion of the project, staff will notify the undersigned in writing, of the amount of additional deposit required to complete the processing of the application, based on Staff's reasonable estimate of the hours remaining to complete this application process.

Further, I understand that if I do not submit the required additional deposit to the Town within 15 business days from the date of notification by the Town, the Town will cease processing of the application and/ or not schedule the project for action by the Planning Commission or Town Council until the fees have been paid.

Any remaining deposit will be refunded to me at time of closeout after I have submitted any required approved project plans and forms, including signed conditions of approval, or upon my written request to withdraw the application.

As the applicant, I understand that I am responsible for the cost of processing this application and I agree that the actual costs incurred processing this application will be paid to the Town of Yucca Valley.

Deposit Paid: $_____

Applicant's Signature CFT DEVELOPMENTS, LLC BY: [signature] Its: Manager Date: 9/18/13

Applicants Name CHARLIE SHEN, as Manager of CFT Developments, LLC
(Please print)

APPROVED AS TO FORM
BY [signature]

Developer Disclosure Statement

This portion of the application must be fully completed and signed by the applicant. If not fully completed and signed, the application will be deemed incomplete.

Address of subject property: _____

Cross street: Highway 62 & Avalon Ave

Date this Disclosure Statement is completed: 9/18/13

Name of Applicant: CFT Developments, LLC

The Applicant is a:

- [x] Limited Liability Company (LLC)
- [ ] Partnership
- [ ] Corporation
- [ ] None of the above

Information for LLC, Partnership, Corporation

Name CFT Developments, LLC Phone 626-372-8428 Fax 626-372-8957

Mailing Address 1683 Walnut Grove Email charlie.shen@pandarg.com

City Rosemead State CA Zip 91770

State of Registration California

Managing member(s), General Partner(s) officer(s)

Name see attached Phone 626-799-9898 Fax 626-372-8957

Mailing Address 1683 Walnut Grove Ave Email maria.figueroa@pandarg.com

City Rosemead State CA Zip 91770

Attach additional sheets if necessary

Agent for Service of Process

Name _____ Phone _____ Fax _____

Mailing Address _____ Email _____

City _____ State _____ Zip _____

For Corporations, Shareholder with Fifty Percent or More Share or Controlling Shareholder

Name _____ Phone _____ Fax _____

Mailing Address _____ Email _____

City _____ State _____ Zip _____

The Party in escrow is a (if property is in escrow):

- ☐ Limited Liability Company (LLC)
- ☐ Partnership
- ☐ Corporation
- ☐ None of the above

Information for LLC, Partnership, Corporation

Name _____ Phone _____ Fax _____

Mailing Address _____ Email _____

City _____ State _____ Zip _____

State of Registration _____

Managing member(s), General Partner(s) officer(s)

Name _____ Phone _____ Fax _____

Mailing Address _____ Email _____

City _____ State _____ Zip _____

Attach additional sheets if necessary

Agent for Service of Process

Name _____ Phone _____ Fax _____

Mailing Address _____ Email _____

City _____ State _____ Zip _____

For Corporations, Shareholder with Fifty Percent or More Share or Controlling Shareholder

Name _____ Phone _____ Fax _____

Mailing Address _____ Email _____

City _____ State _____ Zip _____

For any deeds of trust or other liens on the property (other than real property tax liens) please state the following:

A. Name of beneficiary of the deed of trust or lien _____

B. Date of the deed of trust or lien. _____

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on the date and location set forth below

CFT Developments, LLC

By: _____

Signature Its. Manager

Print Name: CHARLIE SHER

Title: AS Manager OF CFT DEVELOPMENTS, LLC

Date of signing: 9/18/15

Location: Rosemead, CA

APPROVED AS TO FORM

BY _____

HAZARDOUS WASTE SITE STATEMENT

I have been informed by the Town of Yucca Valley of my responsibilities, pursuant to California Government Code Section 65962.5, to notify the Town as to whether the site for which a development application has been submitted is located within an area which has been designated as the location of a hazardous waste site by the Office of Planning and Research, State of California (OPR).

I am informed and believe that the proposed site, for which a development application has been submitted, is not within any area specified in said Section 65962.5 as a hazardous waste site.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

CFT Developments, LLC

Dated: 9/18/13

By: CHARLIE SHEN

Applicant/Representative printed name

Its: Manager

Applicant/Representative signature

APPROVED AS TO FORM

BY

LSA

LSA ASSOCIATES, INC.
1500 IOWA AVENUE, SUITE 200
RIVERSIDE, CALIFORNIA 92507

951.781.9310 TEL
951.781.4277 FAX

OTHER OFFICES:
IRVINE
PT. RICHMOND
SAN LUIS OBISPO
PALM SPRINGS
FORT COLLINS

BERKELEY
ROCKLIN
SOUTH SAN FRANCISCO
CARLSBAD
FRESNO

August 26, 2013

Ms. Michelle Soliman, Assoc. AIA
Job Captain, Gary Wang & Associates, Inc.
1255 Corporate Center Drive, Suite 8
Monterey Park, CA 91754

Subject: Yucca Valley Wal-Mart Trip Generation Comparison (LSA Project No. GAW1301)

Dear Michelle:

LSA Associates, Inc. is pleased to present this trip generation letter for the Yucca Valley Retail Center. An analysis has been prepared to compare the trip generation of the Yucca Valley Retail Center as currently proposed with the trip generation included in the Final Environmental Impact Report (EIR), dated March 2008 and the trip generation of Yucca Valley Retail Specific Plan, dated August 2008.

The traffic study of the Final EIR, dated March 2008, analyzed the Retail Center assuming a 229,000 square foot Wal-Mart, a fueling station consisting of 6 pumps (or 12 fueling stations) and a 4,000 square foot fast food restaurant with drive thru. In the Yucca Valley Retail Specific Plan, the Retail Center includes a 184,146 square foot Wal-Mart, one 4,000 square foot fast food restaurant with drive thru, and a 3,500 square foot Retail Store. The Yucca Valley Retail Center as currently proposed includes an 184,146 square foot Wal-Mart, two fast food restaurants with drive thru totaling 4,757 square feet.

Table A shows the trip generation for the Specific Plan area as analyzed in the EIR, the approved Specific Plan as well as currently proposed. The trip generation for the project as included in the EIR was forecast to be 11,266 daily trips with 287 trips in the a.m. peak hour and 989 trips during the p.m. peak hour. Under the approved Specific Plan, the trip generation was anticipated to be 8,901 daily trips with 260 trips in the a.m. peak hour and 755 trips during the p.m. peak hour. As currently proposed, the project would generate 8,913 daily trips with 271 trips in the a.m. peak hour and 753 trips during the p.m. peak hour. As shown on Table A, the daily trip generation as well as the a.m. and p.m. peak hour trip generations included in the Final EIR are greater than the trip generation of the Retail Center as currently proposed and as described in the Yucca Valley Retail Specific Plan. When the trip generation of the Retail Center as currently proposed is compared to the trip generation of the Yucca Valley Retail Specific Plan, the difference is nominal as the trip generated by the current proposal is 12 trips more daily trips, 10 more a.m. peak hour trips, and 2 less p.m. peak hour trips.

Ultimately the results of the analysis show that the trip generation, as analyzed in the Final EIR, is a worst case scenario. There is also an insignificant difference between the trip generation of the retail center as currently proposed and the trip generation of Yucca Valley Retail Specific Plan. Consequently, implementation of the Retail Center as currently proposed would not change of the results the traffic analysis included in the Final EIR; and therefore, intersection performance along study intersections are likely to be better than those forecast in the EIR.

Table A - Yucca Valley Retail Center Trip Generation

Land Uses	Units	Daily Rate	Daily Trips	A.M. Peak Hour Rate	A.M. Total	A.M. In Split	A.M. In Trips	A.M. Out Split	A.M. Out Trips	P.M. Peak Hour Rate	P.M. Total	P.M. In Split	P.M. In Trips	P.M. Out Split	P.M. Out Trips
Results from Final Environmental Impact Report, March 2008															
Parcel One: Retail Store	229.000 TSF	56.02	12,829	0.84	192	53%	102	47%	90	5.06	1,159	52%	603	48%	556
Internalized Trips	10.0%		1,283		19		10		9		116		60		56
Pass-by Trips	17.2%		1,986		30		15		15		179		90		90
Net New Trips[1]			9,560		143		77		66		863		453		411
Parcel Two: Fueling Station	12 FP	162.78	1,953	10.06	121	50%	60	50%	60	13.38	161	50%	80	50%	80
Internalized Trips	10.0%		195		12		6		6		16		8		8
Pass-by Trips	56.0%		984		61		30		30		81		40		40
Net New Trips[1]			774		48		24		24		64		32		32
Parcel Three: Fast-Food Rest w/drive thru	4.000 TSF	496.12	1,984	53.11	212	51%	108	49%	104	34.64	139	52%	72	48%	67
Internalized Trips	10.0%		198		21		11		10		14		7		7
Pass-by Trips	50.0%		893		96		48		48		62		31		31
Net New Trips[1]			893		96		50		46		62		34		29
Total Site Net Trips			**11,226**		**287**		**150**		**136**		**989**		**518**		**471**
Yucca Valley Retail Specific Plan (Dated August 2008)															
Parcel One: Wal-Mart	184.146 TSF	57.24	10,541	1.06	195	68%	133	32%	62	4.98	917	50%	459	50%	459
Internalized Trips	10.0%		1,054		20		13		6		92		46		46
Pass-by Trips	17.0%		1,613								140		70		70
Net New Trips[2]			7,874		176		119		56		685		343		343
Parcel Two: Retail Store	3.500 TSF	42.70	149	0.96	3	62%	2	38%	2	3.71	13	48%	6	52%	7
Internalized Trips	10.0%		15		0		0		0		1		1		1
Pass-by Trips			0		0		0		0		0		0		0
Net New Trips[2]			135		3		1		2		12		5		7
Parcel Three: Fast-Food Rest w/drive thru	4.000 TSF	496.12	1,984	45.42	182	51%	93	49%	89	32.65	131	52%	68	48%	63
Internalized Trips	10.0%		198		18		9		9		13		7		6
Pass-by Trips	50.0%		893		82		41		41		59		29		29
Net New Trips[2]			893		82		43		39		59		32		27
Total Site Net Trips			**8,901**		**260**		**163**		**97**		**755**		**379**		**376**
Yucca Valley Retail Specific Plan (as Currently Proposed)															
Parcel One: Wal-Mart	184.146 TSF	57.24	10,541	1.06	195	68%	133	32%	62	4.98	917	50%	459	50%	459
Internalized Trips	10.0%		1,054		20		13		6		92		46		46
Pass-by Trips	17.0%		1,613								140		70		70
Net New Trips[2]			7,874		176		119		56		685		343		343
Parcel Two: Fast-Food Rest w/drive thru	2.230 TSF	496.12	1,106	45.42	101	51%	52	49%	50	32.65	73	52%	38	48%	35
Internalized Trips	10.0%		111		10		5		5		7		4		3
Pass-by Trips	50.0%		498		46		23		23		33		16		16
Net New Trips[2]			498		46		24		22		33		18		15
Parcel Three: Fast-Food Rest w/drive thru	2.423 TSF	496.12	1,202	45.42	110	51%	56	49%	54	32.65	79	52%	41	48%	38
Internalized Trips	10.0%		120		11		6		5		8		4		4
Pass-by Trips	50.0%		541		50		25		25		36		18		18
Net New Trips[2]			541		50		26		24		36		19		16
Total Site Net Trips			**8,913**		**271**		**169**		**102**		**753**		**379**		**374**

Notes: TSF = thousand square feet; FP = vehicle fueling position

[1] The trips generation was extracted from Final Environmental Impact Report (EIR) of Retail Center Specific Plan, dated March 2008

[2] Trip generation based on rates contained in Institute of Transportation Engineers (ITE) *Trip Generation* (9th Edition), for Land Use 815 - Free-Standing Discount Store, Land Use 934 - Fast-Food Restaurant with Drive-Through Window, Land Use 826 -Specialty Retail Center. Pass-by trip percentages from ITE Trip Generation Handbook, 2004.

Exhibit "G"

This document prepared by:
Wal-Mart Real Estate Business Trust
Sam M. Walton Development Complex
2001 S.E. 10th Street
Bentonville, AR 72716-0550

After recording return to:
Stewart Title Guaranty Company
10 South Riverside Plaza, Suite 1450
Chicago, IL 60606
Attn: Michael Lebovitz

SANITARY SEWER EASEMENT AGREEMENT

This **SANITARY SEWER EASEMENT AGREEMENT** ("Agreement") is made effective _____, 2013, between **WAL-MART REAL ESTATE BUSINESS TRUST**, a Delaware statutory trust, with an address of 702 S.W. 8th Street, Bentonville, AR 72716, with a mailing addresses of Sam M. Walton Development Complex, 2001 S.E. 10th Street Bentonville, AR 72716-0550, Attn: Realty Management- ("Grantor"); and **CFT DEVELOPMENTS, LLC**, a California limited liability company, whose address is 1683 Walnut Grove Road Avenue, Rosemead, CA 91770 ("Grantee"). The following statements are a material part of this Agreement:

WHEREAS, Grantor is the owner of a tract of land depicted as Tract 1 on **Exhibit A**, attached hereto and made a part hereof; and

WHEREAS, Grantee will be by the time this instrument is recorded the owner of that tract of land depicted as Tract 2 on **Exhibit A**; and

WHEREAS, Grantor wishes to quitclaim, and Grantee wishes to receive, easements over, under and across Tract 1 for sanitary sewer only.

THEREFORE, in consideration of the covenants contained in this Agreement and other good and valuable consideration, the receipt of which is acknowledged, the following grants, agreements, covenants and restrictions are made:

1. Grantor quitclaims to Grantee perpetual, non-exclusive right, privilege and easements (collectively, the "Easement") for the benefit of Grantee to tie into and use, the existing sanitary sewer lines (collectively, the "Utility System"), as such utility lines exist from time to time, as depicted in **Exhibit B**, attached hereto and made a part hereof. Grantee shall, at Grantee's sole cost and expense, construct and install all initial improvements (collectively "Grantee's Improvements"), to tie into, or otherwise utilize, the existing Utility System.

tenants or anyone else using the Grantee Improvements and the Utility System. Grantee further agrees Grantee shall, at all times during the duration of this Agreement, maintain and pay for comprehensive general liability insurance affording protection to Grantor and Grantee, and naming Grantor, and Wal-Mart Stores, Inc., a Delaware corporation ("Wal-Mart"), as an additional insureds on the policy or policies for a combined bodily injury and property damage limit of liability not less than $2,000,000.00 for each occurrence. Grantee further agrees, upon request, to deliver to Grantor a certificate or certificates from an insurance company or insurance companies satisfactory to Grantor evidencing the existence of such insurance and naming Grantor and Wal-Mart as an additional insured.

9. Grantee, and Grantee's successors and assigns, shall indemnify, defend and hold harmless Grantor from and against any and all losses, liabilities (including strict liability), claims, causes of action, damages, injuries, expenses and costs, including without limitation reasonable attorney's fees of any settlement, judgment or claims of any and every kind whatsoever paid, incurred or suffered by, or asserted against, Grantor, its successors and assigns, by any person or entity or governmental agency, for, with respect to, or as a direct or indirect result of the escape, seepage, leakage, spillage, emission, discharge or release of any hazardous substance resulting from the operations of Grantee upon or under any tract of land owned by Grantor including without limitation, any losses, liabilities (including strict liability), damage, injuries, expenses and costs, including, without limitation, reasonable attorney's fees, of any settlement or judgment or claims asserted or arising under, as amended, the Comprehensive Environmental Response, Compensation and Liability Act, the Superfund Amendment and Reauthorization Act, the Resource Conservation Recovery Act, the Federal Water Pollution Control Act, the Federal Environmental Pesticides Act, the Clean Water Act, any so called federal, state or local "Superfund" or "Superlien" statute, or any other statute, law, ordinance, code, rule, regulation, order or decree regulating, relating to or imposing liability (including strict liability), or standards of conduct concerning any hazardous substance.

10. In exercising any rights and privileges under this Agreement, Grantee shall comply fully with any federal, state or local laws, regulations, ordinances, permits or other authorizations or approvals or other requirements relating to storm water discharges or the control of erosion or sediment discharges from construction projects, including but not limited to the Clean Water Act, 33 U.S.C. § 1251 *et seq.*, and the Storm Water General Permit for Discharges Associated with Construction Activities (collectively the "Storm Water Requirements"). In addition to any other provisions of any Storm Water Requirements:

A. Grantee shall, as required by any Storm Water Requirements, prepare a Storm Water Pollution Prevention Plan (the "Grantee SWPPP") for that part of the property owned by Grantor and shown on **Exhibit A** on which Grantee plans to conduct earth-disturbing activities. The Grantee SWPPP shall identify and describe the role of any other contractor, entity or individual contemporaneously undertaking earth-disturbing activities in complying with the Storm Water Requirements, and shall identify the manner in which Grantee and any such contractor, entity or individual shall coordinate to comply with the Storm Water Requirements and to avoid negatively impacting any erosion or sediment controls during earth-disturbing activities. Grantee shall provide Grantor with a copy of the Grantee SWPPP prior to initiating any earth-disturbing activities.

13. This Easement is a permanent easement and will continue in full force and effect so long as the Easement is used by Grantee, its successors and assigns for the purposes set forth in this Agreement. Grantor and Grantee agree Grantor shall have the right, at Grantor's sole option and expense, to relocate the Easement upon Grantor's property. Grantee may release and extinguish all of Grantee's rights granted pursuant to this Agreement, upon fifteen (15) days prior written notice to Grantor.

14. Grantee acknowledges that it is Grantee's sole responsibility to obtain any governmental permits to perform any required maintenance checks, and to abide by any governmental regulations associated with the use, construction, patrolling, replacement and maintenance of Grantee's Improvements, or the Utility System, as applicable.

15. Notwithstanding any other provision of this Agreement, should public sanitary sewer system infrastructure become available for Grantee to utilize after executing this Agreement, Grantor may terminate the easement contained herein, and Grantee agrees to cooperate in signing documents to vacate the easement.

16. This Agreement may be executed in one or more counterparts (including by facsimile), all parties need not be signatories to the same documents, and all counterpart signed documents shall be deemed to be an original and one (1) instrument.

[Signature pages follow]

Will Serve Letter Only

SOUTHERN CALIFORNIA
EDISON
An EDISON INTERNATIONAL Company

9/13/13

Panda Express Restaurant Group

New Location in Walmart Shopping center on Hwy 62 & Avalon, YV

Your project is located in Southern California Edison (SCE) service territory. SCE will serve the above subject project's electrical requirements per the California Public Utilities Commission and Federal Energy Regulatory Commission tariffs.

SCE may need to conduct utility studies, where applicable, to assess whether additions or modifications to the existing electric infrastructure are required to serve this project. Where applicable, SCE has attached Appendix (B) which not only describes the study, and permitting, but includes a Project Information Sheet that will need to be completed by you and submitted to SCE if your project is at a point where SCE has to determine the required electrical utility work. This Will-Serve letter does not imply that either: (i) these studies have been completed, or (ii) that any required California Environmental Quality Act (CEQA) analysis of project-related electric utility impacts has been conducted.

I am the SCE Design Representative currently assigned to this project. SCE or Applicant will design and construct all required electrical infrastructure to serve this project provided you enter into the applicable contractual agreements with SCE identify scope of electrical utility work required, and supply the following information:

- Site plans as required
- Required contracts and agreements (fully executed)
- Applicable fees
- Local permits
- Required easement documents

Your project will be scheduled for construction once SCE has all the necessary information for your project and you have submitted or agreed to the applicable requirements as stated above, and paid any necessary fees.

If your project will not require SCE services, please notify us so that we can update our records.

SCE appreciates your business. If you have any questions, please feel free to call me at (760) 369-5449.

Sincerely,

SCE Design Representative

Enclosure: Appendix B, where applicable

Southern California Gas Company
A Sempra Energy utility

Southern California
Gas Company
1981 W. Lugonia Avenue
Redlands, CA 92374-9720

Mailing Address:
PO Box 3003
Redlands, CA 92373-0306

September 20, 2013

Panda Restaurant Group, Inc.
1683 Walnut Grove Avenue
Rosemead, CA 91770

Attn: Debbie Wehrlie

RE: Will Serve Letter Request for – 41-2013-09-00027
S.E. Corner of Hwy 62 & Avalon Avenue, Yucca Valley,CA

Dear Debbie,

Thank you for inquiring about the availability of natural gas service for your project. We are pleased to inform you that Southern California Gas Company (SoCalGas) has facilities in the area where the above named project is being proposed. The service would be in accordance with SoCalGas' policies and extension rules on file with the California Public Utilities Commission (Commission) at the time contractual arrangements are made.

This letter should not be considered a contractual commitment to serve the proposed project, and is only provided for informational purposes only. The availability of natural gas service is based upon natural gas supply conditions and is subject to changes in law or regulation. As a public utility, SoCalGas is under the jurisdiction of the Commission and certain federal regulatory agencies, and gas service will be provided in accordance with the rules and regulations in effect at the time service is provided. Natural gas service is also subject to environmental regulations, which could affect the construction of a main or service line extension (for example, if hazardous wastes were encountered in the process of installing the line). Applicable regulations will be determined once a contract with SoCalGas is executed.

If you need assistance choosing the appropriate gas equipment for your project, or would like to discuss the most effective applications of energy efficiency techniques, please contact our area Service Center at 800-427-2200.

Thank you again for choosing clean, reliable, and safe natural gas, your best energy value.

Sincerely,

Fidel Galvan

Regional Pipeline Project Manager

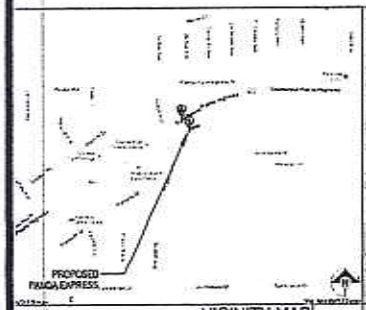
Developments, LLC

CHERNG FAMILY TRUST, INC.

PANDA EXPRESS GOURMET CHINESE

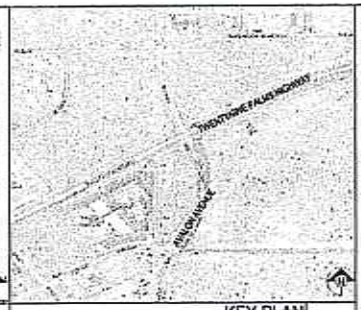
TACO BELL

TWENTY-NINE PALMS HYW & AVALON AVE.
YUCCA VALLEY, CA 92284



VICINITY MAP

Scale: NTS G-001



KEY PLAN

Scale: NTS G-001

SITE INFORMATION

[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

PANDA EXPRESS	
[illegible]	[illegible]
INDOOR SEATING	[illegible]
OUTDOOR SEATING	[illegible]

TACO BELL	
[illegible]	[illegible]
INDOOR SEATING	[illegible]
OUTDOOR SEATING	[illegible]

SITE AND BUILDING INFORMATION

Scale: NTS G-001

CFT DEVELOPMENT CHARLIE SHEN CONSTRUCTION DIRECTOR CFT DEVELOPMENT [illegible] [illegible] [illegible]	PANDA EXPRESS TENANT [illegible] [illegible] [illegible] [illegible] [illegible]	ARCHITECT [illegible] [illegible] [illegible] [illegible] [illegible]	[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]	LANDSCAPE [illegible] [illegible] [illegible] [illegible] [illegible]

TEAM DIRECTORY

Scale: NTS G-001

SHEET INDEX

Scale: NTS G-001

Developments, LLC

CHERNG FAMILY TRUST, INC.

[illegible]

REVISIONS

ISSUE DATE

DRAWN BY: CWA

CFT PROJECT # [illegible]

ARCH PROJECT # [illegible]

GARY WANG & ASSOCIATES, INC.

[illegible]

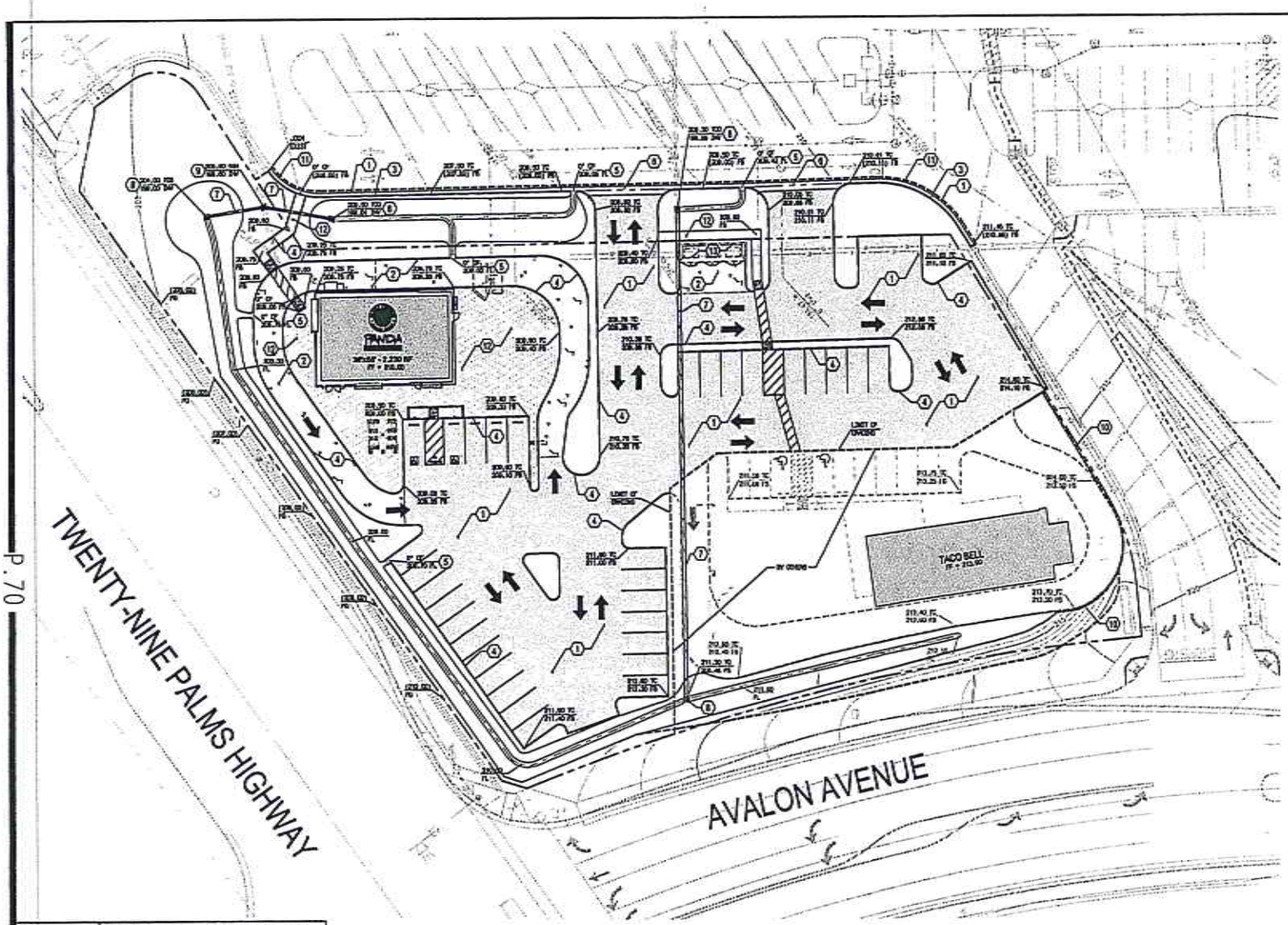
PANDA EXPRESS

TWENTY-NINE PALMS HIGHWAY (STATE HIGHWAY 62) & AVALON AVE YUCCA VALLEY, CA 92284

BRIGHT AND FRESH

G-001

TITLE SHEET



KEY NOTES:

1. AC PAVEMENT.
2. PCC PAVEMENT.
3. 6" CF CURB AND GUTTER.
4. 6" CF CURB.
5. 2" WIDE CURB OPENING.
6. 4" WIDE RIBBON GUTTER.
7. 12" HDPE PIPE.
8. 18" X 18" CATCH BASIN.
9. STORM DRAIN MANHOLE.
10. NEW RETAINING WALL (H=2'-4").
11. SAWCUT
12. 4" THK. SIDEWALK.
13. TRASH ENCLOSURE PER ARCH.

LEGEND:

- LANDSCAPE AREA
- PCC SIDEWALK
- PCC PAVEMENT
- AC PAVEMENT

SEAL

PLUMP ENGINEERING INC.
CONSULTING ENGINEERS IN CIVIL/STRUCTURAL ENGINEERING & SURVEYING

PEI PROJECT #: C.130810

DIGALERT
DIAL TOLL FREE
1-800-422-4133
AT LEAST TWO DAYS BEFORE YOU DIG

SCALE: 1" = 30'

PANDA EXPRESS
29 PALMS HIGHWAY & AVALON AVE.
YUCCA VALLEY, CALIFORNIA 92284

cft Developments, LLC
CHENG FAMILY TRUST, INC.
1583 North Drive Ave
Rosemead, California
91770
Telephone: 626.729.5656
Facsimile: 626.372.0788
CFT PROJECT #: 58-13-03-453

REVISIONS

PLANS PREPARED BY

PREPARED UNDER THE SUPERVISION OF:

APPROVED BY:

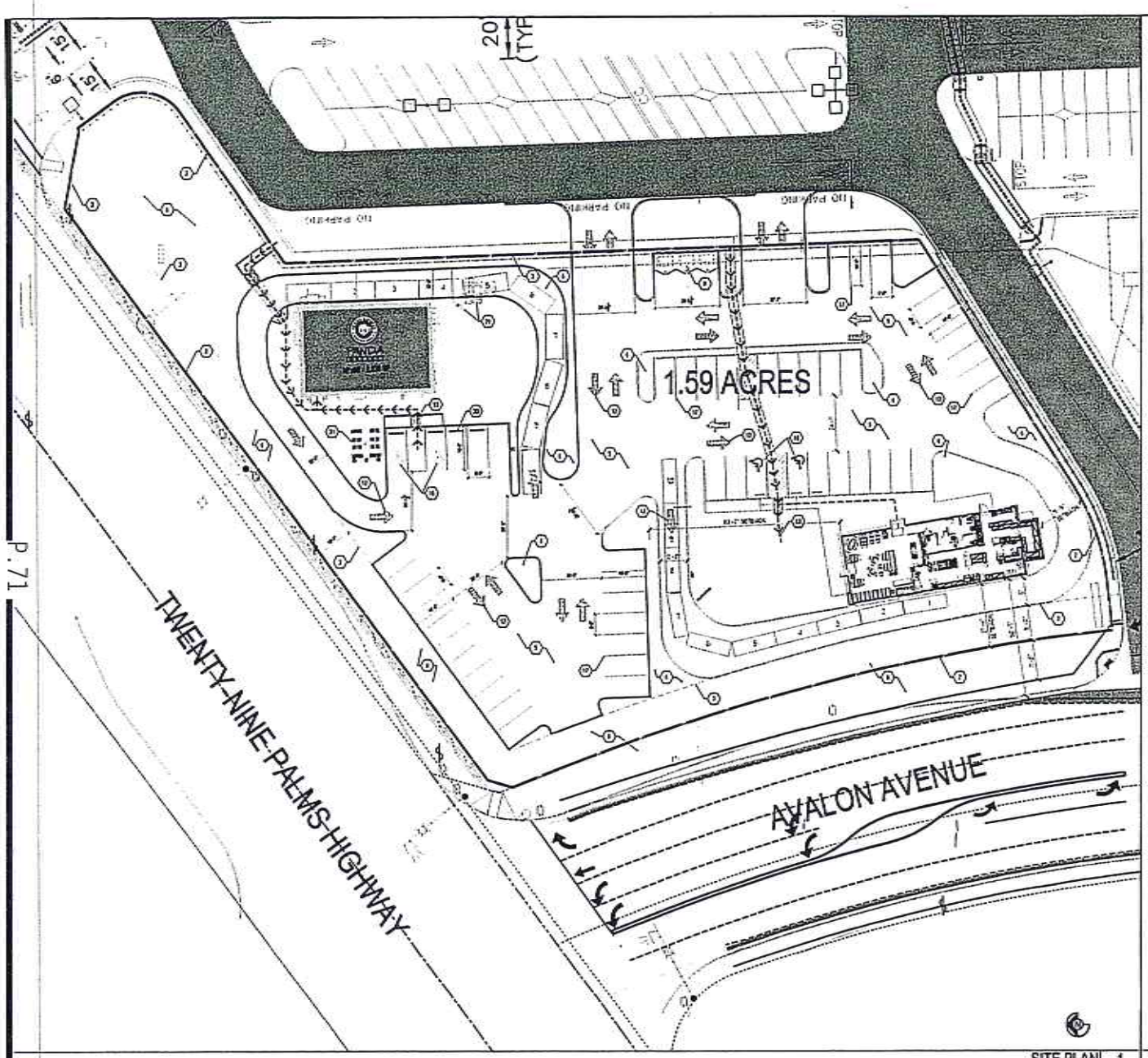
RECOMMENDED BY:

TOWN OF YUCCA VALLEY

PRELIMINARY GRADING AND DRAINAGE PLAN

#1915-04, 58501 29 PALMS HIGHWAY, YUCCA VALLEY, CA 92284

1 OF 1 SHEETS



SITE PLAN 1 A-100

KEY NOTES A A-100

Developments,

REVISIONS

ISSUE DATE

DRAWN BY: DWA

CFT PROJECT # 58-13-03453

ARCH PROJECT # 13-006

GARY WANG & ASSOCIATES, INC.

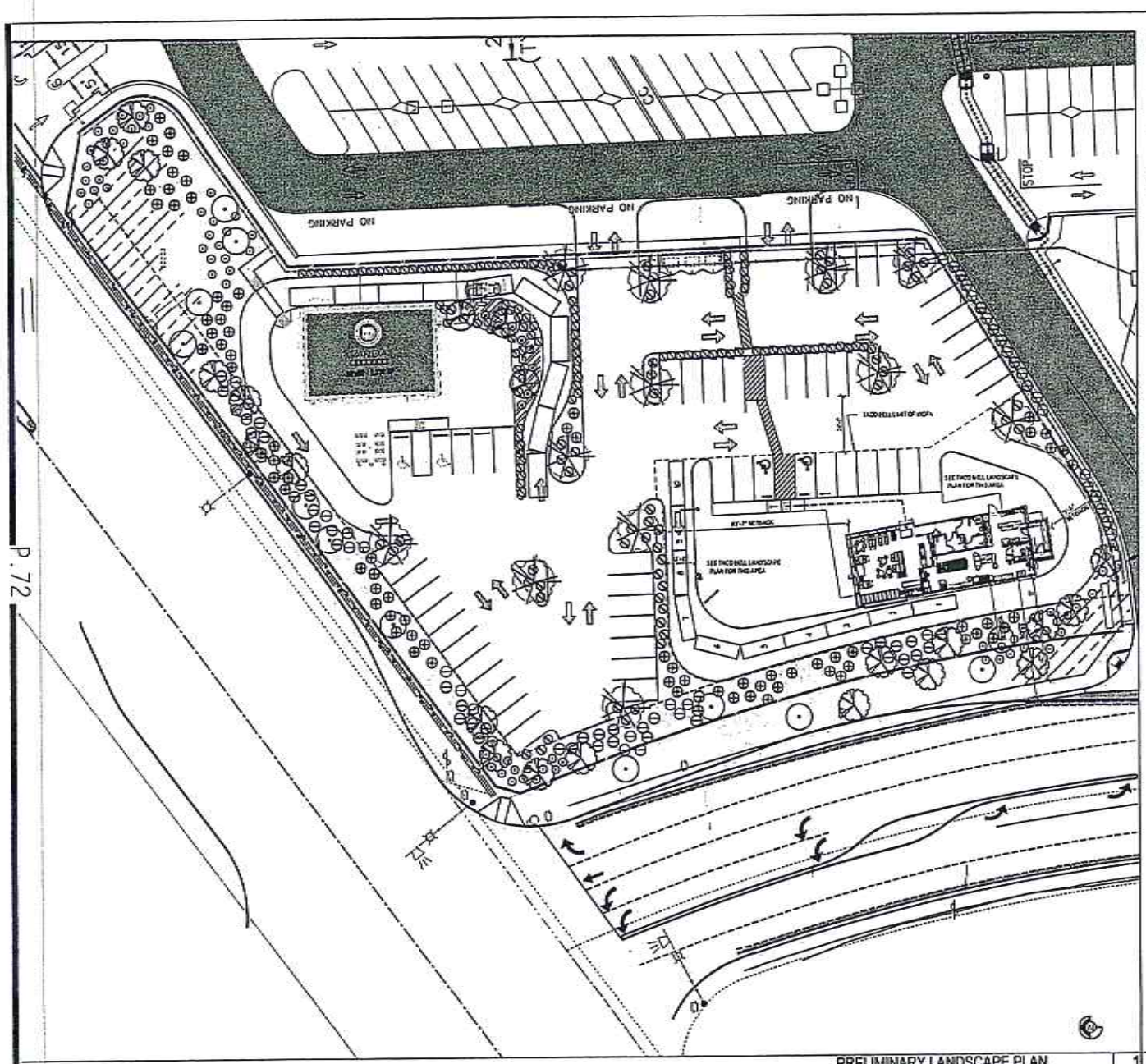
PANDA EXPRESS

TWENTY-NINE PALMS HIGHWAY (STATE HIGHWAY 62) & AVALON AVE YUCCA VALLEY CA 92284

BRIGHT AND FRESH

A-100

SITE PLAN ARCHITECTURAL



LANDSCAPE LEGEND

TREES

- PARKWAY CANOPY TREE — GLEDITSIA TRIACANTHOS - HONEY LOCUST 24" BOX
- PARKWAY FLOWERING TREE — CERCIDIUM FLORIDUM - BLUE PALO VERDE 24" BOX
- INTERIOR PARKING LOT TREE — RHUS LANCEA - AFRICAN SUMAC 24" BOX
- INTERIOR TREE — EUCALYPTUS MICROTHECA - COOLIBAH TREE 24" BOX
- RELOCATED JOSHUA TREE OR MOHAVE YUCCA

SHRUBS

- AGAVE VILMORINIANA - OCTOPUS AGAVE 5 GALLON
- CALLIANDRA ERIOPHYLLA - FAIRY DUSTER 5 GALLON
- DASYLIRION WHEELERI - DESERT SPOON 5 GALLON
- HEMEROCALLIS SPECIES - DAY LILY "DOUBLE YELLOW" 5 GALLON
- HESPERALOE PARVIFLORA - RED YUCCA 5 GALLON
- LEUCOPHYLLUM FRUTESCENS "COMPACTA" TEXAS SAGE 5 GALLON
- MUHLENBERGIA RIGENS DEER GRASS 5 GALLON

GROUND COVER

- BACCHARIS PILULARIS - COYOTE BUSH 1 GAL AT 12"
- LANTANA MONTEVIDENSIS - PURPLE TRAILING LANTANA 1 GAL AT 12"

GENERAL NOTES:

1. PROVIDE 2" LAYER OF 3/4" D.G. CALIFORNIA GOLD AS TOP DRESSING FOR ALL SHRUB PLANTER AREAS
2. PLANT MATERIAL FOR SITE CONFORMS TO YUCCA VALLEY RETAIL CENTER SPECIFIC PLAN LANDSCAPE CONCEPT REQUIREMENTS

LANDSCAPE LEGEND 1
NO SCALE L-100

ft Developments, LLC
CHENG FAMILY TRUST, INC.
5585 Walnut Grove Ave.
Rosemead, California
91770
Telephone: 626.799.5898
Facsimile: 626.372.8388

REVISIONS

ISSUE DATE

DRAWN BY: DNA

CFT PROJECT # SP-13 03453
ARCH PROJECT # 13-024

GARY WANG & ASSOCIATES, INC.
1231 Corporate Center Dr., Suite B
Monterey Park, CA 91754
Tel: (626) 284-8868 Fax: (626) 284-7101
www.garywang.com

LANDSCAPE PLAN PREPARED BY:
Pro Design Engineers
17220 Clark Ave.
Hacienda Heights, CA 91745
Tel: (626) 779-5061 Fax: (626) 274-9062
info@ProDesignEngineers.com

PANDA EXPRESS
TWENTY NINE PALMS HIGHWAY
(STATE HIGHWAY 62) & WALDON AVE
YUCCA VALLEY, CA 92284

BRIGHT AND FRESH

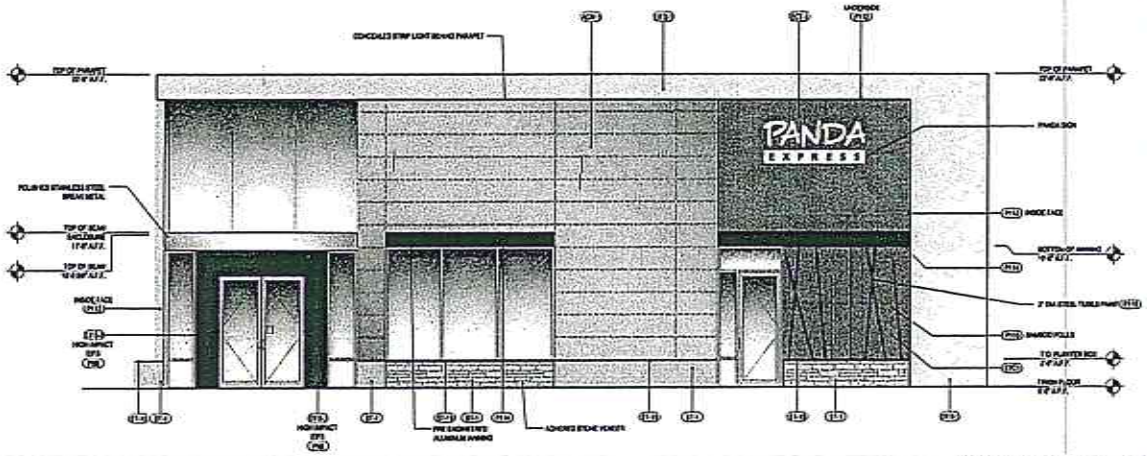
L-100

SITE PLAN
LANDSCAPE

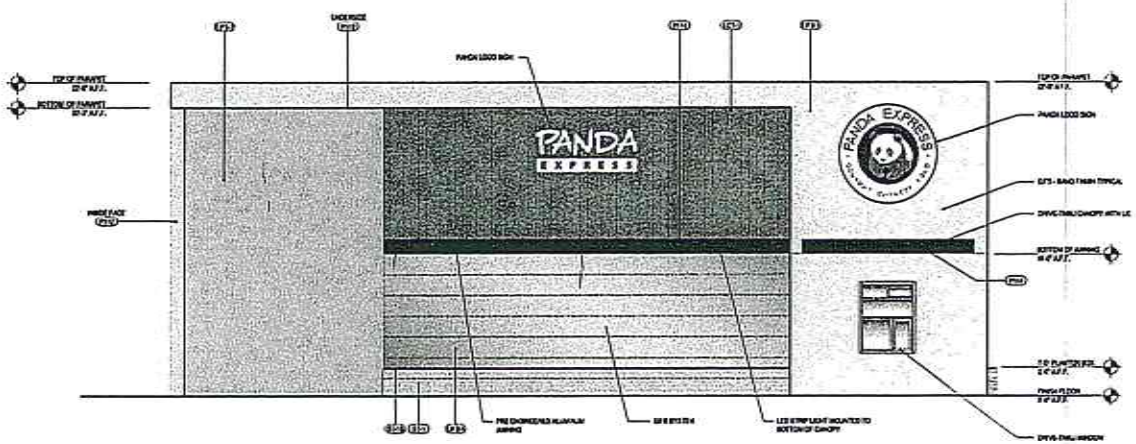
EXTERIOR FINISH SCHEDULE

[illegible]	STO	STO EXPRESS EXTERIOR INSULATION SYSTEM	[illegible]	SANDPEBBLE FINE	BUILDING BODY
[illegible]	STO	STO EXPRESS EXTERIOR INSULATION SYSTEM	[illegible]	SANDPEBBLE FINE	BUILDING BODY
[illegible]	STO	STO EXPRESS METALLIC SYSTEM	[illegible]	ULTRA TOUCH METALLIC FINISH	ENTRY POINTS
[illegible]	STO	STO EXPRESS METALLIC SYSTEM	[illegible]	ULTRA TOUCH METALLIC FINISH	DRIVE THRU REAR ELEVATION
[illegible]	[illegible]	[illegible]	[illegible]	SATIN LATEX	BUILDING TRIM
[illegible]	[illegible]	[illegible]	SHOW STOPPER	SATIN LATEX	ENTRY WALL ACCENTS
[illegible]	[illegible]	[illegible]	COBBLE BROWN	SATIN LATEX	REAR AWNINGS/CANOPY
[illegible]	[illegible]	[illegible]	[illegible]	SATIN LATEX	BAMBOO POLES
[illegible]	HOLLANDER CULTURE STONE	-	SAND DRIFT	DRY TIMP	PLANTER STONE CAP
[illegible]	[illegible]	[illegible]	[illegible]	METALLIC STAINS	PLANTERS
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	BUILDING ACCENT TILE *
[illegible]	ALPOLIC	[illegible]	[illegible]	[illegible]	ALUMINUM COMPOSITE MATERIAL

* NOTE: INSTALL SET-1 WITH GROUT - WHO MODEL FURNISHED BY CUSTOM BUILDING PRODUCTS. COLOR BABLE BROWN. GC TO VERIFY SUITABILITY OF GROUT WITH CERAMIC TILE APPLICATION AND NOTIFY PANDA PM OF ANY ISSUES



WEST ELEVATION 2
Scale: 1/4" = 1'-0" A-200



EAST ELEVATION 1
Scale: 1/4" = 1'-0" A-200

ft Developments, LLC

REVISIONS

ISSUE DATE

DRAWN BY: GWA

CFT PROJECT # SP-13-03453
ARCH PROJECT # 13-201

GARY WANG & ASSOCIATES, INC.

LICENSED ARCHITECT STATE OF CALIFORNIA

PANDA EXPRESS

TWENTY-NINE PALMS HIGHWAY (STATE HIGHWAY 62) & AVALON AVE YUCCA VALLEY, CA 92284

BRIGHT AND FRESH

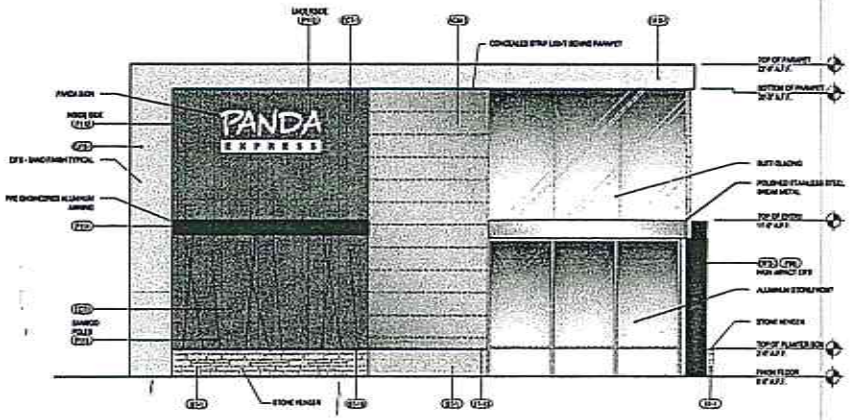
A-200

EXTERIOR ELEVATIONS

EXTERIOR FINISH SCHEDULE

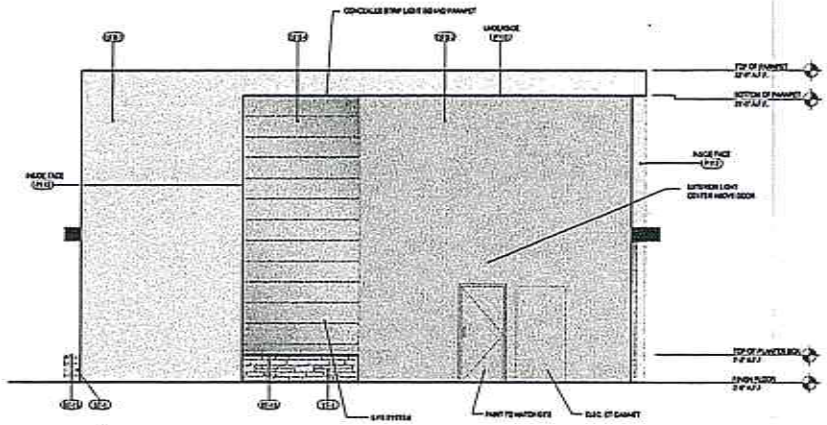
NO	MANUFACTURER	MFGR	COLOR	FINISH	NOTES
[illegible]	STO	STO THERM ESSENCE SYSTEM	[illegible]	SANDPEBBLE FINE	BUILDING BODY
[illegible]	STO	STO THERM ESSENCE SYSTEM	[illegible]	SANDPEBBLE FINE	BUILDING BODY
[illegible]	STO	STO THERM METALLIC SYSTEM	[illegible]	ULTRA SMOOTH METALLIC FINISH	ENTRY PORTAL
[illegible]	STO	STO THERM METALLIC SYSTEM	[illegible]	ULTRA SMOOTH METALLIC FINISH	[illegible]
[illegible]	SHERWIN WILLIAMS	[illegible]	[illegible]	SATIN LATEX	BUILDING TRIM
[illegible]	SHERWIN WILLIAMS	[illegible]	[illegible]	SATIN LATEX	ENTRY TRIM ACCENTS
[illegible]	SHERWIN WILLIAMS	[illegible]	[illegible]	SATIN LATEX	[illegible]
[illegible]	SHERWIN WILLIAMS	[illegible]	[illegible]	SATIN LATEX	SANDED POLES
[illegible]	ADVANCED CAST STONE	-	[illegible]	DRY SAMP	PLANTER SIDE CAP
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	PLANTERS
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	BUILDING ACCENT TILE *
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

*NOTE: INSTALL DCT-1 WITH SPOUT - M.S. MODEL 4 PROVIDED BY CUSTOM BUILDING PRODUCTS. COLOR CABLE SHOWN OC TO VERIFY AUTHENTICITY OF SPOUT WITH DECORATIVE TILE APPLICATION AND NOTIFY PANDA PM OF ANY ISSUES.



NORTH ELEVATION 2

Scale: 1/4" = 1'-0" A-201



SOUTH ELEVATION 1

Scale: NTS A-201

Developments, LLC

REVISIONS

ISSUE DATE

DRAWN BY: CNA

CFT PROJECT #: 58-13-00450

ARCH PROJECT #: 13-000

GARY WANG & ASSOCIATES, INC.

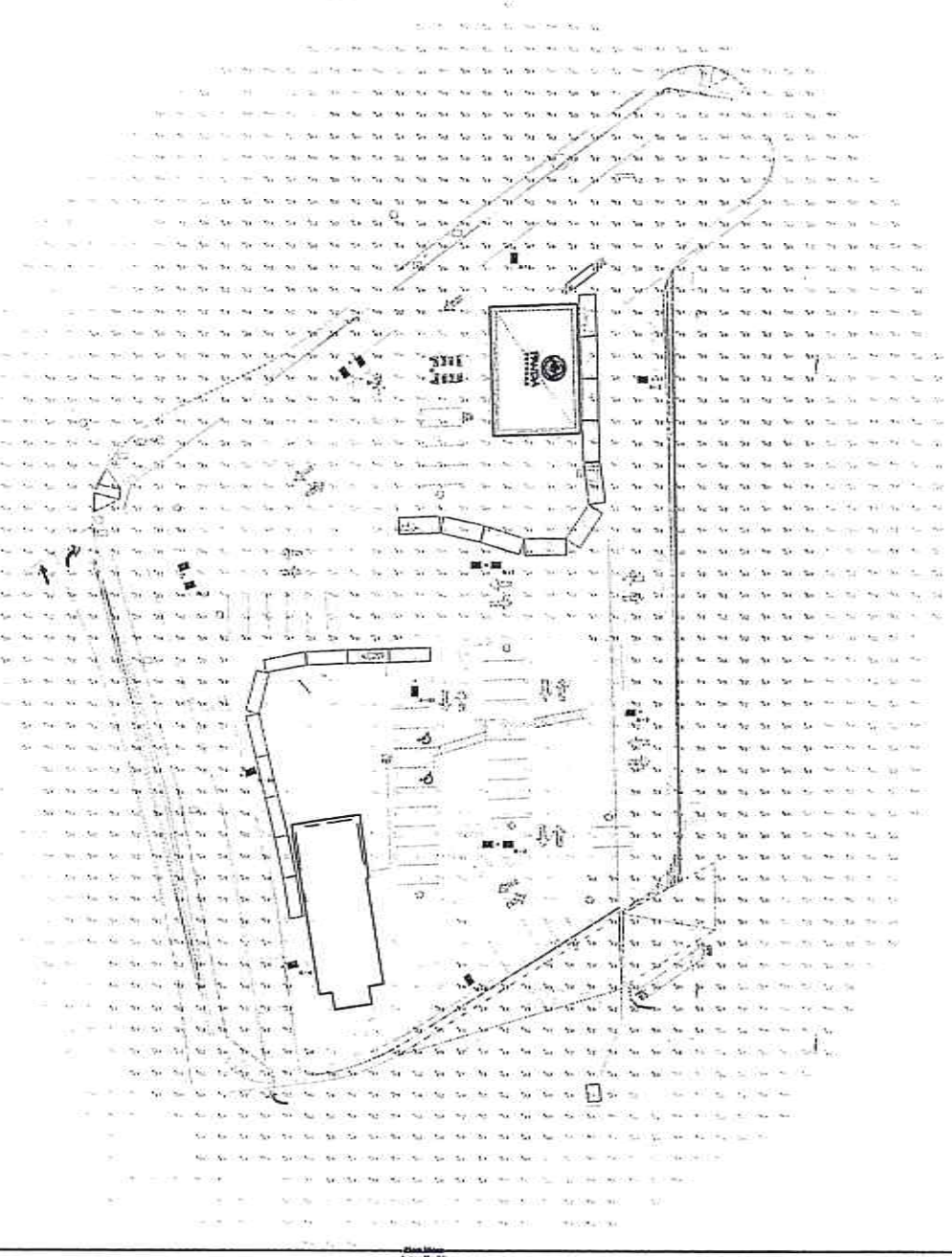
PANDA EXPRESS

TWENTY-NINE PALMS HIGHWAY
(STATE HIGHWAY 62) BLAVALON AVE
YUCCA VALLEY CA 92234

BRIGHT AND FRESH

A-201

EXTERIOR ELEVATIONS



Luminaire Schedule													
Symbol	Qty	Tag	Manufacturer	Catalog Number	Description	Lamp	Mounting	Total Watts	Lumens	Light Loss Factor	Spacing	Mounting Height	Orientation
	A	F	Lithonia Lighting	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	B	F	Lithonia Lighting	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	C	F	Lithonia Lighting	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	D	F	Lithonia Lighting	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

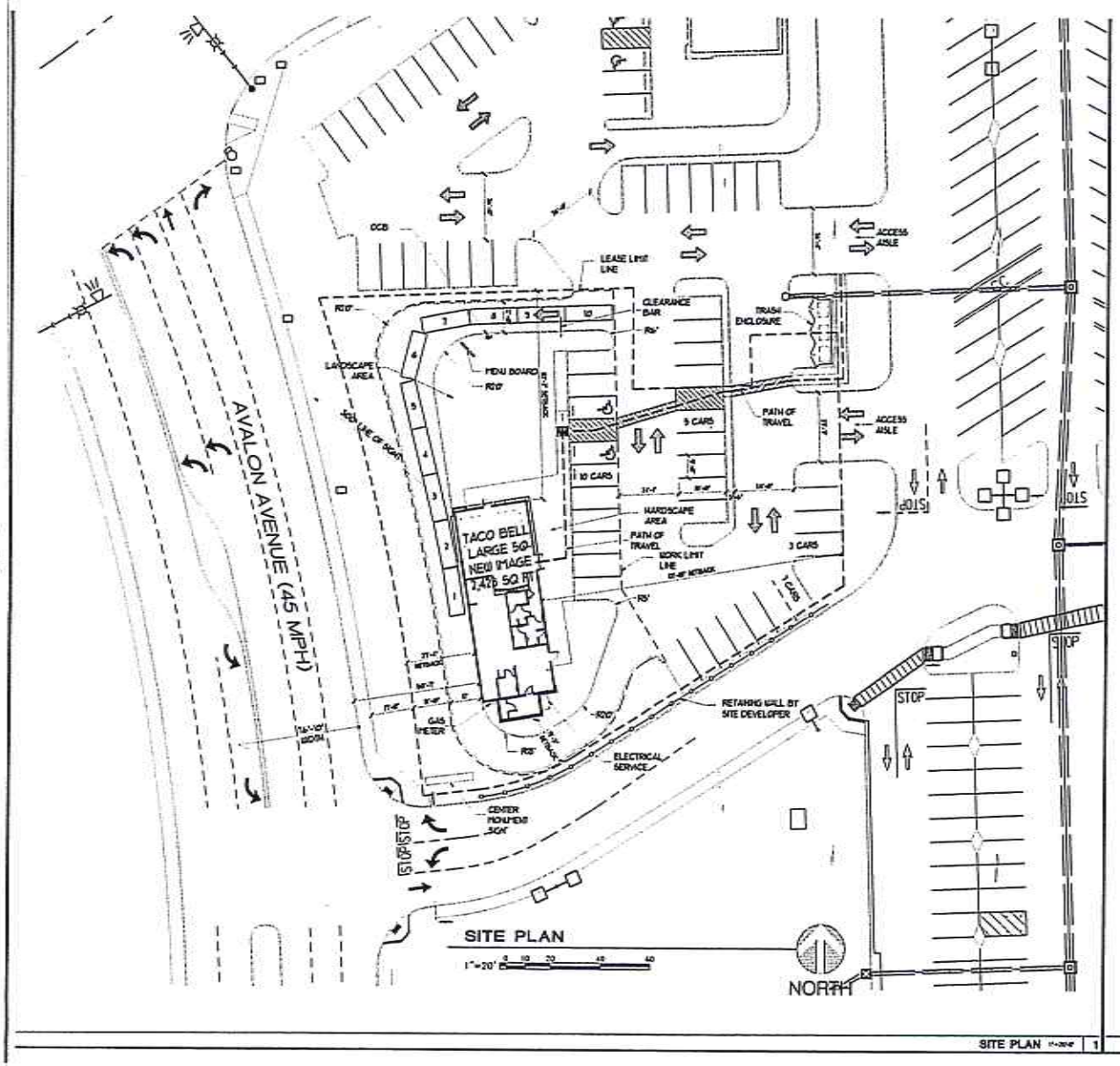
Statistics							
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min	Avg/Max
Panda Express Parking and Drive Area	✕	4.6 fc	11.1 fc	1.1 fc	10.1:1	4.2:1	0.4:1
Spill Light	+	1.4 fc	11.4 fc	0.0 fc	N/A	N/A	0.1:1
Taco Bell Parking and Drive Area	✓	4.9 fc	8.4 fc	1.1 fc	7.6:1	4.5:1	0.6:1

Note
1. Readings shown are in units of maintained foot candles.
2. Total light loss factor = .85 LLF for LED.
3. Test plane = 0' AFG
4. Fixture mounting height = 22' AFF for all pole mount
5. Fixture spacing = See plan view.
6. This photometric layout was calculated using specific criteria; any deviation from stated parameters will affect actual performance.
7. These lighting calculations are not a substitute for independent engineering analysis of lighting system suitability and safety.

LIGHTING DESIGN SERVICES

Panda Express & Taco Bell
Yucca Valley, CA

1 of 1



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Hanson Consulting & Design
ARCHITECTS INC

LICENSED ARCHITECT
STATE OF CALIFORNIA

PREPARED FOR
TACO BELL
1 GLENVILLE WAY, NO 534
IRVINE, CA 92618
Contact: STEVE PULLICKSON
Phone: (949) 863-3464

CONTRACT DATE	[illegible]
BUILDING TYPE	LARGE SQ FT
PLAN VERSION	August 2012
SITE NUMBER	[illegible]
STORE NUMBER	[illegible]
HEAD JOB#	[illegible]

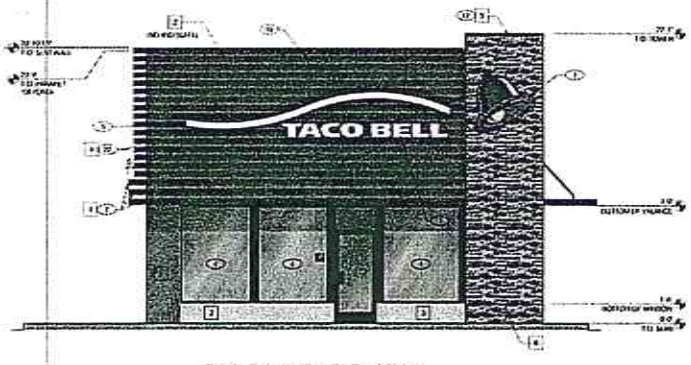
TACO BELL
TWENTYNINE PALMS & AVALON AVE
YUCCA VALLEY, CA 92284

TACO BELL
LARGE
SQ WITH NEW IMAGE

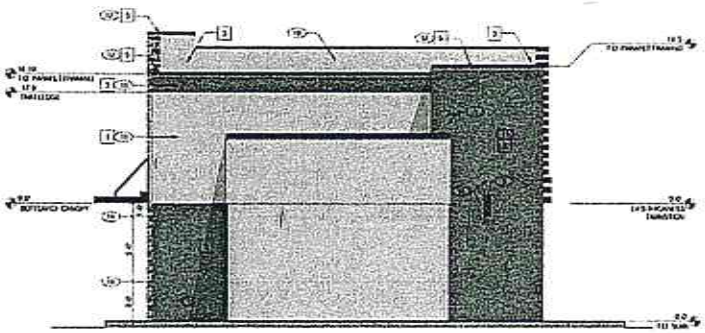
SITE PLAN

A0.1

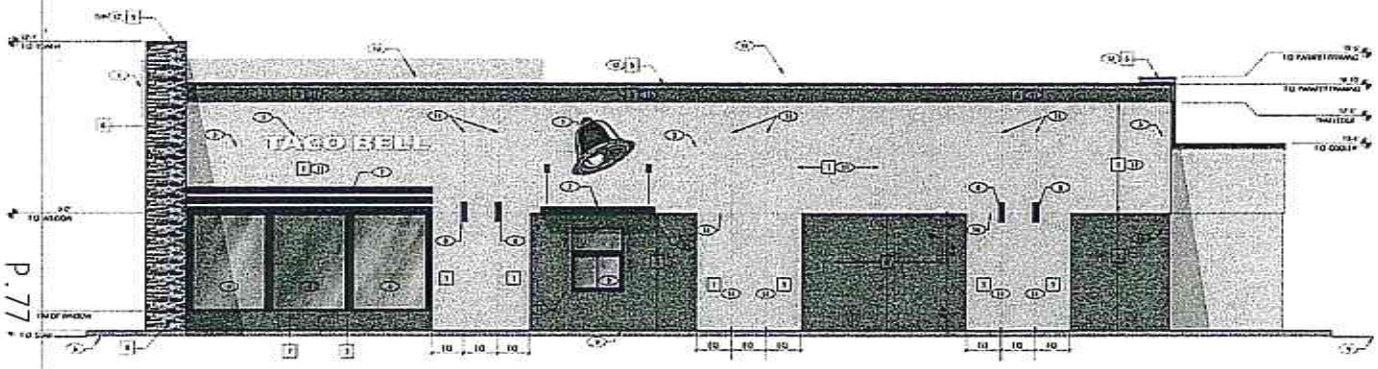
PLOT DATE 7-29-13



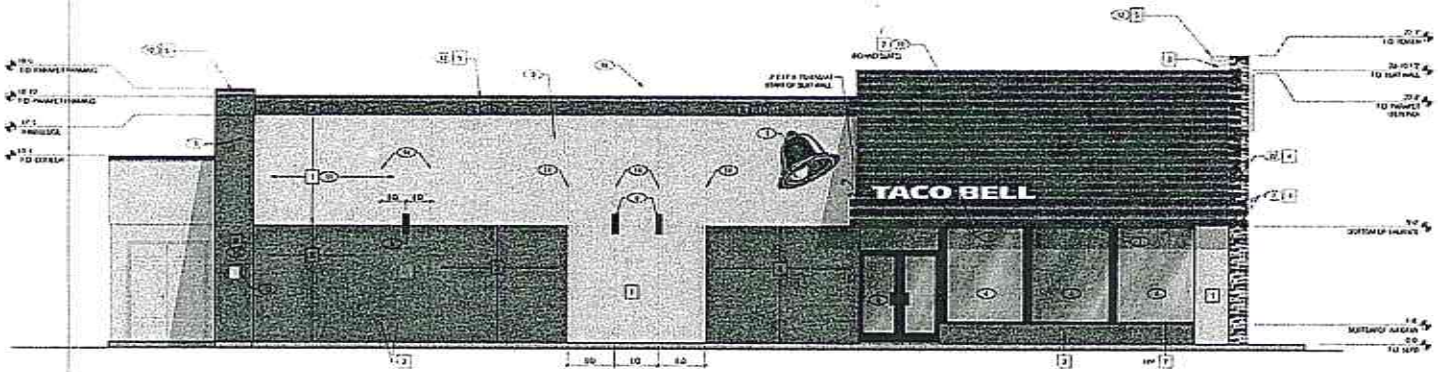
FRONT (NORTH ELEVATION)



REAR (SOUTH ELEVATION)



SIDE (WEST ELEVATION)



SIDE (EAST ELEVATION)

MATERIAL SCHEDULE

SYMBOL	AREA	MANUFACTURER	COLOR	ALTERNATE MFR (OPTIONAL)	ALTERNATE COLOR (OPTIONAL)
1	MAIN BUILDING COLOR	SHERWIN-WILLIAMS	SW 6177 CHANTILLY LACE		
2	PANEL CLADDING AND SCREEN WALL	SHERWIN-WILLIAMS	SW 6800 CLEMATIS		
3	ACCENT COLOR	SHERWIN-WILLIAMS	SW 6870 WANDERLUST	VERSAMIX	[illegible]
4	SOFFIT AND HANGER CANOPY	VERSATEX	DK RUST STRIPE MOUNT AUBURN		
5	TRIM/FASCIA COLOR	SHERWIN-WILLIAMS	SW 7069 IRONSTONE		
6	STONE WALL	SUNSET RIDGE STONE	LIGHT CUT FLAGSTONE		
7	STOREFRONT WINDOWS	TBD	DARK BRONZE		
8	TRASH ENCLOSURE	SHEET SAME	[illegible]		

KEY NOTES

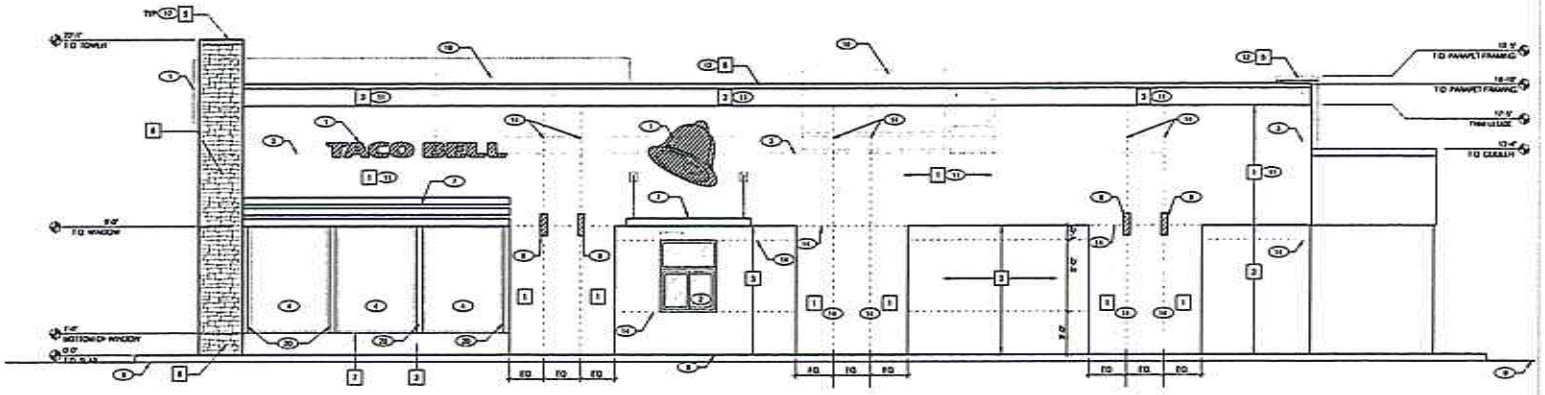
1. [illegible]
2. [illegible] SEE SHEET [illegible]
3. [illegible]
4. [illegible]
5. [illegible]
6. [illegible]
7. [illegible]
8. [illegible]
9. [illegible]
10. [illegible]
11. STUCCO FASCIA
12. [illegible]
13. [illegible]
14. STUCCO HOOD
15. [illegible]
16. NOT USED
17. [illegible]
18. NOT USED
19. [illegible]
20. NOT USED
21. NOT USED
22. NOT USED
23. NOT USED
24. NOT USED
25. NOT USED
26. [illegible]

TACO BELL

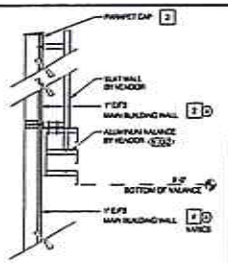
LARGE 50 (WITH NEW IMAGE)
SITE #309695
SEC OF TWENTYNINE PALMS & AVALON AVE.
YUCCA VALLEY, CA

HC&
ARCHITECT

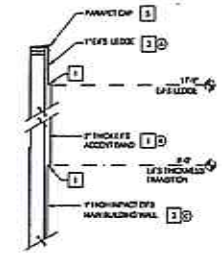
1601 Langston Ln., Norco, CA 92860 · Telephone (951) 371-5067 · Facsimile (951) 371-0118 · www.hcandarchitect.com



RIGHT SIDE ELEVATION | A



SLAT WALL COLOR TRANSITION | I



EIFS THICKNESS COLOR TRANSITION | G

SYMBOL	AREA	MANUFACTURER	COLOR	ALTERNATE MFR.	ALTERNATE COLOR
1	MAIN BUILDING COLOR	SHERWIN WILLIAMS	SW 6122 "CHAMELEON"	LOTUSLAN	HH26-0011
2	WALL COLOR BEHIND SCREEN WALL	SHERWIN WILLIAMS	SW 6001 "OLD HAT"		
3	ACCENT COLOR	SHERWIN WILLIAMS	SW 6263 "RODWOOD CLAY"	LOTUSLAN	HH26-0010
4	SLAT WALL AND VALANCE COLOR	VENDOR	SW 7036 "STATUE BRONZE" (EQUAL)		
5	PARAPET CAP COLOR	SHERWIN WILLIAMS	SW 7008 "ALABASTER"		
6	STONE WALL	DONAL - VERSA STONE	FRONT CUT - "PALMA CREEK"		
7	STOREFRONT WINDOWS	TBD	"DARK BRONZE"		
8	PIPE BOLLARDS	STREET SMART	YELLOW - SAFETY CAP PLASTIC COVER (LIS POSTMAN COM OR EQUAL		

EXTERIOR FINISH SCHEDULE | H

GENERAL NOTES

A. SEE SHEET A1.1 "WINDOW TYPES" FOR WINDOW ELEVATIONS.
B. SEE SCOPE OF WORK FOR RESPONSIBILITIES.
C. THICK IMPACT MESH SHALL BE USED WHERE NOTED (C)
D. THE PAINT COLOR SHOWN ARE COLOR NO EVIDENCE FOR THE E.I.F.S. SUPPLIER
E. E.I.F.S. TEXTURE SHALL BE FINE

SEALERS INSTALLED SPECIFIED:
A. SEALANT AT ALL WALL AND BODY PENETRATIONS.
B. SEALANT AT ALL WINDOW AND DOOR FRAMES AT HEAD AND JAMB. DO NOT SEAL SILL OF WINDOWS.
C. APPLY NEOPRENE GASKET JOINT (DRY) BETWEEN BUILDING & CANOPY WALLS.

KEYNOTE:
A. VENDOR SCOPE INCLUDES SUPPLY AND INSTALLATION OF AWNINGS, CANOPIES AND SIGNAGE
B. DENOTES 2" THICK EIFS

TYPICAL DIMENSIONS
A. REQUIRED CLEAR OPENING WIDTH TO ENSURE COORDINATION WITH STANDARD SIGNAGE/BUILDING ELEMENTS DIMENSIONS.

EXTERIOR PAINTS
1. CONTACT FOR EXTERIOR FINISH INFO AND ITEM:
VERNETTA STONE WALL
DENE QUESTION
760-318-4379

2. OWNER REPRESENTATIVE WILL CONSIDER IF LOTUSLAN PAINT WILL BE USED.

SYMBOL	QTY	ITEM DESCRIPTION	ELEC
V-200	1	TACO BELL DRIVE THRU CANOPY	X
V-240	1	TACO BELL "BUILDING ACCENT" (W) SIGNAGE & LED LAMPING	X
V-001	1	SLAT WALL SYSTEM	
V-002	1	ALUMINUM VALANCE SYSTEM	
		* PARAPET ELECTRICAL CONNECTION - SEE ELECTRICAL PLANS	

CANOPY AND BLDG. ACCENT SCHED. | E

KEY NOTES

1. BUILDING SIGN. SEE SCOPE OF WORK.
2. DRIVE THRU WINDOW. SEE SHEET A1.2 AND A1.1
3. ROOF COVING.
4. STONE FRONT SYMBOL.
5. DOUBLE DOOR.
6. SWITCH GEAR. PAINT TO MATCH WALL.
7. ARCHITECTURAL ALUMINUM VALANCE BY VENDOR.
8. LOW E SCONCE. ALIGN BOTTOM OF FIXTURE'S HOUSING SHIELD PRACTICALLY WITH CHANGE IN EIFS THICKNESS (CENTER OF SCONCE AT 8' FT)
9. ABOVE SITE WALL SURFACE IS 8" BELOW THE FINISH FLOOR. REFER TO GRADING & SITE PLAN
10. 2" EIFS TO MATCH TOP OF WINDOW HEIGHT. PROVIDE 1" EIFS ABOVE THAT POINT & EIFS TRANSITION WALL FROM BUILDING 1.1.2.
11. EIFS (TYP). SEE 2 & WALL
12. PARAPET COPING. IF DUROLAST EDGE TRIM IS USED. USE THE DUROLAST PRE FINISHED EDGE TRIM. SEE DETAIL 3/A4.0
13. DOOR FLUSH WALL & COVER. SEE DETAIL 1/A4.2 SIM
14. EIFS REVEAL JOINT
15. GAS METER.
16. WALL SHALL BE FINISHED PRIOR TO INSTALLATION OF SWITCHGEAR.
17. SCUPPER, COLLECTOR, AND METAL DOWNSPOUT SHALL PAINT TO MATCH ADJACENT WALL.
18. OPENING IN PARAPET FOR ACCESS TO THE TOP OF THE ALUMINUM ENCLOSURE
19. FIRE BEYOND PAINT TO MATCH BUILDING WALL.
20. SHEAR METAL COVER OVER WOOD STUDS TO MATCH STONE FRONT. SEE 3/A4.0 AND 1
21. HIGH IMPACT E.I.F.S. WHERE SHOWN ON ELEVATIONS. SEE 2/A4.2
22. ALUMINUM SLAT WALL BY VENDOR.
23. BOLLARD.
24. E.I.F.S. TRANSITION. SEE DETAIL 1/A4.2 (SIM)
25. EXTEND FRAMING FOR BUMP OUT DOWN TO ROOF. USE DETAIL 1/A4.2 FOR EIFS TRANSITION

SYMBOL	QTY	ITEM DESCRIPTION	ELEC
V-240	1	TACO BELL LETTERS 12" HIGH, WHITE, FLAT FACED	X
V-300	2	TACO BELL SATELLITE SIGN - 6'-10 1/2" W x 1'-4 3/4" H	X
		(W) LED LAMPING	

SIGN SCHEDULE | C

(A) BASE THICKNESS - 1" THICK E.I.F.S.
(B) BASE THICKNESS - 2" THICK E.I.F.S. (W)
(C) BASE THICKNESS - 1" THICK E.I.F.S. WITH HIGH IMPACT MESH ONLY WHERE NOTED. SEE DETAIL 3/A4.2
(D) BASE THICKNESS - 2" THICK E.I.F.S. WITH HIGH IMPACT MESH ONLY WHERE NOTED. SEE DETAIL 3/A4.2 (W)

E.I.F.S. THICKNESS | B

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Hanson Consulting & Design ARCHITECTS INC.

PREPARED FOR
TACO BELL
1 DEAN BELL WAY, NO 534
IRVINE, CA 92618
Contact: STEVE PULCHEON
Phone: (949) 900-3844

CONTRACT DATE	[illegible]
BUILDING TYPE	LARGE 3214
PLAN VERSION	August 2012
SITE NUMBER	30446
STORE NUMBER	20000
HCSD JOB #	13026

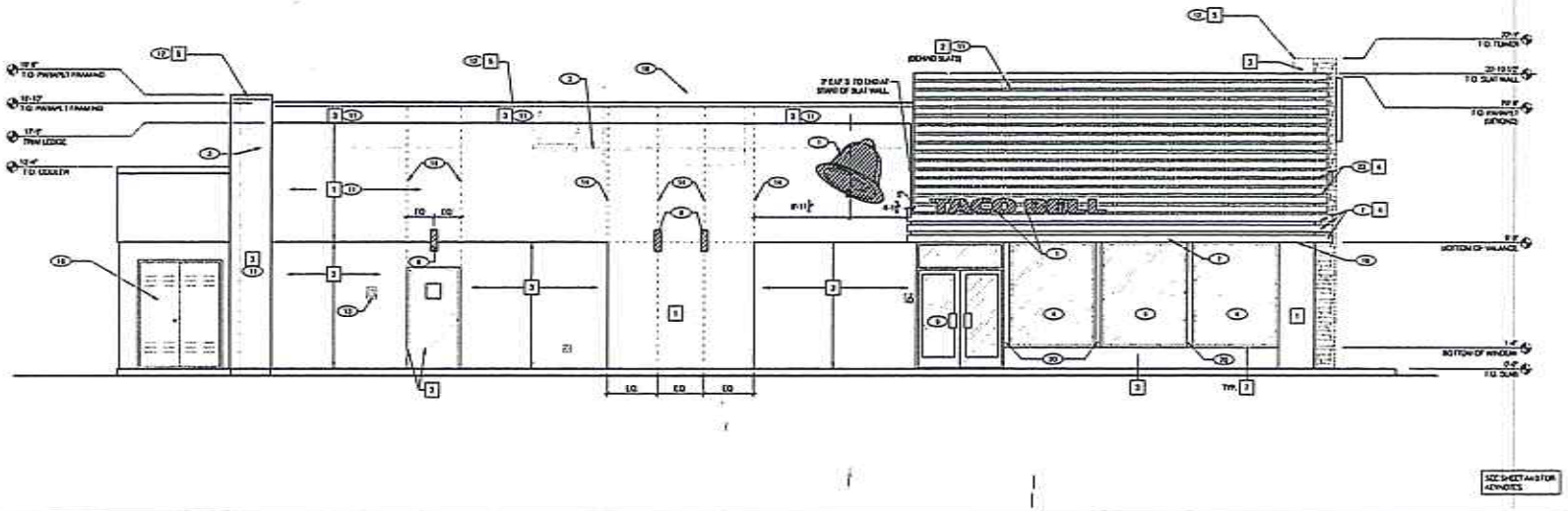
TACO BELL
TWENTYNINE PALMS & ANAHEIM-NC
YUCCA VALLEY, CA 92284

TACO BELL
LARGE
32 WITH NEW MASS

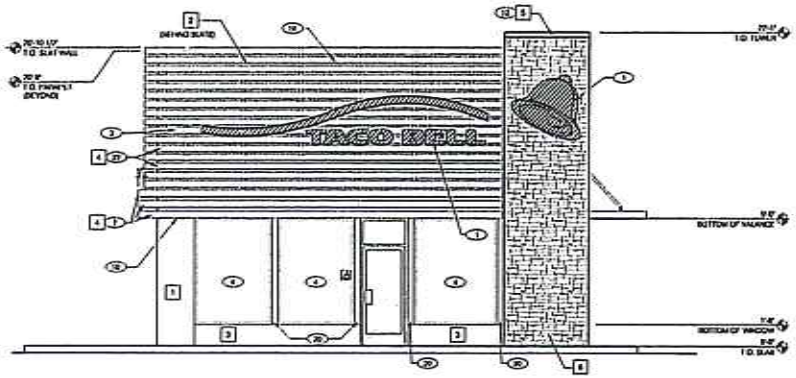
EXTERIOR ELEVATIONS

A4.0

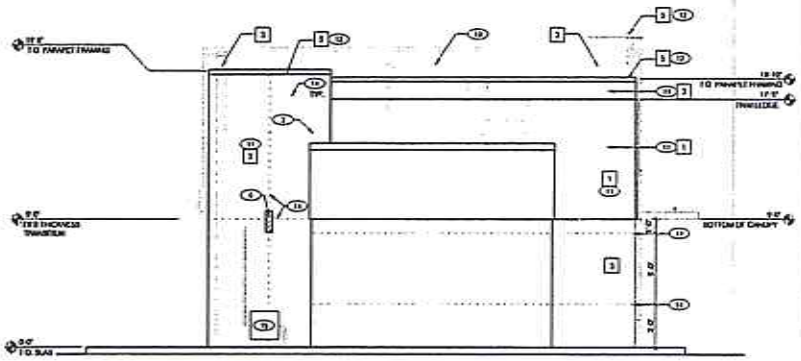
PLOT DATE 1-24-13



LEFT SIDE ELEVATION A



FRONT ELEVATION C



REAR ELEVATION B

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PREPARED BY:

Hawkins Consulting & Design ARCHITECTS Inc.

LICENSED ARCHITECT DANIEL M. WAGON NO. C 27418 STATE OF CALIFORNIA

PREPARED FOR

TACO BELL
1 GLEN BELL WAY, MD 53K
IRVINE, CA 92618
Contact: STEVE PULLEN KOH
Phone: (949) 863-3864

CONTRACT DATE:	[illegible]
BUILDING TYPE:	LARGE 50 IN
PLAN VERSION:	August 2012
SITE NUMBER:	[illegible]
STONE NUMBER:	[illegible]
HCAD JOB#:	[illegible]

TACO BELL

TWENTYNINE PALMS & AVALON AVE
YUCCA VALLEY, CALIFORNIA

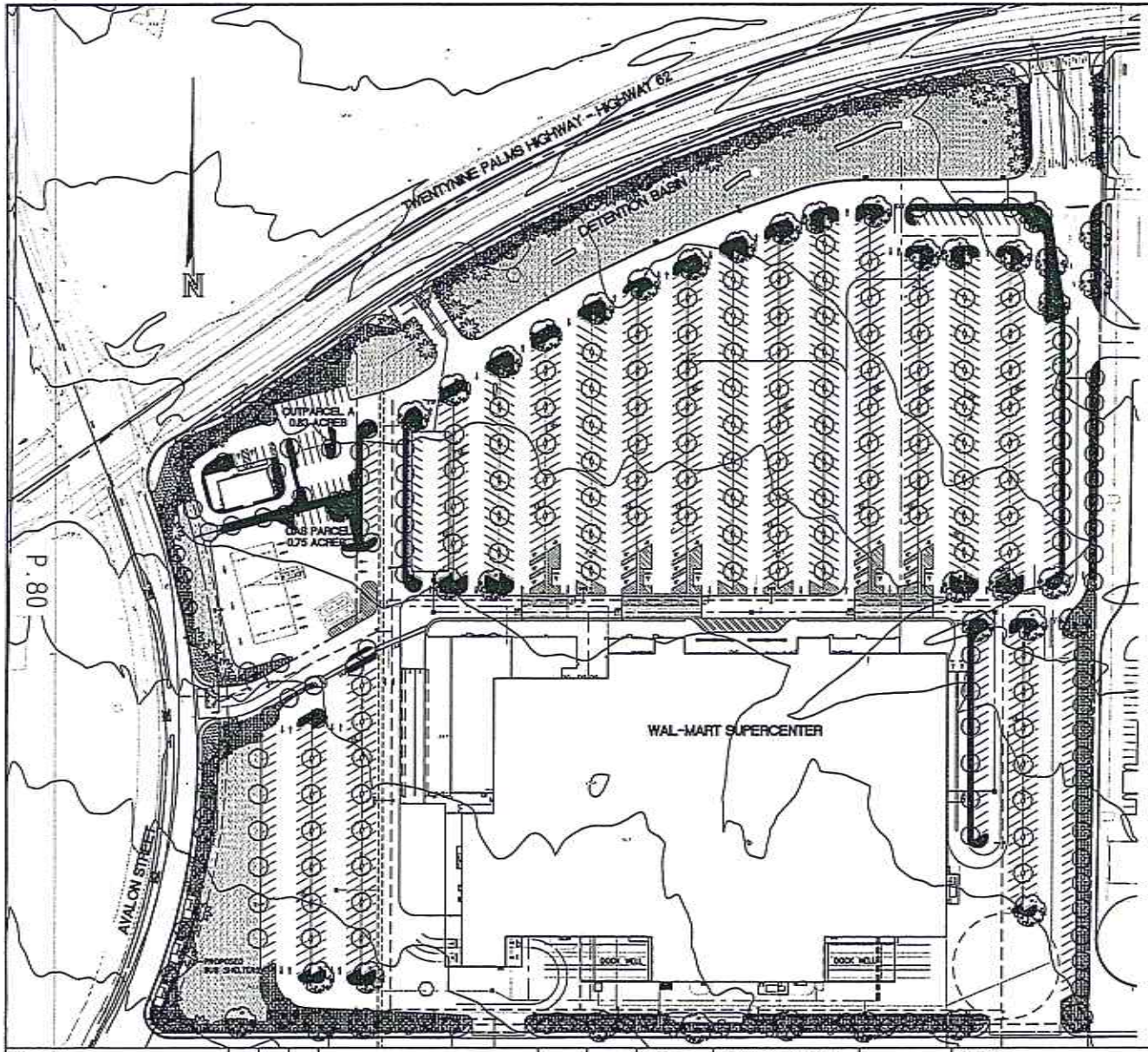
TACO BELL

LARGE
50 WITH NEW IMAGE

EXTERIOR ELEVATIONS

A4.1

PLOT DATE: [illegible]



LEGEND – PLANT MATERIAL SELECTION

TREE SYMBOL	CATEGORY / DESCRIPTION
	LARGE SCALE PARKING LOT SHADE TREE (30' HEIGHT, 30' SPREAD) SUCH AS: PROSOPIS CHILENSIS – CHILEAN MESQUITE
	MEDIUM SCALE PARKING LOT SHADE TREE (20' HEIGHT, 20' SPREAD) SUCH AS: RHUS LANCEA – AFRICAN SUMAC
	INTERIOR DRIVEWAY TREE (30' HEIGHT, 20' SPREAD) SUCH AS: EUCALYPTUS SIDEROXYLON ROSEA – RED IRONBARK
	PARKWAY FLOWERING TREE (15' – 20' HEIGHT, 20' SPREAD) SUCH AS: LAGERSTROEMIA INDICA – CRAPE MYRTLE
	SCREENING TREE (20' HEIGHT, 20' SPREAD) SUCH AS: PINUS HALEPENSIS – ALEPPO PINE
	VERTICAL ACCENT TREE (60' – 100' HEIGHT) SUCH AS: WASHINGTONIA ROBUSTA – MEXICAN FAN PALM

SHRUB GROUNDCOVER SYMBOL	CATEGORY / DESCRIPTION
	LOW TO MEDIUM SCALE, DROUGHT RESISTANT SHRUBS AND GROUNDCOVERS DRIP IRRIGATION ACACIA REDOLENS "DESERT CARPET" – PROSTRATE ACACIA BACCHARIS PILULARIS "CENTENNIAL" BUDDLEIA MARRUBIFOLIA – WOOLY BUTTERFLY BUSH CALLIANDRA ERIOPHYLLA – FAIRY DUSTER DALEA PULCHARA – BUSH DALIA LEUCOPHYLLUM FRUTESCENS "COMPACTA" – TEXAS SAGE SALVIA GREGGII – RED SAGE TECOMA ALATA – ORANGE BELLS SENNA ARTEMISIOIDES – FETHERY SENNA DASYLIRION WHEELERI – DESERT SPOON HESPERALOE PAVIFOLIA – RED YUCCA
	LOW SCALE, DROUGHT RESISTANT SHRUBS AND GROUNDCOVERS DRIP OR OVERHEAD SPRAY IRRIGATION DALEA GREGGII – TRAILING INDIGO BUSH HESPERALOE PAVIFOLIA – RED YUCCA MULHENBERGIA CAPILLARIS – PINK MULHY MULHENBERGIA RIGENS – DEER GRASS RAPHIOLEPSIS INDICA – INDIAN HAWTHORN PENNISETUM SETACEUM "RUBRUM" – PURPLE FOUNTAIN GRASS MULHENBERGIA RIGENS – DEER GRASS LAVANDULA SPP. – LAVANDER LEUCOPHYLLUM FRUTESCENS "COMPACTA" – TEXAS SAGE ROSMARINUS OFFICIANALIS – ROSMARY
	PLANTING AREA FOR RELOCATED ON-SITE JOSHUA TREES.
	LAWN – HYBRID BERMUDA OVERHEAD SPRAY IRRIGATION

NOTE: A JOSHUA TREE SALVAGE PLAN WILL BE WRITTEN PRIOR TO THE ISSUANCE OF A GRADING PERMIT. THE PLAN WILL DETAIL METHODS OF REMOVAL, STORAGE, TRANSPLANTATION AND MAINTENANCE OF THE JOSHUA TREES. THE TREES THAT WILL BE USED ON-SITE WILL BE STORED SEPARATELY. THE REMAINING TREES THAT ARE REMOVED SUCCESSFULLY WILL BE MADE AVAILABLE FOR ADOPTION PURSUANT TO THE TOWN'S JOSHUA TREE ADOPTION PROGRAM.

60 0 60 120 180 240

SCALE 1" = 60'

PRELIMINARY - NOT FOR CONSTRUCTION

PARTERRE

NASLAND ENGINEERING

CIVIL ENGINEERING • SURVEYING • LAND PLANNING

APPROVED BY:

TOWN ENGINEER P.E. R.C.E.

DATE REG. EXP.

MARK	BY	DATE	REVISIONS:	APPROVED	DATE
ENGINEER				TOWN OF YUCCA VALLEY	

DESIGN BY: PO
DRAWN BY: PO
CHECKED BY: LD
DATE: 08/11/08

BENCH MARK NO: 62-1-4-72
ELEVATION: 3,188.8750
DATE: 12/31/72
LOCATION:
BRASS DISK IN TOP OF CURB AT MOD MEDIAN 0.5 FEET WEST OF EAST EDGE CONCRETE PATIO; 2.2 MILES EASTERLY ALONG TWENTYNINE PALMS HIGHWAY FROM OLD KONAN SPRINGS ROAD.

PREPARED BY:

MICHAEL J. BIRKLAND 58822 R.C.E. NO.

DATE 12/31/07 REG. EXP.

TOWN OF YUCCA VALLEY

LANDSCAPE CONCEPT PLAN

WAL•MART SUPERCENTER #1915-04
XXXXX TWENTYNINE PALMS HIGHWAY
YUCCA VALLEY, CALIFORNIA 92284

SHEET L-1 OF ___ SHEETS

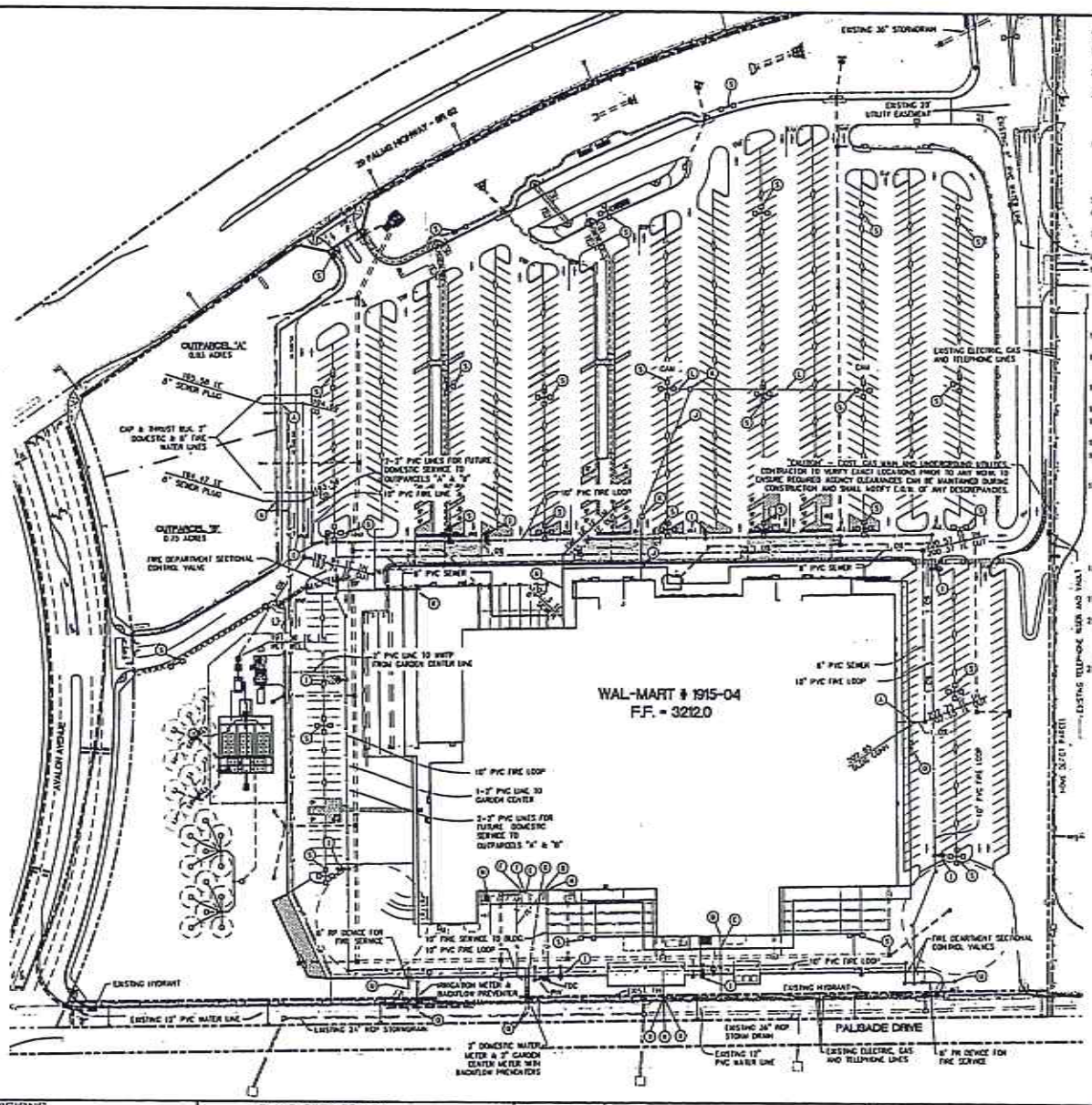
P.80

UTILITY LEGEND

- (A) 6" SANITARY SEWER LATERAL AT MINIMUM 1.0% SLOPE. COORDINATE WITH ARCHITECTURAL PLANS.
- (B) GAS ENTRY WITH GAS METER. CONTRACTOR RESPONSIBLE FOR INSTALLING PIPE BOLLARD PROTECTION AT METER. CONTRACTOR SHALL COORDINATE WITH GAS COMPANY FOR TIMING OF INDIVIDUAL METER.
- (C) CONTRACTOR IS RESPONSIBLE FOR COORDINATION WITH GAS COMPANY REGARDING THE SITE AND INSTALLATION OF THE GAS SERVICE LINE.
- (D) 3/4" PVC CONDUIT FOR TAMPER SWITCH.
- (E) PROPOSED LOCATION OF TRANSFORMER PAD. CONTRACTOR TO VERIFY EXACT LOCATION AND SIZE WITH POWER COMPANY PRIOR TO INSTALLATION. CONTRACTOR SHALL BE RESPONSIBLE FOR INSTALLATION OF CONCRETE PAD, CONDUIT AND PIPE BOLLARDS AS REQUIRED BY THE ELECTRIC COMPANY. CONTRACTOR SHALL COORDINATE SAID WORK WITH THE ELECTRIC COMPANY.
- (F) TELEPHONE ENTRY. CONTRACTOR TO COORDINATE WITH VERIZON.
- (G) 2" DOMESTIC WATERLINE ENTRY WITH METER PER HI-DESERT WATER DISTRICT WATER DEPARTMENT REQUIREMENTS. CONTRACTOR SHALL BE RESPONSIBLE FOR INSTALLING ANY APPURTENANCES ON THE DOMESTIC LINE SUCH AS BACKFLOW PREVENTION DEVICES, GATE VALVES, ETC., WHICH MAY BE REQUIRED. CONTRACTOR TO COORDINATE WITH HI-DESERT WATER DISTRICT.
- (H) 10" SPRINKLER ENTRY. CONTRACTOR SHALL BE REQUIRED TO INSTALL ANY APPURTENANCES ON THE SPRINKLER LINE SUCH AS, BUT NOT LIMITED TO, A DOUBLE DETECTOR CHECK BACKFLOW PREVENTION DEVICE, IN SERIES WITH A CHECK VALVE, GATE VALVES, ETC., MEETING HI-DESERT WATER DISTRICT REQUIREMENTS.
- (I) PROPOSED FIRE HYDRANT AND ASSEMBLY, TYPICAL AS INDICATED. INSTALL BOLLARD PROTECTION ON 4 SIDES.
- (J) ONE 3" DIAMETER CARLON TYPE "DB" DIRECT BURIAL TELEPHONE DUCT OR 3" SCHEDULE 40 PVC. INSTALL GALVANIZED PULL WIRE OR PURPLE POLYPROPYLENE ROPE WITH A MINIMUM PULLING TENSION OF 100 POUNDS. THE MINIMUM BURIAL DEPTH SHALL BE 24". INSTALL AN ORANGE DETECTABLE HAZARD TAPE WITH INTERNAL "BURIED CABLE" WARNING, 12" ABOVE CONDUIT.
- (K) LOSS PREVENTION CAMERA PULL BOXES SHALL BE "H-20" LOAD RATED. THE TYPICAL PULL BOX SIZE WILL BE 17" X 30" X 24" "QUAZITE" PG1730BA00 BOX WITH PG1730HA00 LID, OR APPROVED EQUAL. THE PULL BOX SHALL BE INSTALLED PER THE MANUFACTURER'S SPECIFICATION WITH A CONCRETE COLLAR AND A MINIMUM OF 8" OF GRAVEL COMPACTED PER PROJECT SPECIFICATIONS.
- (L) ONE 3" CONDUIT SHALL BE CARLON TYPE "DB" DIRECT BURIAL TELEPHONE DUCT OR SCHEDULE 40 PVC. INSTALL GALVANIZED PULL WIRE OR PURPLE POLYPROPYLENE ROPE WITH A MINIMUM PULLING TENSION OF 100 POUNDS. THE MINIMUM BURIAL DEPTH SHALL BE 24". INSTALL AN ORANGE DETECTABLE HAZARD TAPE WITH INTERNAL "BURIED CABLE" WARNING, 12" ABOVE CONDUIT. THE 3" LP CAMERA CONDUIT SHALL BE SEPARATED FROM THE 480VAC LIGHT FIXTURE POWER BY A DIVIDER PLACED IN THE LIGHT POLE BASE JUNCTION BOX.
- (M) NOT USED
- (N) PROPOSED OIL INTERCEPTOR. REFER TO ARCHITECTURAL PLANS.
- (O) PROPOSED GREASE INTERCEPTOR. REFER TO ARCHITECTURAL PLANS.
- (P) NOT USED
- (Q) PROPOSED CONNECTION TO EXISTING WATER LINE.
- (R) GARDEN CENTER IRRIGATION CONTROL ENTRY.
- (S) INSTALL LIGHT POLES, FIXTURES, AND L.E.D. LUMINAIRES. REFER TO THE ARCHITECTURAL PLANS FOR SITE LIGHTING ELECTRICAL DESIGN AND LAYOUT.
- (T) ELECTRIC ENTRY. CONTRACTOR TO COORDINATE WITH ELECTRIC COMPANY.
- (U) CONNECT TO EXISTING 8" PVC WATER PER HCWD
- (V) CONNECT TO 5" ELECTRIC STUB
- (W) CONNECT TO 4" TELEPHONE STUB
- (X) CONNECT TO 2" GAS STUB
- (Y) BELOW GROUND WASTEWATER TREATMENT PLANT - BY OTHERS

LIGHTING LEGEND

- EAM_MPRGA_H5.20.04.4191.61in
- 2-EAM_DONGA_D3.4191.61in
- 3-EAM_DONGA_D3.4191.61in
- 4-EAM_DONGA_D4.4191.61in



SITE UTILITY NOTES

1. ALL FILL MATERIAL IS TO BE IN PLACE AND COMPACTED BEFORE INSTALLATION OF PROPOSED UTILITIES.
2. CONTRACTOR SHALL NOTIFY THE UTILITY AUTHORITIES INSPECTORS 72 HOURS BEFORE CONNECTING TO ANY EXISTING LINE.
3. SANITARY SEWER PIPE SHALL BE AS FOLLOWS:
   4" PVC SDR35 PER ASTM D3034, FOR PIPES LESS THAN 15' DEEP;
   6" PVC SDR26 PER ASTM D3034, FOR PIPES MORE THAN 15' DEEP;
   6" PVC SCHEDULE 40; OR
   DUCTILE IRON PIPE PER AWWA C150.
4. WATER LINES SHALL BE AS FOLLOWS:
   6" AND LARGER PVC C900 PER ASTM D2241, CLASS 200 UNDER COUNTY ROADS, OTHERWISE CLASS 150;
   6" AND LARGER DUCTILE IRON PIPE PER AWWA C150; OR
   SMALLER THAN 6" DENCR COPPER TUBE TYPE "K" (SOFT) PER ANSI 816.22 OR
   PVC 200 P.S.I. PER ASTM D1784 AND D2241.
5. MINIMUM TRENCH WIDTH SHALL BE 2 FEET.
6. ALL WATER JOINTS ARE TO BE MECHANICAL JOINTS WITH THRUST BLOCKING AS CALLED OUT IN SPECIFICATIONS.
7. ALL UTILITIES SHOULD BE KEPT 10' APART (PARALLEL), OR WHEN CROSSING 18" VERTICAL CLEARANCE (OUTSIDE EDGE OF PIPE TO OUTSIDE EDGE OF PIPE) UNLESS NOTED OTHERWISE.
8. CONTRACTOR SHALL MAINTAIN A MINIMUM OF 3' COVER ON ALL WATERLINES.
9. IN THE EVENT OF A VERTICAL CONFLICT BETWEEN WATERLINES, SANITARY LINES, STORM LINES, AND GAS LINES (EXISTING AND PROPOSED), THE SANITARY LINE SHALL BE DUCTILE IRON PIPE WITH MECHANICAL JOINTS AT LEAST 10' ON BOTH SIDES OF THE CROSSING. THE WATERLINE SHALL HAVE MECHANICAL JOINTS WITH APPROPRIATE THRUST BLOCKING AS REQUIRED TO PROVIDE A MINIMUM OF 18" CLEARANCE, MEETING REQUIREMENTS OF ANSI A21.10 OR ANSI 21.11 (AWWA C151) (CLASS 50).
10. LINES UNDERGROUND SHALL BE INSTALLED, INSPECTED, AND APPROVED BEFORE BACKFILLING.
11. TOPS OF EXISTING MANHOLES SHALL BE RAISED AS NECESSARY TO BE FLUSH WITH PROPOSED PAVEMENT ELEVATIONS, AND TO BE ONE FOOT ABOVE FINISHED GROUND ELEVATIONS WITH WATER TIGHT LIDS.
12. ALL CONCRETE FOR ENCASEMENTS SHALL HAVE A MINIMUM 28-DAY COMPRESSION STRENGTH AT 3000 P.S.I.
13. DRAWINGS DO NOT PURPORT TO SHOW ALL EXISTING UTILITIES.
14. EXISTING UTILITIES SHALL BE VERIFIED IN FIELD PRIOR TO INSTALLATION OF ANY NEW LINES.
15. REFER TO INTERIOR PLUMBING DRAWINGS FOR TIE-IN OF ALL UTILITIES.
16. CONTRACTOR IS RESPONSIBLE FOR COMPLYING WITH THE SPECIFICATIONS OF HI-DESERT WATER DISTRICT WITH REGARD TO MATERIALS AND INSTALLATION OF THE WATER AND SEWER LINES.
17. THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES, AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANIES AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.
18. ALL NECESSARY INSPECTIONS AND/OR CERTIFICATIONS REQUIRED BY CODES AND/OR UTILITY SERVICE COMPANIES SHALL BE PERFORMED PRIOR TO ANNOUNCED BUILDING POSSESSION AND THE FINAL CONNECTION OF SERVICE.
19. CONTRACTOR SHALL COORDINATE WITH ALL UTILITY COMPANIES FOR INSTALLATION REQUIREMENTS AND SPECIFICATIONS.
20. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING FACILITIES (ABOVEGROUND AND UNDERGROUND) WITHIN THE PROJECT SITE SUFFICIENTLY AHEAD OF CONSTRUCTION TO PERMIT THE REVISION OF THE CONSTRUCTION PLANS IF IT IS FOUND THE ACTUAL LOCATIONS ARE IN CONFLICT WITH THE PROPOSED WORK.
21. REFER TO BUILDING PLANS FOR SITE LIGHTING ELECTRICAL PLAN.

80 0 80 320 160 240

SCALE 1" = 40'

N

*** NOTE TO SPRINKLER CONTRACTOR ***
CONCERNING WALMART BUILDING WATER TEST FLOW DATA FOR BUILDING SPRINKLER DESIGN IS AS FOLLOWS: AT THE CITY SIDE OF ANY WALMART APPROVED DOUBLE DETECTOR CHECK VALVE ASSEMBLY,

STATIC PRESSURE = 105.5 psi
RESIDUAL PRESSURE = 81.5 psi
AT 1800 gpm FLOW
RESIDUAL PRESSURE = 71.5 psi
AT 2000 gpm FLOW

WATER TEST FLOW DATA FOR BUILDING DOMESTIC WATER DESIGN IS AS FOLLOWS: AT THE DOMESTIC INSIDE SIDE OF ANY WALMART APPROVED DOUBLE DETECTOR CHECK VALVE AND/OR WATER METER:

STATIC PRESSURE = 107.3 psi
RESIDUAL PRESSURE = 91.5 psi
AT 131 gpm FLOW

WE WORK SAFELY. WE DIG ON RED. WE DIG BELOW ALERT & ACTIVELY OF AVOIDING TO CAUSE DAMAGE OR DISCOMFORT.
Underground Service Alert
Call TOLL FREE
1-800
227-2600

PLAN DATE IDENTIFIER
PRELIMINARY PLAN
PRELIMINARY STAMP OF
ISSUE DATE
10/12/2012

NASLAND ENGINEERING
CIVIL ENGINEERING • SURVEYING • LAND PLANNING
4740 Ruffner Street, San Diego, California, 92111 • 858-292-7770
JOB NO. A23-0161

BENCH MARK NO: 67-1-4-72
ELEVATION: 3,109.9750
DATE: 12/01/72
LOCATION: BRASS DISK IN TOP OF CURB AT WOO AVENUE 0.5 FEET WEST OF EAST EDGE CONCRETE PATIO; 2.2 MILES EASTERLY ALONG INDEPENDENCE PALMS HIGHWAY FROM OLD WOMAN SPRINGS RD.

REVISIONS

DATE	INIT.	APPR.	DESCRIPTION	INIT.	APPR.

PLANS PREPARED BY
NASLAND ENGINEERING
4740 Ruffner Street
San Diego, CA 92111
PREPARED UNDER THE SUPERVISION OF:
Kent Gorham
R.C.E. No. 65878
Date 9/26/12
Exp. date: 6/30/13

APPROVED BY:
Alex Ali
AUD. EDITOR SUPV. PROJECT ENGINEER
R.C.E. 61765 EXP. DATE 06/30/13
RECOMMENDED BY:

TOWN OF YUCCA VALLEY

UTILITY PLAN

Walmart #1915-04, 58501 29 PALMS HIGHWAY, YUCCA VALLEY, CA 92284

SHEET 14 OF 21 SHEETS
DRAWING NO.

Tract Map Application

Map # 19525
☑ Parcel
☐ Tract

Date Received 01/22/14
By D OLSEN
Fee 2440
Case # TPM 19525
EA #

General Information

APPLICANT Wal-Mart Stores, Inc. Phone 479-273-4000 Fax
Mailing Address 201 S.E. 10TH Street Email J.Collier@wal-mart.com
City Bentonville State AR Zip 72716-0550

REPRESENTATIVE Cory Schrack - Nasland Engineering Phone 858-292-7770 Fax
Mailing Address 4740 Ruffner Street Email corys@nasland.com
City San Diego State CA ZIP 92111

PROPERTY OWNER Wal-Mart Stores, Inc. Phone 479-273-4000 Fax
Mailing Address 201 S.E. 10TH Street Email J.Collier@wal-mart.com
City Bentonville State AR Zip 72716-0550

Project Information

Project Address 58501 29 Palms Highway Assessor Parcel Number(s) 601-201-37
Project Location 29 Palms Highway at Avalon Ave.
Project Description: Portion of the NW 1/4 of the NW 1/4 of Section 32, T1N, R6E, SBBM

Please attach any additional information that is pertinent to the application.

Town of Yucca Valley
Community Development Department
Planning Division
58928 Business Center Dr
Yucca Valley, CA 92284
760 369-6575 Fax 760 228-0084
www.yucca-valley.org

Environmental Assessment

1. Property boundaries, dimensions and area (also attach an 8 ½ x 11" site plan): North:1256', South:1157.58', East;1356.88', West:718.04'. 26.26 Ac

2. Existing site zoning: C-G 3. Existing General Plan designation: C-G

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

5. Existing Zoning of adjacent parcels:

   North R-S-5 South I East C-G West C-G

6. Existing General Plan designation of adjacent parcels:

   North R-S-5 South I East C-G West C-G

7. Precisely describe existing uses adjacent to the site: North, South and West side are existing roads with vacant land beyond. East side is Commercial (Home Depot)

8. Describe the plant cover found on the site, including the number and type of all protected plants: Existing Native vegetation.

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 15% 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 in the archaeological and historical resource element?
☐	☐	☑	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 FIRM)

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: Commercial

   B. Gross square footage by each type of use: 4,653 Gross SF of Commercial

   C. Gross square footage and number of floors of each building: 2,230 SF (Commercial - Panda Express) and 2,423 SF (Commercial - Taco Bell)

   D. Estimate of employment by shift: TBD

   E. Planned outdoor activities: Outdoor Seating Area

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

   40 % Paving, 7 % Building, 40 % Landscaping, 13 % Parking

3. **Maximum height of structures** 22 ft. 1 in.

4. **Amount and type of off street parking proposed:** 52 standard parking stalls

5. **How will drainage be accommodated?** Flows collected by an existing onsite storm drain system from the existing adjacent Walmart store, which flows to existing detention basins.

6. **Off-site construction (public or private) required to support this project:** None proposed

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

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

9. **Permits or public agency approvals required for this project:** The following departments: Planning, Health, Building, Fire, Hi-Desert Water District.

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)** Yucca Valley Retail Center - Wal-Mart Specific Plan

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? DUST FROM GRADING ACTIVITIES
☐	☐	☑	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? NOISE FROM GRADING EQUIPTMENT
☐	☐	☑	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: 12/12/2013

By: John E. Clarke Vice-President of Real Estate

Wal-Mart Stores, Inc.

Agreement to Pay All Development Application Fees

In accordance with Town Council Resolution 04-38 the Town collects certain fees based on the actual cost of providing service. The application deposit for this project (as indicated below) may not cover the total cost of processing this application. I/We are aware that if the account has 25% or less remaining prior to completion of the project, staff will notify the undersigned in writing, of the amount of additional deposit required to complete the processing of the application, based on Staff's reasonable estimate of the hours remaining to complete this application process.

Further, I understand that if I do not submit the required additional deposit to the Town within 15 business days from the date of notification by the Town, the Town will cease processing of the application and/ or not schedule the project for action by the Planning Commission or Town Council until the fees have been paid.

Any remaining deposit will be refunded to me at time of closeout after I have submitted any required approved project plans and forms, including signed conditions of approval, or upon my written request to withdraw the application.

As the applicant, I understand that I am responsible for the cost of processing this application and I agree that the actual costs incurred processing this application will be paid to the Town of Yucca Valley.

Deposit Paid: $ ~~$2,410.00~~ $2,440.00 (NE)

Applicant's Signature _____ Date: 12/12/2013

Applicants Name John E. Clarke-Vice President of Real Estate, Wal-Mart Stores, Inc.
(Please print)

Owner/Applicant Authorization

Applicant/Representative: I/We have reviewed this completed application and the attached material. The information included with this application is true and correct to the best of my/our knowledge. I/We further understand that the Town may not approve the application as submitted, and may set conditions of approval. Further, I understand that all documents, maps, reports, etc., submitted with this application are deemed to be public records. This application does not guarantee approval or constitute a building permit application. Additional fees may be required depending on additional administrative costs

By: John E. Clarke, Vice President of Real Estate

Signed: _____

Date: 12/12/2013

Property Owner: I/We certify that I/We are presently the legal owner(s) of the above described property (If the undersigned is different from the legal property owner, a letter of authorization must accompany the form). Further, I/We acknowledge the filing of this application and certify that all of the above information is true and accurate. I/We understand that I/We are responsible for ensuring compliance with conditions of approval. I hereby authorize the Town of Yucca Valley and or/its designated agent(s) to enter onto the subject property to confirm the location of existing conditions and proposed improvements including compliance with applicable Town Code Requirements. Further, I understand that all documents, maps, reports, etc., submitted with this application are deemed to be public records. This application does not guarantee approval or constitute a building permit application. Additional fees may be required depending on additional administrative costs. I am hereby authorizing

_____

to act as my agent and is further authorized to sign any and all documents on my behalf.

Signed: _____

Dated: _____

Developer Disclosure Statement

This portion of the Application must be fully completed and signed by the Applicant. If not fully completed and signed, the Application will be deemed incomplete.

Address of subject property: Por. of 58501 29 Palms Highway

Cross street: Avalone Avenue

Date this Disclosure Statement is completed: _____

Name of Applicant: Wal-Mart Stores ,Inc.

The Applicant is a:

- ☐ Limited Liability Company (LLC)
- ☐ Partnership
- ☑ Corporation
- ☐ None of the above

Information for LLC, Partnership, Corporation

Name Wal-Mart Stores, Inc. Phone 479-273-4000 Fax _____

Mailing Address 2001 S.E. 10th Street Email J.Collier@wal-mart.com

City Bentonville State AR Zip 72716-0550

State of Registration Arkansas

Managing member(s), General Partner(s) officer(s)

Name _____ Phone _____ Fax _____

Mailing Address (Same) Email _____

City _____ State _____ Zip _____

Attach additional sheets if necessary

Agent for Service of Process

Name _____ Phone _____ Fax _____

Mailing Address _____ Email _____

City _____ State _____ Zip _____

For Corporations, Shareholder with Fifty Percent or More Share or Controlling Shareholder

Name _____ Phone _____ Fax _____

Mailing Address _____ Email _____

City _____ State _____ Zip _____

The Owner is a:

- ☐ Limited Liability Company (LLC)
- ☐ Partnership
- ☑ Corporation
- ☐ None of the above

Information for LLC, Partnership, Corporation

Name Wal-Mart Stores, Inc. Phone 479-273-4000 Fax _____

Mailing Address 2001 S.E. 10th Street Email J.Collier@wal-mart.com

City Bentonville State AR Zip 72716-0550

State of Registration Arkansas

Managing member(s), General Partner(s) officer(s)

Name _____ Phone _____ Fax _____

Mailing Address _____ Email _____

City _____ State _____ Zip _____

Attach additional sheets if necessary

Agent for Service of Process

Name _____ Phone _____ Fax _____

Mailing Address _____ Email _____

City _____ State _____ Zip _____

For Corporations, Shareholder with Fifty Percent or More Share or Controlling Shareholder

Name _____ Phone _____ Fax _____

Mailing Address _____ Email _____

City _____ State _____ Zip _____

The Party in escrow is a (if property is in escrow):

- ☐ Limited Liability Company (LLC)
- ☐ Partnership
- ☐ Corporation
- ☐ None of the above

Information for LLC, Partnership, Corporation

Name_____ Phone _____ Fax_____

Mailing Address _____ Email_____

City_____ State _____ Zip _____

State of Registration _____

Managing member(s), General Partner(s) officer(s)

Name_____ Phone _____ Fax_____

Mailing Address _____ Email _____

City_____ State _____ Zip _____

Attach additional sheets if necessary

Agent for Service of Process

Name_____ Phone _____ Fax_____

Mailing Address _____ Email _____

City_____ State _____ Zip _____

For Corporations, Shareholder with Fifty Percent or More Share or Controlling Shareholder

Name_____ Phone _____ Fax_____

Mailing Address _____ Email _____

City_____ State _____ Zip _____

For any deeds of trust or other liens on the property (other than real property tax liens) please state the following:

A. Name of beneficiary of the deed of trust or lien _____

B. Date of the deed of trust or lien. _____

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on the date and location set forth below

_____
Signature

Print Name: John E. Clarke

Title: Vice President of Real Estate

Date of signing: _____

Location: Bentonville, AR

HAZARDOUS WASTE SITE STATEMENT

I have been informed by the Town of Yucca Valley of my responsibilities, pursuant to California Government Code Section 65962.5, to notify the Town as to whether the site for which a development application has been submitted is located within an area which has been designated as the location of a hazardous waste site by the Office of Planning and Research, State of California (OPR).

I am informed and believe that the proposed site, for which a development application has been submitted, is not within any area specified in said Section 65962.5 as a hazardous waste site.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Dated: 12/12/2013

John E. Clarke, VP of Real Estate Wal-Mart Stores, Inc.

Applicant/Representative printed name

Applicant/Representative signature

TENTATIVE PARCEL MAP NO. 19525

ASSESSORS PARCEL NUMBER

616-221-37

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO, TOWN OF YUCCA VALLEY, AND DESCRIBED AS FOLLOWS:

THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 1 NORTH, RANGE 6 EAST, SAN BERNARDINO BASE AND MERIDIAN, IN THE TOWN OF YUCCA VALLEY, OFFICIAL PLAT OF THE SURVEY OF SAID LAND, LYING SOUTHWESTERLY AND SOUTHERLY OF THE SOUTHEASTERLY LINE OF 29 PALMS HIGHWAY CONVEYED TO THE STATE OF CALIFORNIA, BY DEED RECORDED OCTOBER 10, 1935 IN BOOK 1037 PAGE 37 OF OFFICIAL RECORDS;

EXCEPTING THEREFROM THAT PORTION OF SAID LAND AS DESCRIBED IN THAT CERTAIN FINAL ORDER OF CONDEMNATION CUT OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, CASE NO. WCV 02-0020 AND RECORDED AUGUST 1, 2002 AS INSTRUMENT NO. 02-0400529 OF OFFICIAL RECORDS;

ALSO EXCEPTING THEREFROM THAT PORTION OF SAID LAND AS DESCRIBED IN THAT CERTAIN GRANT DEED TO THE STATE OF CALIFORNIA RECORDED SEPTEMBER 27, 2006 AS INSTRUMENT NO. 06-0420025 OF OFFICIAL RECORDS.

SITE DATA

LOCAL JURISDICTION	TOWN OF YUCCA VALLEY
ZONE DESIGNATIONS	
EXISTING	CN
PROPOSED	CN
NUMBER OF LOTS	3
NUMBER OF OPEN SPACE LOTS	0
AVERAGE LOT SIZE	0.84 ACRES
MINIMUM LOT SIZE	0.75 ACRES
GENERAL PLAN DESIGNATION	
EXISTING	LNR
PROPOSED	LNR
LAND USE	
LAND USE DESIGNATION:	MIXED USE COMMERCIAL
EXISTING LAND USE:	LNR
PROPOSED LAND USE:	
PARCEL AREAS	
PARCEL 1	0.84 ACRES (36,750.07 SQ. FT.)
PARCEL 2	0.75 ACRES (33,010.63 SQ. FT.)
PARCEL 3 (WALMART)	23.88 ACRES (1,039,580.30 SQ. FT.)
30' ROAD EASEMENT	0.76 ACRES (34,504.78 SQ. FT.)
DEDICATION AREAS	
TOTAL GROSS AREA:	26.28 ACRES (1,143,695.89 SQ. FT.)
TOTAL NET AREA:	25.47 ACRES (1,109,191.10 SQ. FT.)

EARTHWORK QUANTITIES

CUT = 193,043 CY
FILL = 14,547 CY
EXPORT = 178,496 CY

UTILITY PURVEYORS

GAS SOUTHERN CALIFORNIA GAS CO. P.O. BOX 3150 SAN DIMAS, CA 91773 PHONE (800) 427-2200	WATER/SEWER MWD-DESERT WATER DISTRICT 55439 29 PALMS HWY. YUCCA VALLEY, CA 92284 PHONE (760) 365-8333
TELEPHONE VERIZON P.O. BOX 3000 MISSION HILLS, CA 91346 PHONE (800) 483-4000	WATER MWD-DESERT WATER 55439 CF 55439 29 PALMS HWY. YUCCA VALLEY, CA 92284 PHONE (760) 365-8333
ELECTRIC SOUTHERN CALIFORNIA EDISON P.O. BOX 800 ROSEMEAD, CA 91770 PHONE (800) 655-4555	STREET SERVICE TOWN OF YUCCA VALLEY PUBLIC WORKS DEPARTMENT 58928 BUSINESS CENTER DRIVE YUCCA VALLEY, CA 92284 PHONE (760) 369-7979

OWNER/APPLICANT

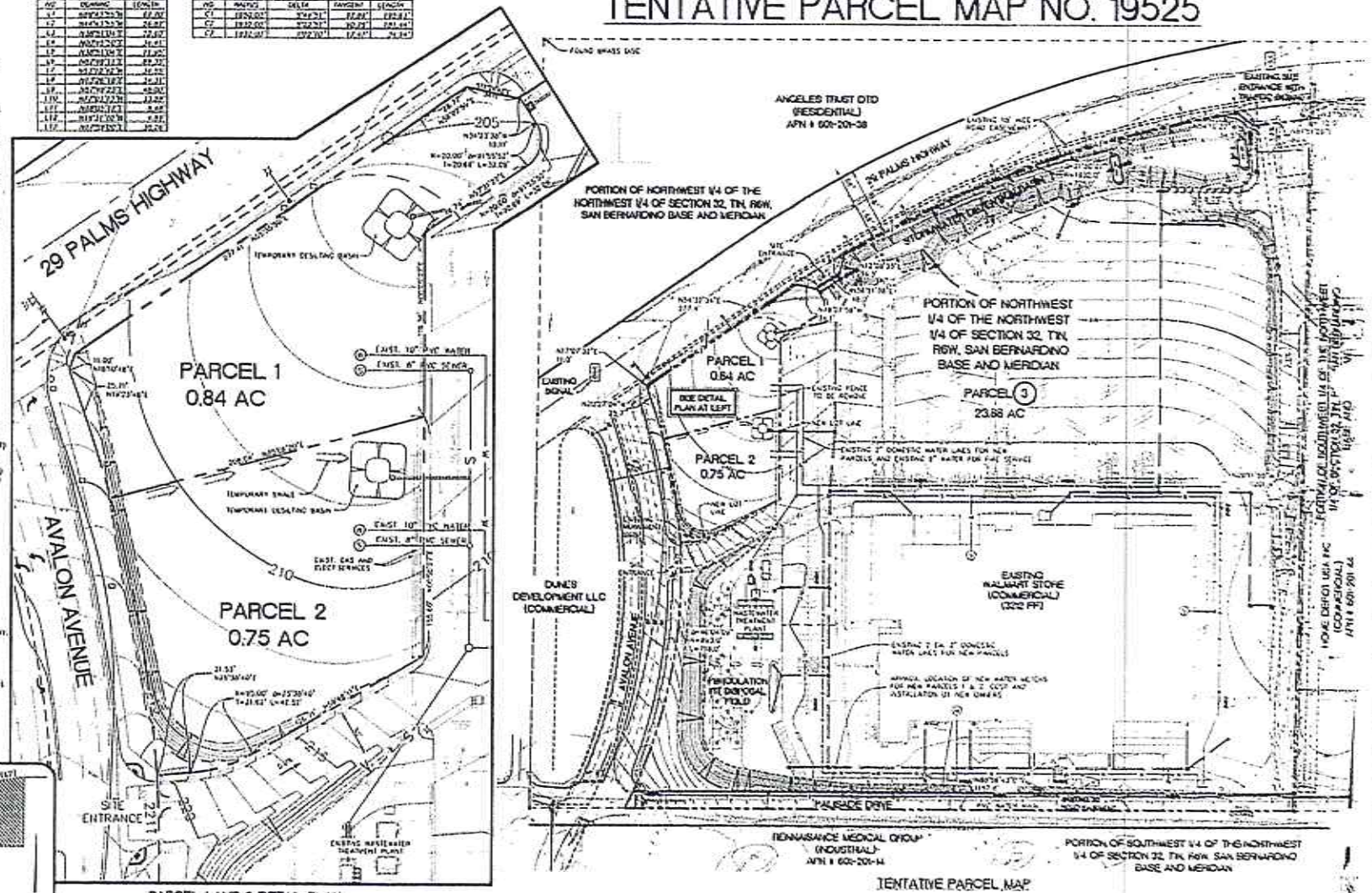
WAL-MART STORES, INC.
2001 S.E. 10TH STREET
BENTONVILLE, AR 72716
(479) 273-4000

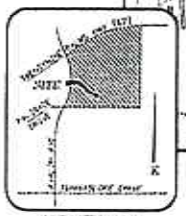
CIVIL ENGINEER

NASLAND ENGINEERING
4740 MURPHY STREET
SAN DIEGO, CA 92111
(858) 292-7770
CONT: SCHWARZ, P.E.
CS@TENTATIVEMAP.COM

LINE TABLE		
NO.	BEARING	LENGTH
L1	N04°33'33"W	67.00'
L2	N04°33'33"W	26.00'
L3	N04°33'33"W	27.00'
L4	N02°24'52"E	34.41'
L5	N02°24'52"E	21.00'
L6	N02°24'52"E	89.32'
L7	N17°37'07"W	16.00'
L8	N17°37'07"W	34.31'
L9	N17°37'07"W	42.00'
L10	N17°37'07"W	13.00'
L11	N17°37'07"W	8.00'
L12	N17°37'07"W	6.00'
L13	N17°37'07"W	10.00'

CURVE TABLE				
NO.	RADIUS	DELTA	TANGENT	LENGTH
C1	1950.00'	3°14'21"	55.00'	110.14'
C2	1932.00'	8°22'37"	70.23'	282.44'
C3	1932.00'	0°37'30"	17.41'	34.34'





VICINITY MAP
NTS

BENCH MARK NO: 62-1-4-72
ELEVATION: 3,163.9750
DATE: 12/01/72

LOCATION: BRASS DISK IN TOP OF CURB AT 2ND AVENUE 0.5 FEET WEST OF EAST EDGE CONCRETE PATIO, 2.2 MILES EASTERLY ALONG INDUSTRIAL PARK HIGHWAY FROM OLD ADOBE SPRINGS RD

REVISIONS

PLANS PREPARED BY
NASLAND ENGINEERING
4740 Murphy Street
San Diego, CA 92111
PREPARED UNDER THE SUPERVISION OF:
Gary Schwarz
R.C.E. No. 45676
Date
Exp. date: 6/30/13

APPROVED BY:
RECOMMENDED BY:

NASLAND ENGINEERING
CIVIL ENGINEERS • SURVEYORS • LAND PLANNERS

TOWN OF YUCCA VALLEY

TENTATIVE PARCEL MAP NO. 19525

Walmart #1915-04, 56501 29 PALMS HIGHWAY, YUCCA VALLEY, CA 92284

SHEET 1 OF 1

PLANNING COMMISSION STAFF REPORT

To: Chairman & Planning Commission
From: Shane Stueckle, Deputy Town Manager
Date: February 28, 2014
For Council Meeting: March 11, 2014

Subject: Development Code Amendment, DCA-07-13
Draft Development Code Article 3
General Development Standards

Prior Commission Review: The Planning Commission received a presentation on Article 3 at its meetings of April 23, 2013, May 07, 2013 and May 14, 2013.

Recommendation: That the Planning Commission holds the public hearing, takes public testimony, provides direction to staff as to final changes, and continues the public hearing to the Planning Commission meeting of March 25, 2014.

Executive Summary: As part of the Development Code Update project, the Planning Commission reviewed Article 3 at its meetings of April 23, 2013, May 07, 2013 and May 14, 2013.

Article 3 provides standards for Dedications and Infrastructure Improvements, Landscaping, Parking, Performance Standards, Property Maintenance, Sign Regulations, Soil Erosion and Dust Control, Temporary Special Events, Temporary Uses, Surface Mining and Land Reclamation, Trip Reduction, Accessory Energy Systems, Wireless Communication Facilities, and Cemeteries

Order of Procedure:

Request Staff Report
Open the Public Hearing,
Request Public Comment
Close the Public Hearing
Council Discussion/Questions of Staff
Motion/Second
Discussion on Motion
Call the Question (Voice Vote)

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

Discussion: Article 3, General Development Standards, provides standards for the development of property

Seventeen Chapters are established within Article 3, and those Chapters are structured in the following manner:

Chapter 9.30	Dedications and Infrastructure Improvements
Chapter 9.31	General Development Standards
Chapter 9.32	Landscaping and Water Conservation
Chapter 9.33	Parking and Loading Regulations
Chapter 9.34	Performance Standards
Chapter 9.35	Property Maintenance Standards
Chapter 9.36	Sign Regulations
Chapter 9.37	Soil Erosion and Dust Control
Chapter 9.38	Temporary Special Events
Chapter 9.39	Temporary Uses and Structures
Chapter 9.40	Surface Mining and Land Reclamation
Chapter 9.41	Trip Reduction Requirements
Chapter 9.42	Accessory Solar Energy Systems
Chapter 9.43	Accessory Wind Energy Systems
Chapter 9.44	Wireless Communications Facilities
Chapter 9.45	Cemeteries
Chapter 9.46	Renewable Energy Generation Facilities

Chapter 9.30 Dedications and Infrastructure Improvements
Chapter 9.30 regulates and controls the dedications and the installation of infrastructure improvements such as streets, traffic signals, utilities, or flood control measures

Chapter 9.31 General Development Standards
Chapter 9.31 establishes standards for the clear sight triangle and height regulations

Chapter 9.32 Landscaping and Water Conservation
Chapter 9.32 establishes minimum landscape standards for the construction of landscapes over 2500 square feet within new commercial, industrial or residential projects, within homeowner installed landscaping over 5000 square feet and within cemeteries.

Chapter 9.33 Parking and Loading Regulations
Chapter 9.33 establishes regulations for the required parking and loading facilities, for parking lot layout for the design of parking lots, commercial truck parking requirements and landscaping requirements within parking lots.

Chapter 9.34 Performance Standards
Chapter 9.34 establishes performance standards to guard against the use of any property that would create hazardous conditions in regards to Air Quality, Electrical Disturbances,

Fire Hazards, Heat, Noise, Vibration or Waste Disposal.

Chapter 9.35 Property Maintenance Standards
Chapter 9.35 provides property maintenance standards for residential property in regards to structure maintenance, fencing, visible storage, litter and refuse, parking areas and landscaping and vegetation.

Chapter 9.36 Sign Regulations
Chapter 9.36 establishes regulation for the installation and maintenance of commercial and industrial permanent signs, temporary commercial signs, residential signs, public and institutional facility directional signs and real estate signs in regards to size, number, design and location.

Chapter 9.37 Soil Erosion and Dust Control
Chapter 9.37 establishes standards and process for regulating development that disturbs the surface of the land.

Chapter 9.38 Temporary Special Events
Chapter 9.38 provides development standards for the temporary special events such as carnivals, certified farmers markets, car shows or seasonal holiday facilities.

Chapter 9.39 Temporary Uses and Structures
Chapter 9.39 provides standards for temporary structures or uses such as batch plants, temporary residential quarters, temporary construction office, temporary model homes, or temporary work trailers.

Chapter 9.40 Surface Mining and Land Reclamation
Chapter 9.40 provides regulation for the extraction of minerals and the reclamation of mined lands.

Chapter 9.41 Trip Reduction Requirements
Chapter 9.41 provides regulations for the reduction of vehicle trips to reduce air congestion and pollutants and to improve air quality.

Chapter 9.42 Accessory Solar Energy Systems
Chapter 9.42 establishes development standards in regards to height, setbacks and visibility for the installation of solar energy for onsite consumption.

Chapter 9.43 Accessory Wind Energy Systems
Chapter 9.43 establishes development standards such as number allowed, height, setbacks, lighting, noise, and location for the installation of wind energy systems for onsite consumption

Chapter 9.44 Wireless Communications Facilities
Chapter 9.44 provides development standards for the installation of wireless communication facilities in regards to special design areas, zoning districts, review process, visual impact and screening and abandonment of facilities.

Chapter 9.45 Cemeteries
Chapter 9.45 provides standards for the establishment or expansion of a cemetery.

Chapter 9.46 Renewable Energy Generation Facilities
Chapter 9.46 prohibits the development of renewable energy generation facilities within any land use district.

Alternatives: The Planning Commission may elect to make recommended changes to the Article.

Fiscal impact: This Ordinance is included in the Town's contract for the Development Code Update project. No additional costs are incurred beyond existing contract services.

Attachments:
Article 3, General Design Standards

Article 3: General Development Standards

Table of Contents

Chapter 9.30 Dedications and Infrastructure Improvements 3-1
9.30.010 – Purpose and Intent 3-1
9.30.020 – Applicability 3-1
9.30.030 – Dedication of Street and/or Highway Right-of-Way and Infrastructure Easements 3-1
9.30.040 – Installation of Street and Infrastructure Improvements 3-2
9.30.050 – Delayed Improvements - Bonding 3-4
9.30.060 – Waiver of Requirements - Procedures 3-4
9.30.070 – Department Determination 3-4
9.30.080 – Utility Undergrounding 3-5

Chapter 9.31 General Development Standards 3-6
9.31.010 – Purpose and Applicability 3-6
9.31.020 – Clear Sight Triangle 3-6
9.31.030 – Height Regulations and Exceptions 3-7

Chapter 9.32 Landscaping and Water Conservation 3-10
9.32.010 – Purpose and Intent 3-10
9.32.020 – Applicability 3-10
9.32.030 – Exemptions to the Landscaping Requirements 3-11
9.32.040 – Modification to the Landscaping Requirements 3-11
9.32.050 – Landscape Documentation Package 3-12
9.32.060 – Landscaping Area Requirements 3-15
9.32.070 – Development Standards 3-15
9.32.080 – Irrigation Scheduling and Maintenance Required 3-22
9.32.090 – Landscape Certificate of Completion Submittal 3-24
9.32.100 – Non-potable/Recycled Water 3-25
9.32.110 – Storm Water Management 3-25

Chapter 9.33 Parking and Loading Regulations 3-26
9.33.010 – Purpose and Intent 3-26
9.33.020 – Basic Requirements for Off-Street Parking and Loading 3-26
9.33.030 – Off-Street Loading Spaces Requirements 3-27
9.33.040 – Off-Street Parking Spaces Requirements 3-28
9.33.050 – Parking Spaces for People with Physical Disabilities 3-32

9.33.060 – Bicycle Parking 3-33
9.33.070 – Parking Area Design Standards 3-33
9.33.080 – Location and Design of Off-Street Loading Spaces 3-35
9.33.090 – Parking Area Plan Required 3-36
9.33.100 – Standards for Truck Parking 3-36
9.33.110 – Parking Design Guidelines 3-36

Chapter 9.34 Performance Standards 3-41

9.34.010 – Purpose 3-41
9.34.020 – Applicability 3-41
9.34.030 – Modification of Standards 3-42
9.34.040 – Air Quality 3-42
9.34.050 – Electrical Disturbances 3-43
9.34.060 – Fire Hazards 3-43
9.34.070 – Heat 3-47
9.34.080 – Noise 3-47
9.34.090 – Vibration 3-50
9.34.100 – Waste Disposal 3-50
9.34.110 – Hazardous Materials 3-50

Chapter 9.35 Property Maintenance Standards 3-52

9.35.010 – Purpose 3-52
9.35.020 – Applicability. 3-52
9.35.030 – Relationship to Other Laws. 3-52
9.35.040 – General Maintenance Provisions 3-52
9.35.050 – Residential Structure Maintenance. 3-53
9.35.060 – Fencing and Walls. 3-53
9.35.070 – Visible Storage or Maintenance. 3-54
9.35.080 – Litter and Refuse. 3-55
9.35.090 – Parking Areas and Driveways. 3-55
9.35.100 – Landscaping and Vegetation. 3-55
9.35.110 – Maintenance Responsibility. 3-55

Chapter 9.36 Sign Regulations 3-56

9.36.010 – Intent and Purpose 3-56
9.36.020 – Applicability 3-57
9.36.030 – Administration 3-57
9.36.040 – Sign Permit 3-58
9.36.050 – Design Merit Sign Permits 3-58
9.36.060 – Landmark Sign Permit 3-60
9.36.070 – Sign Program(Criteria) 3-61
9.36.080 – Prohibited Signs 3-62
9.36.090 – Exempt Signs 3-63
9.36.100 – Temporary Signs 3-66
9.36.110 – Standards for Permanent Signs Requiring a Sign Permit 3-70
9.36.120 – Signs in Residential, Open Space, Public/Quasi Public Zoning Districts 3-72
9.36.130 – Signs in Commercial Zoning Districts 3-73
9.36.140 – Signs in Industrial Districts 3-76
9.36.150 – Signs in Specific Plan Districts 3-77
9.36.160 – Off-Site Signs and Billboards 3-77
9.36.170 – Off-Site Signs on Public Property 3-79

9.36.180 – Public and Institutional Facility Directional Signs 3-79
9.36.190 – Design Criteria for Wall Murals 3-80
9.36.200 – Abandoned Signs 3-81
9.36.210 – Construction and Maintenance 3-82
9.36.220 – Non-Conforming Signs 3-82
9.36.230 – Enforcement 3-83

Chapter 9.37 Soil Erosion and Dust Control 3-85
9.37.010 – Purpose 3-85
9.37.020 – Applicability 3-85
9.37.030 – Exempt Activities 3-85
9.37.040 – Soil Erosion, Sediment and Dust Control Plans and Permits 3-86
9.37.050 – Wind-Borne Soil Erosion 3-87
9.37.060 – Erosion Control, Runoff Control, and Enforcement 3-87

Chapter 9.38 Temporary Special Events 3-91
9.38.010 – Purpose 3-91
9.38.020 – Duration and Frequency 3-91
9.38.030 – Permit Required 3-93
9.38.040 – Standards and Regulations 3-93
9.38.050 – Requests for Law Enforcement Services at Special Events 3-93
9.38.060 – Temporary Special Event Amendment 3-93
9.38.070 – Temporary Special Event Revocation 3-93

Chapter 9.39 Temporary Uses and Structures 3-94
9.39.010 – Purpose and Intent 3-94
9.39.020 – Applicability 3-94
9.39.030 – Exempt Temporary Structures and Uses 3-94
9.39.040 – Structures and Uses Allowed with Temporary Use Permit 3-95
9.39.050 – Permitted Temporary Uses 3-95
9.39.060 – Additional Development Standards 3-100
9.39.070 – Interim Operation of Activities Requiring a Conditional Use Permit 3-101
9.39.080 – Camping or Occupancy of Temporary Structure Prohibited 3-101
9.39.090 – Temporary Use Amendment 3-102
9.39.100 – Temporary Use Revocation 3-102

Chapter 9.40 Surface Mining and Land Reclamation 3-103
9.40.010 – Purpose 3-103
9.40.020 – Incorporation of SMARA and State Regulations 3-104
9.40.030 – Applicability 3-104
9.40.040 – Permit, Plan, and Financial Assurance Requirements 3-104
9.40.050 – Vested Rights 3-106
9.40.060 – Application Filing, Processing, and Review 3-106
9.40.070 – Additional Conditions of Approval 3-109
9.40.080 – Financial Assurances 3-110
9.40.090 – Reclamation Standards 3-112
9.40.100 – Interim Management Plans 3-113
9.40.110 – Annual Report 3-113
9.40.120 – Inspections 3-114
9.40.130 – Violations Penalties 3-114
9.40.140 – Post-Approval Procedures 3-114

DRAFT

Chapter 9.41 Trip Reduction Requirements 3-116
9.41.010 – Purpose 3-116
9.41.020 – Non-Residential Projects 3-116
9.41.030 – Multiple-Family Dwellings 3-117
9.41.040 – Modifications 3-117

Chapter 9.42 Accessory Solar Energy Systems 3-119
9.42.010 – Purpose 3-119
9.42.020 – Applicability 3-119
9.42.030 – Development Standards 3-119
9.42.040 – Plan Approval Required 3-120

Chapter 9.43 Accessory Wind Energy Systems 3-121
9.43.010 – Purpose 3-121
9.43.020 – Applicability 3-121
9.43.030 – Development Standards 3-121

Chapter 9.44 Wireless Communications Facilities 3-124
9.44.010 – Purpose. 3-124
9.44.020 – Applicability. 3-124
9.44.030 – Special Design Areas. 3-124
9.44.040 – Permitted Zoning Districts. 3-124
9.44.050 – Review Process. ..... 3-125~~3-124~~
9.44.060 – General Policies 3-125
9.44.070 – Visual Impact and Screening Standards. 3-127
9.44.080 – Abandonment. 3-127

Chapter 9.45 Cemeteries 3-129
9.45.010 – Purpose. 3-129
9.45.020 – Applicability. 3-129
9.45.030 – Findings. 3-129
9.45.040 – Requirements. 3-129

Chapter 9.46 Renewable Energy Generation Facilites 3-129
9.46.010 – Purpose. 3-129

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Tables

Table 3-1: Street and Infrastructure Improvements 3-7
Table 3-2: Clear Sight Triangle Required Dimensions 3-7
Table 3-3: Structures That May Exceed Height Limit 3-8
Table 3-4: Required Loading Spaces 3-28
Table 3-5: Residential Parking Space Requirements 3-28
Table 3-6: Commercial Parking Space Requirements 3-29
Table 3-7: Industrial Parking Space Requirements 3-31
Table 3-8: Public Facilities Parking Space Requirements 3-32
Table 3-9: Required Number of Parking Spaces For People With Physical Disabilities 3-32
Table 3-10: Disabled Parking Space Dimensions 3-33
Table 3-11: Parking Spaces Dimensions 3-33
Table 3-12: One-Way Traffic Standards 3-34
Table 3-13: Storage Standards for Flammable Liques and Gases 3-44
Table 3-14: Additional Fire Protection 3-46
Table 3-15: Noise Standards for Stationary Noise Sources 3-47
Table 3-16: Noise Standards for Adjacent Mobile Noise Sources 3-48
Table 3-17: Noise Standards for Other Structures 3-50
Table 3-18: Temporary Sign Standards 3-66
Table 3-19: Subdivision Off-Site Freestanding Sign Standards 3-69
Table 3-20: Sign Height and Area Computations 3-70
Table 3-21: Residential, Open Space, and Public/Quasi Public Sign Standards 3-72
Table 3-22: Commercial Sign Standards 3-73
Table 3-23: Industrial Sign Standars 3-76
Table 3-24: Special Events 3-91
Table 3-25: Maximum Tower Heights for Wind Energy Systems in Residential Zoning Districts 3-122

Figures

Figure 3-1: Clear Sight Triangle Graphic 3-7

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Chapter 9.30 Dedications and Infrastructure Improvements

Sections:

9.30.010 – Purpose and Intent
9.30.020 – Applicability
9.30.030 – Dedication of Street and/or Highway Right-of-Way
9.30.040 – Installation of Street Improvements
9.30.050 – Delayed Improvements - Bonding
9.30.060 – Waiver of Requirements - Procedures
9.30.070 – Department Determination
9.30.080 – Utility Undergrounding

9.30.010 – Purpose and Intent

This Chapter regulates and controls dedications and the installation of infrastructure improvements. The regulations are intended to preserve the public health, safety, and general welfare; to promote orderly growth and development; and to ensure the provision of adequate traffic and pedestrian circulation, utilities, flood control, trails, bike lanes and related infrastructure improvements and services.

9.30.020 – Applicability

The requirements of this Chapter shall apply to all subdivision, single-parcel, commercial and industrial development. Single family residential infill development is subject to dedication of necessary easements only.

9.30.030 – Dedication of Street and/or Highway Right-of-Way and Infrastructure Easements

A. **Dedications Required to Comply With Approved Plans or Ordinances.** Prior to final inspection of structures, at the discretion of the Director, the dedication of a road, street or highway right-of-way including roadway, trail or bike lane right-of-way, flood control or drainage, public utilities or easement for other infrastructure may be required to comply with the General Plan, an adopted specific plan, master infrastructure plan, or the provisions of any specific ordinance that has established a future right-of-way line.

B. **Dedications Required in Absence of Approved Plans or Ordinances.** Where approved plans or ordinances do not exist, the required dedications may be required for specific plans and planned development projects and shall be as follows:

1. Proposed development adjacent to trail and bike lane systems may be required to dedicate land for trail and bike access points, as determined by the Director.

2. The dedication or offers of dedication of trail and bike lane easements where appropriate may be required for establishing a planned trails system alignment or where an established trail is jeopardized by impending development.

9.30.040 – Installation of Street and Infrastructure Improvements

A. **Installation of Street and Infrastructure Improvements.** Prior to final inspection of any building, structure or improvement resulting in an increase or change of vehicular traffic, increases in run-off, or increases in demand on infrastructure systems such that the construction of street or infrastructure improvements are necessary for the purposes of protecting public safety and health, the installation of street improvements and infrastructure shall be required in accordance with the following and other current adopted standards, subject to the review of the Director. "Street improvements" include any or all curb and gutter, sidewalks, street lights, concrete driveway approaches, drainage structures, paving, back-filling and preparation of the road surface to rough grade for the placement of paving and other necessary improvements as determined by the Director.

1. Proof of legal and physical access is required.

   a. Physical access is a route which is traversable in a standard (two-wheel drive) sedan. Proof of physical access shall be determined by the Director..

   b. Legal access is:

      1) A dedicated right-of-way;

      2) A dedication to the Town of Yucca Valley and to the public in general, an easement for public road, highway and public utility purposes of a width as established by the Circulation Element of the General Plan. The easement or road constructed on the dedicated land shall not become a Town roadway until and unless the Council, by appropriate resolution, has caused the road to be accepted into the Town Maintained Road System.

      3) An existing traveled way that is substantially in compliance with Town road standards, where a prescriptive right by the user has been established for the public use by court decree.

      4) Private road easement

   c. When all feasible efforts to establish legal access in accordance with 9.30.040 (A)(1)(b)have been exhausted, the lot is an existing legally created parcel, and the property owner has physical access, the Director, may waive the requirement for legal access on the condition that the property owner enters into an agreement in the form required by the Town which includes the property owner's: (1) representation that the owner has a right to physical access; (2) acknowledgement that proof of legal access has not been provided to the Town's satisfaction; and, (3)

agreement to disclose to any subsequent owners that legal access has not been established to the satisfaction of the Town. Notation of said agreement and conditions of waiver shall also be included on the building permit.

2. Water.

   a. Water purveyor. Required when in the service area of a water purveyor and the purveyor can supply the water.

   b. Substantiated well water. If the subject parcel is not within the service area of a water purveyor, well water may be allowed if all required setbacks are met.

   c. Well water within the boundaries of the Hi Desert Water District.

3. Sanitation.

   a. Sewer. Project shall connect as required by the ordinances and policies of the Hi Desert Water District.

   b. Septic systems: Allowed in compliance with the local Regional Water Quality Control Board regulations.

4. Fireflow. Adequate fireflow and fire safety measures in compliance with the most current regulations adopted by San Bernardino County Fire Department.

5. Street and Infrastructure Improvements. Street and infrastructure improvements shall be required for all residential and non-residential subdivisions (parcel maps and tract maps) and commercial and industrial projects in accordance with Table 3-1.

TABLE 3-1
STREET AND INFRASTRUCTURE IMRPOVEMENTS

Standards	Residential (Lot sizes are the size of the resultant parcels after the subdivision)		Non-Residential
	Less than 1.0 acres	1.0 acres or larger (Or within Large Animal Overlay District) (1)	All Lot Sizes
Paved Access to nearest paved road	Yes (1)	No	Yes
Paved General Plan Roads Shown on the Circulation Plan Within or Abutting the Subdivision	Yes	Yes	Yes
Paved Internal Roadways, other than General Plan Roads	Yes (1)	No	Yes
Curbs and Gutters	Yes	No, except General Plan roads	Yes
Sidewalks	Yes (1)(2)	No, except General Plan roads	Yes(2)
Street Lights	Yes (1)	No, except General Plan roads	Yes

Notes:
(1)Residential Parcel Maps (4 lots or less) with resultant parcels greater than 1 acre and more than 500 feet from the nearest paved road may be exempted from this requirement.
(2)Sidewalks are required both sides of the road, except sidewalks are only required on one side of the roadway for Local Residential and Industrial Roads, not including roads shown on the General Plan Circulation Plan, where the resultant parcels after subdivision are 1acre or larger.

9.30.050 – Delayed Improvements - Bonding

Such dedications and installation of street and infrastructure improvements shall be required prior to the occupancy of the premises or commencement of the above- referenced uses. Where it is impractical to install the required improvements at the time of the proposed development, an agreement in writing shall be entered into with the Town to make such improvements, and a cash deposit, a surety bond or such other form of surety as may be acceptable to the Town in an amount equal to the estimated cost of the improvements as determined by the Director, shall be posted with the Town in lieu thereof, to guarantee the installation of such improvements. In the latter event, the actual installation of street improvements may be delayed until written demand therefore is made by the Town. If surety bonds are submitted, they shall be furnished by a surety company authorized to write such bonds in the State of California.

9.30.060 – Waiver of Requirements - Procedures

A. Requirements for all improvements in the public right-of-way will be specified by the Town. Request for a waiver of any of these requirements may be made to the Director who shall have the authority to approve modifications or reject any of the requirements.

1. Prior to waiving or modifying any improvement requirement, the Director shall find as follows:

   a. That the waiver or modification of the required improvement would not adversely affect the public health and safety.

   b. That neither the improvements being waived nor the modifications authorized delete improvements which are a necessary prerequisite to the orderly development of the surrounding area.

2. Prior to waiving any improvement requirement, the Director may require a written agreement from the applicant, agreeing to participate in any street improvement program for the area in which the property is located, whether privately or publicly initiated. This agreement shall be recorded with the County Recorder.

3. Appeal of Action. Any decision by the Director pertaining to a request to waive or modify required improvements may be appealed to the Commission.

9.30.070 – Department Determination

Prior to final inspection of any such building or structure, the Department shall determine the following:

A. That all of the required dedications have been provided.

B. That all of the required street improvements have either been installed or that a cash deposit, surety bond or other form of acceptable surety in an amount equal to the estimated cost of the street improvements has been posted with the Town to assure the installation of said street improvements.

9.30.080 – Utility Undergrounding

See Section 87.11 (Undergrounding Utility Districts) in Title 8 (Buildings and Construction) of the Yucca Valley Municipal Code.

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Chapter 9.31 General Development Standards

Sections:

9.31.010 – Purpose and Applicability
9.31.020 – Clear Sight Triangle
9.31.030 – Height Regulations and Exceptions

9.31.010 – Purpose and Applicability

A. **Purpose.** The purpose of this Chapter is to ensure that all development produces an environment of stable and desirable character that is harmonious with existing and future development, and protects the use and enjoyment of neighboring properties, consistent with the General Plan.

B. **Applicability.** The standards of this Chapter apply to all zones. These standards shall be considered in combination with the standards for each zone in Article 2 (Zoning Districts and Development Standards). Where there may be a conflict, the standards specific to the zone or specific land use shall override these general standards. All structures, additions to structures, and uses shall conform to the standards of this Chapter, as determined applicable by the Director.

9.31.020 – Clear Sight Triangle

A. **Visibility Required.** To safeguard against vehicular, bicycle, and pedestrian collisions caused by visual obstructions at street and alley intersections, and at any point where a driveway intersects a street or alley, there shall be no visual obstruction within the clear sight triangle established in this Section. Such space shall be kept free of buildings, structures, and landscaping that constitutes a visual obstruction. In hillside areas, clear sight triangle shall include such grading as may be necessary to provide for reasonable intersection visibility.

B. **Clear Sight Triangle Described.** The clear sight triangle is defined as:

1. The triangular-shaped area on a corner lot, or at a point where driveway intersects a street, formed by measuring the prescribed distance from the intersection of the front (or rear) and street side property lines at an intersecting street or alley, and connecting the lines diagonally across the property making a 90-degree triangle; and

2. The triangular-shaped area on each side of any driveway intersecting a street or alley.

Figure 3-1:
Clear Sight Triangle Graphic

[To be added]

C. Clear Sight Triangle Required Dimensions. Table 3-2 (Clear Sign Triangle Required Dimensions) identifies the required dimensions for a clear sight triangle:

TABLE 3-2:
CLEAR SIGHT TRIANGLE REQUIRED DIMENSIONS

Type of Intersection	Required Dimension for a Clear Sight Triangle	
	Standard Lot	Irregular Lot With No Intersection Visibility
Street Right-of-Way and Alley	15 ft.	17 ft.
Two Intersecting Alleys	15 ft.	17 ft.
Street Right-of-Way and Driveway	10 ft.	17 ft.
Street and Street	30 ft.	35 ft.

D. Maximum Height Requirement. The following shall not be erected, placed, or planted, or allowed to grow over 30 inches in height above the nearest street curb elevation within a clear sight triangle:

1. Fences and walls.
2. Signs, see also Section 9.36 (Sign Regulations).
3. Structures.
4. Mounds of earth.
5. Other visual obstructions.

E. Exceptions. The requirements for clear sight triangle shall not apply to:

1. Traffic safety devices.
2. Trees trimmed from the ground surface up to eight feet above the adjoining curb.
3. Utility poles.
4. Other utility installed or maintained devices allowed by this Development Code.
5. Free standing sign when the lower edge of the sign face is at least eight feet above grade and where there are no more than two posts or columns, each with a maximum width or diameter of 12 inches, supporting the sign.

9.31.030 – Height Regulations and Exceptions

A. General Provisions. The maximum structure height development standards established by the zoning districts may be increased as specified by this section, provided such increase does not conflict with airport safety regulations or approved conditions of approval.

B. Permitted Structural Height Increases

1. Single-Family Dwelling Unit. Single-family dwelling units in zoning districts that impose a height limitation of 35 feet or less may exceed the height limit by up to 25 feet, when two side yards of at least 20 feet are provided.

2. Institutional Structures. Institutional structures in zoning districts that impose a height limitation of 35 feet or less may exceed the height limit by up to 25 feet, when the required front, side and rear yards are increased an additional one foot in excess of minimum requirements for each four feet in height above 35 feet.

3. Miscellaneous Structures. The maximum structure height specified in a zoning district may be exceeded by no more than 50 percent for structures identified in Table 3-2 (Structures That May Exceed Height Limit), subject to an approved Land Use Compliance Review:

TABLE 3-3:
STRUCTURES THAT MAY EXCEED HEIGHT LIMIT

a. Cupolas, domes, skylights, and gables. b. Ornamental towers and spheres. c. Church steeples and towers. d. Flag poles. e. Bird houses. f. Residential chimney, flues, smokestacks, and enclosures. g. Mechanical equipment and its screening. h. Elevator housing. i. Bulkhead and skylights. j. Monuments. k. Barns, silos, grain elevators, windmills, and other farm buildings or structures in Open space, Residential Hillside Reserve, and Rural Living zoning districts. l. Noncommercial antennas up to 65 feet in residential zoning districts.	m. Fire or parapet walls. n. Fire and hose towers. o. Stairway housing. p. Water tanks and water towers. q. Cooling towers, gas holders, smokestacks, or other structures in industrial zoning districts which are required by permitted industrial processes. r. Windmills and solar energy collectors in residential or commercial zoning districts. s. Observation and carillon towers. t. Radio and television station towers. u. Distribution and transmission cables and towers v. Outdoor theater screens. w. Sign spires x. Penthouses. y. Other roof structures and mechanical equipment similar to those listed above.

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Chapter 9.32 Landscaping and Water Conservation

Sections:

9.32.010 – Purpose and Intent
9.32.020 – Applicability
9.32.030 – Exemptions to the Landscaping Requirements
9.32.040 – Modification to the Landscaping Requirements
9.32.050 – Landscape Documentation Package
9.32.060 – Landscaping Area Requirements
9.32.070 – Development Standards
9.32.080 – Irrigation Scheduling and Maintenance Required
9.32.090 – Landscape Certificate of Completion Submittal
9.32.100 – Non-potable/Recycled Water
9.32.110 – Storm Water Management

9.32.010 – Purpose and Intent

The Town promotes the value and benefits of landscapes while recognizing the need to use water and other resources as efficiently as possible. In compliance with applicable State standards and guidelines, this Chapter establishes minimum landscape standards for all uses for the purpose of enhancing the appearance of developments, reducing heat and glare, controlling soil erosion, conserving water, establishing a buffer and/or screen between residential and non-residential land uses, and ensuring the ongoing maintenance of landscape areas. Water conservation measures shall be addressed through landscape and irrigation design.

9.32.020 – Applicability

The Director may delegate authority for review, inspection and approval of plans and installations, as well as other implementation of this Chapter to the Hi-Desert Water District in order to avoid duplication of processes and efforts specific to allowable water use, irrigation system design, metering requirements and other standards regulated by the District.

A landscape document package shall be submitted for review and approval for the following projects:

A. All new and rehabilitated landscapes associated with homeowner installed residential uses (including single residential units/projects) with a total landscape area that is 5,000 square feet or greater.

B. All new and rehabilitated landscapes associated with any developer-installed residential uses (including single and multiple residential projects) with a total landscape area that is 2,500 square feet or greater.

C. All new and rehabilitated landscapes associated with any owner and/or developer installed commercial, institutional, and/or industrial uses with a total landscape area that is 2,500 square feet or greater.

D. All new and rehabilitated landscapes within cemeteries. These projects need only prepare a water budget that specifies the facilities Maximum Applied Water Allowance (MAWA) and Estimated Annual Water Use (EAWU), and they must meet the provisions set forth in Sections XX and XX of this Chapter.

E. If existing physical constraints on the site (e.g., structures, parking, circulation, etc.) limit the amount of landscaping that can be provided, whatever additional landscaping the site can accommodate towards meeting the landscape area requirements of this Chapter shall be provided.

9.32.030 – Exemptions to the Landscaping Requirements

The following projects shall be exempt from landscaping requirements:

A. Those properties that have been registered as local, state, and/or federally historical sites.

B. Undisturbed portions of residential subdivisions, such as areas which are to remain natural for native plant protection and/or management, for the protection of a wildlife corridor, or for other natural resource management all of which will not require supplemental water or the approval as a viable landscape by the Director.

C. Undisturbed portions of nonresidential project sites.

D. Those properties that are currently in agricultural production are exempt from the requirements of this Chapter. Commercial agriculture production requiring more intense water usage shall be subject to separate water efficiency standards as regulated by the State of California and local water resource agencies.

E. Those properties that are part of an ecological restoration project(s) and do not require the use of a permanent irrigation system.

F. Those properties that are part of a mined-land reclamation project(s) and do not require the use a permanent irrigation system.

G. Those plant collections, as part of botanical gardens and arboretums that are open to the public.

9.32.040 – Modification to the Landscaping Requirements

A. **Director Approval.** The Director may approve modifications to the requirements of this Chapter. The modifications shall be limited to the following:

1. Minor modifications to the approved landscape documentation package that comply with the spirit and intent of the requirements, including, but not limited to, revising or substituting plant varieties, container sizes, plant locations, irrigation specifications, hardscape components, berm heights and/or locations, slope features, and other similar changes.

2. Any minor modifications of planting, installation, and/or soil preparation details as listed within the approved landscape documentation package.

3. The occupancy of structures prior to the installation of landscaping due to exceptional and unforeseen circumstances when a bond or other surety is provided in compliance with SubSection 9.32.050 (C) (Statement of surety).

B. Conditions imposed in connection with modifications. In granting modifications to any approved landscape documentation package, the Director may impose conditions as deemed necessary to comply with the spirit and intent of these regulations.

9.32.050 – Landscape Documentation Package

A. Landscape Documentation Package Requirements. A landscape documentation package shall be submitted for review and approval for those projects specified in Subsection 9.32.020 (Applicability), consisting of the following:

1. Title Sheet. Pertinent project information (i.e. applicant contact information, representative contact information if applicable, assessor's parcel number, etc.) shall be included on a title sheet. The following statement is to be placed on the title sheet of the landscape documentation package:

   I agree that this landscape documentation package complies with the landscaping requirements as outlined by Chapter 9.32 of the Town of Yucca Valley Development Code; as well as any other requirements as outlined in supporting documentation regarding water efficient-landscaping requirements provided by the Town of Yucca Valley.

   The Title sheet shall bear the signature of a licensed professional authorized to design landscape plans.

2. Demolition Plan. The landscape demolition plan, if applicable, shall show all landscape elements, and/or hardscape elements, that will affect the proposed landscaped areas, and identify each element to be removed or protected in place. Any existing regulated native species shall be identified and shall not be removed without a removal permit.

3. Construction Plan. The landscape construction plan shall detail the hardscape elements, i.e. sidewalks, mowcurbs, aesthetic elements, etc., that are proposed as part of the landscape design.

4. Water Budget. A project's water budget shall be based on the following calculations and shall be included on the irrigation plan:

   a. Maximum Applied Water Allowance (MAWA): The MAWA for the project shall be calculated using the following formula:
   MAWA (in gallons) = (ETo)(0.62)[(0.7 x LA) + (0.3 x SLA)]

   Where:

   1) ETo: The project area specific reference evapotranspiration rate (inches), as outlined in the California Irrigation Management Information System (CIMIS), other equivalent data, or soil moisture sensor data.

2) 0.62: The conversion factor, which converts acre-inches per acre per year to gallons per square foot per year.

3) 0.70: The ET adjustment factor, that, when applied to the ETo, adjusts for plant factors and irrigation efficiency, which are two major influences upon the amount of water that needs to be applied to the project's landscaped areas. Those areas using non-potable/recycled water for irrigation purposes may use the ET adjustment factor, which shall not exceed of 1.0. The ET adjustment factor is figured by dividing the average site-wide plant factor, found in the Water Use Classifications of Landscape Species, third edition (WUCOLS III), with the average irrigation efficiency of 0.71, as defined by State law;

4) LA: The project's total landscaped area (including SLA) in square feet; and

5) SLA: The project's total special landscaped area (i.e. areas dedicated to edible plants, areas irrigated with non-potable/recycled water, and publicly accessible areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing field or where turf is needed for high traffic activities) in square feet.

b. Estimated Annual Water Use (EAWU). The EAWU for project specific hydrozones shall be calculated using the following formula:

EAWU (in gallons) = (ETo)(0.62)[((PF x HA)/IE) + SLA]

Where:

1) ETo: The project area specific reference evapotranspiration rate (inches), as outlined in the California Irrigation Management Information System (CIMIS), other equivalent data, or soil moisture sensor data.

2) 0.62: The conversion factor, which converts acre-inches per acre, per year to gallons per square foot, per year.

3) PF: The plant factor found in the Water Use Classifications of Landscape Species, third edition (WUCOLS III) publication, available from the Department of Water Resources. The plant factors range from: low (0 to 0.3), medium (0.4 to 0.6), and high (0.7 to 1.0).

4) HA: The hydrozone area in a square foot number based on water usage areas within the particular landscaping area (i.e. high, medium, and low, see above). If plants with low water requirements are used within a medium water use hydrozone (those plants that can also survive/flourish in a medium water use application), they shall be counted as a medium water use in the water budget calculations.

The same requirement applies for those plants that can also be utilized in a high water use application.

5) IE: The irrigation efficiency of the projects irrigation systems. For the purposes of determining the EAWU, the average irrigation efficiency is assumed to be 0.71, based on State law. All project irrigation systems shall be designed, maintained, and managed to meet or exceed an average irrigation efficiency of 0.71, as defined by State law.

6) SLA: The project's total special landscaped area (i.e. areas dedicated to edible plants, areas irrigated with non-potable/recycled water, and publicly accessible areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing field or where turf is needed for high traffic activities) in square feet.

7) The landscaping plans shall provide the EAWU (in the same units as the MAWA is provided) for each valve stationed on the project specific irrigation controller. The sum of the projected EAWU shall not exceed the projected MAWA for the project.

5. Landscape Planting Plan

a. Plant Groupings. Plants selected for the landscape planting plan shall have similar water needs and be grouped together in distinct hydrozones for water maximum efficiency.

b. Plant Hardiness. Plants selected for the landscape planting plan shall be selected based upon their adaptability to the climate in which the project is located, as well as the geologic and topographical conditions. Where possible, the preservation and protection of existing native plant species and natural areas shall be encouraged.

6. Landscape Irrigation Plan. The plan shall include all components of the irrigation system (i.e., valves, heads, sensors, etc.). The water budget information shall be used in the preparation of the irrigation plan and shall be included on the plan.

7. Hydrozone Plan. A separate hydrozone plan shall be prepared in conjunction with the irrigation plan calling out the distinct hydrozone plant groupings.

8. Landscape Grading Plan. If the proposed grading exceeds 50 cubic yards, the developer shall submit the most recent rough/precise grading plans and elevations for the project site. These plans shall bear the signature of a licensed professional authorized by law.

9. Soil Management Report. To help further reduce runoff and help encourage healthy plant growth, a project-specific soil management report with soil amendment recommendations shall be submitted as part of the landscape documentation package.

B. Review and approval. Prior to the issuance of permits, the developer shall submit a complete Landscape Documentation Package for review and approval.

C. **Statement of Surety.** When required by the Director, a statement of surety in the form of cash, performance bond, letter of credit, or certificate of deposit in an amount equal to 120 percent of the total value of all plant materials, irrigation equipment, installation, and maintenance shall be posted with the Town for a two-year period. The Director may require statements of surety for phased development projects, a legitimate delay in landscape installation due to seasonal requirements (including adverse weather conditions) and similar circumstances where it may not be advisable or desirable to install all of a project's landscaping before occupancy of a site.

D. **Local Water Purveyor.** If special provisions have been arranged for a local water purveyor to review and approve a specific project's landscape documentation package, a stamped set of plans approved by the local water purveyor shall be provided.

9.32.060 – Landscaping Area Requirements

A. General requirements.

1. Setbacks. Setback and open space areas required by this Development Code shall be landscaped based on the requirements of this Chapter, except the portion where a sidewalk or driveway occur in the required setback. Required setbacks that are screened from public view in commercial and industrial zones, and are not adjacent to residentially-zoned property, are exempt from the provisions of this Chapter.

2. Unused Areas. Areas of a project site not intended for a specific use shall be landscaped based on the requirements of this Chapter, unless exempt in compliance with Subsection 9.32.030 (Exemptions from the Landscaping Requirements).

3. Parking Areas. Parking areas shall be landscaped in compliance with Chapter 9.33.110 (K) (Landscape Requirements for Parking Areas) and the water-efficient landscaping requirements of this Chapter.

B. **Landscaping In Lieu of Parking Spaces.** Landscaping may be provided in lieu of 10 percent of the total number of parking spaces required, provided the landscaping is arranged so that parking may be installed at a later date if a demand arises, and further provided, that the owner agrees to provide parking at the request of the reviewing agency.

9.32.070 – Development Standards

A. **Design Standards.** The elements within the landscape documentation package (i.e. planting, irrigation, construction, etc.) shall incorporate the following:

1. Cohesive Landscape Design. Landscaped areas shall be made an integral part of the overall project design and shall not be simply located in excess space after parking areas and structures have been planned on-site. Additionally, landscaped areas should have a coordinating design that blends with the architectural influence of the site. Larger developments may utilize a variety of themes throughout landscaped areas to distinguish key areas and elements within the development, yet these design concepts shall be consistent with the unifying concept established for the development.

2. Scale and Character. Landscape materials (i.e. planting and hardscape) shall be selected so that the scale and character are appropriate to the site architecture and/or use of the site.

3. Functional Landscapes. Landscaped areas shall be utilized to enhance and define entrances, sidewalks, and pedestrian areas. Additionally, landscaped areas shall be utilized to control microclimates as well as enhance views. Plant materials that provide seasonal color via flowers or foliage shall be provided as an accent to entrances and sidewalks, and shall be considered throughout the landscape.

4. Landscape Design Features. Aesthetic landscape design features such as sculptures, decorative paving, benches, trellises, arbors, etc. shall be strongly encouraged within landscaped areas. Aesthetic landscape design features do not include driveways, parking areas, and/or storage areas.

5. Sidewalks. All sidewalks, where necessary and appropriate, shall be shown on the landscape plans (i.e. planting, irrigation, construction, etc.). This will ensure proper planting and irrigation design around proposed sidewalks.

6. Alternative Hardscape Materials. Decomposed granite, pea gravel, mulch, bark, recycled tire mulch, play area surfacing, and other similar materials may be used in functional activity areas (i.e., patios, rear entry walks, trails, etc.).

7. Water Features. If a water feature such as a pond or fountain is used within a project's landscape then the project's water budget calculations (MAWA) will need to include the surface area of the water feature with the evaporation rate equivalent to that of a high water use plant. Where available, if not utilized by the public as a recreation source, a non-potable/recycled water source shall be used for any decorative water features. Decorative water features shall be on a recirculating system and shall be maintained on a regular basis.

8. Screening. Planting material and/or hardscape material, such as block walls, wood fencing, vinyl fencing, etc., shall be required to screen storage areas, trash enclosures, parking areas, air conditioning units, and other such elements (except residential driveways). Additionally, any above ground public utilities, such as, but not limited to electrical substations, water storage facilities, and treatment plants shall also be provided with perimeter landscape screening to the extent possible.

9. Bio-swales. Where possible, bio-swales shall be incorporated into landscaped areas to help maintain, manage, and prevent run-off. All bio-swales shall be a mixture of hardscape materials, i.e. rocks, boulders, rip rap, and plant materials suitable for bio-swales; impermeable surfacing shall be avoided in all bio-swales.

10. High Maintenance Landscaping. High maintenance landscaped areas shall be kept to a minimum. If high maintenance landscaped areas are proposed as part of a project's landscaping, these areas shall be located near primary uses and high activity areas.

11. Maximum Height for Clear Sight Triangles. Any planting material and/or hardscape elements over 30 inches in height shall not be allowed within a clear sight triangle formed by the intersection of public rights-of-way, parking lot entrances and exits, pedestrian rights-of-way, driveways, or alleys as described in Subsection 9.31.020 (Clear Sight Triangles).

12. Phased development. Disturbed nonresidential project sites, including those that have been approved with phasing, where future development is intended within six months of

approval, or intended to begin within six months after the completion of a previous phase shall be hydro-seeded with a non-irrigated mix of annuals and natives. Supplemental water shall be provided to the hydro-seeded areas to establish plant health. The hydro-seeded areas shall be maintained in a weed-free condition until development occurs on-site. The proposed hydro-seed mix shall be submitted for review and approval.

B. Planting Plan Requirements. Planting plans shall include the following:

1. Plant Material Varieties. Plant materials shall include water-conserving trees (deciduous and evergreen), shrubs, and groundcover that are attractive and useful for erosion control. The use of one predominant species shall be avoided to prevent spread of disease and pests.

2. Plant Materials. Plant materials shall be a cohesive mix of evergreen and deciduous trees, shrubs, groundcovers, succulents, and native plant material that are drought and infestation tolerant; turf is highly discouraged and shall be minimized and be placed in compliance with this Chapter. Appropriate desert plant materials shall be selected based on their appropriate plant hardiness climate zones as defined by Sunset Western Garden Book and their classifications per the Water Use Classifications of Landscape Species, third edition (WUCOLS III) publication, available from the Department of Water Resources.

3. Coordination of Plant Materials. Plant types shall be grouped together based on their water, soil, sun, and shade requirements, as well as their relation to natural watercourses on-site, existing vegetation that is to remain, and their relationship to building orientation. Plant types with different water needs shall be placed on separate irrigation valves within specific hydrozones. Plant types with similar classifications such as high and moderate, moderate and low, low and very low, per the WUCOLS III publication, shall be grouped together in planting areas.

4. Native and Drought-tolerant Plant Materials. Native and drought-tolerant plant materials capable of surviving with a minimal amount of supplemental water shall be utilized.

5. Landscaped Setbacks. The front yard and street side yard setback areas of a parcel shall be landscaped using xeriscape landscaping techniques, which combines drought tolerant plant and hardscape materials in a variety of aesthetically pleasing designs. For sites where no disturbance of land within setbacks is proposed, landscaping shall not be required. ~~Landscaping of side yard setbacks may be required in compliance with Subsection 9.XXXXX (Screening and Buffering).~~ There is no such section.

6. Mulch. Where appropriate, use rock mulch including cobble stones, crushed rock, and similar gravels in place of organic mulch. Rock mulch can assist in dust control as well.

7. Dust Control. If grading takes place, then a dust control plan shall be submitted for review.

8. Shade Trees. Where appropriate, shade trees shall be provided for residential, commercial, institutional, and industrial buildings, parking lots, open space areas, etc. The trees shall be incorporated to provide natural cooling opportunities and water conservation.

9. Invasive Plants. The use of invasive plant materials shall be avoided in areas near parks, buffers, conservation areas/reserves, and other open space areas because of the potential to cause harm to environmentally sensitive areas.

10. Vines. To aid in the prevention of graffiti, self-clinging vines shall be planted to help ensure full coverage of the public-facing side of all walls.

11. Edible Plants. If edible plant material is proposed as part of the landscape design, it shall be clearly defined and kept separate from all other plant material. Non-potable/recycled water shall not be used to irrigate edible plant material areas.

12. Fire-prone Plants. Plant materials that are fire-prone and highly flammable shall be avoided.

13. Plant Material Spacing. Trees proposed within the road right-of-way shall be planted 30 linear feet on-center from one another, unless another on-center spacing is specified within the project's conditions of approval. In open space areas, trees shall be planted in odd number groupings to allow for a more natural look and feel. The on-center spacing for shrub and groundcover materials shall be based on the size of the specific plant species at maturity. Careful consideration shall be given to proposed plant materials height and spreads so that at maturity they do not interfere with service lines, a driver's or pedestrian's view of public rights-of-way (e.g., the view of approaching, merging, or intersecting traffic, etc.), or otherwise impair public safety, or interfere with the safe operation of a motor vehicle on public streets.

14. Plant Material Container Sizes. Plant materials shall be provided in an array of several container sizes. Container sizes for plant material shall include:

    a. Trees: 15 gallon, 24-inch box, 36-inch box, 48-inch box, and 52-inch box, 72-inch box, 96-inch box, and field dug.

    b. Palms: six- to 15-foot brown trunk height (BTH).

    c. Shrubs: one-gallon, two-gallon, five-gallon, and 15-gallon.

    d. Groundcovers: flats and one-gallon.

15. Plant Solar Orientation. Plant materials shall be planted in a manner considerate of solar orientation to help maximize summer shade and water conservation.

16. Turf. Turf is prohibited for use as aesthetic landscaping. Turf is only allowed for limited uses within parks, sports fields, golf courses, and where turf provides a playing field or where turf is needed for high traffic activities. Where turf is installed, the use of warm season turf shall be strongly encouraged. Furthermore, unless subsurface or other low-flow or non-spray irrigation is proposed, all turf areas shall be a minimum 24 inches away from non-permeable surfaces as to minimize irrigation runoff and overspray.

17. Slope Design. Slopes with a 5:1 ratio or greater; cut slopes with a five-foot vertical height or greater; and fill slopes with a three-foot vertical height or greater shall be protected against damage from erosion. In addition to the stabilizing mulch, drought-tolerant plant material and hardscape features shall be utilized on slopes to promote water retention and erosion control. Decorative boulders and other suitable hardscape materials may be utilized on slopes, but the dominant visual character of the slope shall be made up of drought-tolerant plant materials. Shrubs shall be used in combination with lateral spreading

groundcovers; trees shall be used where slope exceeds 15 feet vertical height. Trees and shrubs shall be planted in visually attractive groupings that provide a more natural appearance.

C. **Irrigation Plan Requirements.** Irrigation plans shall include the following:

1. Efficiency. Irrigation systems shall be designed, installed, maintained, and managed to achieve the highest efficiency rate as possible, and shall meet and maintain an average efficiency rate of 0.71, as defined by State law. High efficiency methods of irrigation (i.e., drip irrigation, efficient rotators, rotary nozzles, micro sprays, etc.) are recommended within the irrigation design.

2. Water Pressure. Static water pressure, dynamic, or operating pressure and flow reading of the water supply shall be measured at the point of connection (POC). These pressure and flow measurements shall be conducted at the design stage to help aid in the design of the irrigation systems. If these measurements are not available at the design stage, the measurements shall be obtained at time of construction and the irrigation design adjusted accordingly. The design of the irrigation systems will ensure that each emission device is within the manufacturer's recommended dynamic pressure range for optimal performance.

3. Variables in Static Pressure. If the measured static pressure is above or below the required dynamic pressure for optimal performance of the irrigation system then pressure-regulating devices (i.e. inline pressure regulators, booster pumps, etc.) shall be specified and installed in order to meet the dynamic pressure required for optimal performance of the irrigation systems.

4. Matched Precipitation Rates. Irrigation heads (i.e. spray heads, rotors, etc.) and other emission devices shall have matched precipitation rates unless otherwise directed by the manufacturer's specifications.

5. Capacity. The capacity of the irrigation system shall not exceed the capacity required based on the water budget calculations for peak water demand, meter capacity, and/or the backflow preventer type and device capacity. If the project is served by a local water purveyor then it is recommended that the project developer contact the water purveyor and inquire about peak water demands (on the main water supply system) and any known water restrictions that could possibly impact the effectiveness of the irrigation systems.

6. Runoff and Overspray. Soil types and infiltration rates shall be taken into account when irrigation systems are designed and installed. Irrigation systems shall be designed and installed to prevent runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, sidewalks, roadways, or structures. The use of check valves shall be required on all irrigation systems to prevent low head drainage. Proper irrigation design, equipment, and schedules, including repeating cycles, shall be used in order to match application rates and help minimize runoff.

7. Head to Head Coverage. Irrigation systems shall be designed to utilize head-to-head coverage with matched precipitation rate nozzles. Rotors and spray heads shall be zoned separately. When using rotors, half arc rotors and full rotors shall be zoned separately, unless matched precipitation rate nozzles are utilized.

8. Water Waste. Water waste is the result of inefficient irrigation due to runoff, overspray, low head drainage, and other similar conditions that causes flows to run onto adjacent non-irrigated areas, walks, roadways, parking lots, etc. It shall be the responsibility of the property owner to prevent water waste on their property by properly maintaining, managing, and replacing irrigation equipment per the regular maintenance schedule. Restrictions in regards to overspray may be considered and modified if the following occur:

   a. The landscaped area is directly adjacent to a permeable surface and no runoff occurs; or

   b. If the directly adjacent non-permeable surfaces have been designed and installed to drain entirely into a landscaped area on-site.

9. Meters. Meters shall be provided in accordance with Hi Desert Water District standards and requirements.

10. Valves. Separate valves shall be provided for those planting areas with similar water uses, so plantings with similar water needs are on the same irrigation valve. All turf areas shall be placed on a separate valve from non-turf areas. Where feasible, trees shall be placed on a separate deep root watering system with its own valve.

11. Equipment. All irrigation systems shall be equipped with the following:

   a. "Smart" Irrigation Controller. All irrigation systems shall be equipped with a smart irrigation control, which automatically adjusts the frequency and/or duration of irrigation events in response to changing environmental conditions. Landscaped areas shall be zoned together in relation to moisture control zones, which shall be based on similarity of water needs (i.e. turf separate from shrubs and groundcovers, sun exposure areas separate from shade areas, top of slope separate from toe of slope, etc.).

   b. Weather Sensing Devices. All irrigation systems shall be equipped with weather sensing devices (i.e. rain, wind, freeze, etc.), either integral or auxiliary, that suspend or alter system operations during unfavorable weather conditions.

   c. Flow Sensor. A flow-sensing device is recommended for all irrigation systems so that irregular flows within the system can be detected and repaired.

   d. Manual Shut-off Valves. All irrigation systems shall be equipped with manual shut-off valves (i.e. gate valve, ball valve, butterfly valve, etc.) that are located as close as possible to the irrigation systems point of connection (POC) and also where jointed transitions occur on the mainline to minimize water loss in case of an emergency and/or scheduled routine repair.

   e. Pressure Regulator. All irrigation systems shall be equipped with a pressure regulator that regulates when the static pressure is above or below the recommended operating pressure for the designed irrigation system.

f. Backflow Preventers. All irrigation systems shall be equipped with a backflow prevention device in accordance with Hi Desert Water District and California Building Code standards and requirements.

g. Swing Joints/Riser Protection. In order to prevent damage that maybe caused to irrigation heads adjacent to hardscape and high traffic areas, all irrigation systems shall utilize swing joints and other riser protection.

12. Soils. Relevant information provided in the soil management report, such as soil types and infiltration rates shall be utilized when irrigation systems are designed.

13. Non-permeable Surfaces. Conventional spray irrigation shall not be permitted within 24 inches of any non-permeable surface. Irrigation systems that are allowed within the 24-inch setback from a non-permeable surface range from drip, drip line, other low-flow or non-spray technology. If the landscape area is adjacent to permeable surfacing and no overspray or run off occurs then there shall be no restrictions on the irrigation system type.

14. Irregular Shaped Areas. Those areas that are long, narrow, and/or irregular shaped, including turf areas, less than eight feet in any direction shall be irrigated with low-volume irrigation or subsurface irrigation technology.

15. Irrigation on Slopes. Non-turf areas located on slopes greater than 25 percent shall be irrigated with a drip irrigation system or other low volume irrigation technology. This requirement may be modified and an alternative design and/or technology proposed if that design/technology demonstrates that no run-off or erosion will occur.

16. Mulched Planting Areas. In planting areas that utilize a form of mulch, the use of a low volume irrigation system shall be required in order to maximize water infiltration into the plants root zone.

17. Non-potable/Recycled water. Where available, the use of non-potable/recycled water to irrigate planting areas shall be utilized. If facilities are made available, water systems for common open spaces (i.e. parks, preserves, etc.) shall use non-potable/recycled water. If non-potable/recycled water is used for irrigation systems then all systems shall be designed to meet all applicable local agency and State codes regarding the use of non-potable/recycled water.

18. Hydrozones. Irrigation systems shall be zoned in accordance to plant water use, slope aspects, and sun/shade microclimates.

D. **Hydrozone Plan.** Each irrigation design plan shall include a separate hydrozone plan outlining the hydrozones that are valved separately within all landscaped areas.

E. **Grading Plan Requirements.** For the efficient use of water, grading of the project site shall be designed so that soil erosion, runoff, and water waste are minimized. As part of the landscape document package, if a project's grading exceeds 50 cubic yards, then the project developer shall submit the most recent rough and/or precise grading plan(s) that have been prepared and signed by a licensed professional as authorized by law.

F. **Soil Management Report.** A soil management report is required as part of the landscape documentation package when mass grading is not proposed. When mass grading is proposed, the soil management report shall be submitted with the certificate of completion.

1. Development of the Soil Management Report. The steps listed below are intended to help guide the developer in the preparation of the soil management report:

   a. Perform a preliminary site inspection;

   b. To obtain the necessary sample, determine the appropriate level of soil sampling and sampling method;

   c. To determine the soil in the landscape area has sufficient depth to support proposed plants perform a soil probe test; and

   d. Obtain appropriate soil sample.

2. Soil Sample(s). Once a soil sample(s) has been obtained from the project site it shall be submitted to the appropriate laboratory for analysis and recommendations. Minimum requirements for the soil analysis should include soil texture, infiltration rate determined by lab tests or soil texture infiltration rate table, pH, total soluble salts, sodium, and any recommendations.

9.32.080 – Irrigation Scheduling and Maintenance Required

A. **Landscape Maintenance**. All landscaped areas shall be properly maintained to ensure water use efficiency and overall plant health. A regular maintenance schedule shall be submitted to the Town and the local water purveyor, if applicable, with the Landscape Certificate of Completion for all projects subject to the provisions of this Chapter.

1. Responsibilities of Property Owners. Property owners shall be responsible for the installation and the regular maintenance and management of landscaped areas on their property and within the contiguous landscaped rights-of-way/parkways. Those rights-of way/parkways that are maintained by the Town shall not be the responsibility of the property owner.

2. Maintenance Practices. The following maintenance practices shall be part of the regular maintenance schedule and shall be performed on a regular basis to ensure water use efficiency and overall plant health:

   a. For the overall health of plant material pruning, cultivating, weeding, fertilizing, watering, and replenishing mulch on a regular basis shall be part of a regular maintenance schedule. All pruning shall be in compliance with the adopted pruning standards of the Western Chapter of the International Society of Arboriculture.

   b. The removal of dead, decayed, diseased, or hazardous trees and/or shrubs, weeds, and debris constituting unsightly appearance, dangerous to public safety and welfare or detrimental to neighboring properties or property.

   c. Any dead or dying plant material shall be removed and replaced as quickly as possible. Any accumulation of leaves, twigs, bark, and other similar materials shall

be removed on a regular basis. All landscaped areas shall be kept in a weed-free fashion at all times.

d. Litter removal from all landscaped areas shall be performed on a regular basis.

e. All turf areas shall be mowed, aerated, and dethatched on a regular basis to ensure the overall health of the turf.

f. Plantings shall be irrigated as often as necessary to maintain healthy growing conditions. Damage to the landscaping and irrigation systems shall be corrected as quickly as possible.

g. All irrigation systems, and components, shall be routinely inspected, adjusted, and repaired. Any obstructions to emission devices shall be removed. If repair to the irrigation equipment is necessary, the replacement parts shall conform to all standards that govern the original irrigation installation and/or approved landscaping plans.

h. Mulch shall be routinely replenished as part of the regular maintenance schedule. The depth, type, and replenishment frequency of all mulch within landscaped areas shall be listed as part of the regular maintenance schedule.

i. The operation of the irrigation systems outside of the normal watering window shall only be allowed for system auditing and maintenance.

j. The property owner is encouraged to implement sustainable and/or environmentally friendly practices for overall landscape maintenance. If sustainable and/or environmentally friendly landscape maintenance practices are utilized then those practices shall be outlined within the regular maintenance schedule.

3. Trimming to prevent encroachment or obstruction. Plant material (i.e. trees and shrubs), when established, shall be trimmed so that they do not encroach upon sidewalks, property lines, or streets. Plant materials shall not encroach, impede and/or interfere with vehicle or pedestrian traffic, or obstruct the illumination from any streetlight to the street or sidewalk. Refer to Subsection 9.31.020 (Clear Sight Triangle) concerning clear sight triangles and Section 9.<u>.07 and 9.09</u> (Permitted Projections into Required Setback Areas) concerning projections into yards. <u>Only in Res and Comm, not in Industrial or Mixed Use.</u>

4. Trees.

a. In residential subdivisions, the developer shall guarantee street trees for a minimum of one year after acceptance of the tract or until 80 percent of the units are occupied, whichever is later. Maintenance of all trees shall become the responsibility of the homeowner upon occupancy.

b. As necessary, all tree guys, stakes, etc. shall be adjusted on a regular basis and replaced in order to maintain a neat appearance and to prevent damage to trees. All tree guys, stakes, etc. shall be removed after the first growing season to ensure the continuing health of the plant.

B. **Irrigation Schedule.** An irrigation schedule shall be developed for all landscaped areas in order to ensure the efficient use of water. The site-specific irrigation schedule shall be developed, managed, and evaluated to utilize the least amount of water required to ensure plant health. The site-specific irrigation schedule shall meet the following criteria:

1. Two Separate Irrigation Schedules. Two site-specific irrigation schedules shall be prepared. The first schedule shall be for the initial establishment period of six months and the second schedule shall be for the established landscape, and shall incorporate the specific water needs of on-site plant material throughout the calendar year.

2. Watering Window for Conventional (overhead) Spray Systems. All conventional (overhead) spray systems shall be scheduled to run between the hours of 8:00 P.M. to 9:00 A.M. The project developer shall check with the local water purveyor, if applicable, to determine their suggested watering window, and the stricter of the two shall apply. The operation of the irrigation systems outside of the normal watering window shall only be allowed for system auditing and maintenance.

3. Maximum Applied Water Allowance (MAWA). The total water applied to the site landscaping shall be less than or equal to the site-specific Maximum Applied Water Allowance (MAWA).

4. Copies of Irrigation Schedule. A copy of the project-specific irrigation schedule shall be located within the irrigation controller enclosure for maintenance purposes. Additionally, a copy of the schedule shall be given to the property owner prior to occupancy.

9.32.090 – Landscape Certificate of Completion Submittal

Prior to the issuance of the certificate of occupancy or final inspection for a project that is subject to the requirements within this Chapter; a Landscape Certificate of Completion shall be submitted to the Community Development Department certifying that the landscape has been installed in accordance with the approved project specific landscape documentation package. The Landscape Certificate of Completion shall be signed and dated by the licensed professional who prepared the plans and shall include the following information:

A. Date.

B. Project information to include project name, project applicant name, telephone and mailing address, project address, location, and Assessor's Parcel Number, and property owner name and mailing address.

C. A statement certifying that the landscaping has been installed in accordance with the approved project specific landscape documentation package.

D. Evidence that the party who is responsible for the installation of the irrigation systems has conducted a preliminary field inspection prior to backfilling, and that the irrigation systems are in working order (evidence of field inspection shall be attached).

E. An irrigation audit report indicating that a certified irrigation auditor has performed and completed an irrigation audit on the installed irrigation systems, and has ensured water efficiency, and that the irrigation systems are not in excess of the site-specific Maximum Applied Water Allowance (MAWA) per the water budget.

F. Documentation that the specified smart irrigation controller has been set according to the correct irrigation schedule.

G. Documentation that all on-site irrigation systems have been adjusted to maximize irrigation efficiency and eliminate irrigation runoff and overspray.

H. Documentation that a copy of both of the project specific irrigation schedules have been given to the property owner for future maintenance and management obligations.

I. If mass grading occurred on the site, a soil management report shall be included.

9.32.100 – Non-potable/Recycled Water

Where available, the installation of non-potable/recycled water irrigation systems (i.e., dual distribution systems, purple pipe, and interchangeable components) shall be required to allow for the current and future use of non-potable/recycled water.

9.32.110 – Storm Water Management

A. Stormwater management practices minimize runoff and increase infiltration which recharges groundwater and improves water quality. Implementing stormwater best management practices into the landscape and grading design plans to minimize runoff and to increase on-site retention and infiltration are encouraged.

B. Project applicants shall refer to the local agency or Regional Water Quality Control Board for information on any applicable stormwater ordinances and stormwater management plans.

C. Rain gardens, cisterns, and other landscapes features and practices that increase rainwater capture and create opportunities for infiltration and/or onsite storage are recommended.

DRAFT

Chapter 9.33 Parking and Loading Regulations

Sections:

9.33.010 – Purpose and Intent
9.33.020 – Basic Requirements for Off-Street Parking and Loading
9.33.030 – Off-Street Loading Spaces Requirements
9.33.040 – Off-Street Parking Spaces Requirements
9.33.050 – Parking Spaces for People with Physical Disabilities
9.33.060 – Bicycle Parking
9.33.070 – Parking Area Design Standards
9.33.080 – Location and Design of Off-Street Loading Spaces
9.33.090 – Parking Area Plan Required
9.33.100 – Standards for Truck Parking
9.33.110 Parking Design Guidelines

9.33.010 – Purpose and Intent

A. Ensure that off-street parking and loading facilities are provided for new land uses, and for major alterations and enlargements of existing uses in proportion to the need for such facility created by each use.

B. Ensure that off-street parking and loading facilities are designed in a manner that will ensure efficiency, protect the public health, safety, and welfare, and where appropriate, insulate surrounding land uses from the adverse impacts of parking facilities and ingress/egress.

C. To ensure improved health, safety, and welfare for the motoring public through controlling areas to and from public roadways.

9.33.020 – Basic Requirements for Off-Street Parking and Loading

A. Off-street parking and loading facilities are required based on the following:

1. New Construction. For all new construction, off -street parking, loading, ingress and egress shall be provided in accordance with this chapter.

2. Expansion of Existing Structures. For any expansion/addition to an existing building that creates the need for additional parking facilities, parking shall be provided for the existing structure and the expansion area in accordance with this chapter.

3. Change in Use of an Existing Structure with Existing Parking. Parking shall be provided in accordance with this chapter for any change in use that results in the requirement for an increase in the number of parking spaces:

a. No additional parking will be required where the total number of spaces required for the change in use is less than ten percent of the number of spaces required and existing for the use prior to such change. A change in occupancy is not a change of use unless the new occupant is considered a different land use classification than the former occupant

4. Change in use when no paved parking exists: Where a change in use requires additional parking on a site where there is no existing paved parking, fifty percent of the required number of parking spaces shall be improved in accordance with this chapter.

B. **Nonconforming Parking or Loading.** No existing use of land or structure shall be deemed to be nonconforming solely because of the lack of off-street parking or loading facilities required by this chapter, provided that facilities being used for off-street parking and loading as of the date of adoption of this chapter is not being reduced.

C. **Spaces required for Multiple Uses.** In the case of mixed occupancies for all new development, the total requirements for off-street parking shall be the sum of the requirements for the various uses computed separately.

D. **Location and Ownership.** Parking required to serve a residential use shall be on the same site as the use served, except that subject to approval of the Director, parking for interim housing may be located on a different site under the same or different ownership provided it is adjacent to the use served. Parking required to serve a non-residential use shall be on the same site as the use served or different site under same or different ownership with an approved parking agreement. Any required landscape setback shall not be used to meet off-street parking requirements.

E. **Common Loading Facilities.** The off-street loading facilities required by this chapter may be satisfied by the permanent allocation of the prescribed number of spaces for each use in a common truck loading facility, provided that the total number of spaces shall not be less than the sum of the individual requirements.

F. **Computation of Spaces Required.** If, in the application of the requirements of this chapter, a fractional number is obtained, the number shall be rounded up or down to the nearest whole number.

G. **Mixed Use Developments.** For planned mix-use developments which consist of retail, office, and theater or hotel, or other similar combination of uses parking may be reduced by a maximum of 20 percent provided documentation is provided which demonstrates sufficient parking is being provided. Reduced parking would not be considered for development consisting of only retail and office.

9.33.030 – Off-Street Loading Spaces Requirements

A. The required number of loading spaces shall be provided in accordance with Table 3-4 (Required Loading Spaces).

B. References to spaces per square foot are to be computed on the basis of gross floor area unless otherwise specified, and shall include allocations of shared restroom, halls, and lobby area, but shall exclude area for stair or elevators.

TABLE 3-4: REQUIRED LOADING SPACES	
Gross Floor Area	**Loading Spaces Required**
General Commercial and Institutional Uses	
Less than 5,000 sq. ft.	None required
5,000 to 20,000 sq. ft.	1 loading space
Each additional 20,000 sq. ft.	1 additional loading space
Professional Office Uses	
Less than 10,000 sq. ft.	None required loading space
10,000 to 99,999 sq. ft.	1 loading space
Each additional 100,000 sq. ft.	1 additional loading space
Manufacturing, Wholesale, Warehousing, and Other Industrial Uses	
Less than 20,000 sq. ft.	1 loading space
Each additional 20,000 sq. ft.	1 additional loading space

C. Loading spaces shall not be allocated or located in required parking areas or within minimum driveway aisles.

9.33.040 – Off-Street Parking Spaces Requirements

A. **Residential Parking Space Requirements.** The required number of parking spaces for residential uses is provided in Table 3-5 (Residential Parking Space Requirements).

TABLE 3-5: RESIDENTIAL PARKING SPACE REQUIREMENTS	
Use	**Parking Spaces Required**
Day Care Home, Large	1 space per 6 children, maximum enrollment based on maximum occupancy load.
Interim Housing	1 space per sleeping room plus 1 per 100 sq. ft. used for assembly purposes or for common sleeping areas.
Single-family Dwelling Unit	2 spaces within a garage or carport.
Second Dwelling Unit	1 per second unit; a minimum of 2 spaces enclosed per site (in associate with primary unit).
Duplex Dwelling Unit	1 space per dwelling unit within a garage or carport.
Multi-Family	1.5 spaces for each unit containing 1 bedroom; 2 spaces for each unit containing two or more bedrooms. At least one of the spaces required for each unit shall be within a garage or carport.
Mobile Home Park	2 spaces per unit, 1 covered; tandem parking is permitted, plus 1 space per 8 units which must be designed for guest parking.
Residential Related	

TABLE 3-5: RESIDENTIAL PARKING SPACE REQUIREMENTS	
Use	**Parking Spaces Required**
Residential Care	1 space per 3 licensed beds.
Bed and Breakfast	1 space per room available for rent in addition to the required for the primary residence.
Boarding House	1 space per sleeping room or 1 space per bed, whichever is greater.
Senior Housing	1 space per unit within a carport or garage.

B. Commercial Parking Space Requirements. The required number of parking spaces for commercial uses is provided in Table 3-6 (Commercial Parking Space Requirements).

TABLE 3-6: COMMERCIAL PARKING SPACE REQUIREMENTS	
Use	**Parking Spaces Required**
Commercial Retail and Services	
Ambulance Service	1 space per 500 sq. ft. plus 1 space per ambulance.
Animal Service:	
Animal Boarding	1 space per 400 sq. ft.
Animal Grooming	1 space per 400 sq. ft.
Animal Hospital	1 space per 400 sq. ft.
Auto Repair and Service	6 spaces plus 3 spaces per bay.
Automobile Sales, Boat Sales, Mobile Home Sales and Other Similar Uses	1 space per 2,000 sq. ft. of open area devoted to display or sales; provided that where such areas exceed 10,000 sq. ft., only 1 space need to provide for each 5,000 sq. ft. above the first 10,000 sq. ft. contained in such area.
Auto Rental	1 space per 300 sq. ft. of lot area, plus 1 per rental vehicle.
Auto Storage	1 space per 5,000 sq. ft. of lot area, plus a minimum of 2 spaces outside any perimeter fence or secure area.
Bingo Parlors	1 space per 2 seats.
Catering Services	1 space per 400 sq. ft.
Carwash:	
Full Service	1 space per 200 sq. ft. of sales, office, or waiting area; plus a 5 space stacking lane per washing station.
Self Service	1 space per stall, plus 2 space stacking lane in front of each stall.
Communications Facility	1 space per 500 sq. ft.
Daycare Center	1 space per each employee or teacher, and 1 space for each 5 children that the facility is designed to accommodate.
Fitness Center	1 space per 200 sq. ft. of gross floor area

TABLE 3-6:
COMMERCIAL PARKING SPACE REQUIREMENTS

Use	Parking Spaces Required
Furniture Stores, Appliance Store, Home Improvement	1 space per 300 sq. ft.
Funeral and Interment Services	1 space per 50 sq. ft. of seating area.
Hotel/Motel	1 space per guest room, plus 1 space per 3 employees on largest shift, plus, 1 space per 50 sq. ft. of banquet seating area, plus parking for other uses and facilities as required by this schedule.
Lumber yards and Plant Nurseries; (non warehouse retail facilities)	1 space per 300 sq. ft. of interior space plus 1 space per 1,000 sf of outdoor or open area used for display or service
Maintenance and Repair (No Autos)	1 space per 400 sq. ft.
Restaurants (including cafés, night clubs, bars, taverns and other similar establishments)	1 space per 50 sq. ft. of seating area (Including outdoor dining)
Restaurants (Fast Food with Drive Through)	1 space per 50 sq. ft. of seating area (Including outdoor dining), plus a stacking area to accommodate a minimum of 10 cars for drive-through service independent of any on-site parking, parking maneuvering areas, and traffic ways. The drive-through lanes shall be protected and/or defined by a curbed landscape strip not less than 3 feet wide or the driveway shall be segregated to as to not interfere with pedestrian or vehicle traffic and parking as approved by the Commission.
Restaurants (Take Out Service – No Seating)	1 space per 250 sq. ft.
Retail Sales	1 space per 250 sq. ft.
Shopping Centers	1 space per 250 sq. ft.
Studio (art, dance, martial arts, music)	1 space per employee, plus 1 space per 2 students at maximum capacity based on occupancy of the building per California Building Code.
Swap Meet	1 space per 1,000 sq. ft. of lot area.
Theaters, Movie, or Live Performance	1 space per 4 fixed seats for up to 800 seats, plus 1 per 8 fixed seats for seats in excess of 800 seats.
Commercial Recreation	
Bowling Alleys	5 spaces per alley, 2 per pool/billiard table, plus 1 per 250 sq. ft. of public assembly and retail areas.
Driving Range	3 spaces plus 1 space per tee.
Golf Course	6 spaces per hole, plus as required for any accessory use.
Gymnasium	1 space per 600 sq. ft. of floor area plus 1 per employee.
Miniature Golf	3 spaces per hole, plus as required for any accessory use.

TABLE 3-6: COMMERCIAL PARKING SPACE REQUIREMENTS	
Use	**Parking Spaces Required**
Pool/Billiards Hall	2 spaces per pool/billiard table, plus 1 space per 250 sq. ft. of public assembly area.
Tennis/Racquet Ball Courts	2 per court, plus as required for any accessory uses.
Skating Rink (ice or roller)	1 per 5 fixed seats, or 1 per 35 sq. ft. of seating area if there are no fixed seats; plus 1 per 250 sq. ft. of additional public assembly area and retail sales (excluding rink area)
Video Arcade, Internet café	1 space per 200 sq. ft. or 1 space per computer terminal, whichever is greater.
Offices	
General Office	1 space per 250 sq. ft., minimum of 4 spaces
Medical and Dental	1 space per 200 sq. ft., minimum of 4 spaces

C. Industrial Parking Space Requirements. The required number of parking spaces for industrial uses is provided in Table 3-7 (Industrial Parking Space Requirements).

TABLE 3-7: INDUSTRIAL PARKING SPACE REQUIREMENTS	
Use	**Parking Spaces Required**
Hazardous Waste Facility	1 space for each
General Manufacturing and Industrial Uses	1 per 350 sq. ft. of industrial use plus 1 per 350 sq. ft. of office use plus 1 per vehicle operated in conjunction with the business
Mini-Storage/Public Storage	1 space for the exclusive use of the resident manager plus 4 up to 150 storage units/spaces, 6 for 151 to 500 storage units/spaces, 10 for 501 to 1,000 storage units/spaces, and one additional for each additional 500 storage units/spaces.
Recycling Facility (Large and Small Collection Facilities)	1 space for each 4,000 sq. ft. of outdoor storage of material or 1 space for 250 sq. ft of office space or 1 space for each 500 sq. ft. of indoor storage, whichever is greater.
Research and Development	1 per 500 sq. ft.
Salvage and Wrecking Yard	1 per 5,000 sq. ft. of lot area, plus 1 per 300 sq. ft. for office and sales area; unless modified by Conditional Use Permit (Section 9.63)
Warehousing	1 per 1,000 sq. ft. plus 1 per 250 sq. ft. for auxiliary office and sales uses

D. Public Facilities Parking Space Requirements. The required number of parking spaces for public facility uses is provided in Table 3-8.

TABLE 3-8: PUBLIC FACILITIES PARKING SPACE REQUIREMENTS	
Use	**Parking Spaces Required**
Places of assembly	1 space for every 4 permanent seats in principal assembly area or room. Where no permanent seats are provided, one space for every 30 sq. ft. of floor area in principal assembly room. 24 linear inches of bench or pew shall be considered a fixed seat.
Airports/Heliports	As specified by Conditional Use Permit (Section 9.63)
Convalescent hospitals, congregate care, retirement, or rest homes and homes for mental patients	1 space per 3 licensed beds
Cultural Institutions/Museums	1 space per 300 sq. ft.
Hospitals	1 space per patient beds
Schools (Public/Private):	1 space per staff member, plus 1 space per 10 children
Nursery/Preschool	2 spaces per classroom
K to 8th Grades	7 spaces per classroom
9th to 12th Grades	10 spaces per classroom
Community College, University	10 spaces per classroom, plus 1 space per faculty member and employee on the largest shift
Vocational, Trade, or Technical Schools	1 space per 1.3 faculty, support staff, students during largest attendance period.
Park Facilities	

9.33.050 – Parking Spaces for People with Physical Disabilities

A. All parking facilities shall comply with the requirements of the California Administrative Code (Title 24) and with the sign requirements of the California Vehicle Code, Section 22511.7. One space shall be provided for each dwelling unit designated for individuals with physical disabilities. Parking for individuals with physical disabilities shall be provided for all other projects on the basis of total parking provided on-site as shown in Table 3-9 (Required Number of Parking Spaces For People with Physical Disabilities).

TABLE 3-9: REQUIRED NUMBER OF PARKING SPACES FOR PEOPLE WITH PHYSICAL DISABILITIES	
Number of Required Parking Spaces	**Required Disabled Parking Spaces**
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7

TABLE 3-9: REQUIRED NUMBER OF PARKING SPACES FOR PEOPLE WITH PHYSICAL DISABILITIES	
Number of Required Parking Spaces	**Required Disabled Parking Spaces**
301-400	8
401-500	9
Over 500	Add 1 space per each additional 200 spaces

B. **Disabled Parking Lot Dimensions.** Table 3-11 (Disabled Parking Space Dimensions) identifies the dimensions for disable parking areas.

C. One in every eight required accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide minimum and shall be designed as "Van Accessible". See Table 3-10 for van accessible spaces parking dimensions.

TABLE 3-10: DISABLED PARKING SPACE DIMENSIONS				
Disabled Parking Space	**Parking Area**	**Loading Area/ Access Aisle**	**Total**	**Depth**
Each Parking Space	9 ft.	5 ft.	14 ft.	19 ft.
Two Adjoining Parking Spaces	9 ft. for each space (2 spaces)	5 ft. (shared)	23 ft.	19 ft.
Van Accessible Spaces	9 ft.	8 ft. (passenger side)	17 ft.	19 ft.

9.33.060 – Bicycle Parking

Bicycle racks may be required for all commercial, industrial, public, and semipublic projects. Bicycle parking would be in addition to automobile parking spaces pursuant to Chapter 9.41 (Trip Reduction Requirements).

9.33.070 – Parking Area Design Standards

A. Each off-street parking stall shall consist of a minimum dimensions identified in Table 3-11 (Parking Spaces Dimensions), including standards spaces and compacts spaces.

TABLE 3-11: PARKING SPACES DIMENSIONS				
Parking Space	**Width**	**Depth**	**Number of Required Spaces**	**Other Requirements**

TABLE 3-11: PARKING SPACES DIMENSIONS				
Parking Space	**Width**	**Depth**	**Number of Required Spaces**	**Other Requirements**
Standard Parking Space	9 ft.	19 ft.	See Tables 3-X to 3-X	N/A
Compact Space	7 ½ ft.	15 ft.	Parking lots which exceed 10 spaces capacity and serve non-residential uses, 25 percent of the required spaces may be allocated for compact parking.	All compact spaces shall be clearly marked and be posted with signs stating "Compact Cars Only"

B. Any parking adjacent to any building or structure, wall, or fence shall have wheel stops not less than 6 inch in height and a distance not less than three feet from said building or structure, wall, or fence.

C. Individual parking stalls shall be clearly striped and permanently maintained with double or hairpin lines on the surface of the parking facility, with the two lines being located an equal nine inches on either side of the stall sidelines.

D. Minimum Aisle Widths.

1. One-Way Traffic. One-way access drives leading to aisles within a parking area shall be a minimum width of 12 feet, and within the aisles as shown in Table 3-12 (One-Way Traffic Standards).

TABLE 3-12: ONE-WAY TRAFFIC STANDARDS	
Parking Stall Angle (Degrees)	**Minimum Aisle (Feet)**
Parallel	12
1 to 45	14
46 to 60	17
61 to 90	26

2. Two-Way Traffic. The aisles and the two-way access drives leading to aisles within a parking area shall be a minimum width of 26 feet.

3. Drive aisle widths shall comply with all Fire Department requirements.

E. All off-street parking and loading areas for commercial and industrial development and outdoor vehicle sales areas, including driveways, aisles, turning and maneuvering areas and parking spaces shall be paved with not less than two and one-half inches of asphalt concrete or an equivalent surfacing and shall be graded and drained so as to dispose of all surface water, and shall be maintained in good repair.

F. All parking areas shall be well lit with sufficient lighting to illuminate all areas for security and safety and shall comply with the provisions of Chapter 8.70 (Outdoor Lighting) of Title 8 (Buildings and Construction) of the Yucca Valley Municipal Code.

G. All street frontage parking shall have a three foot high wall, solid hedge or landscape berm or a combination thereof or an alternate buffer may be used subject to approval of the Director, to buffer off-street parking, loading areas, and outdoor sales display areas. The buffer shall be measured from the grade of the parking, loading, outdoor sales area and in the case of hedges, shall be situated at the rear of the landscape setback. This paragraph shall not apply to single family residence or a two- unit duplex.

H. Where more than twenty parking spaces are required in a commercial, office, or multifamily zone, the parking area shall be landscaped a minimum five percent of the net off-street parking area.

I. Drought tolerant, desert compatible shade trees and other landscape material shall be included in the parking lot design in order to reduce the visual effects of large asphalt areas and to assist in improving the appearance of the property from street frontage.

J. Parking area shall be maintained at all times in a clean, neat, and orderly condition.

K. All spaces in a parking facility, except single family and multifamily dwellings with up to two dwellings, shall be accessible and all circulation shall be internal without reentering a public right-of-way unless it is determined by the Director to be physically impossible to provide for such access. However, an alley may be used as maneuvering space for access to off-street parking. Off-street parking shall generally be located so as to be more convenient and accessible than on-street parking with respect to entrances of buildings and pedestrian circulation on the site served.

L. Nonresidential parking, loading, or sales areas which abut residential land use districts, shall be separated by a solid fence or wall six feet in height, measured from finish grade of parking lot. However, such fence or wall shall be reduced to a maximum four feet in height within the required front or street side yard. Where no front or street side yard is required, such wall or fencing shall be four feet high within 10 feet of the right-of-way.

M. In single family residential land use districts where the parcel abuts a paved street or road, the driveway shall be surfaced with a minimum of two inches of road mixed surfacing, except for single family residential uses on lots of 18,000 square-feet or larger, in which case the driveway shall be dust proof with materials which may include slag, gravel, or similar materials.

9.33.080 – Location and Design of Off-Street Loading Spaces

A. Each loading space shall not be less than 10 feet in width, 20 feet in length.

B. Required loading spaces shall not be within a building, but shall be on the site of the use served or on an adjoining site. On a site adjoining an alley, a required loading space shall be accessible from the alley unless an alternative access is approved by the Director. A required loading space shall be accessible without backing a truck across street property line unless the Director determines that provision of turn-around space is feasible and approves alternative access. An occupied loading space shall not prevent access to a required off-street parking space. A loading area shall not be located in a required landscape setback.

C. Except in the Industrial District, a loading facility which serves a project(s) in excess of 50,000 square-feet that is visible from any public rights of way shall be screened from view.

9.33.090 – Parking Area Plan Required

Prior to the construction of an off- street parking area for a non-residential use or a multi-family dwelling with four or more units, a plan shall be submitted to the Planning Section for the purpose of indicating compliance with the provisions of the Division. This plan shall include:

A. The location and placement of required landscaped areas, including a computation of the required area;

B. A planting plan including a list of plants by name and size keyed to their location on the parking area;

C. Location and description of fencing and architectural screen walls;

D. Layout and method of irrigation of landscaped areas;

E. Location and placement of parking stalls, including bumpers, striping and circulation, and directional signs, and all dimensions to permit comparison with approved parking standards;

F. Placement and illumination data of parking area lights, including photometric study; and

G. Method of drainage.

9.33.100 – Standards for Truck Parking

Excluding pick-up trucks and sport utility vehicles, it shall be unlawful for any commercial vehicle having an unladen vehicle weight (as defined under the California Vehicle Code) of 10,000 pounds or more to be parked in a residential land use district except for Tow Trucks which comply with the following requirements.

A. **Tow Truck Operator.** A tow truck operator may apply for a Commercial Vehicle Parking permit subject to the following standards:

1. The tow truck must be registered to a permanent tow truck business located within a commercial or industrial land use district.

2. The tow truck shall be used for emergency calls only between the hours of 5 P.M. and 8 A.M. and on weekends and legal holidays. No parking shall occur at the residence between 8 A.M. and 5 P.M., except on weekends and legal holidays.

3. Trucks shall not be parked within the required front yard setback of the district in which it is located and must be parked a minimum of 15 feet from any side or rear property line.

9.33.110 – Parking Design Guidelines

A. **Purpose.** The following design guidelines are intended as reference to assist the designer in understanding the Town's goals and objectives for parking and loading design. These guidelines complement the mandatory parking and loading regulations contained in this chapter by providing good examples of potential design solutions and by providing design interpretations of various regulations.

The design guidelines are general and may be interpreted with some flexibility in their application to specific projects. The guidelines will be utilized to encourage the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers.

B. General Design Principles. A well designed parking facility depends on a variety of desirable elements, including:

1. Ease and convenience to all users;
2. The best utilization of available space;
3. Ease of access;
4. Good internal circulation;
5. Easy parking maneuvers;
6. Public transit;
7. Safety; and
8. Aesthetics.

C. Access.

1. Locate driveways with left-turn movements with special attention to spacing driveways relative to the nearest point of street traffic control, especially a signal. Left turn movements are relatively hazardous.

2. Locate driveways with right-turn entry movements with special attention to their location relative to street traffic control. Such movements which may impede through traffic shall be minimized.

3. Driveway design should be directly related to the layout of the parking area, amount of stacking distance (e.g., drive-in service facilities), type of loading facility, circulation pattern, building placement, and relation to the design of the public street, traffic control devices, traffic volumes and placement of other driveways.

4. Driveways "throat" distance should be sufficient to minimize any effect on traffic movements on adjacent streets.

5. Avoid locating entry and exit points where vehicles entering or leaving the site would conflict with large numbers of pedestrians.

6. The access points should be limited to minimize the number of potential conflict points with public streets.

7. Driveway distance should be sufficient to prevent vehicles from backing into the public street.

8. Access roads and aisles for parking should be kept at the maximum distance possible from residential units.

D. Parking Lot Layout.

1. When possible, segregate employee parking from customer parking. Employees will generally walk further from parking to their work destinations than shoppers will walk from parking to stores.

2. Larger parking lots should be broken into smaller modules to reduce the size and visual impact of expansive parking areas or should be designed with additional shade trees/landscaping and other material to assist in minimizing the visual effect of large parking facilities.

3. Minimize the number of continuous parking spaces without interruption.

4. Consolidated parking lots for multiple uses are encouraged where practical.

5. Parking should be designed so that backing and turning movements associated with parking layout will not obstruct or conflict with traffic, either on-or-off-site.

6. Parking lots shall be designed with adequate room to allow vehicles to turn around within the parking lot and enter an adjoining street in a forward direction.

7. Parking shall be provided with curbs, wheel stops or other barriers to prevent vehicles from extending beyond the perimeter of the parking lot and to prevent vehicles from contacting a wall, a fence or a sidewalk.

8. Access aisles should be designed to allow the user to walk directly toward, rather than parallel to, the building front.

9. End islands should be used to enhance the functional and aesthetic qualities of a parking lot in the following ways:

   a. Delineating on-site circulation roadways;

   b. Ensuring adequate sight distance at the intersections of the parking aisles and driveways;

   c. Defining the area and geometry of intersections of parking aisles and driveways;

   d. Protecting the vehicles at the end of a parking bay; and

   e. Providing aesthetic enhancement of the site design.

E. Parking Stalls.

1. In apartment parking lots, parking stalls should be located to protect the privacy of residents by providing buffers, e.g. fences, walls or landscaping, from the effects of engine noise, automobile headlights and vehicle emissions.

2. Apartment parking stalls should generally be located no further than 150 feet from the entrance to each dwelling unit to avoid cars from parking on the street and to provide convenient access for unit residents.

3. Whenever possible all parking stalls should be aligned with the same orientation. Having one section at right angles to another tends to create confusion and can produce accident-prone intersections.

F. Loading.

1. Loading and unloading facilities should be located on site and not within public right-of-way. There shall be no backing of vehicles onto the public right-of-way from loading areas.

2. Loading areas should be screened from entrances and other highly visible areas of the site. Adequate turn around and backing areas shall be provided without disruption of circulation or parking facilities.

G. Lighting.

1. All parking lot and loading facility lighting shall be shielded in accordance with Chapter 8.70 (Outdoor Lighting) of Title 8 (Buildings and Construction) of the Yucca Valley Municipal Code so that substantially all the directly emitted light falls within the property line.

2. No illumination is to be designed or used which produces direct, or reflected light that interferes with the safe movement of motor vehicles on public streets including:

   a. Any light fixture not designed for street illumination that produces light that could interfere with the operation of a motor vehicle;

   b. Any light that may be confused with or construed as a traffic control device; or

   c. Any animated, flashing, or changing intensity lights, except for temporary holiday displays.

H. Pedestrian.

1. A system of interior pedestrian paths or sidewalks integrated with the parking lot should link the different parts of the development with one another and with transit stops.

2. Provide clearly discernible pedestrian walkways where there is adequate vehicular sight distance. The use of textured or colored pavement and signage should be used.

I. Transit

1. Large scale commercial developments and employment center should provide transit access as near as possible to the main entrance to the facility.

2. Transit stops should be designed as an integrated component of the site and feature pedestrian amenities and shelter. Secured transit information centers or kiosks with bus routes and schedule information should be provided if feasible.

3. Non-residential development should orient the front or main entrance to the facility toward major streets with transit facilities.

4. Where parking areas separate the front or main entrance of the building from the transit facility, a separate pedestrian walkway or sidewalk may be required.

J. Bicycles.

1. Bicycle parking facilities should be located outside of a vehicular or pedestrian way and be protected and separated from motor vehicle traffic and parking lots by either a 5 foot separation distance or a curb or other physical barrier.

2. Bicycle parking facilities should be made out of a durable and strong material, be permanently anchored to the ground and be designed so as to allow bikes to be locked to it.

3. Bicycle parking facilities should be sufficiently illuminated.

K. Landscaping Requirements for Parking Areas.

1. Pre-cast and other masonry planters may be used to provide for some buffering for existing parking areas. Landscaping should be used to enhance the safety of parking lots by guiding the circulation of cars and people and by ensuring that the driver's vision is unobstructed.

2. Use of landscaping to control access to parking lots, to make traffic diverters prominent and to direct the flow of traffic within the lot.

3. Parking lots should be screened from surrounding public streets, sidewalks, parks and other public properties. Berms, walls, fences, plants, planters or similar means should be used to create the parking lot screen.

4. Whenever structures such as walls or fences are used to create a screen, plants should be located on the sides of the structure which can be seen from surrounding streets, sidewalks, parks and other public properties.

5. All areas within the perimeter of parking lots not used for parking, loading, circulation, transit or pedestrian facilities should be landscaped to minimize the feeling of expansive hard surfaced areas, to improve the parking lot appearance. Landscape design shall provide for adequate plant aeration and traffic safety.

6. Plant materials should be placed on islands, entry drives, pedestrian walls and along end islands which separate parking from drives. Xeriscape landscaping shall be used.

7. Two feet at the end of landscape islands should be left unplanted. The use of cobbles, patterned concrete, or brick pavers should be considered in these end areas.

8. Protect the root zones of trees at maturity by retaining a planted area encompassing the drip line."

Chapter 9.34 Performance Standards

Sections:

9.34.010 – Purpose
9.34.020 – Applicability
9.34.030 – Modification of Standards
9.34.040 – Air Quality
9.34.050 – Electrical Disturbances
9.34.060 – Fire Hazards
9.34.070 – Heat
9.34.080 – Noise
9.34.090 – Vibration
9.34.100 – Waste Disposal
9.34.110 – Hazardous Materials

9.34.010 – Purpose

This Chapter establishes performance standards to guard against the use of any property or structure in any zone in any manner which would create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazards; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness; electrical or other substance, condition or element in such a manner that adversely affects the health and safety of the public and the surrounding area or adjoining premises.

9.34.020 – Applicability

A. These performance standards shall apply to all uses in all zones, except for legal nonconforming uses which, based on a written opinion of the Town Attorney, have an established right not to comply with the provisions of this Chapter.

B. Compliance may be waived by the Commission if a condition created under prior ordinances physically precludes the reasonable application of the standards. Additional categorical exemptions from compliance with the performance standards are as follows.

1. Temporary Activity. Festivals and other special events with approved temporary use permits or other required permits, where such activities otherwise comply with other applicable provisions of this Development Code.

2. Emergency Activities. Any emergency activity on the part of the Town or a private party.

3. Construction Activity. Temporary construction activity is exempted except where such activity is explicitly regulated by other regulations of the Municipal Code.

9.34.030 – Modification of Standards

A. **Modification by Specific Reference.** The provisions of this Division shall prevail should they conflict with the provisions of a land use zoning district or specific plan, unless the land use zoning district or plan standard specifically overrides or modifies the provisions of this Division by specific reference.

B. **Modification by Establishment of Overlay or Approval of Planned Development, Specific Plan or Variance.** An overlay, approved Planned Development, specific plan or approved Variance may modify the provisions of this Division.

9.34.040 – Air Quality

A. **Equipment permit and inspection requirements.** Required permits shall be obtained from the Mojave Desert Air Quality Management District. Before the equipment may be constructed, plans and specifications shall be submitted to the MDAQMD for approval.

B. **Permits from Air Quality Management Districts.** Permits shall be obtained from the Mojave Desert Air Quality Management District. If requested by the Director, uses, activities, or processes that require Air Quality Management District approval to operate shall file a copy of the permit with the Department within 30 days of its approval.

C. **Diesel Exhaust Emissions Control Measures.** The following emissions control measures shall apply to all discretionary land use projects approved by the Town on or after January 15, 2009:

1. On-Road Diesel Vehicles. On-road diesel vehicles are regulated by the State of California Air Resources Board.

2. Off-Road Diesel Vehicle/Equipment Operations. All business establishments and contractors that use off-road diesel vehicle/equipment as part of their normal business operations shall adhere to the following measures during their operations in order to reduce diesel particulate matter emissions from diesel-fueled engines:

   a. Off-road vehicles/equipment shall not be left idling on site for periods in excess of five minutes. The idling limit does not apply to:

      (1) Idling when queuing,

      (2) Idling to verify that the vehicle is in safe operating condition,

      (3) Idling for testing, servicing, repairing or diagnostic purposes,

      (4) Idling necessary to accomplish work for which the vehicle was designed (such as operating a crane),

      (5). Idling required to bring the machine system to operating temperature, and

   b. Use reformulated ultra low-sulfur diesel fuel in equipment and use equipment certified by the U. S. Environmental Protection Agency (EPA) or that pre-dates EPA regulations.

c. Maintain engines in good working order to reduce emissions.

d. Signs shall be posted requiring vehicle drivers to turn off engines when parked.

e. Any requirements or standards subsequently adopted by the Mojave Desert Air Quality Management District or the California Air Resources Board.

f. Provide temporary traffic control during all phases of construction.

g. Onsite electrical power connections shall be provided for electric construction tools to eliminate the need for diesel-powered electric generators, where feasible.

h. Maintain construction equipment engines in good working order to reduce emissions. The developer shall have each contractor certify that all construction equipment is properly serviced and maintained in good operating condition.

i. Contractors shall use ultra low sulfur diesel fuel for stationary construction equipment as required by Air Quality Management District (AQMD) Rules 431.1 and 431.2 to reduce the release of undesirable emissions.

j. Substitute electric and gasoline-powered equipment for diesel-powered equipment, where feasible.

3. Project Design. Distribution centers, warehouses, truck stops and other facilities with loading docks where diesel trucks may reside overnight or for periods in excess of three hours shall be designed to enable any vehicle using these facilities to utilize on-site electrical connections to power the heating and air conditioning of the cabs of such trucks, and any refrigeration unit(s) of any trailer being pulled by the trucks, instead of operating the diesel engines and diesel refrigeration units of such trucks and trailers for these purposes. This requirement shall also apply to Recreational Vehicle Parks (as defined in Section 9.68 of this title) and other development projects where diesel engines may reasonably be expected to operate on other than an occasional basis.

9.34.050 – Electrical Disturbances

No use shall be permitted where such use results in electric or electromagnetic interference that adversely affects the operation of any equipment other than that belonging to the creator of such interference, or that does not conform to the regulations of the Federal Communications Commission.

9.34.060 – Fire Hazards

This Section establishes standards for storage of solid materials susceptible to fire hazards and flammable liquids and gases where allowed in compliance with Article 2 (Land Use Zoning Districts and Allowed Land Uses).

A. **Combustible Solids.** Land uses that include the storage of solid materials susceptible to fire hazards shall be subject to the following storage standards in the indicated land use zoning districts.

1. Industrial (I) Zoning District.

a. Inside Storage. A structure utilized for the storage, manufacture, or use of flammable solid materials shall be located no less than 40 feet from any lot line and any other on-site structures or shall adhere to standards specified in Subsection 2, below.

b. Outdoor Storage. Outdoor storage of flammable solid materials shall be no less than 50 feet from any lot line and any other on-site structures.

2. All other manufacturing or industrial uses legally established within any other land use zoning district. The storage, manufacture, or use of highly flammable solid materials shall take place in enclosed spaces having fire resistance of no less than two hours and protected with an automatic fire extinguishing system and shall comply with San Bernardino County Fire Department requirements.

B. Flammable Liquids and Gases. Land uses that involve the storage of flammable liquids and gases shall be subject to the following standards when established within the land use zoning districts indicated.

1. Setbacks. Setback requirements for flammable liquids and gases shall be in accordance with Fire Department requirements.

2. Storage Capacity. The total storage capacity of flammable liquids and gases on a parcel shall not exceed the quantities indicated in Table 3-13 (Storage Standards for Flammable Liquids and Gases).

TABLE 3-13: STORAGE STANDARDS FOR FLAMMABLE LIQUIDS AND GASES

Stored Substance	Zoning District	Maximum Capacity
Liquids	Industrial District	120,000 gallons
	All other manufacturing or industrial uses legally established within any other zoning district	60,000 gallons
Liquid Petroleum Gas	All manufacturing or industrial uses legally established within zoning district	Per Fire Department requirements
	All commercial uses legally established within zoning district	15,000 gallon per tank 20,000 gallon maximum aggregate total
	All agricultural uses legally established within zoning district	15,000 gallon per tank aggregate total
Gases other than	Industrial District	300,000 standard cubic feet above ground 600,000 standard cubic feet below ground

TABLE 3-13:
STORAGE STANDARDS FOR FLAMMABLE LIQUIDS AND GASES

Stored Substance	Zoning District	Maximum Capacity
liquefied petroleum gas	All other manufacturing or industrial uses legally established within any other zoning district	150,000 standard cubic feet above ground 3000,000 standard cubic feet below ground

C. Liquefied Petroleum Gas (LPG).

1. General Requirements.

   a. Agricultural, Commercial, Industrial, or Manufacturing Uses and Zoning Districts. Liquefied petroleum gas (LPG) storage and distribution facilities for agricultural, commercial, industrial, or manufacturing uses shall be allowed subject to a Conditional Use Permit in compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses). The location, installation, operation, and maintenance of LPG storage and distribution facilities shall be subject to:

      (1) The standards in this Subsection.

      (2) The conditions, requirements, and standards imposed by the Review Authority in compliance with this Chapter.

   b. Residential Uses and Zoning Districts. Standards for residential uses and residential land use zoning districts for LPG storage shall be in accordance with Fire Department requirements.

   c. Conflict Between Zoning District and Use Permit Requirements. In the event of a conflict between the provisions of this Subsection 9.34.060(C) (Liquefied Petroleum Gas [LPG]) and the provisions of a land use zoning district, including the requirement for a Conditional Use Permit, the provisions of this Section shall prevail and control.

2. Fire Protection Requirements for All Parcels.

   a. Setbacks for LPG storage and distribution facilities from structures and property lines shall be those specified by Fire Department requirements.

   b. LPG storage tanks shall be centrally located on the parcel to the satisfaction of the Fire Department.

3. Additional Fire Protection Requirements for Specific Types of Parcels. For parcels that have no more than one occupied structure less than 5,000 square feet in size and where the water system provides substandard flows per International Standards Organization (ISO) standards for structure protection, additional fire protection requirements shall be as follows:

TABLE 3-14: ADDITIONAL FIRE PROTECTION		
Parcel Size	**LPG Storage Tank Standards**	**Fire Flow**
10.1 acres or more	N/A	Fire flow shall be calculated for exposures only in compliance with the San Bernardino County Code Title 2, Division 3 (Fire Protection and Explosives and Hazardous Materials).
5.1 to 10 acres	A one-hour approved protective coating shall be applied to the LPG storage tank.	
2.5 to 5 acres	A two-hour approved protective coating shall be applied to the LPG storage tank.	

4. Additional fire protection requirements for any parcel with adequate fire flow available per ISO Standards:

   a. Fire hydrant(s) shall serve the parcel in compliance with Fire Department requirements.

   b. Fire flow shall provide for exposure protection (ISO Calculation) and LPG storage tank protection/suppression.

      1) Sprinklers shall use calculations, as adopted by Fire Department requirements.

      2) Hose lines shall use the formula: GPM = 5 times the square root of the tank capacity.

   c. Additional Protection.

      1) Where the Fire Chief determines that water can be applied to the tank or exposures by the Fire Department in required amounts in eight minutes or less, no additional protection shall be required.

      2) Where the Fire Chief determines that water cannot be applied to the tank or exposures by the Fire Department in required amounts in eight minutes or less, one of the following protection measures shall be required:

         a) One hour approved protective coating shall be applied to the LPG storage tank; or

         b) A fixed spray water system shall be installed as approved by the Fire Department.

5. Additional fire protection requirements for any parcel not included in either Subsections 9.34.060(C)(3) or (4) above:

   a. Either a one-hour or more protective coating shall be applied to the LPG storage tank, as required by the Fire Department, or a fixed spray water system shall be installed instead of coating the tank.

b. Fire flow shall be calculated for exposure only, in compliance with Fire Department requirements.

9.34.070 – Heat

Land uses in industrial districts shall not emit heat that would cause a temperature increase on any adjacent property in excess of 10 degrees Fahrenheit, whether the change is in the air, on the ground, or in a structure.

9.34.080 – Noise

This Section establishes standards concerning acceptable noise levels for both noise-sensitive land uses and for noise-generating land uses.

A. Noise measurement. Noise shall be measured:

1. At the property line of the nearest site that is occupied by, and/or zoned or designated to allow the development of noise-sensitive land uses;

2. With a sound level meter that meets the standards of the American National Standards Institute (ANSI Section SI4 1979, Type 1 or Type 2);

3. Using the "A" weighted sound pressure level scale in decibels (ref. pressure = 20 micro newtons per meter squared). The unit of measure shall be designated as dB(A).

B. Noise Impacted Areas. Areas within the Town shall be designated as noise-impacted if exposed to existing or projected future exterior noise levels from mobile or stationary sources exceeding the standards listed in Subsection (D) (Noise standards for stationary noise sources) and Subsection (E) (Noise standards for adjacent mobile noise sources), below. New development of residential or other noise-sensitive land uses shall not be allowed in noise-impacted areas unless effective mitigation measures are incorporated into the project design to reduce noise levels to these standards. Noise-sensitive land uses shall include residential uses, schools, hospitals, nursing homes, religious institutions, libraries, and similar uses.

C. Noise Standards for Stationary Noise Sources.

1. Noise Standards. Table 3-15(Noise Standards for Stationary Noise Sources) describes the noise standard for emanations from a stationary noise source, as it affects adjacent properties:

TABLE 3-15:
NOISE STANDARDS FOR STATIONARY NOISE SOURCES

Affected Land Uses	7 AM to 10 PM Leq	10 PM to 7 AM Leq
Residential	55 dB(A)	45 dB(A)
Professional Services	55 dB(A)	55 dB(A)
Other Commercial	60 dB(A)	60 dB(A)
Industrial	70 dB(A)	70 dB(A)

TABLE 3-15: NOISE STANDARDS FOR STATIONARY NOISE SOURCES		
Affected Land Uses	**7 AM to 10 PM Leq**	**10 PM to 7 AM Leq**

Leq = (Equivalent Energy Level). The sound level corresponding to a steady-state sound level containing the same total energy as a time-varying signal over a given sample period, typically 1, 8 or 24 hours.

dB(A) = (A-weighted Sound Pressure Level). The sound pressure level, in decibels, as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound, placing greater emphasis on those frequencies within the sensitivity range of the human ear.

Ldn = (Day-Night Noise Level). The average equivalent A-weighted sound level during a 24-hour day obtained by adding 10 decibels to the hourly noise levels measured during the night (from 10 pm to 7 am). In this way Ldn takes into account the lower tolerance of people for noise during nighttime periods.

2. Noise Limit Categories. No person shall operate or cause to be operated a source of sound at a location or allow the creation of noise on property owned, leased, occupied, or otherwise controlled by the person, which causes the noise level, when measured on another property, either incorporated or unincorporated, to exceed any one of the following:

   a. The noise standard for the receiving land use as specified in Subsection B (Noise-impacted areas), above, for a cumulative period of more than 30 minutes in any hour.

   b. The noise standard plus five dB(A) for a cumulative period of more than 15 minutes in any hour.

   c. The noise standard plus 10 dB(A) for a cumulative period of more than five minutes in any hour.

   d. The noise standard plus 15 dB(A) for a cumulative period of more than one minute in any hour.

   e. The noise standard plus 20 dB(A) for any period of time.

3. Noise Standards for Adjacent Mobile Noise Sources. Noise from mobile sources may affect adjacent properties adversely. When it does, the noise shall be mitigated for any new development to a level that shall not exceed the standards described in the following Table 3-17 (Noise Standards for Adjacent Mobile Noise Sources).

TABLE 3-16: NOISE STANDARDS FOR ADJACENT MOBILE NOISE SOURCES			
		Ldn (or CNEL) dB(A)	
Categories	**Uses**	**Interior**	**Exterior**
Residential	Single-Family, Multi-Family, Duplex, Mobile Homes	45	60
Commercial	Hotel, Motel, Transient Housing	45	60
	Commercial Retail, Bank, Restaurant	50	N/A

TABLE 3-16: NOISE STANDARDS FOR ADJACENT MOBILE NOISE SOURCES			
Categories	Uses	Ldn (or CNEL) dB(A)	
		Interior	Exterior
	Office Building, Research and Development, Professional Offices	45	65
	Amphitheater, Concert Hall, Auditorium, Movie Theater	45	N/A
Institutional/Public	Hospital, Nursing Home, School Classroom, Religious Institution, Library	45	65
Open Space	Park	N/A	65

Notes:

(1) The indoor environment shall exclude bathrooms, kitchens, toilets, closets and corridors.

(2) The outdoor environment shall be limited to:

Hospital/office building patios

Hotel and motel recreation areas

Mobile home parks

Multi-family private patios or balconies

Park picnic areas

Private yard of single-family dwellings

School playgrounds

(3) An exterior noise level of up to 65 dB(A) (or CNEL) shall be allowed provided exterior noise levels have been substantially mitigated through a reasonable application of the best available noise reduction technology, and interior noise exposure does not exceed 45 dB(A) (or CNEL) with windows and doors closed. Requiring that windows and doors remain closed to achieve an acceptable interior noise level shall necessitate the use of air conditioning or mechanical ventilation.

CNEL = (Community Noise Equivalent Level). The average equivalent A-weighted sound level during a 24-hour day, obtained after addition of approximately five decibels to sound levels in the evening from 7 P.M. to 10 A.M. and 10 decibels to sound levels in the night before 7 A.M. and after 10 P.M.

D. **Increases in Allowable Noise Levels.** If the measured ambient level exceeds any of the first four noise limit categories in Subsection (C)(2), above, the allowable noise exposure standard shall be increased to reflect the ambient noise level. If the ambient noise level exceeds the fifth noise limit category in Subsection (C)(2), above, the maximum allowable noise level under this category shall be increased to reflect the maximum ambient noise level.

E. **Reductions in Allowable Noise Levels.** If the alleged offense consists entirely of impact noise or simple tone noise, each of the noise levels in Table 3-15 (Noise Standards for Stationary Noise Sources) shall be reduced by five dB(A).

F. **Exempt Noise.** The following sources of noise shall be exempt from the regulations of this Section:

1. Motor vehicles not under the control of the commercial or industrial use.

2. Emergency equipment, vehicles, and devices.

3. Temporary construction, maintenance, repair, or demolition activities between 7:00 A.M. and 10:00 P.M., except Sundays and Federal holidays.

G. **Noise Standards for Other Structures.** All other structures shall be sound attenuated against the combined input of all present and projected exterior noise to not exceed the criteria shown in Table 3-18 (Noise Standards for Other Structures).

TABLE 3-17: NOISE STANDARDS FOR OTHER STRUCTURES	
Typical Uses	**12-Hour Equivalent Sound Level (Interior) in dBA Ldn**
Educational, institutions, libraries, meeting facilities, and similar.	45
General office, reception, and similar.	50
Retail stores, restaurants, and similar.	55
Other areas for manufacturing, assembly, testing, warehousing, and similar.	65

In addition, the average of the maximum levels on the loudest of intrusive sounds occurring during a 24-hour period shall not exceed 65 dB(A) interior.

9.34.090 – Vibration

A. **Vibration Standard.** No ground vibration shall be allowed that can be felt without the aid of instruments at or beyond the lot line, nor shall any vibration be allowed which produces a particle velocity greater than or equal to 0.2 inches per second measured at or beyond the lot line.

B. **Vibration Measurement.** Vibration velocity shall be measured with a seismograph or other instrument capable of measuring and recording displacement and frequency, particle velocity, or acceleration. Readings shall be made at points of maximum vibration along any lot line next to a parcel within a residential, commercial and industrial land use zoning district.

C. **Exempt Vibrations.** The following sources of vibration shall be exempt from the regulations of this Section.

1. Motor vehicles not under the control of the subject use.
2. Temporary construction maintenance or demolition activities between 7AM and 10PM.

9.34.100 – Waste Disposal

A. **Liquid Waste Disposal and Runoff Control.** No liquids of any kind shall be discharged into a public or private sewage or drainage system, watercourse, body of water, or into the ground, except in compliance with applicable regulations of the Town Municipal Code and related Federal regulations.

9.34.110 – Hazardous Materials

A. **Regulated by State of California and the U.S. EPA.** The use, handling, storage, and transportation of hazardous and extremely hazardous materials shall comply with the provisions of the California Hazardous Materials Regulations (California Administrative Code, Title 22, Division 4). The U.S. Environmental Protection Agency and the California Department of Health Services identify hazardous materials and prescribe handling, use, and disposal practices. The use,

storage, manufacture, and disposal of hazardous materials shall be regulated and monitored according to the standards established by these agencies and any delegated government agencies.

B. **Combustibles and Explosives.**

1. The use, handling, storage, and transportation of combustibles and explosives shall comply with the provisions of Title 19 of the California Code of Regulations, Chapter 10 (Explosives).

2. No gasoline or other inflammables or explosives shall be stored unless the location, plans, and construction conform to the laws and regulations of the State of California and have the approval of the Town.

C. **Maintenance of Equipment.**

1. Objects such as vehicle motor parts containing grease, oil or other hazardous substances, and unsealed receptacles containing hazardous materials, shall not be stored in areas susceptible to runoff.

2. Any machine which is to be repaired or maintained in an uncovered outdoor area shall be placed on a pad of absorbent material to contain leaks, spills or small discharges.

3. Machinery and equipment, including motor vehicles, which are leaking significant amounts of oil or fluid must be repaired.

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Chapter 9.35 Property Maintenance Standards

Sections:

9.35.010 – Purpose
9.35.020 – Applicability.
9.35.030 – Relationship to Other Laws.
9.35.040 – General Maintenance Provisions
9.35.050 – Residential Structure Maintenance.
9.35.060 – Fencing and Walls.
9.35.070 – Visible Storage or Maintenance.
9.35.080 – Litter and Refuse.
9.35.090 – Parking Areas and Driveways.
9.35.100 – Landscaping and Vegetation.
9.35.110 – Maintenance Responsibility.

9.35.010 – Purpose

This Chapter sets forth comprehensive minimum maintenance standards for residential structures, yards, land, landscaping, facilities, and equipment for the purpose of protecting the health, safety, and welfare of the public, and helping to preserve property values.

9.35.020 – Applicability.

The provisions of this Section shall apply to all private and public residential property within the Town of Yucca Valley. Property maintenance standards shall apply to all residential development, whether constructed before or after the effective date of this Section.

9.35.030 – Relationship to Other Laws.

In the event of any inconsistency between this Section and any other provisions of this Development Code or other sections of the Municipal Code, including Chapter 6.08 (Maintenance of Abandoned Properties), Chapter 11.10 (Vehicle Abatement), Chapter 11.20 (Graffiti Removal), Chapter 11.60 (Dumping Waste; Nuisance Vehicles), and Chapter 11.70 (Litter and Loitering), or in the event that this Section conflicts with laws of the State or other Town ordinances, the higher standard – the standard that provides for a higher level of property maintenance – shall prevail, unless otherwise specified. This Section shall supplement and be an addition to the other relevant regulatory codes, statutes, and ordinances enacted by the Town of Yucca Valley, State of California, or any other legal entity or agency having jurisdiction.

9.35.040 – General Maintenance Provisions

A. **General.** All residential properties within the Town shall be kept and maintained in a clean, neat, orderly, operable, and usable condition that is safe both to occupants and passersby. This

requirement applies to structures, portions of structures, paving, fences, walls, landscaping, water, earth, and any other structure or natural feature.

B. **Prohibition on Attractive Nuisances.** Any property which can be easily accessed by children must be kept clear of attractive nuisances that create a danger for children and other persons, including but not limited to inoperative vehicles, abandoned, neglected, or broken equipment, machinery, appliances, refrigerators or freezers; construction materials and construction equipment; and hazardous pools, ponds, and excavations.

9.35.050 – Residential Structure Maintenance.

All structures and paved areas shall be kept and maintained in a manner so as to not detract from the appearance of surrounding properties, and that protects the health, safety and welfare of the user, occupant, and the general public. All such structures and paved areas shall be deemed substandard and in violation of this Chapter when such structures or paved areas display evidence of dilapidated conditions including, but not limited to, the following:

A. Faulty, sagging, or leaking roof and roofs, missing roof tiles, or other visible roofing materials;

B. Substantial areas of deteriorated structure siding materials including, but not limited to, dry rot, termite infestation, dented or rusting metal siding, broken or missing pieces of stucco, or other siding materials;

C. Broken or missing windows;

D. Inadequate site drainage and/or standing water adjacent to structure foundations;

E. Broken or inoperable sanitary and plumbing facilities and/or fixtures;

F. Broken or missing foundation;

G. Broken, torn, or missing attic vent screens;

H. Broken, ripped, or torn window screens;

I. Structural defects such as warped, bowed or sagging structural members including, but not limited to, headers, sills, beams, eaves, doorways, door jambs, and similar structural or architectural elements;

J. Holes in siding areas;

K. Weathered or peeling paint.

9.35.060 – Fencing and Walls.

All fences and walls shall be kept and maintained in a manner that does not detract from the appearance of the immediate neighborhood, and that protects the health, safety, and welfare of the user, occupant, and general public. Fences and walls shall be deemed substandard and in violation of this Chapter when they display evidence of dilapidation or other conditions, such as any or all of the following:

A. Sagging, broken, rotted, or defective support posts or other structural members;

B. Missing or broken fence boards;

C. Damaged or missing blocks from a block wall;

D. Substantial areas of deterioration including dry rot, broken or missing pieces of stucco, holes, or warped or leaning fence or wall areas;

E. Chain link fence material which is damaged or broken;

F. Portions of the fence or wall which are substantially defaced with graffiti;

G. Any condition of deterioration or any fault resulting in the fence or wall being structurally unsound or otherwise hazardous to property owners, occupants, or passersby;

H. Height extensions of walls or fences in violation of this Development Code.

9.35.070 – Visible Storage or Maintenance.

Storage and Maintenance to be Screened. Parking, storage, stockpiling, or maintenance of any of the following items on private property must be screened from any public right of-way and adjoining properties, except as provided in section D, below. Objects and activities will be considered "screened" when they are either 1) not visible from a public right-of-way or 2) behind a solid six-foot-high fence or wall.

A. **Furniture and Other Equipment.** Furniture or other equipment, including but not limited to couches and chairs, household appliances, sinks, heaters, boilers, tanks, other household equipment, or any parts thereof.

B **Materials.** Building materials, including but not limited to packing boxes, lumber, dirt piles, wood, landscape materials, or debris.

C. **Exceptions.** The following may be allowed in front yards under the noted circumstances:

1. Waste haulers and recycling containers may be placed for pickup in accordance with Chapter 9.07.120 of this code.

2. Portable on demand storage containers (PODS) used for the temporary storage of personal property owned or rented by the occupants may be allowed for a period not to exceed two weeks.

3. Building materials, vehicles, equipment, or construction tools may be placed in yards during construction with a valid building permit.

4. Personal property owned or rented by the occupants may be repaired, washed, cleaned, and serviced, subject to any other relevant regulations, provided that vehicles are parked in a driveway and that all work is completed within 72 hours.

5. Barbecues and furniture that is designed and intended for outdoor use may remain on a porch or in a walled front patio, where the walls are designed in accordance with fence height regulations.

9.35.080 – Litter and Refuse.

All yards, landscaped areas, and other areas of private property surrounding structures shall be kept free of trash, old building materials, junk, unregistered or inoperative vehicles, broken or discarded furniture, boxes, salvage materials, shopping carts, and other such material and equipment which, by its appearance, location or use, makes it incompatible with the principal use or other predominate principal uses in the immediate neighborhood.

9.35.090 – Parking Areas and Driveways.

A. All parking areas and driveways shall be kept and maintained so as to not detract from the appearance of surrounding properties, and to protect the health, safety and welfare of the user, occupant and general public. Such areas shall be kept in a neat and clean condition, free of inoperative vehicles, abandoned items, trash, debris or rubbish, furniture, equipment, play equipment, or similar materials, and free of potholes, sinkholes, standing water, cracks, and/or broken areas.

B. When any paved area, which includes sidewalks, driveways, and private roadways, shows evidence of dilapidated or deteriorated conditions, or destroyed to such an extent as to no longer be effective it shall be deemed substandard and in violation of this Chapter.

9.35.100 – Landscaping and Vegetation.

A. All landscaped areas shall be kept and maintained in a manner that does not detract from the appearance of the surrounding properties, and that protects the health, safety, and welfare of the user, occupants, and general public.

B. Landscaped areas shall be kept in a neat and clean condition, free of weeds, debris and dead, diseased or dying vegetation, and broken or defective decorative elements of the landscaped area.

C. Vegetation in landscaped areas shall be mowed, groomed, trimmed, pruned, and watered as to keep the same in a healthy, growing condition. Irrigation systems shall be kept in good working condition and repair so as to prevent leaks or public health hazards.

D. Vegetative overgrowth shall not be permitted in a manner that is likely to harbor rodents, vermin, insects, or other nuisances; or impede, obstruct, or deny pedestrian or other lawful travel on sidewalks, walkways or other public rights-of-way.

9.35.110 – Maintenance Responsibility.

A. It shall be the responsibility of any owner of any structure, residence, property, grounds or lots to ensure or compel compliance with the property maintenance standards set forth in this Section.

B. It shall be the responsibility of any owner, tenant, lessee, or occupant of any structure, residence, property, grounds or lots to remove debris and remove any vegetation that is in violation of this Chapter that has accumulated on any streets within the Town, if such person(s) placed the debris on such private property or streets, or otherwise owns, is occupying, or has custody or control over such private property or streets.

Chapter 9.36 Sign Regulations

Sections:

9.36.010 – Intent and Purpose
9.36.020 – Applicability
9.36.030 – Administration
9.36.040 – Sign Permit
9.36.050 – Design Merit Sign Permits
9.36.060 – Landmark Sign Permit
9.36.070 – Sign Program(Criteria)
9.36.080 – Prohibited Signs
9.36.090 – Exempt Signs
9.36.100 – Temporary Signs
9.36.110 – Standards for Permanent Signs Requiring a Sign Permit
9.36.120 – Signs in Residential, Open Space, Public/Quasi Public Zoning Districts
9.36.130 – Signs in Commercial Zoning Districts
9.36.140 – Signs in Industrial Districts
9.36.150 – Signs in Specific Plan Districts
9.36.160 – Off-Site Signs and Billboards
9.36.170 – Off-Site Signs on Public Property
9.36.180 – Public and Institutional Facility Directional Signs
9.36.190 – Design Criteria for Wall Murals
9.36.200 – Abandoned Signs
9.36.210 – Construction and Maintenance
9.36.220 – Non-Conforming Signs
9.36.230 – Enforcement

9.36.010 – Intent and Purpose

This Chapter establishes regulations to:

A. Implement the Town's community design and safety standards set forth in the General Plan, and maintain and enhance the Town's appearance by regulating the design, character, location, number, type, size, illumination, and maintenance of signs;

B. Protect and improve pedestrian and vehicular traffic safety by balancing the need for signs which facilitate the safe and smooth flow of traffic (i.e., traffic directional signs) without an excess of signage which may distract motorists, overload their capacity to quickly receive information, visually obstruct traffic signs, or otherwise create congestion and safety hazards;

C. Encourage signs that are well-designed, that attract and invite rather than demand the public's attention, and that protect the aesthetic environment from the visual clutter associated with the unrestricted proliferation of signs, all while providing reasonable channels of communication to the public;

D. Encourage the design of signs that are complementary to the buildings and uses to which they relate and that are harmonious with their surroundings;

E. Respect and protect the right of free speech by sign display, while reasonably regulating the structural, locational, and other non-communicative aspects of signs generally for the public health, safety, welfare, and specifically to serve the public interests in traffic and pedestrian safety and community aesthetics;

F. Minimize the possible adverse effects of signs on nearby public and private property and the owners, occupants, and users, if any;

G. Serve the Town's interests in maintaining and enhancing its visual appeal for tourists and other visitors by preventing the degradation of visual quality which can result from excess signage; and

H. Enable the fair, consistent, and efficient enforcement of the sign regulations of the Town.

9.36.020 – Applicability

This Chapter applies to all signage proposed within the Town. No signs shall be erected or maintained in any zoning district established, except those signs specified in this Chapter. The number and area of signs as outlined in this Chapter are intended to be maximum standards. In addition to the standards set forth herein, consideration shall be given to a sign's relationship to the need that it serves, and the overall appearance of the subject property as well as the surrounding community. Compatible design, simplicity, and sign effectiveness are to be used in establishing guidelines for sign approval, but shall not limit maximum standards for signs.

9.36.030 – Administration

A. **Administration.** The Director is authorized by the Council to administer and enforce the provisions of this Chapter, unless otherwise provided in this Chapter. The Director may designate a representative to act in his/her place.

B. **Interpretation.**

1. This Chapter shall be interpreted in a manner which best fulfills the intent of its provisions.

2. Questions arising from the application of the Chapter shall be interpreted by the Director. If any inconsistency still exists in the interpretation, an appeal application shall be referred to the Commission for their determination.

C. **Appeals.**

1. Any decision or determination of the Director may be appealed within 10 days to the Commission. Appeals shall be made on forms provided by the Planning Division and fees shall be paid as established by the Town of Yucca Valley fee schedule.

2. Any decision of the Commission may be appealed to the Council in accordance with the Appeal provisions provided by the Development Code.

9.36.040 – Sign Permit

A. **Sign Permit.** A sign permit shall be required for all signs as set forth in this Chapter. All signs that require a sign permit shall be subject to approval by the responsible Approving Authority specified in Article 4 (Permit Procedures). Only signs that comply with the provisions of this Chapter shall be approved.

1. Application and Fees. Applications for sign permits shall be made on forms provided by the Planning Division and accompanied by the information, materials, and submittal requirements as specified on the forms.

   a.. Fees shall be paid as established by the Town of Yucca Valley fee schedule.

   b. Political Signs are exempt from payment of fees.

   c. Any fees shall be doubled for signs that are erected or placed prior to issuance of a sign permit or any required building and electrical permits.

9.36.050 – Design Merit Sign Permits

The purpose of the Design Merit Sign Permit is to provide flexibility in sign regulation and to encourage exceptional quality in sign design and construction. The provisions are intended to implement the goals and objectives of the Town's General Plan; to encourage and promote designs which relate to and are harmonious with the rural desert character, and which enhance the quality of life of the Town.

A. **Application and Fees.** Design Merit Sign Permits shall be made on Conditional Use Permit (CUP) application forms provided by the Planning Division and accompanied by the information, materials, and submittal requirements as specified on the forms, including information which will enable the required findings to be made. Applications shall clearly demonstrate exceptional design and construction quality in order to be considered for Design Merit Sign Permits. Fees shall be paid as established by the Town of Yucca Valley fee schedule.

B. **Commission Review.** The Commission shall review all applications for a Design Merit Sign Permit for consistency with the review criteria described in Subsection (d), below, as well as consistency with all other standards and guidelines in this Chapter. Review shall include focus on the overall integration and relationship of the proposed sign with the buildings and site and the integration of all elements relating to the sign to achieve the purpose of this Section for exceptional quality that is harmonious with the desert character. Consideration may include size, color, materials, illumination, location, as well as all other elements of creative sign design and construction. Signs that do not clearly demonstrate exceptional quality in design, use of materials, and craftsmanship shall not be considered for any increase in size or height as allowable by this Section.

C. **Allowable Sign Area and Height.** The following increases in sign area and height may be allowed when consistent with the purpose, criteria and findings of Design Merit Sign Permits.

1. Freestanding signs in Commercial and Industrial Zoning Districts. Freestanding signs for single and multi-tenant buildings and sites that are allowed pursuant to Sections 9.36.130 and 9.36.140 of this Chapter.

   a. Up to a maximum of 25 percent increase in area may be allowed.

b. Up to a maximum of 50 percent increase in height for freestanding signs may be allowed for signs.

D. Review Criteria.

1. The General Design Standards included in Section 9.36.110are minimum requirements that apply to all signs. Each Design Merit Sign Permit application shall be reviewed by the Commission to determine how exceptional design and material beyond these minimum standards have been incorporated into the proposed sign and whether these elements have been successfully integrated to create a sign that is consistent with the purposes of this Section, which represents exceptional quality, enhances community design and is harmonious with the desert character because it:

   a. Evokes a special relationship to the structure and uses located on site by incorporating elements of the structural architecture and/or natural features of the site, without dominating the site;

   b. Makes use of high quality and/or natural or indigenous building materials including, but not limited to rock, adobe, timber, carved wood and incised lettering in stone;

   c. Identifies the site or use without intensive sign copy (text) by use of graphic imagery and/or logo or utilizes reverse channel lettering or opaque sign field (background) with illuminated routed copy.

   d. Sign structure is incorporated with landscape treatments including landscape planters, use of drought-tolerant landscaping, or similar creative landscape elements.

2. Treatments more specific to wall signs that may qualify for the Design Merit Permit include;

   a. Graphic or logo sign only (without text or type face)

   b. Reverse channel lettering on opaque background;

   c. Base-relief lettering.

E. Commission Justification. Prior to approving a Conditional Use Permit application for a Design Merit Sign Permit, the Commission shall find and justify that all of the following are true:

1. The proposed sign exhibits exceptional design quality and incorporates high quality materials that enhance the overall development and appearance of the site and will not have an adverse impact on the safe and efficient movement of vehicular or pedestrian traffic;

2. The proposed sign is well integrated with the buildings and other elements of the property and is harmonious with the surrounding desert character;

3. The proposed sign, by its design, construction and location, will not have a substantial adverse effect on abutting property or the permitted use thereof, and will contribute to the Town's unique character and quality of life;

4. The proposed sign is consistent with the goals, policies and standards of the Town's General Plan and any applicable specific plan;

5. That granting the Design Merit Sign Permit is based upon its distinct quality and does not constitute a granting of special privileges beyond those provided for by criteria provided in Subsection d above and by

9.36.060 – Landmark Sign Permit

The purpose of these provisions shall apply to existing permanent signs to provide flexibility in sign regulation that provide landmark value to the community as well as structural sign support. Landmark signs shall evoke a ready reference and connection to the local history of the Town or symbolic landmark. Typical examples include western settlement themes associated with ranching, prospecting, mining, adobes, or extensions of similar architectural landmarks.

A. **Application and Fees.** Landmark Sign Permits shall be made on Conditional Use Permit application forms provided by the Planning Division and accompanied by the information, materials, and submittal requirements as specified on the forms, including information which will enable the required findings to be made. Applications shall clearly demonstrate the landmark quality and features of the proposed sign in order to be considered for the Landmark Sign Permit, Fees shall be paid as established by the Town of Yucca Valley fee schedule.

B. **Review.** The Commission shall review all applications for the Landmark Sign Permit for consistency with the review criteria and finding described below, as well as reference and connection to the local history or symbolic landmark of the Town. Review shall include consideration of size, color, materials, illumination, location, as well as all other elements of creative sign design and construction.

C. **Review Criteria.** The following criteria will be used to provide guidance during the Town's review. A landmark sign should meet one or more of the following criteria:

1. The sign shall be at least 25 years or older.

2. The sign shall exhibit a creative or unique sign design, creative or unique graphics, or construction

3. The sign structure advertises the original business center name or business name.

4. The sign display signs must be clean, neatly painted, free from corrosion, cracks, and broken surfaces. The sign shall also have no malfunctioning lights or missing sign copy.

D. **Findings.** Prior to approving a Conditional Use Permit application for a "Landmark Sign Permit", the Commission shall find and justify that all of the following are true:

1 The sign is distinct from other signs in the Town in that it clearly provides a reference and connection to the local history of the Town or a local symbolic landmark.

2. The sign, by its design, construction and location, will not have a substantial adverse effect on abutting property or the permitted use thereof, and will contribute to the Town's unique character and quality of life;

3. The sign is consistent with the goals, policies and standards of the Town's General Plan and any applicable plan;

4. That granting of the Landmark Sign Permit is based upon its distinct quality.

5. The sign and all parts, portions, and materials shall be maintained and kept in good repair. The display surface of all signs shall be kept clean, neatly painted, and free from rust and corrosion.

9.36.070 – Sign Program(Criteria)

A. **Sign Program(Criteria) Required.** A sign program shall be developed for all new commercial, office, and industrial centers. The purpose of the program is to integrate signs with building and landscaping design to encourage a unified architectural statement. This shall be achieved by:

1. The use of the same background color, and allowing signs of up to three different colors per multi-tenant center.

2. The use of the same type of cabinet supports, or method of mounting for signs, and the same type of construction material for components, such as sign copy, cabinets, returns, and supports.

3. Utilizing the same form of sign illumination.

4. Logos may be permitted and are not subject to the color restrictions specified in the program and serve as supplementary advertising devices to the sign(s).

B. **Application Requirements.** In addition to any application form and fee, the following information is required for review of a sign program:

1 Site plan, to scale, indicating the location of all existing and proposed freestanding signs with sign area dimensions, colors, material, letter type, letter height, and method of illumination;

2. Building elevation(s), to scale, with sign location shown and dimensioned;

3. Sign details indicating sign area, dimensions, color, materials, letter style, letter height, and method of illumination.

C. **Applicability to Theaters.** A Sign Program for a theater or cinema use may authorize signs that deviate from the standards of this Chapter. The Sign Program may allow marquee signs, brighter lights, and design features not otherwise authorized by this Chapter if the sign is generally consistent with the sign design guidelines below.

D. **Design Guidelines**. The following guidelines are encouraged in developing a sign program.

1. A theme, styles, types, color or placement of signs that will unify and identify the center and integrate the signs with the building design should be provided. Consideration should

be given to the different types of tenants (e.g. major and minor) and placement locations consistent with the architectural design;

2. Sign color shall compliment the building color. In general, the number of primary colors on any sign shall be limited to no more than two with secondary colors used for accent or shadow detail. Variations in color may be used as long as the remaining components of the program remain consistent with the overall program;

3. The same type of cabinet supports or method of mounting for signs of the same type shall be used;

4. The same type of construction material for same components, such as monument sign bases, panels, cabinets, and supports shall be used;

5. Consideration should be provided for logos or trademarks.

E. **Approval.** The Director shall have the authority to approve, conditionally approve, or deny a sign program based on the findings that the proposed sign program is in compliance with the purpose of this Section.

9.36.080 – Prohibited Signs

Unless otherwise determined by the Director, the following signs are inconsistent with the sign standards set forth in this Chapter, and are therefore prohibited:

A. Abandoned signs and supporting structures

B. All non-exempt signs without necessary and/or valid permits/approvals.

C. Any sign established at a location or in any manner which impedes the vision or view of motorists, pedestrians, or cyclists.

D. Portable, moving, and flashing signs, including any hand-held commercial message sign, whether located on the site or off the site of the business which the sign advertises, except as expressly permitted by this Chapter or in conjunction with authorized road repair.

E. Off-site identification signs, except government, civic, institutional and real estate signs as provided in this Chapter.

F. Permanent sale or come-on signs.

G. Roof signs.

H. Signs painted on fences or roofs.

I. Large balloons or other large inflatable devices.

J. Sign that are affixed to vehicles that are purposely parked and serve as an advertisement device.

K. Signs affixed to trees and/or other natural vegetation.

L. Signs within or projecting over any public right-of-way, with the exception of governmental or Town-sponsored civic signs or signs with an approved encroachment permit.

M. Signs which purport to be or are an imitation of or resemble official traffic warning devices or signs, that by color, location, or lighting may confuse or disorient vehicular or pedestrian traffic, excluding authorized on-site directional sites.

N. Signs which simulate in color or design a traffic sign or signal, or which make use of words, symbols or characters in such a manner to interfere with, mislead, or confuse pedestrian or vehicular traffic.

O. Signs which incorporate in any manner any flashing, moving, or intermittent lighting.

P. Vehicle or mobile signs, where the primary purpose or use of the vehicle or trailer is the display of advertising matter. This does not apply to signs maintained on vehicles when such advertising is incidental to the primary purpose for which the vehicle is being used, provided that the vehicle is not purposely parked in an obvious manner solely for the purposes of advertising.

9.36.090 – Exempt Signs

The following non-illuminated signs shall be permitted without the requirements of a sign permit obtained from the Director subject to limitations provided in this Chapter or as otherwise provided by State law:

A. Exempt Residential Signs.

1. One residential building identification sign, used to identify individual residences, not exceeding two square feet in area displaying the name of the owner, occupant, or specific property name

2. Address numbers shall be placed upon existing and on newly constructed primary dwelling units. Numbers shall be a minimum of four inches in height and shall be contrasting in color to the background. Numerals shall be illuminated during hours of darkness.

3. One double faced real estate advertising sign, for sale, lease or rent of a single-family residence, multi-family residence and residential lots:

   a. Single family residential, multi-family up to three units, and infill lots shall not exceed nine square feet in area and six feet in height.

   b. Multi-family residential between four and 20 units shall be limited to no more than 16 square feet

   c. Multi-family residential exceeding 20 units shall be limited to no more than 32 square feet.

   d. Such sign shall be situated within the property line and in no event shall encroach upon public right-of-way. Such sign shall remain only during the period of time that the premises are being offered for sale, lease or rent and in any event shall be removed 15 days after the property is sold or the lease is terminated. Property is

deemed to be sold upon the close of escrow, upon transfer of legal title, or upon execution of an installment sale, contract, whichever occurs first.

e. Open House signs, for the purpose of selling a single house or condominium and not exceeding nine square feet in area and six feet in height, are permitted for directing prospective buyers to property offered for sale.

f. Three Open House banners per dwelling unit are allowed on the lot where the open house is conducted with a maximum sign area of 16 square feet each, for a period not to exceed three days.

B. Exempt Commercial Signs.

1. Window signs not exceeding three square feet and limited to business identification, hours of operation, and emergency information.

2. Non-illuminated real estate signs for the initial sale, rental, or lease of commercial and industrial premises subject to the following:

   a. One sign per street frontage not to exceed 32 square feet in area to advertise the sale, lease, or rent of the premises. No such sign shall exceed eight feet in overall height and shall be removed upon sale, lease or rental of the premises or 24 months, whichever comes first. Thereafter, one sign per premise not to exceed 16 square feet in size and eight feet in height is permitted for the sale, lease or rent of the premise.

   b. One sign per street frontage securely mounted to the building not exceeding 15 square feet to advertise the sale, lease or rent of the premise.

3. Identification signs on construction sites. Such signs shall be limited to one directory or pictorial display sign per street frontage or entrance, up to a maximum of two signs, identifying all contractors and other parties (including lender, realtor, subcontractors, etc.) Each sign shall not exceed 32 square feet in area and eight feet in height. Each sign shall be removed prior to issuance of a Certificate of Occupancy.

4. One building identification sign, used to identify individual buildings, not exceeding two square feet in area displaying only the name of the owner or occupant.

5. Address numbers shall be placed upon existing and on newly constructed primary buildings. Number height shall be in accordance with the Fire Department requirements. Numerals shall be illuminated during hours of darkness.

6. Vacant commercial parcels may have real estate freestanding signs which do not exceed a maximum of eight feet in height with a maximum of two signs not to exceed an area of 16 square feet each, not to exceed a combined total of 32 square-feet.

7. Signs located within a structure and not visible from the outside of the building or not so located as to be conspicuously visible from the outside.

8. Memorial signs and plaques installed by a civic organization provided they shall not encroach upon public right-of-ways.

9. Official and legal notices issued by a court or governmental agency.

10. Official flags of the United States, the State of California, County of San Bernardino, Town of Yucca Valley, and nationally or internationally recognized organizations.

11. Official traffic, fire and police related signs, temporary traffic-control signs used during construction, utility facilities, substructure location, identification signs, markers required to protect said facilities, and other signs and markers required by the Town, Caltrans, or other public agency.

12. Holiday decorations, in season, displayed for an aggregate period not exceeding 60 days in any one calendar year.

13. Incidental signs for automobile repair stores, gasoline service stations, automobile dealers with service repairs showing notices required by law, trade affiliations, credit cards accepted, and the like, attached to the structure or building; provided that all of the following conditions exist:

    a. The signs number no more than four.

    b. No such sign projects beyond any property line.

    c. No such sign shall exceed an area per face of three square feet.

    d. Signs may be double-faced. 1

14. Copy applied to fuel pumps or dispensers such as fuel identification, station logo, and other signs required by law.

15. Agricultural signs, either wall or freestanding types, non-illuminated, and not exceeding four square feet for lots two acres or less and 16 square feet for lots greater than two acres, identifying only the agricultural products grown on the premises. The number of such signs shall be one per street frontage or a maximum of two, with wall signs to be located below the roofline and freestanding signs to be no higher than eight feet.

16. Freestanding signs and directional signs to aid vehicle or pedestrian traffic are exempt provided that they meet the following standards:
    a. Freestanding signs: Such signs are located on-site, have a maximum area that does not exceed three square feet, have a maximum overall height of four feet above grade, and are mounted on a monument or decorative pole. Such signs may be located in a required setback provided that a minimum distance of five feet from any property line is maintained. Directional signs may display an arrow or other directional symbol and or words including but not limited to "parking", "enter", "exit", "do not enter", "drive thru", "service", and other similar messages.
    b. Wall mounted: Such signs are located on the building and do not exceed 10 square feet. Directional signs may display an arrow or other directional symbol and/or words, including but not limited to "parking", "enter", "exit", "do not enter", "drive-thru", "service" and other similar messages.

17. Notices or signs required to be posted by law.

18. Signs located within recreational facilities such as baseball fields, stadiums and other similar facilities that advertise local businesses and other sponsors for sporting activities.

19. Official Town signs which incorporate reflective, shimmering discs, or similar elements.

20. Sign face change out of existing permitted signs.

21. Temporary window signs on the outside facing windows if the cumulative total of any permanent and temporary signage (excluding open/closed signs) does not cover more than 50% of the individual window surface. The signage shall be removed immediately upon vacation of the building or lease area.

9.36.100 – Temporary Signs

A. **General.** Temporary signs shall only be permitted as set forth below.

B. **Temporary Sign Permit Required.** Temporary signs advertising a business grand opening or a special product, sale, event, or future tenant may be permitted on the site of the business or place of assembly to which the message pertains. Temporary directional signs for new residential developments are permitted as set forth in paragraph (C)(4) below. All such temporary signs shall require approval of a Temporary Sign Permit in compliance with the provisions of this Section. In all cases signed, written authorization from the property owner of record shall be provided to the Town authorizing the installation of a sign, banner, flag, or other similar device on the property.

C. **Temporary Signs Standards.**

1. Special Events.

a. Charitable Events. Temporary special event signs for charitable events (charitable events, fund raising sales, and other similar community events) may be permitted as a means of publicizing an event for a limited, specified period subject to the following restrictions:

(1) See Table 3-18 (Temporary Sign Standards) for temporary sign standards.

TABLE 3-18: TEMPORARY SIGN STANDARDS

Event		Temporary Sign Type	Maximum Standards			Other Regulations
			Number of Signs	Time Limit	Sign Size	
Special Events	Charitable Events	Building Mounted Banners	1	Promptly removed at end of event, not to exceed 30	60 sf.	

TABLE 3-18:
TEMPORARY SIGN STANDARDS

Event	Temporary Sign Type	Maximum Standards			Other Regulations
		Number of Signs	Time Limit	Sign Size	
	Freestanding Banner	1	days	32 sf.	Must be located on property where event is taking place
Civic Community Events	Building Mounted Banners	6		100 sf. each	
	Freestanding Banner	1		60 sf.	Cannot be located in public right-of-way
Temporary Commercial and Industrial Sign					
	Search Lights and Beacons	2	3 days	N/A	
	"b" wings, flags and similar	2	120 calendar days each year	20	See Section 9.38.100 (C) (2)
	New Business Freestanding Sign	1 per street frontage	Removed upon occupancy of building	32 sf.	Sign must be located 10 ft. from any right-of-way
	New Business Banners	1	90 days	50 sf.	N/A
	Special Event Banner	1	120 calendar days each year	60 sf.	30 consecutive days with no banners before new permit can be opened
	Pumpkin or Christmas Tree Lot Banner or freestanding	1	45 days	32 sf.	Must be located on property where event is taking place
Political Signs	All Political Signs	N/A	45 days prior to election and removed within 15 days after election	Residential Land Uses: 8 sf. Other Uses: 32 sf.	N/A

(2) Provided consent of the property owner is granted in writing, a nonprofit, religious, charitable (501c3) or fraternal organization may display one "A" frame off-site temporary directional sign along either SR-62 or SR-247 for no more than three events annually to advertise a charitable event provided:

(a) The sign is neither located within the public right-of-way or creates a visual obstruction for drivers of vehicles.

(b) The sign complies with Section 9.36.130 of this code and may be displayed for the duration of the charitable community event.

b. Civic Community Events. Temporary special event signs for civic community events (holiday parades, festivals, and other similar civic events) where the Town is either a sponsor or co-sponsor of the event may be permitted as a means of publicizing an event for a limited specified period subject to the following restrictions:

(1) See Table 3-18 for number of signs, size, duration and other standards for temporary signs.

(2) Freestanding banner is limited to the site in which the event is to take place and cannot be located within the public right-of-way or create a visual obstruction for drivers of vehicles. Except that provided consent of the property owner is granted in writing, one temporary banner not exceeding sixty 60 square feet may be installed at each Town entryway along SR-62 to 30 days prior to the event and removed promptly at the end of the special event.

2. Temporary Commercial and Industrial Signs. Temporary commercial and industrial signs to publicize sales, new merchandise, close-outs, grand openings or other similar events may be permitted subject to the following restrictions:

a. See Table 3-18 for number of signs, size, duration and other standards for temporary signs.

b. No banners, flags, "b" wings, pennants, hulas, streamers shall be displayed without a permit.

c. The business owner/applicant shall immediately remove any banner, flag, "b" wing, pennant, hula, streamers and other similar devices determined to be tattered, torn, faded, no longer tightly attached to the building, abandoned, or non-maintained.

d. Pennants, hulas, streamers and other similar devices shall be limited to fleet services (i.e. car lots). The strings on which pennants, hulas, streamers and other such devices are hung, where permitted, shall be limited in length to not more than one and one half times the street frontage of the property or tenant/building frontage.

e. Banners, flags, "b" wings pennants, hulas, streamers, and other similar devices shall not be displayed above the roof line of the building.

f. Each business shall be limited to a maximum of 1 banner and one flag/"b" wing, or two flags/"b"wings and no banners.

g. Flags, "b"wings, or similar devises shall be properly secured and setback a minimum of the total height of the device from all rights of way, parking spaces and drive aisles.

3. Political Signs (Temporary). Temporary political signs are exempt from Temporary Sign Permit fees, and are permitted on private property in all land use districts subject to the following limitations:

a. See Table 3-18 (Temporary Sign Standards) for number of signs, size, duration and other standards for temporary signs.

b. Such signs shall not be erected within any street intersection, clear sight triangle or at any location where the sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign.

c. Such signs shall not be nailed or affixed to any tree, fence post or public utility pole and shall not be located in the public right-of-way or publicly owned land.

d. Such political signs shall be affixed in such a manner that they can be easily removed.

4. Subdivisions and Model Home Signs (Temporary). The following shall apply to tracts and model home signs except for signs within developments with an adopted sign program, pursuant to Section 9.36.070 (Sign Program).

a. On-site Freestanding Signs. Freestanding signs shall be limited to one sign per street frontage and shall be located 10 feet from any street right-of-way on the project site. All signs shall be removed within 30 days after the sale/rental of the last unit in the project/subdivision. Refer to Table 3-19 for regulations pertaining to off-site subdivision signs.

TABLE 3-19:
SUBDIVISION ON-SITE FREESTANDING SIGN STANDARDS

Subdivision Size	Number of Allowed Signs	Maximum Sign Area	Maximum Height
Less than 5 Acres	1	16 sq. ft.	8 ft.
5 to 40 Acres	2	16 sq. ft.	8 ft.
Greater than 40 Acres	2	32 sq. ft.	

b Open House Sign and Pennants. One "open house sign" no larger than 24 inches by 18 inches on poles no higher than four feet may be displayed. No more than two pennants shall be displayed. Pennants shall be no greater than two feet by three feet and shall be mounted on poles no higher than four feet. Hours of open house sign and pennant flag displays shall be no earlier than sunrise and no later than sunset.

c Flags/"b" wings. Also, each site shall be allowed to have a maximum of four flags/"b" wings that are each a maximum 12 square feet in area and a maximum 12

feet in height. Flags/"b" wings shall be maintained in good repair. For the purpose of this Section, this shall mean no weathered, faded or tattered flags are allowed.

5. On your lot Model Home (Temporary). The following shall apply to temporary on your lot builder signs except for signs within developments with an adopted sign program, pursuant to Section 9.36.070 (Sign Program).

   a. A maximum of one 16 square foot freestanding sign not exceeding 6 feet in overall height.

9.36.110 – Standards for Permanent Signs Requiring a Sign Permit

The purpose of this Section is to assist professional sign designers and the general public in understanding the Town's goals and objectives for achieving high quality, efficient signage within the Town. These standards will be used to encourage a high degree of sign quality while providing flexibility necessary for creativity on the part of sign designers. The criteria and standards in this section apply to all sign proposals. The standards should be followed unless the purpose of this Chapter can better be achieved through other design techniques.

A. Sign Height and Area Computations. The Table 3-20 (Sign Area Height and Area Computations) shall be used to measure sign height and sign area.

TABLE 3-20: SIGN HEIGHT AND AREA COMPUTATIONS

Standard	Pole Sign	Monument Sign
Height	The vertical distance measured from the immediate adjacent roadway grade level to the highest point of the sign structure. **Above Street Level.** Where the finished grade level is above street level, and/or a planter or retaining wall exists, the height shall be the vertical distance measured from finished grade to the highest point of the sign structure. **Below Street Level.** Where the finished grade level is below street grade level and/or a planter or retaining wall exists, the height shall be the vertical distance measured from the immediate adjacent roadway grade level to the highest point of the sign structure.	The vertical distance measured from the immediate adjacent roadway grade level to the highest point of the sign structure. **Above Street Level.** Where the finished grade level is above street level, and/or a planter or retaining wall exists, the height shall be the vertical distance measured from finished grade to the highest point of the sign structure. **Below Street Level.** Where the finished grade level is below street grade level and/or a planter or retaining wall exists, the height shall be the vertical distance measured from the immediate adjacent roadway grade level to the highest point of the sign structure.
Area	The entire surface area within a single continuous perimeter, not to exceed 10 sides, containing words, letters, figures, or symbols, together with any frame or material forming an integral part of the display but excluding support structures, face of building and incidental parts shall constitute sign area. Signs placed back to back shall be taken as the area of one face if the two faces are of equal area or of the area of the larger face if the two are of unequal area.	

B. Sign Copy.

1. Letter size shall be proportional to the background and overall sign size.

2. Graphics consistent with the nature of the product to be advertised are encouraged. However, these shall be considered as part of the sign area.

3. Logos are encouraged but are considered part of the sign area.

4. Non-electronic changeable copy signs shall not exceed more than 25% of the total sign area of the sign area and do not require Commission review and approval

5. Signs which incorporate electronic message boards shall be subject to review and approval by the Commission.

6. Electronic message areas shall not exceed 25 percent of the total sign area of the sip structure it is attached to.

C. Materials.

1. All signs, except those provided for under Temporary Signs shall be permanent in nature and should reflect the architectural design of structures and natural features of the site by containing unifying features and materials.

2. High quality and natural materials, such as exterior grade building materials are encouraged.

3. Freestanding/monument signs shall incorporate lighting, colors, planters, or other architectural treatment to enhance the visual element of the installed sign.

4. Poles or other supporting structures for freestanding signs shall incorporate architectural treatments, landscape planters, or similar structural enhancements.

D. Illumination.

1. Preservation of the Night Sky.

   a. All signs shall comply with Chapter 8.70 (Outdoor Lighting) of Title 8 (Buildings and Construction) of the Yucca Valley Municipal Code.

   b. Off-white shades shall be encouraged for sign background color in lieu of pure white.

   c. The use of dark background coloring and lighter shades for lettering is highly encouraged.

2. Neon Signs

   a. Exterior Signs: Neon tubing may be permitted as a material in exterior signs subject to the following:

      1) Exterior neon signs shall be permitted only in commercial zones.

2) Within shopping centers, neon signs may be allowed as a part of a sign program.

b. Interior Neon Signs: Neon tubing may be permitted as a sign material for interior window signs subject to the following.

1) Permitted in commercial zones only.

2) No more than two neon window signs shall be permitted per business.

E. Signs in Clear Sight Triangle. See Section 9.31.020 (Clear Sight Triangle) for regulations regarding clear sight triangle. All signs shall comply with the following:

1. There shall be no monument signs allowed within a clear sight triangle.

2. There shall be no more than two posts or columns, each with a width or diameter no greater than 12 inches, within a clear sight triangle.

3. When a freestanding sign is located within a clear sight triangle, the lower edge of the sign face shall be at least eight feet above grade.

9.36.120 – Signs in Residential, Open Space, Public/Quasi Public Zoning Districts

No sign, outdoor advertising structure, or display of any kind shall be permitted in Residential, Open Space, and Public and Quasi Public land use districts, except those provided for below and those provided in Section 9.36.090 (Exempt Signs) and Section 9.36.100 (Temporary Signs) or as otherwise provided in this Chapter. In addition to the standards provided in Table 3-21 (Residential, Open Space, and Public/Quasi-Public Sign Standards), consideration shall be given to a sign's relationship to the overall appearance of the subject property as well as the surrounding community.

Non-residential uses located in Residential, Open Space, or Public and Quasi Public land use districts such as institutional uses including churches, schools, funeral homes, cemeteries, recreational uses, and agriculture related signs may be permitted. More than one sign may be allowed provided that the maximum cumulative sign area is not exceeded.

TABLE 3-21: RESIDENTIAL, OPEN SPACE, AND PUBLIC/QUASI PUBLIC SIGN STANDARDS

Type of Sign	Maximum Number of Signs	Maximum Total Sign Area	Maximum Height	Location	Other
On Site Subdivision, Mobile Home Park, and Multi-Family Identification.					
Monument	1 sign per public street frontage; not to exceed 2 signs.	24 sq. ft. each sign	6 ft.	Setback min. 5 ft. from property line	Sign copy shall be limited to the name of complex, address, and complex manager's phone number.
Directory Sign	1 sign per vehicle entrance	16 sq. ft. each sign	4 ft.	Within front and street side yard	Applicable to multi-residential developments of 12 or more units or mobile home parks.
Non-Residential Signs					

TABLE 3-21: RESIDENTIAL, OPEN SPACE, AND PUBLIC/QUASI PUBLIC SIGN STANDARDS					
Type of Sign	**Maximum Number of Signs**	**Maximum Total Sign Area**	**Maximum Height**	**Location**	**Other**
Monument Sign	1 sign per public street frontage; not to exceed 2 signs.	24 sq. ft. each sign	6 ft., not to extend above a wall or fence	Setback min. 5 ft. from property line	N/A
Wall Sign	2 wall signs	1 sq. ft. per each 1 ft of building frontage	N/A	Shall not be located above an eave, roof line or parapet	Illuminated wall sign prohibited.
Cemetery Signs and Memorial Parks	1 Entryway Sign	24 sq. ft.	N/A	N/A	N/A

9.36.130 – Signs in Commercial Zoning Districts

No sign, outdoor advertising structure, or display of any kind shall be permitted in Commercial District except those provided for below and those provided in Section 9.36.090 (Exempt Signs) and Section 9.36.100 (Temporary Signs) or as otherwise provided in this Chapter. In addition to the standards provided in Table 3-22 (Commercial Sign Standards), consideration shall be given to a sign's relationship to the overall appearance of the subject property as well as the surrounding community.

TABLE 3-22: COMMERCIAL SIGN STANDARDS			
Type of Sign	**Maximum Number of Signs**	**Maximum Total Sign Area**	**Maximum Height**
Single Commercial Tenant Building			
Wall Sign	1 sign per building frontage less than 80 feet in width per occupancy. 2 signs per building frontage greater than 80 feet in width per occupancy. All signs must be oriented towards a street, driveway, or parking.	1 sq. ft per 1 linear feet of use or occupancy	N/A
freestanding	1 sign per street frontage	1 sq. ft per 5 linear feet of street frontage Lot frontage 150 ft. and greater: 60 sq. ft. Lot frontage less than 149 ft.: 30 sq. ft.	Monument Sign: 8 ft. Pole Sign: 12 ft. The lower edge of the sign face to be at least 7 ft. above grade or 4 ft. clearance if located within a landscape setback.

TABLE 3-22:
COMMERCIAL SIGN STANDARDS

Type of Sign	Maximum Number of Signs	Maximum Total Sign Area	Maximum Height
Shingle Sign	1 sign per building entrance. Must be perpendicular to the main face of the building suspended from a canopy.	5 sq. ft. max.	8 ft.
Projecting Sign	1 sign, in lieu of wall sign	1 sq. ft per 1 linear feet	N/A
Commercial Complexes and Multiple Tenant Buildings			
Wall Signs	1 sign per building frontage less than 80 feet in width per occupancy. 2 signs per building frontage greater than 80 feet in width per occupancy.	1 sq. ft per 1 linear feet	N/A
Freestanding	1 sign per street frontage	1 sq. ft per 5 linear feet of street frontage where sign is located, not to exceed 300 sq. ft.	Monument Sign: 8 ft. Pole Sign: 12 ft. Pole/Pylon Sign at center greater than 15 ac. on Highway: 25 ft. Pole/Pylon Sign at center from 8 to 14.9 ac. on Highway: 15 ft.
Shingle Signs	1 sign per building entrance. Must be perpendicular to the main face of the building suspended from a canopy or projects not more than 3ft. from building face. All signs must be oriented towards a street, driveway, or parking.	5 sq. ft. max.	8 ft.
A-Frame Sign	1 sign per tenant	2ft. by3 ft. or 6-sq. ft. for each side of sign area	3 ft.

A. Commercial Complexes and Multiple Tenant Buildings.

1. Subject to the approval of a sign program, the property owner may apportion the sign area to individual uses or overall building, or certain identification, provided that the total cumulative sign area is not exceeded.

2. Any single sign 25 square feet in area or less in area may be designed with sign faces placed at angles provided they do not exceed 45 degrees and not be considered a multi-faced sign.

3. Freestanding building pads located adjacent to a highway or street may be permitted a monument sign not to exceed 25 square feet.

4. All freestanding signs shall reflect high quality, enhance community design and be harmonious with the desert character through the following:

   a. Evokes a special relationship to the structures and uses located on the site by incorporating elements of the structural architectural and/or natural features of the site;

      (1) Makes use of high quality and/or natural building materials, including but not limited to, rock, adobe, timber, carved wood and incised lettering in stone;

      (2) Identifies the site or use without extensive sign copy (text) by use of graphic imagery and/or logo.

5. Shingle Signs. Small projecting or suspended signs may be permitted subject to the following:

   a. Maximum of one sign per building entrance is permitted provided that it is perpendicular to the main face of the building suspended from a canopy or projects not more than three feet from building face.

   b. Such signs shall not exceed five square-feet in area and shall have a minimum ground clearance of eight feet.

6. Pedestrian Sidewalk (A-Frame) Sign.

   a. The sign shall be appropriately anchored with a bolt system or other methods to ensure the sign is properly secured and the sign is not left out overnight at any time

   b. The sign shall not be located in a landscape planter or a location which may create an impediment to pedestrian, disabled, or emergency access.

   c. Balloons, banners, flags, lights, or other similar items shall not be attached to or made a part of the sign.

B. Service Station-Identification.

1. Freestanding Signs.

   a. On-premises/Price Freestanding Sign. Square footage shall be based upon Section 9.36.130, plus 20 square feet for price advertising.

   b. Service stations, whether situated on an independent parcel, or incorporated as part of a commercial, industrial or office complex, shall have independent freestanding sign rights.

2. Building Signs.

   a. Building wall signs shall be regulated per Section 9.36.130. Service stations with multiple tenants are allowed one additional building wall sign shall be allowed for each use, with a maximum combined sign area limit of 50 square-feet.

3. Pump Island Canopy Signs:

a. Canopy signs shall be limited to one sign per face fronting a street, parking lot, or driveway. Each sign shall not exceed 15 square feet.

4. Pump Island Signs.

a. One non-illuminated wall or ground sign for each pump island, not to exceed a total of four per station, with a maximum sign area of two square feet per face. Special service signs shall be limited to such items as self-serve, full serve, air, water, cashier, and shall be non-illuminated. Price signs must meet requirements of the California Business and Professions Code.

C. Restaurant Menu Boards.

1. Drive Thru Restaurant: In addition to the provisions for freestanding commercial business under Subsection 9.36.130 of this Section, fast food restaurant with drive-thru or walk up facilities may be allowed up to two menu or reader boards with a maximum area of 25 square-feet each. Any pictures, photographs, representations, or logos within the perimeter of the board shall be included in the computation of maximum area for such boards.

2. Restaurant: Any restaurant without a drive-thru can have a chalkboard or blackboard on the exterior wall of the building not to exceed six square feet.

9.36.140 – Signs in Industrial Districts

No sign, outdoor advertising structure, or display of any kind shall be permitted in an Industrial District, except those provided in Table 3-23 and those provided in Section 9.36.090 (Exempt Signs) and Section 9.36.100 (Temporary Signs) or as otherwise provided in this Chapter. In addition to the standards provided in Table 3-23 (Industrial Sign Standards), consideration shall be given to a sign's relationship to the overall appearance of the subject property as well as the surrounding community.

TABLE 3-23: INDUSTRIAL SIGN STANDARDS

Sign Type	Number of Signs	Sign Size	Height
Single Tenant Building			
Wall Signs	1 sign per building frontage less than 80 feet in width per occupancy. 2 signs per building frontage greater than 80 feet in width per occupancy. All signs must be oriented towards a street, driveway, or parking.	1 sq. ft per 1 linear feet	N/A
Freestanding	1 sign per street frontage	1 sq. ft per 5 linear feet of street frontage where sign is located, not to exceed 60 sq. ft.	Monument Sign: 8 ft. Pole Sign: 12 ft.
Shingle Signs	1 sign per building entrance. Must be perpendicular to the main face of the building suspended from a canopy.	5 sq. ft. max.	8 ft.

TABLE 3-23: INDUSTRIAL SIGN STANDARDS			
Sign Type	**Number of Signs**	**Sign Size**	**Height**
Industrial Complexes and Multiple Tenant Buildings			
Wall Signs	1 sign per building frontage less than 80 feet in width per occupancy. 2 signs per building frontage greater than 80 feet in width per occupancy.	1 sq. ft per 1 linear feet	N/A
Freestanding	1 sign per street frontage	1 sq. ft per 5 linear feet of street frontage where sign is located, not to exceed 200 sq. ft.	Monument Sign: 8 ft. Pole Sign: 12 ft.
Shingle Signs	1 sign per building entrance. Must be perpendicular to the main face of the building suspended from a canopy or projects not more than 3ft. from building face. All signs must be oriented towards a street, driveway, or parking.	5 sq. ft. max.	8 ft.

9.36.150 – Signs in Specific Plan Districts

Sign Programs for special or unique uses as a part of a specific plan may be approved containing standards other than provided in this Chapter except that the provisions of Section 9.36.070 (Sign Program) shall apply.

9.36.160 – Off-Site Signs and Billboards

A. **Billboards.** No new off-site advertising sign structures shall be located within the Town. Any owner of an existing permitted off-site billboard sign may replace such sign on the same site with another off-site billboard sign when located in the commercial land use districts subject to obtaining a Conditional Use Permit in accordance with the provisions of Chapter 9.63. The following conditions shall apply:

1. The advertising display area of the replacement sign shall not exceed the display area of the existing sign or signs to be replaced and in no event shall it be greater than 200 square feet per face with a maximum of two faces. Display area does not include decor or pole covers.

2. Any upgraded billboard sign located along a designated Scenic Highway Corridor shall be maintained at the same existing height. It shall be located so that no materials or structural feature, except poles or pilasters, shall extend into the cross visibility area between ground level and lower edge of the billboard sign.

3. Any upgraded billboard sign located along a designated Scenic Highway Corridor shall be treated so as to screen the billboard lighting from public view. The color and materials shall be subject to approval pursuant to the provisions of this Section.

4. The sign structure shall be located no closer than 10 feet to any property line

5. Under no circumstances shall more than one new sign be erected to replace one sign removed.

6. The replaced sign(s) shall be removed prior to the use of the replacement sign.

7. The sign and structure shall be continuously maintained in an attractive, clean, and safe condition pursuant to this Section.

8. The sign structure shall not constitute a traffic hazard because of sign shape or its location in relationship to an official public traffic sign or signal.

9. The sign structure shall not contain any flashing or blinking light material, or mechanically activated or animated devices,

10. The sign structure shall be located in such a manner that it does not block the view of any on-site advertising sign on the same or adjoining parcels.

B. Off-Site Residential Subdivision Directional Signs. The following shall regulate and establish a standardized program of off-site residential and subdivision directional kiosk signs for the Town. For the purposes of this subsection, a residential subdivision is defined as a housing project within a recorded tract where five or more structures or dwelling units are concurrently undergoing construction.

1. Kiosk Signs.

   a. The panel and sign structure design shall be in accordance with Fig

   b. A kiosk sign structure shall be located no less than 300 feet from an existing or previously approved Kiosk site, except in the case of signs on different corners of an intersection.

   c. The placement of each kiosk sign structure requires review and approval by the Director.

   d. All kiosk signs shall be placed on private property with written consent of the property owner or on Town right-of-way pursuant to issuance of a Town of Yucca Valley encroachment permit.

   e. A kiosk sign location plan shall be prepared, showing the site of each kiosk directional sign, and shall be approved by the Director prior to the issuance of a Sign Permit

   f. There shall be no additions, tag signs, streamers, devices, display boards, or appurtenances added to the kiosk signs as originally approved. No other non-permitted directional signs, such as posters or trailer signs may be used.

   g. All non-conforming subdivision kiosk directional signs associated with the subdivision must be removed prior to the placement of directional kiosk sign(s).

h. Kiosk signs, or attached project directional signage, shall be removed when the subdivision is sold out. The entity administering the program will be responsible for removal of panels and structures no longer needed.

i. All kiosk sign structures shall conform with the following standard regulations:

(1) No more than one panel per development per side of a kiosk sign is permitted,

(2) Double sided kiosk signs are permitted.

(3) Kiosk sign panels may only contain the name of the subdivision, a directional arrow, and one sign copy color as indicated in Figure 10.

(4) Kiosk sign structures with different size structures for major and local streets shall be considered by the Director. Design, size and height of kiosk structures and panels shall require approval of the Director.

9.36.170 – Off-Site Signs on Public Property

No sign shall be permitted on Town-owned property unless erected by the Town and/or approved by the Town Manager.

9.36.180 – Public and Institutional Facility Directional Signs

A. Intent. It is the intent of this section to establish criteria for those signs used to identify public facilities that are either public service integrated and Town owned or acknowledged through Joint partnership agreements and institutional uses.

Public and institutional facilities signs play an important role in guiding and directing citizens and visitors to public and institutional facilities within the Town. Additionally, it is important with current sign issues on SR-62 and on local roads that the installation of directional signs does not create additional sign clutter following installation. It is the intent of this section to establish guidelines for primary Town owned and operated public facilities and institutional facilities. Prior to consideration of approval for installation of the directional signs, the Commission and Council shall carefully consider the use of the public facility and institutional facility and the need for directional signing both along the state highway and/or on local roads.

B. Justification. A Directional Sign for the purposes of identifying site location is warranted when any of the following facility criteria are met:

1. The facility is public service integrated, i.e. official Federal, State, County of San Bernardino, Town of Yucca Valley facilities, as well as regionally and community significant park facilities, and institutional facilities.

2. The facility is owned or operated by the Town of Yucca Valley.

3. The facility is involved in a current joint partnership agreement with the Town.

C. Appearance.

1. Signs to be installed along State Highways:

a. All signs installed along State highways shall conform to the height, size and color requirements as stipulated in the Cal Trans Traffic Manual.

2. Signs to be installed along roads within Town right-of-way:

a. All signs shall be constructed of aluminum alloy material and include an engineering grade, smooth reflective sheeting or reflective baked enamel finish.

b. Sign shape shall be rectangular with a maximum horizontal length of 36 inches and a maximum vertical length of 24 inches.

c. Sign color shall be a blue reflective background with reflective white lettering and symbol. Public park identification signs shall be the Federal Standard of brown background with reflective white lettering.

d. Sign post shall have "break-away" capability and be either a singular square steel tube, steel u-post or wooden material.

e. Sign height, once installed, shall not exceed 80 inches and shall be a minimum of 48 inches high

D. Location.

1. Signs Installed Along State Highways. All signs proposed along State Highways shall conform to the installation requirements pursuant to the Caltrans Traffic Manual.

2. Signs Installed Along Roads within Town Right-of-Way:

a. Signs installations shall be limited to only those streets that are included in the Town's maintained road system.

b. Sign placement shall be determined by the Town's Engineering Division.

c. The number of signs installed for a specific facility shall be determined by the Town's Engineering Division.

E. Approval.

1. All directional Signs. All public facility directional signs shall be approved by the Town Commission prior to installation.

9.36.190 – Design Criteria for Wall Murals

A. Criteria.

1. Maximum Number of Murals Per Site. One mural per structure may be approved by the Commission. In unique circumstances whereby the design of the mural(s) and structure are enhanced by additional murals, the Commission may allow for more than one mural per structure.

2. Advertisement Value. Words and/or images may not generally be incorporated within the proposed mural which specifically identifies or reflects the business, products and/or services provided by the business occupying the structure.

3. Design Theme. Desert-Western, compatible with the building design and surrounding properties.

4. Sign Area. Wall mural signs shall not be calculated as business advertising signage and is not subject to the maximum wall sign area ratio. Murals can occupy an entire single wall on which the mural is applied.

5. Color Scheme. The colors used in the mural signs shall be complimentary and harmonious with the exterior colors of the building and consistent with the Desert-Western concept and surrounding properties. Florescent colors would not be considered in keeping with the Desert-Western concept.

6. Permitting Process. All Wall Mural applications shall be processed through the Design Merit Program process.

7. Findings. Prior to approving a Wall Mural application, the Commission shall find and justify that all of the following are true:

   a. The proposed mural exhibits exceptional design quality and incorporates high quality material that enhance the overall development and appearance of the site and will not have an adverse impact on the safe and efficient movement of vehicular or pedestrian traffic;

   b. The proposed mural is well integrated with the buildings and other elements of the property and is harmonious with the surrounding desert character;

   c. The proposed mural, by its design, construction and location, will not have a substantial adverse effect on abutting property or the permitted use thereof, and will contribute to the Town's unique character and quality of life;

   d. The proposed mural is consistent with the goals, policies and standards of the Town's General Plan and applicable specific plans;

   e. That the granting the Wall Mural Permit is based upon its distinct quality and does not constitute a granting of special privileges beyond those provided for by criteria provided above.

9.36.200 – Abandoned Signs

A. A sign or sign structure that is nonconforming shall be removed by the owner or lessee of the premises upon which the sign or structure is located when for a period not less than 90 days the business or product identified in the sign is no longer conducted on the premises, the structure upon which the sign is displayed is abandoned, or the advertising is no longer displayed on the sign structure. If the owner or lessee fails to remove the sign, the Director shall give the owner 30 days written notice to remove it. Upon failure to comply with the notice, the Director may have the sign removed at the owner's expense.

B. Any legal, conforming structural supports for an abandoned sign may remain, if installed with a blank sign face and supporting structures are maintained.

9.36.210 – Construction and Maintenance

A. Every sign, and all parts, portions, and materials shall be manufactured, assembled, and erected in compliance with all applicable State, Federal, and Town regulations and the California Building Code.

B. Every sign, including those specifically exempt from the provisions of this Chapter with respect to permits and permit fees, and all parts, portions, and materials shall be maintained and kept in good repair. The display surface of all signs shall be kept clean, neatly painted, and free from rust and corrosion. Any cracked, broken surfaces, malfunctioning lights, missing sign copy or other non-maintained or damaged portion of a sign shall be repaired or replaced within 30 calendar days following notification by the Town. Failure to do so may result in the sign being declared a nuisance and abated in accordance with Section 9.36.230 (Enforcement) of this code.

9.36.220 – Non-Conforming Signs

A. **Purpose and Intent.** The requirements of this Section are intended to recognize that the eventual elimination of signs that do not comply with the provisions of this Chapter is as important as the prohibition of new signs that would violate these standards.

B. **Nonconforming Sign.** Any sign legally existing on the effective date of this Ordinance that does not comply with the regulations of this Chapter shall be deemed to be a nonconforming sign. A legally established sign which fails to conform to this Chapter shall be allowed as a continued use until such time any of the following occurs first:

1. Structurally altered so as to extend its useful life.

2. Expanded, moved, or relocated.

3. Re-established after damage or destruction of more than 50% and the destruction is other than facial copy replacement and the display is not repaired within 30 days of the date of its destruction.

4. The property is subdivided or the real property upon which the sign is located is severed from the real property upon which the business or primary use of the entire parcel is located, by lease, lease-back, or any other arrangement, method or device which would otherwise circumvent the intent of this section;

5. A Conditional Use Permit, Site Plan Review, or Land Use Compliance Review is granted for the property or use of the property;

6. A Sign Permit is issued permitting installation or construction of a new or additional sign on the property;

7. Modifications are made to a sign which require a building permit

9.36.230 – Enforcement

A. **Stop Work Orders.** The issuance of a sign permit shall not construe a waiver of any provisions of this Chapter or any other ordinance of the Town. The Building Official, or other designated person, is authorized to issue a stop work order for any sign or advertising display installation which is being erected or displayed in violation of this Chapter, or any other ordinance of the Town.

B. **Revocation.** Upon failure of the holder or applicant to comply with the provision of this Chapter or the conditions of approval of the sign permit, the Director is authorized and empowered to revoke any permit with a written statement of the reasons for revocation.

C. **Public Nuisances.**

1. The following signs and advertising displays are hereby declared to be public nuisances:

   a. Signs and advertising displays illegally erected, placed or encroaching on or over any public right-of-way;

   b. Any sign or advertising display declared to be hazardous or unsafe by the Director, the Building Official, or any other Town designated person.

2. A Town enforcement officer may, without notice, move, remove, and/or dispose of a sign or advertising structure that has been declared a public nuisance in accordance with Subsection (a) above. In addition, an enforcement officer may authorize any work required to correct a hazardous or unsafe condition.

3. A Town enforcement officer shall charge the costs of processing, moving, removing, disposing, correcting, storing, repairing or working on a sign or sign structure to any one of all of the following, each of which shall be jointly and individually liable for said expenses.

   a. The permittee; and/or

   b. The owner of the sign; and/or

   c. The owner of the premises on which the sign is located.

4. The charge for expenses shall be in addition to any penalty for the violation and recovery of the sign does not necessarily cancel the penalty.

5. Signs made of paper, cardboard, lightweight wood or inexpensive plastic or similar materials which are removed, may be discarded immediately. All other removed signs shall be held 30 days by the Town, during which period it may be recovered by the owner paying the Town for costs of removal, storage, and processing. If not recovered within the allowed 30 day period, the sign and structure is hereby declared abandoned and title thereto shall vest to the Town.

D. **Abatement of Signs.** The Community Development Director shall order the abatement, abate, or cause to be abated any temporary or permanent sign erected, placed or displayed in violation of this Chapter in accordance with the following:

1. Notice.

a. A written notice shall be sent or delivered to the owner of the sign or advertising display, or his representative, ordering abatement of the illegal or obsolete display, except as noted above. Temporary signs or advertising displays shall be ordered to be removed or abated immediately. Signs other than temporary signs or advertising displays shall be ordered to be abated within 10 days.

b. Subsequent to or in lieu of the notice to abate, the Director may cause to be mailed by registered or certified mail written notice to the owner of the sign, at the last known address or to the owner of the property as shown on the latest assessment roll, or to the occupant of the property at the property address. The notice shall describe the sign and specify the violation involved, and indicate that the sign will be removed if the violation is not corrected within 10 days.

E. **Appeal.** The owner may, within the 10 day period, appeal the notice to the Council. Appeals shall be made on forms provided by the Planning Division and fees shall be paid as established by the Town fee schedule. There shall be a stay of abatement until a decision is rendered by the Council.

F. **Abatement.** After the expiration of the 10 day notice period, the enforcement officer may enter the property and abate the sign or advertising display. The Town may also contract for the abatement.

G. **Assessments.** The Town may order a special assessment and place a lien against the property for reimbursement of all costs in accordance with Chapter 6.04 of the Town of Yucca Valley Municipal Code.

H. **Alternatives.** Nothing in this Chapter shall be deemed to prevent the Council from ordering the Town Attorney to abate the alleged nuisance or to obtain any other appropriate remedy in addition to, as an alternative to, or in conjunction with the procedures authorized by this Chapter. Nor shall the implementation of this Chapter be deemed to prevent appropriate authorities from commencing a criminal action based upon the conditions constituting the alleged nuisance.

Chapter 9.37 Soil Erosion and Dust Control

Sections:

9.37.010 – Purpose
9.37.020 – Applicability
9.37.030 – Exempt Activities
9.37.040 – Soil Erosion, Sediment and Dust Control Plans and Permits
9.37.050 – Wind-Borne Soil Erosion
9.37.060 – Erosion Control, Runoff Control, and Enforcement

9.37.010 – Purpose

The Chapter establishes uniform standards and processes for regulating development that disturbs the surface of lands. The intent of these provisions is to ensure conservation of soil, water, and other valuable natural resources, reduce erosion and maintain soil productivity, maintain healthy environments and air quality, and guide the planning and evaluation of proposed development.

9.37.020 – Applicability

Each Section in this Chapter describes activities that disturb land surfaces; identifies required permits and plans for the activities; and provides regulations to mitigate the adverse impact of the activities.

9.37.030 – Exempt Activities

The intent of this Section is not to invalidate existing discretionary permits, but rather to prevent or mitigate accelerated erosion. The following activities shall be exempt from the provisions of this Chapter.

A. **Activities not resulting in land disturbance.** Activities where the Director recognizes that no land disturbance will take place or otherwise determines activities to be exempt, including:

1. Change of use permits where there would be no expansion of land disturbing activities.

2. Construction within an existing structure.

B. **Agricultural activities.** Agricultural grading and routine agricultural activities (e.g., plowing, harrowing, discing, ridging, listing, land planning, and similar operations to prepare a field for a crop, including routine clearing to maintain existing rangeland, etc.)

C. **Land clearing activities for fire prevention.** Land clearing and vegetation clearance around structures as required by State and local fire codes and fire prevention guidelines. Land clearing shall be limited to that required to comply with applicable fire codes and regulations.

D. **Septic system and well installation and repair activities.** Activities in compliance with a valid permit for septic system installation and repair or well drilling.

E. **Soil testing activities.** Routine testing of soil type and characteristics to determine soil suitability, water percolation, or similar soil tests; provided, however, that sediment from these activities shall not be allowed to enter a stream, drainage course, body of water, or onto adjacent properties.

F. **Installation or Repair of Utility Services Within Public Rights-of-Way.** When necessary to grade, trench, or otherwise install, repair or replace utility services within the boundaries of utility or public rights-of-way when the activities are completed within 72 hours.

9.37.040 – Soil Erosion, Sediment and Dust Control Plans and Permits

This Section provides regulations for project planning, preparation of Soil Erosion, Sediment and Dust Control Plans, run-off control, and land clearing to control disturbances to fragile desert soils in order to reduce the amount of fugitive dust that may (for long periods of time) adversely affect those who own; possess, control; or use parcels of land; and those who are located downwind of a parcel of land whose surface is being disturbed.

A. **Applicability.** The provisions in this Section apply to parcels that are one acre or greater in size or have a slope of greater than 10 percent.

B. **Permit requirements.** No person except as provided in this chapter, shall commence with a disturbance of land (e.g. grading or land clearing) or construction activity that has that potential to cause erosion without first obtaining approval of erosion control measures to ensure that erosion would not reasonably be expected to occur. Best Management Practices (BMP's) shall be implemented at all land disturbance sites, regardless of the area of disturbance. A land use permit shall not be required for grading, land clearing, or vegetation removal activities that comply with Subsection (C) (Dust control standards), below. If more extensive grading, land clearing, or vegetation removal activities are proposed than allowed in Subsection (C), the activities shall be require approval of a Site Plan and Design Review Permit in compliance with Chapter 9.87 (Site Plan and Design Review Permit).

1. Permit application. An application for the Soil Erosion Permit shall be made in writing to the Department on forms provided by the Town. The application shall be accompanied by specified plans and supporting data/materials and a fee established by resolution of the Council to cover the costs of handling and processing the application.

2. Conditions. The Soil Erosion Permit shall be subject to conditions that the Director may impose to ensure that surface protection is provided before, during, and/or after the time of the disturbance of the surface or subsurface of the land. Protective measures required by the Director shall be provided by means of measures or any other effective method, or combination of methods, of holding the soil in place.

3. Annual permit renewals and fee payments. Annual renewal and payment of appropriate fees shall be required until the Director releases the permittee from the permittee's obligations under the permit in compliance with Subsection (4), (Continuing obligation to prevent erosion until release), below.

4. Continuing obligation to prevent erosion until release. In order to prevent the soil on the land from being eroded by wind and blown onto public roads or other public or private property, the permittee's obligations under the Soil Erosion Permit shall continue in force and effect, regardless of whether the permit has been renewed as required by Subsection

(6) (Annual permit renewals and fee payments), until the Town has notified the permittee in writing that the permittee's obligations under the Soil Erosion Permit are released.

C. **Dust control standards**. Land shall be cleared or natural vegetation shall be removed only in order to provide for the installation of building pads, driveways, landscaping, agriculture, or some other structure or allowed use normally related or accessory to residential uses. No person, except as provided in this Chapter, shall commence with a disturbance of land (e.g., grading or land clearing) without first obtaining approval to assure that said disturbance will not result in a significant increase of fugitive dust. Said approval may be in the form of a development permit.

9.37.050 – Wind-Borne Soil Erosion

This Section provides regulations to conserve soil resources and to minimize the injurious effects of dust storms.

A. Statement of hazardous wind erosion conditions. The Council finds and determines that:

1. Existence of hazardous wind erosion conditions. Serious and hazardous wind erosion problems exist within the Town creating conditions that adversely affect the health, safety, welfare, and property of residents of the Town.

2. Reasons for hazardous wind erosion conditions. These conditions exist because of:

   a. Improper and untimely disturbance of the surface or subsurface of land, the soil of which is coarse textured and of a sandy nature; and

   b. The character and the presence of strong prevailing winds, seasonal-and otherwise, that progressively erode land and blow soil in substantial quantity onto public and private property.

3. Public nuisance. The hazardous wind erosion conditions constitute a public nuisance.

4. Areas of hazardous wind erosion conditions. Hazardous wind erosion conditions are prevalent and in need of correction within the Town.

B. **Dust Prevention Required.** To conserve the soil resources and to minimize the injurious effects of dust storms, the owner and all persons in possession of real property within the Town shall take reasonable measures and means to prevent dust blowing from the property.

C. **Enforcement.** Enforcement of this Section shall be pursuant to the provisions of Section 9.39.060, Erosion Control, Runoff Control, and Enforcement

9.37.060 – Erosion Control, Runoff Control, and Enforcement

A. **General erosion control requirements.**

1. Conditions causing accelerated erosion prohibited. No person shall cause, or allow the continued existence of, a condition on a site that is causing or is likely to cause accelerated erosion as determined by the Director.

2. Notification to control erosion. Upon notification by the Director, the responsible person shall take appropriate measures to control erosion on the site within a reasonable period of time as determined by the Director.

3. Plan/Permit approval. The Director may require that a property owner, whose property has been cited in non-compliance with Subsection (2) (Notification to control erosion), above, file and obtain approval of a Soil Erosion and Sediment Control Plan and Soil Erosion and Sediment Control Permit in compliance with Subsection (b) (Soil Erosion and Sediment Control Plans/Permits), above.

4. Cessation of activities due to inclement weather. The Director may require that a particular operation, process, or construction be stopped during periods of inclement weather if the Director determines that erosion problems are not adequately being controlled.

B. Runoff control measures. Activities subject to a development permit (e.g. Conditional Use Permit, Building Permit, Grading Permit, Planned Development Permit, Site Plan and Design Permit, Temporary Use Permit, etc.) shall implement measures to control runoff in order to prevent erosion. Measures shall be adequate to control runoff from a 10-year storm.

1. Prevention of sediment discharge. Erosion control and surface flow containment facilities shall be constructed and maintained to prevent discharge of sediment to surface waters or storm drainage systems.

2. Permeability rate.

   a. More than two inches per hour. Where soils have a permeability rate of more than two inches per hour, runoff in excess of 5 percent of the predevelopment levels shall be retained on the site by methods and in quantities approved by the Building Official. This may be accomplished through the use of infiltration basins, percolation pits or trenches, or other suitable means. This requirement may be waived where the Director determines that high groundwater, slope stability problems, etc., would inhibit or be aggravated by onsite retention, or where retention will provide no benefits for groundwater recharge or erosion control. The runoff water shall be discharged over nonerodible surfaces or at a velocity that will not erode.

   b. Two inches per hour or less. Where soils have a permeability rate of two inches per hour or less and onsite percolation is not feasible, runoff shall be detained or dispersed over nonerodible vegetated surfaces so that the runoff rate does not exceed the predevelopment level. The runoff water shall be discharged over nonerodible surfaces or at a velocity that will not erode. The Director shall require onsite detention unless the applicant shows that the runoff will not contribute to downstream erosion, flooding, or sedimentation.

3. Onsite percolation devices. Concentrated runoff that cannot be effectively dispersed over nonerodible channels or conduits to the nearest drainage course shall be contained within onsite percolation devices.

4. Energy dissipaters at point of discharge. Where water will be discharged to natural ground or channels, appropriate energy dissipaters shall be installed to prevent erosion at the point of discharge.

5. Detention or filtration mechanisms. Runoff from disturbed areas shall be detained or filtered by berms, vegetated filter strips, catch basins, or other means necessary to prevent the escape of sediment from the disturbed area.

6. Deposition of earth or materials prohibited. No earth, organic, or construction material shall be deposited in or placed where it may be directly carried into a stream, lake, marsh, slough, lagoon, or body of water.

7. Buffer zone along land/water margin. Where land disturbing activities are in proximity to lakes or natural watercourses, a buffer zone shall be required along the land/water margin of sufficient width to confine visible siltation within 25 percent of the buffer zone nearest the land disturbing activities.

C. Authority.

1. Authorized actions. Subject to the restrictions in the Section regarding constitutional freedoms and laws respecting rights of privacy, the Town shall have authority, at all reasonable times, to enforce this Chapter and to:

   a. Enter upon any property to investigate for violations of this Chapter.

   b. Issue Temporary Stop Work Orders.

   c. Issue a citation to a person committing a misdemeanor or an infraction offense under this Chapter within the presence of the Director.

2. Inspection or abatement.

   a. The inspection or abatement of a structure or private property shall be made:

      (1) With the consent of the owner or occupant of the property; or

      (2) If consent is refused, with a warrant issued in compliance with California Code of Civil Procedure Section 1822.50 (Title 13 [Inspection Warrants] of Part 3 [Special Proceedings of a Civil Nature]).

   b. However, in the event of an emergency affecting the public health or safety, an inspection or abatement may be made without consent or the issuance of a warrant.

D. Abatement of hazardous conditions.

1. Notice of hazardous conditions. When land presents a hazardous condition that may affect the health, safety, and welfare of neighboring residents (because of the condition of the land with regard to loose soil and windy conditions), the landowners of record shall be notified by the Director in writing by first class mail of the conditions.

2. Deadline for abatement. If these conditions are not corrected within 30 days of the mailing of the notice, the Director may order the conditions to be corrected as reasonably and economically as possible at the discretion of the Director. However, when time is of the essence and emergency action is necessary to put into effect these protective provisions, the Director may take immediate steps to abate the hazardous soil erosion condition.

E. Temporary Stop Work Orders.

1. Issuance. The Director may issue a Temporary Stop Work Order and the subject soil disturbing operation shall immediately be stopped, whether a permit has been issued or not, when:

   a. A permit has been issued, but not all of the permit requirements have been complied with. The Temporary Stop Work Order may require that all work cease until all the permit requirements have been met.

   b. Operations are in progress, with a permit or not, and weather conditions are causing substantial dust to be carried into the air. The Temporary Stop Work Order may require the cessation of all work until the current dust air pollution is abated.

   c. Operations are in progress, regardless of weather conditions, and a soil disturbance permit has not been issued.

2. Appeal not allowed. A Temporary Stop Work Order shall not be subject to an appeal.

DRAFT

Chapter 9.38 Temporary Special Events

Sections:

9.38.010 – Purpose
9.38.020 – Duration and Frequency
9.38.030 – Permit Required
9.38.040 – Standards and Regulations
9.38.050 – Requests for Law Enforcement Services at Special Events
9.38.060 – Temporary Special Event Amendment
9.38.070 – Temporary Special Event Revocation

9.38.010 – Purpose

This Chapter provides development standards for temporary special events to ensure that basic health, safety, and community welfare standards are met, while approving suitable temporary special events with the minimum necessary conditions or limitations consistent with the temporary nature of the activity. A Temporary Special Event Permit allows short-term activities that might not meet the normal development or use standards of the applicable zoning district, but may be considered acceptable because of their temporary nature. These activities are regulated to avoid incompatibility between the proposed activity and surrounding areas.

9.38.020 – Duration and Frequency

A. Temporary special events shall be permitted with a Temporary Special Event permit as specified below which indicate each temporary special event permitted, the zones in which the use is allowed, the maximum number of days each use is allowed and the maximum number of occurrences in each calendar year:

TABLE 3-24: SPECIAL EVENTS

Permitted Special Events (With a Special Event Permit)	Land Use District Permitted	Maximum Number of Days Per Events	Maximum Number of Events Per Calendar Year
Church tent rival meetings	All Land Use Districts	10	1
Circus, carnival	All "C", "I", and Public/Quasi Public Land Use Districts, , all land use districts in Old Town Specific Plan Area	10	2

TABLE 3-24:
SPECIAL EVENTS

Permitted Special Events (With a Special Event Permit)	Land Use District Permitted	Maximum Number of Days Per Events	Maximum Number of Events Per Calendar Year
Fair, concerts, parades, exhibits, festivals, art shows, car shows, street fairs or similar events	All "C", "I", and Public/Quasi Public Land Use Districts, all land use districts in Old Town Specific Plan Area	10	10
Farmers Markets	All "C", "I", and Public/Quasi Public Land Use Districts, all land use districts in Old Town Specific Plan Area	Two days per week	Permit is valid for one year
Seasonal Holiday Sales Facilities	Non-Residential Districts	See Subsection D	3

B. Where uncertainty exists regarding the interpretation of any provision of this Chapter or its application to specific special event which may not be listed, the Director shall determine the intent of the provision and or determine whether the proposed event is consistent with the provisions of this Chapter.

C. Multiple Temporary Special Events may be combined into a single permit, however Certified Farmers Markets shall comply with the California Code Of Regulations, section 1392 and obtain all required permits from the Town.

D. **Seasonal Holiday Sales Facilities.** Seasonal holiday sales activities (e.g., Christmas, Halloween, Thanksgiving, etc.) including temporary residence/security trailers, on nonresidential properties, for up to 45 days.

1. Date of Opening. A Christmas tree sales facility shall not be open for business during any calendar day before Thanksgiving. Other holiday sales facilities shall not be open more than 30 days before the holiday.

2. Additional Permits. The applicant shall secure an electrical permit if the facility is to be energized and the proper permits from the Building Division for any temporary structure or shelter.

3. Fire Prevention. Each Christmas tree/holiday sales facility shall comply with fire prevention standards as approved and enforced by the Fire Chief, including any burning or open fires or flocking or painting.

4. Maintenance. Seasonal holiday sales facilities shall be kept clean and free of debris at all times during use of the property.

5. Merchandise. A seasonal holiday sales facility shall not engage in the sale of any merchandise not directly associated with the holiday identified by the applicant as the basis for the seasonal holiday facility.

6. Off-street Parking. The Director shall approve all public access.

7. Removal of Facility. The seasonal holiday facility shall be removed within 14 days after Christmas or other holiday.

9.38.030 – Permit Required

Except as otherwise provided by the Town of Yucca Valley or state law, no person or entity shall operate, maintain, conduct, advertise, or provide admission for any temporary special event within the Town of Yucca Valley without possessing an unexpired, unsuspended and unrevoked permit from the Planning Division for each such temporary special event.

To ensure cleanup and restoration of the site, an applicant may be required to post a deposit at the time the application is submitted. Upon the completion of the event and inspection of the site by the Town, the deposit may be returned to the applicant if the cleanup and restoration of the site has been determined by the Town to be sufficient.

9.38.040 – Standards and Regulations

A. Change of Date. Upon the request of the applicant, the issuing authority shall have the power, upon a showing of good cause, to change the date for which the permit has been issued provided established limitations are complied with in respect to time and location.

9.38.050 – Requests for Law Enforcement Services at Special Events

Any person or entity required to obtain a permit in accordance with the provisions of this chapter may request law enforcement services to preserve the peace at special events. Such application shall be made to the Sheriff's Department and shall be in writing, stating the name and address of the applicant, the place where the special event is to be held, the estimated number of persons to be present and the purpose of the special event. Upon receipt of said application, the Sheriff's Department shall determine whether law enforcement services are necessary to preserve the peace, and if the Sheriff's Department so determines, and if the services will not reduce the normal and regular on-going service that the Town would otherwise provide, the Sheriff's Department shall contract with the applicant to provide the services at an amount to include all costs to the Town of Yucca Valley.

9.38.060 – Temporary Special Event Amendment

Refer to Article 5, Chapter 9.83 Permit Amendments.

9.38.070 – Temporary Special Event Revocation

Refer to Article 5, Chapter 9.84 Permit Revocations.

Chapter 9.39 Temporary Uses and Structures

Sections:

9.39.010 – Purpose and Intent
9.39.020 – Applicability
9.39.030 – Exempt Temporary Structures and Uses
9.39.040 – Structures and Uses Allowed with Temporary Use Permit
9.39.050 – Permitted Temporary Uses
9.39.060 – Additional Development Standards
9.39.070 – Interim Operation of Activities Requiring a Conditional Use Permit
9.39.080 – Camping or Occupancy of Temporary Structure Prohibited
9.39.090 - Temporary Use Amendment
9.39.100 - Temporary Use Revocation

9.39.010 – Purpose and Intent

This purpose of this Chapter is to provide development and use standards for temporary structures and uses that might not meet the normal development or use standards of the applicable land use zoning district, but may otherwise be acceptable because of their temporary nature, and to prohibit the use of vehicles as substitutes for structures unless otherwise allowed, permitted, or exempted. The intent of these standards is to minimize the potential incompatibility of a temporary structure or use of a vehicle in lieu of such structures and to regulate the location, operation, and/or duration to protect the public convenience, health, interest, safety, and general welfare.

9.39.020 – Applicability

This Chapter provides development and use standards for structures and uses that fall within the categories in Section 9.39.040 (Structures and Uses Allowed with Temporary Use Permit). Regulations for temporary special events are provided in Chapter 9.38 (Temporary Special Events). See Chapter 9.72 (Temporary Use Permit) for permit requirements and procedures.

9.39.030 – Exempt Temporary Structures and Uses

The temporary structures and uses listed in this Section shall be exempt from obtaining a Temporary Use Permit. Temporary structures and uses that do not fall within the following categories shall comply with Section 9.41.040 (Structures and Uses Allowed with Temporary Use Permit).

A. **Construction Yards - On-Site.** On-site contractors' construction yards, for an approved construction project. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the Building Permit authorizing the construction project, whichever first occurs.

B. **Emergency Facilities.** Emergency public health and safety needs/land use activities, as determined by the Town.

C. **Events on Sites Approved For Public Assembly.** An event on the site of, or within, a golf course, meeting hall, religious facility, school, theater, or other similar facility designed, and approved by the Town for public assembly.

E. **Location Filming.** The temporary use of a specific site for the location filming of commercials, movies, videos, and similar filming, for the time specified by the Director. Even though this use is exempt from a Temporary Use Permit, it may require a Film Permit issued by the Community Development Department and processed in compliance with Chapter 9.XX (Filming Permits).

F. **Public Property or Public Right-of-Way.** Construction and maintenance activities conducted on public properties that are authorized by an Encroachment Permit issued by the Department of Public Works.

G. **Emergency public health and safety activities.**

9.39.040 – Structures and Uses Allowed with Temporary Use Permit

The temporary structures and uses identified in this Section shall be allowed in any land use zoning district subject to the standards in this Section and a Temporary Use Permit issued in compliance with Section 9.72 (Temporary Use Permits).

A. **Batch Plants.** Batch plants necessary for the construction of major public infrastructure improvements provided proper review in compliance with the California Environmental Quality Act (CEQA) is completed.

B. **Construction Yards - Off-site.** Off-site contractors' construction yards, for an approved construction project. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the Building Permit authorizing the construction project, whichever first occurs.

9.39.050 – Permitted Temporary Uses

An application for a Temporary use Permit shall be required for the following temporary uses and shall be subject to conditions established in this Code and any other additional conditions as may be prescribed by the Director. The following temporary uses may be permitted subject to the approval of a Temporary Use Permit:

A. **Temporary Residential Quarters.** Manufactured homes and self-contained recreational vehicles may be used for temporary residential quarters only in the following instances and for a period of time not to exceed one (1) year with one (1) year extensions; not to exceed an aggregate total of four (4) years:

1. Temporary residential quarters for individuals involved in the construction of the first permanent dwelling unit on the same parcel. Such Temporary Use Permits may be approved when construction plans are submitted to the Building and Safety Division for plan check;

2. Temporary residential quarters for security personnel for construction projects for which construction permits have been issued by the Building and Safety Division;

3. Temporary residential quarters for security personnel for the short-term protection of permitted commercial, commercial agricultural, industrial or institutional use;

4. The provisions of this Section shall not apply to public school property;

5. Temporary Use Permits issued pursuant to this Section shall become invalid upon the cancellation of the building permit or the completion of the construction project for which the building permit and Temporary Use Permit were issued.

B. **Temporary Nonresidential Quarters.** Manufactured homes, commercial coaches, self-contained recreational vehicles, mobile office vehicles or other appropriate and approved structures may be used for temporary nonresidential quarters as an accessory use to a primary permitted use. Such temporary nonresidential quarters may be used to provide temporary office, retail, meeting, assembly, wholesale, manufacturing and/or storage space for commercial, commercial agricultural, industrial or institutional uses for a period of time not to exceed one (1) year with one (1) year extensions; not to exceed an aggregate total of four (4) years. The Director shall review the proposed use for compliance with applicable regulations, including, but not limited to, access, circulation, parking, fencing, lighting, signage, landscaping and buffering.

C. **Temporary Construction Office Quarters.** In conjunction with approved construction projects, manufactured homes, commercial coaches, self-contained recreational vehicles, mobile-office vehicles or other appropriate and approved structures may be used for temporary construction office quarters for a period of time not to exceed one (1) year with one (1) year extensions; not to exceed an aggregate total of four (4) years. Temporary Use Permits issued pursuant to this Section shall become invalid upon the cancellation of the building permit or the completion of the construction project for which the building permit and Temporary Use Permit were issued.

D. **Temporary Real Estate Model Home/Sales Offices.** Dwelling units located in residential developments and subdivisions may be used for temporary real estate model home/sales office. Said model home sales office may be used only for conducting the activities necessary for the initial sale or lease of the land or structure located within the residential development or subdivision in which the model home/sales office is located.

E. **Temporary On-Your-Lot Builder Model Home/Sales Office.** Single family dwelling units may be used for temporary on-your-lot builder model homes/sales offices subject to a Temporary Use Permit and the provisions of the Chapter, including the following:

1. Intent. The provisions of this section are intended to regulate the use of a single family dwelling unit when used as a temporary sales office and model home for the sale of construction services to build single family residential units on vacant lots. These provisions are not intended to allow a permanent or temporary real estate office involved in real estate sales other than those involving lots sold in conjunction with the construction services being offered;

2. Finding. Prior to the issuance of a Temporary Use Permit, the reviewing authority shall find and justify that the proposed on-you-lot builder model homes/sales office structure is located fronting on a roadway designated by the Circulation Plan of the General Plan as either a highway or arterial.

F. Temporary Outdoor Storage or Sales. Interim operation of an exterior storage area or short-term exterior sales display area. Provisions regulating seasonal sales lots are in 9.39.040 (D) (Seasonal Holiday Sales Facilities).

G. Temporary Sale Offices/Model Homes.

1. Model Homes. A model home or model home complex may be authorized before the completion of subdivision improvements in compliance with the following standards.

   a. The sales office and any off-street parking shall be converted back to residential use and/or removed before the issuance of the Final Occupancy Permit or within 14 days from the close of escrow of the last parcel in the subdivision, whichever first occurs.

   b. The model home complex shall be used to sell only units within the development within which the complex is located.

   c. Model home permits and model home sign permits will be finaled and the model homes will be allowed to be open to the public only after all required bonding has been accomplished and accepted by the Town and a Temporary Use Permit has been issued.

   d. At least one model home shall be fully landscaped with drought tolerant xeriscape materials.

   e. The Town may require other conditions of approval deemed necessary to protect the public health, safety, and general welfare of persons residing or working in the neighborhood.

2. Real Estate Sales Offices. A temporary real estate sales office (modular structure) may be established within the area of an approved subdivision, solely for the first sale of homes. An application for a temporary real estate office may be approved for a maximum of 12 months from the date of approval.

3. Temporary on-your-lot builder model home/sales office. Single-family dwelling unit when used as a temporary sales office and model home for the sale of construction services to build single-family residential units on vacant lots, subject to the following:

   a. Activities Restricted to Construction Services and Related Sales of Vacant Lots. The on-your-lot builder model home/sales office shall be used only for the sale of construction services to build single-family residential dwelling units on vacant lots and related real estate sales. Real estate sales shall be limited to the sale of vacant lots in conjunction with the sale construction services for the same lot. Real estate sales shall be an accessory and subordinate use to the primary use of construction service or sales.

   b. Inspection Annually by Fire Department. An annual inspection shall be made by the Fire Department in order to ensure compliance with conditions of approval of the Temporary Use Permit.

c. Location of Structure. The on-your-lot builder model home/sales office structure shall be located fronting on a roadway designated by the General Plan in the Community Development Chapter under the Circulation Element as one of the following:

(1) Highway (6 lanes divided)
(2) Highway (4 lanes divided)
(3) Arterial (4 lanes divided)
(4) Collector (4 lanes)
(5) Collector (2 lanes)
(6) Industrial (2 lanes).

d. Parking. A minimum of two paved and two other alternate parking spaces shall be provided. The Town shall approve alternate parking spaces subject to surfacing requirements and possible alternate locations (e.g., on-street parking) where it is deemed necessary and appropriate.

f. Performance Bond. A bond shall be required to ensure removal of any signs or flags and to reconvert, where necessary, any garage conversion.

g. Xeriscape. The model home shall be fully landscaped with drought-tolerant xeriscape materials.

h. Transfer of Permit. A Temporary Use Permit for an on-your-lot builder model home/sales office may be transferred to another party. A transfer shall not entitle the new owner to use the Temporary Use Permit for a longer time period than five years from the issuance of the original permit. The Code Enforcement Division shall be notified of any transfer of ownership.

(1) Agreement to Terminate a Temporary Use. Before the issuance of the Temporary Use Permit for the first year and as a condition of the permit approval, the permittee shall enter into an agreement with the Town, which shall be recorded in the Official Records of the County by the County Recorder. The agreement shall establish the responsibility of the permittee to comply with the provisions of this Chapter. This will include acknowledgement that the permittee shall terminate the model home/sales office no later than five years from the date of the initial permit and shall restore the structure to a use allowed by the current land use zoning district in which the subject property is located.

H. Temporary Non-Residential Structures. A temporary structure, including a manufactured or mobile unit, used to provide temporary office, retail, meeting, assembly, wholesale, manufacturing and/or storage space, may be approved for a maximum of 12 months from the date of approval, as an accessory use for commercial, commercial agricultural, industrial, or institutional uses or as the first phase of a development project.

1. The Town shall determine that the proposed use complies with the development standards in Article 2 (Zoning Districts and Development Standards) including:

a. Adequate access, circulation, and parking.

b. Appropriate buffering from abutting uses.

c. Fencing.

d. Landscaping.

e. Lighting.

f. Signage.

2. Under exceptional or extraordinary circumstances, a Temporary Use Permit for temporary nonresidential structures may be extended beyond the five-year limitation at the discretion of the Town.

I. **Temporary Work Trailers.** A trailer or mobile home used as a temporary work site for employees of a business; provided, that:

1. The use is authorized by a Building Permit for the trailer or mobile home, and the Building Permit for the permanent structure;

2. The use is appropriate because:

a. The trailer or mobile home will be in place during construction or remodeling of a permanent commercial or manufacturing structure for a maximum of 12 months, or upon expiration of the Building Permit for the permanent structure, whichever first occurs; or

b. The applicant has demonstrated that the temporary work site is a short-term necessity for a maximum of 12 months, while a permanent work site is being obtained; and

3. The trailer or mobile home is removed before final building inspection or the issuance of a Certificate of Occupancy for the permanent structure.

4. A Temporary Use Permit issued in conjunction with a construction project shall become invalid upon:

a. Cancellation of the Building Permit for the approved temporary structure or use; or

b. Completion of the Building Permit for the approved temporary structure or use; or

c. Expiration of the time for which the approval has been granted.

J. **Temporary signs.** See Section 9.36.100 (Temporary Signs).

K. **Temporary Transportable Treatment Units.** Temporary Transportable Treatment Units (TTTU) used for treating hazardous waste or groundwater contamination.

1. Temporary transportable treatment units shall only be allowed in either of the following instances:

a. The site where a TTTU will be located and operated complies with the siting criteria and procedures identified in the San Bernardino County Hazardous Waste Management Plan; or

b. The County Environmental Health Services Division determines that the proposed TTTU use does not create additional health risks as demonstrated by a site-specific health risk assessment and a Certificate of Land Use Compliance is issued and recorded in compliance with Chapter 9.XX (Certificate of Land Use Compliance).

2. A Temporary Use Permit issued in conjunction with a TTTU shall become invalid upon the occurrence of one of the following:

a. Violation of a permitting requirement; or

b. Completion of the project; or

c. Expiration of the time for which the approval has been granted.

3. The County Environmental Health Services Division shall conduct an annual inspection in order to ensure compliance with any conditions of approval.

4. A Temporary Use Permit for a temporary transportable treatment unit shall not be granted or extended for a period of time to exceed five years after the date the Temporary Use Permit was first issued.

L. Accessory Storage Structures. A detached, accessory storage structure, where the primary use does not yet exist, shall only be allowed with appropriate bonding to remove the accessory structure if the primary use is not completed within two years.

M. Similar Temporary Activities. A temporary activity that the Director determines is similar to the other activities listed in this Section and compatible with the applicable land use zoning district and surrounding land uses.

9.39.060 – Additional Development Standards

A. Additional Standards. In addition to the standards in Section 9.39.050 (Permitted Temporary Uses), above, the Director shall establish the following additional standards for a proposed temporary structure or use, using the requirements of the applicable zoning district and Article 2 (Zoning Districts and Development Standards) for guidance:

1. Structure and Property Development Improvements. Access, floor areas, heights, landscaping, off-street parking, setbacks, signs, utilities, and other structure and property development improvements and features;

2. Removal of the Activity and Site Restoration. Measures for removal of the activity and site restoration, to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Development Code. Performance security may be required before installation of the temporary structure or initiation of the temporary use to ensure cleanup after the structure is removed or the use is finished in compliance with Section 9.70.030(Performance Guarantees); and

3. Time Limitation. Limitation on the duration of an approved "temporary structure," to a maximum of 12 months, so that it shall not become a permanent or long-term structure.

B. **Display of Permit and Approvals.** A valid Temporary Use Permit shall be prominently displayed so that it is visible at all times from the exterior of the permitted structure or use and available for inspection. A permitted temporary structure shall provide evidence of approval by the State Department of Housing and Community Development as required by the Health and Safety Code or the U.S. Department of Housing and Urban Development, where applicable.

C. **Other Regulations.** Installation of a permitted structure or use shall comply with the requirements and regulations of the Department and the following:

1. Development Code.

2. Building and Safety Division.

3. Fire Department.

4. Environmental Health Services Division.

5. Applicable State and Federal regulations.

9.39.070 – Interim Operation of Activities Requiring a Conditional Use Permit

A. **Interim Operation of Activities Requiring a Conditional Use Permit.** A Temporary Use Permit may be issued for the interim operation of any use requiring a Conditional Use Permit for a period of time not to exceed 12 months, provided the Temporary Use Permit does not authorize the construction or establishment of new permanent structures and the review authority makes the findings required for approval of a Conditional Use Permit in compliance with Chapter 9.63 (Conditional Use Permit).

B. **Concurrent Application Filing.** The Temporary Use Permit application shall be filed concurrently with an application for Conditional Use Permit, where appropriate.

9.39.080 – Camping or Occupancy of Temporary Structure Prohibited

A. **Prohibited Use.**

1. Prohibition. It shall be unlawful to place, install, build, maintain, use, or occupy any temporary structure on any parcel of real property subject to the provisions of this Development Code for the purpose of camping, dwelling, maintaining or establishing temporary or permanent residency unless such placement, installation, construction, maintenance, use, or occupancy is first authorized by a Temporary Use Permit, Special Event Permit, or other land use approval required by this Development Code or as otherwise made an exception herein.

B. **Applicability.** This section shall apply to the following temporary structure:

1. Any tent, lean-to, box, or other make-shift building or enclosure constructed of any material for which no building permit has been issued and no Temporary Use Permit, Special Use Permit, or other land use approval has been granted;

2. Any vacant building, temporary or permanent, deemed substandard pursuant to Chapter 6.08 (Maintenance of Abandoned Properties) of Title 6 (Health and Sanitation) of the Yucca Valley Municipal Code; and

3. Any building under construction and unfinished, regardless of whether or not building, (plumbing, etc.) permits have been issued.

C. Camping in Vehicle Prohibited.

1. Prohibition. It shall be unlawful to place, maintain, use, or occupy any vehicle on any parcel of real property for the purpose of camping, dwelling, or maintaining or establishing a temporary or permanent residency unless such placement, maintenance, use, or occupancy is authorized pursuant to this chapter.

D. Vehicle Applicability. This section shall apply to the following vehicle types:

1. All recreational motor vehicles;
2. Recreational towed vehicles;
3. Mobile homes;
4. Commercial coaches;
5. Office trailers;
6. Park trailers
7. Passenger vehicles;
8. Trailers;
9. Campers; and
10. Commercial vehicles.

E. Notice to Abate.

1. The Director may issue to any person occupying any structure or vehicle parked in violation of this Section a notice, including an order to vacate the structure or vehicle after 30 days of the date of the notice.

2. If deemed necessary by the Director to prevent or remedy an immediate threat to health and safety of the public or occupants of the structure, the Director may issue any person occupying any structure or vehicle prohibited in violation of this Section an order to vacate the structure or vehicle with less than 30 days notice; or institute any appropriate action or proceeding to prevent, restrain, correct, or abate the violation or nuisance.

9.39.090 – Temporary Use Amendment

Refer to Article 5, Chapter 9.83 Permit Amendments.

9.39.100 – Temporary Use Revocation

Refer to Article 5, Chapter 9.84 Permit Revocations.

Chapter 9.40 Surface Mining and Land Reclamation

Sections:

9.40.010 – Purpose
9.40.020 – Incorporation of SMARA and State Regulations
9.40.030 – Applicability
9.40.040 – Permit, Plan, and Financial Assurance Requirements
9.40.050 – Vested Rights
9.40.060 – Application Filing, Processing, and Review
9.40.070 – Additional Conditions of Approval
9.40.080 – Financial Assurances
9.40.090 – Reclamation Standards
9.40.100 – Interim Management Plans
9.40.110 – Annual Report
9.40.120 – Inspections
9.40.130 – Violations Penalties
9.40.140 – Post-Approved Procedures

9.40.010 – Purpose

A. **Extraction of minerals essential to Town economic well-being.** The Town recognizes that the extraction of minerals is essential to the continued economic well-being of the Town and its residents and to societal needs and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety.

B. **Surface mining in diverse areas.** The Town also recognizes that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation operations and their related specifications may vary accordingly.

C. **Purpose and intent.** The purpose and intent of this Chapter is to ensure the continued availability of important mineral resources, while regulating surface mining operations as required by:

1. California's Surface Mining and Reclamation Act of 1975 (Public Resources Code Sections 2710 et seq.) (SMARA).

2. Public Resources Code Section 2207 (relating to annual reporting requirements).

3. State Mining and Geology Board regulations ("State regulations") for surface mining and reclamation practice (California Code of Regulations Sections 3500 et seq.) to ensure that:

   a. Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition that is readily adaptable for alternative land uses.

b. The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.

c. Residual hazards to the public health and safety are eliminated.

9.40.020 – Incorporation of SMARA and State Regulations

A. **Incorporation of SMARA and State Regulations**. The provisions of the California Surface Mining and Reclamation Act of 1975 (Public Resources Code Section 2710 et seq.), Public Resources Code Section 2207, and the regulations implementing the act (California Code of Regulations Section 3500 et seq.) ("State Regulations") are made a part of this Chapter by reference with the same force and effect as if the provisions were specifically and fully contained in this Chapter; except that when the provisions of this Chapter are more restrictive than correlative State provisions, this Chapter shall prevail.

B. **Amendments to SMARA**. In the event that the State amends SMARA to the extent that it adds to or conflicts with this Chapter, State law shall prevail.

9.40.030 – Applicability

The provisions of this Chapter shall apply to all public and private property in the Town.

9.40.040 – Permit, Plan, and Financial Assurance Requirements

A. Approval of Conditional Use Permit, Reclamation Plan, and financial assurance required. Unless exempted by SMARA, Sate Regulations, or Subsection (b) (Exemptions), below, any person who proposes to engage in surface mining operations shall, before the commencement of the operation, obtain Town approval of a Conditional Use Permit, Reclamation Plan, and financial assurances for reclamation in compliance with this Chapter. An exemption from these approval requirements shall not automatically exempt a project or activity from the application of other Town regulations, ordinances, or policies (e.g., the application of CEQA; the requirements of Conditional Use Permits or other permits; the payment of development impact fees; the imposition of other dedications and exactions as may be allowed under the law; etc.).

B. **Exemptions**. This Chapter shall not apply to the following activities, subject to the exceptions noted in Subsection (a), above:

1. Excavations or grading conducted for farming or for the purpose of restoring land following a flood or natural disaster.

2. Onsite excavation and onsite earthmoving activities that are an integral and necessary part of a construction project and that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions:

   a. All required permits for the construction, landscaping, or related land improvements have been approved by a public agency in compliance with

applicable provisions of State law and locally adopted plans and ordinances, including the California Environmental Quality Act (CEQA).

b. The Town's approval of the construction project:

1) Is consistent with the General Plan.
2) Included consideration of the onsite excavation and onsite earthmoving activities in compliance with CEQA.

c. Surplus materials shall not be exported from the site unless and until the site accepting the surplus materials has also been approved for development according to the appropriate procedures of the agency having land use jurisdiction.

d. Surplus materials shall not be exported from the site unless and until actual construction work has commenced and shall cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued.

3. Operation of a plant site used for mineral processing, including associated onsite structures, equipment, machines, tools, or other materials, including the onsite stockpiling and onsite recovery of mined materials, subject to all of the following conditions:

a. The plant site is located on lands with an appropriate land use zoning district designation commensurate with the activity according to the General Plan (e.g. Industrial (I).

b. None of the minerals being processed are being extracted onsite.

c. Reclamation work has been completed in compliance with the approved Reclamation Plan for mineral extraction activities that occurred onsite after January 1, 1976.

4. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less.

5. Limited surface mining operations that are required by Federal law in order to protect a mining claim, if those operations are conducted solely for that purpose (otherwise known as "assessment work.")

6. Other surface mining operations that the State Mining and Geology Board determines to be of an infrequent nature and that involve only minor surface disturbances.

7. Emergency excavations or grading conducted by the Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies.

8. Road construction and maintenance for timber or forest operations, if the land is owned by the same person or entity and if the excavation is conducted adjacent to timber or forest operation roads. This exemption shall only be available if slope stability and erosion are controlled in compliance with State Mining and Geology Board Reclamation Regulations and, upon closure of the site, the person closing the site implements, where necessary, re-

vegetation measures and post-closure uses in consultation with the Department of Forestry and Fire Protection. This exemption shall not apply to onsite excavation or grading that occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two watercourse, or to excavations for materials that are, or have been, sold for commercial purposes.

9.40.050 – Vested Rights

A. Pre-SMARA and post-SMARA right to conduct surface mining operations. A Conditional Use Permit shall not be required for any person who has obtained a vested right to conduct surface mining operations before January 1, 1976, as long as the vested right continues and as long as no substantial changes have been made in the operation except in compliance with SMARA, State regulations, and this Chapter. Where a person with vested rights has continued surface mining in the same area subsequent to January 1, 1976, the person shall obtain Town approval of a Reclamation Plan covering the mined lands disturbed by the subsequent surface mining. In those cases where an overlap exists (in the horizontal and/or vertical sense) between pre-SMARA and post-SMARA mining, the Reclamation Plan shall require reclamation proportional to that disturbance caused by the mining after January 1, 1976 (i.e., the effective date of SMARA).

B. Other requirements applicable to vested mining operations. All other requirements of State law and this Chapter shall apply to vested mining operations.

9.40.060 – Application Filing, Processing, and Review

A. Application Filing.

1. Applications for a Conditional Use Permit and/or Reclamation Plan for surface mining or land reclamation projects shall be made on forms provided by the Department and filed in compliance with Chapter 9.61 (Application Processing Procedures).

2. The forms for Reclamation Plan applications shall require, at a minimum, each of the elements required by SMARA (Public Resources Code Sections 2772-2773) and other State regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed Reclamation Plan, to be established at the discretion of the Director. For surface mining operations that are exempt from a Conditional Use Permit in compliance with this Chapter, the Reclamation Plan application shall include information concerning the mining operation that is required for processing the Reclamation Plan. All documentation for the Reclamation Plan shall be submitted to the Town at one time.

3. As many copies of the Conditional Use Permit application and the Reclamation Plan application as may be required by the Director shall be submitted to the Department.

4. Applications shall include all required environmental review forms and information prescribed by the Director.

B. Fees.

1. Establishment of fees. The Town shall establish processing fees that it deems necessary to cover the reasonable costs incurred in implementing this Chapter and the State regulations,

(e.g., costs of processing of applications, annual reports, inspections, monitoring, enforcement, compliance etc.). The fees shall be included in the Planning Fee Schedule.

2. Payment of fees. The fees shall be paid by the operator, as required by the Town, at the time of filing of the Conditional Use Permit application, Reclamation Plan application, and at other times that are determined by the Town to be appropriate in order to ensure that reasonable costs of implementing this Chapter are borne by the mining operator.

C. Processing.

1. Within 30 days of acceptance of an application for a Conditional Use Permit for surface mining operations and/or a Reclamation Plan as complete, the Department shall notify the State Department of Conservation of the filing of the application(s).

2. Whenever mining operations are proposed in the 100-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any State highway bridge, the Department shall also notify the State Department of Transportation that the application has been received.

3. The Department shall process the application(s) through environmental review in compliance with the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.) and the Town's Environmental Review Guidelines.

4. Subsequent to the appropriate environmental review, the Department shall prepare a staff report with recommendations for consideration by the Commission.

5. Before final approval of a Reclamation Plan and financial assurances (as required in this Chapter), or any amendments to the Reclamation Plan or existing financial assurances, the Director shall:

   a. Certify to the State Department of Conservation that the Reclamation Plan and/or financial assurance complies with the applicable requirements of State law, and

   b. Submit the Reclamation Plan, financial assurances, or amendments to the State Department of Conservation for review.

   c. Review by Commission and State.

6. In compliance with Public Resources Code Section 2774(d), the State Department of Conservation (DOC) shall be given:

   a. Thirty days to review and comment on the Reclamation Plan; and

   b. Forty-five days to review and comment on the financial assurance.

7. The Commission shall evaluate written comments received, if any, from the DOC during the comment periods.

8. Staff shall prepare a written response describing the disposition of the major issues raised by the State for the Commission's approval. In particular, when the Commission's position is at variance with the recommendations and objections raised in the State's comments, the written response shall address, in detail, why specific comments and suggestions were not

accepted. The Commission staff report including the staff prepared responses to the DOC, along with the minutes of the hearing, shall constitute the written response to the State.

D. **Public hearing**. Upon completion of the environmental review procedure and filing of documents required by the Director, a public hearing before the Commission shall be held to consider approval of the Conditional Use Permit or Reclamation Plan for the proposed or existing surface mine in compliance with Public Resources Code Section 2774.

E. **Action by Commission**. The Commission shall then take action to approve, conditionally approve, or deny the Conditional Use Permit and/or Reclamation Plan, and to approve the financial assurances in compliance with Public Resources Code Section 2770(d).

F. **Conditional approval**. If a Conditional Use Permit is being processed concurrently with the Reclamation Plan and it becomes necessary to comply with permit processing deadlines, the Commission may conditionally approve the Conditional Use Permit with the condition that the Department shall not issue the Conditional Use Permit for the mining operations until cost estimates for financial assurances have been reviewed by the State Department of Conservation and final action has been taken on the Reclamation Plan and financial assurances.

G. **Approved Conditional Use Permit and Reclamation Plan copies provided to State**. The Department shall forward a copy of each approved Conditional Use Permit for mining operations and/or approved Reclamation Plan, and a copy of the approved financial assurances to the State Department of Conservation within 30 days of approval.

H. **Statement of Responsibility**. Before commencing mining operations, the property owner and/or mining operator shall sign a Statement of Responsibility accepting responsibility for reclaiming mined lands in compliance with the Reclamation Plan. The Department shall retain the Statement of Responsibility in the mining operation's permanent record. Upon sale or transfer of the operation, the new operator shall submit a new Statement of Responsibility in compliance with Subsection (j) (Transfer of ownership), below.

I. **Transfer of Ownership**. Upon sale or transfer of a mining operation and for the purpose of documenting a transfer of ownership of an approved Conditional Use Permit or Reclamation Plan, a new property owner and/or mining operator of a mining operation shall submit the following documents before taking over a mining operation:

1 The new operator of a mining operation shall file a Transfer of Ownership application with the Department. The Director shall approve the application and the Transfer of Ownership form shall be placed in the Department's permanent record.

2. The new property owner and/or mining operator of a mining operation shall file a new Statement of Responsibility with the Department. The Director shall approve the Statement of Responsibility and the new Statement of Responsibility shall be placed in the Department's permanent record.

J. Findings for approval of permits and plans.

1. Conditional Use Permits. In addition to the findings required by Chapter 9.63(Conditional Use Permits), Conditional Use Permits for surface mining operations shall include a finding that the project complies with the provisions of SMARA and State regulations.

2. Reclamation Plans. In order to approve Reclamation Plans, all of the following findings shall be made in the affirmative:

   a. The Reclamation Plan complies with SMARA (Public Resources Code Section 2772-2773 and any other applicable provisions).

   b. The Reclamation Plan complies with applicable requirements of State regulations (California Code of Regulations Sections 3500-3505 and 3700-3713).

   c. The Reclamation Plan and potential use of land reclaimed in compliance with the Plan are consistent with this Chapter and the General Plan and any applicable resource plan or element.

   d. The Reclamation Plan has been reviewed in compliance with CEQA and the Town's environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated below a level of significance or to the maximum extent feasible.

   e. The land and/or resources, such as water, will be reclaimed to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or suitable off-site development will compensate for related disturbance to resource values.

   f. The Reclamation Plan will reclaim the mined lands to a usable condition which is readily adaptable for alternative land uses consistent with the General Plan and applicable resource plan.

   g. A written response to the State Department of Conservation has been prepared, describing the disposition of major issues raised by that Department. Where the Town's position is at variance with the recommendations and objections raised by the State Department of Conservation, the response shall address, in detail, why specific comments and suggestions were not accepted.

9.40.070 – Additional Conditions of Approval

A. **Protection of mines from incompatible uses.** Mine development is encouraged in compatible areas before encroachment of conflicting uses. Mineral resource areas that have been classified by the State Department of Conservation's Division of Mines and Geology or designated by the State Mining and Geology Board as Mineral Resource Zones (MRZ), as well as existing surface mining operations that remain in compliance with the provisions of this Chapter, shall be protected from intrusion by incompatible land uses that may impede or preclude mineral extraction or processing, to the extent possible for consistency with the General Plan. Before approving a use that would otherwise be incompatible with mineral resource protection, conditions of approval may be applied to encroaching development projects to minimize potential conflicts.

B. **Mapping of identified resources areas.** In compliance with Public Resources Code Section 2762, the General Plan and resource maps shall be updated to reflect mineral information (classification and/or designation reports) within 12 months of receipt from the State Mining and

Geology Board of the information. Land use decisions within the Town shall be guided by information provided on the location of identified mineral resources of regional significance. Conservation and potential development of identified mineral resource areas shall be considered and encouraged. Recordation on property titles of the presence of important mineral resources within the identified mineral resource areas may be encouraged as a condition of approval of any development project in the impacted area.

9.40.080 – Financial Assurances

A. **Security required as condition of approval.** To ensure that reclamation will proceed in compliance with the approved Reclamation Plan, the Town shall require as a condition of approval security that will be released upon satisfactory performance.

1. Acceptable types of security. The applicant may post security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the Town and the State Mining and Geology Board as specified in State regulations, and that the Town reasonably determines are adequate to perform reclamation in compliance with the surface mining operation's approved Reclamation Plan.

2. Required payees. Financial assurances shall be made payable to the Town and the State Department of Conservation. In the case where the approved Reclamation Plan involves unpatented land under the control of the Bureau of Land Management (BLM), National Park Service, or U. S. Forest Service, the appropriate agency shall also be added as a third payee.

B. **Purpose of security**. Financial assurances shall be required to ensure compliance with elements of the Reclamation Plan, including the following:

1. Re-vegetation and landscaping requirements.

2. Reclamation of aquatic or wildlife habitat.

3. Reclamation of water bodies and water quality.

4. Slope stability and erosion and drainage control.

5. Disposal of hazardous materials.

6. Removal of equipment and buildings that are not part of an approved end use.

7. Other measures, if necessary.

C. **Cost estimates for security.**

1. Cost estimates for the financial assurance shall be submitted to the Department for review and approval before the operator actually obtains financial assurances.

2. The Director shall forward a copy of the cost estimates, together with supporting documentation, to the State Department of Conservation for review.

3. If the State Department of Conservation does not comment within 45 days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the Town has reason to determine that additional costs may be incurred.

4. The Director shall have the discretion to approve the financial assurance if it meets the requirements of this Chapter, SMARA, and State regulations.

D. Cost estimates to determine amount of security required.

1. The amount of the financial assurance shall be based upon the estimated costs of reclamation stipulated in the approved Reclamation Plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining activities since January 1, 1976, and new lands to be disturbed by surface mining activities in the upcoming year.

2. Cost estimates shall be prepared by the mine operator, a licensed engineer, or other professional experienced in the reclamation of mined lands.

3. The estimated amount of the financial assurance shall be based on the following:

   a. An- analysis of physical activities necessary to implement the approved Reclamation Plan.

   b. The unit costs for each of the physical activities.

   c. The number of units of each of the physical activities.

   d. The actual administrative costs.

4. Financial assurance to ensure compliance with re-vegetation, reclamation of water bodies, reclamation of aquatic or wildlife habitat, and other elements of the approved Reclamation Plan shall be based upon cost estimates that include:

   a. Labor,
   b. Equipment.
   c. Materials.
   d. Mobilization of equipment.
   e. Administration.
   f. Reasonable profit by a commercial operator other than the permitee

5. A contingency factor of 10 percent shall be added to the cost of financial assurances to cover the Town's reasonable expenses for the administrative and legal fees required to foreclose on the financial assurance instrument.

6. In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the Town or State Department of Conservation may need to contract with a third party commercial company for reclamation of the site.

E. Time period that security required to remain in effect. The financial assurance shall remain in effect for the duration for the surface mining operation and any additional period specified in the

Reclamation Plan for the purpose of monitoring until reclamation is completed (including any maintenance required).

F. **Annual adjustment in amount of security.** The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and giving credit for reclamation of lands accomplished in compliance with the approved Reclamation Plan. The financial assurances shall include estimated to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the permittee may not claim credit for reclamation scheduled for completion during the coming year. The annual SMARA inspection by the Town shall, in most cases, be used to validate the submitted estimate.

G. **Submittal of revised security figures.** Revisions to financial assurances shall be submitted to the Director each year before the anniversary date for approval of the financial assurances. The financial assurance shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the financial assurances are not required, the operator shall explain, in writing, why revisions are not required.

9.40.090 – Reclamation Standards

A. **Applicable State Law.**

1. Reclamation Plans shall comply with the provisions of SMARA (Public Resources Code Section 2772-2773) and State reclamation regulations (California Code of Regulations Sections 3500-3505).

2. Reclamation Plans approved after January 15, 1993, Reclamation Plans for proposed new mining operations and any substantial amendments to previously approved Reclamation Plans shall also comply with the reclamation standards in California Code of Regulations Sections 3700-3713.

B. **Additional Performance Standards.** The performance standards in Division 3 (Townwide Development Standards) shall apply to Reclamation Plans. In addition, the applicable Review Authority may impose additional performance standards as developed in review of individual projects, as warranted.

C. **Phasing of Reclamation.**

1. Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the Town.

2. Each phase of reclamation shall be specifically described in the Reclamation Plan and shall include all of the following information:

a. The beginning and expected ending dates for each phase.

b. All reclamation activities required.

c. Criteria for measuring completion of specific reclamation activities.

d. Estimated costs for completion of each phase of reclamation

9.40.100 – Interim Management Plans

A. **Deadline for submittal of Interim Management Plan (IMP).** Within 90 days of a surface mining operations becoming idle, the operator shall submit to the Department a proposed Interim Management Plan (IMP).

B. **IMP submittal requirements.**

1. The proposed IMP shall fully comply with the requirements of SMARA and all Conditional Use Permit conditions and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health safety.

2. The proposed IMP shall be submitted on forms provided by the Department and shall be processed as an amendment to the Reclamation Plan.

3. An IMP shall not be considered a project for the purposes of environmental review.

C. **Continuation of security required.** Financial assurances for idle operations shall be maintained as though the operation were active, or as otherwise approved through the idle mine's IMP.

D. **State Department of Conservation review.** Upon receipt of a complete proposed IMP, the Department shall forward the IMP to the State Department of Conservation for review. The IMP shall be submitted to the State Department of Conservation at least 30 days before approval by the Director.

E. **Director's action on IMP.** Within 60 days of receipt of the proposed IMP, or a longer period mutually agreed upon by the Director and the operator, the Director shall review and approve or deny the IMP in compliance with this Chapter. The operator shall have 30 days, or longer period mutually agreed upon by the operator and the Director, to submit a revised IMP. The Director shall approve or deny the revised IMP within 60 days of receipt. If the Director denys the revised IMP, the operator may appeal that action in compliance with Chapter 9.81 (Appeals).

F. **Duration of approved IMP.** The IMP may remain in effect for a period not to exceed five years, at which time the Director may renew the IMP for another period not to exceed five years, or require the surface mining operator to commence reclamation in compliance with its approved Reclamation Plan.

9.40.110 – Annual Report

Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the Department on a date established by the State Department of Conservation, upon forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within 30 days of initial permit approval, or before commencement of operations, whichever is sooner. Applicable

fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation at the time of filing the annual surface mining report.

9.40.120 – Inspections

A. **Inspection within 6 months of Annual Report.** The Department shall arrange for inspection of a surface mining operation within six months of receipt of the Annual Report required in Section 9.40.110 (Annual Report), to determine whether the surface mining operation is in compliance with the approved Conditional Use Permit and/or Reclamation Plan, approved financial assurances, and State regulations.

B. **Minimum 1 inspection per calendar year.** In no event shall less than one inspection be conducted in any calendar year.

C. **Eligible inspectors.** The inspections may be made by a State registered geologist, State registered civil engineer, State licensed landscape architect, or State registered forester, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous 12 months, or other qualified specialists, as selected by the Director.

D. **Inspection forms.** Inspections shall be conducted using a form approved and provided by the State Mining and Geology Board.

E. **Notification of inspection to State.** The Department shall notify the State Department of Conservation within 30 days of completion of the inspection that the inspection has been conducted, and shall forward a copy of the inspection notice and any supporting documentation to the mining operator.

F. **Payment for inspection.** The operator shall be solely responsible for the reasonable cost of the inspection.

9.40.130 – Violations Penalties

If the Director, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this Chapter, the applicable Conditional Use Permit, and/or the Reclamation Plan, the Town shall follow the procedures outlined in Public Resources Code, Sections 2774.1 and 2774.2 concerning violations and penalties, as well as the provisions of Chapter 9.82 (Enforcement) for initiating enforcement action, which could include the revocation of a Conditional Use Permit.

9.40.140 – Post-Approval Procedures

A. **Transfer of Ownership and Statement of Responsibility.** See Subsection 9.40.060(H) (Statement of Responsibility) and Subsection 9.40.060(I) (Transfer of Ownership), above, for provisions governing ongoing post-approval responsibilities and evidence of transfer of property ownership.

B. **Other post-approval procedures.** The procedures and requirements in Article 5 (Administration), related to permit implementation, time limits, extensions, appeals, and

revocations, shall apply following the decisions on Conditional Use Permits and Reclamation Plans.

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Chapter 9.41 Trip Reduction Requirements

Sections:

9.41.010 – Purpose
9.41.020 – Non-Residential Projects
9.41.030 – Multiple-Family Dwellings
9.41.040 – Modifications

9.41.010 – Purpose

The purpose of this Chapter is to reduce vehicle trips thereby reducing air congestion and pollutants and improving air quality, to comply with State law, and to promote an improved quality of life. This Chapter is intended to satisfy the legal requirements of Chapter 5 of the San Bernardino County Congestion Management Plan (CMP) as adopted by the San Bernardino Associated Governments (SANBAG).

9.41.020 – Non-Residential Projects

The following trip reduction measures shall be implemented for non-residential projects requiring a Site Plan and Design Review or Conditional Use Permit:

A. **Bicycle Racks.** A bicycle rack, locker, or other secure bicycle facility shall be provided for every thirty (30) parking spaces within a project and at least one (1) bicycle rack capable of holding three (3) bicycles shall be provided for all projects. Safe and convenient access to bicycle racks must be provided from public streets.

B. **Pedestrian and Bicycle Connection to Streets.** On-site pedestrian walkways and bicycle facilities are to be provided connecting each building in a development to public streets.

C. **Passenger Loading Areas.** A passenger loading area in a location close to the main building entrance shall be provided for projects with one hundred (100) or more parking spaces. The area devoted to loading and unloading of passengers shall be equivalent to a minimum of five (5) parking spaces.

D. **Carpool/Vanpool Parking.** A parking space located in close proximity to the building entrance shall be reserved for use by potential carpool/vanpool vehicles for projects with one hundred (100) or more parking spaces. All preferential parking spaces for carpool/vanpool shall be signed and striped. Such spaces shall be accessible to vanpool vehicles. If a vanpool parking space is located within a parking structure, a minimum vertical clearance of nine (9) feet shall be maintained.

E. **Transit Facilities.** Transit facilities, such as bus shelter, bus pullouts, and bus pads, shall be provided if the Director, in consultation with local transit providers, determines they are needed to serve the development.

F. **Video Conferencing.** On-site video conferencing facilities for office buildings with a capacity of one thousand (1,000) employees or greater is required.

G. **Shower Facilities.** A minimum of one (1) shower facility accessible to both men and women shall be provided for persons bicycling or walking to work for each project which exceeds the following thresholds:

Use	Threshold
Commercial	250,000 sq. ft.
Industrial	325,000 sq. ft.
Office	125,000 sq. ft.

9.41.030 – Multiple-Family Dwellings

The following trip reduction measures shall be implemented for multiple-family dwellings of four units or more.

A. **Bicycle Racks.** A bicycle rack, locker, or other secure bicycle parking facility is to be provided for every thirty (30) parking spaces. Each project is to include a minimum of one (1) bicycle rack capable of holding three (3) bicycles.

B. **Sidewalks.** Sidewalks shall be provided from the public streets to each building within the complex.

C. **Passenger Loading Areas.** A passenger loading area in a location close to the building entrances shall be provided for projects with one hundred (100) or more parking spaces. The area devoted to loading and unloading of passengers shall be equivalent to five (5) parking spaces.

D. **Transit Facilities.** Transit Facilities, such as bus shelters, bus pullouts, and bus pads, shall be provided if the Director, in consultation with local transit providers, determines they are needed to serve the development.

9.41.040 – Modifications

The Commission, or Council, as appropriate, may modify all or part of the trip reduction measures for new projects.

A. Findings. A modification may be approved only if the following findings are made by the Reviewing Authority:

1. One (1) or more of the measures are not applicable due to special circumstances, including, but not limited to, the location or configuration of the project, the implementation of existing trip reduction measures and transportation demand strategies or other specific factors which make infeasible implementation, or reduce the effectiveness of the prescribed measures.

2. An alternative trip reduction and transportation demand management strategy will be implemented to reduce an equal amount of trips as would have occurred as a result of

imposition of the prescribed measures. Implementation of the alternative strategy shall be a condition of project approval.

B. **Credits.** Credit may be granted for trip reduction and transportation demand programs and facilities, as follows:

1. Existing trip reduction and transportation demand programs and facilities in a development program may satisfy all or in part the requirements of this section as pertaining to new construction within the complex, subject to the approval of the Commission or Council, as appropriate. The amount of credit given shall be determined through an assessment of how the existing facilities would meet the requirements of this section if based on the gross floor area of the entire complex

2. The Commission may determine that a reduction in the required number of parking spaces for the proposed use or uses is acceptable because implementation of the trip reduction and transportation demand management measures would eliminate some of the demand for parking.

DRAFT

Chapter 9.42 Accessory Solar Energy Systems

Sections:

9.42.010 – Purpose
9.42.020 – Applicability
9.42.030 – Development Standards
9.42.040 – Plan Approval Required

9.42.010 – Purpose

This Chapter establishes standards and processes for accessory solar energy systems in order to encourage the use of solar energy to reduce reliance on non-renewable energy sources.

9.42.020 – Applicability

Solar energy systems shall be allowed as an accessory use in all zoning classifications where structures of any sort are allowed, subject to certain requirements of this Chapter.

9.42.030 – Development Standards

A. Height. Solar energy systems must meet the following height requirements:

1. Building- or roof- mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar energy systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices. Building-integrated solar energy systems are active solar energy systems that are an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

2. Ground- or pole- mounted solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt.

B. Set-back. Solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.

1. Roof-mounted Solar energy systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side or rear setback..

2. Ground-mounted solar energy systems. Ground mounted solar energy systems may not extend into the front, side and street side setbacks when oriented at minimum design tilt.

C. **Visibility**. Solar energy systems shall be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys. The color of the solar collector is not required to be consistent with other roofing materials.

1. Building Integrated Photovoltaic Systems. Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.

2. Solar Energy Systems with Mounting Devices. Solar energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if the systems that are visible from the nearest edge of the street frontage right-of-way shall be no higher than twenty-four (24) inches above the roof, unless screened by a parapet or other screening to blend with the structure or roof.

3. Coverage. Roof or building mounted solar energy systems, excluding building-integrated systems, shall not cover more than 80% of the roof upon which the panels are mounted, and shall be set back from the roof edge by a minimum of one(1) foot. The surface area of pole or ground mount systems shall not exceed half the building footprint of the principal structure.

D. **Compliance with Building Codes**. All solar energy systems shall comply with Building, Electrical, and Plumbing Codes and shall also require a permit from the Building Division.

9.42.040 – Plan Approval Required

A. **Plan Applications**. Plan applications for solar energy systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.

1. Pitched Roof Mounted Solar Energy Systems. For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.

2. Flat Roof Mounted Solar Energy Systems. For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.

B. **Plan Approval**. Solar energy systems shall be subject to review and approval by the Director. Plan approval does not indicate compliance with Building, Electric, or Plumbing codes.

Chapter 9.43 Accessory Wind Energy Systems

Sections:

9.43.010 – Purpose
9.43.020 – Applicability
9.43.030 – Development Standards

9.43.010 – Purpose

As allowed by Government Code Section 65893, the purpose of this Section is to provide a uniform and comprehensive set of standards for the placement of accessory wind energy systems on parcels in order to encourage the generation of electricity for on-site use, thereby reducing the consumption of electrical power supplied by utility companies. These regulations are intended to ensure that accessory wind energy systems are designed and located in a manner that minimizes visual and safety impacts on the surrounding community.

9.43.020 – Applicability

This Section provides development standards for accessory wind energy systems.

9.43.030 – Development Standards

A. **Number of Wind Energy Systems.** Only one unit per parcel shall be allowed with a minimum one acre lot size.

B. **Maximum Tower Height.** The tower height limitations in Table 3-25 (Maximum Tower Heights for Accessory Wind Energy Systems) shall apply to all accessory wind energy systems, provided that the application for a system includes evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system.

TABLE 3-25:
MAXIMUM TOWER HEIGHTS AND MINIMUM PARCEL SIZE FOR ACCESSORY WIND ENERGY SYSTEMS

Residential Zoning District (Minimum Parcel Size in Zoning District)		Minimum Parcel Size	Maximum Tower Height
OS	Open Space	1 Acre	52.5 Feet
R-HR	Hillside Reserve District	1 Acre	52.5 feet
RL	Rural Living District	1Acre	52.5 Feet
RL	Rural Living District)	1 Acre	52.5 Feet
RS	Single-Family Residential District	1 Acre	52.5 Feet
RM	Multi-Family Residential District	1 Acre	52.5 Feet
	All Other Land Use Districts	1 Acre	52.5 Feet

C. **Setbacks.** The minimum setback from any property line shall be equal to the system height.

D. **Climbing Apparatus.** Climbing apparatus shall be located at least 12 feet above the ground, and the tower shall be designed to prevent climbing within the first 12 feet.

E. **Lighting.** Tower structure lighting shall be prohibited unless required by another code or regulation.

F. **Noise.** The noise performance standards in Section 9.34.080 (Noise) shall apply, except during short-term events (e.g., utility outages, windstorms, etc.).

G. **Visual effects.** An accessory wind energy system shall not substantially obstruct views of adjacent property owners.

H. **Location.** An accessory wind energy system shall not be placed or constructed where otherwise prohibited by the terms of any easement.

I. **Turbine Certification.** The system's turbine shall be approved or shall have been approved by the California Energy Commission or certified by a national program (i.e., National Electrical Code (NEC), American National Standards Institute (ANSI), and Underwriters Laboratories (UL).

J. **Engineering Analysis.** The application shall include standard drawings and an engineering analysis of the system's tower, showing compliance with the California Building Code and certification by a professional mechanical, structural, or civil engineer licensed by the State.

K. **Compliance with aviation law.** The system shall comply with all applicable Federal Aviation Administration requirements and the State Aeronautics Act (Public Utilities Code Section 21001 et seq.).

L. **Compliance with electrical code.** The application shall include a line drawing of the electrical components of the system detail to allow for a determination that the installation conforms to the National Electric Code.

M. **Reduction in onsite electricity consumption.** The system shall be used primarily to reduce onsite consumption of electricity.

DRAFT

Chapter 9.44 Wireless Communications Facilities

Sections:

9.44.010 – Purpose.
9.44.020 – Applicability.
9.44.030 – Special Design Areas.
9.44.040 – Permitted Zoning Districts.
9.44.050 – Review Process.
9.44.060 – General Policies
9.44.070 – Visual Impact and Screening Standards.
9.44.080 – Abandonment.

9.44.010 – Purpose.

The purpose of this section is to provide site selection and general standards applicable to wireless communications facilities, as well as special design standards for Town entry points, scenic corridors, and buffer areas in order to preserve the Town's desert rural neighborhood character and protect and enhance aesthetic and scenic values reflecting the community's image and character consistent with the goals and policies of the General Plan.

9.44.020 – Applicability.

This section' identifies regulations applicable Townwide for the location, design, and screening of all wireless communication facilities, including satellite, cellular, paging, and other wireless communication technologies.

9.44.030 – Special Design Areas.

Special Design Areas shall be located within 5,000 feet on both sides of the scenic highways identified in the Scenic Highways Element of the General Plan or within 500 feet of property zoned for residential units with a minimum lot size of one acre or less. The scenic highways identified in the General Plan are State Highways 62 and 247, Joshua Lane, and Pioneertown Road. Additional special landscape and architectural treatments shall be given to major Entry Points of the Town.

9.44.040 – Permitted Zoning Districts.

Wireless communications facilities may be permitted in all zoning districts, subject to the reviews specified by Article 2 (Zoning Districts and Development Standards) and further defined in Subsection (E), Review Process.

9.44.050 – Review Process.

A. **Wireless communications facilities within Special Design Areas,** identified in Subsection 9.44.030 (Special Design Areas), except those located on existing structures and natural features in compliance with Subsection 9.44.060 (General Policies) shall be subject to a Conditional Use Permit.

B. **Wireless communication facilities greater than 30 feet in height** shall be subject to Conditional Use Permit.

C. **Wireless communication facilities outside the Special Design Areas,** and those located on existing structures and natural features less than 30 feet in height, shall be subject to a Conditional Use Permit, Staff review with notice.

D. Wireless communication facilities located in Special Design area and located on existing structures and natural features are subject to a Conditional Use Permit, Staff review with notice.

9.44.060 – General Policies

A. **General.** Community and neighborhood visual concerns should be considered paramount in the consideration of and selection of wireless communications facilities sites. These concerns should be evaluated in consideration of the goals, policies, and programs of the General Plan and the standards set forth in this section.

B. **Site Selection and General Standards.** The following standards shall apply to all wireless communications facilities.

1. Within any land use district, wireless communications facilities sites should be located in the following order of preference:

   a. On existing structures such as buildings, communication towers, water towers, or similar structures. Antennas should be located so that they do not extend above the height or profile of the structure on which they are located. When located on a building or structure, antennas shall be painted and texturized to match the existing building or structure.

   b. On natural features or topography, located so that structures or antennas, other than whip antennas, do not project above the ridgeline or into the skyline for both community and neighborhood views.

   c. Outside the Special Design Areas identified in Section 9.44.030 (Special Design Areas).

   d. Sites otherwise located shall comply with the visual impact and screening requirements in Section 9.44.070 (Visual Impact and Screening Standards).

2. Facilities, including any towers and equipment buildings, should be located to avoid the dominant silhouette on ridgelines. Preservation of viewsheds of surrounding residential development should also be considered in the location and design of facilities.

3. Facilities greater than 30 feet in height shall be subject to Commission review and approval and may be required to provide additional visual mitigation to disguise their appearance to look like a tree, natural feature, building, or other structure. Such designs shall be in scale with the surrounding development or landscaping.

4. Facilities, including equipment buildings, shall be architecturally and visually compatible; including scale, size, and use of similar colors and building materials, with surrounding existing buildings, structures, and uses in the vicinity.

5. Antennas shall not be light reflective and shall not have any sign copy on them, nor shall they be illuminated.

6. Where the result of adding a second facility on an existing tower or monopole is of a less visual impact than what exists and sufficient vertical separation can be provided, sites should be co-located with other wireless communication providers.

7. All sites shall be landscaped or treated with a soil binder to prevent erosion, including wind erosion.

8. Applicants for wireless communications facilities shall submit a certification from an engineer qualified in radiofrequency radiation that the proposed facility complies with the Federal Communications Commission (FCC) Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation and complies with the standards for maximum emissions of radiofrequency radiation of the American National Standards Institute (ANSJ)/Institute of Electronics and Electrical Engineers (IEEE) C95.1-1992 and the National Council on Radiation Protection and Measurement (NCRP).

9. A visual simulation and detailed viewshed analyses shall be prepared to demonstrate the compatibility of the proposal with the standards and criteria of this ordinance and with surrounding development and viewsheds.

10. Site location and development shall preserve the pre-existing vegetation, topography, and character of the site as much as possible.

11. Security fencing shall be kept to a minimum and shall be colored or shall be of a design that blends into the character of the existing environment.

12. Access roads shall be limited to 12 feet in width except where the Fire Department requires a greater width. The access road may be paved unless a gravel or other non-paved surface is approved by the Town.

13. Any new parking areas constructed shall be no larger than to accommodate two parking spaces and maneuvering area.

14. The proposed antenna facility will operate in compliance with all applicable Federal safety regulations for such facilities in that the applicant provides documentation to show that

their facility will operate below such standards and conditions have been included requiring testing upon installation and operation on the facility.

15. New projects shall be conditioned to ensure the facilities do not cause interference with other utilities or communication infrastructure or services.

16. Existing facilities shall not cause interference or disturbance with other utilities or communication infrastructure or services. If it is determined that existing facilities do cause such interference, operations shall cease until repairs are made or further clearance is granted.

9.44.070 – Visual Impact and Screening Standards.

Facilities within Special Design Areas shall comply with the following standards, in addition to the policies in SubSection 9.44.060 (General Policies).

A. Within Special Design Areas, antennas shall be located on existing buildings, communication towers, water towers, or similar structures; on natural features or topography; or shall be disguised or screened in a manner compatible with the Town's desert rural neighborhood character.

B. Facilities should be located so that they do not extend above the height or profile of the structure on which they are located. When located on a building or structure, antennas shall be painted and texturized to match the existing building or structure.

C. Structures or antennas located on natural features or topography, other than whip antennas, should not project above the ridgeline, or into the skyline for both community and neighborhood views. Free-standing monopole and/or lattice towers shall be designed to disguise their appearance, to look like a tree, natural feature, building, or other structure subject to the approval of the Commission. Such designs shall be in scale with surrounding development or landscaping

D. Free-standing monopole and/or lattice towers shall have a minimum setback of 450 feet from any property zoned for residential units with a minimum lot size of one acre or less. Those facilities designed to disguise their appearance in accordance with Section (C) above shall have a minimum setback of 275 feet from any property zoned for residential units with a minimum lot size of one acre or less.

E. Sites shall be landscaped to screen buildings, equipment and the base of any towers from surrounding land uses.

F. Location of equipment necessary to serve the wireless facility may be required to be located away from residentially designated properties and or provide addition design standards to avoid potential impacts to surrounding properties.

9.44.080 – Abandonment.

Lawfully erected wireless communication facilities that are abandoned shall be removed promptly from the premises, and no later than 90 days after the discontinuance of use. A wireless communication facility is considered abandoned if it no longer provides wireless communication service. In the case of multiple operators sharing use of a single tower, this provision shall become effective until all users cease operation. Such removal shall be in accordance with proper health and safety requirements. A written

notice of the determination of abandonment shall be sent or delivered to the operator of the wireless communication facility. The operator shall have 90 days to remove the facility or provide the Director with evidence that the use has not been discontinued. All abandoned facilities not removed within the 90 day period shall be in violation of the Code and operators of the facility and the owners of the property shall be subject to penalties in accordance with the Town of Yucca Valley Municipal Code.

DRAFT

Chapter 9.45 Cemeteries

Sections:

9.45.010 – Purpose.
9.45.020 – Applicability.
9.45.030 – Findings.
9.45.040 – Requirements.

9.45.010 – Purpose.

The purpose of this section is to provide standards for publicly and privately owned and operated cemeteries.

9.45.020 – Applicability.

The standards in this Chapter shall apply to cemeteries where allowed in compliance with the provisions of Article 2, Zoning Districts.

9.45.030 – Findings.

The Commission when approving a Conditional Use Permit for the establishment or expansion of a cemetery, including pet cemeteries, shall find and justify the following to be true:

A. The present or probable population density in the area contiguous to said proposed cemetery or extension of an existing cemetery is not adversely affected by the cemetery development.

B. The proposed cemetery or extension of an existing cemetery does not interfere with the free movement of traffic, or the movement of police, ambulance, or fire equipment for the protection of the lives and property of the public.

C. A Final Map is required to be submitted to the Town Engineer for review and recordation as specified by and subject to Section 9.92.050.

D. The proposed cemetery or expansion complies with the California Health and Safety Code, Division 8.

9.45.040 – Requirements.

A. In addition to any conditions necessary to ensure protection of public health, safety, and general welfare, the Town may require adequate screening or fencing of the property reserved for cemetery purposes in order to clarify the ultimate boundaries of said cemetery.

B. An approved Conditional Use Permit or revised Conditional Use Permit shall be required for the establishment of cemetery boundaries or the expansion of previously approved boundaries. Such approvals shall identify all proposed structures and major grading activities.

C. A Conditional Use Permit shall not be required for normal on-site development of grave sites within previously approved or established cemeteries that have recorded a map in compliance with Section 9.92 of this Code.

DRAFT

Chapter 9.46 Renewable Energy Generation Facilities

9.46.010 – Purpose
9.46.020 – Prohibited

9.46.010 – Purpose

The provisions of this Chapter, as determined by the Council, are intended to be in the best interest of the Town for the public health, safety and welfare of the community through implementation of the General Plan through this Chapter

9.46.020 – Prohibited

Commercial Solar Energy and Wind Energy Facilities shall be a prohibited use in all land use districts within the Town. No Conditional Use Permit, Site Plan Review, building permit or other entitlement for use shall be accepted, processed, approved or issued for the establishment of a Renewable Energy Generation Facility.

DRAFT

ORDINANCE NO. 178

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 4, CHAPTER 6 SECTION 84.0615 OF THE SAN BERNARDINO COUNTY CODE AS ADOPTED AND AMENDED BY THE TOWN OF YUCCA VALLEY RELATING TO HOME OCCUPATIONS (DCA-06-05)

The Town Council of the Town of Yucca Valley does ordain as follows:

SECTION 1. Development Code Amended.

1.1 Title 8, Division 4, Chapter 6 Section 84.0615 of the San Bernardino County Code as adopted and amended by the Town of Yucca Valley is hereby further amended to read in its entirety as follows:

"84.0615

Home Occupations

84.0615

(a) **PURPOSE AND INTENT:**

The purpose and intent of this Section is to establish regulations allowing for the operation of certain business activities in single and multi-family residential neighborhoods. The standards and requirements are intended to ensure that home based business operations do not alter the character of any residential neighborhood, or create impacts or activities that are not typically and commonly associated within residential neighborhoods. It is the intent of this Section to allow for commercial uses that are accessory and incidental to the primary purpose of residential homes, which is that of providing a habitable dwelling for the owner or occupant as the primary use of the residential dwelling unit. Home Occupation permits may be allowed in multi-family zoning and in multi-family units, including duplexes, tri-plexes, and apartment units.

(b) No person shall engage in a home occupation without first obtaining a special use permit from the Planning Division consistent with the requirements of this Chapter, unless otherwise exempt.

(c) The Director of the Community Development Department, or his designee, shall review all applications for a Home Occupation Permit to determine if the proposed use meets all of the standards of subsection 84.0615 (j). If all standards are met after complying with the notice provisions of this subsection, the Community Development Director shall make the following findings prior to issuance of the permit:

(1) That the proposed use is not prohibited;

(2) That the proposed use will comply with all applicable standards;

(3) That the issuance of the Home Occupation Permit will not be detrimental to the public health, safety, and general welfare;

(4) That the proposed use will be consistent with any applicable specific plan.

(5) That the proposed use will not alter the character of the neighborhood and will not induce physical or socioeconomic changes to the neighborhood that are inconsistent with the goals and objectives of the General Plan, and the development code, and that do not create characteristics more closely associated with commercial, office or industrial land use activities.

(d) (1) In accordance with Section 83.010330 *Notice of Pending land Use Decision*, notice shall be given, except that such notice will be given at least fifteen (15) days prior to the scheduled hearing date. If no response has been received by the Town five (5) days prior to the scheduled hearing date and the applicant has no objections to the conditions of approval, the Community Development Director may elect not to hold a formal hearing.

(2) Home Occupation Permits are subject to review by the Community Development Director annually, or as a result of any written complaint.

(3) Telecommuting and internet or electronic based businesses, or other similar activities that are transparent inside the residential structure, and do not involve customer to site, employees, or any structural alteration are exempt from permitting requirements.

(e) Subject to the authority and discretion of the Director, Home occupations that meet the following standards, after appropriate application and subject to a field investigation, may be permitted without notice or a hearing. Alternatively, the Director may schedule a hearing or forward the matter to the Planning Commission for action. The Director may establish any other special condition of approval for any Home Occupation Permit as necessary to carry out the intent of this subsection.

(1) There is no visible or external evidence of the home occupation. The dwelling was not built, altered, furnished or decorated for the purpose of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a home occupation is conducted;

(2) There are no displays, for sale, or advertising signs on the premises;

(3) There are no signs other than one (1) unlighted identification sign containing the name and address of the owner attached to the building not exceeding two (2) square feet in area per street frontage;

(4) All maintenance or service vehicles and equipment, or any vehicle bearing any advertisement, shall be in conformance with Town regulations regarding vehicle signs;

(5) The home occupation does not encroach into any required parking, setback, or open space area;

(6) Outside storage of stock, merchandise, scrap supplies, or other materials or equipment on the premises shall not be visible from surrounding properties or public rights of way. Any storage of hazardous, toxic, or combustible materials in amounts exceeding those typically found in residential uses shall be prohibited;

(7) There is complete conformity with Fire, Building, Plumbing, Electrical, and Health Codes and all applicable State and Town laws and ordinances. Activities conducted and equipment or material used shall not change the fire safety or occupancy classification of the premises;

(8) No pedestrian or vehicular traffic is generated in excess of that customarily associated with a residential use and the neighborhood in which it is located;

(9) The Home Occupation has a current business registration certificate;

(10) If the home occupation is to be conducted on rental property, the property owner's written authorization for the proposed use has been obtained prior to the submittal for a Home Occupation Permit;

(11) The garage has not and shall not be altered externally;

(12) The Home Occupation does not create or cause noise in excess of noise standards established for residential land use districts, dust, light, vibration, odor, gas, fumes, toxic or hazardous materials, smoke, glare, electrical interference, fluctuations in the line voltage outside the structure, or other hazards or nuisances;

(13) There are no sales of products on the premises.

(14) No customers or clientele may visit the residence.

(15) All employees shall be members of the resident family and shall reside on the premises.

(16) Up to twenty-five percent (25%) or two hundred fifty (250) square-feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for storage of material and supplies related to the home occupation.

(17) No employees and no vehicle parking, other than that normally associated with a single family residential structure, is provided.

(f) Home occupation permit applications meeting the following standards shall be subject to notice and hearing. The Community Development Director is the review authority, and the Director may forward the application to the Planning Commission for consideration.

(1) There may be sales of products on the premises.

(2) Customers may visit the residence and then only by appointment. This is restricted to a single appointment at a time. The monthly average of the total trip count for business activities shall not exceed 10 trips per day in all Land use Districts.

(3) All employees of the home occupation, except one (1), shall be members of the resident family and shall reside on the premises provided all the required findings can be made, in all RS land use districts. All employees of the home occupation, except two (2), shall be members of the resident family and shall reside on the premises provided all the required findings can be made in all RL land use districts. The applicant must demonstrate that the lot can accommodate the parking of all personal and employee vehicles on-site.

(4) Up to twenty-five percent (25%) or two hundred fifty (250) square-feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for storage of material and supplies related to the home occupation in all RS land use districts. Up to thirty-five percent (35%) or five hundred (500) square-feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for storage of material and supplies related to the use in all RL land use districts.

(5) Operating hours of a home occupation shall be between the hours of 7:00 a.m. and 8:00 p.m.

(g) **Prohibited Home Occupations.** The following uses are not incidental to or compatible with residential activities and therefore shall not be allowed as home occupations:

(1) Animal hospitals;

(2) Automotive and other vehicle repair (body or mechanical), upholstery, painting, or storage;

(3) Junk yards;

(4) Medical and dental offices, clinics, and laboratories;

(5) Mini-storage;

(6) Storage of equipment, materials, and other accessories to the construction trades;

(7) Welding and machining.

(8) Cabinet shop.

(9) Uses which may include the storage or use of explosives or highly combustible or toxic materials beyond that permitted by the Building, Fire Code, or adopted restrictions.

(h) The Home Occupation Permit may be revoked by the Community Development Director if any one of the following findings can be made that there exists a violation of a condition; regulation or limitation of the permit and said violation is not corrected within ten (10) days after a notice of violation is served on the violator or after repeated violations. The permit shall not be revoked without notice of hearing ten days in advance of the hearing for consideration of permit revocation. The Director may schedule the revocation hearing for consideration by the Planning Commission.

(1) That the permitted home occupation use has changed in kind, extent or intensity from the use which received an approved Home Occupation Permit;

(2) That the use has become detrimental to the public health, safety, welfare or traffic, or constitutes a nuisance;

(3) That the use for which the permit was granted has ceased or was suspended for six (6) or more consecutive calendar months;

(4) That the use is not being conducted in a manner consistent with applicable operating standards described in Section 84.0618 *Operating Standards*, of this Chapter;

(5) That the permit was obtained by misrepresentation or fraud;

(6) That one (1) or more of the conditions of the Home Occupation Permit have not been met;

(7) That the property owner or tenant fails to permit entry onto the premises to allow periodic inspections by representatives of the Town at any reasonable time;

(8) That the home occupation is in violation of any statute, law, ordinance, or regulation;

(9) That two (2) or more valid complaints from at least two (2) different parties have been filed against the home occupation within any six (6) month period, and it is found that the use is causing harm or unreasonable annoyance or is otherwise detrimental to other property or its use in the area.

(10) That the applicant has not obtained a current business registration certificate from the Town.

(11) That the proposed use altered the character of the neighborhood and/or induced physical or socioeconomic changes to the neighborhood that are not consistent with the goals and objectives of the General Plan, that are not consistent with the development code, and that create characteristics more closely associated with commercial, office or industrial land use activities.

(i) **Appeal.** Any affected person may appeal a decision of the Director of Community Development to the Planning Commission. Appeals shall be filed with the Community Development Department within ten (10) days following the date of the action appealed. Upon receipt of the notice of appeal, the Community Development Director shall schedule the matter on the agenda for the next possible regular Planning Commission meeting. The Planning Commission may affirm, revise or modify the action appealed from the Town staff. Any decision of the Planning Commission may be appealed to the Town Council within ten (10) days following the Commission action.

(j) **General Standards.** All home occupations shall comply with all of the following operating standards at all times:

(1) There shall be no visible or external evidence of the home occupation. No dwelling shall be built, altered, furnished or decorated for the purpose of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a home occupation is conducted;

(2) There shall be no displays, sale, or advertising signs on the premises;

(3) There shall be no signs other than one (1) unlighted identification sign containing the name and address of the owner attached to the building not exceeding two (2) square feet in area per street frontage;

(4) All maintenance or service vehicles and equipment, or any vehicle bearing any advertisement, shall be in conformance with Town regulations regarding vehicle signs;

(5) The home occupation shall not encroach into any required parking, setback, or open space area;

(6) There shall be no outside storage of stock, merchandise, scrap supplies, or other materials or equipment on the premises visible from surrounding properties or public rights of way. Any storage of hazardous, toxic, or combustible materials in amounts exceeding those typically found in residential uses shall be prohibited;

(7) There shall be complete conformity with Fire, Building, Plumbing, Electrical, and Health Codes and to all applicable State and Town laws and ordinances. Activities conducted and equipment or material used shall not change the fire safety or occupancy classification of the premises;

(8) No home occupation shall generate pedestrian or vehicular traffic in excess of that customarily associated with a residential use and the neighborhood in which it is located;

(9) No home occupation shall be initiated until a current business registration certificate is obtained;

(10) A Home Occupation Permit shall not be transferable;

(11) If the home occupation is to be conducted on rental property, the property owner's written authorization for the proposed use shall be obtained prior to the submittal for a Home Occupation Permit;

(12) The garage shall not be altered externally;

(13) No use shall create or cause noise in excess of noise standards established for residential land use districts, dust, light, vibration, odor, gas, fumes, toxic or hazardous materials, smoke, glare, electrical interference, fluctuations in the line voltage outside the structure, or other hazards or nuisances;

(14) The Director may establish any other special condition of approval for any Home Occupation Permit as necessary to carry out the intent of this Chapter.

SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 5th day of January, 2006.

MAYOR

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Naomi Schwegler

Town Attorney

APPROVED AS TO CONTENT:

Town Manager

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 178 as duly and regularly introduced at a meeting of the Town Council on the 8th day of December, 2005, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 5th day of January, 2006, by the following vote, to wit:

Ayes:	Council Members Leone, Luckino, Mayes, Neeb and Mayor Cook
Noes:	None
Abstain:	None
Absent:	None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 17th day of January, 2006.

(SEAL)

Town Clerk of the Town of
Yucca Valley

PLANNING COMMISSION STAFF REPORT

To: Honorable Chairman & Planning Commission
From: Shane Stueckle, Deputy Town Manager
Date: February 26, 2014
For Commission Meeting: March 11, 2014

Subject: 2013 General Plan Annual Review
Annual Housing Element Report

Prior Commission Review: None for this specific item. The Planning Commission receives the mandated General Plan annual report in the spring of each year.

Recommendation: That the Planning Commission receives and files the 2013 General Plan Annual Report and forwards the report to the Town Council.

Executive Summary Government Code Section 65400 mandates that all cities and counties submit to their legislative bodies an annual report on the status of the General Plan and progress on its implementation. The report must then be filed with the State's Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD). This annual review addresses the January 1, 2013 through December 31, 2013 time period

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/Consent Agenda)

Discussion:

The General Plan in affect during this reporting period was adopted by the Town on December 14, 1995. The Town adopted a comprehensive General Plan Update on February 04, 2014. The implementation section of the General Plan recommends the Town review the General Plan on an annual basis to evaluate implementation progress and to determine if changing conditions make minor adjustments to the Plan desirable.

The attached Annual Report addresses the Land Use and Housing Elements. In each section, there is a discussion that explains the progress the Town has made on its implementation of the General Plan over the past year. In accordance with State requirements, Housing Element implementation is quantified.

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

Included with the report is the Annual Element Progress Report. There are several tables (Table A, A2, A3, B and C) required to be completed and submitted to the State. Table A2 does not apply for this review period as there were no units, rehabilitated, preserved or acquired which restricted the units to specific income levels Due to the absence of the restrictions on all units constructed no including the CORE senior housing project, those other 18 units constructed are required by the state to be counted towards the "above moderate" income range and are reported in table A3. Table B demonstrates the number of units constructed during the current Regional Housing Needs Allocation (RHNA) Planning period. Table C is an evaluation of each Program in the Housing element and the status of the implementation of that program.

Alternatives: N/A

Fiscal impact: None

Attachments:

1. Annual Report
2. Tables A,B, C as required by the State
3. General Plan Land Uses Table

2013 GENERAL PLAN ANNUAL REVIEW

BACKGROUND:

Each year, the Town of Yucca Valley reviews the development activity during the prior year and other programs that worked toward implementing the Town's General Plan. As a major component of this review, residential development activity is reviewed to determine the number and type of dwelling units completed during the year in order to comply with the State of California mandate to monitor the implementation of the Town's housing goals.

The Town of Yucca Valley Comprehensive General Plan is an official document that is adopted by the Town Council after significant public input and based upon a recommendation from the Planning Commission. The General Plan provides goals, policies, programs, and implementation strategies to guide development and redevelopment, and to preserve valued assets and resources.

Land Use Planning is mandated by the State of California, and has multiple components including long-range or comprehensive planning, current planning or development review, and environmental compliance with the California Environmental Quality Act. Land Use Planning processes are regulated by California law.

State law mandates that specific components are addressed within any comprehensive plan. These are termed "Plan Elements". The required Plan elements include:

Land Use
Circulation
Housing
Conservation
Open Space
Noise
Safety

The Town's 1995 General Plan addresses all of these components and other local considerations. It should be noted that the Housing Element must be updated every eight years. The Housing Element in place for the Town during this review period was approved by the Town Council on September 15, 2009, and the new Housing Element was adopted by the Town Council with the General Plan Update on February 04, 2014. The Housing Element update is included in the overall General Plan Update discussed below.

State Law permits the General Plan mandated elements to be amended up to four times annually. The Town approved fifteen General Plan Amendments to the 1995 General Plan. Two general plan amendments to the County General Plan were approved following incorporation and prior to the adoption of the 1995 General Plan. There were no General Plan Amendments during this reporting period.

This report does not discuss every component of each Element, but it gives insight into general land use activity and overall General Plan implementation.

GENERAL PLAN UPDATE:

General Plans are dynamic documents, and need to be evaluated in terms of changing views, desires, strategies, and overall effectiveness on a regular basis.

The Town Council authorized a comprehensive General Plan update in February of 2011. The Town and the selected consultant (The Planning Center) initiated the Update in August 2011. Twelve public outreach meetings were held soliciting input from the community. "Open Town Hall" was launched to help engage and communicate with residents and interest groups that may not be able to attend public meetings. A community profile was created and is available for viewing and purchase on the Town's website at: http://www.yucca-valley.org/departments/gpu.html;

The following outreach meetings solicited public participation and input into the formulation of the General Plan Update Project.

Concert in the Park, August 2011
Youth Commission Visioning, October 17, 2011
Community Workshops, August 25 and 26 2012
Community Workshop-East End Focus, May 4, 2012
Community Workshop-Mid Town Focus, May 5, 2012
Planning Commission-Parks, Recreation, & Cultural Commission Workshop May 8, 2012
Planning Commission-Council Land Use Plan Review June 26, 2012
GPAC Meeting-Safety Element November 14, 2012
GPAC Meeting-Housing Element, December 12, 2012
Planning Commission-Council Housing Element, December 12, 2012
GPAC Meeting-Open Space and Conservation, February 13, 2013

A General Plan Advisory Committee (GPAC) was formed to assist in the preparation and review of General Plan goals, policies and implementation actions for each of the General Plan Elements. The GPAC reviewed the Draft Safety Element on November 14, 2012, the Draft Housing Element on December 12, 2012, the Draft Open Space and Conservation Element on February 13, 2012, the draft Land Use Element on March 13, 2013 and the draft Circulation and Noise Element and the draft Introduction and Administration Element on July 17, 2013.

Planning Commission and Town Council public hearings were held on the following dates:
November 19, 2013
December 17, 2013
January 07, 2014
February 04, 2014

The Housing Element was determined to be in compliance by State Housing and Community Development on September 25, 2013. The comprehensive General Plan Update was adopted by the Planning Commission and the Town Council on February 04, 2014.

DEVELOPMENT CODE UPDATE:

The Development Code and other regulations play a critical role in implementing the goals, policies, and programs of the General Plan; Specific Plans provide more detailed goals, policies and programs for a more limited, specifically-defined area within the Town's corporate limits.

A complete update of the Development Code is currently underway, and it is anticipated that the updated Development Code will be completed in the summer of 2014.

GENERAL LAND USE ACTIVITY

The following were major projects submitted and approved during 2013 calendar year:

CUP 01-13 Prescott Center – Submitted on May 21, 2013, this project consists of a 3,000 square foot fast food restaurant and 17,642 square feet of retail space. The project was approved by the Planning Commission on July 09, 2013.

CUP 02-13 Peter Ng –Submitted on August 20, 2013, this project is for the expansion of an existing residential care facility located on Joshua Lane. The project was approved by the Planning Commission on November 12, 2013.

CUP 03-13 Tractor Supply – Submitted on October 02, 2013, this project consists of 3,495 square feet of outdoor storage area at an existing retail location. The project was approved by the Planning Commission on November 12, 2013.

Marshalls/Petco – Submitted on August, 26, 2013, the projects consists of a 24,650 square foot Marshalls retail building and a 10,000 square foot Petco retail building. The project was approved by the Planning Commission on October 08, 2013.

There were no General Plan amendments requested or approved during 2013.The chart below lists the General Plan Amendments that have been requested since incorporation:

General Plan Amendments Since Incorporation				
DATE	CASE NO.	APPLICANT	PROJECT DESCRIPTION	STATUS
8/23/1993	GPA-01-93	KenLar Construction	Rezone from 4MRM to CO,	Approved
11/3/1993	GPA 02-93	Town of Yucca Valley	Rezone from RS18m to IN	withdrawn
11/3/1993	GPA 03-93		Rezone from RM4M to CO,	Approved
10/24/1996	GPA-01-96	Town of Yucca Valley	Section 11 Annexation	Approved
2/16/1999	GP-01-99	Banks Vaughn		Denied
2/15/2000	GPA 01-00	Town of Yucca Valley	Housing Element Update	Approved
05/30/2001	GPA 01-01	Leon Strand	Rezone R-HR to RL-5	Approved
06/14/2001	GPA 02-01	Barton Pedersen	Rezone R-HR to RL2.5	Approved
09/06/2001	GPA 03-01	Town of Yucca Valley	State Annual Report	Accept and file
03/07/2002	GPA 01-02	Tim Humphreville	RS -RM10 (RZ 01-02)	Denied
04/24/2002	GPA 02-02	Town of Yucca Valley	2001 Annual Report	Accept and file
02/28/2003	GPA 01-03	Bill Scholar	Rezone CG to RM	Approved
05/07/2003	GPA 02-03	Cole Stillwell	Rezone RL to CG	Approved
02/25/2004	GPA-01-04	Danmark Dev	Rezone RS-2 to RS-3.5	Approved
	GPA 02-04	Town of Yucca Valley	Rezone RL-1 to RS-3.5	Approved
12/08/2004	GPA-01-05	TYV	Land use designation changes	Approved
04/07/2005	GPA 02-05	Neighborhood Housing Group	Rezone RL-1 to RM-8	Approved
07/11/2005	GPA 03-05	Century Homes		withdrawn
08/10/2005	GPA-04-05	Randy Werner	Rezone R-HR to RL-5	Approved
03/10/2006	GPA-01-06	Bill Shack	Rezone RL-5 to RS-3.5	Approved
12/07/2006	GPA-02-06	Specialty Homes	Rezone	Approved
12/13/2006	GPA-03-06	Nickolas Ventures	Rezone to RM -10	withdrawn
	GPA 01-07	TYV	Old Town Specific Plan	Approved
12/18/2007	GPA 02-07	Chris Paolini	Rezone RL-1 to RS-2	Approved
03/20/2008	GPA 01-08	Curtis McGrew	Rezone R-HR to RL	Approved
01/19/2009	GPA 01-09	Town of Yucca Valley	Housing Element Update	Approved

Coinciding with the national housing market conditions, the Town did not receive any tentative tract map applications in 2013.

The following chart shows the tentative tract maps that have been approved since incorporation. Those with an asterisk have proceeded through the final map process and been recorded.

SYNOPSIS OF TENTATIVE TRACT MAPS

APPLICATION DATE	CASE NO.	APPLICANT	LOCATION	TOTAL# OF LOTS	# OF VACANT LOTS
APPROVED PROJECTS					
02/28/2003	TM 16471*	Bill Scholar	Desert Vista Village E. of Palm, S of Pine	106	68
09/05/2003	TM 16649	40 Villas LP	NE corner of Camino del Cielo and Martinez	34	34
02/25/2004	TM 16587*	Danmark Development	S of Mountain View between Acoma and Church	57	41
04/01/2004	TM 16786*	De Silva	Vera Lane west of Joshua Lane	4	4
04/16/2004	TM 16957*	Bob Stadum	E side of Acoma 1 parcel N of Joshua Drive	34	34
09/13/2004	TM 16787	Rondel Ent.	W of SR247 S of Castro	54	54
09/13/2004	TM 16733	Arthur Schultz	S of Santa Barbara E & W of Indio	17	17
10/29/2004	TM 17240*	Leon Strand	Santa Barbara between Balsa and Emerson	4	3
12/13/2004	TM 17328*	Yucca Estates	SW corner of Yucca Tr. And Emerson	17	17
06/14/2005	TM 17633	Burnt Mtn Haciendas	SW corner of Palomar and Onaga	61	61
01/27/2006	TM 17476	SILVATEX,INC	N of Paxton 1 parcel E of Imperial	43	43
08/22/2006	TM 18011	Specialty Homes	SE Corner of Cholla Ave. and Joshua Dr.	8 1 remain	8
03/10/2006	TM 17862	Copper Hills Homes	NE corner of Sage Ave and San Andreas	107	107
06/15/2007	TM 17985	Fred Golestani	NE corner of Palomar Ave and Juarez Dr	20	20
12/18/2007	TM 18418	Pueblo Mesa	NE corner of Sage Ave and Golden Bee Drive	142	142
12/23/2009	TM18773	Beverly Lucas	SW corner of Cholla Ave and Carlyle Dr.	60	60
		TOTAL # OF APPROVED LOTS		768	
		TOTAL # OF VACANT LOTS			713

Since incorporation there have been six tract maps that have recorded. They are:

1. Tract Map 16471 Desert Vista Village
2. Tract Map 16587 Mesquite 55
3. Tract Map 16786 Da Silva
4. Tract Map 16957 Living Space
5. Tract Map 17240 Strand
6. Tract Map 17328 Yucca Valley Estates

The following chart shows all of the Tentative Parcel Maps that have been approved since incorporation:

SYNOPSIS OF TENTATIVE PARCEL MAPS

APPLICATION DATE	CASE NO.	APPLICANT	LOCATION	TOTAL # OF LOTS	# OF VACANT LOTS
APPROVED PROJECTS					
08/24/1992	PM 14325	Leonard Malin	SW corner Sunnyslope Dr and Warren Vista Ave	2	1
10/26/1993	PM 14602	Robert Smith	SE corner of Yucca Tr and Valley Vista Ave	3	2
08/24/1994	PM 14722	Alan Petty	SW corner Dulce Ave and Santa Barbara Dr	4	4
10/27/1998	PM 15202	Tom Humphreville	NW corner Country Club Rd and Quemada Tr	2	0
05/30/2001	PM 15708	Leon Strand	SE corner Balsa Ave & Terbush	4	2
04/05/2004	PM 16561	Copper Hill Homes	W side of Selecta Ave N of Juarez Dr	2	0
12/10/2004	PM 17012	Andora Sprecher	SW corner Jemez Tr and Mountain View Tr	4	4
03/24/2005	PM 17093	Paul Cook/Jean Smith	SW corn Cortez and Dulce	4	4
06/28/2005	PM 17221	Ted Philips/Janet Grace	NE corner Warren Vista and Santa Barbara	4	4
06/20/2006	PM 18056	Mark Melby	NE corner of Cholla Ave and Buena Vista Dr	4	4
08/15/2006	PM 18321	Marcos Ocequeda	Borrego Tr and Papago Tr	2	2
09/25/2006	PM 18009	Robert & Amelia Smith	SW corner Yucca Tr and Valley Vista	2	2
10/06/2006	PM 17784	Phyllis Haley	corner of Balsa Ave and Vaduz Ave	2	2
03/06/2007	PM 18349	Dawn Rowe	NE corner Emerson Ave and Vera Lane	2	2
04/20/2007	PM 18472	Steve Inverno	NW corner Camino Del Cielo and Onaga Tr	2	2
06/01/2007	PM 18759	Helen Holloway	S of Griffis Rd, east and west of SR 247	2	2
09/27/2007	PM 18818	Curtis McGrew	7953 Valley Vista	2	1
03/20/2008	PM 18967	Curtis McGrew	south end of Valley Vista, east side of street	4	3
07/07/2011	PM19288	Mark Stevens	7090, 7110, 7140 Plasse	3	0
			TOTAL # OF APPROVED LOTS	54	
			TOTAL # OF VACANT LOTS		41

COMPREHENSIVE GENERAL PLAN
LAND USE ELEMENT

The Land Use Element is interconnected to all other elements of the General Plan, affecting the need for resources, infrastructure, jobs, housing, and public services and facilities. The purpose of the Land Use Element is to provide a comprehensive depiction of land use allocation and distribution throughout Town. The Land Use Element is commonly emphasized, due to its ties with all other Elements of the General Plan.

One program of the Land Use Element of the original General Plan was to have the zoning map consistent with the General Plan Land Use map and updating simultaneously with each General Plan land use Amendment. As part of the General Plan Update, the Town has changed has to a two map system.

During the last reporting period, there were no General Plan Amendments. As indicated under the General Land Use Activity section, there have been only seventeen General Plan Amendments since incorporation; two of these were made to the County General Plan prior to the adoption of the 1995 General Plan. The requests were received in 1993, 1996, 2001, 2003, 2004, and 2005, 2006, 2007, 2008 and 2009.

Yucca Valley does not typically experience a high level of development from large-scale projects and continues to have a slower growth rate in comparison to other southern California communities. This fact is highlighted by the fact that approximately 1,775 single-family residential dwellings have been permitted in the Town over a 21 year period (June 1992 to December 31, 2013). In addition the California Department of Finance estimates the population change between January 1 2012 and January 1, 2013 at 0.8%. This slow growth rate is due to the national and regional economies, and the fact that Yucca Valley is a bedroom community to the Coachella Valley as well as a retirement community. Only during 2002-2006 was there a substantial increase in single family residential construction.

For Calendar year 2013, 18 new single family homes were permitted. Additionally, building permits were issued for the 75 unit CORE Senior Housing Project. The Southern California Association of Governments (SCAG) through their RHNA process is projecting a one percent grown rate for the Town of Yucca Valley over the next 22 years.

COMPREHENSIVE GENERAL PLAN
HOUSING ELEMENT

HISTORICAL HOUSING UNITS:

The purpose of the Housing Element is to provide a comprehensive planning approach for the housing needs and to set policies and programs that will enable the Town to reach its defined housing goals. Housing goals are based on a Regional Housing Needs Assessment (RHNA), developed by the Southern California Council of Governments (SCAG). The following identifies the RHNA allocation to the Town of Yucca Valley for the

next SCAG planning period.

2014-2021 RHNA:

Income Category	Number of Units
Lower Income:	358
Moderate Income:	172
Above Moderate Income:	400
Total	930

The following chart lists the numbers of single and multi-family building permits issued during the fiscal years listed.

	SFR	MFR
91-92	16	
92-93	31	
93-94	13	
94-95	24	
95-96	11	
96-97	6	
97-98	21	
98-99	44	
99-00	54	
00-01	82	
01-02	118	
02-03	188	
03-04	353	4
04-05	384	4
05-06	244	13
06-07	99	2
07-08	36	2
08-09	7	0
09-10	11	0
10-11	2	0
11-12	13	0
12-13	2	1
13-14	16	0

As the above chart shows, the number of new single building permits peaked in the 2004-2005 fiscal year and has been in decrease each year since. It should be noted that the numbers above are fiscal year, whereas the numbers included in the technical report to be submitted to the state are based upon calendar year.

Specific actions and expenditures during this reporting period include the following.

LEASE OF AGENCY DUPLEXES:

The Successor Agency to the former Yucca Valley Redevelopment Agency continued to lease the five duplex structures to Unity Homes. The duplexes provide housing to ten very low and low to moderate income families. Presently five units are occupied as of January 31, 2014.

SENIOR HOUSING PROJECT:

The Town approved the Yucca Valley Senior Housing project on May 17, 2011. The project received tax credits in fall of 2012. Building permits were issued on March 27, 2013 and the project is currently under construction. This project is producing 74 age and income restricted housing units.

REVIEW OF GOVERNMENTAL CONSTRAINTS ON HOUSING:

The Town of Yucca Valley has relatively low constraints on housing. This fact is exemplified by the following.

1. Single family residential development requires no architectural review, or any other governmental process, other than the standard Building & Safety Plan Check and field inspection process;
2. The building permit and plan check fees were increased in March 2005 which had not been amended since incorporation of the Town of Yucca Valley in 1991. Per square foot residential valuation remains $55.18 per square foot for living area.
3. There are no constraints that hinder the development and construction of affordable housing within the Town of Yucca Valley.
4. Repair and rehabilitation of housing units within the Town is not regulated, except through the Uniform Building Codes. There is no requirement for architectural review, design review, or any other entitlement process for the repair and/or rehabilitation of housing units within the Town.
5. Architectural/Site Review processes are included within the entitlement process for new multi-family development projects, and no additional time frames or costs are associated with review of these projects
6. Standard building plans are reviewed within ten business days. Engineered plans may take up to 15 business days to review.
7. The Town Council has reduced the impact fee for all new Infill Single Family Residences to $2,569.

During the reporting period, issues remained regarding the continued use of septic systems and their impact on water quality. Discussions have continued to take place between the Hi-Desert Water District, Regional Water Quality Board, and the Town. The Regional Water Quality Board has required that Phase One of the HDWD sewer system be operational by 2016. The Hi Desert Water District is working to meet this goal.

REGIONAL HOUSING NEEDS BY INCOME:

The Town of Yucca Valley uses Department of Housing and Urban Development income criteria for San Bernardino County area in determining eligibility for affordable housing programs.

San Bernardino County Income Limits 2013										
FY 2013 Income Limit Area	Median Income	FY 2013 Income Limit Category	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
		Extremely Low Income	14,100	16,100	18,100	20,100	21,750	23,500	24,950	26,550
San Bernardino County	$65,000	Very Low Income limit	23,400	26,800	30,150	33,500	36,200	38,900	41,550	44,250
		Lower Income limit	37,550	42,900	48,250	53,600	57,900	62,200	66,500	70,800
		Median Income Limit	45,500	52,000	58,500	65,000	70,200	75,400	80,600	85,800
		Moderate Income Limit	54,600	62,400	70,200	78,000	84,250	90,500	96,700	102,950

The Town of Yucca Valley's adopted and State approved Housing Element indicates the Town's share of regional housing needs is outlined as follows. The Town has updated its Housing Element, which was approved by the Town Council on September 15, 2009. As part of the updated Housing Element the RHNA numbers are listed below. The housing needs figures below reflect the figures for the current SCAG/SANBAG planning period, which expires 2014 and the RHNA figures for the period of 2014-2021.

Income Category	2006-2014 Number of Units	2014-2021 Number of Units
Extremely Low	280	-
Very low Income:	280	-
Low Income:	399	-
Lower Income	-	358
Moderate Income:	474	172
Above Moderate Income:	1,076	400
Total	2,509	

For the 2013 (calendar year) review period, 18 building permits for single family units were issued and a permit was issued for a 74 unit age restricted senior multifamily housing development.

ACTIONS TO IMPLEMENT THE GENERAL PLAN ELEMENTS:

During the reporting period, development proposals of all types have been reviewed and conditioned so they conform to applicable policies of the Comprehensive General Plan,

CONCLUSION:

The Development Code is the primary tool for implementing the General Plan. At the May 26, 2009 Town Council meeting authorization was given to begin the process of a Development Code Update. Two Articles of the Development Code Update have been adopted by the Town Council.

It is a goal of the Town to establish a safe, attractive community with appropriate infrastructure for area residents, business owners, and visitors. With proper tools, this goal is attainable.

END OF ANNUAL REPORT

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction Town of Yucca Valley

Reporting Period 1/1/2013 - 12/31/2013

Table A

Annual Building Activity Report Summary - New Construction
Very Low-, Low-, and Mixed-Income Multifamily Projects

Housing Development Information									Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions
1	2	3	4				5	5a	6	7	8
Project Identifier (may be APN No., project name or address)	Unit Category	Tenure R=Renter O=Owner	Affordability by Household Incomes				Total Units per Project	Est. # Infill Units*	Assistance Programs for Each Development	Deed Restricted Units	Note below the number of units determined to be affordable without financial or deed restrictions and attach an explanation how the jurisdiction determined the units were affordable. Refer to instructions.
			Very Low-Income	Low-Income	Moderate-Income	Above Moderate-Income			See Instructions	See Instructions	
N/A			8	66			74	0	TCAC, HOME		
-				-		-			-		-
(9) Total of **Moderate and Above Moderate** from Table A3 ► ►					0	18	18		-		
(10) Total by income Table A/A3 ► ►			8	66		18	92				

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction Town of Yucca Valley

Reporting Period 1/1/2013 - 12/31/2013

(11) Total **Extremely Low-Income** Units*	

* Note: These fields are voluntary

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction Town of Yucca Valley

Reporting Period 1/1/2013 - 12/31/2013

Table A2
Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)

Please note: Units may only be credited to the table below when a jurisdiction has included a program it its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				(4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1
	Extremely Low-Income*	Very Low-Income	Low-Income	TOTAL UNITS	
(1) Rehabilitation Activity				0	
(2) Preservation of Units At-Risk				0	
(3) Acquisition of Units				0	
(5) Total Units by Income	0	0	0	0	

* Note: This field is voluntary

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction Town of Yucca Valley

Reporting Period 1/1/2013 - 12/31/2013

Table A3
Annual building Activity Report Summary for Above Moderate-Income Units (not including those units reported on Table A)

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of infill units*
No. of Units Permitted for **Moderate**						0	
No. of Units Permitted for **Above Moderate**	18					18	18

* Note: This field is voluntary

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction Town of Yucca Valley

Reporting Period 1/1/2013 - 12/31/2013

Table B

Regional Housing Needs Allocation Progress

Permitted Units Issued by Affordability

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.			2006	2007	2008	2009	2010	2011	2012	2013	2014	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Income Level		RHNA Allocation by Income Level	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9		
Very Low	Deed Restricted	560											560
	Non-deed restricted												
Low	Deed Restricted	399											399
	Non-deed restricted												
Moderate	Deed Restricted	474											474
	Non-deed restricted												
Above Moderate		1,076	162	73	24	4	8	28	0	18		317	759
Total RHNA by COG. Enter allocation number:		2,509	162	73	24	4	8	28	0	18		317	2,192
Total Units ► ► ►													
Remaining Need for RHNA Period ► ► ► ► ►													

Note: units serving extremely low-income households are included in the very low-income permitted units totals.

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction Town of Yucca Valley

Reporting Period 1/1/2013 - 12/31/2013

Table C

Program Implementation Status

Program Description (By Housing Element Program Names)	Housing Programs Progress Report - Government Code Section 65583. Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.		
Name of Program	**Objective**	**Timeframe in H.E.**	**Status of Program Implementation**
Program 1.A	Maintain the Home Improvement Program for low/very low income households to encourage rehab of 120 existing housing units.	Ongoing	The former Yucca Valley RDA was dissolved pursuant to State law. The Town will continue to seek new funding sources and to coordinate with the County of San Bernardino to continue the program.
Program 1.B	All Town codes, including building codes, will be enforced to keep existing units in good repair	Ongoing	This is monitored through Code Enforcement and determination is made on a case by case basis.
Program 1.C	Continue to ID neighborhoods with substandard infrastructure and quantify for improvements	Ongoing	The Town has continued to maintain a 5 year Capital Improvements program which identifies allocation of financial resources to infrastructure improvements Town wide.
Program 2.A	Maintain and update as necessary the inventory of all land suitable for residential development	Annually	The Town continues to maintain the Zoning and General Plan Maps. Further a table is maintained which has an inventory of all general plan amendments and tabulates the acreage changes. Table III-14 in the GP Housing Element lists the vacant high density land inventory within the Town Boundaries.

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction Town of Yucca Valley

Reporting Period 1/1/2013 - 12/31/2013

Program 2.B	Maintain land use zoning designations in General Plan and zoning maps that allow for diversity of housing types consistent with low density rural character of the Town	Ongoing	The Town continues to maintain the Zoning and General Plan Maps. The Towns development Code and General Plan provide for a wide variety of housing types. These include 1 dwelling unit per 20 acres (Rural Hillside Reserve) up to 40 units per acre in the Old Town OTSP (OTMU). These designations allow for higher densities in appropriate areas along the highway and more rural type development as you move away from the Highway.
Program 2.C	RDA to establish lot consolidation for the OTSP area for the construction of low,extremely low income housing.	2010-2011, annually thereafter	The former Yucca Valley RDA was dissolved pursuant to State law. The Town will continue to use tools such as lot consolidation for the development of low/extremely low income housing opportunities.
Program 2.D	Monitor capacity of all Specific Plan lands in Inventory (table III-14) to assure sufficient capacity of the Town's lower income need remains	Annually	There has been no development within the OTSP boundaries resulting in the elimination or reduction of affordable housing.
Program 2.E	To incentivize development in the OTSP area , the RDA will consider financial participation for low income units.	Ongoing	The forner Yucca Valley RDA was dissolved pursuant to State law. The Town will continue to seek out funding sources/collaboration oppurtunities for the development of low income housing.
Program 3.A	Town's Density Bonus Ordinance shall be updated and maintained current with State Requirements	2008-2009, Ongoing	The Town has updated its Density Bonus Ordinance to be in compliance with State requirements. The ordinance was adopted by Town Council on June 18, 2013.

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction Town of Yucca Valley

Reporting Period 1/1/2013 - 12/31/2013

Program 3.B	Continue coordination with San Bernardino County Housing Authority(SBCHA) to ensure section 8 housing assistance and HOME rental property rehabilitation programs within the Town are actively pursued.	Ongoing	The Town continues to coordinate with the SBCHA for current HOME funds that are available for construction of new affordable units.
Program 3.C	Work with private organizations in assisting with housing for handicap residents.	Ongoing	There have been no requests received for assistance with housing for handicapped residents.
Program 3.D	Continue to support and assist in enforcing the provisions of the Federal Fair Housing Act	Ongoing	Any complaints the Town receives are forwarded to the County for their consideration. Town Code enforcement also addresses service requests regarding the condition of housing units and take appropriate action to ensure the upgrade of substandard units.
Program 3.E	Continue working with SBCHA to encourage the development of 11 acres owned by the Housing Authority in Town for affordable housing.	Ongoing	There have been no applications received by the Town for the development of a County affordable housing project.
Program 3.F	Amend the Development Code to allow Homeless shelters by right, with approval of a Site Plan Review, in the Industrial or Public/Quasi Public zoning Designations	2008-2009	The Town has updated its regulations regarding emergency transitional housing. The ordinance was adopted by Town Council on June 18, 2013.

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction Town of Yucca Valley

Reporting Period 1/1/2013 - 12/31/2013

Program 3.G	The RDA shall establish a program of incentives for the Development of housing for extremely low and very low income residents to include application fee waivers, plan check fee waivers, and financial assistance with infrastructures improvements.	2008-2009	The former Yucca Valley RDA has been dissolved pursuant to State Law. The Town will continue to seek alternate funding sources to assist low income residents.
Program 3.H	Consistent with Government Code Section 65583 the Development Code Shall be amended to define Single Room Occupancy, to allow as Conditionally Permitted in the Industrial Zone and transitional/supportive housing shall be subject to only those restrictions that apply to other residential uses in the same zone.	2008-2009	The Town has amended its regulations regarding Single Room Occupancy standards. The Ordinance was adopted by Town Council on June 18, 2013.
Program 3.I	The Development Code shall be clarified to state handicapped ramps are permitted in front, side and rear setbacks of any residential structures.	2010-2011	Handicapped ramps and other similar no habitable access improvements are allowed in setback areas pursuant to existing regulations.
Program 4.A	Expeditiously calculate and allocate Housing set-aside funds to affordable housing programs.	Annually	The Yucca Valley RDA was eliminated pursuant to state law. The Towns finance division allocates all LMI set aside funds to an account that it restricted to expenses for the preservation or construction of affordable housing units.

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction Town of Yucca Valley

Reporting Period 1/1/2013 - 12/31/2013

Program 4.B	The RDA will develop program(s) for the development of new residential units for very low households and assign set-aside funds for these units.	2009-2010	The forner Yucca Valley RDA was dissolved pursuant to State law. The Town will continue to seek out funding sources/collaboration oppurtunities for the development of low income housing.
Program 4.C	Assist developers in preparation of applications for State and Federal housing grants and loans(HOME/LMI Tax credit) as available.	Ongoing	No developers have requested assistance with the preparation of their applications for the California Tax Credit Allocation Committee during this review period.
Program 4.D	Continue to distribute County materials for developers and low income households which contain information on assistance in the development and rehabilitation of low income housing.	Continuous	The Town provides a wide variety of handouts to assist both the citizens and development community.
Program 4.E	Should the Town be notified of intent to sell any at risk/affordable housing developments all possible funding sources including CDBG/RDA set asides should be considered for purchase.	Continuous	The Town has and will continue monitor if any such properties are proposed to be sold.

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction Town of Yucca Valley

Reporting Period 1/1/2013 - 12/31/2013

Program 5.A	Conversion of existing mobile home parks to permanent housing will continue to be regulated by ordinance to ensure appropriate relocation plan for park residents is developed and implemented.	Ongoing	No mobile home park conversions have been proposed.
Program 6.A	Ensure that new development and rehabilitation efforts maximize energy efficiency through architectural and landscape design and the use or renewable resources and conservation.	Ongoing	New construction is required to comply with the standards set forth in the California Building Codes, which includes proper design for the use of renewable energy resources.
Program 6.B	Encourage the use of LEED deign principles in multifamily projects.	Ongoing	The Town encourages but does not mandate LEED design principles in multi-family projects.
Program 7.A	Maintain a Planned Development Ordinance(PRD) permit ordinance which allows flexibility in development standards.	Continuous	The Planned Development Ordinance provides for flexibility in design and helps to assist in the affordability of the units. No Planned Development applications were submitted during this review period.
Program 8.A	Specific Plans shall incorporate a variety of housing types and shall include senior and affordable housing within the project.	Ongoing, as Specific Plans are submitted	No Specific Plans were submitted or approved during this review period.

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction Town of Yucca Valley

Reporting Period 1/1/2013 - 12/31/2013

Program 8.B	Encourage infill and expansion of existing wherever possible to lower infrastructure costs.	Continuous	The Town has and will continue to encourage the development of infill projects. The majority of new single family residential units are in fact infill lots. Only 51 out of 1,700+ new single family residential permits issued since incorporation in 1991 were for lots in newly record tracts.
Program 8.C	Ensure that infill development occurs in areas with adequate infrastructure to support neighborhood build-out.	Continuous	The Town has and will continue to encourage the development of infill projects, in areas where infrastructure can support. The majority of new single family residential units are in fact infill lots. Only 51 out of 1,700+ new single family residential permits issued since incorporation in 1991 were for lots in newly record tracts.
Program 8.D	Promote development of mixed use projects in the OTSP area . The Town shall post Table III-14 on the Towns website as part of a page dedicated to development in the OTSP.	2008-2009, ongoing	The Town has the entire OTSP posted in its website at: http://www.yucca-valley.org/departments/otyv_sp.html
Program 9.A	Encourage multi-family rental and owner-occupied projects which construct 3 and 4 bedroom units as a substantial portion of the overall development. Larger units shall be encouraged through Town funding or bond financing.	Continuous	The CORE Senior House Project consists of 74 one bedroom age and income restricted units were permitted during this review period. The Town will continue to encourage 3 and 4 bedroom units as projects are submitted.
Program 9.B.	Amend the Development Code to allow second units on single family residential lots consistent with state law.	2008-2009	The Town has updated its regulations regarding second units. The ordinance was adopted by Town Council on June 18, 2013.

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction Town of Yucca Valley

Reporting Period 1/1/2013 - 12/31/2013

Program 10.A	Maintain the Home Rehabilitation Program to enable 10 senior residents to maintain and rehabilitate their homes. Flyers advertising the program shall be posted at various locations.	Ongoing	The former Yucca Valley RDA was dissolved pursuant to State law. The Town continues to seek new funding sources for the Home Rehabilitation Program. The Town continues to provide a wide variety of handouts to assist the citizens of the community. .
Program 10.B	Provide assistance to developers of affordable senior housing through Housing set-aside funds.	Ongoing	The former Yucca Valley RDA has been dissolved pursuant to State law. The Town has partnered with NationalCORE for the construction of 74 affordable senior housing units. The project is under construction.
Program 11.A	Require Specific Plan projects to develop design guidelines which provide for buffers between land uses, mall scale architecture and appropriate architecture.	Continuous	No Specific Plans were submitted or approved during this review period.
Program 11.B	Residential projects shall be required to provide bicycle and pedestrian facilities, including trails, sidewalks, benches and open space.	Continuous	No new residential projects beyond the 74 unit age and income restricted CORE project were approved during the review period.
Program 12.A	Require developers of affordable senior housing projects to confer with the public transit agency regarding the provision of service to the project.	Continuous	All development projects are sent to the Morongo Basin Transit Agency for review and comment. If the Agency has any conditions those are included with the Conditions of approval for the project.

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction Town of Yucca Valley

Reporting Period 1/1/2013 - 12/31/2013

Program 12.B	Ensure affordable and senior housing projects are located in areas with adequate public improvements including streets and sidewalks.	Continuous	The Town has partnered with NationalCORE for the development of a senior housing project in an appropriate location. The location is in close proximity to the Senior Center, Museum facility, restaurants and shopping facilities. The project is currently under construction

General Comments:

Please see attached General Plan Annual Report.

TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
OCTOBER 08, 2013

Chair Humphreville called the regular meeting of the Yucca Valley Planning Commission to order at 6:00 p.m. Commissioners Bridenstine, Drozd, Lavender, Whitten and Chair Humphreville was present.

The Pledge of Allegiance was led by Chair Humphreville.

APPROVAL OF AGENDA

Vice Chair Bridenstine moved to approve the agenda. Commissioner Whitten seconded. Motion carried 5-0 on a voice vote.

PUBLIC COMMENTS

None

DEPARTMENT REPORTS

1. SITE PLAN REVIEW, SPR 02-13 ENVIRONMENTAL ASSESSMENT, EA 04-13 MARSHALLS / PETCO

Deputy Town Manager Stueckle presented the staff report regarding the request for approval to develop 3.18 acres of a 5.076 acre project site and to construct a 24,650 square foot Marshalls and a 10,000 square foot Petco at the site of the Home Depot Retail Center, including a total of 224 onsite parking spaces proposed with drive aisles. Preliminary grading plan estimates indicate 2,100 cubic yards of cut and 4,400 cubic yards of fill occurring for site grading. All new utilities will be constructed below grade, and sewage disposal is proposed by connecting the buildings to an adjacent, future public sewer system when available. An interim, private on-site conventional septic system is proposed until public sewers are available. Surrounding land uses include a mix of commercial and residential. Access to the site is proposed from State Route 62. The project is located approximately 1400 feet east of the intersection of 29 Palms Hwy and Avalon Ave and is further identified as 58711 29 Palms Hwy, APN: 601-201-46.

Stueckle explained that the CEQA review for this site was conducted when the Home Depot Retail Center Specific Plan EIR was approved. The project is consistent with program EIR and will not create any additional impacts not previously considered. No additional environmental review is required.

Catherine Otis, representing Greenberg Farrow, presented their intent of development with signed leases executed with Marshalls and Petco.

Planning Chair Humphreville opened public comment on the item. With no members of the public wishing to speak, Chair Humphreville closed public comments.

Commissioner Drozd questioned the use of the two lots to the west of the site.

Vice Chair Bridenstine inquired about the use compact-sized parking stalls, if the site allows parking in excess of the required number.

Commissioner Whitten inquired about the traffic study and suggested that the 3rd lane on Hwy 62 terminate as a turn-in to the site only to keep the lane from being used as a high-speed passing lane. Whitten asked for clarification on the proposed landscaping and questioned the lack of green energy use.

Catherine Otis reported that they anticipate breaking ground in January 2014, with a completion date toward the end of May 2014.

Commissioner Whitten moved:

A. To find the project exempt from further environmental review in that the review and approval of the Home Depot Retail Center Specific Plan included a program Environmental Impact Report (EIR). The EIR evaluated future projects within the boundaries of the Home Depot Retail Center Specific Plan. The proposed project was evaluated to determine if additional CEQA documentation needed to be prepared. The proposed project will not have any effects not considered within the scope of the program EIR. The project is consistent with program EIR and will not create any additional impacts not previously considered. No additional environmental review is required.

B. Approve Site Plan Review, SPR 02-13, based upon the findings and the Conditions of Approval

Commissioner Drozd seconded. Motion carried 5-0 on a voice vote.

STAFF REPORTS AND COMMENTS

Deputy Town Manager Stueckle reported on items for future Planning Commission review including an upcoming joint meeting with the Town Council on November 19th.

FUTURE AGENDA ITEMS

None

COMMISSIONER REPORTS AND REQUESTS

2. Commissioner Drozd stated he was pleased to see Petco and Marshalls coming into Town and thanked staff for a job well done.

3. Commissioner Lavender commented on the project activity in the community.

4. Commissioner Whitten thanked those attending the meeting.

5. Vice Chair Bridenstine thanked staff and commented favorably on the commercial project activity and keeping the shopping local.

6. Chair Humphreville thanked the applicant for investing in Yucca Valley

ANNOUNCEMENTS

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, November 12, 2013 at 6:00 p.m. in the Yucca Room of the Yucca Valley Community Center.

ADJOURNMENT

There being no further business, Chair Humphreville adjourned the meeting at 6:33 p.m.

Respectfully submitted,

Lesley Copeland, CMC
Town Clerk

TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
NOVEMBER 12, 2013

Chair Humphreville called the regular meeting of the Yucca Valley Planning Commission to order at 6:00 p.m. Commissioners Bridenstine, Drozd, Lavender, Whitten and Chair Humphreville were present.

The Pledge of Allegiance was led by Chair Humphreville.

APPROVAL OF AGENDA

Commissioner Whitten moved to approve the agenda. Vice Chair Bridenstine seconded. Motion carried 5-0 on a voice vote.

PUBLIC COMMENTS

None

PUBLIC HEARINGS

1. ENVIRONMENTAL ASSESSMENT, EA 03-13 CONDITIONAL USE PERMIT, CUP 02-13 PETER NG

Deputy Town Manager Stueckle presented the staff report regarding the proposal to convert the garage of an existing four bedroom single family residence, currently being used as a residential care facility, into four additional bedrooms and two ADA compliant restrooms. The 24-hour residential care facility will have a maximum of 12 residents with four full time employees. Stueckle explained when an application exceeds six residents, the approval is at the discretion of the Planning Commission. Parking needs for the residential care facility may increase. Because the Town does not have any regulation on the maximum number of operating vehicles parked on a specific property, it is staff's recommendation that the Planning Commission reviews the CUP in one year.

A letter, received after the agenda packet was distributed was received opposing the project. Stueckle reminded the commission that the item before the commission was a land use issue.

Applicant, Peter Ng spoke regarding the project and the facility.

Chair Humphreville opened public comment.

Tom Fauls, Joshua Tree spoke in favor of the project.

With no other members of the public wishing to speak, Chair Humphreville closed public comment.

Commissioner Lavender stated he reviewed the site of the proposed facility.

Commissioner Whitten inquired if the nearby property owners were given notice of the proposed facility.

Drozd questioned the applicant if Alzheimers/Dementia patients would be on site. Ng replied, that no, unless they are diagnosed while already residents. Drozd stated he is in favor of the one-year review period.

Vice Chair Bridenstine inquired about the number of staff onsite at any given time for the purpose of parking issues. The discussion of septic tank capacity ensued with Stueckle explaining that the State Water Quality Control Board has inquired on this specific project and additional dialog on this topic is expected.

Chair Humphreville agrees with the one-year review period.

Commissioner Whitten moved:

ENVIRONMENTAL ASSESSMENT, EA 03-13
That the Planning Commission finds the project exempt from CEAQ under section 15301, class 1, Existing Facilities. And;

CONDITIONAL USE PERMIT, CUP 02-13:
That the Planning Commission approves Conditional Use Permit, CUP 02-13, based upon the findings and the Conditions of Approval

Vice Chair Bridenstine seconded. Motion carried 5-0 on a voice vote.

2. ENVIRONMENTAL ASSESSMENT, EA 06-13 CONDITIONAL USE PERMIT, CUP 03-13 TRACTOR SUPPLY CO

Town Planning Technician, Diane Olsen presented the staff report regarding the request from Tractor Supply Company for the approval of 4,874 square feet of outdoor storage on the west side of the property and 1,621 square feet of permanent storage on the sidewalk on the south side of the building. The project is located at 57980 29 Palms Hwy and is further identified as APN: 601-402-08 and 09.

Olsen explained that the current code allows for outdoor storage through CUP review. The storage area on the west side of the property will be for trailer display. The outdoor display area on the south side of the building will be for the display of merchandise. The applicant is

requesting that the outdoor display area is considered permanent and the merchandise can remain 24 hours per day.

Chair Humphreville opened public comments. With no members of the public wishing to speak, public comments were closed.

Commissioner Drozd inquired as to the use of the outdoor storage area, if it included hay or straw.

Vice Chair Bridenstine questioned the reduction in parking in the area slated for outdoor storage.

The Tractor Supply representative present explained the use for the outdoor area to include low style trailers and would be positioned for easy access.

Commissioner Whitten inquired about truck access and pedestrian safety.

Commissioner Lavender spoke of concern about security of items being stored outside.

Vice Chair Bridenstine moved:

ENVIRONMENTAL ASSESSMENT, EA 006-13
That the Planning Commission finds the project exempt from CEAQ under section 15301, class 1, Existing Facilities. And,

CONDITIONAL USE PERMIT, CUP 03-13:
That the Planning Commission approves Conditional Use Permit, CUP 03-13, based upon the findings and the Conditions of Approval

Commissioner Drozd seconded. Motion carried 5-0 on a voice vote.

CONSENT AGENDA

3. Minutes

Commissioner Drozd moved to approve the Planning Commission Meeting Minutes of August 13, 2013. Commissioner Whitten seconded. Motion carried 5-0 on a voice vote.

STAFF REPORTS AND COMMENTS

Deputy Town Manager Stueckle reported on the upcoming meeting schedule and gave a brief project update for the golf course and the Marshalls/Petco project.

FUTURE AGENDA ITEMS

None

COMMISSIONER REPORTS AND REQUESTS

4. Commissioner Drozd thanked everyone for attending the meeting.

5. Commissioner Whitten thanked staff through this busy time and inquired about possibly filming and televising the Planning Commission meetings.

6. Vice Chair Bridenstine thanked staff and inquired about the completion date of the Replacement Animal Shelter.

7. Chair Humphreville inquired about details on the upcoming General Plan Hearing and stated he is not in favor of filming the Planning Commission meetings.

ANNOUNCEMENTS

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, November 26, 2013 at 6:00 p.m. in the Yucca Room of the Yucca Valley Community Center.

ADJOURNMENT

There being no further business, Chair Humphreville adjourned the meeting at 7:01 p.m.

Respectfully submitted,

Lesley Copeland, CMC
Town Clerk

TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
FEBRUARY 11, 2014

Vice Chair Bridenstine called the regular meeting of the Yucca Valley Planning Commission to order at 6:00pm. Commissioners Drozd, Whitten, Lavender and Vice Chair Bridenstine were present. Chair Humphreville was excused.

The Pledge of Allegiance was led by Vice Chair Bridenstine.

APPROVAL OF AGENDA

Commission Whitten moved to approve the agenda. Commissioner Lavender seconded.

Motion carried 4-0-1 on a voice vote.

PUBLIC COMMENTS

None

1. SITE PLAN REVIEW, SPR 03-08 FELIX

Town Planning Technician Diane Olsen presented the staff report regarding the request for an extension of time on Site Plan Review SPR 03-08 Felix, an approval to construct a 978 square foot commercial building on a 0.20 acre site which currently contains a single family residence located in the Commercial Mixed Use land use district. The property is located on the northeast corner of Geronimo Trail and Pueblo Trial.

The original application was for a Site Plan Review to allow the construction of a 978 square foot commercial building on a 0.20 acre site which currently contains a single family residence for the operation of a beauty salon.

Due to the current state of the economy the applicant has been unable to proceed with the project. All extension requests have been filed in a timely manner and no conditions have changed that would prohibit approval of the extension request.

Staff is recommending that the extension request be approved and the new expiration date will be December 02, 2016.

Commissioner Whitten moved to approve the extension of time for an additional three years expiring on December 02, 2016.
Commissioner Lavender seconds. Motion carried 4-0-1 on a voice vote.

2. CONDITIONAL USE PREMIT, CUP 05-07 MAGNUM STORAGE

Staff reported on a request for an extension of time on Conditional Use Permit, CUP 03-07 Magnum Storage, an approval for the construction of a mini storage facility on a 4.4 acre site on the corner of Old Woman Springs Drive and Sun Oro Drive.

The original application was for a Conditional Use Permit to allow the construction of a mini storage facility on a 4.4 acre site The property has a zoning designation of Industrial and a General Plan use designation of Rural Mixed Use.

Due to the current state of the economy the applicant has been unable to proceed with the project. All extension requests have been filed in a timely manner and no conditions have changed that would prohibit approval of the extension request.

Staff is recommending an extension of 3 years as requested by the applicant with a new expiration date of February 19, 2017.

Commissioner Whitten moved to approve the extension of time for an additional three years, expiring on February 19, 2017.
Commissioner Drozd second. Motion carried 4-0-1 on a voice vote.

CONSENT AGENDA

MINUTES

Commissioner Whitten moved to approve the Yucca Valley Planning Commission minutes of the meeting held on October 22, 2013.
Commissioner Lavender second. Motion carries 4-0-1 on a voice vote.

STAFF REPORTS AND COMMENTS

Deputy Town Manage Shane Stueckle introduced Allison Brucker as the secretary to the Planning Commission. A power point presentation was shown on the Development Activity Report.

Staff gave an update power point presentation on the Capital Projects.

FUTURE AGENDA ITEMS

None

COMMISSIONER REPORTS AND REQUESTS

Commissioner Drozd: Thanked everyone one for their work.

Commissioner Lavender: Thanked everyone, nice meeting.

Commissioner Whitten: Welcomed Allison and thanked staff. Great to see Tractor Supply and the Asian Buffet open.

Vice Chair Bridenstine: Thanked staff and the public.

Chair Humphreville: Excused

ANNOUNCEMENTS

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, February 25, 2014.

ADJOURNMENT

There being no further business, Vice Chair Bridenstine adjourned the meeting at 7:12 pm.

Respectfully submitted,

Maureen S. Randall
Secretary